

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Hiring Practices Correlations Between
Law Enforcement and Social Media**

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

**By
Stephen J. Lunsford**

**Bay City Police Department
Bay City, TX
February 2015**

ABSTRACT

Law enforcement agencies are always looking for the best possible applicant to hire into their respective agency. With the advent and popularity of social media, law enforcement agencies are turning to the applicants' social media web page to get a clearer and better understanding on the potential new employee. They are using the social media web page as a tool for the background investigation that will be conducted. The background investigator could be looking for posts, pictures, and videos that could damage the reputation of the agency if the potential applicant is hired. The background investigator is also looking for proof to coincide with the application that the person has turned in to the agency. Relationships, friends, schools, and addresses are part of the application process that the potential employee puts down on the application and the background investigator will check the validity of the information provided. There have been several states that have banned the employer in asking the potential employee for the username and password for their social media web pages. When a potential applicant's social media website is set to the strictest privacy setting, law enforcement agencies should be able to use their social media websites username and password to access their social media web page when it comes to the hiring process.

TABLE OF CONTENTS

	Page
Abstract	
Introduction	1
Position	2
Counter Position	6
Recommendation	10
References	13

INTRODUCTION

For approximately the last ten years, social media has transformed life as we know it for many people. News and information that we had to wait for when we saw our friends and relatives has now become instantly with the invention of social media. One of the most popular of all social media sites on the internet today is Facebook. According to Facebook's Key Facts (2013) web page, "Facebook's mission is to make the world more open and connected. People use Facebook to stay connected with friends and family, to discover what's going on in the world, and to share and express what matters to them" (para. 1).

People around the world who are members of social media web sites know, what was once weekly, monthly, or even yearly interactions, with other people, can become everyday occurrences. It is an efficient way to spread or receive information such as news, photos, and videos to a large group, or friends, with a click of a button. It is very rare for a person to see a commercial on television or advertisements in a magazine without seeing a Facebook logo, advising them to log onto their site for more information about their product. According to Facebook's Key Facts (2013) web page, "As of October 2012, the number of users of Facebook on a monthly basis was one billion people, with approximately 584 million people logging on to Facebook on a daily basis" (para. 4).

Facebook's original attention was to keep people informed about their everyday lives of their friends and relatives, but just like anything that is relatively new, people might unintentionally abuse it. A bad day at school or work can turn into a rant on Facebook. A night out with buddies involving alcohol and pictures could be uploaded to

Facebook by a friend or a friend of a friend. At the time of these postings, this might be of little harm and/or minor embarrassment, but it could be detrimental in the future as far as employment is concerned.

When someone chooses to post information on a social media website for all their friends and family to see publicly, they are taking their expectation of privacy away. Law enforcement agencies and many other companies are taking advantage of social media websites to look up potential candidates for employment. These agencies and companies are not only looking at posts of texts and photographs, they are also looking for organizations that the person might be associated with. This information might be a deciding factor when considering a person for hire, if the information found on their social media website could be considered morally wrong or unethical to a law enforcement agency. Some of these candidates might have their privacy settings on their social media websites for anybody to see. Others are strictly private for only their friends to see.

There continues to be an obvious debate on this subject matter. Employers feel they should have the right to obtain this information for a thorough background investigation, when some feel it is an invasion of privacy. When a potential applicant's social media website is set to the strictest privacy setting, law enforcement agencies should be able to use their social media websites username and password to access their social media web page when it comes to the hiring process.

POSITION

Almost every job employment opportunity in the United States today requires some type of background investigation. Employers require their human resources

departments to call a couple of references to see if the applicant is qualified for the job in question. Other employers require a more extensive background investigation. Law enforcement is one of those entities that requires a thorough investigation due to public trust. Background investigators are trained to review the potential applicant's information. They are looking for past employment, past residences, education, and family members to prepare and conduct interviews. In the past couple of years, they have used the internet and social media websites for further information gathering to shorten the hiring process. Sometimes, when an applicant is a member of the social media community, a background investigator will look up this person and determine if their privacy settings are set to a minimal. If they are, the background investigator has no problem looking at their profiles on the web sites. If the applicant's privacy settings are set at a maximum, the background investigator will have to ask the applicant for their username and password to gain access to the applicant's social media web page.

The law enforcement application process for hire is very extensive. The applicant may intentionally, or unintentionally, leave information off the application. One of the reasons why background investigators ask for the username and password to the applicant's social media web site is for the background investigator to conduct what could be even more thorough background investigation. Brody (2010) stated that "the key to any successful background check is locating an unfiltered source to reveal what the applicant is really like" (p.10). Social media web sites are unfiltered sources that let people be themselves to their family and friends.

Law enforcement agencies use the background investigation to not only verify, but to also find deception within the application. Slovensky and Ross (2012) stated that

“since most social media web sites are usually created for the purpose other than securing jobs, investigators believe these sources provide honest information about the applicant” (p.57). The background investigator can look at the social media site to verify past employments and the years that this person worked at these places. They can verify the city in which the person was born and the cities where the person has had lived. The investigators can look up high schools, colleges, trade schools, and police academies the person has attended. They can verify the applicant’s spouse, family, and personal information, such as the applicant’s phone number and e-mail address. If the applicant has entered this information on their social media web site, the background investigator has an additional resource to verify information that he should have already known from the application to see if there is deception. This also leads the investigator to find more resources that he can explore when conducting the investigation that might be more unbiased than what the applicant gives the investigator on the application.

Another way that the username and password is useful in the background investigation is finding posts that are improper, sexist, and/or racial in nature. Law enforcement investigators are looking for candidates who are unbiased to the people that they will serve. Davison, Maraist, and Bing (2011) stated that “the background investigators are not only looking for the potential employee’s participation in illegal activity, but also legal activity that might embarrass the employer if hired” (p.156). The investigators are looking for posts that the candidate might talk about everyday activities. These posts might be about their current employers or co-workers, degrading remarks about their family or neighbors, racial slurs or ethnicity remarks, and improper

jokes. The investigator is also trained to look for posts that are also illegal in the Texas Penal Code. Such post include the applicant writing he had way too many drinks the night before and drove home drunk, doing illegal drugs, or possibly admitting to stealing items from the local store on the way home. No law enforcement agency wants to hire someone who commits and makes light of illegal activity.

Investigators are also looking for photographs and videos that the potential applicants are in. According to Slovensky & Ross (2012), "photographs and videos can give the investigator insight on the applicant's behavior when not on the job and an idea of the person's character" (p. 57). Photographs and videos of the applicant binge drinking, doing drugs, and passed out underneath a table will not look good for the law enforcement agency that hires these people. The photographs and videos are not limited to the physical picture of the candidate, but this also includes quotes, cartoons, pornography, and captions that might be over the top, racial, and sometimes illegal.

The background investigators are also looking for questionable people on the applicant's friend's lists and liking organizations that are racial in nature. Victor (2011) stated, "Background investigators can gain a glimpse in the applicant's personal life, attitudes, interests, and more by looking at the social media site" (p. 81). Law enforcement officers, are held to a higher standard in their life, personally and professionally. If a candidate has a known felon or gang member as a friend, the investigator should want to question why this is a fact, how close this person is to the applicant, and how often do they hang out. Some agencies have written policies that will disallow employees being associated with known felons or gang members. Job candidates might also promote certain organizations on the internet that are racial or

sexist in nature. This will be seen on their social site and will intentionally, or unintentionally, be associated with the applicant. These organizations might be racial or sexist in nature and law enforcement agencies will not want to be associated with someone who is involved with this activity.

Another positive for the background investigators to having the potential applicant's username and password to their social media page is to research interest and hobbies of the applicant. This information is very useful in getting to know the possible future employee on a personable level during the interview, or oral board, process. According to Victor (2011), "from an employer's perspective, the tone, energy, and emphasis on the individual's social media exchanges, through posts, photos, music, friends, and movie playlists, could yield a perspective gold mine" (p. 82). Activities such as fishing, camping, hiking, movie interests, book interests, playing and watching sports, are huge components in helping explaining what kind of person the candidate is before walking in to an oral board. The law enforcement agencies, like other professional employers, are looking for people with a well-balanced life style. Viewing ones social media page can bring upon a variety of information about a person, positive and negative, and in the field of law enforcement, every detail is pertinent.

COUNTER POSITION

Some potential candidates will be offended when asked for their username and password to social media sites. They will argue the social media web site that they have, such as Facebook, is a private and personal matter for only their friends and family to see. Oleniczak, Pike, Mishra, and Mishra (2010) stated, "These potentials applicants believe their private life on Facebook and their relationships and activities

outside the work environment has no connection to performance while on the job” (p. 14). They believe asking for the username and password is an invasion of privacy. Perkins (2012) argued, “even if they have their grandmother or other peers are on their social media page and are comfortable with their information they are putting on their social media page, having someone ask for their username and password is insulting and intolerable” (p. 38). With the computer savvy Millennial entering the workforce, they will not want their privacy scrutinized. According to Oleniczak, Pike, Mishra, and Mishra (2010), “they believe hiring should be based on credentials and the resume, not their social media page” (p. 16). That will ultimately be their choice not to continue with the hiring process.

If a background investigator asks for the username and password to review content of a potential applicant, it may be a condition of employment for that job. If they do not want to give this information up to the potential employer, then the hiring process for that applicant will be terminated. Oleniczak, Pike, Mishra, and Mishra (2010) stated, “They have to realize that anything they post on their social media web site should have a lower expectation of privacy” (p. 17). The background investigator will be optimistic if a candidate for employment hesitates, or flat out refuses, to give their username and password to their social media web page. The background investigator will wonder what the person has to hide if the applicant does not want to give their username and password of their social media site to them. Ultimately, the background investigator will be more confident that the process for hiring has decreased because of information they might have recovered on the social media page.

When a background investigator asks a potential applicant for his or her password and username, one of the first things the candidate might bring up is that it is against the law. Segal (2012) stated, "While looking at a candidates social media profile, background investigators may learn information that the candidate might later assume is the basis for an adverse action" (p. 117). The applicant could say, and possibly sue the agency, that they were denied the job due to race, religion, color, sex, or national origin because this information could be on their social media page. According to Davison, Maraist, and Bing (2011), "Applicants might argue that their social media page had potential defamation of character by a third parties posting and were discriminated against because of this information" (p. 156). Other concerns when it comes to laws that job candidates might bring up are addiction to alcohol or drugs. Some people might have had or have addiction problems. The applicant might try to sue, if they do not get the job, because they were discriminated because they had past posts on their social media page addressing their problems or informing their friends that they are at a habitation facility.

As employers know, anybody can claim that it is illegal for an employer to ask for the username and password for a candidate's social media web page. These people might try to claim some type of discrimination when going through the hiring process and possibly sue. As of right now, there is no Texas law(s) that makes it illegal for an employer to ask a potential job candidate his or her username and password to their social media web site. According to Brown (2013) as of January 1, 2013, "employers can no longer require employees or job applicants to reveal the passwords to their

personal social media profiles. So if you live in Maryland, New Jersey, Delaware, California, or Illinois you are now protected by social media privacy laws” (para. 1-2). There seems to be a trend where asking for username and password has become illegal in certain states. But as of right now, employers in Texas can continue to look at a potential applicant’s social media web page to find deception in the application or other findings that might be criminally or morally unethical.

Another argument a potential employee might say about turning over their username and password of their social media web site is that current employees do not have to provide their information to the agency. The candidate might argue unfairness when they find out that current employees are not being monitored by their bosses when it comes to social media web pages. Elzweig and Peebles (2009) stated that “Some employers may have a duty to at least check the information their employees are putting on their social networking web site” (p. 32).

Some employees have been working for their current company way before social media came into the picture. Therefore, these employees did not have to provide their username and password to their social media web site as a condition of employment. Law enforcement agencies are seeing what social media has become in the recent years and a majority of them have created social media policies to inform and protect the agencies. Segal (2012) stated, “Some employers strictly prohibit social networking during work time or on the company’s communications system” (p. 118). Most social media policies are common sense policies that reflect choices that should be made in good faith. Segal (2012) stated, “But when one employee posts their own personal view, they should make clear that they are not talking about the agency that they work

for” (p. 118). Employers need to have policies that define what can and cannot be on their social media web page. According to Segal (2012) “Some employers are taking their old e-mail policies from years and adapting them to include social media” (p. 118).

Some might find this intrusive, but it is the responsibility of law enforcement agencies to fully investigate a public service worker to the best of their ability to prevent corruption. The community expects this to be done so there will be no corrupt law enforcement officers patrolling their cities. Law enforcement agencies have every right to fully investigate an applicant even if it comes to asking for passwords to media sites in any state other than the five listed above.

RECOMMENDATION

Law enforcement agencies should use an applicant’s social media web page username and password to find deception in the application and to find credible candidates for the position of a police officer. The username and password are needed to gain access to a social media page, when the privacy settings are set at its maximum. It is useful to conduct a thorough background investigation. The background investigator looks for deception in the application. They will find, if there are any, unnecessary posts on the applicant’s social media web page that could be improper, racial, or sexist in nature. These posts might include an applicant’s posts of former or current employers or the people they work with that are derogatory in nature. The background investigator will look for photographs or videos that could represent illegal activity or questionable errors of judgment. They also might find people on their friends list that are known felons or gang members or endorsements of organizations that might be sexist or racists in nature. The asking for the username and password of

social media web page of a potential applicant could lead the background investigator to help find hobbies and interests of the candidate that could be mentioned during the interview process. This will also be useful to get to know the candidate better on a personal basis.

On the other hand, a candidate might be concerned about privacy issues when asked about providing a username and password of a social media web page to a law enforcement organization. The candidate might feel violated, have trust issues with the organization, or feel insulted. The background investigator needs to emphasize that looking at a social media web page is a condition of employment and if the applicant does not wish to relinquish the requested information, they have the right to pull out of the hiring process. The candidate might also bring up legal issues when being asked for the username and password to their social media web page. This topic is a trend in the United States and as a result, states are starting to restrict relinquish the requested information, username and password of a social media web page. There is no Texas law that forbids an employer in asking for these items. A potential candidate might argue that current employees, who have not provided the username and password to the organization that they work for, are not being observed by their employers. While most organizations do not necessary require this information, at the time current employees were hired, it was not a condition of employment and/or the social media network did not exist at the time they were hired. Furthermore, most law enforcement organizations have strict policies in place that detail what an employee may or may not have on their social media web page and the consequences that will occur if the employee breaks this policy.

With the information provided, it is necessary for a law enforcement agency to ask for the username and password to a social media web page of a potential candidate for hire. Law enforcement agencies have a duty to hire the best possible candidate for their organization and completing a thorough background investigation is essential. A law enforcement agency needs to look at all avenues of what a potential applicant could be like and looking at ones social media web page is one road to take.

REFERENCES

- Brody, R. G. (July/August 2010). Social media and background checks: A new wrinkle on an old skill. *Journal of Corporate Recruiting Leadership*, 40(7/8), 10-11.
- Brown, A. (2013, January 3). Tech talk: 5 states now ban employers from asking for social media passwords. Retrieved from <http://madamenoire.com/250657/tech-talk-five-states-now-ban-employers-from-asking-for-social-media-passwords/>
- Davison, K. H., Maraist, C., & Bing, M. N. (4 May 2011). Friend or foe? The promise and pitfalls of using social networking sites for HR decisions. *Journal of Business Psychology*, 26(2), 153-159.
- Elzweig, B., & Peeples, D. K. (Autumn 2009). Using social networking web sites in hiring and retention decisions. *SAM Advanced Management Journal* 74(4), 27-35.
- Key Facts. (2013, January 22). Retrieved from <http://newsroom.fb.com/Key-Facts>
- Oleniczak, M., Pike, C., Mishra, J., & Mishra, B. (January 2010). Employers use FaceBook too, for hiring. *Advances in Management*, 3(1), 13-17.
- Perkins, B. (2012, June). Social media passwords in jeopardy. *Computerworld*, 46(11), 38.
- Segal, J. (2012, June). Widening web of social media: Social media's workplace implications are growing. *HR Magazine* 57(6), 117-120.
- Slovensky, R., & Ross, W. H. (2012). Should human resource managers use social media to screen job applicants? Managerial and legal issues in the USA, *info* 14(1), 55-69.

Victor, J. (2011, May). Background checking-your social media policy. *Franchising World*, 43(5), 81-82.