

**Testimony\_JPC\_SB0851\_LR2652.pdf**

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB851  
-Labor and Employment - User Name and Password Privacy - Law  
Enforcement Agency Exemption-  
Before the Senate Finance Committee  
On March 10, 2022**

**Chair Kelley, Vice-Chair Feldman, and Members of the Committee:**

**Senate Bill 851, requested by the Baltimore City Administration, would authorize certain law enforcement agencies to request the username and password of employee's 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.**

**Senate Bill 851 is important because it will help ensure that communities in Maryland are policed by those with integrity, 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 criteria 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 last year's historic police reform which sought to impose better accountability measures and standards for policing in Maryland.**

**For these reasons, I respectfully request a favorable report on Senate Bill 851.**

**Sincerely,**

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

**Jill P. Carter, Esq.**

# **SB 851\_MichelleWirzberger\_Fav.pdf**

Uploaded by: Michelle Wirzberger

Position: FAV



# 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.

**SB0851-FIN-FAV.pdf**

Uploaded by: Natasha Mehu

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

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

**SB 851**

March 10, 2022

**TO:** Members of the Senate Finance Committee

**FROM:** Natasha Mehu, Director, Office of Government Relations

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

**POSITION: SUPPORT**

Chair Kelley, Vice-Chair Feldman, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 851.

SB 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.

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 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 851 will help ensure that officers hired by the Baltimore City Police Department are emotionally and mentally healthy, and are a good fit for the department. By reviewing the social media accounts of all applicants, the Baltimore City police department would be better position 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.

For these reasons we respectfully request a **favorable** report on SB 851.