



**Office of the New York State  
Attorney General**

**Letitia James  
Attorney General**

January 16, 2025

Dear Members of the U.S. Senate:

As members of law enforcement, faith leaders, and elected officials, we write to express our profound and urgent concerns with a bill currently before the Senate, S.5 or the Laken Riley Act, and urge you to vote “no.” This legislation goes against our fundamental values and will undermine rather than promote public safety.

S.5 requires the detention, without a bond hearing, of any undocumented person arrested for or charged with “any burglary, theft, larceny, or shoplifting offense” – a conviction is not required. This detention mandate would even ensnare long-time residents, minors, and many who are lawfully present including DREAMers.

It offends basic due process and fair treatment to impose prolonged civil detention on the basis of accusations alone. The very lynchpin of our criminal justice system is innocence until proven guilty, and this law would prevent the proper administration of justice by sweeping people into immigration detention before their cases can be tried and heard.

We are especially concerned about how this law could be weaponized by domestic abusers. In domestic violence situations, it is common for the perpetrator to make false accusations of property theft against their victim, resulting in an arrest of both people after an abusive incident. Even if charges against the victim are not pursued, ICE would be required to jail the victim if they lacked immigration status. The threat of ICE detention would become another tool of control in domestic violence situations and will certainly deter victims from coming forward.

Taken together, the impact of the law will be to undermine trust in law enforcement and hinder the pursuit of justice in the criminal system.

And the law is unnecessary. Federal law already grants the authority to Immigration and Customs Enforcement to detain noncitizens facing removal proceedings who have convictions for certain crimes or are believed to pose a public safety risk. Indeed, ICE itself has indicated that the mandate to detain all the people swept up by this legislation would overwhelm their capacity and require the release of others in its custody that they previously found warranted detention.

The law would also grant extensive powers to state attorneys general to enforce the detention requirements and interfere in many other aspects of immigration law. This will give rise to a cascade

of contentious litigation that would clog federal courts and upend our existing immigration processes.

It is unfortunate that a tragic and devastating incidence of violence against a young woman, Laken Riley, has led to this harmful proposal. We urge Senators to vote “no” on S.5.

Sincerely,



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