



## Department of Public Safety and Correctional Services

### Office of the Secretary

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February 22, 2011

Ms. Sara N. Love, President  
American Civil Liberties Union  
of Maryland  
3600 Clipper Mill Road, Suite 350  
Baltimore, Maryland 21211

Dear Ms. Love:

I am in receipt of a recent letter from Ms. Deborah A. Jeon, Legal Director, ACLU, regarding a complaint involving Mr. Robert Collins previously employed as a Corrections Supply Officer at Patuxent Institution. This letter involved an outline of a number of allegations as well as a request of my thoughts on the legality of the Department's practice of requesting limited access to social media accounts of applicants during the background investigation for new hires and/or requests for reinstatement in the Maryland Department of Public Safety and Correctional Services.

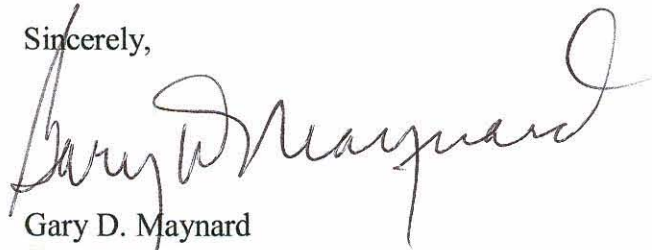
I have received approximately 120 similar emails from your membership stating basically the same disagreement with their perception of our practice.

The Department's efforts to explore an applicant's behavior on social media networks stems not from a desire to invade personal privacy, but rather from a legitimate and serious concern with the infiltration of gangs into our prisons. I am sure you would agree that permitting applicants who engage in illegal activities, or have gang affiliations, to be employed as correctional officers compromises the safety of all inmates and employees within our prison walls.

Having said that, Ms. Jeon's correspondence has raised a question that I feel compelled to investigate further. Accordingly, I have ordered that the practice be suspended for a period of 45 days so that it can be studied further. I have asked for a random sampling of interviews that we have conducted since we started this practice, and the Department will review the files to determine the level of compliance or refusal of our request, and if there were particular consequences. We will also test to see if there was any gang or criminal activity indicated that caused us to make a particular determination of not hiring or reinstating an applicant.

This is a newly emerging area of the law, and in light of that, I agree that we must be convinced of the practice's utility as well as be mindful of the path we are taking.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary D. Maynard". The signature is fluid and cursive, with a large, sweeping initial "G".

Gary D. Maynard  
Secretary

Cc: Deborah A. Jeon, Legal Director, ACLU  
Stuart Nathan, Legal Counsel, DPSCS