



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB767**

**-Labor and Employment - User Name and Password Privacy –
-Law Enforcement Agencies-**

**Before the Judicial Proceedings Committee
On February 21, 2023**

Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee:

Senate Bill 876, requested by the Baltimore City Administration, would authorize certain law enforcement agencies to request the username and password of employees or applicants for the purpose of reviewing their social media accounts.

Last year, this bill (SB 851 of 2022) was heard by the Senate Finance Committee. This bill is presented as passed by the Senate on third reader after amendments crafted in collaboration with the proponents and opponents. We would ask this committee to follow suit.

The bill exempts such agencies from the prohibition in state law against employers requiring employees or applicants to disclose any username, password, or other means for employers to access a personal account or service through an electronic communications device.

Law enforcement officials arguably make some of the most important hiring decisions out of all employers in the United States. On a daily basis, law enforcement attempts to select highly qualified individuals to protect and serve the public. This is not a process to be taken lightly.

If an officer is exhibiting problematic behavior in his/her personal life, what is to say that the same behavior will not surface when working under duress in the field despite clear training to perform otherwise. A perfect example is the despicable behavior of the Memphis police officers in the Tyree Nichols case that we all witnessed earlier this month. There are also countless examples in Baltimore City that may have been prevented if social media screening, as proposed by this bill, were in place.

That is why social media screening is emerging as a valuable tool for law enforcement to screen clear, problematic behavior. By using web-based background checks as proposed in this bill, law enforcement can take a proactive, preventable approach to winnowing away candidates that could potentially cost jurisdictions millions of dollars in disciplinary actions and misconduct/excessive force lawsuits. Social media background checks can reveal behavior that is not in line with law enforcement's values or beliefs. Although candidates will put their best foot forward in an interview, an applicant's social media presence can shed light on other aspects of their true character.

Senate Bill 767 is important because it will help ensure that communities in Maryland are policed by those with integrity, and that those given the authority to enforce the law are mentally and emotionally fit to serve the public. This bill attempts to ensure that individuals seeking employment in law enforcement fall within these categories, a criterion of which includes not having a social media presence that promotes racist, anti-social, abusive behavior, or associations that are otherwise inappropriate or criminal.

This bill is particularly important and necessary for Baltimore City. The Consent Decree, of which the Baltimore Police Department (BPD) and the City are bound to adhere, mandates BPD, as part of its background investigations, to evaluate the social media accounts of candidates. In addition, this bill also aligns with the goals of the recent enacted historic police reform which seek to impose better accountability measures and standards for policing in Maryland.

For these reasons, I respectfully request a favorable report on Senate Bill 767.

Sincerely,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large initial "J" and a stylized "C".

Jill P. Carter, Esq.