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**SUBSTITUTE HOUSE BILL 2508**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** House 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)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to clarifying the scope of authority of the  
2 office of independent investigations to align with current operations  
3 and practices and to include public disclosure requirements and  
4 protect privacy; amending RCW 43.102.030, 43.102.080, and 43.102.120;  
5 reenacting and amending RCW 43.102.010 and 42.56.240; and adding a  
6 new section to chapter 43.102 RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 43.102.010 and 2024 c 64 s 1 are each reenacted and  
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

12 (1) "911 communications center(~~(+)~~)<sub>L</sub>" for purposes of this  
13 chapter(~~(+)~~)<sub>L</sub> means a public safety answering point or any other  
14 entity that captures and maintains data that is utilized in a 911  
15 emergency communications system, as defined in RCW 38.52.010.

16 (2) "Advisory board" means the office of independent  
17 investigations advisory board.

18 (3) "Deadly force" has the meaning provided in RCW 9A.16.010.

19 (4) "Director" means the director of the office of independent  
20 investigations.

1 (5) "Great bodily harm" has the meaning provided in RCW  
2 9A.04.110.

3 (6) "In-custody" refers to a person who is under the physical  
4 control of a general authority Washington law enforcement agency or a  
5 limited authority Washington law enforcement agency as defined in RCW  
6 10.93.020 or a city, county, or regional adult or juvenile  
7 institution, correctional, jail, holding, or detention facility as  
8 defined in RCW 70.48.020, 72.09.015, or 13.40.020.

9 (7) "Independent investigation team" means a team of qualified  
10 and certified peace officer investigators, civilian crime scene  
11 specialists, and other representatives who operate independently of  
12 any involved agency to conduct investigations of police deadly force  
13 incidents. An independent investigation team may be comprised of  
14 multiple law enforcement agencies who jointly investigate police use  
15 of force incidents in their geographical regions or may be a single  
16 law enforcement agency, provided it is not the involved agency.

17 (8) "Involved agency" means (~~a general authority Washington law~~  
18 ~~enforcement agency or limited authority Washington law enforcement~~  
19 ~~agency, as defined in RCW 10.93.020,)) the agency that employs or  
20 supervises the officer or officers who are an involved officer as  
21 defined in this section, or an agency responsible for a city, county,  
22 or regional adult or juvenile institution, correctional, jail,  
23 holding, or detention facility as defined in RCW 70.48.020,  
24 72.09.015, or 13.40.020.~~

25 (9) "Involved officer" means one of the following persons who is  
26 involved in an incident as an actor or custodial officer in which the  
27 act or omission by the individual is within the scope of the  
28 jurisdiction of the office as defined in this chapter:

29 (a) A (~~general authority Washington peace officer, specially~~  
30 ~~commissioned Washington peace officer, or limited authority~~  
31 ~~Washington peace officer, as defined in RCW 10.93.020)) peace  
32 officer, whether on or off duty if he or she is exercising his or her  
33 authority as a peace officer; or~~

34 (b) An individual while employed in a city, county, or regional  
35 adult or juvenile institution, correctional, jail, holding, or  
36 detention facility as defined in RCW 70.48.020, 72.09.015, or  
37 13.40.020.

38 (10) "Office" means the office of independent investigations.

39 (11) "Substantial bodily harm" has the same meaning as in RCW  
40 9A.04.110.

1       **Sec. 2.** RCW 43.102.030 and 2021 c 318 s 302 are each amended to  
2 read as follows:

3       In addition to other responsibilities set forth in this chapter,  
4 the office shall:

5       (1) Conduct fair, thorough, transparent, and competent  
6 investigations of police use of force and other incidents involving  
7 law enforcement as authorized in this chapter and shall prioritize  
8 investigations conducted by the office based on resources and other  
9 criteria developed in consultation with the advisory board(~~(.—The~~  
10 ~~office shall commence investigations as follows:~~

11       ~~(a) Beginning no later than July 1, 2022, the office is~~  
12 ~~authorized to conduct investigations of deadly force cases occurring~~  
13 ~~after July 1, 2022, including any incident involving use of deadly~~  
14 ~~force by an involved officer against or upon a person who is in~~  
15 ~~custody or out-of-custody; and~~

16       ~~(b) Beginning no later than July 1, 2023, the office is~~  
17 ~~authorized to review, and may investigate, prior investigations of~~  
18 ~~deadly force by an involved officer if new evidence is brought forth~~  
19 ~~that was not included in the initial investigation));~~

20       (2) Analyze data available to the office and provide reports and  
21 recommendations as appropriate based on the data regarding issues,  
22 trends, and other relevant areas;

23       (3) Provide reports on activities of the office as authorized  
24 under this chapter; and

25       (4) Carry out such other responsibilities as may be consistent  
26 with this chapter.

27       **Sec. 3.** RCW 43.102.080 and 2024 c 64 s 3 are each amended to  
28 read as follows:

29       (1) The office has jurisdiction over, and is authorized to  
30 conduct investigations of, all cases and incidents as established  
31 within this section.

32       (2)(a) The director may cause an investigation to be conducted  
33 into any incident:

34       (i) ~~((Of a))~~ Involving: (A) A use of deadly force by an involved  
35 officer ~~((occurring after July 1, 2022, including any incident~~  
36 ~~involving use of deadly force by an involved officer against or upon~~  
37 ~~a person who is in custody or out-of-custody)); or (B) any death that~~  
38 occurs during or after any other use of force by an involved officer

1 if the use of force may have caused or contributed, directly or  
2 indirectly, to the death; or

3 (ii) Involving prior investigations of: (A) A use of deadly force  
4 by an involved officer; or (B) any death that occurred during or  
5 after any other use of force by an involved officer if the use of  
6 force may have caused or contributed, directly or indirectly, to the  
7 death, if new evidence is brought forth that was not included in the  
8 initial investigation.

9 (b) This section applies only if, at the time of the incident:

10 (i) The involved officer was on duty; or

11 (ii) The involved officer was off duty but:

12 (A) Engaged in the investigation, pursuit, detention, or arrest  
13 of a person or otherwise exercising the powers of a general authority  
14 or limited authority Washington peace officer; or

15 (B) The incident involved equipment or other property issued to  
16 the official in relation to his or her duties.

17 (3) The director shall determine prioritization of investigations  
18 based on resources and other criteria which may be established in  
19 consultation with the advisory board. The director shall ensure that  
20 incidents occurring after the date the office begins investigating  
21 cases receive the highest priority for investigation.

22 (4) The investigation should include a review of the entire  
23 incident, including but not limited to events immediately preceding  
24 the incident that may have contributed to or influenced the outcome  
25 of the incident that are directly related to the incident under  
26 investigation.

27 (5) Upon receiving notification required in RCW 43.102.120 of an  
28 incident under the jurisdiction of the office, the director:

29 (a) May cause the incident to be investigated in accordance with  
30 this chapter;

31 (b) May determine investigation is not appropriate for reasons  
32 including, but not limited to, the case not being in the category of  
33 prioritized cases; or

34 (c) If the director determines that the incident is not within  
35 the office's jurisdiction to investigate, the director shall decline  
36 to investigate, and shall give notice of the fact to the involved  
37 agency.

38 (6) If the director determines the case is to be investigated the  
39 director will communicate the decision to investigate to the involved  
40 agency and will thereafter be the lead investigative body in the case

1 and have priority over any other state or local agency investigating  
2 the incident or a case that is under the jurisdiction of the office.  
3 The director will implement the process developed pursuant to RCW  
4 43.102.050 and conduct the appropriate investigation in accordance  
5 with the process.

6 (7) In conducting the investigation the office shall have access  
7 to, and copies of, reports and information necessary or related to  
8 the investigation in the custody and control of the involved agency,  
9 911 emergency communication centers, and any law enforcement agency  
10 responding to the scene of the incident as soon as possible. This  
11 includes, but is not limited to, voice or video recordings, body  
12 camera recordings, and officer notes, as well as disciplinary and  
13 administrative records except those that might be statements  
14 conducted as part of an administrative investigation related to the  
15 incident. In addition, the office shall have access to, and copies  
16 of, reports and information necessary or related to the investigation  
17 in the custody and control of any responding fire department or  
18 ambulance service; however, to the extent such information  
19 constitutes health care information, such information may only be  
20 provided with the consent of the patient or the patient's next of kin  
21 or pursuant to a court order.

22 (8) The investigation shall be concluded within 120 days of  
23 acceptance of the case for investigation. If the office is not able  
24 to complete the investigation within 120 days, the director shall  
25 report to the advisory board the reasons for the delay.

26 **Sec. 4.** RCW 43.102.120 and 2024 c 64 s 5 are each amended to  
27 read as follows:

28 (1) An involved agency shall notify the office of any incident by  
29 an involved officer in accordance with the requirements under RCW  
30 43.102.050 and pursuant to this section.

31 (a) If the incident involves use of deadly force by an involved  
32 officer that results in death, substantial bodily harm, or great  
33 bodily harm, or any other use of force by an involved officer where  
34 there is good reason to believe the use of force may have caused or  
35 contributed, directly or indirectly, to a death, the involved agency  
36 must immediately contact the office pursuant to the procedure  
37 established by the director once the involved agency personnel and  
38 other first responders have rendered the scene safe and provided or  
39 facilitated lifesaving first aid to persons at the scene who have

1 life-threatening injuries. This requirement does not affect the duty  
2 of law enforcement under RCW 36.28A.445.

3 (b) If a death does not occur during or shortly after a use of  
4 force other than deadly force, notification to the office does not  
5 need to be made immediately after the scene is safe and lifesaving  
6 measures have been taken; provided, however, that the involved agency  
7 must notify the office as soon as there is good reason to believe the  
8 use of force may have caused or contributed, directly or indirectly  
9 to a death.

10 (c) In all other cases, including any in-custody death, the  
11 involved agency must notify the office of the incident pursuant to  
12 the procedure established by the director.

13 (2)(a) In any case that requires notice to the director under  
14 this section, the involved agency shall ensure that any officers or  
15 employees over which the involved agency has authority who are at the  
16 scene of the incident take all lawful measures necessary for the  
17 purposes of protecting, obtaining, or preserving evidence relating to  
18 the incident until an office investigator, or independent  
19 investigation team at the request of the office, takes charge of the  
20 scene.

21 (b) The primary focus of the involved agency must be the  
22 protection and preservation of evidence in order to maintain the  
23 integrity of the scene until the office investigator or independent  
24 investigation team arrives or otherwise provides direction regarding  
25 activities at the scene. The involved agency should ensure that  
26 evidence, including but not limited to the following is protected and  
27 preserved:

28 (i) Physical evidence that is at risk of being destroyed or  
29 disappearing and cannot be easily reconstructed, including evidence  
30 which may be degraded or tainted by human or environmental factors if  
31 left unprotected or unpreserved;

32 (ii) Identification and contact information for witnesses to the  
33 incident; and

34 (iii) Photographs and other methods of documenting the location  
35 of physical evidence and location and perspective of witnesses.

36 (3)(a) When the office investigator, or independent investigation  
37 team acting at the request of the office, arrives at the scene of an  
38 incident under the jurisdiction of the office, the involved agency  
39 will relinquish control of the scene to the office investigator or  
40 independent investigation team upon the request of the office

1 investigator. The involved agency has a duty to comply with the  
2 requests of the office related to the investigation conducted  
3 pursuant to this chapter.

4 (b) Once the scene is relinquished, no member of the involved  
5 agency may participate in any way in the investigation, with the  
6 exception of the use of specialized equipment that is necessary for  
7 the investigation and where no alternative exists. If there is any  
8 equipment of the involved agency used in the investigation, steps  
9 must be taken to appropriately limit the role of any involved agency  
10 personnel in facilitating the use of that equipment or their  
11 engagement with the investigation.

12 (4) If an independent investigation team takes control of the  
13 scene at the request of the office, the independent investigation  
14 team shall relinquish control of the scene and investigation at the  
15 request of the office when the office is on the scene or otherwise  
16 provides notice that the office is taking control of the scene. The  
17 independent investigation team may (~~continue to~~) engage in the  
18 investigation (~~conducted at the scene~~) if requested to do so by the  
19 lead office investigator, director, or the director's designee. The  
20 involvement of the independent investigation team is limited to  
21 activities requested by the office and must terminate following the  
22 securing of the scene and any evidence preservation or other actions  
23 as determined necessary by the office (~~at the scene~~). The  
24 independent investigation team may not continue to participate in the  
25 ongoing investigation.

26 (5) (a) No information about the ongoing independent investigation  
27 under the jurisdiction of the office may be shared with any member of  
28 the involved agency, except as follows:

29 (i) Limited briefings given to the chief or sheriff of the  
30 involved agency about the progress of the investigation; or

31 (ii) Information essential to protect the safety of the community  
32 or the integrity of any ongoing, urgent criminal investigation; and

33 (iii) Sharing of the information will not impede the ongoing  
34 investigation being conducted by the office.

35 (b) No information provided under (a) of this subsection may be  
36 divulged to any involved officers or witness officers. If any  
37 information is disclosed pursuant to (a)(ii) of this subsection, the  
38 following must also occur:

39 (i) The office must document the exact information provided, to  
40 whom it was provided, and the reason it was provided;

1 (ii) The involved agency must agree in writing that no involved  
2 officer or witness officer will have access to the information other  
3 than what is released to the general public. Any press release  
4 containing information provided by the office pursuant to this  
5 section must be preapproved by the office; and

6 (iii) The person, family, or representative of any person who is  
7 the subject of the action by the involved officer that is under  
8 investigation by the office must be notified by the office that the  
9 information was provided and, as soon as possible without  
10 jeopardizing the integrity of any investigation, be provided with the  
11 information contained in (b)(i) and (ii) of this subsection.

12 (6) If the office declines to investigate a case, the authority  
13 and duty to investigate remains with the independent investigation  
14 team or local law enforcement authority with jurisdiction over the  
15 incident.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.102  
17 RCW to read as follows:

18 The following investigative and private information is  
19 confidential and exempt from public inspection and copying under  
20 chapter 42.56 RCW:

21 (1) All investigative records compiled or prepared by the office  
22 in connection with a review or investigation conducted pursuant to  
23 RCW 43.102.080(2)(a)(i) or (ii), until such time as the matter has  
24 been referred to the prosecutor for a decision on whether criminal  
25 charges should be filed; and

26 (2) All noninvestigative records related to a review or  
27 investigation by the office to the extent they contain information  
28 that implicates an individual's personal privacy pursuant to RCW  
29 42.56.050, including information concerning support services pursuant  
30 to RCW 43.102.050(2)(d).

31 **Sec. 6.** RCW 42.56.240 and 2024 c 299 s 2 and 2024 c 298 s 21 are  
32 each reenacted and amended to read as follows:

33 The following investigative, law enforcement, and crime victim  
34 information is exempt from public inspection and copying under this  
35 chapter:

36 (1) Specific intelligence information and specific investigative  
37 records compiled by investigative, law enforcement, and penology  
38 agencies, and state agencies vested with the responsibility to

1 discipline members of any profession, the nondisclosure of which is  
2 essential to effective law enforcement or for the protection of any  
3 person's right to privacy;

4 (2) Information revealing the identity of persons who are  
5 witnesses to or victims of crime or who file complaints with  
6 investigative, law enforcement, or penology agencies, other than the  
7 commission, if disclosure would endanger any person's life, physical  
8 safety, or property. If at the time a complaint is filed the  
9 complainant, victim, or witness indicates a desire for disclosure or  
10 nondisclosure, such desire shall govern. However, all complaints  
11 filed with the commission about any elected official or candidate for  
12 public office must be made in writing and signed by the complainant  
13 under oath;

14 (3) Any records of investigative reports prepared by any state,  
15 county, municipal, or other law enforcement agency pertaining to sex  
16 offenses contained in chapter 9A.44 RCW or sexually violent offenses  
17 as defined in RCW 71.09.020, which have been transferred to the  
18 Washington association of sheriffs and police chiefs for permanent  
19 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

20 (4) License applications under RCW 9.41.070, except that copies  
21 of license applications or information on the applications may be  
22 released to law enforcement or corrections agencies or to persons and  
23 entities as authorized under RCW 9.41.815;

24 (5)(a) Information revealing the specific details that describe  
25 an alleged or proven child victim of sexual assault or commercial  
26 sexual exploitation under age 18, or the identity or contact  
27 information of an alleged or proven child victim of sexual assault or  
28 commercial sexual exploitation who is under age 18. Identifying  
29 information includes the child victim's name, addresses, location,  
30 photograph, and in cases in which the child victim is a relative,  
31 stepchild, or stepsibling of the alleged perpetrator, identification  
32 of the relationship between the child and the alleged perpetrator.  
33 Contact information includes phone numbers, email addresses, social  
34 media profiles, and user names and passwords.

35 (b) For purposes of this subsection (5), "commercial sexual  
36 exploitation" has the same meaning as in RCW 7.105.010;

37 (6) Information contained in a local or regionally maintained  
38 gang database as well as the statewide gang database referenced in  
39 RCW 43.43.762;

1 (7) Data from the electronic sales tracking system established in  
2 RCW 69.43.165;

3 (8) Information submitted to the statewide unified sex offender  
4 notification and registration program under RCW 36.28A.040(6) by a  
5 person for the purpose of receiving notification regarding a  
6 registered sex offender, including the person's name, residential  
7 address, and email address;

8 (9) Personally identifying information collected by law  
9 enforcement agencies pursuant to local security alarm system programs  
10 and vacation crime watch programs. Nothing in this subsection shall  
11 be interpreted so as to prohibit the legal owner of a residence or  
12 business from accessing information regarding his or her residence or  
13 business;

14 (10) The felony firearm offense conviction database of felony  
15 firearm offenders established in RCW 43.43.822;

16 (11) The identity of a state employee or officer who has in good  
17 faith filed a complaint with an ethics board, as provided in RCW  
18 42.52.410, or who has in good faith reported improper governmental  
19 action, as defined in RCW 42.40.020, to the auditor or other public  
20 official, as defined in RCW 42.40.020;

21 (12) The following security threat group information collected  
22 and maintained by the department of corrections pursuant to RCW  
23 72.09.745: (a) Information that could lead to the identification of a  
24 person's security threat group status, affiliation, or activities;  
25 (b) information that reveals specific security threats associated  
26 with the operation and activities of security threat groups; and (c)  
27 information that identifies the number of security threat group  
28 members, affiliates, or associates;

29 (13) The global positioning system data that would indicate the  
30 location of the residence of an employee or worker of a criminal  
31 justice agency as defined in RCW 10.97.030;

32 (14) Body worn camera recordings to the extent nondisclosure is  
33 essential for the protection of any person's right to privacy as  
34 described in RCW 42.56.050, including, but not limited to, the  
35 circumstances enumerated in (a) of this subsection. A law enforcement  
36 or corrections agency shall not disclose a body worn camera recording  
37 to the extent the recording is exempt under this subsection.

38 (a) Disclosure of a body worn camera recording is presumed to be  
39 highly offensive to a reasonable person under RCW 42.56.050 to the  
40 extent it depicts:

1 (i)(A) Any areas of a medical facility, counseling, or  
2 therapeutic program office where:

3 (I) A patient is registered to receive treatment, receiving  
4 treatment, waiting for treatment, or being transported in the course  
5 of treatment; or

6 (II) Health care information is shared with patients, their  
7 families, or among the care team; or

8 (B) Information that meets the definition of protected health  
9 information for purposes of the health insurance portability and  
10 accountability act of 1996 or health care information for purposes of  
11 chapter 70.02 RCW;

12 (ii) The interior of a place of residence where a person has a  
13 reasonable expectation of privacy;

14 (iii) An intimate image;

15 (iv) A minor;

16 (v) The body of a deceased person;

17 (vi) The identity of or communications from a victim or witness  
18 of an incident involving domestic violence as defined in RCW  
19 10.99.020 or sexual assault as defined in RCW 70.125.030, or  
20 disclosure of intimate images as defined in RCW 9A.86.010. If at the  
21 time of recording the victim or witness indicates a desire for  
22 disclosure or nondisclosure of the recorded identity or  
23 communications, such desire shall govern; or

24 (vii) The identifiable location information of a community-based  
25 domestic violence program as defined in RCW 70.123.020, or emergency  
26 shelter as defined in RCW 70.123.020.

27 (b) The presumptions set out in (a) of this subsection may be  
28 rebutted by specific evidence in individual cases.

29 (c) In a court action seeking the right to inspect or copy a body  
30 worn camera recording, a person who prevails against a law  
31 enforcement or corrections agency that withholds or discloses all or  
32 part of a body worn camera recording pursuant to (a) of this  
33 subsection is not entitled to fees, costs, or awards pursuant to RCW  
34 42.56.550 unless it is shown that the law enforcement or corrections  
35 agency acted in bad faith or with gross negligence.

36 (d) A request for body worn camera recordings must:

37 (i) Specifically identify a name of a person or persons involved  
38 in the incident;

39 (ii) Provide the incident or case number;

1 (iii) Provide the date, time, and location of the incident or  
2 incidents; or

3 (iv) Identify a law enforcement or corrections officer involved  
4 in the incident or incidents.

5 (e)(i) A person directly involved in an incident recorded by the  
6 requested body worn camera recording, an attorney representing a  
7 person directly involved in an incident recorded by the requested  
8 body worn camera recording, a person or his or her attorney who  
9 requests a body worn camera recording relevant to a criminal case  
10 involving that person, or the executive director from either the  
11 Washington state commission on African American affairs, Asian  
12 Pacific American affairs, or Hispanic affairs, has the right to  
13 obtain the body worn camera recording, subject to any exemption under  
14 this chapter or any applicable law. In addition, an attorney who  
15 represents a person regarding a potential or existing civil cause of  
16 action involving the denial of civil rights under the federal or  
17 state Constitution, or a violation of a United States department of  
18 justice settlement agreement, has the right to obtain the body worn  
19 camera recording if relevant to the cause of action, subject to any  
20 exemption under this chapter or any applicable law. The attorney must  
21 explain the relevancy of the requested body worn camera recording to  
22 the cause of action and specify that he or she is seeking relief from  
23 redaction costs under this subsection (14)(e).

24 (ii) A law enforcement or corrections agency responding to  
25 requests under this subsection (14)(e) may not require the requesting  
26 individual to pay costs of any redacting, altering, distorting,  
27 pixelating, suppressing, or otherwise obscuring any portion of a body  
28 worn camera recording.

29 (iii) A law enforcement or corrections agency may require any  
30 person requesting a body worn camera recording pursuant to this  
31 subsection (14)(e) to identify himself or herself to ensure he or she  
32 is a person entitled to obtain the body worn camera recording under  
33 this subsection (14)(e).

34 (f)(i) A law enforcement or corrections agency responding to a  
35 request to disclose body worn camera recordings may require any  
36 requester not listed in (e) of this subsection to pay the reasonable  
37 costs of redacting, altering, distorting, pixelating, suppressing, or  
38 otherwise obscuring any portion of the body worn camera recording  
39 prior to disclosure only to the extent necessary to comply with the  
40 exemptions in this chapter or any applicable law.

1 (ii) An agency that charges redaction costs under this subsection  
2 (14) (f) must use redaction technology that provides the least costly  
3 commercially available method of redacting body worn camera  
4 recordings, to the extent possible and reasonable.

5 (iii) In any case where an agency charges a requestor for the  
6 costs of redacting a body worn camera recording under this subsection  
7 (14) (f), the time spent on redaction of the recording shall not count  
8 towards the agency's allocation of, or limitation on, time or costs  
9 spent responding to public records requests under this chapter, as  
10 established pursuant to local ordinance, policy, procedure, or state  
11 law.

12 (g) For purposes of this subsection (14):

13 (i) "Body worn camera recording" means a video and/or sound  
14 recording that is made by a body worn camera attached to the uniform  
15 or eyewear of a law enforcement or corrections officer while in the  
16 course of his or her official duties; and

17 (ii) "Intimate image" means an individual or individuals engaged  
18 in sexual activity, including sexual intercourse as defined in RCW  
19 9A.44.010 and masturbation, or an individual's intimate body parts,  
20 whether nude or visible through less than opaque clothing, including  
21 the genitals, pubic area, anus, or postpubescent female nipple.

22 (h) Nothing in this subsection shall be construed to restrict  
23 access to body worn camera recordings as otherwise permitted by law  
24 for official or recognized civilian and accountability bodies or  
25 pursuant to any court order.

26 (i) Nothing in this section is intended to modify the obligations  
27 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,  
28 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*  
29 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and  
30 the relevant Washington court criminal rules and statutes.

31 (j) A law enforcement or corrections agency must retain body worn  
32 camera recordings for at least 60 days and thereafter may destroy the  
33 records in accordance with the applicable records retention schedule;

34 (15) Any records and information contained within the statewide  
35 sexual assault kit tracking system established in RCW 43.43.545;

36 (16) (a) Survivor communications with, and survivor records  
37 maintained by, campus-affiliated advocates.

38 (b) Nothing in this subsection shall be construed to restrict  
39 access to records maintained by a campus-affiliated advocate in the  
40 event that:

1 (i) The survivor consents to inspection or copying;  
2 (ii) There is a clear, imminent risk of serious physical injury  
3 or death of the survivor or another person;  
4 (iii) Inspection or copying is required by federal law; or  
5 (iv) A court of competent jurisdiction mandates that the record  
6 be available for inspection or copying.  
7 (c) "Campus-affiliated advocate" and "survivor" have the  
8 definitions in RCW 28B.112.030;  
9 (17) Information and records prepared, owned, used, or retained  
10 by the Washington association of sheriffs and police chiefs and  
11 information and records prepared, owned, used, or retained by the  
12 Washington state patrol pursuant to chapter 261, Laws of 2017;  
13 (18) Any and all audio or video recordings of child forensic  
14 interviews as defined in chapter 26.44 RCW. Such recordings are  
15 confidential and may only be disclosed pursuant to a court order  
16 entered upon a showing of good cause and with advance notice to the  
17 child's parent, guardian, or legal custodian. However, if the child  
18 is an emancipated minor or has attained the age of majority as  
19 defined in RCW 26.28.010, advance notice must be to the child.  
20 Failure to disclose an audio or video recording of a child forensic  
21 interview as defined in chapter 26.44 RCW is not grounds for  
22 penalties or other sanctions available under this chapter; (~~and~~)  
23 (19) Information exempt from public disclosure and copying under  
24 RCW 43.10.305(2)(f); and  
25 (20) Information exempt from public inspection and copying under  
26 section 5 of this act.

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