



Statement of

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For a Hearing on:

**“Federal Support for Preventing
and Responding to Carjackings”**

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I. Introduction and NICB Background

Chairman Durbin, Ranking Member Grassley, and Members of the Committee, thank you for the opportunity to testify on behalf of the National Insurance Crime Bureau (NICB), and for holding this important hearing.

I am the President and Chief Executive Officer of NICB. Headquartered in Des Plaines, Illinois, the National Insurance Crime Bureau has been in existence since 1912, and is the nation's premier not-for-profit organization exclusively dedicated to leading a united effort to combat and prevent insurance crime through intelligence-driven operations.

NICB sits at the intersection between law enforcement and the insurance industry. We are therefore uniquely situated to serve as the information sharing hub for the government and private industry and provide operational support in identifying, preventing, and deterring insurance-related crimes. On a daily basis, NICB's approximately 400 employees work closely with law enforcement entities, government agencies, and prosecutors throughout the country to fulfill its mission. No other organization in the world offers such an array of expert solutions to insurance crime from a single comprehensive source.

NICB is primarily funded by assessments on our nearly 1,200-member property-casualty insurance companies, car rental companies, and other strategic partners. While NICB provides value to our member companies, we also serve a significant public benefit by helping to stem the estimated billions of dollars in economic harm that insurance crime causes to individual policy holders across the country every year. As criminal schemes have evolved over the years, NICB has dependably met the increased challenges posed by those activities.

NICB maintains operations in every state around the country. Over the many years of our existence and through the experience and lengthy tenure of many of our agents, NICB has cultivated strong partnerships and trusted relationships with federal, state, and local agencies across the nation. Our field agents and analysts work hand-in-hand on a daily basis with those agencies to provide assistance in all manner of cases. NICB has agents embedded in regional auto-theft and other task forces.

NICB has unique expertise with regard to auto theft investigations, particularly relating to vehicle identification, recoveries, and repatriations. Since our organization's inception as the National Automobile Theft Bureau, NICB's vehicle operations have been a foundational focus of the organization. NICB's prominence in this realm is reflected in the following seminal cases:

- **1993 World Trade Center Bombing:** The blast that exploded in the underground garage of the World Trade Center (WTC) in New York City on February 26, 1993, killed six people and injured thousands of others. This terrorist attack was an early incidence of increased international terrorism activity directed at the United States both at home and abroad, and a precursor to the 9/11 attacks. The blast destroyed seven floors of the WTC and created a 200-foot crater in the earth. In the immediate aftermath of the event, federal authorities moved quickly to

identify victims and methodically recover any evidence that remained in the smoldering rubble. After several days searching for clues, the FBI discovered the proverbial needle in a haystack: a twisted shard of metal with eight imprinted characters. Agents determined the item to be part of a vehicle frame rail containing the vehicle identification number, or “VIN.” Only eight of the full 17 VIN characters were visible. The FBI reached out to NICB for help. Using existing technology, NICB reconstructed the partial VIN to its full 17 characters. NICB checked the VIN against its vehicle and shipping files. Our analysis linked the VIN to a van owned by Ryder System, Inc. and leased to its Jersey City, New Jersey location. NICB located other records showing the van was reported stolen the day of the bombing. Within just 24 hours of NICB providing the FBI with the full VIN information and other records, the FBI arrested Mohammed Saleh, who rented the van. Saleh’s arrest ultimately led to the arrest of other co-conspirators, including Omar Abdel-Rahman, one of the masterminds behind the bombing. At the federal trial of the terrorist defendants, NICB’s lead agent was called as an expert witness on how the van was identified. The defendants were convicted and sentenced to life in prison.

- **1995 Oklahoma City Bombing:** On April 19, 1995, a Ryder rental truck containing approximately 5,000 pounds of ammonium nitrate fertilizer, nitromethane, and diesel fuel detonated in front of the Alfred P. Murrah Federal Building in Oklahoma City. The explosion destroyed a third of the block and caused severe damage to other buildings nearby. One hundred sixty-eight people – including 19 children at an on-site daycare facility – died as a result of the domestic terrorist attack. More than 800 additional individuals were injured. One of NICB’s own – Supervisory Special Agent Jon Hersley – was an Oklahoma City-based FBI Supervisory Special Agent at the time. He was appointed lead of the investigation into Timothy McVeigh. In the aftermath of the bombing, SA Hersley’s team discovered a mangled six-foot piece of metal that landed two blocks from the Murrah Building. The debris turned out to be a vehicle’s rear axle assembly. Investigators recovered a partial VIN from the part, and the FBI immediately called NICB for assistance. Using NICB-developed technology, agents built the full 17-character VIN and identified the vehicle as a 1993 Ford truck. Within hours, NICB and FBI were able to track the truck through Ford Motor Company to Ryder System, Inc., which traced the truck to its Junction City, Kansas location. FBI agents reviewed rental records and interviewed employees there. Investigators were able to compile composite sketches of two suspects based on the interviews. Those two suspects ended up being McVeigh and his co-conspirator, Terry Nichols. Both men were ultimately charged and convicted. McVeigh was sentenced to death; Nichols was given a term of life imprisonment. Five years after his retirement from the FBI, Hersley joined NICB in 2005 as a Colorado-based agent, where he remains today.

- **September 11, 2001 Attacks:** Within days of the 9/11 World Trade Center attacks, NICB was called to New York City’s Staten Island Fresh Kills Landfill where hundreds of tons of building debris and 700 impounded vehicles recovered from Ground Zero were brought for analysis. Three NICB special agents and two vehicle identification experts were assigned the mammoth task of analyzing each impounded vehicle to index information. NICB used that information and ran it against a list provided by the FBI to attempt to identify individuals of interest.

- **2020 Nashville Christmas Bombing:** Early on Christmas morning in 2020, a bomb exploded on Nashville’s historic Second Avenue. An RV had been loaded with explosives and parked in front of an AT&T switch facility. The RV owner and sole occupant, later identified as 63-year-old Anthony Quinn Warner, used a computerized female voice over a loudspeaker to warn people to evacuate the area. He played “Downtown” by Petula Clark before the bomb detonated at 6:30 a.m. Warner was the only person killed in the blast, although the bomb damaged 65 buildings and displaced dozens of businesses and residents nearby. NICB immediately reached out to our partners in the Metro Nashville Police Department, Tennessee Highway Patrol, and the FBI to offer assistance. Later that day, the FBI called NICB for help identifying the RV. NICB was provided with surveillance camera footage of the RV to determine if we could identify the make and model. NICB agents provided analysis and advice to the FBI; as well as recommendations for the investigation at the scene in terms of identifying and prioritizing what vehicle parts were critical to recover. Investigators found several parts with casting or part numbers and sent photos to NICB. NICB agents were then able to narrow down possible casting numbers on the engine block and transmission to a few Ford model RV’s. Authorities ultimately identified the vehicle through information provided by NICB. The FBI determined that Warner acted alone; his intention was to kill himself; he was driven by paranoia, eccentric beliefs, deteriorating interpersonal relationships, and stress; and that the bombing was not terrorist-related.

II. Vehicle Thefts and Carjackings Across the Country: A Rising Tide of Serious Violent Crime

The country is facing an unprecedented rise in vehicle thefts and carjackings over the past few years. The data on both vehicle thefts and carjackings below highlights the disturbing and growing trend.

a. Vehicle Theft Data

NICB collects data on auto thefts nationally, by state, and across many local jurisdictions. In cities and states across the country, the numbers are distressing: vehicle thefts are significantly up and they continue to rise. Nationally, car thefts are up almost 30% as of 2021 compared with data from 2017. The percentage increase as of 2021 compared with 2019 data is 16.5%. Car thefts increased an additional 5% from 2020 to 2021. But those numbers don’t tell the entire story.

The states with the worst numbers include the following:

- **Colorado:** vehicle theft has risen in Colorado by an astonishing 79% from 2019 to 2021;
- **Wisconsin:** thefts are up in Wisconsin by 74% over the same timeframe;
- **Vermont:** although total volume is much lower than other states, Vermont has seen a 64% increase from 2019 to 2021;

- **New York state:** New York state has seen car thefts rise 59% over that same two-year span;
- **Washington, D.C.:** the percentage increase in vehicle thefts in the District from 2019 to 2021 is 52%;
- **Wyoming, South Dakota, Washington state, Maine, and Minnesota** have all seen theft increases at 34% or above over that timeframe.

The total volume of thefts is also staggering. California, for example, saw over 200,000 vehicle thefts in 2021, compared with 160,000 in 2019. There were over 94,000 vehicles stolen in Texas in 2021, as compared with close to 86,000 in 2019.

The numbers in some individual cities stand out as well. The following jurisdictions have been hardest hit:

- **Washington, D.C.:** the nation's capital has seen a 75% increase in vehicle thefts from 2017 to 2021; in one year alone, from 2019 to 2020, vehicle thefts jumped from 2,873 to 4,020;
- **New York:** our country's largest city by population has also seen an explosion of vehicle thefts over the last two years, jumping 62% from 2019 to 2021;
- **Los Angeles:** car thefts have risen 55% in Los Angeles from 2019 to 2021; there were over 21,000 car thefts in 2021 alone;
- **Minneapolis:** vehicle thefts have gone up 52% between 2019 and 2021 in Minnesota's largest city;
- **Austin:** the Texas capital has seen vehicle thefts increase by 35% between 2019 and 2021.

b. Carjacking Data

Carjackings – as differentiated from vehicle thefts – typically involve situations where the victim is in or near the vehicle, and the incident involves some aspect of violence or a threat of violence. The federal carjacking statute provides:

Whoever, with intent to cause death or serious bodily harm, takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or attempts to do so, shall [be subject to fines or imprisonment]

18 U.S.C. § 2119. The maximum statutory penalty for a federal carjacking charge is 15 years; 25 years where serious bodily injury results; and life or death if the incident results in a death. The

report accompanying the enactment of the federal statute in the Congressional Record provided the following insight behind the interstate commerce nexus justifying a federal law:

Enterprises using all three profiteering methods regularly engage in interstate, and even international trafficking of automobiles and auto parts. Just as important, auto thieves have a severe and deleterious effect on interstate commerce by imposing significant costs on automobile owners. The most obvious cost is reflected in increasing [sic] high automobile insurance premiums. . . . In addition, car owners often must take expensive security measures — such as anti-theft devices and off-street parking — to protect their investment. These costs depress the interstate commerce in automobiles by making car ownership significantly more expensive for consumers.¹

States across the country often define carjackings slightly differently. However, most states often include the same elements of a taking by force from a victim. In Pennsylvania, for example, a carjacking is considered a “robbery of a motor vehicle” where an individual “steals or takes a motor vehicle from another person in the presence of that person or any other person in lawful possession.” 18 Pa.C.S. § 3702. In New York, carjacking is considered a “robbery” in the second degree. An individual is guilty of a carjacking in New York if they “forcibly steal[] property and when: (1) He is aided by another person actually present; or (2) In the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:(a) Causes physical injury to any person who is not a participant in the crime; or (b) Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (3) The property consists of a motor vehicle.” NY Penal Law 160.10.

There is no current comprehensive national data on carjackings as differentiated from vehicle thefts. We recommend that the Committee look into requiring more comprehensive national and state-specific carjacking data. However, NICB was able to piece together data from various sources, and review and analyze that data. Put simply, the numbers are staggering. Some of the worst cities include the following:

- **New York:** New York has seen a 286% increase in carjackings from 2019 to 2021;²
- **Philadelphia:** with numbers that look almost as dire as in New York, Philadelphia experienced a 238% increase in carjackings over the same two-year span;³

¹ H.R. Rep. No. 851, 102d Cong. 2d Sess., pt. 1, at 14 (1992), U.S. Code Cong. Admin. News 1992, pp. 2829, 2830.

² Peter Nickeas and Priya Krishnakumar, ‘It’s a disturbing trend.’ *Cities see large increases in carjackings during pandemic*, CNN.com, Jan. 23, 2022, <https://www.cnn.com/2022/01/23/us/carjackings-rise-major-cities-pandemic/index.html>

³ Rick Woelfel, *Carjackings Soar in Philly, Not in the Suburbs – Yet*, Delaware Valley Journal.com, Feb. 18, 2021, https://delawarevalleyjournal.com/carjackings-soar-in-philly-not-in-the-suburbs-yet/?utm_source=rss&utm_medium=rss&utm_campaign=carjackings-soar-in-philly-not-in-the-suburbs-yet; Mensah M. Dean, *Carjackings spike dramatically in Philly, breaking records this year*, The Philadelphia Inquirer.com, Feb. 2, 2022, <https://www.inquirer.com/news/carjacking-police-philadelphia-kensington-rhawnhurt-john-greco-tanya-little-greg-bucceroni-20210202.html>

- **Chicago:** carjackings in Chicago have skyrocketed by 207% over the past two years;⁴
- **Washington, D.C.:** the carjacking rate in the nation’s capital has soared 200% over the past two years;⁵
- **New Orleans:** carjackings have increased in New Orleans by 159% from 2019 to 2021;⁶
- **Denver:** Colorado’s largest city has seen an 89% increase in carjackings over the last two years.⁷

One disturbing sub-plot laying underneath these bleak numbers is the fact that many of the carjackings are being committed by juveniles – sometimes by kids as young as 11 years old.⁸ In Chicago, juveniles were involved in nearly half of all carjackings in 2020.⁹ In New Orleans, 2021 was a record year for carjackings in that city. Of the 288 carjackings committed last year, juvenile suspects outnumbered adults by more than two to one.¹⁰

c. The Link Between Vehicle Thefts, Carjackings, and Broader Violent Crime Trends

Vehicle thefts and carjackings are, standing alone, serious offenses that warrant the attention of public officials and policymakers. The increase in numbers described above deserve meaningful enforcement and public policy responses. The victims of thefts and carjackings are deserving of being vindicated and seeing that justice is served. And offenders should be held accountable for putting victims and their communities in harms way.

Those offenses also serve as precursors to other serious violent crimes. When asked by a reporter why carjackings have spiked so dramatically in Chicago, one admitted Chicago carjacker said plainly: “Mainly, most of it is [because people are stealing cars to use in] drive-

⁴ Office of the Superintendent, *Chicago Police Department Annual Reports*, Chicago Police.org, 2019 – 2021, <https://home.chicagopolice.org/statistics-data/statistical-reports/annual-reports/>

⁵ Emily Zantow, *Carjacking spike in D.C. area mirrors violent nationwide crime trend*, The Washington Times.com, Jan. 20, 2022 <https://www.washingtontimes.com/news/2022/jan/20/carjacking-spike-dc-area-mirrors-violent-nationwid/>

⁶ Orleans Parish Communications District (OPCD), *Calls for Service*, NOLA.gov, 2019 – 2021, <https://data.nola.gov/Public-Safety-and-Preparedness/Calls-for-Service-2021/3pha-hum9>

⁷ Denver Police Department Data Analysis Unit, *Crime Data*, DenverGov.org, Feb. 24, 2022, <https://www.denvergov.org/opendata/dataset/city-and-county-of-denver-crime>

⁸ Cheryl Corley, *Juveniles Part Of A Huge Increase In Carjackings Across The Country*, NPR.org, Feb. 10, 2021, <https://www.npr.org/2021/02/10/964609023/juveniles-part-of-a-huge-increase-in-carjackings-across-the-country>

⁹ Cheryl Corley, *Juveniles Part Of A Huge Increase In Carjackings Across The Country*, NPR.org, Feb. 10, 2021, <https://www.npr.org/2021/02/10/964609023/juveniles-part-of-a-huge-increase-in-carjackings-across-the-country>

¹⁰ Mike Perlstein, *Juveniles committing most carjackings, according to police stats*, WWL-TV.com, Feb. 24, 2022, <https://www.wwltv.com/article/news/investigations/juveniles-committing-most-carjackings-according-police-stats/289-25cc24ba-0363-457d-9580-038c67fbd29>

bys or joyriding, No. 1 being drive-bys — whether they want to do drive-by shootings or whether they want to do kidnappings, hold somebody for ransom or just do simple robberies.”¹¹

Although more robust data would be helpful, the case examples showing the link between carjackings and other serious violent are shocking:

- A Chicago teenager was charged last month with carjacking and murder. The 16-year-old was wearing an ankle monitor when he carjacked a Lyft and murdered a 15-year-old boy by shooting him in the head nine times while the victim was on the ground. The murder took place immediately after the suspect appeared before a judge on a weapons charge. After leaving the virtual hearing, the suspect ordered a Lyft. While in the rideshare, he pulled a gun and held it to the Lyft driver’s head, ordering him to get out of the car. The suspect saw the victim who happened to cross the street while walking home from school. The suspect turned the vehicle around to catch up to the victim. The suspect got out of the car on the front passenger side, walked up to the victim, and pointed a handgun at the victim’s head, shooting him. Although the victim fell to the ground, the suspect still shot him nine more times.¹²
- An individual in Philadelphia was arrested earlier this month as the alleged leader of a carjacking ring. The ring was tied to two murders. Investigators linked two of the carjackings to the murders.¹³
- Also in Philadelphia, a 12-year-old boy was charged with murder in the beating death of a 70-year-old man during a carjacking. Investigators believe the carjacking was committed by several young people.¹⁴

In New Orleans, an individual committed a carjacking at a Costco. He carjacked a woman while she was pumping gas. The suspect, who was also thought to have been involved in other carjackings, admitted to the killing of a 12-year-old boy. The boy was found shot to death in January near a vehicle that was reported stolen from a valet at the Pontchartrain Hotel.¹⁵

- Last year, ten individuals – adults and teenagers – were arrested after a months-long investigation into a series of carjackings and shootings in Riverside County, California. In

¹¹ Frank Main, *Inside the mind of a Chicago carjacker*, Chicago Sun Times.com, Dec. 31, 2021,

<https://chicago.suntimes.com/crime/2021/12/31/22848890/chicago-carjackings-inside-mind-chicago-carjacker>

¹² Gina Martinez, *Chicago teenager, 16, wearing an ankle monitor carjacked a Lyft and murdered 15-year-old boy by shooting him in the head and nine times while he was on the ground - right after appearing before judge on weapons charge*, Daily Mail.com, Feb. 11, 2022, <https://www.dailymail.co.uk/news/article-10503825/Chicago-teenager-16-carjacked-Lyft-murdered-15-year-old-boy-shooting-multiple-times.html>

¹³ Louis Casiano, *Philadelphia carjacking ring leader arrested and charged in two murders, police say*, Fox News.com, Feb. 22, 2022, <https://www.foxnews.com/us/philadelphia-carjacking-murders>; Alex Lloyd Gross, *Convicted Felon Arrested for Multiple Carjackings and Murders*, Delaware Valley News.com, Feb. 23, 2022, <http://delawarevalleynews.com/2022/02/22/convicted-felon-arrested-for-multiple-carjackings-and-murders/>

¹⁴ Anna Orso, *A 12-year-old is charged with murder in the beating death of a 70-year-old man during a carjacking*, The Philadelphia Inquirer.com, Feb. 16, 2022, <https://www.inquirer.com/news/philadelphia-homicides-2022-carjacking-teenagers-chung-chin-20220216.html>

¹⁵ WBRZ Staff, *Costco carjacking suspect also charged with 12-year-old's murder in New Orleans*, WBRZ.com, Feb. 7, 2022, <https://www.wbrz.com/news/costco-carjacking-suspect-also-charged-with-12-year-old-s-murder-in-new-orleans/>

one of the incidents, one of the suspects shot a victim multiple times in front of a crowded retail establishment. Investigators linked several of the carjackings to shootings and attempted murders. In addition, four underage teenagers were arrested on suspicion of carjacking, attempted murder, and robbery.¹⁶

III. Case Examples Illuminating the Problem

In close coordination with our law enforcement partners all across the country, NICB has been at the forefront of confronting the rising tide of thefts and carjackings. Not only are criminals causing serious risk of violence when they carjack victims, these perpetrators are also committing the carjackings in order to facilitate other serious violent offenses.

Below are just a few cases NICB has been involved in that illustrate the problem facing the country over the past several years.

a. New York Tri-State Area Auto Theft Task Force Investigation

In April 2021, NICB was asked to assist a multiregional auto theft task force in the New York metro/tri-state area. NICB provided the task force with a “bait car” – a 2012 Mercedes Benz – for an operation. NICB also facilitated a vehicle use agreement between a member insurance company and law enforcement to set up the bait car. NICB provided funding to equip law enforcement surveillance vehicles. NICB also worked with law enforcement to help identify suspects, providing the individual victims and insurance companies an opportunity for reimbursement through court ordered restitution.

Since NICB began our involvement in this multi-jurisdictional operation, 33 individuals have been arrested. The task force also arrested an individual in September who drove an SUV through the front doors of a gun store in Connecticut. The suspect stole three .45 and two 9mm handguns and fled the area on foot. The vehicle used in the gun burglary was carjacked earlier that day. The task force identified and charged an individual in November with 10 felonies. The suspect was on special probation at the time of his arrest and had prior convictions for first degree robbery with a firearm, first degree robbery with a dangerous instrument, burglary, and escape.

b. Grand Prairie, Texas Conviction

NICB worked with the Bureau of Alcohol, Tobacco and Firearms in an investigation that began in 2019. In July of that year, the defendant entered a cellular phone store armed with a gun. He approached two employees and a customer, pointed his gun in their faces, and demanded they hand over their cell phones, watches, cash, and car keys. He ordered staff members to open the safe in the back of the store. When the assistant store manager stated that the safe was on a time delay and would not open for several minutes after inputting the code, the defendant grew even more furious and forced her to empty the till into a garbage bag. The defendant then

¹⁶ Quinn Wilson, *10 suspects arrested in series of carjackings, shootings in Riverside County*, The Press-Enterprise.com, Feb. 10, 2021, <https://www.pe.com/2021/02/10/10-suspects-arrested-in-series-of-carjackings-shootings-in-riverside-county/>

carjacked her vehicle, which he used to flee the area. Terrified, the victims barricaded themselves in the back of the store and called for help. Fortunately, the victims were left physically unharmed.

After the carjacked vehicle was recovered, NICB helped obtain affidavits from the manufacturer to identify it and link it to the owner. NICB also provided technical advice and assistance to the U.S. Attorney's Office for the Northern District of Texas, which was investigating and prosecuting the case. NICB agents helped explain the manufacturer's VIN numbering system and provided the factual basis for an interstate commerce nexus in order to establish federal jurisdiction.

At the defendant's trial in June last year, the U.S. Attorney's Office called an NICB agent as an expert witness to testify on the vehicle identification issues. When the case concluded, the jury found the defendant guilty on multiple counts, including: carjacking under the federal statute; a Hobbs Act robbery; a 924(c) count for using a firearm during a crime of violence; and a 922(g) felon in possession charge.

c. San Bernadino County Investigation

On March 3, 2021, San Bernardino County Sheriff Deputies (SBCSD) stopped a vehicle pulling a trailer loaded with chopped vehicle parts. The driver had registration paperwork associated with a carjacked vehicle. SBCSD investigators quickly served a search warrant at the business premises for the trailer. Officials suspected the business to be a chop shop. At the time the warrant was served, SBCSD identified 11 stolen vehicles on the premises in various stages of dismantlement. NICB assisted SBCSD by identifying the vehicles and their respective insurance interest. NICB also assisted with the follow-up investigation into the business which resulted in criminal charges that were filed against the business' operator.

d. San Diego County Regional Auto Theft Task Force Investigation

NICB is embedded in the San Diego County Regional Auto Theft Task Force (RATT). The Task Force, in coordination with the FBI and Orange County Auto Theft Task Force (OCATT), began investigating a series of stolen vehicles and carjackings in San Diego County in October 2020 that were all related to a scam targeting individuals for suspicious transporting opportunities. The suspects placed ads on social media sites in Spanish soliciting drivers to transport large sums of money from San Diego County to Los Angeles or Northern California. After responding to the ads, the victims would set up meetings with the suspects where the suspects would carjack the victims. The vehicles were taken to Mexico where they were sold on the black market. The suspects were preying upon vulnerable victims with the expectation that the victims would be unwilling to report the carjackings to law enforcement.

NICB provided analytical support to RATT throughout the investigation. NICB also facilitated communications and alerts to member companies regarding the scheme. As of February 2022, this scheme has resulted in over 200 vehicles being stolen, with a total value of approximately \$5.6 million dollars. The investigation remains ongoing.

e. Washington, D.C. Investigation

In January 2020, an NICB member company asked us to assist with an investigation into stolen vehicles insured by the member in the Washington, D.C. area. A single offender was carjacking vehicles at gun point, using those vehicles to commit other violent crimes. NICB worked closely with the Metropolitan Police Department in D.C., including by providing vehicle information critical for MPD's investigation. Ultimately, the perpetrator was identified and arrested. NICB was able to help recover the stolen vehicles and return them to various member companies.

f. Dallas, Texas Auto Theft Task Force Investigation

The Dallas Police Department Auto Theft Task Force has been conducting several investigations of carjackings in the metropolitan Dallas area over the past year. NICB has assisted the Task Force by facilitating various affidavits from manufacturers to verify the identity of vehicles and the connection to interstate commerce. To date, NICB has assisted the Task Force with identifying nine suspects. Federal authorities have issued four separate indictments as a result of the investigations.

IV. Recommended Policy Responses

NICB appreciates the Committee focusing its lens on these serious problems through this hearing. Based on our unique position and partnership with law enforcement professionals in localities across the country, we have well-informed views of what may be driving the data we highlighted above, and how we can collectively stem the recent tide of increased violent crime. As the Members of the Committee are well aware, local crimes should be dealt with by local authorities under our Constitutional system. Consequently, many of our policy recommendations are targeted at solutions requiring local responses. Nevertheless, we do believe there are some measures that can be taken at the federal level, and which are within the Committee's jurisdiction to take action.

a. Increase Community Policing Programs

After the death of George Floyd, many called to "defund" police departments in local jurisdictions around the country. Those calls were often followed by efforts to massively cut police forces or slash department funding.

In New York City, officials slashed the police budget by \$1 billion in June 2020.¹⁷ Many council members representing communities of color opposed the cuts, arguing that the lack of funding would reduce the safety of their constituents. The results cited above speak for themselves: a **62%** increase in car thefts from 2019 to 2021; and a **286%** increase in carjackings over the same period. Notably, the recently elected mayor of New York City, a former police

¹⁷ Jeffrey C. Mays and Dana Rubinstein, *Nearly \$1 Billion Is Shifted From Police in Budget That Pleases No One*, The New York Times.com, Aug. 10, 2020, <https://www.nytimes.com/2020/06/30/nyregion/nypd-budget.html>

captain, campaigned largely on his law enforcement background and promise to boost public safety in the midst of rising violent crime in the city.¹⁸

In Minneapolis, the city council slashed the police department's budget by almost 15% in the aftermath of the Floyd murder.¹⁹ Beyond the vehicle theft statistic cited above, Minneapolis police reported 655 carjackings in 2021, while only 91 individuals were arrested for those offenses.²⁰ Seventy-one cases involved minors, and at least 14 minors were arrested two or more times for the same offense.²¹ Minneapolis police did not start tracking carjacking cases separately until the fall of 2020. That year, police counted 170 offenses.²² In just the first 10 days of 2022, 12 carjackings were reported.²³ Beyond vehicle thefts and carjackings, the homicide rate in Minneapolis during 2021 was the highest in **20 years**.²⁴

In Austin, Texas, the city council voted to cut the police budget by **one-third**.²⁵ As mentioned above, vehicle thefts there increased by 35% between 2019 and 2021. Austin set a record for murders in the city when 89 people were killed in 2021.²⁶ Already in 2022, Austin is on track to break that homicide record again after 11 people were killed in January.²⁷

In Philadelphia, the Police Department is hundreds of officers short of its targeted size because of resignations, early retirements, and recruitment challenges.²⁸ The carjacking numbers there also speak for themselves.

¹⁸ Yoav Gonen, *Eric Adams Wins NYC Mayoral Election, Earning His Chance to Make History in Post-COVID Era*, The City.nyc, Nov 2., 2021, <https://www.thecity.nyc/2021/11/2/22760491/eric-adams-wins-nyc-mayoral-election-leading-in-covid-era> ; Joseph Ax, *Democrat Eric Adams wins New York City mayoral election*, Reuters.com, Nov. 3, 2021, <https://www.reuters.com/business/cop/democrat-eric-adams-wins-new-york-city-mayoral-election-2021-11-03/>

¹⁹ Fola Akinnibi, Sarah Holder and Christopher Cannon, *Cities Say They Want to Defund the Police. Their Budgets Say Otherwise*, Bloomberg.com, Jan. 12, 2021, <https://www.bloomberg.com/graphics/2021-city-budget-police-funding/>

²⁰ Jennifer Mayerle, *Twin Cities Carjacking Crisis: A Closer Look At The Data*, CBS Minnesota.com, Feb. 3, 2022, <https://minnesota.cbslocal.com/2022/02/03/twin-cities-carjacking-data/>

²¹ Jennifer Mayerle, *Twin Cities Carjacking Crisis: A Closer Look At The Data*, CBS Minnesota.com, Feb. 3, 2022, <https://minnesota.cbslocal.com/2022/02/03/twin-cities-carjacking-data/>

²² Jeff Hargarten, *A breakdown of 2021 carjackings in Minneapolis by neighborhood*, StarTribune.com, Jan. 12, 2022, <https://www.startribune.com/a-breakdown-of-2021-carjackings-in-minneapolis-by-neighborhood-map/600134704/>

²³ Mary McGuire, *12 carjackings reported in Minneapolis over first 10 days of 2022*, Fox 9.com, Jan. 11, 2022, <https://www.fox9.com/news/12-carjackings-reported-in-minneapolis-over-first-10-days-of-2022>

²⁴ Associated Press, *Minneapolis Nears Record Homicide Count for 2021*, US News.com, Dec. 31, 2021, <https://www.usnews.com/news/best-states/minnesota/articles/2021-12-31/minneapolis-nears-record-homicide-count-for-2021>

²⁵ Meena Venkataramanan, *Austin City Council cuts police department budget by one-third, mainly through reorganizing some duties out from law enforcement oversight*, Texas Tribune.org, Aug. 13, 2020, <https://www.texastribune.org/2020/08/13/austin-city-council-cut-police-budget-defund/>

²⁶ Andrew Mark Miller, *Austin on track to shatter homicide record after a brutal January*, Fox News.com, Feb. 2, 2022, <https://www.foxnews.com/politics/austin-shatter-homicide-record-again-after-brutal-january>

²⁷ Andrew Mark Miller, *Austin on track to shatter homicide record after a brutal January*, Fox News.com, Feb. 2, 2022, <https://www.foxnews.com/politics/austin-shatter-homicide-record-again-after-brutal-january>

²⁸ Anna Orso, Chris Palmer, and Dylan Purcell, *Almost 500 people dead: Philadelphia is about to set a grim record for homicides*, The Philadelphia Inquirer.com, Nov. 23, 2021, <https://www.inquirer.com/news/philadelphia-homicide-rate-2021-record-20211123.html>

In short, drastically reducing police presence in communities across the country is not the answer. While police department funding is largely a local issue, Congress has supported local policing effort through the Community Oriented Policing Services (COPS) program since 1994. COPS is a program with which the Members of this Committee are well familiar. Title I of the Violent Crime Control and Law Enforcement Act of 1994 created COPS grants which are managed and administered through the Department of Justice.²⁹ The COPS mission is to advance community policing through information sharing and grant resources. COPS grants are awarded for, among other things, rehiring officers who were laid off due to budget cuts; hiring and training new officers for community-oriented policing; procuring equipment or technology; paying overtime wages; increasing the number of officers deployed in community-oriented policing; and increasing the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to those activities.³⁰

Funding for the COPS program has gone down fairly consistently since 2002.³¹ Yet, the program benefits communities by providing a more robust police presence while at the same time promoting community partnership and cooperation with local leaders. Congress should revisit its COPS funding initiatives and refocus efforts on incentivizing police departments to increase community engagement.

b. Revisit Well-Intentioned Criminal Justice Reform Policies

For at least the past five years, critical thought has been put into looking at ways to reform our criminal justice system to provide newer and fairer approaches in line with our updated understanding of crime, incarceration, and recidivism data. The First Step Act of 2018, a bill championed by Chairman Durbin and Ranking Member Grassley as well as several other Members on the Committee, and which was processed through this very Committee, represented a monumental achievement on that front.³² The First Step Act provided common sense reforms in enacting risk and needs assessment tools for inmates; reducing penalty provisions for some federal offenses; and reenacting the Second Chance Act of 2007.

States around the country have followed suit. But since then, some attempts at criminal justice reform may not have appropriately balanced the need to protect victims of crime, as well as the overall safety of our communities.

For example, in the District of Columbia, the D.C. Council passed the Incarceration Reduction Amendment Act (IRAA) in 2016.³³ That law allowed offenders who committed the most serious violent crimes in the city before age 18 to petition the court for re-sentencing after serving 15 years. According to the D.C. Sentencing Commission, the average sentence imposed

²⁹ P.L. 103-322.

³⁰ 34 U.S.C. § 10381(b)

³¹ Congressional Research Service, *Community Oriented Policing Services (COPS) Program*, Federation of American Scientists.org, May 21, 2019, <https://sgp.fas.org/crs/misc/IF10922.pdf>

³² P.L. 115-391.

³³ District of Columbia Corrections Information Council, *DC Council Passes Second Look Amendment Act of 2019*, DC.gov, May 19, 2021, <https://cic.dc.gov/release/dc-council-passes-second-look-amendment-act-2019>

for an individual convicted of First Degree or Second Degree Murder was 25 years. The average sentence for an offender who committed voluntary or involuntary manslaughter was 8.6 years. Moreover, 75% of all homicide offenders had a prior criminal conviction.³⁴ Those numbers show that only the city's most serious and severe violent offenders are taking advantage of these new rules. Instead of revisiting that policy, the D.C. Council doubled-down on their efforts by passing the Second Look Act, which expanded the age of eligibility to 25.

The auto theft rate in D.C. has skyrocketed since 2017, up over 50% during that timeframe. Carjackings, meanwhile, have exploded. In 2019, D.C. saw 142 carjackings. Last year, there were 426 carjackings – a shocking increase of 200% in just two years. The murder rate in D.C. increased by 20% from 2019 to 2020. In 2021, the homicide rate soared over 200 homicides in one calendar year, representing the most murders in one year since 2003.³⁵

In New York, state lawmakers passed a criminal justice reform package which included a bail reform law in April 2019. The law eliminated cash bail for anyone charged with a misdemeanor or non-violent felony.³⁶ Although state prosecutors asked for the law to include a “dangerousness” standard to provide some discretion in the most severe cases against the most violent offenders, that request was rejected by legislators. Several years later, judges are speaking out about the need to have greater flexibility in setting bail for potentially dangerous defendants.³⁷ During a budget hearing in Albany, the state Chief Administrative Judge said that most judges sitting on criminal cases would like more discretion in making determinations about bail and release of people accused of crimes. New York's recently-installed Mayor agrees with allowing dangerousness to be considered for bail determination purposes. New York is the only state in the country that does not allow judges to consider the defendant's threat to the community in deciding whether to release the defendant before trial.

Severe consequences have resulted from this policy. A 22-year-old man who was arrested nearly 50 times in 2021 alone continued being released because of the bail reform law. The individual was finally arrested and detained after an assault charge resulting from a gang attack of a 39-year-old man. Another individual who has more than 30 arrests on his record, including five open cases in Manhattan and Brooklyn, was released yet again in another burglary case this past August after being arrested. A 31-year-old man was released on burglary charges when he broke into a 10-year-old girl's bedroom last June and rubbed his genitals on the girl. The man had been arrested over a dozen times on other burglary charges. A 32-year-old was released after being charged with three hate crimes for allegedly shoving an Asian NYPD officer onto subway

³⁴ D.C. Sentencing Commission, *Fast Facts – Homicide Offenses Sentenced*, SCDC DC.gov, https://scdc.dc.gov/sites/default/files/dc/sites/scdc/page_content/attachments/Final%20Homicide%20Quick%20Fact%20s%201%20%282%29.pdf

³⁵ D.C. Witness Staff, *Data Shows More Homicides Occurred in 2021 than Previous Years*, DC Witness.org, Jan. 26, 2022, <https://dcwitness.org/data-shows-more-homicides-occurred-in-2021-than-previous-years/>

³⁶ Ebony Bowden, *State's new cash bail reform puts public at risk: District attorneys*, NY Post.com, Apr. 10, 2019, <https://nypost.com/2019/04/10/states-new-cash-bail-reform-puts-public-at-risk-district-attorneys/>

³⁷ John Domen, *2021 wraps up as one of DC region's most violent years in ages*, WTOP.com, Jan. 1, 2022, <https://wtop.com/local/2022/01/2021-wraps-up-as-one-of-regions-most-violent-years-in-ages/>

tracks in Queens last April. Although the judge expressed a desire to detain the defendant, he had no authority to do so under the bail reform law. The suspect had a dozen prior arrests.³⁸

c. Enforce the Laws as Written

In many jurisdictions, the law as written provides stiff penalties. However, certain enforcement or reform policies have effectively nullified these laws, thereby providing little disincentive for criminals to commit these serious offenses.

In the District of Columbia, a carjacking offense carries a mandatory minimum sentence of seven years.³⁹ If the offender commits a carjacking while armed, the mandatory minimum jumps to 15 years.⁴⁰ The Mayor of D.C. recently laid part of the blame at the feet of local prosecutors.⁴¹ Most of the carjacking offenses are being committed by juvenile offenders. Of the 149 individuals arrested in 2021 for carjackings, 100 were juveniles. The D.C. Attorney General, who carries the statutory authority for prosecuting juveniles in the District, recently reiterated his commitment to make restorative justice the default for dealing with any juvenile crime, even for serious violent offenses such as murder.⁴²

In Philadelphia, prosecution policies have similarly led to an explosion of carjackings – the statistics about which are cited above – and other violent crimes. Philadelphia broke its all-time homicide record in 2021, when 561 people were killed. Philadelphia has the unfortunate distinction of holding the title of Murder Capital of America, with the highest per capita homicide rate among the country’s 10 largest cities. The city has experienced growing rates of armed shootings, assaults, rapes, and robberies.⁴³

In 2018, the District Attorney’s office instituted policies leading to these results. The District Attorney immediately instituted new policies in early 2018 shortly after taking office, including ordering the following actions: the declination of certain criminal charges altogether; charging lower gradation of crimes for a series of offenses; and diverting many more categories of cases. Data from that office shows that the District Attorney dismissed gun possession cases in an average of 426 cases per year since 2018, compared with 273 dismissed cases over a similar range prior to 2018. In 2021, the District Attorney’s office dismissed over 600 firearms possession cases.⁴⁴ Moreover, many of the gun cases are being funneled to diversion programs,

³⁸ Jorge Fitz-Gibbon, *The worst NYC crimes committed in 2021 are thanks to shaky bail reform law*, NY Post.com, Dec. 28, 2021, <https://nypost.com/2021/12/28/nycs-worst-2021-cases-stem-from-shaky-bail-reform-law/>

³⁹ D.C. Code §§ 22-2803(a)(1)-(2).

⁴⁰ D.C. Code §§ 22-2803(b)(1)-(2).

⁴¹ Mark Segreaves, *Carjackings in DC Spark Anger, Frustration Among Residents*, NBC Washington.com, Jan. 31, 2022, <https://www.nbcwashington.com/news/carjackings-in-dc-spark-anger-frustration-among-residents/2955523/>

⁴² Stephanie Ramirez, *DC Attorney General wants restorative justice for all juvenile cases, even murder*, Fox 5 DC.com, Feb. 4, 2022, <https://www.fox5dc.com/news/dc-attorney-general-wants-restorative-justice-for-all-juvenile-cases-even-murder>

⁴³ Nick Rutherford, *Is Krasner’s “Soft on Crime” Approach Working?*, Penn Political Review.org, Sep. 14, 2021, <https://pennpoliticalreview.org/2021/09/is-krasners-soft-on-crime-approach-working/>

⁴⁴ Nick Rutherford, *Is Krasner’s “Soft on Crime” Approach Working?*, Penn Political Review.org, Sep. 14, 2021, <https://pennpoliticalreview.org/2021/09/is-krasners-soft-on-crime-approach-working/>

where offenders typically conduct community service or engage in various counseling programs in lieu of jail time and/or the consequences of a criminal conviction.⁴⁵

In Pennsylvania, state law categorizes different types of thefts into different statutes. Section 3702 of Title 18 provides criminal penalties for a robbery of a motor vehicle. Depending on the circumstances, a carjacking offense would result in a prison term of up to 20 years.

These and other state statutes are not insignificant penalties. Moreover, the state legislatures enacted these laws when those bodies determined the appropriate policy outcome in their considered judgment through the appropriate political process. Prosecutors are taking the law into their own hands when they ignore the laws, as written, and make significant public policy decisions on their own accord. This notion is antithetical to our constitutional system. Furthermore, these types of executive decisions prevent robust consideration and debate, and often ignore the rights of victims and the protection of community interests in the process. By enforcing laws on the books, the executive branch authorities carry out the laws as enacted through the will of the citizenry. Many prosecutors would be well-served to return to these foundational constitutional principles.

d. Focus Attention on Violent Offenders

It is not a surprise that the most violent offenders commit the majority of serious crimes.⁴⁶ Due to limited resources, there remains a need for law enforcement to focus efforts on violent offenders. In May of last year, Deputy Attorney General Lisa Monaco issued a memorandum on a “Comprehensive Strategy for Reducing Violent Crime,” acknowledging the sharp increase in violent crime across the country.⁴⁷ The Department recognized that the most violent offenders cause the most harm to communities, and that prosecutors should prioritize investigative and prosecutorial efforts on those individuals.

One program that already exists at the federal level and should be leveraged to fight violent crime is Project Safe Neighborhoods (PSN).⁴⁸ PSN was enacted in order to “establish a program for each United States Attorney to provide for coordination with State and local law enforcement officials in the identification and prosecution of violations of Federal firearms laws including school gun violence and juvenile gun offenses.”⁴⁹ Indeed, during its initial implementation, the Department emphasized PSN’s commitment to gun crime reduction through a network of local partnerships coordinated through the nation’s 94 U.S. Attorneys Offices.”⁵⁰

⁴⁵ James D. Schultz, *The Disastrous Consequences of DA Larry Krasner’s “Reforms”*, Philadelphia Magazine.com, Jun. 27, 2019, <https://www.phillymag.com/news/2019/06/27/larry-krasner-reforms-philadelphia/>

⁴⁶ Örjan Falk, Märta Wallinius, Sebastian Lundström, Thomas Frisell, Henrik Anckarsäter, and Nóra Kerekes, *The 1 % of the population accountable for 63 % of all violent crime convictions*, The National Center for Biotechnology Information National Library of Medicine National Institutes of Health.gov, Oct. 31, 2013, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3969807/>

⁴⁷Memorandum from Deputy Attorney General Lisa Monaco, *Comprehensive Strategy for Reducing Violent Crime*, May 26, 2021, <https://www.justice.gov/dag/page/file/1397921/download>

⁴⁸ 34 U.S. Code § 41504.

⁴⁹ 34 U.S. Code § 41504.

⁵⁰ Tim Bynum and Scott H. Decker, *Project Safe Neighborhoods: Strategic Interventions*, U.S. Department of Justice.gov, May 2006, <https://www.justice.gov/archive/olp/pdf/chronic-violent-offenders-final.pdf>

Ever since, U.S. Attorneys offices around the country have implemented PSN initiatives with a focus on gun-related offenses. Importantly, PSN is “customized” to account for local violent crime problems and resources.⁵¹

In her May 2021 Memorandum, Deputy Attorney General Monaco directed the Department to strengthen PSN programs nationwide. Although the directive is laudable, the focus was on building trust and community-based intervention programs. The goal of PSN should remain true to its origin: combat violent crime by focusing on those who are committing gun offenses. The U.S. Sentencing Commission recently found that almost 70% of gun offenders recidivate, compared to 46% of non-firearms offenders.⁵² Focusing efforts on these offenders would likely impact the incidence of other serious violent crimes.

e. Collect National and State Data on Carjackings

As mentioned above, there is no uniform data on carjackings across the country. The Committee should consider directing the FBI to collect carjacking statistics nationally and at the state level. Those statistics would help identify the scope of the problem and potentially differentiate violent and non-violent offenses. Additional detail regarding the apparent connection between vehicle thefts or carjackings to other violent crime would also help. We need to better document whether offenders are stealing and carjacking cars for fun, for profit, or to use to commit shootings and other violent crimes.

f. Identify and Implement Successful Early Intervention Programs

Given the high incidence of juvenile offenders involved in carjackings and vehicle thefts, another important tool in addressing the problem holistically is early intervention programs targeting at-risk youth. Programs like anger management classes may help kids who display low-level violent tendencies. However, some experts believe anger management should be addressed at a much earlier stage and more comprehensively for those kids with more traumatic experiences.⁵³ Several factors contribute to greater potential for committing more serious crime, including: engaging in delinquent behavior earlier in life; associating with deviant friends; and experiencing parental abuse. Understanding these factors reinforces the necessity for family- and school-based early interventions.⁵⁴

⁵¹ Tim Bynum and Scott H. Decker, *Project Safe Neighborhoods: Strategic Interventions*, U.S. Department of Justice.gov, May 2006, <https://www.justice.gov/archive/olp/pdf/chronic-violent-offenders-final.pdf>

⁵² Matthew J. Iaconett, Tracey Kyckelhahn and Mari McGilton, *Recidivism Among Federal Firearms Offenders*, United States Sentencing Commission.gov, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2019/20190627_Recidivism_Firearms.pdf

⁵³ Jenny Brundin, *More Kids In Juvenile Courts Are There For Violent Crimes. Anger Management Classes Can Help Low-Level Offenders, But Others Need More Intervention*, CPR News.org, Jun. 17, 2021, <https://www.cpr.org/2021/06/17/denver-juvenile-courts-anger-management-early-intervention/>

⁵⁴ Jihoon Kim, Stephanie M. Cardwell and Yeungjeom Lee, *Early Onset Delinquency and Violent Delinquency in Adolescence: The Role of Abusive Parents and Delinquent Peer Associations*, Sage Journals.com, Dec. 1, 2021, <https://journals.sagepub.com/doi/abs/10.1177/00111287211057861>

Although early intervention programs should be considered as part of any comprehensive approach, they should not be deployed to the exclusion of other enforcement solutions outlined above in order to address this ongoing, serious problem.

V. Conclusion

Chairman Durbin, Ranking Member Grassley, and Members of the Committee: thank you again for the opportunity to be here today. I would be happy to answer any questions you might have.