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7 David Grosso

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9 Brandon T. Todd

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11 Mary M. Cheh

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13 A BILL

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16 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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21 To establish a program in the Office of the Attorney General to allow anonymous reporting
22 concerning unsafe, potentially harmful, dangerous, violent, or criminal activities in a
23 school or the threat of the activities in a school.
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25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
26 act may be cited as the "Safe2Tell Act of 2018".

27 Sec. 2. Definitions.

28 For the purposes of this act, the term:

- 29 (1) "Program" means the Safe2Tell Program.
- 30 (2) "Office" means the Office of the Attorney General.

31 Sec. 3. Safe2Tell Program.

32 (a) The Safe2Tell Program is established within the Office of the Attorney General. The
33 Office shall administer the program and promulgate regulations and adopt all guidelines
34 necessary for the establishment of the program and administration of this act, in consultation
35 with the Department of Behavioral Health, Office of the State Superintendent of Education,

36 District of Columbia Public Schools, public charter schools, and community organizations with
37 expertise in student safety and youth suicide prevention.

38 (b) The program shall:

39 (1) Ensure anonymous reporting concerning unsafe, potentially harmful,
40 dangerous, violent or criminal activities in a school or the threat of the activities in a school;

41 (2) Establish protocols and procedures to promptly notify the appropriate law
42 enforcement and school officials when the program receives an anonymous report of violent or
43 criminal activities in a school entity that poses an immediate threat of violence or criminal
44 activity;

45 (3) Ensure that the identity of the individual making a report remains unknown to
46 any person, including law enforcement officers and employees of the office; provided that an
47 individual making a report who voluntarily discloses his or her identity and verifies that he or she
48 is willing to be identified may be shared with law enforcement officers, employees of the office,
49 and school officials;

50 (4) Ensure that if the identity of an individual making a report becomes known
51 through a means other than voluntary disclosure, the identity is not further disclosed;

52 (5) Establish procedures to promptly forward information received by the
53 program to the appropriate law enforcement agency, school official, or organization, as
54 determined by the office. The office may not be held liable for investigation of a report made to
55 the program following confirmation of receipt of the report by the appropriate law enforcement
56 agency, school official, or organization;

57 (6) Provide instruction to individuals, including emergency dispatch centers and
58 schools, on appropriate awareness of and response to the program;

59 (7) Provide program awareness and education materials to schools;
60 (8) Establish, in consultation with schools, the Office of the State Superintendent
61 of Education, and the Department of Behavioral Health guidelines schools may utilize to respond
62 to a report received from the program; and

63 (9) Work with schools, local law enforcement agencies, and organizations to
64 identify each person to whom a report from the program will be sent.

65 (c) Each school shall develop procedures for assessing and responding to reports
66 received from the program.

67 Sec. 4. Confidentiality.

68 (a) A record created or obtained through the implementation or operation of the program
69 shall be confidential. A person may not disclose a record of the program except:

70 (1) To provide notice to the appropriate law enforcement agency, school and
71 organization in accordance with the procedures established under section 3; or

72 (2) Upon order of the court as provided in section 6.

73 (b) A record of the program shall not be subject to The Freedom of Information Act of
74 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

75 (c) Any person who commits an arbitrary or capricious violation of the confidentiality
76 provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by
77 a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than
78 6 months. Prosecutions for such a violation of the provisions shall be on information filed in the
79 Superior Court of the District of Columbia by the Office of the Attorney General for the District
80 of Columbia.

81 Sec. 5. False reports.

82 (a) It shall be unlawful for any person or persons to willfully or knowingly use, or allow
83 the use of, the program to make a false or fictitious report or complaint which initiates a response
84 by District of Columbia emergency personnel or officials when, at the time of the call or
85 transmission, the person knows the report or complaint is false. Any person or persons violating
86 the provisions of this subsection shall, upon conviction, be deemed guilty of a misdemeanor and
87 be punished by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for
88 not more than 6 months. Prosecutions for violation of the provisions of this section shall be on
89 information filed in the Superior Court of the District of Columbia by the Office of the Attorney
90 General for the District of Columbia.

91 (b) If a report filed with the program is determined to be a false report, information about
92 the subject of the false report shall not be made part of the subject's record.

93 Sec. 6. Judicial proceeding.

94 (a) A person implementing, operating, or working for the program may not be compelled
95 by a third party not authorized to receive the record under this act to produce a record except
96 pursuant to a court order. The prosecutor or a criminal defendant may file a motion with the
97 court for release of the record. The motion shall be accompanied by an affidavit establishing why
98 the record should be produced.

99 (b) Upon a motion under subsection (a), the court shall conduct an in camera review of
100 the record requested to be produced.

101 (c) After a review of the record under subsection (b), if the court determines that the
102 record should be released, the court may order the record to be produced to the prosecutor and
103 criminal defendant pursuant to a protective order that includes:

104 (1) The redaction of the identity of the individual who made the report; and

105 (2) Limitations, if any, on the use of the materials.

106 (d) After a decision by the court under subsection (c), a record not produced pursuant to
107 a motion shall be sealed and preserved in the judicial record of the court and may be made
108 available on appeal.

109 (e) After the expiration of any appeal period, the court shall return each record to the
110 program.

111 (f) The Attorney General shall have standing in any action to support or oppose the
112 disclosure of a record in the custody of the program.

113 Sec. 7. Annual report.

114 (a) No later than August 1 of each year, the program shall prepare and submit a report to
115 the Council, detailing:

116 (1) The number of reports received for the previous school year;

117 (2) The total number of reports received since the program began;

118 (3) A breakdown of the reports by type;

119 (4) A breakdown of the method by which the report was received;

120 (5) A breakdown of the report by school;

121 (6) The total cost to operate the program, including staffing costs, administrative
122 costs and support costs;

123 (7) The total number of false reports received; and

124 (8) Any other information the Attorney General deems appropriate.

125 Sec. 8. Fiscal impact statement.

126 The Council adopts the fiscal impact statement in the committee report as the fiscal
127 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
128 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

129 Sec. 9. Effective date.

130 This act shall take effect following approval by the Mayor (or in the event of veto by the
131 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
132 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
133 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of
134 Columbia Register.