A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a program in the Office of the Attorney General to allow anonymous reporting concerning unsafe, potentially harmful, dangerous, violent, or criminal activities in a school or the threat of the activities in a school.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Safe2Tell Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Program” means the Safe2Tell Program.

(2) “Office” means the Office of the Attorney General.

Sec. 3. Safe2Tell Program.

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

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

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

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

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

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

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

(8) Establish, in consultation with schools, the Office of the State Superintendent of Education, and the Department of Behavioral Health guidelines schools may utilize to respond to a report received from the program; and

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

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

Sec. 4. Confidentiality.

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

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

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

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

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

Sec. 5. False reports.
(a) It shall be unlawful for any person or persons to willfully or knowingly use, or allow
the use of, the program to make a false or fictitious report or complaint which initiates a response
by District of Columbia emergency personnel or officials when, at the time of the call or
transmission, the person knows the report or complaint is false. Any person or persons violating
the provisions of this subsection shall, upon conviction, be deemed guilty of a misdemeanor and
be punished by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for
not more than 6 months. Prosecutions for violation of the provisions of this section shall be on
information filed in the Superior Court of the District of Columbia by the Office of the Attorney
General for the District of Columbia.

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

Sec. 6. Judicial proceeding.

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

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

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

(1) The redaction of the identity of the individual who made the report; and
(2) Limitations, if any, on the use of the materials.

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

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

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

Sec. 7. Annual report.

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

(1) The number of reports received for the previous school year;
(2) The total number of reports received since the program began;
(3) A breakdown of the reports by type;
(4) A breakdown of the method by which the report was received;
(5) A breakdown of the report by school;
(6) The total cost to operate the program, including staffing costs, administrative
costs and support costs;
(7) The total number of false reports received; and
(8) Any other information the Attorney General deems appropriate.

Sec. 8. Fiscal impact statement.

Sec. 9. Effective date.

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