



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 767

February 21, 2023

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Interim Director, Office of Government Relations

RE: Senate Bill 767 - Labor and Employment – User Name and Password Privacy – Law Enforcement Agencies

POSITION: SUPPORT

Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 767.

SB 767 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.

Social media is an honest portrayal of an individual's thoughts on a diversity of subjects, protected by free speech and First Amendment rights. The powers of law enforcement, including the power to detain, and even in certain circumstances use deadly force, must be weighed against an officer's or potential officer's implicit and explicit biases, which can be expressed on social media. The selection of new police officers plays a key role in the Baltimore City Police Department (BPD) achieving its short and long-term goals: following the federal consent decree, restoring community trust, and constitutionally enforcing the laws of Baltimore City and the State of Maryland.

SB 767 will help ensure that officers hired by BPD are emotionally and mentally healthy, and are a good fit for the department. By reviewing the social media accounts of all applicants, BPD would be better positioned to determine that their hires, sworn and civilian, maintain a positive social media persona that does not promote biases, or other forms of behaviors not suited for constitutional policing including racism, domestic violence, inappropriate relationships with known criminals, or other anti-social behaviors. Additionally, the restrictions on printing selections from the applicant's social media accounts and the prohibition against retaining access information protect the applicant's personal information and prevent any potential abuse of power.

Overall, this language strikes a balance between the need for law enforcement agencies to gather information during background checks and the importance of protecting an applicant's privacy and personal information.

For these reasons, the BCA respectfully request a **favorable** report on SB 767.