



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

TO: The Honorable Members of the Senate Finance Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: Senate Bill 851 Labor and Employment – User Name and Password Privacy – Law Enforcement Agency Exemption

DATE: March 10, 2022

POSITION: SUPPORT

Chair Kelley, Vice-Chair Feldman, and members of the Committee, please be advised that the Baltimore Police Department **supports** Senate Bill 851.

Senate Bill 851 would exempt certain law enforcement agencies from the prohibition against employers requiring employees or applicants to disclose any user name, password or other means for accessing a personal account or service through an electronic communications device.

During last year's legislative session, police reform was a top legislative priority for both the House and the Senate. The goal was to put safeguards in place to ensure accountability for police officers who act inappropriately, use unnecessary force and/or who engage in discriminatory practices. You also required implicit bias testing, important mental health services be provided to officers free of charge and that officers be subject to biannual mental health screenings. The theory behind these provisions is that if an officer is emotionally and mentally healthy, he/she will be able to conduct his/her duties appropriately and efficiently. Moreover, if an officer is in a "good state of mind" he/she is less likely to engage in misconduct and/or an unlawful use of force.

This bill supports the legislature's goal of ensuring that those we hire to serve in important but sensitive roles in law enforcement are fit to serve in that capacity. To that end, we want to be permitted to review the social media accounts of all applicants to make sure that all of our hires maintain a positive social media persona.

Moreover, the federal Consent Decree, to which both BPD and the City of Baltimore are parties, mandates that BPD's background investigations for hiring officers will include evaluation of a candidate's social media accounts. Consent Decree paragraph 424(h) requires:

"Implementing pre-employment screening mechanisms, including of applicants' social media platforms, to ensure their suitability, based on skills, temperament, and goals, for policing, including the community policing principles required in this Agreement."

The current state law does not permit any law enforcement agencies to require applicants to provide their social media passwords and so the Baltimore Police Department has to make the choice between following state law or complying with and ultimately getting released from our federal Consent Decree.

Therefore, the Baltimore Police Department respectfully requests a **favorable** report on Senate Bill 851.