

SENATE BILL REPORT

ESHB 2508

As of February 23, 2026

Title: An act relating to clarifying the scope of authority of the office of independent investigations to align with current operations and practices and to include public disclosure requirements and protect privacy.

Brief Description: Clarifying the scope of authority of the office of independent investigations to align with current operations and practices and to include public disclosure requirements and protect privacy.

Sponsors: House Committee on Community Safety (originally sponsored by Representatives Entenman, Kloba, Mena, Stearns, Parshley, Reeves, Bergquist, Burnett, Doglio, Goodman, Ormsby, Hill, Pollet, Street and Reed; by request of Office of Independent Investigations).

Brief History: Passed House: 2/16/26, 90-6.

Committee Activity: Law & Justice: 2/23/26.

Brief Summary of Bill

- Expands the Office of Independent Investigations' (OII's) investigatory jurisdiction to include certain incidents and prior investigations involving use of deadly force by an involved officer regardless of the date the incident occurred, or any other use of force by an involved officer that may have caused or contributed to a death.
- Requires the involved agency to immediately contact the OII about incidents involving any use of force by an involved officer if there is good reason to believe the use of force may have caused or contributed to a death.
- Exempts specified records related to the OII's reviews and investigations from the Public Records Act.

SENATE COMMITTEE ON LAW & JUSTICE

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Maya Itah (786-7087)

Background: Office of Independent Investigations. In 2021 the Office of Independent Investigations (OII) was established as an investigative law enforcement agency within the Office of the Governor for the purpose of investigating any incident:

- of a use of deadly force by an involved officer occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; or
- involving prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation.

Involved officer means any general authority, limited authority, or specially commissioned Washington peace officer, or any employee of a city, county, or regional institution, correctional, jail, holding, or detention facility, who is involved in an incident as an actor or custodial officer.

Notification by Involved Agencies. The involved agency must notify the OII of any incident under the OII's jurisdiction. If the incident involves use of deadly force by an involved officer resulting in death, substantial bodily harm, or great bodily harm, the involved agency must immediately contact the OII once the involved agency personnel and other first responders have rendered the scene safe and provided or facilitated lifesaving first aid to persons at the scene who have life threatening injuries. Involved agency means a general authority or limited authority Washington law enforcement agency that employs or supervises the involved officer, or an agency responsible for a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility.

Investigations. The involved agency must ensure that any of its officers or employees who are at the scene of an incident take all lawful measures necessary to protect, obtain, and preserve evidence relating to the incident until an OII investigator, or an independent investigation team (IIT) at the request of the OII, takes charge of the scene. If an IIT takes control at request of the OII, the OII may require the IIT to later relinquish control when the OII is on the scene. The IIT may continue to engage in the investigation conducted at the scene if requested to do so by the lead OII investigator, the director of the OII, or the director's designee. The IIT's involvement is limited to activities requested by the OII and must terminate following the securing of the scene and any evidence preservation or other actions as determined necessary by the OII at the scene.

When conducting an investigation, the OII must be given access to and copies of all reports and information in the custody and control of the involved agency, 911 emergency communication centers, and any law enforcement agency responding to the scene of the incident, that are necessary or related to the investigation. This includes, but is not limited to, voice or video recordings, body camera recordings, and officer notes, as well as disciplinary and administrative records, except those that might be statements conducted as part of an administrative investigation related to the incident.

Public Records Act. Under the Public Records Act, state and local agencies are required to promptly make all records available to the public for inspection and copying upon request, unless an exemption applies. The OII is an investigative law enforcement agency for the purposes of the Public Records Act.

Summary of Bill: Jurisdiction. The OII's investigatory jurisdiction is expanded to include:

- any incident or prior investigation involving use of deadly force by an involved officer, regardless of when the incident occurred;
- any incident involving any death that occurs during or after any other use of force by an involved officer that may have caused or contributed, directly or indirectly, to the death; and
- prior investigations involving any death that occurred during or after any other use of force by an involved officer that may have caused or contributed, directly or indirectly, to the death, if new evidence is brought forth that was not included in the initial investigation.

Specific references to general authority, limited authority, and specially commissioned Washington peace officers are removed from the definition of involved officer and replaced with a general reference to peace officers who are involved in an incident within the OII's investigatory jurisdiction. Specific references to general authority and limited authority Washington law enforcement agencies are removed from the definition of involved agency and replaced with a general reference to agencies that employ or supervise an involved officer.

Notification by Involved Agencies. The statutory provision requiring the involved agency to immediately contact the OII about any incident involving use of deadly force by an involved officer is expanded to require immediate contact for any incident involving any other use of force by an involved officer where there is good reason to believe the use of force may have caused or contributed, directly or indirectly, to a death. Immediate notification is not required after securing the scene of an incident where death does not occur during or shortly after a use of force other than deadly force.

Investigations. The scope of an IIT's authority to investigate incidents at the OII's request is modified. The IIT may engage in an investigation if requested to do so by the lead OII investigator, the director of the OII, or the director's designee. The IIT's involvement is limited to activities requested by the OII and must terminate following the securing of the scene and any evidence preservation or other actions as determined necessary by the OII.

The information that the OII must be given access to and copies of when conducting an investigation is expanded to include all reports and information in the custody and control of any responding fire department or ambulance service that are necessary or related to the investigation, except that certain health care information may only be provided with the

consent of the patient or the patient's next of kin, or pursuant to a court order.

Public Records. The following information is made exempt from public inspection and copying under the Public Records Act:

- all investigative records compiled or prepared by the OII in connection with a review or investigation of any incident involving use of deadly force by an involved officer, or any other use of force by an involved officer that may have caused or contributed to a death, until the matter has been referred to the prosecutor for a filing decision; and
- all non-investigative records related to a review or investigation by the OII to the extent they contain information that implicates an individual's personal privacy, including information concerning support services.

Appropriation: None.

Fiscal Note: Requested on February 17, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is designed to improve the OII's operations. The changes in the bill are designed to resolve existing inconsistencies and to make the statute work as intended. The bill adds fire departments and emergency medical services to the list of responding agencies that must provide records, but it still protects confidential investigations. The bill clarifies the role of independent investigation teams. The bill adds a new section that codifies the OII's position on the Public Records Act as it applies to the prior investigation review program. The bill removes an inconsistency between the OII's jurisdiction and the jurisdictions of other independent investigative entities. The bill makes it clear that the OII should be conducting an investigation if there is even a possibility that a use of force resulted in a death. Agencies would only be required to notify the OII once there was good reason to believe that a use of force may have caused or contributed to a death. Sometimes, a good reason may not exist until later, such as when there is a report from a medical examiner.

Persons Testifying: PRO: Representative Debra Entenman, Prime Sponsor; Annette Taylor, Office of Independent Investigations; Jessica Berliner, Office of Independent Investigations.

Persons Signed In To Testify But Not Testifying: No one.