

Policy Foundation of Maryland

Committee: Judicial Proceedings, Finance

Testimony on: SB0767 - Labor and Employment - User Name and Password Privacy - Law Enforcement Agencies

SPONSOR: Senator Jill P. Carter

Organization: Policy Foundation of Maryland, Maryland Coalition for Justice and Police Accountability

Person Submitting: Sarahia Benn (Executive Dir.) PFOM

Position: Favorable

Hearing Date: February 21, 2023 1PM

Mr. Chair and Members of the Committee,

Thank you for allowing testimony today in support of SB0767. Policy Foundation of Maryland is a grassroots organization focused on State and County level legislation and policies that impacts Black, Brown, Marginalized, low income communities and Veterans affairs. Criminal Justice and labor legislation is of massive importance to these communities particularly due to how impacted these communities have been historically and currently particularly in for multiply residents in rural areas.

The support this committee had for the Maryland Police Accountability Act throughout the 2021 session was historic and admirable. However, there is much more policy to be implemented to ensure the Public's trust when it comes to criminal justice reform in all aspects. SB0767 is one of those bills.

Much ado has been made regarding training of Law Enforcement officers however very little attention has been towards hiring practices wherein an agency like Law Enforcement has so much power to impact a community positively or negatively just by the type of individual that's hired.

In every other career tract you will hear about the importance of hiring practices yet this has not been much of a policy consideration until now. Right hiring practices saves time and money, but it also ensures you make the right hiring decision BUT more importantly it ensures the Public's trust which is extremely distrustful at this time. On a daily basis, law enforcement attempts to select highly qualified individuals to protect and serve the public. The provisions outlined in SB0767 play an essential role in our pursuit of meaningful law

enforcement/police accountability at all levels. Without these provisions the current hiring practices lack the intended positive impact.

Psychologically speaking, [“The physiological and behavioral responses associated with emotions illustrate that emotion is much more than a mental state. Emotion affects our whole demeanor and our health.”](#) If an officer is exhibiting problematic behavior and/or behavioral patterns in his/her personal life, psychologically speaking it impacts their whole demeanor and health so there is a likelihood the same behavior(s) will surface when working under duress in the field despite training to perform otherwise.

A recent tragic example is the despicable behavior of the Memphis police officers in the Tyree Nichols case that we all witnessed earlier this month. [\(Municipalities\) This is why we need to change the way they recruit police officers, incorporating more psychological screening to weed out applicants with authoritarian personality traits and other problematic behavioral patterns before they join the force and become virtually impossible to fire due to union protections is necessary as well.](#) 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.

Social media screening is emerging as one of many valuable tools for law enforcement to screen and root out problematic behavior from the beginning. By utilizing web-based background checks as proposed in this bill, law enforcement agencies can take proactive measures in the hiring process to eliminate candidates that could potentially cost jurisdictions millions of dollars for disciplinary actions and misconduct/excessive force lawsuits BUT MORE IMPORTANTLY the cost of precious and valuable lives of Marylanders, particularly Marylanders in the multiply marginalized community, when tragedy strikes, and finally it ensures the Public’s trust that this agency is doing everything to get it right.

Social media background checks can reveal behavior that is not in line with law enforcement’s current values of transitioning from the warrior mentality to the community module. All candidates will put on their best representative “I” in an interview, an applicant’s social media presence can shed light on other aspects of their true character as well.

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 help 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.

SB0876, 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. To achieve this, 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.

Finally, this bill is important in rural areas wherein the multiply marginalized population are still mostly vulnerable to the current systemic inequities when there is police misconduct. In addition, this bill also aligns with the goals of the recently enacted historic police reform which seek to impose better accountability measures and standards for policing in Maryland.

For these reasons, I urge an **FAVORABLE REPORT** on **SB0767**.

Respectfully submitted,



Sarahia Benn
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(Dedicated to Black History month)

“If one really wishes to know how justice is administered in a country, one does not question the policemen, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected — those, precisely, who need the law’s protection most! — and listens to their testimony.”
— [James Baldwin, No Name on the Street](#)