

## Testimony in Support of SB 2 Prevent Electronic Benefits Theft Act of 2023

Hearing of the Senate Finance Committee, February 23, 2023  
Maryland General Assembly  
Senator Melony Griffith, Chair  
Senator Katherine Klausmeier, Vice Chair

Honorable Members of the Senate Finance Committee:

Thank you for this opportunity to testify today in support of SB 2. My name is Emily Thompson, and I am a third-year law student at the University of Baltimore School of Law where I am enrolled as a Rule 19 Student attorney in the Civil Advocacy Clinic. The Clinic represents low-income individuals on a pro-bono basis, many of whom rely on public benefits such as SNAP and TCA. This legislation is critical because it protects society's most vulnerable citizens by preventing theft and establishing mechanisms for restoring benefits after theft. One particularly important element of this bill is that it does not require a police report to be filed by the victims of electronic benefit ("EBT") theft. I would like to emphasize three reasons why requiring a police report from victims of EBT theft would act as a barrier to receiving replacement benefits.

### 1. Many victims of EBT theft are hesitant to interact with police

This legislation will be less effective if police reports are mandatory because victims who are hesitant of interacting with police may out of fear not report the EBT theft, and therefore not be reimbursed. The majority of EBT card users in Maryland are residents who have incomes below the poverty line, which is predominately made up of Black and minority populations, women who have been victims of domestic violence, and families with children and elderly adults.<sup>1</sup>

- Many people in this population are more fearful and distrustful of police because of their cultural backgrounds and past negative experiences with police.<sup>2</sup>
- People who have been victims of other crimes, such as domestic violence, can be re-traumatized by being forced to file a police report, and therefore may be prevented from receiving benefits if acquiring a police report is made mandatory.<sup>3</sup>

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<sup>1</sup> *Maryland Supplemental Nutrition Assistance Program*, Ctr. on Budget and Pol'y Priorities (Feb. 13, 2023), [https://www.cbpp.org/sites/default/files/atoms/files/snap\\_factsheet\\_maryland.pdf](https://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_maryland.pdf); Lauren A. Hall, *Maryland SNAP Household, 2021*, Univ. of Md. School of Social Work, Mar. 2022, at 13-19, <https://www.ssw.umaryland.edu/media/ssw/fwrtg/welfare-research/supplemental-nutrition-assistance-program-snap/Maryland-SNAP-Households,-2021.pdf?&>; Andrea Hetling-Wernyj & Catherine E. Born, *Domestic Violence and Welfare Receipt in Maryland: Are domestic violence victims different from other welfare recipients?*, Univ. of Md. School of Social Work (Mar. 2002), <https://www.ssw.umaryland.edu/media/ssw/fwrtg/welfare-research/barriers-to-employment/domvio.pdf?&>.

<sup>2</sup> *Race, Trust and Police Legitimacy*, NIJ (Jan. 9, 2103), <https://nij.ojp.gov/topics/articles/race-trust-and-police-legitimacy>.

<sup>3</sup> See *Glossary*, OFF. FOR VICTIMS OF CRIME, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/model-standards/6/glossary.html#:~:text=Re%2Dtraumatization%E2%80%94Intense%20physical%20and,re%2Dopening%20of%20the%20wounds> (Definition of "Re-traumatization").

- Victims fail to report crime for several reasons, including: fear of retaliation, prosecution, feeling less safe, that the police won't do anything, or concern about being scrutinized or blamed.<sup>4</sup>
- From January 2022 to August 2022 DHS has record of only 22 police reports that were filed by households that experienced EBT theft. This shows that many victims are hesitant or unable to report to police, especially since there were 2,334 incidents of EBT reported to DHS in 2022.<sup>5</sup>
- In extreme cases, victims may actually experience violence at the hands of police when trying to report a crime. For example, Patricia Rodney was trying to file a police report regarding her stolen glucometer at a precinct in New York, as was required by her insurance carrier. Ms. Rodney was denied the report, and when she refused to leave she was arrested and her elbow was broken.<sup>6</sup>

## **2. There are economics barriers involved with requiring a police report**

There are economic barriers to filing a police report. Not only would the victims of EBT have to pay for transportation to the police station and likely be missing work or having to pay for childcare, but copies of the police reports can also cost money.<sup>7</sup> Missing work can have serious repercussions for the Clinic's low-income clients, especially since these individuals have already had their public benefits stolen and cannot afford food or rent, let alone additional expenditures.

## **3. Police do not have the resources to investigate EBT theft**

Even when police reports are filed, the police frequently lack the resources to properly investigate the issue.

- When Marylanders do report EBT theft, police frequently do not investigate. One Maryland woman investigated her own EBT theft when police were unable to help her and was still unable to recover her stolen benefits.<sup>8</sup>
- The police reports that are filed contain only the information provided by the victim and typically no officer is even assigned to investigate.<sup>9</sup>
- A self-affirming affidavit would achieve the same purpose as a police report without imposing unnecessary barriers on victims because it would be under penalty of perjury and would contain the same if not more information than a police report.

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<sup>4</sup> *Crime Survivors Speak 2022: National Survey of Victim's View on Safety and Justice*, ALL FOR SAFETY AND JUST., at 16, <https://allianceforsafetyandjustice.org/wp-content/uploads/2022/09/Alliance-for-Safety-and-Justice-Crime-Survivors-Speak-September-2022.pdf>.

<sup>5</sup> Dep't of Hum. Serv., 22 Redacted Police Reports from 1/1/22-8/5/22; H.B. 502 Fiscal and Policy Note at 4.

<sup>6</sup> *Officers broke woman's elbow in arrest at Brooklyn precinct: suit*, Spectrum News NY1 (May 12, 2022), <https://www.ny1.com/nyc/all-boroughs/news/2022/05/12/nypd-broke-woman-s-elbow-in-arrest-at-brooklyn-precinct-lawsuit>.

<sup>7</sup> *See Obtain a Police Report*, Balt. Police Dep't, <https://www.baltimorepolice.org/obtain-police-report>.

<sup>8</sup> *See generally* Brenna Smith, *One woman's quest for justice after almost \$3,000 of benefits were stolen*, THE BALTIMORE BANNER (Sept. 9, 2022), <https://www.thebaltimorebanner.com/community/criminal-justice/one-womans-quest-for-justice-after-almost-3000-of-benefits-were-stolen-LHIKMQZSNJBULC7LXCEIE264OA/> (woman received no assistance from the department of human resources or the police department in finding the people who stole her SNAP benefits from her EBT card).

<sup>9</sup> *See* Dep't of Hum. Serv., *supra* note 5.

**Conclusion:**

Requiring a police report from EBT victims is not only unnecessary but also acts as a barrier for these victims to receive much needed reimbursement under this new legislation. It is absolutely crucial that SB 2 does not contain a police report requirement, and the Clinic urges a favorable report with amendments.

**For More Information Call:**

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