

# Final

## STAFF SUMMARY OF MEETING

### SENATE COMMITTEE ON LOCAL GOVERNMENT

Date: 01/31/2012  
 Time: **02:04 PM to 04:04 PM**  
 Place: SCR 353

ATTENDANCE  
 Aguilar E\*  
 Neville X  
 Roberts X  
 Nicholson X  
 Foster X

This Meeting was called to order by  
Senator Foster

This Report was prepared by  
Erin Vanderberg

X = Present, E = Excused, A = Absent, \* = Present after  
 roll call

Bills Addressed:		Action Taken:	
SB12-026		Amended, Referred to Appropriations	
SB12-079		Amended, Referred to the Committee of the Whole	

#### 03:00 PM -- Senate Bill 12-079

Senator S. King, prime sponsor, discussed the provisions of Senate Bill 12-079 which would revise the Safe2Tell program relating to advances in communications technology. He distributed a data report about the program (Attachment C). The following individuals testified:



SenLocal0131AttachC.pdf

**03:02 PM** -- Tori Carter Tucker, representing herself, spoke in support of the bill. Ms. Tucker responded to questions from the committee and the bill sponsor.

**03:06 PM** -- Larry Pape, President of the Colorado Online Learning Board of Directors, introduced his organization and spoke in support of the bill.

**03:10 PM** -- Don Quick, District Attorney for the 17th Judicial District, and Safe2Tell board member, spoke in favor of the bill. Mr. Quick discussed the creation of the Safe2Tell program and explained the reasoning behind the separate statute the program necessitates and how this bill would update that statute to allow for advances in modern communication, specifically text messages and emails. Mr. Quick responded to questions from the committee about the Safe2Tell database.

**03:19 PM** -- Peg Ackerman, representing the County Sheriffs of Colorado, spoke in favor of the bill. She reported that the sheriffs voted unanimously to support this bill.

**03:20 PM** -- Kathleen Morris, Regional Safe School Coordinator for the San Juan BOCES, spoke in favor of the bill. Ms. Morris responded to questions from the committee about how information received from the Safe2Tell system is processed.

**03:25 PM** -- John McDonald, Executive Director of Safety, Security and Emergency Management for Jefferson County Public Schools, spoke in favor of the bill. Mr. McDonald said that Jefferson County Public Schools are the single largest user of the Safe2Tell program. He spoke about the success of the program overall and specifically of the pilot Safe2Text program. Mr. McDonald responded to questions from the committee and shared Safe2Tell marketing materials.

**03:35 PM**

Mr. McDonald continued to respond to questions from the committee about where the communications are fielded, the process of investigating Safe2Tell reports and record-keeping.


**03:41 PM** -- Susan Payne, founding Executive Director of Safe2Tell, spoke in favor of the bill. Ms. Payne said that the Safe2Tell program has become a model for schools throughout the country. Ms. Payne responded to questions from the committee on the process in which Safe2Tell handles reports and referenced the Safe2Tell Data Report that Senator S. King distributed to respond to a question on how many Safe2Tell reports have generated a criminal record.

**03:52 PM**

Ms. Payne continued to respond to questions from the committee, including questions about access to communication technologies and parental involvement.

**03:59 PM**

Senator S. King made closing remarks.

<b>BILL:</b>	<b>SB12-079</b>	
<b>TIME:</b>	<b>04:06:01 PM</b>	
<b>MOVED:</b>	Nicholson	
<b>MOTION:</b>	Adopt prepared Amendment L.002 (Attachment D). The motion passed without objection.	
	 SenLocal0131AttachD.pdf	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Aguilar	
	Neville	
	Roberts	
	Nicholson	
	Foster	
<b>YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection</b>		

<b>BILL:</b>	<b>SB12-079</b>	
<b>TIME:</b>	<b>04:00:28 PM</b>	
<b>MOVED:</b>	Nicholson	
<b>MOTION:</b>	Refer Senate Bill 12-079, as amended, to the Committee of the Whole. The motion passed on a vote of 5-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Aguilar	Yes
	Neville	Yes
	Roberts	Yes
	Nicholson	Yes
	Foster	Yes
<b>Final YES: 5 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS</b>		

**04:04 PM**

The committee adjourned.



### Safe2Tell Data Report

- From its inception in 2004 through December 31, 2011, Safe2Tell has received over 9,800 calls. Of those contacts, more than 5,000 have generated Safe2Tell reports resulting in investigation, early intervention and prevention by local responders.
- Safe2Tell has received calls, web reports and texts from 163 cities and 59 counties throughout the state of Colorado.
- So far in the 2011-2012 school year (8/1/11 to 12/31/11), local school officials and law enforcement officials have investigated and responded to 844 Safe2Tell reports including 401 calls, 371 web reports, 69 texts and 3 mobile tips.
  - This represents a 22.8% increase in tips compared to the same time last school year.

#### Substance of Reports from 2004-2011 includes the following:

1257	Bullying
194	Assaults
28	Planned School Attacks
819	Drugs/Alcohol
472	Threats of Violence
168	Cutting
40	Domestic Violence
641	Suicidal behavior/threats
168	Fighting
15	Animal Cruelty
54	Gang-related issues
60	Thefts
320	Harassment
244	Guns/Weapons
45	Sexting
319	Sexually-related Crimes
270	Child Abuse
51	Vandalism

#### Additional Specific Outcomes:

343	School Disciplinary Actions
857	Increased Awareness / Monitoring
84	Arrests
382	Counseling / Referrals
457	Investigations
328	Prevention / Intervention Plans

SB079 L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.

SB12-079 be amended as follows:

- 1 Amend printed bill, page 4, line 3, strike "INFORMATION,".
- 2 Page 4, line 4, after "INFORMATION" insert "ANONYMOUSLY REPORTED OR
- 3 INFORMATION" and after "TO" insert "THE SOURCE OF THE MATERIALS.".
- 4 Page 4, strike line 5.
- 5 Page 4, line 20, strike "A METHOD" and substitute "METHODS".
- 6 Page 4, line 23, strike "a method" and substitute "~~a method~~ METHODS".
- 7 Page 5, line 2, strike "a method" and substitute "~~a method~~".
- 8 Page 5, line 5, before "AND" insert "METHODS".
- 9 Page 5, line 10, strike "A METHOD" and substitute "METHODS".
- 10 Page 7, line 3, after the period add "AFTER THE TIME FOR APPEAL HAS
- 11 EXPIRED, THE COURT SHALL RETURN THE MATERIALS TO THE SAFE2TELL
- 12 PROGRAM.".
- 13 Page 7, strike lines 4 through 8 and substitute:  
14           "~~(d) The court shall return to the safe-2-tell program all materials~~  
15 ~~produced under this subsection (1) that are not disclosed to the defendant.~~  
16 ~~The safe-2-tell program shall retain the materials until the conclusion of~~  
17 ~~the criminal trial and the expiration of the time for all direct appeals in the~~  
18 ~~case."~~
- 19 Page 7, line 18, after the period add "THE ATTORNEY GENERAL ACTING ON
- 20 BEHALF OF THE SAFE2TELL PROGRAM SHALL HAVE STANDING IN ANY
- 21 ACTION TO OPPOSE THE DISCLOSURE OF MATERIALS IN THE CUSTODY OF
- 22 THE SAFE2TELL PROGRAM.".

\*\* \*\* \*\* \*\* \*\*



Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0459.01 Brita Darling x2241

SENATE BILL 12-079

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SENATE SPONSORSHIP

**King S.**, Cadman, Morse

HOUSE SPONSORSHIP

**Stephens**, Fields, Priola, Schafer S.

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Senate Committees  
Local Government

House Committees

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A BILL FOR AN ACT

101 CONCERNING REVISIONS TO THE SAFE2TELL PROGRAM RELATING TO  
102 ADVANCES IN COMMUNICATIONS TECHNOLOGY.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries.>)*

The bill amends the safe2tell program (program) as follows:

- ! Removes the references in the article to the "hotline" to clarify that the program receives information through various methods of transmission in addition to telephone calls;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- ! Clarifies the existing structure of the program as a single program and reflects the proper name of the program;
- ! Clarifies that information received by the program through methods established by the program is confidential and is not subject to subpoena except under certain conditions.

The bill includes interoperable communications providers and the program as community partners in the school response framework.

Materials that are confidential pursuant to the statute shall not be released for public inspection as a public record.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 16-15.8-101  
3 as follows:

4 **16-15.8-101. Legislative declaration.** (1) The general assembly  
5 hereby finds and declares that:

6 (a) According to the United States secret service AND  
7 DEPARTMENT OF EDUCATION, in ~~seventy-five~~ EIGHTY-ONE percent of  
8 dangerous or violent incidents in schools, someone other than the attacker  
9 knew the incident was going to happen but did not report or act on that  
10 knowledge. ADDITIONALLY, IN INCIDENTS OF TARGETED SCHOOL  
11 VIOLENCE, MOST ATTACKERS ENGAGED IN SOME BEHAVIOR PRIOR TO THE  
12 INCIDENT THAT CAUSED OTHERS CONCERN OR INDICATED A NEED FOR  
13 HELP;

14 (b) The ability to anonymously report information about UNSAFE,  
15 POTENTIALLY HARMFUL, dangerous, violent, or criminal activities before  
16 or after they have occurred is critical in reducing, RESPONDING TO, AND  
17 RECOVERING FROM these types of events in schools;

18 (c) The ~~national safe-2-tell~~ SAFE2TELL program empowers  
19 students ~~teachers, other school employees,~~ and the community by  
20 ~~allowing them~~ OFFERING A COMPREHENSIVE PROGRAM OF EDUCATION,

1 AWARENESS, AND TRAINING AND A READILY ACCESSIBLE TOOL THAT  
2 ALLOWS STUDENTS AND THE COMMUNITY to easily provide anonymous  
3 information about UNSAFE, POTENTIALLY HARMFUL, dangerous, violent,  
4 or criminal activities, OR THE THREAT OF THESE ACTIVITIES, to appropriate  
5 law enforcement and public safety agencies ~~through a single electronic~~  
6 ~~hotline~~ AND SCHOOL OFFICIALS; and

7 (d) The ~~safe-2-tell~~ SAFE2TELL program has a proven ~~national~~  
8 record of success in prevention and intervention in cases of threats to  
9 people or property, assaults, bullying, child abuse, substance abuse,  
10 cutting, suicide, gangs, weapons, internet safety, or other UNSAFE,  
11 POTENTIALLY HARMFUL, dangerous, violent, or criminal activities; AND

12 (e) THE SAFE2TELL PROGRAM SERVES AS A COMMUNITY PARTNER  
13 IN THE SCHOOL RESPONSE FRAMEWORK DESCRIBED IN SECTION  
14 22-32-109.1 (4), C.R.S., AND THE PROGRAM MAY ENGAGE IN  
15 INFORMATION SHARING AND INTEROPERABLE COMMUNICATIONS WITH  
16 OTHER COMMUNITY PARTNERS AS PART OF A COORDINATED RESPONSE TO  
17 A SCHOOL-RELATED INCIDENT.

18 (2) The general assembly therefore finds that it is appropriate and  
19 necessary to provide for the anonymity of a person who provides  
20 information ~~through~~ TO the ~~safe-2-tell hotline~~ SAFE2TELL PROGRAM and  
21 to provide for the confidentiality of ~~safe-2-tell program records~~  
22 SAFE2TELL MATERIALS.

23 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
24 **with amendments,** 16-15.8-102 as follows:

25 **16-15.8-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "IN CAMERA REVIEW" MEANS AN INSPECTION OF MATERIALS BY



1 THE COURT, IN CHAMBERS, TO DETERMINE WHAT, IF ANY, MATERIALS ARE  
2 DISCOVERABLE.

3 (2) "MATERIALS" MEANS ANY INFORMATION, RECORDS, REPORTS,  
4 CLAIMS, WRITINGS, DOCUMENTS, OR INFORMATION RELATED TO  
5 ANONYMOUSLY REPORTED INFORMATION.

6 (3) "SAFE2TELL", "SAFE2TELL PROGRAM", OR "PROGRAM" MEANS  
7 THE PROGRAM DESCRIBED IN SECTION 16-15.8-103 THAT PROVIDES  
8 STUDENTS AND THE COMMUNITY WITH THE MEANS TO RELAY  
9 INFORMATION ANONYMOUSLY CONCERNING UNSAFE, POTENTIALLY  
10 HARMFUL, DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES, OR THE  
11 THREAT OF THESE ACTIVITIES, TO APPROPRIATE LAW ENFORCEMENT AND  
12 PUBLIC SAFETY AGENCIES AND SCHOOL OFFICIALS.

13 **SECTION 3.** In Colorado Revised Statutes, **amend** 16-15.8-103  
14 as follows:

15 **16-15.8-103. Safe2tell - duties - functions.** (1) In addition to any  
16 other requirements for articles of incorporation imposed by articles 121  
17 to 137 of title 7, C.R.S., the articles of incorporation for a ~~safe-2-tell~~ THE  
18 SAFE2TELL program shall require that the ~~safe-2-tell~~ SAFE2TELL program:

19 (a) ~~Maintain, and expand if necessary, the existing hotline~~  
20 ESTABLISH AND MAINTAIN A METHOD OF ANONYMOUS REPORTING  
21 CONCERNING UNSAFE, POTENTIALLY HARMFUL, DANGEROUS, VIOLENT, OR  
22 CRIMINAL ACTIVITIES, OR THE THREAT OF SUCH ACTIVITIES;

23 (b) Establish a method AND PROCEDURES to ensure that the  
24 identity of a ~~person who provides information concerning dangerous,~~  
25 ~~violent, or criminal activities, to the hotline~~ THE REPORTING PARTY  
26 remains unknown to all persons and entities, including law enforcement  
27 officers and employees OR OTHER PERSONS operating the ~~hotline~~

1 PROGRAM;

2 (c) Establish a method ~~to ensure that, if the identity of a person~~  
3 ~~who provides information to the hotline becomes known, whether through~~  
4 ~~voluntary disclosure or any other means, the identity is not further~~  
5 ~~disclosed~~ AND PROCEDURES SO THAT INFORMATION OBTAINED FROM A  
6 REPORTING PARTY WHO VOLUNTARILY DISCLOSES HIS OR HER IDENTITY  
7 AND VERIFIES THAT HE OR SHE IS WILLING TO BE IDENTIFIED MAY BE  
8 SHARED WITH LAW ENFORCEMENT OFFICERS, EMPLOYEES OR OTHER  
9 PERSONS OPERATING THE PROGRAM, AND WITH SCHOOL OFFICIALS;

10 (d) ESTABLISH A METHOD AND PROCEDURES TO ENSURE THAT A  
11 REPORTING PARTY'S IDENTITY THAT BECOMES KNOWN THROUGH ANY  
12 MEANS OTHER THAN VOLUNTARY DISCLOSURE IS NOT FURTHER DISCLOSED;  
13 AND

14 ~~(d) (e) Assist law enforcement agencies and other public safety~~  
15 ~~organizations in the detection of dangerous, violent, or criminal activities,~~  
16 ~~and the apprehension of offenders or at-risk persons by Promptly~~  
17 ~~forwarding~~ FORWARD information received ~~concerning dangerous,~~  
18 ~~violent, or criminal activities~~ BY THE PROGRAM to the appropriate law  
19 enforcement or public safety agency OR SCHOOL OFFICIALS.

20 (e) ~~Foster the detection of dangerous, violent, or criminal activities~~  
21 ~~and encourage students, teachers, and other school employees to report~~  
22 ~~information about such activities to the hotline; and~~

23 (f) ~~Encourage local media providers to promote the hotline by~~  
24 ~~informing the public of its functions and benefits.~~

25 **SECTION 4.** In Colorado Revised Statutes, **amend** 16-15.8-104  
26 as follows:

27 **16-15.8-104. In camera review - confidentiality of materials -**

1 **criminal penalty.** (1) (a) The ~~safe-2-tell~~ SAFE2TELL program ~~in~~ AND  
2 PERSONS implementing AND OPERATING the ~~safe-2-tell~~ ~~hotline~~ PROGRAM  
3 shall not be compelled to produce ~~records concerning a report to the~~  
4 ~~hotline of dangerous, violent, or criminal activities before a court or other~~  
5 ~~tribunal~~; ANY MATERIALS except on the motion of a criminal defendant to  
6 the court in which the offense is being tried, supported by an affidavit  
7 establishing that the ~~records or report~~ MATERIALS contain impeachment  
8 evidence or evidence that is exculpatory to the defendant in the trial of  
9 that offense.

10 (b) ~~On motion of a defendant pursuant to paragraph (a) of this~~  
11 ~~subsection (1), the defendant shall be authorized to subpoena records and~~  
12 ~~reports for review by the court in accordance with this section.~~ IF THE  
13 DEFENDANT'S MOTION IS GRANTED, the court shall conduct an ex parte in  
14 camera review of materials produced under the defendant's subpoena. ~~to~~  
15 ~~determine whether the materials contain impeachment evidence or~~  
16 ~~evidence that is exculpatory to the defendant.~~

17 (c) If the court determines that the produced materials contain  
18 impeachment evidence or evidence that is exculpatory to the defendant,  
19 the court shall order the materials to be produced to the defendant  
20 PURSUANT TO A PROTECTIVE ORDER THAT INCLUDES, AT A MINIMUM, THE  
21 REDACTION OF THE REPORTING PARTY'S IDENTITY AND LIMITATIONS ON  
22 THE USE OF THE MATERIALS, AS NEEDED, UNLESS CONTRARY TO STATE OR  
23 FEDERAL LAW. ~~In the event the materials contain information that would~~  
24 ~~identify the person who was the source of the evidence, the court shall~~  
25 ~~issue appropriate orders to ensure that the person's identity is not~~  
26 ~~disclosed, unless the state or federal constitution requires the disclosure~~  
27 ~~of the person's identity.~~ ANY MATERIALS EXCISED PURSUANT TO A

1 JUDICIAL ORDER FOLLOWING THE IN CAMERA REVIEW SHALL BE SEALED  
2 AND PRESERVED IN THE RECORDS OF THE COURT, TO BE MADE AVAILABLE  
3 TO THE APPELLATE COURT IN THE EVENT OF AN APPEAL.

4 (d) The court shall return to the ~~safe-2-tell~~ SAFE2TELL program all  
5 materials produced under this subsection (1) that are not disclosed to the  
6 defendant. The ~~safe-2-tell~~ SAFE2TELL program shall retain the materials  
7 until the conclusion of the criminal trial and the expiration of the time for  
8 all direct appeals in the case.

9 (2) (a) ~~Records and information~~ MATERIALS created or obtained  
10 through THE implementation OR OPERATION of the ~~safe-2-tell hotline~~  
11 SAFE2TELL PROGRAM are confidential, and no person shall disclose the  
12 ~~records or information~~ MATERIAL. The ~~safe-2-tell~~ SAFE2TELL program in  
13 AND PERSONS implementing a ~~safe-2-tell hotline~~, OR OPERATING THE  
14 SAFE2TELL PROGRAM may be compelled to produce the ~~records or~~  
15 ~~information~~ MATERIALS only before a court or other tribunal and only  
16 pursuant to court order for an in camera review. Any such review shall be  
17 limited to an inspection of ~~records and information~~ MATERIALS that are  
18 ~~relevant~~ MATERIAL to the specific case pending before the court.

19 (b) A person who knowingly discloses ~~confidential records or~~  
20 ~~information~~ MATERIALS in violation of the provisions of this subsection  
21 (2) commits a class 1 misdemeanor.

22 **SECTION 5.** In Colorado Revised Statutes, **amend** 22-1-126 as  
23 follows:

24 **22-1-126. Safe2tell program.** As described in section  
25 16-15.8-103, C.R.S., there is established a ~~safe-2-tell electronic hotline~~  
26 THE SAFE2TELL PROGRAM with the primary purpose of providing students  
27 ~~teachers, other school employees,~~ and the community with the means to

1 relay information anonymously concerning UNSAFE, POTENTIALLY  
2 HARMFUL, dangerous, violent, or criminal activities, OR THE THREAT OF  
3 THESE ACTIVITIES, to appropriate law enforcement ~~or~~ AND public safety  
4 agencies ~~through a single anonymous electronic hotline~~ AND SCHOOL  
5 OFFICIALS.

6 **SECTION 6.** In Colorado Revised Statutes, 22-32-109.1, **amend**  
7 (4) (d) introductory portion as follows:

8 **22-32-109.1. Board of education - specific powers and duties**  
9 **- safe schools. (4) School response framework - school safety,**  
10 **readiness, and incident management plan.** Each board of education  
11 shall establish a school response framework that shall consist of policies  
12 described in this subsection (4). By satisfying the requirements of this  
13 subsection (4), a school or school district shall be in compliance with the  
14 national incident management system, referred to in this subsection (4) as  
15 "NIMS", developed by the federal emergency management agency. At a  
16 minimum, the policies shall require:

17 (d) Each school district, on or before July 1, 2009, to start to  
18 develop a school safety, readiness, and incident management plan,  
19 including, to the extent possible, emergency communications, that  
20 coordinates with any statewide or local emergency operation plans. In  
21 developing the plan, a school district may collaborate with local fire  
22 departments, state and local law enforcement agencies, local 911  
23 agencies, INTEROPERABLE COMMUNICATIONS PROVIDERS, THE SAFE2TELL  
24 PROGRAM DESCRIBED IN SECTION 16-15.8-103, C.R.S., local emergency  
25 medical service personnel, local mental health organizations, local public  
26 health agencies, local emergency management personnel, and local or  
27 regional homeland security personnel, which entities are collectively

1 referred to in this subsection (4) as "community partners". The school  
2 safety, readiness, and incident management plan shall, at a minimum,  
3 identify for each public school in the school district:

4 **SECTION 7.** In Colorado Revised Statutes, 24-72-204, **add** (2)  
5 (e) as follows:

6 **24-72-204. Allowance or denial of inspection - grounds -**  
7 **procedure - appeal - definitions.** (2) (e) NOTWITHSTANDING ANY  
8 PROVISION TO THE CONTRARY IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF  
9 THIS SUBSECTION (2), THE CUSTODIAN SHALL DENY THE RIGHT OF  
10 INSPECTION OF ANY MATERIALS RECEIVED, MADE, OR KEPT BY THE  
11 SAFE2TELL PROGRAM, AS DESCRIBED IN SECTION 16-15.8-103, C.R.S.,  
12 THAT ARE CONFIDENTIAL PURSUANT TO SECTION 16-15.8-104, C.R.S.

13 **SECTION 8. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.