

Safe 2 Tell Program

The Safe2Tell Program, first created in 2004, is a 501c3 not-for-profit organization based on the Colorado Prevention Initiative for School Safety with initial funding from The Colorado Trust. The primary purpose of the Safe2Tell Program is to provide students and the community with the means to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate law enforcement and public safety agencies and school officials.

The suggested state legislation below amends the enabling statute for the program by clarifying that all students may report information anonymously via various media including text messaging, emails, web forms, etc. and that the information is protected from being publicly released. Further, only certain circumstances will allow the information to be subpoenaed in legal proceedings.

Submitted as:

Colorado

[SB 12-079](#)

Status: Enacted into law in 2012.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as the “Safe2Tell Program Act.”

2

3 Section 2. [*Definitions.*] As used in this Act:

4 (1) "In camera review" means an inspection of materials by the court, in chambers, to
5 determine what, if any, materials are discoverable

6 (2) "Materials" means any records, reports, claims, writings, documents, means any records,
7 reports, claims, writings, documents, or information anonymously reported or information related to
8 the source of the materials.

9 (3) "Safe2tell", "safe2tell program", or "program" means the program described in [citation]
10 that provides students and the community with the means to relay information anonymously
11 concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of
12 these activities, to appropriate law enforcement and public safety agencies and school officials.

13

14 Section 3. [*Program duties and functions.*]

15 (A) Establish and maintain methods of anonymous reporting concerning unsafe,
16 potentially harmful, dangerous, violent, or criminal activities, or the threat of such activities;

17 (B) Establish methods and procedures to ensure that the identity of the reporting party
18 remains unknown to all persons and entities, including law enforcement officers and
19 employees or other persons operating the program;

20 (C) Establish methods and procedures so that information obtained from a reporting party
21 who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may
22 be shared with law enforcement officers, employees or other persons operating the program, and
23 with school officials;

24 (D) Establish methods and procedures to ensure that a reporting party's identity that
25 becomes known through any means other than voluntary disclosure is not further disclosed; and

1 (E) Promptly forward information received by the program to the appropriate law
2 enforcement or public safety agency or school officials.

3
4 Section 4. [*In camera review, confidentiality of materials, criminal penalty*]

5 (A) (1) The Safe2Tell program and persons implementing and operating program
6 shall not be compelled to produce any materials except on the motion of a criminal defendant to the
7 court

8 in which the offense is being tried, supported by an affidavit establishing that the materials contain
9 impeachment evidence or evidence that is exculpatory to the defendant in the trial of that offense.

10 (2) If the court determines that the produced materials contain impeachment evidence or
11 evidence that is exculpatory to the defendant, the court shall order the materials to be produced to the
12 defendant pursuant to a protective order that includes, at a minimum, the redaction of the reporting
13 party's identity and limitations on the use of the materials, as needed, unless contrary to state or
14 federal law

15 any materials excised pursuant to a judicial order following the in camera review shall be sealed and
16 preserved in the records of the court, to be made available to the appellate court in the event of an
17 appeal. After the time for appeal has expired, the court shall return the materials to the Safe2Tell
18 program.

19 (B) (1) Materials created or obtained through the implementation or operation of the
20 Safe2Tell program are confidential, and no person shall disclose the material. The Safe2Tell
21 program and persons implementing or operating the Safe2Tell program may be compelled to
22 produce the materials only before a court or other tribunal and only pursuant to court order for an in
23 camera review. Any such review shall be limited to an inspection of materials that are material to the
24 specific case pending before the court. The
25 attorney general acting on behalf of the Safe2Tell program shall have standing in any action to
26 oppose the disclosure of materials in the custody of the Safe2Tell program.

27 (2) A person who knowingly discloses confidential materials in violation of the provisions of
28 this subsection (B) commits a class 1 misdemeanor.

29
30 Section 5. [*Allowance or denial of inspection , grounds, procedure, appeal*]

31 Notwithstanding any provision to the contrary in [insert citation], the custodian shall deny the
32 right of inspection of any materials received, made, or kept by the Safe2Tell program, as described
33 in [insert citation] that are confidential pursuant to [insert citation].

34
35 Section 6. [*Severability.*] Insert severability clause.

36
37 Section 7. [*Repealer.*] Insert repealer clause.

38
39 Section 8. [*Effective Date.*] Insert effective date.