

Ban Racial Profiling by Law Enforcement and Limit Federal Abuses in Maryland



Dangerous developments at the federal level necessitate state action.

For more than a year, we have seen federal agents acting lawlessly as they flood American cities across the country. We have witnessed them abusing their authority as they have engaged in blatant racial profiling, illegal and baseless arrests, and excessive force against people trying to live their lives. These brutal tactics have made 2025 ICE's deadliest year in two decades.¹ DHS and Immigration Agents are routinely defying court orders and engaging in mass civil rights violations – as seen recently in Minnesota, where two legal observers were killed by agents.² There have been 16 shootings by DHS officers since July, including one in Glen Burnie. No officers have faced charges for these shootings. ICE's operation in Los Angeles showed agents sweeping up, brutalizing, and detaining anyone who looked Latino at Home Depots, farms, and car washes. Similar abuses have been documented around the country. Alarmingly, a recent memo to ICE agents directs them to enter homes and private spaces without a judicial warrant.³

These abuses have only escalated and are emboldened by the U.S. Supreme Court's (SCOTUS) continued dismantling of bedrock constitutional rights and refusal to check federal abuses. Last summer, in *Vasquez Perdomo v. Noem*, SCOTUS telegraphed a troubling acceptance of explicit racial profiling by ICE. In a ruling issued through the Court's infamous "shadow docket," the Court suspended implementation of two lower court orders that had prohibited ICE from making investigative stops based in part on apparent race or ethnicity. The effect of the SCOTUS ruling was to allow this racial profiling to continue. In a shocking concurring opinion, Justice Kavanaugh justified and defended the practice, downplaying the individual and social harms of actions long considered blatant violations of the Fourth and Fourteenth Amendments of the U.S. Constitution, and all but inviting law enforcement to profile based on perceived race or ethnicity.

These erosions at the federal level also threaten our rights under Maryland's state constitution. Maryland courts almost always interpret provisions of the state Constitution to mean the same thing as the federal Constitution, relying heavily on federal court decisions to inform state law.

What this bill does

This bill seeks to ensure we keep existing constitutional protections and limit federal abuses. It (1) Codifies existing constitutional protections against racial profiling through language explicitly forbidding racial profiling by law enforcement; (2) Makes clear that federal agents seeking to rely on Maryland law as a basis for their activities are subject to the same Maryland standards as state and local law enforcement; and (3) Ensures these rights are enforceable through a private cause of action. We need this bill. Without clear state-level protections, federal rulings can weaken how our rights are protected in Maryland.

Further, although we cannot prevent federal law enforcement from enforcing federal law, we can make clear that in order to rely on Maryland law in their activities, federal agents are subject to the same standards that apply to all other law enforcement officers operating in Maryland. In this way, this bill restricts federal agents' ability to engage in racial profiling or other abuses. And, by including a private cause of action, this bill ensures that its important protections are enforceable in state court.

As recent events have plainly shown, Maryland must take affirmative steps to ensure existing protections against racial profiling are not eroded here, and to protect Marylanders from racial profiling and other abuses by federal agents to the maximum extent allowable by law.



What is Racial Profiling?

When police target someone in any way based on that person's perceived or actual race, ethnicity, nationality or religion, rather than evidence of criminal activity, they are engaging in racial profiling. Racial profiling does not include seeking to apprehend a specific suspect wanted in connection with a specific offense whose race, ethnicity, or national origin, in combination with other identifying factors, is part of the description.

We Have Overwhelming Evidence of Racial Profiling's Devastating Impacts on Public Safety

Racial profiling alienates people from law enforcement, undermines community-policing efforts, and erodes trust. As a result, law-enforcement officers and agencies lose credibility with the very communities they are sworn to protect and serve.

Racial profiling violates the Fourteenth Amendment and harms community trust.

Every time someone is stopped, questioned, searched, or otherwise targeted by law enforcement based on their actual or perceived identity, it violates the constitutional requirement that police and other government officials accord all people equal protection under the law. It also causes real harm that persists beyond that encounter. The person stopped is affected by being singled out based on who they are, rather than their conduct, and this impact ripples through their loved ones and broader community. It's not about whether an officer was abusive – it's the fact that it happened at all. Research shows that these experiences often lead people to believe the law is not meant to protect them, and that belief spreads and is reinforced by seeing others with similar experiences. Further, these harms are not shared equally. Communities of color bear them most heavily.⁴

Racial profiling violates the Fourth Amendment and undermines public safety.

Because racial profiling means basing decisions on racial bias or false assumptions, rather than reasonable suspicion or evidence, it violates the Fourth Amendment guarantee to be free of unreasonable searches and seizures. It invites police to focus on the wrong people—time that could be spent instead on high-quality investigating and enforcement.

Endnotes

1 <https://www.npr.org/2025/10/23/nx-s1-5538090/ice-detention-custody-immigration-arrest-enforcement-dhs-trump>

2 <https://abcnews.go.com/Politics/minute-minute-timeline-fatal-shooting-alex-pretti-federal/story?id=129547199>

3 <https://www.documentcloud.org/documents/26499371-dhs-ice-memo-1-21-26/>

4 <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/dispatches/bpd-racial-bias#takeaway2>