

FEDERAL SUPPORT FOR PREVENTING AND RESPONDING TO CARJACKINGS

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FEDERAL SUPPORT FOR PREVENTING AND RESPONDING TO CARJACKINGS

TUESDAY, MARCH 1, 2022

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice at 10:05 a.m., in Room 226, Dirksen Senate Office Building, Hon. Richard J. Durbin, Chair of the Committee, presiding.

Present: Senators Durbin [presiding], Whitehouse, Klobuchar, Coons, Blumenthal, Ossoff, Grassley, Cornyn, Cruz, Hawley, Tillis, and Blackburn.

OPENING STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Chair DURBIN. This meeting of the Senate Judiciary Committee will come to order, and I thank the witnesses for attending. A couple things I'd like to mention at the outset. First, we're all grieving with Senator Dianne Feinstein, who lost her husband, Richard Blum, Sunday night to cancer. It was a heroic battle for many years.

He was an extraordinary person, certainly a success in business but took his wealth and used it to help others in a dramatic fashion. He was particularly smitten with the Himalayas and Dalai Lama, and he created the Himalayan Foundation to try to spare some of the people who live in that region the worst aspects of poverty. Richard was an exceptional man, and I know that Senator Feinstein is sad, as she should be, but we are happy to have known him and to have seen his vision of the world.

Secondly, as everyone knows, I'm sure, President Biden announced his Supreme Court nominee last Friday. We submitted the Senate Judiciary Committee questionnaire to her and received the response last night. It's a lengthy questionnaire. It includes reference to 578 opinions that she handed down on the DC District Court. It's an ample display of her jurisprudence and her philosophy, which all Members now have a chance to look at, again, in detail; or at again, in detail. We last considered her less than a year ago in this same Committee for the circuit court position.

Having said that, I'll read the opening statement for this hearing and thank all the witnesses for being here. Today our Committee is going to consider how our Federal Government can help prevent and respond to the surge in carjacking. Carjacking is a scourge. To be sitting in your car with your family and have a person stick a

gun in your face and force you to get out so they can steal the car—that's a situation no American should have to face.

Sheriff Tom Dart is here from Cook County. He's read the stories that I read regularly. One time, a young man, very young, with a gun got in a car and forced the driver out and drove away with the car. He was stopped. He was 11 years old. Eleven. This sort of thing is incredible.

Experts have pointed to a number of factors that may have contributed to the increase in violent crime, including economic and social disruption by the pandemic and a large increase in firearm sales, but there is no evidence, none, that an increase in carjacking is due to any specific administration policy or due to bipartisan criminal justice reform legislation signed into law by President Donald Trump. In fact, of 9,000 individuals released to home confinement under the CARES Act, only 8 have been returned to prison for committing a new crime, and only 1 for committing a violent crime.

Let me be clear. The increase in carjacking started during the last administration and continues in this administration. It is impacting communities led by both Democratic and Republican elected officials. It is not a red problem, not a blue problem. It's an American problem.

I've reached across the aisle to work on bipartisan solutions to protect the American people, like the Violence Against Women Act reauthorization, and I hope we can do that again on this issue. It's important to note that preventing and prosecuting violent crime is primarily a State and local responsibility, but there is an important role for the Federal Government.

First, we need more information on the prevalence of this crime. We can't solve the problem if we don't understand it. That's why I've called for the FBI and Justice Department to begin nationwide data collection on carjacking. Last December, I held a Judiciary Committee field hearing in Chicago on preventing violent crime. I heard from U.S. Attorney John Lausch, who is a holdover from the previous administration, about some of the challenges in bringing Federal carjacking cases.

Senator Grassley and I are working on bipartisan legislation to address it, but as we've learned in the—as in the so-called war on drugs, you can't incarcerate your way out of the problem. One important step may involve the auto industry, to collaborate with law enforcement on steps that will deter carjackers. Sheriff Dart brought this to my attention. I thank you, Tom. You've always been looking ahead to issues, and this was one that you spoke out on.

In January, I wrote to the Department of Transportation and the auto industry to urge the development of uniform standards for swift law enforcement access to vehicle location tracking data in the crucial minutes after a carjacking. If they are more likely to get caught, and if there are higher barriers to selling a carjacked vehicle, potential carjackers may think twice. We also need to ensure that local law enforcement has the resources to fight carjacking.

The American Rescue Plan, which Congress passed last year, included \$350 billion to State and local governments. We made sure that part of the funding went to law enforcement and investing in community violence intervention programs. President Biden's budg-

et request called for significant funding increasing for law enforcement groups like Byrne JAG and COPS grants. We must work together across the aisle to get the appropriations bill, still pending for this Fiscal Year which we're in, across the finish line. I hope we can do that soon, matter of days.

We also need to ensure the President's well-qualified U.S. attorney and U.S. Marshal nominees are swiftly confirmed. Hard to imagine we have one Senator who's holding up U.S. attorneys and U.S. Marshals, on a random basis, because of some grievance he has over receiving a letter from the Department of Justice. That isn't fair to law enforcement, and it isn't fair to the communities that they would represent.

We need to get to the root causes that would drive a young person to engage in carjacking, preventing trauma and helping kids deal with trauma they've experienced, improving social services, diverting children from criminal justice systems to programs that give them a chance. These kids, as bad as the stories are, came to the earth in the usual way, and their lives took a dramatic turn for the worse, and maybe through no fault of their own. I'm glad Vaughn Bryant from the Metropolitan Family Services in Chicago is here. It's a great organization. He's going to tell us about their efforts.

Today, we'll hear from a distinguished panel of witnesses who will talk about Government, industry, and community leaders as part of the solution. I turn now to my friend and Ranking Member, Chuck Grassley.

**OPENING STATEMENT OF HON. CHARLES E. GRASSLEY,
A U.S. SENATOR FROM THE STATE OF IOWA**

Senator GRASSLEY. The first thing I would say, in regard to what Senator Durbin said about Senator Feinstein's loss of her husband, I would associate myself with his remarks, but I also personally know, in my working with her when she was Ranking Member of this Committee and I was Chairman, and also for even longer years of working with her as Co-Chairs of the Drug Caucus, that this has been a burden for her in recent years, and we can't help but have sympathy for what she's going through right now and what she has gone through. And I think it's appropriate, what you said.

Then, in regard to Judge Jackson, I would like to speak to Republicans about that. One little aspect of that is that I don't know how many of our 50 Republicans want to have a meeting with Judge Jackson. I'm going to have my meeting with her, I think, on Wednesday, but other people, either through me or through your own actions, make sure that if you want to have a meeting, you say that early, so we don't get criticized for stringing people along just to stretch out what might be seen as not moving quickly enough. I think you ought to let the White House know if you want to meet with them.

I thank you, Chairman Durbin, for holding this hearing. This is an important and serious topic, and Congress has an important role to play in combating the rise of violent crimes, and carjacking is just one of them. People often confuse carjacking with motor vehicle theft, but carjacking is much more dangerous. We're not talk-

ing about having a car stolen from some parking lot. We're talking about when someone uses violence or the threat of violence to take control of a car from someone else.

For example, cars are being taken from parents at gunpoint while their child's still in the vehicle. A member of the Illinois legislature was in a car with her husband when masked men with guns ordered them out of their car. She begged them not to shoot her and her husband, and their lives were only saved when her husband returned fire.

These carjackers form what are referred to as "booster crews" that have strategically figured out where to commit carjackings, how many to commit to the project so that they can overwhelm the local police, and which kind of cars to target. Highjacked cars are then being used by gangs and criminal organizations. They use fake license plates to disguise the cars and then use them as get-away cars to commit other crimes. Carjackings directly feed the nationwide surge in other crimes.

The increase in this violent crime of carjacking is part of a very disturbing trend nationwide. Murders rose 30 percent in 2020, and early data suggests murders rose again by at least 10—10 percent in 2021. Of course, that's thousands of lives needlessly lost. Attacks on law enforcement are up. Police officers recorded the highest number of on-duty deaths in 2021 since 1995, including the 9/11 attacks. Law enforcement groups nationwide are struggling to find high-quality local recruits to join their force.

It's time to start looking for solutions to different parts of this crime wave. Operation Legend was extremely successful by providing Federal manpower in overwhelmed cities. Some, like Mayor Lightfoot of Chicago, have requested similar Federal resources. Productive—or proactive policing—I guess that's also productive policing, but proactive policing and increasing the number of available law enforcement officers are a part of the solution and an important part, but not the only part. Expanding the toolkit of Federal prosecutors could also be an effective resource and an effective response.

I'm looking at expanding the reach of the Federal carjacking statute. Progressive prosecutors at the State level have told criminals that they won't get in trouble with certain crimes. Well, that won't fly with the Federal Government. This hearing on carjacking is a good start, and I look forward to more hearings on violent crime issues, such as violent crime against law enforcement and homicide spike. I look forward to focusing, as a body, on different areas of violent crime and how we in Congress can solve it.

It is also critical that we exercise our important oversight authority of Federal agencies involved in monitoring and in reducing crime. Obviously, that's the Justice Department, for one. Congress needs to know if what the DOJ is currently doing is making enough of an impact on crime and safety. We also need oversight so that we can redirect misfocused energy and resources. Spending Government resources on the so-called iron pipeline, ghost guns, and lawful firearm dealers isn't going to help bring crime statistics down. These liberal priorities affect a tiny fraction of overall crimes. We should be pursuing policies that will actually make an

impact on the massive crime surge. Thanks to our witnesses for being here today and the hard work you've put into your testimony.

Chair DURBIN. Thanks, Senator Grassley. We have six exceptional witnesses. Let me give you a brief introduction on the witnesses. The first one is Tom Dart, sheriff of Cook County, the elected sheriff of Cook County. He's served in that capacity since 2006. Prior to that, he was an assistant state's attorney in Cook County and a member of the Illinois House of Representatives. Earned his undergraduate degree from Providence College, his law degree from Loyola University of Chicago.

Justin Herdman is the former U.S. attorney for the Northern District of Ohio; served as vice-chair of the Attorney General's Advisory Committee; currently a partner at Jones Day; specializes in Government investigation, criminal and civil litigation; currently serves as Judge Advocate in the U.S. Air Force Reserve; a graduate of Ohio University, University of Glasgow, and Harvard Law School.

Vaughn Bryant, executive director of the Metropolitan Peace Initiatives in Chicago, part of the Metropolitan Family Services. At MPI, he oversees a team working with neighborhood and citywide organizations to coordinate and sustain comprehensive services to heal communities that have experienced gun violence. Vaughn Bryant has received his B.A. from Stanford, master's from Northwestern, previously served in managerial positions in the NFL, Chicago Public Schools, and Chicago Park District.

I understand—I understand Senator Cornyn would like to introduce our next witness, Chief Eddie Garcia of the Dallas Police Department.

**OPENING STATEMENT OF HON. JOHN CORNYN,
A U.S. SENATOR FROM THE STATE OF TEXAS**

Senator CORNYN. Thank you very much, Mr. Chairman. I'm happy to welcome Chief Garcia here to the Senate. We were together just last week, talking about the RIGHT Care initiative there in Dallas, where mental health professionals deploy with police officers and social workers to try to de-escalate people with mental health crises and divert them to appropriate treatment, as opposed to just simply putting them in jail.

Chief Garcia spent 29 years as a patrol sergeant, night detective, and homicide investigator in San Jose before being appointed, in February of 2021 as the 30th police chief of the Dallas Police Department. He studied administration of justice at De Anza College in Cupertino, California and earned a bachelor of science degree in criminal justice management from Union Institute & University. In his three decades of serving and protecting our streets, Chief Garcia has built a reputation as one who leads by example. He considers himself a blue-collar chief who regularly patrols with new recruits and young officers.

Since his appointment, Chief Garcia has focused on reducing violent crime in Dallas and has had measurable success. Under his leadership, Dallas police have strategically engaged specific high-crime communities, focusing on the most serious and violent offenses. As a result, Dallas has recently seen a significant reduction in crime, in both high-crime areas and in the city overall. Since

May 2021, the city's murder rate has dropped by 27 percent, aggravated assaults by 6 and a half percent, robberies by 28 percent, and overall violent crime by 13 percent.

These statistics speak for themselves. While other cities are experiencing spiking crime waves that they've not seen in 30 years, I'm proud of the good work that the Chief has done in the Dallas Police Department, along with the mayor and the city council there in Dallas, to promote smart policing and public safety.

Sometimes we refer to the States as the laboratories of democracy. That's what Justice Brandeis referred to. But I think the cities can be, also, laboratories where we can demonstrate what works and what doesn't work, and I think there's a lot to learn, a lot the rest of the country could learn from the leadership of Chief Garcia and the Dallas police. While some other major cities have succumbed to the siren calls of defunding the police, Dallas took the opposite approach, increasing funding and support for the department and police officers.

Before I turn the floor over to him, I want to thank you, Chief, for your presence here today, as well as all of the other witnesses. I want to thank you for your service and your testimony. State and Federal collaboration is vital as we seek to address the issues of violent crime in America, and we could not do our jobs without our State law enforcement officers' service to our communities.

My staff reminds me that one of the components that we've used at the Federal level, through the Attorney General's Office, is the Project Safe Neighborhoods effort to get felons in possession off the streets and to prosecute violent gun crime, which I know has been—has been contributing to some of the success in Dallas. Thank you for being here, and thanks to all of the witnesses for being here, and for your contribution for our efforts to try to address these serious public safety concerns. Thanks.

Chair DURBIN. Thanks, Senator Cornyn. John Bozzella is the president and CEO of the Alliance for Automotive Innovation; previously served as president and CEO of the Association of Global Automakers after holding senior positions with Ford and Chrysler. Prior to joining the automotive industry, Mr. Bozzella served as New York City's director of State Legislative Affairs, began his career in public policy as director of legislative and political action for the United Federation of Teachers, and a graduate of Cornell University.

David Glawe is president and CEO of the National Insurance Crime Bureau. He previously served as Under Secretary of Homeland Security for Intelligence and Analysis and, before that, as Special Assistant to the President and Senior Director for Homeland Security at the White House. Served as special agent with the FBI, including as a supervisory special agent in the Counterterrorism Division, before that as an agent with the U.S. Postal Inspection Service and as a police officer in Houston, Texas, and Aurora, Colorado.

I thank the witnesses for coming here today. The mechanics are pretty straightforward in this Committee. We'll swear in the witnesses. Each has 5 minutes for an opening statement. Then each Senator will have 5 minutes to ask questions. So, first let me ask the witnesses to please stand and raise their right hand.

[Witnesses are sworn in.]

Chair DURBIN. Let the record reflect that the witnesses have answered in the affirmative, so we're going to let them proceed. Our first witness is Sheriff Tom Dart.

**STATEMENT OF THOMAS DART, SHERIFF,
COOK COUNTY SHERIFF'S OFFICE, CHICAGO, ILLINOIS**

Sheriff DART. Thank you so much, Senator. Good morning, Senator and Ranking Member Grassley and Members of the Committee. Thank you for the opportunity to speak today. I firmly believe there are tangible ways local law enforcement, the Federal Government, and the auto industry can work together toward real solutions that will stop the disturbing rise in carjackings.

I am the sheriff of Cook County, Illinois, which includes Chicago and more than 130 suburbs. In our community, carjackings have increased at an alarming rate. In Chicago, they tripled over the last decade. Just last year, there were more than 2,000 carjackings, or about one every 4 hours.

This isn't just a Chicago issue. New York City has quadrupled in the last 3 years, Philadelphia incidents are up nearly 300 percent since 2015, and here in the District of Columbia, carjackings have almost tripled in the past 2 years. Anyone in a car is a potential victim: you, your spouse, your children, your parents, and, yes, even lawmakers. As Senator Grassley mentioned earlier, a State senator from Illinois, Kimberly Lightford—she was carjacked. Pennsylvania Congresswoman Mary Gay Scanlon was carjacked, as well.

The crime can happen at any time. One victim in Chicago told us that she was performing the common winter chore of brushing snow off her Toyota Camry when two men approached, pointed a gun, and demanded her keys. In another case, a retired Air Force physician stopped at a gas station in a Chicago suburb. A carjacker grabbed her car door, put a gun to her head, and demanded she get out. A struggle ensued. The offender violently pulled her from the driver's seat, threw her to the ground, and kicked her multiple times before speeding off in broad daylight.

These two women are among the more than 4,000 victims in Cook County since 2020. I can give you that number because our office has catalogued and analyzed nearly 4,000 carjacking events since 2020. We've done a deep dive in the methods and tactics of the offenders. With the valuable assistance of the Chicago Police Department and the FBI, we have begun to understand the motivation behind this crime and ways to address it, but regardless of whether the motive is for assisting in committing another crime or for resale, one thing is certain. The key to successful apprehension and prosecution is recovering the vehicles quickly.

One of the most effective tools available is manufacturer-installed geolocation equipment, commonly available in most vehicles built after 2015, but while some manufacturers are very helpful, others can be reluctant or unwilling to track carjacked vehicles. It is often not clear who to call to get information, and some auto companies have limited hours. Sometimes, staff are poorly trained and demand we obtain warrants which are clearly not relevant. In egregious cases, the companies require customers to pay an

upcharge to initiate the tracking of the car which was just stolen from them.

The Air Force veteran, I mentioned earlier, tried to get her vehicle tracked through the manufacturer, with no success. After my office got involved, it still took nearly 2 days to get the vehicle's location, and while it was at large, the car was used in at least two other crimes, including another carjacking at gunpoint. We believe auto manufacturers can be a great ally in this battle. They already innovated the technologies needed to track the stolen vehicles. Now, they must lead the way in developing a system to communicate, in a consistent way, with responding law enforcement.

Just a few weeks ago, we had a great example of how the system should work. After a Chicago woman was carjacked, she initially had problems getting it tracked. Our office was able to coordinate a call with her and Toyota, for her to grant our office permission to track the vehicle—after having to pay \$8, though. Once the location was established, we were able to quickly and safely recover her vehicle.

In December, I wrote to major auto manufacturers, to raise this issue and suggest a single, 24/7 phone number police could use to get tracking data quickly and legally on any hijacked vehicle. We've had some promising discussions since then. General Motors' OnStar has been very receptive to our requests and initiated the development of a streamlined communication system. Also, we've had substantive conversations with the Alliance for Automotive Innovation, as well. Though talks are ongoing, the Alliance has indicated willingness to work toward sustainable solutions, but time is of the essence.

This is a crime that has real economic impact. Central business districts in major cities across the Nation are experiencing a slower-than-expected post-pandemic rebound, in part because diners and shoppers are afraid because of being carjacked. This is certainly the case in Chicago. Chairman Durbin understands this. He is urging the U.S. Department of Transportation to work with the auto industry to increase police access to tracking data, and he's encouraged the FBI and Bureau of Justice Statistics to improve data collection.

Make no mistake. This is a violent crime, done primarily to obtain an anonymous car to commit more acts of violence, frequently shootings. Carjackings are reasonably easy to commit and difficult for us to prosecute. I'm a former prosecutor, and I can tell you firsthand, the quicker we can get that vehicle, the less chance it will be used in another crime, and the more likely we'll be able to convict somebody. The longer it takes, the less likely we can convict anyone. Thank you so much for the opportunity to speak to you today.

[The prepared statement of Sheriff Dart appears as a submission for the record.]

Chair DURBIN. Thanks, Sheriff. Mr. Herdman.

**STATEMENT OF JUSTIN E. HERDMAN,
FORMER U.S. ATTORNEY, CLEVELAND, OHIO**

Mr. HERDMAN. Good morning. Thank you, Senator Durbin. Thank you, Senator Grassley. Thanks to the Committee for the op-

portunity to speak to you today on the vital issue of Federal responses to carjacking.

My name is Justin Herdman, and from 2017 until early 2021, I served as the United States attorney for the Northern District of Ohio, which is comprised of Ohio's 40 northernmost counties, including my hometown of Cleveland. Unfortunately, violent crime has increasingly touched all types of communities over the past several years, but it is in our major cities where the most profound violent crime problems continue to plague our Nation. While many of these cases are best prosecuted on the local level, there are certain categories of violent crime that call for a heightened Federal prosecutorial response. Within the past several years, I have seen a greater need for expansion of Federal law enforcement activity and overall will to prosecute carjacking.

Let me first offer a view from my seat as a U.S. attorney in Cleveland. The city has witnessed a recent surge in all violent crime, but carjacking increased at a particularly alarming rate. Based on publicly available data, Cleveland experienced 285 carjackings in 2019. This number shot up to 355 in 2020, an increase of 25 percent, and went up to 433 carjackings in 2021. Thus, the overall number of carjackings in 2021 was over 50 percent higher than it was just 2 years before, with a carjacking being committed, on average, more than once per day.

Obviously, behind each of these frightening numbers are victims who are forever changed by the crimes committed against them. In the summer of 2020, I highlighted one such case when we announced the expansion of Operation Legend, a comprehensive Federal law enforcement initiative, to the city of Cleveland.

On the night of May 25th, 2020, 17-year-old Eric Hakizimana was returning home from soccer practice when he was senselessly murdered in a carjacking. Eric's family had fled to Cleveland as refugees from war-torn Congo, only to see their son murdered during a violent takeover of his vehicle. On New Year's Eve this past year, 25-year-old Shane Bartek, an off-duty Cleveland policeman, was shot and killed during a carjacking. The individuals arrested in that incident had numerous prior arrests for vehicle-related thefts and robberies.

These two tragic cases are among hundreds of other carjacking offenses committed in Cleveland that, while not always involving injury or death, still pose outsized risks to the public. The reason for this is fairly obvious. Any robbery involves the use of force and, therefore, is a serious violent crime, but here, the object that is being taken is itself in motion and poses a variety of dangers. This fact requires the perpetrator to act quickly, with an overwhelming display or use of force, in order to obtain compliance from the victim. Based on my experience as U.S. attorney, I believe that the likelihood of force actually being used in a carjacking is much higher than in other violent crimes, which makes this a particularly pernicious form of offense.

Carjacking is also a facilitation crime. While there are clearly many examples of the robbery being committed for the purposes of, quote, "joyriding," in my experience, the vehicle that has been carjacked is most likely to be used for committing additional violent crimes, most notably premeditated shootings or aggravated

robberies. This fact also means that carjackings tend to be committed in serial fashion, usually by more than one person.

One last general point that I would offer for the Committee involves the presence of juvenile offenders in committing these crimes. For instance, in March of last year, a group of 10 teenagers, ranging in age from 14 to 19 years old, were arrested for a series of 30 armed carjackings and other violent robberies in Cleveland.

Now, for purposes of fashioning effective Federal responses to the crime of carjacking, I offer the following specific suggestions. First, the addition of a conspiracy offense to the Federal carjacking statute, which is Title 18, Section 2119. This would allow for an appropriate expansion of Federal prosecutions aimed at preventing carjackings before they occur. Second, prioritizing carjacking responses in the current planning for violent crime reduction by Federal investigative agencies, especially in violent crime task forces that are staffed by Federal, State, and local law enforcement. I would also encourage a similar planning process to be undertaken nationwide by the Department of Justice, in order to identify assets and resources that could be deployed to assist cities dealing with a rash of carjackings.

Third, and related to what I've just said, I think it'd be very important to develop a nationwide best practices for carjacking response investigations that could be provided to every big-city patrol officer and detective. Fourth, the issue of juvenile offenders is one that does not necessarily weigh in favor of expanded Federal prosecution. The prosecution of juvenile carjacking offenders will continue to be handled primarily by State and local authorities. But since many of the most violent juvenile offenders will have had prior contact with the criminal justice system, there is a place for smart screening of the highest-risk offenders, ensuring there are robust reentry and rehabilitation services available to those youth.

Once again, I thank the Committee for an opportunity to address this critical issue of national importance. Thank you.

[The prepared statement of Mr. Herdman appears as a submission for the record.]

Chair DURBIN. Thank you, Mr. Herdman. Mr. Bryant.

**STATEMENT OF VAUGHN BRYANT, EXECUTIVE
DIRECTOR, METROPOLITAN PEACE INITIATIVES,
METROPOLITAN FAMILY SERVICES, CHICAGO, ILLINOIS**

Mr. BRYANT. Good morning, Chairman Durbin, Ranking Member Grassley, and Members of the Committee. My name is Vaughn Bryant. I am the executive director of Metropolitan Peace Initiatives, a division of Metropolitan Family Services. Metropolitan Family Services has helped Chicago families meet the hardships of poverty, epidemics, natural disasters, world wars, and economic downturns since 1857. In 2016, we formed Metropolitan Peace Initiatives to put power in communities' hands and engage residents to participate in the solution of gun violence.

I came to this work having grown up in Detroit, Michigan. I am the son of a Detroit police officer. I am the product of the Police Athletic League, where police officers coached me in football and basketball and baseball before I became a fourth-round draft pick

in the NFL draft in 1994. I have spent half my professional career in service to communities and working in partnership with law enforcement. It is my privilege to introduce to you the Metropolitan Peace Initiatives, which coordinates, supports, and sustains a cross-agency community safety infrastructure, made up of local, community-based organizations rooted in the most violent areas in the city of Chicago.

For the first time in Chicago's history, organizations with proven violence prevention outcomes across the city's geographies have come together to build a necessary community infrastructure dedicated to preventing violence and delivering a comprehensive set of services to heal communities at highest risk for violence and provide opportunities for individual rehabilitation. Chicago's fast-escalating violence in 2016, which saw 762 individuals killed by guns and 400—4,580 individuals shot, an increase of 58 and 47 percent, respectively, along with the unrest related to the murder of Laquan McDonald, demanded a new approach. This led a group of local leaders to establish Communities Partnering for Peace, which we call CP4P.

CP4P began in partnership with eight community-based organizations to reduce violence in nine of the most violent neighborhoods in Chicago. Today, it includes 14 partner agencies active in 28 Chicago communities. The program targets individuals at most risk for perpetuating violence or being a victim and provides intervention by trained street outreach workers, who engage individuals with high likelihood to be shot—to shoot or be shot and create peace and non-aggression agreements, provide case management services to address any social determinants of health, community-based events that we hold three times a week in the summertime, once a month, fall, winter, spring.

We also administered a Metropolitan Peace Academy, a multidisciplinary platform that provides trainings to professionalize and strengthen the field of street outreach and community violence prevention. It features an 18-week, 144-hour intensive curriculum, shaped and taught by street outreach workers and guided by 14 professional standards. Since the start of CP4P in July 2017, shootings and homicides declined an average of 1 percent per month in our target areas, where our shootings and homicides were increasing 2 percent per month before CP4P. This led to an overall reduction of 17.7 percent, on average, in the number of homicides and shootings per month in the first 30 months of operation. This is all, obviously, pre-COVID numbers.

According to the city of Chicago's Office of Violence Prevention dashboard, there have been roughly 2,000 vehicular hijacking victimizations in Chicago since January 2021. We saw a slight drop in carjackings in the wards we served; however, we did not get the funding to formalize the initiative and properly evaluate the impact. We funded three different organizations to work across 16 wards on a carjacking initiative, but it's something that we would love to carry forward, moving forward.

A history of slavery, convict leasing, Jim Crow, housing discrimination, mass incarceration has taken its toll. Chicago remains one of the most segregated cities in the United States. Public trust in our institutions continues to suffer because of bad actors such as

police commander Jon Burge, found guilty of torturing approximately 120 people and coercing confessions. Operation Greylord is an FBI case where 92 officials faced indictment, and many convicted, including Judge Tom Maloney, for taking bribes for fixing murder cases. The recent shootings of Laquan McDonald, Anthony Alvarez, and Adam Toledo have police-community relations at an all-time low.

Recognizing that any successful approach to crime reduction includes both violence prevention and trusted community partners with law enforcement, CP4P created the Community Training Academy, along with the Chicago Police Department and community-based organizations. Let's see. The Community Training Academy provides a curriculum for community-based and community-specific trainings for probationary officers and district coordination officers and officers recently transferring to a district. Through a 24-hour curriculum, every police district learns to apply a hyperlocal lens to communities they serve.

To date, we have trained 100 officers, across eight police districts, since October 2020. Based on our survey results, 95 percent of the officers have had a positive experience in the training and recommend all CPD officers complete the training. Additionally, CP4P meets on a bimonthly—bimonthly basis with local police commanders to identify local violent hotspots, coordinate interventions, and address quality-of-life issues.

Law enforcement cannot provide the healing that comes from social service support and interventions but can work in tandem with the violence prevention infrastructure that provides options to steer youth in alternative directions. CP4P's community-based infrastructure is a vital part of a larger, necessary crime reduction ecosystem. As you consider ways the Federal Government can address issues of violent crime, sustainable funding that brings violence prevention to scale must be a part of the solution.

Thank you for your time today. I look forward to answering any questions.

[The prepared statement of Mr. Bryant appears as a submission for the record.]

Chair DURBIN. Thank you, Mr. Bryant. Chief Garcia, Would you make sure you're on? There we go.

**STATEMENT OF EDGARDO "EDDIE" GARCIA,
CHIEF, DALLAS POLICE DEPARTMENT, MAJOR
CITIES CHIEFS ASSOCIATION, DALLAS, TEXAS**

Chief GARCIA. Chairman Durbin, Ranking Member Grassley, and distinguished Members of the Committee, thank you for the opportunity to participate in today's hearing. I appear before you today as the chief of police of Dallas, Texas. It is also my privilege to testify on behalf of Major Cities Chiefs Association.

We're here today to discuss the rise in carjackings occurring throughout the country. This trend is part of a larger increase in violent crime, which has disproportionately impacted MCCA members. Despite immense challenges, our brave officers continue to work tirelessly to keep our communities safe. The most recent MCCA violent crime report clearly shows that America is in the midst of a violent crime wave. In major cities nationwide, homi-

cides in 2021 were up approximately 49—approximately 49 percent compared to 2019 and 53 percent compared to 2018.

Like other types of violent crime, carjacking has continued to rise. In several cities, the rates have more than doubled over the past few years. A few factors are driving this increase. These include financial gain, but mostly to further other criminal violent activity. Many of these carjackings are also committed by juveniles seeking to gain notoriety on social media or as part of gang initiations.

Identifying and preventing this act of violence before it occurs and holding these individuals accountable is the best course of action. Despite the rise in crime, violent and chronic offenders continue to cycle through the criminal justice system. DAs, at times, are reluctant to prosecute certain crimes, including some violent and gun crimes, and judges continue to release violent and repeat offenders pretrial. These challenges extend to juvenile offenders, as well.

Make no mistake, please. The general lack of accountability nationwide is contributing to the increase in violent crime and carjacking. Recruitment and retention remain challenging, and understaffing has contributed to officer burnout. At the executive level, since January 2020, more than half of MCCA's member agencies have also experienced a change in leadership. Such frequent turnover is detrimental to public safety overall and can make it incredibly difficult to institute reform or culture change.

The current outlook in Dallas is not akin to other major cities, and while some other cities have seen record homicides, my city has experienced a decrease, and it's not by chance. The reduction in violent crime we've seen in Dallas would not be possible without the support of our city government, the exemplary work of the men and women and staff of the Dallas Police Department and criminologists from the University of Texas, San Antonio. I'd like to take a moment to use this platform to publicly thank them and their sacrifice for the incredible work that they do every day to keep the residents of the city of Dallas safe.

Our crime-fighting strategy is centered on a violent crime reduction plan. The plan relies heavily on science and crime data and was developed in conjunction with criminologists Dr. Mike Smith and Dr. Rob Tillyer from the University of Texas, San Antonio. The short-term strategies of the plan focus on hotspots policings. Based on crime analysis and mapping, we've broken the city down into approximately 101,000 microgrids and deployed a highly visible presence to 50 of those crime grids. These 50 represent approximately 10 percent of the city's total violent crime. This mix of engagement and enforcement with our community has driven down violent crime in these grids by 50 percent and, ultimately, violent crime as a whole citywide.

The plan's midterm strategies consist of place network investigations. Dallas PD worked with other stakeholders to mix traditional law enforcement actions with other efforts on locations' criminogenic nature by strengthening the neighborhood and re-investing in the community. The longer-term strategies included in the plan emphasize focused deterrence to change behavior of high-risk offenders. These efforts include the provision of services, com-

munity violence interventions, and, when necessary, enforcement action.

Violent crime in Dallas decreased in 2021 and is down roughly 17 percent again, year to date. Given the successes of the work of the men and women of the Dallas Police Department, I strongly encourage fellow chiefs to work, in conjunction with criminologists, to develop their own violent crime plan that meets the unique needs of their community. Many MCCA members are already working with our Federal partners to address violent crime and carjacking. These efforts should be expanded.

Victim services, as well as programs such as Project Safe Neighborhoods, will be critical and must be adequately resourced. MCCA members have found pursuing Federal charges for violent criminals to be a successful strategy and a powerful deterrent. To support these efforts, Congress must help build capacity of the U.S. Attorney's Office to support additional prosecutions as appropriate. Proactive policing is critical and will be key to reducing violent crime overall, which will help drive down carjackings.

Unfortunately, proactive policing in some cities has become a luxury, especially for local police departments contending with high murder rates, low staffing, and low morale. Law enforcement needs more resources to bolster its response to violent crime. Much of the recent Federal assistance provided to localities is not being used for law enforcement purposes. Congress should strongly consider providing additional assistance and must fully fund important grants such as COPS and the Byrne JAG.

Continuing anti-law enforcement rhetoric has left honorable officers feeling vilified and criminals, offenders often bolstered. Support for law enforcement from our elected leaders has never been more vital. The support of the mayor and the city council have been integral in Dallas's efforts to reduce violent crime. Reform and proactive public safety are not mutually exclusive, and without the support of the work and sacrifices of our men and women, no plan will be successful.

In closing, the successes we've had reducing violent crime in Dallas demonstrates how our communities are safer and more prosperous when investments are made, police officers are supported, and stakeholders work together. I look forward to any questions the Committee may have. Thank you.

[The prepared statement of Chief Garcia appears as a submission for the record.]

Chair DURBIN. Thanks, Chief. Mr. Bozzella.

**STATEMENT OF JOHN BOZZELLA, PRESIDENT
AND CHIEF EXECUTIVE OFFICER, ALLIANCE
FOR AUTOMOTIVE INNOVATION, WASHINGTON, DC**

Mr. BOZZELLA. Chairman Durbin, Ranking Member Grassley, and distinguished Members of the Committee, on behalf of the Alliance for Automotive Innovation and our members, I thank you for the opportunity to appear today to share my perspective on the troubling rise in carjackings, and the auto industry's work to be a constructive force in the broader efforts to address this challenge. Despite vehicles incorporating increasingly advanced safety features every year, over the past 2 years, roadway fatalities have in-

creased dramatically. According to the latest data, the first 9 months of 2021 saw a 12 percent increase compared to the same period in 2020.

We look forward to continuing engagement with the administration on a safe systems approach to improving safety on our roadways. This model, which acknowledges a shared responsibility and promotes a holistic approach to safety, may offer a guide for examining other complex challenges.

Another disturbing trend over the past 2 years has been the increase in carjacking across the United States. I came to appreciate the full scope of this challenge, following outreach to our members from Sheriff Dart of Cook County, Illinois, to request assistance in addressing the rise in carjackings, including tracking these vehicles in real time. We quickly engaged with Sheriff Dart and his team to better understand their challenges and concerns. We also brought together our entire membership to take a deeper look at this issue.

Over the past 2 months, our members have been meeting almost weekly to examine potential opportunities to improve collaboration with law enforcement. I want to take a moment to share my appreciation for the efforts of Sheriff Dart and his staff, along with you and your team, Mr. Chairman, and others, to elevate this important conversation. Clearly, the sharing of location information with anyone, including law enforcement, needs to be appropriately balanced with consumer privacy. The auto industry takes this seriously and, in 2014, came together to commit to a first-of-its-kind set of privacy principles.

Those principles prohibit an automaker from sharing vehicle location information with any unaffiliated third party without affirmative consent of the vehicle owner. The principles specifically permit the sharing of vehicle location information with law enforcement in the absence of affirmative consent, if law enforcement has obtained a warrant, or other court order, to access the local—location information or in an exigent circumstance. This is a complex issue and one we take seriously.

While the discussions with our members are ongoing, I can share a number of guiding principles as we work together on this important and complex topic. First, there is a variation in capabilities among automakers. We quickly learned this. While we are not privy to each OEM's, specific capabilities, we understand there is substantial variation between OEMs as well as variation in capability within some automakers. So while it's true that many modern vehicles have connectivity capability that may allow them to be located, it is not universally the case.

Second, law enforcement verification. Another topic that emerged in our conversations with our members is the importance of verifying that a request for vehicle location information from law enforcement is, in fact, a legitimate request related to an active carjacking. Third, exigent circumstances determination. In addition to verifying that legitimate request from law enforcement, appropriate consideration must also be afforded to defining an exigent circumstance in the context of carjacking.

Is it any case where a vehicle is stolen by force? Does it only apply in a circumstance where the theft places the owner or a pas-

senger in imminent danger? At a minimum, we feel there should be a process to certify that there are exigent circumstances which make it impossible or impractical for law enforcement to obtain either the consent of the vehicle owner or a warrant or court order.

Fourth, exposure to liability. Finally, as I'm sure Members of this Committee can appreciate, the sharing of real-time location information with law enforcement is a sensitive topic and may expose an automaker to liability, and thus should be taken into account when evaluating different policy or technical solutions to the problem. The auto industry is committed to remaining a constructive partner in the collective effort needed to address this challenge. Much like our work with DOT on safe systems, we look forward to continuing to examine ways in which we can support a similarly holistic approach to addressing this challenge. I want to recognize the Chairman and Ranking Member and Members of this Committee for continuing this critical conversation.

[The prepared statement of Mr. Bozzella appears as a submission for the record.]

Chair DURBIN. Thank you, Mr. Bozzella. Mr. Glawe.

**STATEMENT OF DAVID J. GLAWE, PRESIDENT
AND CHIEF EXECUTIVE OFFICER, NATIONAL
INSURANCE CRIME BUREAU, DES PLAINES, ILLINOIS**

Mr. GLAWE. Chairman Durbin, Ranking Member Grassley, Members of the Committee, thank you for the opportunity to testify on behalf of the National Insurance Crime Bureau and holding this important hearing. I'm the president and chief executive officer, headquartered in Des Plaines, Illinois.

NICB has been in existence since 1912. We are 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 uniquely situated to serve as the information-sharing hub for the Government and private sector and provide operational support in identifying, preventing, and deterring insurance-related crimes.

On a daily basis, NICB's approximately 400 employees work closely with domestic and international law enforcement partners, Government agencies, and prosecutors throughout the country to fulfill its mission. NICB has unique expertise with auto theft investigations, particularly relating to identification and recoveries. Some of the seminal cases in which NICB provided critical assistance include the 1993 World Trade Center bombing, the 1995 Oklahoma City bombing, the September 11th attacks, and the 2020 Nashville Christmas Day bombing.

Regarding today's topic, the country is facing an unprecedented rise in vehicle thefts and carjackings. The data is explained in my written statement and highlights the disturbing trend. The States with the worst car theft trends between 2019 and 2021 include Colorado, a 79 percent increase; Wisconsin, a 74 percent increase; the State of New York, a 59 percent increase; and DC, a 52 percent increase.

As for the carjacking numbers, they are simply staggering. Cities with the worst carjacking trends between 2019 and 2021 are the

following: New York City, a 286 percent increase; Philadelphia, a 238 percent increase; Chicago, a 207 percent increase; DC, a 200 percent increase; and New Orleans, 159 percent increase. A disturbing subplot to these bleak numbers is that many carjackings are often committed in furtherance of other serious violent crimes, and many carjackings are committed by juveniles, some as young as 11 years old. As one admitted Chicago carjacker put it, “The number one reason kids are committing carjackings is to carry out drive-by shootings.”

NICB partners directly with Federal and local law enforcement to resolve these cases. For example, in April 2021, NICB assisted with the multiregional Auto Theft Task Force in the State of New York. NICB provided the task force with an undercover bait car and operational funds for law enforcement equipment. Since NICB’s involvement, 33 individuals have been arrested.

NICB appreciates the Committee’s focus on these serious problems. Based on our unique position and partnership with law enforcement across the country, we believe there are several measures that can be taken at both the State and Federal level. They include, first, increasing community policing programs. Reducing police presence in communities across the country is not the answer. Whether through the Federal COPS program or other measures, we need more community policing, not less.

Second, revisit well-intentioned criminal justice reform policies. The First Step Act of 2018, championed by Chairman Durbin and Ranking Member Grassley and other Members of this Committee, represented a monumental achievement for criminal justice reform; however, reforms in some jurisdictions may have gone too far. Criminal justice reform must be balanced with the need to protect victims of crime and the overall safety of our communities.

Third, enforce the laws as written. In many jurisdictions, the law provides appropriate penalties; however, some enforcement or reform policies have effectively nullified these laws, providing little deterrence for criminals to commit these serious offenses. Fourth, focus on violent offenders. It is no surprise that the most violent offenders commit the majority of serious crimes. Law enforcement should focus efforts on violent offenders through programs that prioritize enforcement efforts on the most serious offenders, such as the Project Safe Neighborhoods.

Fifth, collect data on carjackings. The Committee should consider directing the FBI to collect national, State, and local carjacking statistics and analyze any connection between vehicle thefts and carjackings to other violent crime. Finally, identify and implement successful early intervention programs. Given the high incidence of juvenile offenders involved in carjackings and vehicle thefts, another important tool is early intervention programs targeting at-risk youths.

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

[The prepared statement of Mr. Glawe appears as a submission for the record.]

Chair DURBIN. Thanks, Mr. Glawe. I'm going to start the questions. I have two questions I'm going to try to get in here, but I don't know if I can do it in 5 minutes.

The first question is privacy, Sheriff Dart, and I think that Mr. Bozzella raised a good point. We all know that there are circumstances where there may be a dispute as to ownership of a car, maybe a testy divorce proceeding or whatever it happens to be, and the automobile manufacturers certainly want to cooperate with legitimate law enforcement but don't want to get caught in a tangle that leaves them open to liability. That's my first question, and I'll come to you in just a minute to start the answer.

The second question, Mr. Glawe, I asked the CEO of Walgreens, "Why is underarm deodorant under lock and key in your stores, of all the things you sell?" He said, "Because there's a secondary market for retail theft" and that "underarm deodorant is going to end up in a flea market or online, along with a lot of other things, and so we're trying to stop the theft at the source, whether it's smash-and-grab or the like." Has there been something in the world of automobiles that has created a secondary market or some part of this that you might address, after Sheriff Dart speaks to privacy?

Sheriff DART. Thank you so much, Senator. I've heard the privacy issue brought up, and it's real to a certain extent, but for starters, the victims are there with us, and they've given consent, and they want this done, A. If there are bad actors, if there are bad actors who are using this for the wrong purpose, there are plenty of ways—as a former prosecutor—that you can charge these people for that.

So, I do not think that's the reason we should be paralyzed here, because I was out with our people on a carjacking mission last week, and I cannot tell you the difference, it was such a great idea of how this could work. We had one car that we were tracking. We had active tracking going on. Our biggest question was what one of our cars was going to pull him over and arrest him. He was a person with a parole warrant, and he was in for shooting at police officers. We got him in custody. No issues.

In another car that we were working with, we were in the back seat of the car with license plate readers, looking for cars that are on our list, because there's warrants for them, they had been stolen, carjacking, so on. By the time the license plate reader hits, though, it's 4 seconds before we get it. They're on the expressway, on the Dan Ryan. They're now 5 miles down, just—we're completely operating in the dark. When it's tracked, we're there, right on top of it. When it's not tracked, it's completely, completely random, and we occasionally will get lucky.

And so, that's why this privacy issue—it's real, but it absolutely cannot be stopping this and slowing this thing down, because we need this right now. I mean, this could be the game changer. The other things can be impactful a little bit. The tracking's everything.

Chair DURBIN. Mr. Bozzella, do you want to say a word before I turn to Mr. Glawe?

Mr. BOZZELLA. I would simply say that we're looking to work with law enforcement to find a way to get this balance right. We think we're making progress in that regard, and we think that we

can do this in a way that balances consumer privacy with the consumer's need to be protected from carjacking.

Chair DURBIN. Maybe the industry could start by having a consistent piece of technology, as opposed to many different ones, as you mentioned. Mr. Glawe, would you like to comment on the secondary market issue?

Mr. GLAWE. Sure. Chairman Durbin, thank you for the question. We have long-standing relationships with the Federal Bureau of Investigation; Department of Homeland Security and Customs and Border Protection, specifically; and State and local law enforcement in all 50 States and U.S. territories. This topic is very near and dear to NICB. We have done car investigation for over 100 years. Regarding secondary markets, the carjackings are usually associated in a conspiracy of other violations: criminal drive-by shootings and other offenses.

But the secondary market for auto thefts or cars that are stolen is also different. We've seen a 39 percent increase in used vehicles over the last 2 years, approximately. There's a high supply—a high demand and a low supply. Cars are being stolen here in the United States. There's VIN swaps that are utilized to resell the vehicles so they're not known that they are stolen. They're shipped overseas, Middle East criminal enterprises. They go outbound, and as many of you are aware, they were funding for terrorism investigations like, Lebanese Hezbollah, in my prior capacity as department head for Intelligence for DHS. We've talked about that in our past.

Then cars are also shipped to Mexico. We repatriate hundreds of cars a year that are shipped into Mexico after they're stolen. Senator, there is an extensive organized crime criminal conspiracy throughout the United States and worldwide on the supply chain on stolen vehicles, and we could even get into catalytic converters. There is a lot of profit to be made right now in this industry for the crime and for the criminals.

Chair DURBIN. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. Thanks, all of you, for your testimony. I'm going to start with Mr. Herdman. You heard my opening remarks about carjackings up nationwide at alarming rates. Federal prosecutors have a role to play in bringing Federal carjacking charges. I want to help Federal prosecutors get the tools they need to keep our communities safe. Do you—carjackings regularly involve gangs and other criminal conspiracies? Second and last, what has been the Federal role in taking down gangs through carjacking and related prosecutions?

Mr. HERDMAN. Thank you, Senator Grassley. Yes, I would say, just to echo what the other panelists have added, carjacking is absolutely in the toolbox of really any street gang that's operating in major American cities at this point in time. They tend to—gangs, in general, will tend to engage in, obviously, shootings and other intimidation tactics, but robberies, aggravated robberies and particularly car thefts, are important because they do help to facilitate other crimes, which has been addressed by other panelists, as well.

When you're looking at a criminal street gang or any other kind of violent criminal organization, it's important to identify the predicate offenses that those gangs are committing, because then that allows Federal prosecutors and Federal investigators to build a

RICO investigation or its corollary, a VICAR investigation, into a violent street gang organization. Carjacking, obviously, is playing an increasing role in the operations of those gangs and those violent organizations and will form the basis for larger network-type prosecutions that can take down not just one or two offenders, but an entire gang, all at once.

Senator GRASSLEY. For Mr. Glawe, when a vehicle's carjacked, both law enforcement and the car's owners want to find it before it can be used for another crime or an attacker can get away. For you, in what ways does private industry currently cooperate with law enforcement, and are there roadblocks to this cooperation?

Mr. GLAWE. Senator, thank you for the question. NICB has been partnering and sharing information with Federal, State, and local law enforcement for 100 years, and specifically regarding car thefts and carjackings. We are the information-sharing hub, intelligence-driven operations, bridging the gap between the private sector, the insurance industry, and those law enforcement partners. We are generally protected by statute in that very narrow scope of sharing information, criminal information, in most States. Any barrier or impediment to that would negatively affect the crime-siting mission and the public.

Senator GRASSLEY. Let me lead into a question for Mr. Herdman and Garcia to respond to. Under Operation Legend, the Department of Justice sent more officers to cities to help fight violent crime. Increasing officers and patrols seemed to work very well. When the rise in anti-crime rhetoric and defund-the-police efforts, law enforcement across the country has struggled to retain enough officers to do proactive policing and to go out on standard police patrols. Additionally, the Biden administration hasn't continued the initiatives like Operation Legend, even while police departments are short-staffed.

Chief Garcia, can you explain to the Committee how having officers physically present and on patrols in certain areas are an integral part of reducing crime in these communities? For Mr. Herdman, how important were Federal resources and the increased presence of law enforcement to the success in your city in fighting violent crime?

Chief GARCIA. Thank you, Senator, for the question. As I made mention in my comments, proactive policing is integral to reduction of violent crime. Having a plan, being scoped, and putting officers in the right locations, being vigilant, addressing problem areas, individuals that are recidivists, drug houses, things of this sort, and being there in the area reduce violent crime. We have shown it to reduce violent crime.

In addition to that, many things, as we've talked about—I know the concept of ghost guns comes around—well, I'm here to say that, you know, you don't just find ghost guns thrown around at the scene of crimes. The way ghost guns, usually from patrol officers or SWAT officers or operational perspectives, get found—it's by a hardworking man or woman making an investigative car stop or an individual getting a search warrant on a home and then coming up with what that is.

I'll tell you, in the city of Dallas, we would not have these reductions if not for the proactive investigative work of the men and

women of the Dallas Police Department. And the perspectives are that I can't force a man or woman, at 3 in the morning, to make an investigative car stop in one of our most violent crime grids in the city and arrest an armed, drug-dealing felon. They do that because they will feel supported. They do that because procedural justice has to work internal, inside the organization, in order for it to exist outside the organization.

If officers don't feel that they're being treated fairly, if officers don't feel supported, they'll disengage from our communities when we need them to engage more now than ever, and not just from a proactive policing perspective, but from a community outreach perspective. And both those concepts aren't mutually exclusive. But again, proactive policing, having officers in the right areas—no plan will work if you don't have that.

Senator GRASSLEY. Mr. Herdman, would you give a short answer to my question, please, so we can move on?

Mr. HERDMAN. Yes. Thank you, Senator Grassley, and I will keep it short. Operation Legend, obviously I was very fortunate to be able to extend that to Cleveland. The beauty of it was that, as the Chief was saying, when you had a patrol officer who made an arrest or made a stop, there was immediate reach-back to Federal resources, because we had ATF agents, FBI agents, DEA agents, and the Marshals working hand in glove, arm in arm with police officers. They were based out of our districts in Cleveland, Ohio, and we had resources that were provided, including a coordination van that the ATF had, so that we could make correlations on ballistic evidence.

The second thing was that we had committed Federal prosecutors to bring these cases federally, so we could target and identify the most violent offenders and ensure that they were held in, confined, and taken off the streets and prosecuted federally immediately. Then the third thing, obviously there was a funding component, and that was very important, both for morale but I think also for long-term growth and coordination with Federal agencies.

Senator GRASSLEY. Thank you.

Chair DURBIN. Thank you. Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much, Senator Durbin, Senator Grassley, for holding this important hearing. When I was a DA in Hennepin County, our biggest county, when I first got there, we had rampant carjacking. We made major focus on this. Back then, it was bait cars. It was more, of course, cars being stolen from the street, but oftentimes there were also people in them. And I'm committed to making a change here.

I thought it was interesting what you talked about, Mr. Glawe, which makes some sense to me, about—everything you guys said made sense, but I want to start with this, with the organized crime and this idea that some of this is just, you know, people doing this for the fun of it, with people dead as a result, but some of it is because of the high demand for vehicles, and they're taking these cars. Would that make you lean more to a Federal response and the need for coordination with the FBI, U.S. Attorney's Office, and such?

Mr. GLAWE. Senator, thank you for the question. Fortunately, NICB has postured—that's what we do, and we actually have two

former U.S. attorneys that are on my staff here today with us. We have aggressively postured with the FBI, Homeland Security investigations, and State and local law enforcement, exactly what you're talking about.

The demand for cars right now is at an all-time high in the United States, up 39 percent. You can barely get a car when you go onto a lot. It has created a market for criminal organizations, especially if they don't actually commit a robbery, a violent crime—these are property crimes. We have seen a tremendous uptick in the United States since 2019, a 16 percent increase in auto theft, but just the numbers on auto theft, Colorado has seen a 79 percent increase in auto theft; Wisconsin, 74; Vermont, 64; New York, 59 percent; DC 50—

Senator KLOBUCHAR. Yes. Yes, I know.

Mr. GLAWE. Yes.

Senator KLOBUCHAR. Could I give you my—

Mr. GLAWE. Yes.

Senator KLOBUCHAR [continuing]. Numbers?

Mr. GLAWE. Sure.

Senator KLOBUCHAR. Minneapolis alone—this is one city—

Mr. GLAWE. Yes.

Senator KLOBUCHAR [continuing]. Saw a 537 percent increase in carjackings between 2019 and 2020. In 2021, there were more than 640 successful or attempted carjackings in one city. That is not so different than what you're seeing by the numbers in Cook County, Sheriff. It's very similar with the percentages, where you've seen carjackings spike nearly threefold.

I want to go to a different topic here with you, Chief Garcia, and that would be about, in general, supporting the police and the need to—and the morale issue and the like. I've led bipartisan legislation for years with Senator Murkowski, Coons, Tillis, about reauthorizing the COPS program. Could you talk about how that helps local law enforcement?

Chief GARCIA. Absolutely. Having that support from the COPS office and the COPS program, not only for the programs that we want to do and institute, with regards to looking at ways—remember the old Weed and Seed programs that we would have, prior? You know, I was a big Weed and Seed, back in the early 1990's when I started this, and kind of had a resurgence of it in the city of Dallas, with the terminology and using that, but having those resources, helping resources and getting officers on the street, doing both proactive policing as well as community engagement is crucial and critical. More police officers in law enforcement agencies, if you have a plan, reduces violent crime.

Senator KLOBUCHAR. If you have a plan.

Chief GARCIA. Yes, ma'am.

Senator KLOBUCHAR. Yes. I agree. Mr. Herdman, in early February, the U.S. attorney's office in Minnesota brought Federal charges against a group of seven men for violent crimes, including carjacking. These cases were being prosecuted as part of the joint Federal, State, and local Project Safe Neighborhoods, which is, as you know, a Federal initiative led by U.S. attorneys. How does partnering with local and State law enforcement agencies act as a force multiplier for the U.S. attorneys' offices?

Mr. HERDMAN. Thank you for the question, Senator Klobuchar. The Federal agencies—they operate most effectively, in my experience, when they actually are present in the police departments. When you have ATF agents and FBI agents who show up and work, hand in hand, on the same shifts with patrol officers, I think that that's a very effective way to demonstrate a message not only to the police officers in the big-city department, but I think also to the community.

And so, I would suspect that that's what was going on with the violent crime task force in Minneapolis. I would hope so, because you do see—it's daily coordination and hourly coordination, as opposed to on a quarterly basis or a biannual basis. It's much more frequent and, I think, much more effective that way.

Senator KLOBUCHAR. You would agree that it's important to have a U.S. attorney in place, regardless of their political party? Have someone in place, running these offices?

Mr. HERDMAN. I'm aware of the candidate who's been nominated. He's my partner at Jones Day, Mr. Luger, and he's—

Senator KLOBUCHAR. Are you kidding? I didn't know that.

Mr. HERDMAN. I will say, I'm on the record, I think, with respect to Mr. Luger. He's superbly qualified.

Senator KLOBUCHAR. Thank you. You should all know that Mr. Luger was the U.S. attorney at the end of President Obama's term. Actually, the Justice Department under Donald Trump, he was one of two people they were considering having stayed on. He decided to go another route, and now he's ready to come back. He has strong support from Republican leaders that people on this side of the dais know. We haven't had problems with Andy Luger from most of the Republican Senators. This is a crusade of Tom Cotton's, who is not just holding up Mr. Luger, he's holding up a number of other U.S. attorneys and Marshals.

I've got a situation in my State—and he's not here right now—where we have two retired police chiefs in Minneapolis-St. Paul. Like many jurisdictions, we don't have enough police right now. Andy Luger has vast experience and is willing to take on this carjacking issue, but Tom Cotton has decided, because of his opposition to something happening in another State, that he is holding up my U.S. attorney. I have had it. If he wants to be on the side of carjackers, go ahead, but we need leadership.

This is not just a State and local issue. This is an organized crime issue, as Mr. Glawe has pointed out. This is an issue that goes beyond little local jurisdictions and one neighborhood's cop. It is about the cops doing their jobs, but it is also about taking on these cases in a big, big way.

None of you have much to do with this. I cannot believe you're at the same law firm, Mr. Herdman. I did not know that. But I would really appreciate my colleagues on the other side of the aisle talking to Mr. Cotton to find some way to resolve this in the next week, because I am not going to give this up. You cannot hold up the U.S. attorneys who have no serious objections, support from Republicans, just to make a case, because you want to get attention nationally. Thank you.

Chair DURBIN. I might add that the U.S. Marshal for the Northern District of Illinois is also on Senator Cotton's list. Senator—

Senator KLOBUCHAR. As is the Marshal in the State of Minnesota.

Chair DURBIN. Senator Cornyn.

Senator CORNYN. Chief Garcia, you can understand why I and others from Texas, and particularly in the Dallas area, are proud of the great work that you and the Dallas Police Department have done and the support that you've gotten from leadership like Mayor Johnson and the city council, and I appreciate your being here and sharing your formula for success. Is there any reason why other cities across the country couldn't embrace your approach in Dallas with similar results?

Chief GARCIA. There is no reason, Senator. I believe some have reached out. Some have reached out to us, and some have reached out to my criminologist partners, as well, but there is no reason why other agencies can't be doing the same things.

Senator CORNYN. Am I correct in assuming that, since carjacking involves the threat or actual use of violence, that overwhelmingly it involves a firearm?

Chief GARCIA. Overwhelmingly, yes.

Senator CORNYN. You, Chief, and I think Mr. Glawe, if I pronounced his name correctly, both mentioned Project Safe Neighborhoods, which of course is a Federal program designed to go after violent offenders that use a firearm, felons in possession and others, and use the mandatory minimums available under Federal firearms law. That started out, as I recall, as Project Exile in the Richmond U.S. attorney's office, years ago.

In Texas, when I was attorney general, we called it "Texas Exile," but the basic point is working with local and State law enforcement and Federal resources, particularly Federal prosecutors, to use Federal law to go after violent gun offenders and use the mandatory minimum available under Federal law, in order to dissuade people from using a firearm in the first place and, if you couldn't, to put them behind bars for a significant period of time. In your experience, Chief, is Project Safe Neighborhoods an important component of your ability to lower violent crime and reduce gun crime in Dallas?

Chief GARCIA. Absolutely. We have a remarkable relationship with my FBI, DEA, ATF, Marshals Office. We are in constant conversations. They have molded what we're doing to PSN to look at how we're doing our crime plan and be able to make that coexist. There is no question that the deterrent of filing these cases federally does work. Again, as we made mention earlier, I mean, one of the things we need to do is really utilize the laws that we have on the books. If we believe that gun crime is an issue, then individuals that are violating those laws need to be held accountable to the highest extent.

Senator CORNYN. Mr. Glawe, you also mentioned Project Safe Neighborhoods. Do you share the Chief's point of view on that?

Mr. GLAWE. Senator, I do. Chief Garcia is exactly correct. I was actually an agent in Richmond almost 20 years ago, in that program you're talking about. Very familiar with it. Absolutely. It's a holistic approach, a strategy which needs a deterrent effect and strong enforcement and support of law enforcement, but also the community engagement and looking to off-ramp at-risk youths in

the community before they commit the crimes, but I absolutely agree with the Chief.

Senator CORNYN. Mr. Herdman, you used to be a U.S. attorney. What's your view?

Mr. HERDMAN. Yes, Senator Cornyn. Thank you for the question. Absolutely, there needs to be a thought-out—and I think the Chief has put this very well—a plan, a plan that can be executed on and followed up, so there's close coordination between Federal agencies and local law enforcement, again, on identifying the most violent, most persistent felons, and ensuring that they receive Federal prosecutions if they're found to be in illegal possession of a firearm. It's absolutely effective.

Senator CORNYN. Chief Garcia, I believe you and the district attorney in Dallas County have a good working relationship, but how important is it to have supportive prosecutors? Obviously, the police can't prosecute the crime. You investigate the crime, and you apprehend people who violate the law, but then it's up to the prosecutor to bring the charges. It's no secret, around the country, that there've been a group of prosecutors that have declined to enforce laws that are on the books, and with disastrous consequences for public safety, but can you just speak to the importance of having good, solid prosecutors who will enforce the law as written?

Chief GARCIA. It's incredibly important, absolutely important to hold individuals accountable, particularly individuals that have committed violence. The recidivism that we see when individuals are re-released quickly is an issue, but in addition to the district attorneys, you know, that we need to also call into question judges, as well, that are making decisions. Particularly, the district attorney in Dallas County has very little to say when it has to do with bonds or bail. That's on judges. You know, there are judges that have made irresponsible decisions in letting individuals out after they've committed acts of violence, that have come back to hurt our communities.

But I would finish with this message. We have to control what we can control, and the message that I give my men and women is that if another part of the system lets us down, and you have to respond back to that house 20 times, then you respond back to that house 20 times, because we're not going to let our community down.

Senator CORNYN. Thank you.

Chair DURBIN. Senator Coons.

Senator COONS. Thank you, Chairman Durbin, Ranking Member Grassley, for holding this important hearing on carjackings, a form of violent crime that is steadily increasing across both red and blue States. It's the latest in a series of hearings that you've held in this Committee to look at violence prevention and what we can do to be smarter on crime and more effective, and what's the Federal role to help reverse this alarming trend.

As the Co-Chair of the Senate Law Enforcement Caucus with Senator Blunt of Missouri, I'm particularly sensitive to the challenges of law enforcement where there's inadequate or uneven collection of data, and one of the challenges here, in terms of understanding the rise in carjackings across the country, and particularly in my home State of Delaware, is accurate and comprehensive

statewide statistics, partly, in my State, because of how criminal law categorizes crime, depending on the particular facts of each case. If I could, first Sheriff Dart and Chief Garcia, I'd be interested in hearing about some of the obstacles to State and local data collection on carjackings, and then I'd be very interested in hearing how you think Federal law enforcement can most critically play a constructive role in addressing this ongoing challenge. Sheriff?

Sheriff DART. Thank you so much, Senator. You nailed it, Senator. When we first got engaged with this because of the rise, our very first stumbling block was getting beyond the anecdotes and actually have real, hard data. We spent an inordinate amount of time at our office, collecting all the data from the city of Chicago, and all the rest of the suburbs, to put a comprehensive database together. Why was that important? Well, just to get at, where were the carjackings occurring? What time of day? What vehicles were they using? Everything was all across the board.

I can't emphasize enough how correct you are. We have 130 suburbs in my county, as well, and it runs the gamut from ones that are wildly well funded to ones that literally, literally pay their officers \$10 an hour, and so the turnover is such that, more often than not, I'm called in to do their patrol work because they don't have anybody for shift after shift.

With that, when you ask about what can the Federal Government do, anything and everything you can do to put together a template on data collection, to put together resources so that it isn't just the well-off departments have dashboards, like we do—we have a phenomenal dashboard that we put together—but they have the ability to do it, because everyone knows if you put junk in, that's what you're going to get. In these—

Senator COONS. Thank you, Sheriff. When I was county executive in Delaware, one of the things we did was literally borrow from Cook County's work on data analysis. Forgive me. I just have two and a half minutes. Chief—

Sheriff DART. Please.

Senator COONS [continuing]. If you could, how can law enforcement federally best help law enforcement at the municipal and local level?

Chief GARCIA. You know, I will say this. The model that we have really is truly having SAGs that are in place that truly want to buy into the law enforcement agency's mission and role, and to not be single-minded, but be able to not just look outside the box but act outside the box with regards to who their law enforcement partner is and having those relationships.

Senator COONS. Having ATF, DEA, FBI, Marshals actively engaged, coordinating with local law enforcement and then using that data analysis to target those resources—that strikes me as one of the things we can bring to the table. Last two questions, if I might. Mr. Herdman, you mentioned, in your testimony, expanded Federal prosecution of juveniles involved in carjackings isn't a reasonable solution. Could you tell us briefly why not?

Mr. HERDMAN. Thank you, Senator. I appreciate the question. Yes, it's just not feasible. The volume of offender, as well as the resources that are available on the Federal level, in the Federal courts, are just not feasible for widespread prosecution of juveniles,

and I think we have to acknowledge that, going in, because of the prevalence of juvenile offenders particularly in carjacking, and identify other ways that there could be Federal support for prosecution, rehabilitation, and reentry for youthful offenders.

Senator COONS. Well, the President made a proposal to fund community violence interventions as a means of reducing violent crime. Mr. Bryant, what sort of community-based interventions could make a meaningful impact in reducing the involvement of juveniles, of kids, in this particular kind of violent crime?

Mr. BRYANT. Thank you for the question. I think really reaching out to the highest-risk individuals, typically, those are actually going to be adults. And the more that we can rehabilitate adults, the better they're going to be as parents for their kids, because we have to, you know, sort of rehabilitate our communities, our families, so that they're more self-sustaining, so that the institutions that are going to educate our kids and heal our kids are all working in tandem. So, the work we do is really trying to build at the community level, because it's the people in the community that have to be empowered to do for themselves.

Senator COONS. Thank you, Mr. Bryant. I think I can see a general approach: improve data collection and analysis; improve the coordination; having senior agents in charge, special agents in charge who actually bring Federal resources to bear; make sure that we're not targeting juveniles in a way that makes them essentially the scapegoat for what is a broader challenge; and have community-based interventions.

We have to have effective and appropriate law enforcement and prosecutions, targeted to the most violent adult individuals, and community-based supports for those undergoing reentry, to make sure they don't reoffend and to give them the support and the options to avoid a steady increase in this kind of crime. Thank you, Mr. Chairman, for this productive hearing.

Chair DURBIN. Thanks, Senator Coons. Senator Blackburn.

Senator BLACKBURN. Thank you, Mr. Chairman. Thank you to each of you for being here. Mr. Glawe, I want to come to you first. Senator Coons was just talking about targeting the right—putting the focus where it should be. Now in Tennessee, we make automobiles, and there are some that want to sue the automakers because they say automakers should be able to make it harder to hijack a car. To me, this sounds a lot like victim blaming. But I'd like for you just to touch on what the—the effect of some of these proposed lawsuits against automakers, and then how that would affect the cost to manufacturers, how it may set up perverse incentives.

Mr. GLAWE. Senator, thank you for the question. From NICB's perspective, we are the hub for information-sharing. We have a manufacturers working group. We've worked with the insurance industry and Federal, State, and local law enforcement for 100 years. This is what we do. So any impediment for sharing of intelligence or information on stolen vehicles, cars that have been stolen, or any crimes would hurt our mission and hurt the public. I would say when thoughtful legislation is occurring at the Federal or State level, information sharing, narrowly scoped for crime information, is critical to our mission space and to break down those barriers.

Senator BLACKBURN. I appreciate that. You know, I was struck by the DOJ focus that we have had, in their violence reduction strategy, on what they call the iron pipeline and gun dealers. I think this response really misses the mark, if we're talking about targeting and we're talking about focusing. One of the things that we have seen, as we've looked at this issue, is the way police departments and law enforcement agencies are drained of resources right now, and the way some of these local entities are on this defund-the-police push.

The other thing that has interested me is the way progressive prosecutors have really come to be, in major metropolitan cities, and how they're refusing to prosecute some of these criminals. Chief Garcia, talk a minute about where you are. Then, Mr. Herdman, I want to come to you. Let's talk about gun reform and if that's the appropriate path, or is it better to go in and look at the issue of the violent offenders, look at the necessity for lawful gun ownership and the effects that some of these policies have?

Chief GARCIA. Thank you, Senator. What I will say, first of all, that, to me, it is the access of firearms to criminals that are not being held accountable that is my issue. If we're going to strengthen the laws—the laws we have on the books, then let's strengthen them so that we have responsible gun ownership, that we have safe-stored guns, but ultimately, again, it's the criminal access to firearms that's the issue.

Senator BLACKBURN. Okay. Mr. Herdman.

Mr. HERDMAN. I couldn't agree more, Senator. We took a very offender-based approach in the Justice Department when I was U.S. attorney, and I think that that's the appropriate way to approach this problem. You have individuals who are not only in possession illegally of a firearm, but they've demonstrated, through their history and through their prior conduct, that they're willing to engage in violent activity against their fellow residents of their city. I think the offender-based approach is the only one that really works, because those are the people that we have to be concerned about: the ones who are willing not only to possess a firearm illegally but to use it. You have to have a strategy that's going to address that threat.

Senator BLACKBURN. I think you're right about that. Then you look at some of these liberal prosecutors, and I hear from a lot of women who are very concerned about people like Chesa Boudin and Gascón and the fact that you have these violent offenders that end up back on the streets. They're concerned about the Biden administration doubling down on a "soft-on-crime" strategy and what they see coming from people like Rachael Rollins, who declined to prosecute 15 different crimes as a matter of policy, and as a U.S. attorney from Massachusetts.

Just last week, we had a nominee for the Eastern District of New York who has publicly applauded the progressive prosecutor movement. That's unfortunate for the people of New York, because that individual may end up on the Federal bench. Mr. Herdman, what kind of internal reform do we need to see, for our district attorneys and U.S. attorneys across the country, so that they're addressing this rise in violent crime?

Mr. HERDMAN. I've been a lawyer for over 20 years, Senator, and most of that has been spent as a prosecutor, either a State or Federal prosecutor. The one thing that I thought was the most important part of my job was not to act as a legislator, when I was in that role. I was very aware of the fact that I was part of the executive branch.

It was my job to carry out the law that was given to us by the legislature and that had been approved by the courts. That was the attitude that I had when I was U.S. attorney, that was the approach that we took when we prosecuted cases out of the Northern District of Ohio when I was U.S. attorney, and I think that's the most fundamental obligation you have as a prosecutor, is to prosecute the law that's given to you, not to try to legislate from your office.

Senator BLACKBURN. That is important for us to keep in mind as we look at judges and as we look at U.S. attorney nominees. It's important to stay in your lane. Thank you very much. I appreciate your attention. Thank you, Mr. Chairman.

Chair DURBIN. Senator Tillis.

Senator TILLIS. You can defer to Cruz.

Chair DURBIN. You want to defer to him? Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman. Over the last several years, we have seen countless Democrats across the country embracing the movement to defund or abolish the police. We've seen Democrats supporting district attorneys, funded in significant part by George Soros, who refuse to prosecute violent crime, who release violent criminals into our community. The consequence of these extreme policies is, sadly, predictable. When they began demonizing cops, when they began advocating for defunding and abolishing the police, all of us who had worked in law enforcement said the result is going to be skyrocketing crime. Tragically, that is precisely the result we've seen nationwide, homicides increased 30 percent from 2019 to 2020. Twenty-seven major U.S. cities experienced a 44 percent increase in homicides since 2019. Homicides increased in 44 of the 7 major cities from 2020 to 2021, and over a dozen cities set new homicide records in 2021.

The topic of this hearing, carjacking, has been particularly horrific. New York City carjackings quadrupled since 2018 to more than 500 in 2021. Philadelphia quadrupled since 2015 to more than 800 in 2021. New Orleans nearly tripled from 2018 to 2021.

Washington, DC, they're up 300 percent since 2019. Minneapolis, they're up 375 percent from 2020 to 2021, and Chicago carjackings have increased an astonishing 500 percent since 2014, after carjackings skyrocketed in 2020.

All of these are endangering people's lives. They're endangering their family. They're endangering their children. Chief Garcia, mayor of Dallas, Eric Johnson, has become a friend, and I will say you and the mayor have shown remarkable courage, bucking a national trend and taking on some of the extreme voices on the left advocating abolishing the police, advocating defunding the police, advocating slashing funding for the police. Instead, the mayor, with you working along his side, have courageously argued the best way to protect communities, particularly low-income communities, is having an effective police force that is well resourced, that is on the

ground to protect people's lives. As a consequence, Dallas was the only one of the top 10 cities in this country where violent crime fell in 2021.

Chief Garcia, how harmful do you believe efforts to defund or abolish the police have been, and what's the best way to stop violent crime?

Chief GARCIA. First, I'll say that I think there's just been a false narrative. It's those in power believing the rhetoric that has been the issue. I'm not a stay-in-the-office kind of chief, Senator, whether it was in my former position as chief in California or chief now in the city of Dallas. I have not met a neighborhood impacted by violent crime in the city of Dallas, Texas, regardless of language spoken, racial makeup, or economic status that has ever asked me for less police.

In fact, unfortunately, it's our communities of color that usually plead for me for more. Yes, they want fair policing. Yes, we want to be just. Yes, we need to get better. But none of the neighborhoods that I go see want us to go away. And so, there is—there is definitely a disconnect between what we're hearing, the false narrative, and what's actually occurring in neighborhoods that are impacted by violent crime.

The second part to your question is, we need to ensure that the morale of the department is high; we need to ensure that communities know that we're there to support them; and then we need to make sure that we team up with scientists, doctors of criminology, to tell us what the best practices are, so that we have credibility not only to our community, that what we're doing is not just something else that we're throwing up against the wall, but to our rank and file, so they don't feel the same way, as well, because again, without the buy-in from both, no plan's going to be successful.

Senator CRUZ. Thank you, Chief. You know, I will say, it's not just a few radical voices on the far left but, sadly, the Biden administration. President Biden has nominated two of the leading advocates for abolishing the police to senior positions in the Department of Justice, and, astonishingly, every single Senate Democrat voted to confirm them. President Biden has nominated prosecutors who have been Soros' prosecutors, releasing violent criminals. He's nominated them to senior positions, and sadly, every single Democrat has voted to confirm them.

Sheriff Dart, let me ask you a final question. In January of this year, you spoke to The New York Post about the pretrial monitoring program that you operate on behalf of Cook County, and you voiced concerns over the type of defendants that were placed in pretrial home confinement. You stated that you have 2,600 defendants on pretrial home monitoring, and 75 to 80 percent of those defendants sent to home monitoring—not sent to jail—are charged with a violent offense.

What are the consequences of 75 to 80 percent of the defendants with—on home monitoring being charged with a violent offense? And are the district attorneys objecting and fighting? I understand the judges are sending them there, but what's the DA's office view on this?

Sheriff DART. To your point, Senator, you're right. I mean, to the police officers out on the street, it's beyond demoralizing, because

so many—these are the folks that take us so much time to get the initial case against them, and then, literally, when they're back out on the street an hour later, on home monitoring, it's very demoralizing. And so, it's something that is, frankly—and it's been brought up here numerous times already.

On the judicial side, it has been very, very difficult. I'm a former prosecutor myself, and you could talk all you want, when you're in court, on the bond side of it, but it's the judge who will make that ultimate determination. I made it clear to them, for home monitoring purposes, that's not what it was ever set up for. It was set up for drug offenders and people along those lines.

When you put those folks out, not only is it very difficult for us to monitor them, because that's not what it was set up for, but it's very demoralizing for the communities, because they know full well that that guy was bad. He finally got caught, but now he's right back. And so, it's been very, very difficult and very trying.

Senator CRUZ. Thank you.

Chair DURBIN. We often hear claims about defunding the police, and I'd like to enter into the record some information about significant increases in Federal funding for State and local law enforcement under the Biden administration.

[The information appears as a submission for the record.]

The American Rescue Plan, passed with only Democratic votes in the Senate, provided \$350 billion in State and local funding that the Biden administration has made available for use in hiring law enforcement personnel, purchasing law enforcement technology and equipment, and supporting community violence intervention programs. I'm not going to read the entire statement for the record, but I will add that the only instance where we have a Senator holding up the appointment of law enforcement officials at the Federal level, to help deal with the crime we're talking about today, is a Republican Senator from Arkansas.

He can't explain it, because there's no complaint about any of these individuals. He just has his own feelings toward the subject. But to argue that this is a partisan subject is an oversimplification. Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman. Thank you all for being here. I was a former Federal prosecutor, the U.S. attorney in Connecticut, and State attorney general in Connecticut for 20 years, and I know firsthand how challenging and sometimes heart-breaking your job is, and I admire your dedication as career law enforcement officials to this cause. I want to emphasize a point here, that I think the American people really feel very deeply, which is, this cause should not be partisan. We shouldn't be fighting among ourselves, Republicans against Democrats, on law enforcement. It ought to be absolutely, across-the-aisle, 100 percent in favor.

These numbers, \$350 billion in State and local funding in the American Rescue Plan, \$2.1 billion for State and local law enforcement assistance, \$184 million above the Fiscal Year 2021 number—we ought to be increasing the resources available, not just in the hardware, equipment, but also in the kind of training and, yes, counseling that you need, that many of the folks who go through

trauma—they experience trauma firsthand, and it impacts them. They deserve it, and they need it.

More funding is part of the answer here, and the more we are fighting and trying to discredit colleagues on this issue or at the community level, fellow elected officials, fellow citizens, the more we are drawn into a morass of inaction. That's a disservice to you but, more fundamentally, to our crime victims and survivors who need that help.

As you said, Chief, I have never found a community where people say, "Oh, give us less protection. We need fewer cops on the beat. We need less safeguards against the drive-by shootings that take our young people when they're sitting on porches in downtown Hartford or just otherwise going about their lives." Americans feel deeply about this issue, and they want support for our law enforcement, and we should be giving them more, not just in dollars, but emotional support, as well.

This issue of carjacking has bedeviled me since I was U.S. attorney and tried to get the FBI to investigate carjacking. Federal law prohibits it, but as you know, it requires proof, beyond a reasonable doubt, the defendant had intent to cause serious bodily harm or death, and some courts have required evidence to establish such intent, quote, "at the precise moment", unquote, the car is taken.

Let me ask you, to make this law more effective and crimes more easily provable when they involve carjacking, should we make it presumptive evidence, that someone had a firearm at the time they took a car, that they meant bodily harm if they have a firearm, whether or not they're a convicted felon and they could legally possess it—and even whether it's properly licensed to them? You have a firearm at the time you carjack a car, there's Federal jurisdiction. Let me turn that question over to you.

Mr. HERDMAN. If I may, Senator? I appreciate the question, and I think the inclusion of that particular specific intent mens rea in the statute is a hindrance to being able to bring Federal cases. I do think, obviously, in other places we have firearm enhancements or firearm as the basis for jurisdiction for a Federal offense. Here, we also separately have a vehicle that's in interstate commerce. But I do agree that it's unusual to see that kind of a mens rea in a violent crimes statute, and it does serve as, at least initially, an obstacle to bringing these cases.

I spoke, in my opening testimony, about the risks associated with carjacking. It happens in a split second, there's a moving car involved, sometimes there's passengers in the car who are not seen to the perpetrator, including children. That raises the risk that there's going to be some sort of resistance, either by virtue of surprise or by virtue of trying to defend family members, from the person who's a victim of the crime. The inclusion of a firearm in that set of circumstances greatly increases the risk of somebody being seriously injured or killed in the course of a carjacking. We see that over and over and over again.

So, I do think, for the Committee's work, if there were some consideration both of the mens rea component of this, as well as addition of a conspiracy statute within 2119 itself, that would be very effective for Federal prosecutors and would greatly assist the ability to bring these cases federally.

Sheriff DART. Senator, if I could just add, as well, I work very closely with our U.S. attorney in Chicago, and he's phenomenal, but he's brought up the exact point that was just made: that he cannot proceed because of what you had pointed out. In these crimes, not only are they very violent, they're very organized. They usually have multiple cars, so the person holding the gun on the individual is not the one that gets in the car. Somebody else gets in the car. They have a trail car that goes, usually, a couple blocks away. They flip drivers. It's very complex. Conspiracy, absolutely.

But to the other point we talked about, that's why the tracking is so imperative, because if we don't get that car quickly, there is no scenario where that poor victim, who just had a gun put to their head, is going to be able to identify anybody. What we'll have is a fourth individual is actually the one in the car that we caught, not the one that started it. That's why these type of discussions would be so helpful to us, because this is very well organized, and these are crews that are doing it in a very thoughtful fashion.

Senator BLUMENTHAL. You know, I think your points are very well taken. We're sort of talking lawyer talk, here. We know that mens rea is an element of a crime that has to be proved beyond a reasonable doubt. Walking into court, as a prosecutor, you've got a checklist, elements of the crime. Got to prove intent, but to do bodily harm at the time of the crime, at that precise moment, is hard to prove unless you have some physical evidence like possession of a firearm. It can be—if you're proving a conspiracy, it can be one of the conspirators. As you well put it here this morning, these crimes succeed because they are organized, they are, in effect, a conspiracy.

Thanks for your observations, Sheriff. Thank you, and thank you very much, all of you, for being here today. Thank you.

Chair DURBIN. Thanks, Senator Blumenthal. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman. Thank you, gentlemen, for being here. Chief Garcia, how's morale?

Chief GARCIA. I would say morale, indicative of the amazing work the men and women are doing, is in the direction that we want it to go, because we couldn't be doing what we're doing if it wasn't.

Senator TILLIS. How are retirements, on the one end, versus recruiting on the other end?

Chief GARCIA. You know, what we're looking at is retirements are coming off as usual, for every—every year, we're looking at about 200, 195 to 200 in attrition per year.

Senator TILLIS. Are you back filling them?

Chief GARCIA. We are. We are. Our academies—we just graduated one last week. We're continuing to hire. We're doing everything we can to restore—I will say this, we—I mean, I'm not quite sure that a lot of places—when we talk about support, our mayor, city council approved us to hire 500 officers in the next two fiscal years, and so—

Senator TILLIS. In addition?

Chief GARCIA. Yes, to get to, hopeful, 3,200. Obviously with the attrition we have—

Senator TILLIS. Yes.

Chief GARCIA [continuing]. You know, we're—

Senator TILLIS. It's hard to catch up.

Chief GARCIA. We're going to catch up, and we're starting to catch up.

Senator TILLIS. Sheriff Dart, same questions.

Sheriff DART. We are having a greater difficulty than the Chief is.

Senator TILLIS. Do you think some of that has to do with maybe the positions that outside organizations and elected officials have taken toward police?

Sheriff DART. That factors in. There's—it's complex, but I can tell you, within the Chicago Police Department, which is not my jurisdiction but within my county—

Senator TILLIS. Yes.

Sheriff DART. Having horrible times with many more retirements than they are—

Senator TILLIS. Fewer recruits?

Sheriff DART. Oh, God, yes. We're having the same problems but on a smaller scale.

Senator TILLIS. Do you think some who have suggested, over the last year or two, that Cook County and Chicago needs fewer police is a good idea?

Sheriff DART. Oh, it's an awful idea. I mean, and it always was. I can just tell you, Chicago, rightfully so, gets most of the attention, but the 130 suburban areas that I also have under me—they're desperate. There's entire departments where I have to do multiple shifts because they have no police officers at all.

Senator TILLIS. Yes, I think there is spillover. I live in the Charlotte suburban area, and I'm in the Huntersville Police Department. They're looking for recruits. Actually, interestingly, they're advertising in Washington State, and a number of other places and getting a flow over to an area where, I think, public officials are more kind toward law enforcement officers who put their lives on the line.

Mr. Bozzella, do you believe the car industry needs to actually step up and become a part of the solution to the problem of carjackings?

Mr. BOZZELLA. We do believe we can be part of a broader solution.

Senator TILLIS. But do you think it's your problem?

Mr. BOZZELLA. We're here to be part of a broader solution.

Senator TILLIS. How many cars are on the road right now that would never have the technology that would go into a car, let's say, 2 years from now?

Mr. BOZZELLA. Well, many.

Senator TILLIS. Millions.

Mr. BOZZELLA. Yes. There—

Senator TILLIS. If we focus on that, would we more likely just see more chop shops filled with cars that were dated at a time that wouldn't take advantage of that technology, so we'd only be benefiting people that can buy a new car?

Mr. BOZZELLA. Look, that's an issue, right?

Senator TILLIS. Yes.

Mr. BOZZELLA. We've got to—

Senator TILLIS. The biggest.

Mr. BOZZELLA [continuing]. Sort through the technology.

Senator TILLIS. I was the speaker of the house in North Carolina. We focused a lot on chop shops. They go after spare parts. They go take a car that's a little bit more dated. People are not buying cars as frequently now, with the economy going the way it's going. More people are buying used cars. I think you're going to always evolve your technology, but for us to think that that's a primary objective, to reduce carjackings, I think misses the point.

The point here is we need to do a better job of bending the curve on crime. Carjacking is just one of them. Murdering police officers, making communities less safe, I think is where we should spend the majority of our time, and I always expect the industry to get more sophisticated. You're going to do that anyway, because it's going to make the product more attractive to the people who are going to buy the car, but not necessarily put you at the tip of the spear.

Chief Garcia, to what extent, in Texas, do you think the fact that we had a fourfold increase in illegal crossings, and an unprecedented number of got-aways that are evading Border Patrol, has made Texas communities less safe?

Chief GARCIA. I'll say, Senator, obviously when we have the criminal element that is doing that, it makes us less safe. I will tell you that in the city of Dallas, we have far more citizens of the State of Texas, documented citizens that are committing crimes, more than undocumented. But having said that, one thing that we need to do, not just in the State of Texas but throughout the country—and there's other States, one that I came from, that need to do a far better job of holding individuals that have committed serious or violent crimes accountable that are here illegally. That is something that needs to get worked on.

Senator TILLIS. You know, I think that the concern I have, particularly for Hispanic communities or other ethnic communities, because we know that there are a number of people coming across the border from countries, actually, in the other hemisphere, but I think that the criminal element that crosses the border is most likely to go into communities that look like them and exploit those communities and make them less safe, much more so than my community, maybe. Do you agree with that?

Chief GARCIA. I would agree with that.

Senator TILLIS. Mr. Chair, I know that I'm the last one to speak, so I'm not going to take any more time. I may have some questions for the record. Thank you all for being here. It's a big panel, so there's no way I could get a question to every one of you. Thank you all. Thank you for your service.

Chair DURBIN. Thank you, Senator Tillis. Senator Ossoff is online.

Senator OSSOFF. Thank you, Mr. Chairman. You'll have to forgive me. My time is brief, as I'm between a couple of meetings, but I wanted to make sure to address this issue. Sheriff Dart, Atlanta police have warned the public about bump and rob carjackings, where suspects purposefully bump into drivers to lure them out, attempt to steal their car. What is your guidance for drivers, in Georgia and across the country, who want to avoid this kind of attack,

and what steps do you think communities can take in order to reduce the incidence?

Sheriff DART. Thank you, Senator. We put a list of things online and did a press conference announcing it, for people to make themselves less likely to be victimized. There's a slew of them, hitting all the different scenarios, but the one in particular that you bring up is very real. In that scenario, we have told people that, A, call 911—most people have their phone—but also try, if possible, go to well-lit areas, go to a police station if it happens to be close.

But it's a very complex problem, because people feel as if they are going to then be subsequently charged for leaving the scene of an auto accident. So, calling local law enforcement right away is helpful. Well-lit areas, really helpful. But yes, they do need to move beyond that location where they're at, at that point, because they will be targeted.

Senator OSSOFF. Thank you, Sheriff Dart. Thank you, Mr. Chairman. I yield back.

Chair DURBIN. Thank you, Senator Ossoff. Senator Whitehouse.

Senator WHITEHOUSE. Thank you. We've had some experience in Rhode Island with community violence prevention programs. One run by our center for nonviolence is called the Street Workers program, and it finds people who may have had some experience with street crime, and are certainly known and active in the community, and ties them up with the police department so that they can provide what you might call early warning systems and also, if it looks like something that is very provocative has taken place, to be able to reach out into the community and try to defuse tensions before further violence takes place.

Our experience has been very successful. The Providence police swear by their relationship with the Street Workers program. I wanted to, I guess, Sheriff Dart, get your opinion on whether the positive experience that the Providence police have had with this sort of community nonviolence program has been replicated elsewhere. Are we an anomaly, or is this a fairly consistent pattern of success?

Sheriff DART. There's different variations of it, going by different names. In our area, there's one called Operation CeaseFire. It works well when you have that partnership. Some don't have that partnership with law enforcement. They're somewhat independent operators, and they would suggest that that is the only way they have credibility on the street, that if they're seen as working too close with police, then their sources will dry up and they won't be able to intervene.

We've been doing a variation of that within our jail, where we work with people who we have identified as most likely to shoot or be shot. We work with them in the jail, and then when they leave, we connect them to community providers. We've had remarkable luck making sure that they're not shooting people or being shot themselves. But those interventions on the street are very critical.

Historically, the data's been tricky. It's been tricky, because at times, sometimes people will look at the dip in crime in an area and say that was due to us, when there's many other factors. But we have found that those interventions, like you're talking, are

phenomenal. The one where it's connected to police is really great. It's hard to get that connection, though.

Senator WHITEHOUSE. The other one that we've worked on, and that actually ended up in a Federal law because of a partnership with Senator Cornyn, was to look at people who are incarcerated—you mentioned people who are in jail—look at people who are incarcerated and prepare them better for release back into society, including things like medication-assisted treatment, if they have narcotics addiction problems. The result we saw from that was really profound, first in terms of less mortality from overdoses in that population. Huge drop, like 60, 70 percent.

Just generally, when there's better accountability and better support for people going back into the community, it was associated, at least in Rhode Island, with lower crime rates, as well as these more specific statistics about less opioid overdose death. I just wonder if you had a comment on that, from your experience, as well.

Sheriff DART. We're doing the exact same thing, Senator, and I often will tell folks, when you're operating a jail, anything less than what you're talking about, what we do, you should get out of the business. You shouldn't be doing it. Two things. One, we train people who we identify at intake with opioid issues, and then we train them how to utilize Naloxone. When they leave, they get two Naloxone kits when they leave. They utilize it all the time, because when they come back into custody, frequently with us, we'll interview them and find out how often it was used. We connect people with, particularly, opioid issues with providers out in the community.

The notion that someone who has all these issues and is brought into jail, when you know he's going back to the community he left—the notion that you just open the door and let him out that door and things are going to work out real well—it's the heart of the problem. We case manage people when they leave us, with that notion that that's how you bend this curve.

The mental health component of it's the easier one, frankly, because we do real deep diagnosis at the front end, there, connect them with providers on the outside, and with it managing them, again, make sure they stay on their meds. We've seen a tremendous drop on recidivism coming back into the jail, and making the communities a lot safer. The program you're talking about in your community—it's the only way to go.

Senator WHITEHOUSE. I'd invite anybody else on the panel who wishes to respond to those comments, in the form of an answer to question for the record, to please feel free and do so. My time has expired. I would like to tell the Chairman that one of the things that we were unable to accomplish was to try to get additional support for the localities into which large numbers of people emerging from incarceration go.

We have had maps in Rhode Island that show which zip code people are discharged to from our ACI, and as you'll imagine, it's not uniform across the State. Some zip codes have almost zero discharge. Some zip codes have phenomenally high discharge rates. It's not just following the individual into the communities. It's also supporting those communities as they deal with the fact that these discharges from the incarcerative system are not evenly spread. If

we can work more on that, that I think would be—that's the one undone piece here.

I thank you for the hearing, Chairman, and I thank everybody for participating. If you want to add something in the form of a response, written response, please feel free.

Chair DURBIN. I'd say to Senator Whitehouse, we could tell you in Chicago where they go, not exclusively, but to a large extent where ex-incarcerated tend to head home. Those communities, their churches and organizations that are trying to help them, are especially hard-pressed. We have so many wonderful groups. Mr. Bryant is here representing one of them, and I don't think you've had your day in court.

[Laughter.]

You haven't been able—I'd like you to conclude, if you will, because there's an aspect of what you're doing which kind of bridges some differences which we've heard in this Committee, because you're working not only in community intervention, but you're working with law enforcement in community intervention. Would you please make a record of that, again, if you would, please?

Mr. BRYANT. Yes. Yes, I would. When Communities Partner for Peace was started, one of our executive directors at our partner organization used to work for the Institute for the Study and Practice of Nonviolence in Rhode Island. His name is Teny Gross. And so—

Senator WHITEHOUSE. We know Teny well. You've got a hero on your—

Mr. BRYANT. Exactly. I would just say that, since the days of CeaseFire, we have vastly improved our relationship with law enforcement. Now it is true that guys who are working on the front lines, on the streets, with the highest-risk people should not interact with law enforcement, because it does reduce their credibility, but the people in management, people like myself, do coordinate with our law enforcement on a biweekly basis. We coordinate with city officials, county officials, State officials. We play a role in ensuring that that coordination is happening.

I think the other thing that is worth pointing out is that, at our Metropolitan Peace Academy that I mentioned earlier, we train the outreach workers in a 144-hour curriculum, and that has also brought more credibility to the field of violence prevention, and it's allowed for more greater trust with law enforcement understanding our role, because they actually contribute to our curriculum. Then the last thing I'll say is that we created what we call a Community Training Academy, where it's a community-led training where citizens in a particular police district can host officers for a training, so that officers can see that community from the community's lens, and so they get to understand what are the assets in that community, who are the leaders in that community, and what are the challenges from the community's perspective, because, you know, we agree that we want more law enforcement, but we want better, fairer, more engaged law enforcement, and for them to realize that, as a citizen, when I interact with law enforcement, that is something that I probably will never forget. And so, understanding your role in the community is extremely important, but we have to rebuild that trust, and we're at a all-time low in Chicago, but it's

something that we have to—we're going to be a part of the solution, to bring that back to bear.

Chair DURBIN. Thank you, Mr. Bryant. Thanks to all the witnesses. I think it was a good hearing. We learned a lot, and I hope you were able to teach us effectively and feel that you had a rewarding experience, as well. You helped us understand this complicated issue and how the Federal Government has a role in it and the State and local responsibilities, as well.

My continued thanks to Ranking Member Grassley for working with me on this issue on a bipartisan basis. The hearing record's going to be open for a week for statements to be submitted. Questions for the record may be submitted by Members up to 5 p.m. on Tuesday, March 8th.

Thanks again to the witnesses for coming. The hearing stands adjourned.

[Whereupon, at 12:07 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

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**STATEMENT
OF THE
ALLIANCE FOR AUTOMOTIVE INNOVATION**

**BEFORE THE:
COMMITTEE ON THE JUDICIARY
U.S. SENATE**

**HEARING TITLE:
“Federal Support for Preventing and Responding to Carjackings”**

March 1, 2022

PRESENTED BY:

John Bozzella
President and CEO



Chairman Durbin, Ranking Member Grassley and distinguished members of the Committee: on behalf of the Alliance for Automotive Innovation (Auto Innovators) and our members, I thank you for the opportunity to appear today to share my perspective on the troubling rise in carjackings and the auto industry's work to be a constructive voice in the broader efforts to address this challenge.

The Alliance for Automotive Innovation was formed in January 2020 to serve as the singular, authoritative, and respected voice of the automotive industry in the United States. Our 38 members include auto manufacturers producing nearly 98 percent of the cars and light trucks sold in the U.S., along with original equipment suppliers, technology companies, and other automotive-related value chain partners. In total, our industry employs roughly 10 million Americans, in addition to those who are employed in the technology and mobility sectors directly¹. We account for nearly 5.5 percent of our country's gross domestic product and represent our country's largest manufacturing sector.²

The automotive industry is at the leading edge of an unprecedented transformation in personal mobility. Substantial, long-term investments in innovative technologies – including electrification,³ automation, and connectivity - are already driving us towards a cleaner, safer, and smarter transportation future. These technologies are positioning the automotive industry in the U.S. to produce real benefits for consumers, the economy, the environment, and society overall for decades to come.

However, these automotive innovations do not occur in a vacuum; nor do their benefits stand on their own. Their benefits are realized in how they help to improve roadway safety, reduce serious injuries and deaths, protect vulnerable road users, improve the environment, and support the way Americans live today and in the future. To that end, the industry views its shared responsibility for national roadway safety as paramount and remains committed to working with policymakers and other stakeholders on a proactive, comprehensive, and holistic approach to addressing safety issues in the U.S. transportation system and protecting system users.

This is as important now as ever. Despite vehicles incorporating increasingly advanced safety features every year, over the past two years we have witnessed a number of new and troubling trends on America's roadways. For the first time in years, roadway fatalities have increased dramatically, beginning in 2020. According to the latest data, the first nine months of 2021 saw a 12% increase compared to the same period in 2020.⁴ While the latest statistics do not detail the breakdown of contributing factors, it is likely they are similar to those that contributed to the increase in the fatality rate in 2020, namely excessive speed, alcohol/drugs, and reduced use of seat belts. These increases are disappointing, and we look forward to continued engagement with the administration in order to pursue a Safe Systems approach to improving safety on our

¹ Auto Alliance multi-industry contribution analysis: the economic impact of automotive manufacturing, selling, repairing, renting, and additional maintenance modeled using IMPLAN economic analysis data software, 2017 data year.

² *Id.*; Bureau of Economic Analysis, Gross Output by Industry, <https://apps.bea.gov/ITable/ITable.cfm?ReqID=51&step=1>, Last accessed June 1, 2020; Bureau of Labor Statistics, Employment and Output by Industry, <https://www.bls.gov/emp/tables/industry-employment-and-output.htm>, Accessed June 1, 2020.

³ For the purposes of this document, the term electrification includes all zero emission or electric vehicles ("ZEVs" or "EVs"), including plug-in and plug-in hybrid EVs as well as fuel cell technologies.

⁴ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813240>

roadways. This model – which acknowledges a shared responsibility and promotes a holistic approach to safety – may offer a guide for examining other complex challenges.

Another disturbing trend over the past two years has been the increase in carjacking across the United States. While we all saw the growing prevalence of carjacking stories in the news, I came to appreciate the full scope of this challenge following outreach to our members from Sheriff Dart of Cook County, Illinois to request their assistance addressing the rise in carjackings, including tracking vehicles in real time.

When we heard of Sheriff Dart's engagement, on behalf of industry, we quickly began a dialogue to better understand the concerns and challenges law enforcement is facing in Cook County. We brought together our entire membership to take a deeper look at potential opportunities to improve our collaboration with law enforcement. Over the past two months, Auto Innovators members have been meeting almost weekly to examine this important and complex issue.

I want to take a moment to share my appreciation for the efforts of Sheriff Dart and his staff, along with you and your team, Mr. Chairman, and others to elevate the conversation on this important topic.

Clearly, the sharing of location information – with anyone, including law enforcement – needs to be appropriately balanced against a company's obligations to protect the privacy of its customers. The auto industry respects the importance of protecting consumer data and in 2014, came together to commit to a first-of-its-kind set of Privacy Principles. Those Principles, which are currently in effect and enforceable by the Federal Trade Commission, prohibit an automaker from sharing vehicle location information with any unaffiliated third party without the affirmative consent of the vehicle owner. The Principles specifically permit the sharing of vehicle location information with law enforcement in the absence of affirmative consent if law enforcement has obtained a warrant or other court order to access that location information or in exigent circumstances.

This is a complex issue, one we take seriously. We remain committed to developing constructive recommendations in support of continued collaboration with law enforcement and policymakers on carjackings. While the discussions with our members are ongoing, I can share a number of guiding principles we believe should be considered by all stakeholders as we work together on this important and complex topic:

1. Variation in Capabilities – One thing we quickly learned as we explored this issue with our members is the significant variation in telematics capability among automakers. While we are not privy to each OEM's specific capabilities, we got a clear understanding that there is substantial variation between OEMs, as well as variation in capability within some automakers. For example, capabilities can vary within an automaker's lineup by make, model year, and trim level.

So, while it is true that many modern vehicles have connectivity capability that *may* allow them to be located, it is not *universally* the case. Further, among those with the

ability to be located, those capabilities may also vary. For example, some automakers may be able to do this in-house, while others may rely on a third-party service provider. In some circumstances, the technical capability that allows a vehicle to be located remotely is only active and accessible if the consumer has opted into location-based services. Even if a vehicle has the capability to be located remotely, the accuracy of vehicle location services can be compromised by a number of factors ranging from network coverage or signal strength to – in extreme cases – potentially being disabled by savvy criminals.

2. Law Enforcement Verification - Another topic that emerged in our conversations with our members is the importance of verifying that a request for vehicle location information from law enforcement is, in fact, a legitimate request related to an active carjacking. While we hope these circumstances are rare, we must be conscious that bad actors may attempt to pose as law enforcement or that law enforcement personnel could use information for inappropriate or personal reasons (e.g., tracking a domestic partner).

Therefore, we feel strongly that any mechanism or procedure that is established by law or regulation on which automakers can rely to allow law enforcement access to real-time vehicle location information must include a process to confirm and/or verify to the automaker that the person seeking the location information is in fact a law enforcement officer who is making the request in an official capacity as part of a documented crime or incident.

3. Exigent Circumstances Determination – In addition to verifying the legitimate request from law enforcement, appropriate consideration must also be afforded to the question of defining an exigent circumstance in the context of a carjacking. Is it any case where a vehicle is stolen by force? Does it only apply in a circumstance where the theft places the owner or a passenger in imminent danger? At a minimum, any mechanism or procedure that is established to allow law enforcement access to real-time vehicle location information must also include a process to determine and/or certify to the automaker that there are exigent circumstances, constitutionally, and as appropriately defined within the law or regulation, which make it impossible or impractical for law enforcement to obtain either: (a) the consent of the vehicle owner; or (b) a warrant or other court order.
4. Exposure to Liability – Finally, as I am sure members of this Committee can appreciate, the sharing of real-time location information with law enforcement is a sensitive topic and may expose an automaker to liability under another state's privacy or other law or, potentially, to federal enforcement. Further, automakers may have contractual limitations within their customer agreements on when location may be provided to third parties, including law enforcement. Therefore, this is a consideration that must be taken to account when evaluating different policy or technical solutions to this challenge.

As I've said previously, this is a complex issue but that does not make it any less important. The auto industry is committed to remaining a constructive partner in the collective effort needed to address this challenge. Much like our work with DOT on the Safe Systems approach to roadway

safety, we look forward to continuing our work examining ways in which we can support a similarly holistic approach to addressing this challenge. I want to recognize the Chairman, Ranking Member and members of this committee for continuing that important conversation.

I look forward to working with each of you, your colleagues in both chambers, the administration and all stakeholders to be a constructive partner on the path to a safer future on America's roadways.



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**United States Senate Judiciary Committee Hearing
 Federal Support for Preventing and Responding to Carjackings
 Tuesday, March 1, 2022**

**Vaughn Bryant, Metropolitan Family Services
 Written Testimony**

Good morning, Chairman Durbin, Ranking Member Grassley, and members of the Committee. My name is Vaughn Bryant, and I am the Executive Director of Metropolitan Peace Initiatives (MPI), a division of Metropolitan Family Services. Metropolitan Family Services has helped Chicago families meet the hardships of poverty, epidemics, natural disasters, world wars and economic downturns since 1857. In 2016, we formed Metropolitan Peace Initiatives to put power in communities' hands and engage residents to participate in the solution to gun violence.

I come to this work having grown up in Detroit, MI. I am the son of a Detroit police officer. I am the product of the Police Athletic League where police officers coached me in football, basketball, and baseball before going on to be a fourth-round draft choice in the 1994 NFL draft. I have spent half of my professional career in service of communities and working with law enforcement.

Metropolitan Peace Initiatives coordinates, supports and sustains a cross-agency community safety infrastructure made up of local community-based organizations rooted in the most violent areas of the City of Chicago. For the first time in Chicago's history, organizations with proven violence prevention outcomes across the city's geographies have come together to build a necessary community infrastructure dedicated to preventing violence and delivering a comprehensive set of services to heal communities at the highest risk for violence and provide opportunities for individual rehabilitation.

The root causes of crime are well documented and researched. Crime is primarily the outcome of multiple adverse social, economic, cultural, and family conditions. Just as the root causes of crime are multi-layered, so must be the systems we build to address it. With this in mind, Metropolitan Peace Initiatives is comprised of five major programs.

COMMUNITIES PARTNERING 4 PEACE (CP4P)

Chicago's fast escalating violence in 2016, which saw 762 individuals killed by guns and 4,580 individuals shot, (increases of 58% and 47% respectively), along with the unrest related to the murder of Laquan McDonald demanded a new approach. This led a group of community leaders to establish Communities Partnering 4 Peace (CP4P). CP4P is partnership of leading outreach organizations that adhere to four operating principles, restorative practices, trauma informed practices, Kingsian nonviolence and hyper-locality. CP4P is an innovative and comprehensive collaboration, convened in 2017 by Metropolitan Family Services in partnership with eight community-based organizations, to reduce violence in nine of Chicago's most violent

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communities. Today it includes 14 partner agencies active in 28 Chicago communities. CP4P's mission is to engage and build trusting relationships with individuals and groups most vulnerable to gun violence, and to mobilize and provide them with a comprehensive set of services that lead to their healing and the healing of our communities. CP4P partner agencies demonstrate success and are highly skilled in violence prevention services. CP4P relies on its capable street outreach staff, who are credible messengers to the target population with a license to operate in the communities they serve. The program targets individuals most at risk of perpetrating violence or being victims, and provides:

- **Intervention by trained street outreach workers** who engage individuals with a high likelihood to shoot or be shot and create peace and non-aggression agreements;
- **Case management services** such as behavioral health, education, job training, transitional housing and re-entry support services for returning citizens; and
- **Community-based events to build community safety and solidarity** called “Light in the Night.”

METROPOLITAN PEACE ACADEMY

The Metropolitan Peace Academy is a multidisciplinary platform that offers trainings to professionalize and strengthen the fields of street outreach and community violence prevention. MPA has established core competencies, knowledge, and skills required of outreach workers and violence prevention practitioners and ensures consistent standards in how outreach workers deliver services. With a responsibility towards rehabilitation, the Peace Academy offers ongoing professional development of outreach workers and other practitioners who work with the acutely at-risk population to promote best practices. The MPA is foundational to creating a sustainable infrastructure by graduating a citywide network of outreach workers to ensure the highest probability of success in creating safer communities. The Peace Academy features an 18-week intensive curriculum shaped and taught by street outreach workers and guided by the principles of hyper-locality, nonviolence, trauma-informed practices and restorative justice.

BEHAVIORAL HEALTH

Providing trauma informed services is foundational to MPI as it seeks to heal individuals and communities that have been impacted by community violence. Metropolitan Peace Initiatives' Behavioral Health programs offer individuals a pathway to develop their strengths, through resources and opportunities to maximize mental health stability for themselves and their families. Counseling and mental health services are client-centered, culturally sensitive and bilingual (English and Spanish). Trauma-informed and evidence-based care combines clinical expertise, research and participants' own values supporting individuals, families, and groups and offering links to community health providers for long-term care.

WORKFORCE DEVELOPMENT

Through job readiness and training services, Metropolitan Peace Initiatives' Workforce Development programs offer unemployed and underemployed individuals the opportunity to

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prepare for and attain meaningful and sustainable employment. Assistance includes GED attainment, utilizing the H.O.P.E Curriculum, a two-week job readiness skills training, and offering skills-based training that includes access to industry training and certification for jobs in construction, food services, plumbing, electrical, carpentry and more.

JUSTICE CORPS: LEGAL SERVICES

Through individualized, hyper-local legal services, CP4P Justice Corps offers justice-involved adults the opportunity to move past the legal issues and barriers holding them back from success. Community-based legal services are free and offered at CP4P partner organization offices keeping services available close to home. MPI's legal professionals offer assistance with employment, housing, public benefits, crime victim services, human trafficking, elder law, and domestic violence legal issues.

CP4P FACTS AND FIGURES

Of all CP4P participants, 80% are males, 73% are Black and 20% are Hispanic, with the average age of 28. CP4P communities endure more crime and gun violence – at rates three times higher – than the rest of Chicago. Residents of CP4P communities bear some of the highest risks for gunshot injuries in the city. Within those communities, CP4P participants run a 370% greater risk of gun violence than do their neighbors.

Since the start of CP4P in July of 2017, shootings and homicides declined an average of 1% per month in our target area, whereas shootings and homicides were increasing 2% per month before CP4P. This led to an overall reduction of 17.7% on average in the number of homicides and shootings per month in the first 30 months of operation.

External evaluation partners, Northwestern University's Northwestern Neighborhood Network (N3), began qualitative data analysis to better understand the participant experience with outreach, how this might vary by organization and participant, and how such insights might improve practice. A July 2020 presentation highlighted the following themes from the qualitative analysis:

- Participants look up to outreach workers. They view them as heroes, mentors, and sources of emotional and material support.
- Participants report to benefit the most from outreach workers helping them during dark times, consistently following up, positive mentoring, connecting them to social services/recreation, providing legal support, and doing community service.
- Ultimately, participants are looking for socioeconomic stability. They see involvement with street outreach as a transition from street or gang -related life to participation in the mainstream workforce.
- In response to Covid-19 and the shelter-in-place order, outreach staff have had to adapt. They face expanded job responsibilities, fluctuating morale, and increased scrutiny.

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Meanwhile, participant progress has been put at risk by disruptions in services and job opportunities.

Similarly, MPI worked with the external evaluation team at N3, CP4P Data Managers, and other staff at the CP4P organizations to examine the participant-level impact/outcomes component of the evaluation. N3 released promising results in August 2021. According to Early Evidence Suggests Violence & Violent Crime Reduction:

- Gunshot victimization was 20% lower 18 months after participation and was 31% lower 24 months after participation in CP4P
- Arrests for violent crimes were 28% lower 18 months after participation and 17% lower 24 months after participation in CP4P

Correspondingly, according to a survey of participants, just over 15% of CP4P participants experienced an increase in full or part-time employment and another 15% increased their educational level after program participation. In fact, job employment services rank highest in the services participants were most often referred to followed by educational resources, food assistance, housing, mental health, and legal resources.

According to the City of Chicago Mayor's Office of Violence Reduction's Violence Reduction Dashboard, there have been roughly 2000 vehicular hijacking victimizations in Chicago since January 1, 2021. This crisis has left victims traumatized and communities on alert. In response, MPI took action to implement a targeted intervention within communities to mitigate and respond to this crisis. MPI engaged its hyper-local community-based organizations to address the following objectives:

- Develop a community response to the carjacking crisis.
- Provide education and outreach to communities and residents on prevention strategies.
- Provide intervention supports to proactively prevent carjacking from taking place in the targeted communities
- Work in coordination with MPI and other community stakeholders to come together in addressing this crisis.

The purpose of this initiative was to implement a 30-Day community action pilot to understand at a deeper level the breadth and nature of the carjacking issue facing communities under CP4P's umbrella and across the city, targeting 16 Chicago wards.

We extended the pilot to 90 Days and while we saw a slight drop in carjackings in the wards we served, we did not have the funding to formalize the initiative and properly evaluate the impact. While carjacking and its increase is an alarming trend for all involved, we know that carjacking is one of many symptoms of the root causes of violence/crime that were only exacerbated by the COVID-pandemic.

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By now, we all recognize that COVID validated long known disparities in Black and Hispanic communities across the country. In particular, the south and west sides of Chicago, which experience the highest levels of gun violence, also experience the highest COVID rate. The root causes of higher crime and lower health outcomes are:

1. Family isolation and lack of access to support structures
2. Lack of community cohesion to improve public safety
3. Lack of primary prevention structure
4. Early academic failure and lack of school attachment
5. Lack of effective re-entry strategies and transitional service support
6. Inadequate government coordination and accountability
7. Unaddressed trauma due to poor access to health and mental health care services
8. Normalization of violence
9. Lack of economic investment, workforce development and family economic success
10. Lack of community policing strategies that build public trust

A history of slavery, convict leasing, Jim Crow, housing discrimination and mass incarceration has taken its toll. Chicago remains one of the most segregated cities in the United States. Public trust in our institutions continued to suffer because of bad actors the likes of Police Commander Jon Burge, found guilty of torturing approximately 120 and coercing confessions. Operation Greylord is an FBI case where 92 officials faced indictment and many convicted including, Judge Thomas J. Maloney for taking bribes for fixing murder cases. The recent shootings of Laquan McDonald, Adam Toledo, and Anthony Alvarez have police community relations at an all-time low.

The Community Training Academy (CTA), designed to be a community led training, was co-created by Communities Partnering 4 Peace (CP4P), the Chicago Police Department (CPD), and other community organizations to provide a framework and curriculum for community-based and community-specific trainings for Probationary Police Officers (PPOs), District Coordination Officers (DCOs) and officers recently transferred into a district. Through a twenty-four-hour curriculum, every police district learns to apply a hyperlocal lens to the communities they serve. To date we have trained 100 police officers across eight police districts since October 2020. Based on the survey results, ninety-five percent of the officers had a positive experience in the training and recommend all CPD officers complete the training.

By utilizing an asset-based community development framework, restorative practice and hyper-local focus, the CTA introduces specific dynamics within a given community and deepens understanding of key historical factors related to policing. The training emphasizes the role of the CPD and individual officers in creating communities that are both safe and just. CPD officers learn directly from community members and vetted stakeholders about key assets and challenges in their neighborhoods, develop an understanding of the biases that prevent authentic community-police engagement, and engage in critical conversations with key adults and young people in the community.

Vaughn Bryant, Metropolitan Family Services Written Testimony, Page 5

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Additionally, CP4P leadership meets on a bi-monthly basis with local Chicago Police Commanders to identify local violence hot spots, coordinate interventions and address quality of life issues in local neighborhoods. CP4P partners continue to engage with the City of Chicago Aldermen, the Chicago Department of Public Health, the Chicago Department of Family and Support Services while always intervening with the highest risk individuals and their families. Law enforcement cannot provide the healing that comes with social services supports and interventions but can work in tandem with a violence prevention infrastructure that provides options to steer youth in alternate directions. Violence prevention can result in fewer individual contacts with law enforcement freeing up law enforcement to focus on larger issues. As you consider ways the federal government can address issues of violent crime, sustainable funding that brings violence prevention to scale must be part of the solution. The federal government has already begun to do so.

Federal CARES Act funding assisted Metropolitan Peace Initiatives at the onset of the COVID pandemic. Like many cities, Chicago experienced an uptick in violence. However, because of the community violence prevention infrastructure that was built, MPI was able to coordinate and standardize street outreach services to prevent and/or reduce community violence (homicide and retaliation) with the ultimate intent of preventing gun violence while also providing wrap around services to address needs directly related to the Coronavirus pandemic. In addition to its normal violence prevention services, CP4P organizations utilized CARES funding to: 1) Host events in the community to promote safety during the pandemic while strategizing to reduce violence; 2) Provide proper protection for outreach teams to canvass safely in the neighborhood; 3) Distribute supplies to improve Safe Haven locations and maintain them safely during COVID; 4) PPE equipment distribution for individuals and community members; 5) Provide community survival bags of groceries and other essential items to families in need; 6) CARES funding also helped stabilize employment and recruit new members to the team to help with information sharing and distribution needs. Outreach workers built on their trusted relationships to pivot and expand their roles to include community health workers.

We could do so much more with additional federal investment.

- American Rescue Plan funds allow local governments to utilize ARP funds to prevent or address gun violence in cities as increased gun violence and the need for expanded violence intervention programs can be traced to the impact of the pandemic, and violence intervention professionals are performing essential frontline work to protect the public and interrupt gun violence
- Medicaid can reimburse certain community violence intervention programs, like Hospital-Based Violence Interventions.
- [Five agencies are making changes to existing federal funding streams](#) across 26 programs to direct vital support to community violence intervention programs including the Department of Justice, Department of Health and Human Services, Department of Housing and Urban Development, Department of Education, and Department of Labor.

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The Build Back Better Act includes historic investments in community violence intervention programs like MPI. The proposed funding in the Build Back Better Act would be a targeted investment of \$5 billion in America's most impacted communities. This would be a necessary investment to root out violence before it happens and would be a complement to other public safety strategies. The investment is grounded in work already being done by the Department of Justice and Department of Health and Human Services.

Federal investment in violence prevention interventions that remove constraints that prevent individuals from a more positive path, like Metropolitan Peace Initiatives, is an investment in alternate choices, alternate paths. From initial outreach and violence interruption to engagement with case management and referrals to supportive services, individuals are presented with opportunities to express their talents in a more positive way.

In conclusion, we are here today because violent crime is costly to every one of us. However, with strategic investment focused on a multi-faceted approach that is inclusive of funding and support for building community prevention infrastructures, we can realize healing and restoration and the resulting reduction in crime.

CP4P community partner, New Life Centers, knows firsthand that transformation is possible. Inspired by 1 Thessalonians 2:8 that says, "we cared so much for you that we were willing to share with you not only Creator's good story but our own lives as well. That is how deep our love for you has become"—their mission is young people and their families connecting with Christ and Community through restorative justice, safe spaces, and life-on-life relationships. Benny Estrada, Director of Street Outreach, shares the life-changing impact violence prevention services have had on the youth they serve:

"I am working with a young person who has a pending auto theft case and is struggling with his home life. Over the past year, we have been steady in ensuring that he has the support that he needs and have accompanied him in his journey to attain his goals. One of them being his attendance in school which we have seen a dramatic increase in. This young person has religiously been attending programming with us and I have personally seen a change in his behavior where his attitude has shifted and his focus has changed to the more positive aspects of life."

"We have worked with young people who have stolen a car for the economic opportunity that it presents. We have been working with young people to change their mindset about these and other crimes and have focused more on the impact that their behavior has caused and can cause to a neighbor or a friend or a community member. The most change I have seen is when this person reaches out to me or my team before doing something negative. I am most proud that this person stops to re-evaluate his actions and then change course irrespective of the peer pressure."

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Ultimately, participants are looking for socioeconomic stability. They see involvement with street outreach as a transition from street or gang -related life to participation in the mainstream workforce. CP4P participant data demonstrates this desire. During the Risk Reduction/Intake Assessment, 43% of participants noted they were interested in employment services, and of those participants, 60% enrolled in employment services. Likewise, 28% of participants noted interest in education services, and of those participants, 39% enrolled in education services. This intervention model of individual wrap around services removes constraints that prevent individuals from a more positive path so that individuals can express their talents in a more positive way.

We are having a demonstrative, life changing impact across the City of Chicago for hundreds of individuals. But Metropolitan Peace Initiatives will not reduce violent crime in the City on its own.

Understanding that effective solutions to community challenges require residents' active support and engagement, CP4P's model puts the power in communities' hands. Community-based organizations form the core of CP4P's implementation model and engage residents to participate in the solution to gun violence while forging closer partnerships with public agencies and the police department. Along with law enforcement, CP4P's community-based infrastructure is part of a larger crime reduction ecosystem.



TESTIMONY OF

CHIEF EDDIE GARCIA
CHIEF OF POLICE
DALLAS, TEXAS

Appearing on Behalf of the
MAJOR CITIES CHIEFS ASSOCIATION

BEFORE THE

SENATE JUDICIARY COMMITTEE

**“FEDERAL SUPPORT FOR PREVENTING
AND RESPONDING TO CARJACKINGS”**

March 1, 2022

Introduction

Chairman Durbin, Ranking Member Grassley, and distinguished members of the Committee:

Thank you for the opportunity to appear before the Senate Judiciary Committee today. In addition to being Chief of the Dallas Police Department, I also am here on behalf of the Major Cities Chiefs Association (MCCA). The MCCA is a professional organization of police executives representing the 79 largest cities in the United States and Canada. The Association's mission is to provide a forum for police executives from large population centers to address the challenges and issues of policing, influence national and international policy that affects police services, enhance the development of current and future police leaders, and encourage and sponsor research that advances this mission.

This hearing will focus on the rise in carjackings occurring throughout the country. This trend is part of a larger increase in violent crime that certainly warrants further discussion. The sustained increase in violent crime has disproportionately impacted MCCA members. The brave officers in these cities have continued to work tirelessly to tackle this challenge head-on and keep our communities safe. However, more must be done to support them, crime victims, and impacted communities.

My testimony will provide an on-the-ground, local law enforcement perspective on the current carjacking and violent crime situation in America's urban centers. More specifically, I will touch on some of the drivers contributing to the ongoing rise in crime and discuss how all federal, state, and local stakeholders can work together to address these challenges.

The Rise in Violent Crime

Nearly every major city in the United States is grappling with a rise in violent crime. While Dallas is one of the few MCCA members where violent crime decreased in 2021, many MCCA members experienced record-high numbers of homicides last year. According to the latest MCCA Violent Crime Survey, there were 9,548 homicides in major cities in 2021, a roughly 6% increase from 2020. However, when comparing homicide numbers over the past few years, the data clearly shows that America is in the middle of a violent crime wave. For example, in 2021, homicides were up approximately 49% compared to 2019 and 53% compared to 2018. These numbers are devastating and illuminate the unprecedented challenges local law enforcement has had to contend with over the past few years.¹

Carjackings in Major Cities

Similar to other types of violent crime, carjacking has also continued to rise steadily. Fortunately, here in Dallas, we have not experienced nearly the amount of carjackings as some of my MCCA colleagues. For example, in New York City, there were 510 carjackings in 2021, a roughly 55% increase from 2020. In Chicago, carjackings are up nearly 31%, increasing to 1,853 instances compared to 1,413 in 2020. Perhaps most troubling, however, is that when looking at carjacking data over several years, the rates in these and other cities have more than doubled. For example, in New Orleans, carjackings rose approximately 160% between 2019 and 2021. In Philadelphia, the number of carjackings nearly doubled between 2020 and 2021 alone.

¹ The MCCA's Violent Crime Reports can be found here: <<https://majorcitieschiefs.com/resources/>>

Several factors are driving the increase in carjackings. The first is financial gain. In light of the ongoing supply chain challenges, the precious metals in catalytic converters and other car parts have become even more valuable, making them a popular target for criminals. Some perpetrators will commit a carjacking and then immediately take the vehicle to a chop shop to sell it for parts. The second is to further other criminal activity. In Dallas, we responded to serial carjacking crews who would use stolen vehicles to go on crime sprees, including robberies and aggravated assaults. It is also not uncommon for offenders to carjack vehicles that are later used in drive-by shootings or other violent crimes.

MCCA members have reported a marked increase in the number of carjackings committed by juveniles. These offenders can be as young as 11, 12, or 13 years old in some instances. Often, juveniles commit carjackings to go on joyrides or as part of a gang initiation. Even more concerning, there are instances where individuals commit these crimes for “clout” and to gain notoriety on social media. The most prominent example is the “Kia Boys” in Milwaukee. As part of this disturbing trend, groups of juveniles will steal vehicles, primarily Kias and Hyundais, and take them for joyrides. They’ll then post videos on social media in a bid to outdo each other. In addition to the thefts themselves, the reckless manner in which these individuals often drive is a public safety risk.

Gun Violence

A significant increase in gun violence has accompanied the ongoing rise in violent crime, evidenced by the uptick in aggravated assaults in many of our nation’s urban centers. According to MCCA data, while there was only a slight increase in aggravated assaults in 2021 compared to 2020, these incidents increased approximately 21% compared to 2019. Furthermore, several MCCA member agencies recorded record-high gun seizures last year.²

The nature of many of these shootings is extremely concerning. While every violent crime involving a firearm is troubling, these are no longer isolated incidents where only a few shots are fired. Local law enforcement officers are now routinely responding to situations with multiple victims and multiple shooters. During some of these incidents, violent offenders discharge hundreds of rounds. The grim reality is that shootings have become a daily occurrence in America’s cities. In some MCCA member cities, it’s common for there to be multiple instances of gun violence a day.

Unfortunately, there has also been an increase in gun violence perpetrated by juveniles. MCCA members are not only encountering more juveniles in possession of firearms, but more juvenile trigger pullers as well. This trend is likely driven by a lack of accountability, especially for juvenile offenders, which is discussed in greater detail later in this testimony.

A good portion of the guns used to commit violent crimes can be traced to a few unique sources. Although it’s not as large of an issue in Dallas, there is a proliferation of ghost guns in other major cities across the country. Some gangs have members whose sole job is to assemble these weapons. Firearms stolen from vehicles and homes are increasingly being used in crimes or recovered from violent offenders. Finally, several MCCA members have found that criminals are using various types of unemployment and other fraud to finance purchases of weapons that are later used to

² *Ibid.*

commit violent crimes. More must be done to keep guns out of the hands of violent offenders, and if these individuals are arrested while in possession of a firearm, they must be held accountable.

Attacks on Law Enforcement Officers

One of the most troubling recent violent crime trends is the rise in attacks on law enforcement officers. According to FBI data, 73 police officers were feloniously killed in 2021, a nearly 60% increase from 2020 and the highest total recorded in a decade.³ In addition, another 12 officers were shot and killed in January 2022.⁴ In the first two months of 2022 alone, MCCA member agencies have lost four officers in the line of duty, and many others have been injured.

Many of the attacks on these brave officers are brazen. They represent a complete disregard for the job officers do, the critical role they play in our communities, and the sanctity of life. Far too often, the perpetrators are violent offenders with lengthy criminal histories and previous felony convictions. In some incidents, the suspects were out on bond. The violence being directed towards police officers must stop immediately.

Criminal Justice System Accountability

Police are just one component of the criminal justice system. The shortcomings of other elements in the system have produced a situation where violent and chronic offenders cycle through the criminal justice system. This is undoubtedly a contributing factor to the rise in carjackings and other violent crimes, especially since these offenders continue to face no consequences for their actions. Our criminal justice system needs transparency, criminals need deterrents and accountability, and victims deserve justice.

The challenges with the lack of accountability manifest themselves in several ways. In some cities, there is a reluctance on the part of district attorneys to prosecute certain crimes. This includes some violent and gun crimes, such as a felon in possession of a firearm. Other MCCA members have reported that district attorneys and judges are not following sentencing guidelines. Finally, probation supervision has decreased, and some parole officers are unwilling to act when offenders violate the terms of their release.

Many areas throughout the country have implemented varying degrees of bail reform. Unfortunately, the impact of these policy changes is yet another example that highlights how a lack of accountability affects public safety. The MCCA strongly believes common-sense reform is needed to provide relief to non-violent offenders who pose a minimal risk to public safety. These individuals should not be held pre-trial simply because of their socio-economic status. However, some of these reform efforts have gone too far. As a result, in many major cities, violent offenders, including homicide suspects, and repeat offenders, are frequently released on either PR or very low bonds. The failure to remand these individuals allows them to continue to prey on our communities and contributes to cycles of retaliatory violence. There is a need for additional transparency throughout the criminal justice system so the American people can see how the actions of elected district attorneys and judges are impacting violent crime in their communities.

³ “Law Enforcement Officer Deaths: 01/01/2021—12/31/2021” *Federal Bureau of Investigation*, January 1, 2022. <<https://crime-data-explorer.fr.cloud.gov/pages/le/leoka>>

⁴ “Official Line-Of-Duty Fallen Heroes: January 2022 Report,” *National Law Enforcement Officers Memorial Fund*, January 31, 2022. <<https://twitter.com/NLEOMF/status/1488212238687256580>>

The Dallas County District Attorney was elected on a reform and social justice platform. While we do not see eye to eye on everything, we have a good, open relationship. I truly believe that he does not turn a blind eye to violent crime. The District Attorney can do more to enforce some lower-level crimes, which may allow action to be taken before these offenders escalate to more serious offenses. Still, overall, I believe he'll hold people accountable. When we disagree, we can have a frank conversation about what happened and why. However, no matter what happens, I tell my officers that we need to focus on what we can control, and we won't let the police department be the broken part of the system. Dallas PD must continue to do its job, even if that means taking action against the same offenders multiple times.

The situation in Dallas is not akin to other major cities. Some of my MCCA colleagues continue to experience significant challenges with judges and prosecutors in their jurisdiction. Make no mistake, the failures of the criminal justice system to hold violent offenders accountable drains law enforcement resources, hurts officer morale and the public's perception of law enforcement, and is detrimental to public safety and the rule of law.

Accountability for Juvenile Offenders

The increase in juvenile offenders presents a unique set of challenges. As a society, we must do everything in our power to provide our youth with opportunities and resources. At the same time, repeat juvenile offenders, or those who commit serious, violent crimes must be held accountable. However, in some MCCA member jurisdictions, these juveniles are almost always released immediately instead of being placed in juvenile halls or other programs.

The lack of accountability has compounded current challenges with juvenile crime. While juveniles perpetrate many of the carjackings in major cities, few face serious consequences. As a result, there is no deterrent stopping other juveniles from engaging in similar, or more dangerous behavior. The lack of accountability also leads juveniles to commit crimes they may not have otherwise. For example, MCCA members have indicated that gangs are pressuring juveniles to carry out shootings or having them hold older gang members' firearms. This is because even if these juveniles are caught, there likely won't be any consequences.

Law Enforcement Staffing Challenges

Local law enforcement agencies are facing a variety of staffing challenges, which have complicated the law enforcement response to carjacking and other violent crimes. Police officers are retiring at an alarming rate and many are leaving for smaller police departments. As a result, several MCCA member agencies are understaffed by hundreds of officers. Understaffing has immensely impacted the day-to-day operations of law enforcement agencies. For example, some MCCA members have had to disband specialized units and can no longer conduct proactive policing to address violent crime. Call response times have increased in other agencies, and large portions of some workforces only have a few years of law enforcement experience.

Understaffing has also created other staffing challenges, such as requiring officers to work mandatory overtime or canceling days off, leading to officer burnout. MCCA members are taking various approaches to try and address these challenges. Examples include offering signing and retention bonuses or increasing civilian hiring for administrative operations to ensure enough sworn officers are available to respond to calls for service.

Law enforcement officers are frustrated by the current situation. Increases in violent crime, the failure of other elements in the criminal justice system to hold violent and repeat offenders accountable, and anti-police rhetoric have devastated officer morale.

Continuity of leadership is another staffing challenge. The average tenure of a major city police chief has decreased significantly, and the current turnover rate is unprecedented. Since January 2020, more than half of the MCCA's member agencies have experienced a change in leadership. This is detrimental to public safety overall, and frequent turnover can make it incredibly difficult to institute reform or change an organization's culture. As a result, law enforcement agencies must support leadership development efforts. These initiatives will help ensure interested and qualified officers have opportunities to rise through the ranks based on merit.

Dallas Violent Crime Reduction Plan

As mentioned earlier, Dallas is unique in the fact that we are one of the few major cities where violent crime decreased last year. This trend has continued into 2022, and our violent crime thus far is down roughly 17% year to date. This would not be possible without the exemplary work of the officers and staff of the Dallas Police Department. I'd like to take a moment and use this platform to publicly thank them for the incredible work they do every day to keep our city safe.

Following my appointment to serve as the Chief of Police in February 2021, my team and I developed a Violent Crime Reduction Plan. The plan relies heavily on science and crime data and was developed in conjunction with criminologists. It includes short-term, mid-term, and longer-term strategies to reduce violent crime, and Dallas PD began implementing the plan in May 2021.

The short-term strategies in the plan focus on hot spots policing. We broke the city of Dallas down into microgrids and focused on the roughly 50 grids responsible for 10% of all violent crime in the city. Based on crime analysis and mapping, DPD deployed a highly visible police presence to these grids at the times when violence is most often reported. In addition, DPD teams focused on surveilling, deterring, and arresting repeat violent offenders on other high-crime grids. These hot spots are reviewed and adjusted as needed every 90 days. This approach has been successful, and the mix of engagement and enforcement have driven down violent crime in these grids by 50%.

The plan's mid-term strategies consist of Place Network Investigations. These consist of a variety of government agencies, non-profit and community-based groups, and other stakeholders working together to address crime and drivers of crime in a given location. Place Network Investigations combine traditional law enforcement efforts with code enforcement, abatement, environmental design changes, and other actions. By strengthening the neighborhood and reinvesting in the community, these strategies seek to alter a location's criminogenic nature.

The longer-term strategies included in the plan emphasize focused deterrence and urban blight abatement. Focused deterrence seeks to change the behavior of high-risk offenders through a combination of incapacitation, community involvement, and alternatives to violence. This consists of continued engagement between law enforcement and high-risk offenders, including providing these individuals with social services, education, and job training. Community violence interventions are also a key component of DPD's focused deterrence strategy. The police department will continue to work closely with other city agencies, non-profits and community groups, and other leaders in the community to implement this portion of the strategy.

I cannot emphasize enough that my fellow chiefs, regardless of the size of their department or jurisdiction, should look at the data and work closely with criminologists to develop a violent crime reduction plan that meets the unique needs of their community. These plans must properly mix community input, community engagement, and enforcement action focused on taking violent offenders off the street. Together, this will help drive down violent crime. Congress should consider providing additional grant funding or other assistance to help local law enforcement develop and implement violent crime reduction plans.

Federal-Local Law Enforcement Partnerships

Local and federal partnerships are crucial in addressing increases in both carjackings and violent crime. MCCA members enjoy close working relationships with their federal partners and frequently collaborate with them to address guns, gangs, and other threats via task forces and other joint efforts. As demonstrated by previous initiatives such as Operation Legend, crime tends to decrease during federal surges.

Many MCCA members are already working with our federal partners to address the rise in carjackings. These efforts have been successful and should be expanded. For example, federal agencies should consider sending additional agents to support these initiatives or expand the details of those already involved beyond the traditional 30, 60, or 90-day windows. However, federal resources are limited, so Congress must provide these agencies with the requisite resources, so they're able to continue to provide this support. Furthermore, MCCA members have found programs that promote federal-local law enforcement collaboration to address violent crime, such as Project Safe Neighborhoods, to be valuable. Congress must also adequately fund these programs.

Similarly, Congress must support efforts to build the capacity of US Attorney's Offices. In some jurisdictions, there is either no permanent US Attorney or a lack of urgency to support local law enforcement efforts to fight violent crime. MCCA members have found pursuing federal charges for violent criminals to be a successful strategy, especially considering the challenges described above with local district attorneys. By increasing the capacity of US Attorney's Offices, we can increase federal prosecutions for both violent crime and carjacking, which will serve as a powerful deterrent.

Reopening the Courts and Addressing Case Backlogs

More must be done to fully reopen our judicial system. In many MCCA member jurisdictions, warrants are being signed, and people are being arrested, but suspected offenders are waiting months for a trial. The COVID-19 pandemic also exacerbated existing case backlogs in courts across the country. Congress should consider providing additional funding to address the shortage of prosecutors, defense attorneys, and courtrooms that have contributed to the current situation.

The backlog in the courts is compounding the current violent crime situation. When coupled with the continued release of violent and repeat offenders pending trial, the long delay for a hearing increases the amount of time during which these individuals may continue to prey on the community or become victims of retaliatory violence. In some jurisdictions, due in part to case backlogs, district attorneys and judges are allowing violent offenders to plead down to less serious charges just to get cases moving.

The Need for Additional Resources

Addressing the various challenges highlighted throughout this testimony will require an influx of resources and a public commitment to support law enforcement. Police departments need assistance to address staffing shortages, enhance forensic and investigative capabilities, and provide services and support to victims of violent crime. Recently, the Administration has emphasized that state and local governments may use the funding provided in the *American Rescue Plan* to help address violent crime. Unfortunately, despite the Administration's guidance, officials in major cities have dedicated limited, if any, *American Rescue Plan* funding for law enforcement purposes. As such, the MCCA strongly encourages Congress to provide local law enforcement with the requisite resources to respond to both carjackings and violent crime. This should include fully funding both COPS Hiring Grants and the Byrne JAG Program through the FY 2023 appropriations process.

Several MCCA members have started multi-agency initiatives, created specialized task forces, and launched education and outreach campaigns to address the rise in carjackings. These efforts require both personnel and a significant investment of resources that some law enforcement agencies simply don't have. There has also been some debate about the role of the private sector in responding to the increase in carjackings. In my opinion, countering this threat is law enforcement's responsibility. While tools like LoJack and OnStar are helpful, if you're using those tools to locate a vehicle, it means someone has already been victimized. Law enforcement needs to take proactive action to drive down robberies and violent crime overall, which in turn will drive down carjackings. Unfortunately, proactive policing has become a luxury for many departments that are contending with high murder rates and low staffing. As such, we need to make sure law enforcement is adequately resourced, so it can carry out this vital work and quickly respond to emerging threats.

Support for Law Enforcement

In recent years, anti-law enforcement rhetoric and actions related to de-policing and defunding have left officers feeling vilified. Support for the law enforcement professional has never been more vital. Reform and public safety are not mutually exclusive and supporting public safety should not be political. Every day, MCCA members work to protect and serve their communities while implementing professional law enforcement practices that are fair, equitable, transparent, and procedurally just. The reality is that communities in major cities, especially those most impacted by the increase in carjackings and violent crime, don't want fewer police in their communities. Here in Dallas, the support of our mayor and city council have been an instrumental part of our efforts to reduce violent crime. The MCCA encourages elected officials at every level of government to follow suit, express their unequivocal support for law enforcement, and ensure officers have the necessary tools to keep our communities safe.

Conclusion

Law enforcement is currently in the midst of one of the most challenging periods in the history of our noble profession. Carjacking and other violent crime rates have steadily risen over the past few years. A lack of accountability has emboldened criminals, and brazen attacks on law enforcement officers have become disturbingly commonplace. A collaborative, targeted, and holistic approach to combating violent crime is required to make our cities safer. The success we've achieved in Dallas exemplifies how our communities are safer and more prosperous when investments are

made, police officers are supported, and stakeholders work together. The MCCA's members look forward to working closely with the Committee to achieve our shared goal of driving down crime.

Thank you again for the opportunity to participate in today's hearing, and I look forward to answering any questions you may have.

U.S. Senate Committee on the Judiciary
Hearing on Federal Support for Preventing and Responding to Carjackings
Testimony of Cook County Sheriff Thomas J. Dart
March 1, 2022

Good morning, Chairman Durbin, Ranking Member Grassley, and Members of the Committee.

Thank you for the opportunity to speak today. I firmly believe there are tangible ways local law enforcement, the federal government, and the auto industry can work together toward real solutions that will stop this disturbing rise in carjackings.

I am the Sheriff of Cook County, Illinois, which includes Chicago and more than 130 suburbs. In our community, carjackings have increased at an alarming rate. In Chicago, they tripled over the last decade. Just last year there was more than 2,000 carjackings, or about one every 4 hours.

This isn't just a Chicago issue. New York City carjackings have quadrupled in the last three years.

Philadelphia incidents are up nearly 300% since 2015.

Here, in the District of Columbia carjackings have almost tripled in the past two years.

Anyone in a car is a potential victim. You, your spouse, your children, your parents. Yes, even lawmakers have been victims, including Illinois state Senator Kimberly Lightford and Pennsylvania Congresswoman Mary Gay Scanlon.

The crime can happen at any time.

One victim in Chicago told us that she was performing the common winter chore of brushing snow off her Toyota Camry when two young men approached, pointed a gun and demanded her keys.

In another case, a retired Air Force physician stopped at a gas station in a Chicago suburb. A carjacker grabbed her car door, put a gun to her head and demanded she get out.

A struggle ensued, the offender violently pulled her from the driver's seat, threw her to the ground and kicked her multiple times before speeding off in broad daylight.

These two women are among the more than 4,500 victims in Cook County since 2020.

I can give you that number because our office has catalogued and analyzed nearly 4,000 carjacking events since 2020.

We've done a deep dive into the methods and tactics of the offenders.

With the invaluable assistance of the Chicago Police and the FBI, we have begun to understand the motivation behind this crime and ways to address it.

But, regardless of whether the motive is for assisting in committing another crime or for profit, one thing is certain: the key to successful apprehension and prosecution is recovering vehicles quickly.

One of the most effective tools available is manufacturer-installed geolocation equipment commonly available in most vehicles built after 2015.

But while some manufacturers are very helpful, others can be reluctant or unwilling to track carjacked vehicles.

It is often not clear who to call to get information and some auto companies have limited hours.

Sometimes staff are poorly trained and demand we obtain warrants which are not legally relevant.

In egregious cases, the companies require customers to pay an upcharge to initiate the tracking of the car which was just stolen from them.

The Air Force veteran I mentioned earlier tried to get her vehicle tracked through the manufacturer with no success.

After my office got involved, it still took nearly two days to get the vehicle's location - and while it was at large - the car was used in at least two other crimes, including another carjacking at gunpoint.

We believe auto manufacturers can be a great ally in this battle. They already innovated the technologies needed to track the stolen vehicles.

Now they must lead the way in developing a system to communicate in a consistent way with responding law enforcement.

Just a few weeks ago, we had a great example of how the system should work.

After the Chicago woman was carjacked, our office was able to coordinate a call with her and Toyota for her to grant our office permission to track the vehicle.

Once the location was established, we were able to recover her vehicle quickly and safely.

In December, I wrote to major auto manufacturers to raise this issue and suggest a single 24/7 phone number police could use to get tracking data quickly and legally on any hijacked vehicle.

We've had some promising discussions since then. General Motors/OnStar has been receptive to our requests and initiated the development of a streamlined communications system.

Also, we have had substantive conversations with the Alliance for Automotive Innovation.

Though talks are on-going, the Alliance has indicated a willingness to work toward sustainable solutions.

But time is of the essence. This is a crime that has real economic impact.

Central business districts in major cities across this nation are experiencing a slower than expected post-pandemic rebound - in part, because diners and shoppers fear being carjacked.

That is certainly the case in Chicago.

Chairman Durbin understands this. He is urging the U.S. Department of Transportation to work with the auto industry to increase police access to tracking data and he has encouraged the FBI and Bureau of Justice Statistics to improve data collection.

Make no mistake: this is a violent crime done primarily to obtain an anonymous car to commit more acts of violence, frequently shootings.

Carjacking is a relatively easy crime to commit and currently a difficult crime to prosecute.

In Chicago, we estimate more than half of incidents are perpetrated by well-practiced teams of prolific offenders.

These crews often ride in groups of 4 or 5. Once they target a victim, two offenders exit the chase car pull the victim out of their vehicle - then drive away with the chase car following closely.

Once the offenders are clear from the scene, they often will meet the chase car and switch out the carjacker with a new driver the victim never saw.

Often that new driver is a juvenile - who if caught by police would likely face less severe penalties.

And as a former prosecutor I can tell you the longer the car is missing the more likely it will be used in multiple crimes and as important the less likely there will be a successful prosecution.

We must act now. Every day brings more incidents, more victims, and more fear.

Thank you for your time. I am happy to answer any questions.



Statement of

DAVID J. GLAWE
PRESIDENT AND CHIEF EXECUTIVE OFFICER
NATIONAL INSURANCE CRIME BUREAU

For a Hearing on:

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

Before the Senate Judiciary Committee

March 1, 2022

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 Akininbi, 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://sdc.dc.gov/sites/default/files/dc/sites/sdc/page_content/attachments/Final%20Homicide%20Quick%20Fact%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 Segaves, *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/>

⁴⁷ Memorandum 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.

Testimony of Justin E. Herdman
Former U.S. Attorney for the Northern District of Ohio
“Federal Support for Preventing and Responding to Carjackings”
March 1, 2022

Good morning. Thank you Senator Durbin, thank you Senator Grassley, and thank you members of the Committee for the opportunity to speak to you today on the vital issue of federal responses to carjacking. My name is Justin Herdman and from 2017 until early 2021, I served as the United States Attorney for the Northern District of Ohio.

The Northern District of Ohio is comprised of Ohio’s 40 northernmost counties, essentially every county north of Columbus. Pennsylvania borders us to the east, Indiana to the west, and Michigan, as well as a maritime border with Canada, to our north. Of Ohio’s eight major cities, the Northern District has five of them: Cleveland, Toledo, Akron, Canton, and Youngstown. In addition to major city crime problems, there are many rural communities, suburbs, and exurbs. Thus, when we’re talking about criminal trends in Ohio, and by extension the Midwest and beyond, the Northern District of Ohio has big-city problems, small-town problems, and everything in between.

Unfortunately, violent crime has increasingly touched all types of communities over the past several years. It is in our major cities, however, where the most profound violent crime problems continue to plague our district. As U.S. Attorney, I witnessed a pressing need to provide coordinated federal law enforcement support to local law enforcement in tackling violent crime. Unlike other areas of focus for federal prosecutors, the vast majority of violent crimes involve reactive law enforcement: a shooting or robbery takes place, police officers and other first responders arrive at the scene, and there is an immediate need to apprehend a suspect. The FBI, the ATF, the DEA, and the U.S. Marshals Service, among other agencies, each provide unique areas of expertise to assist local law enforcement in their investigations and prosecutions of all violent crimes. And while many of these crimes are best prosecuted on the local level, there are certain categories of violent crime that call for a heightened federal prosecutorial response. Traditionally, this has meant bank robberies and other violent robberies affecting interstate commerce. Within the past several years, however, I have seen a greater need for expansion of federal law enforcement activity, and overall will, to prosecute carjacking.

The reasons for a ramped-up federal response to carjacking are numerous. Before I get to some specific reasons why this crime calls for prioritized federal prosecution, let me first offer a view from my seat as the U.S. Attorney in Cleveland. In 2020 and 2021, the city witnessed a surge in all violent crime, but carjacking increased at a particularly alarming rate. Based on publicly available data, Cleveland experienced 285 carjackings in 2019. This number shot up to 355 in 2020, an increase of 25-percent, and went up to 433 carjackings in 2021. Thus, the overall number of carjackings in Cleveland in 2021 was over 50-percent higher than it was just two years before.

Obviously, behind each of these frightening numbers are victims who are forever changed by the crimes committed against them. In the summer of 2020, I highlighted one such case when we announced the expansion of Operation Legend, a comprehensive federal law

enforcement initiative, to the city of Cleveland. On the night of May 25, 2020, 17 year old Eric Hakizimana was returning home from soccer practice when he was senselessly murdered in a carjacking. Eric's family had fled to Cleveland as refugees from war-torn Congo, only to see their son murdered during a violent takeover of his vehicle. We announced a \$25,000 reward for information leading to the arrest of Eric's killer, and less than one month later a suspect was brought to justice. The investigation determined that Eric's killer was fleeing from another shooting when he came upon the teenager's car. After killing Eric, the murderer used his car to flee the scene.

Of course, there are more stories that underscore the highly dangerous nature of carjacking. Just to briefly touch on one additional one. On New Year's Eve this past year, 25 year old Shane Bartek, an off-duty Cleveland policeman, was shot and killed during a carjacking in the parking lot of an apartment building. The individuals arrested in that incident had numerous prior arrests for vehicle-related thefts and robberies. One of them, the alleged murderer of Officer Bartek, is an 18 year old woman with a juvenile record of robbery offenses involving firearms.

These two tragic cases are among hundreds of other carjacking offenses committed in Cleveland that, while not always involving injury or death, still pose outsized risks to the public. The reason for this is fairly obvious. Any robbery involves the use of force, and therefore is a serious violent crime, but here the object that is being taken is itself in motion and poses a variety of dangers. This fact requires the perpetrator to act quickly, with an overwhelming display or use of force, in order to force compliance from the victim. This is why we more often see shootings and killings associated with carjackings than we do with robberies of static locations like a store. Based on my experience as U.S. Attorney, I believe that the likelihood of force actually being used in a carjacking is much higher than with other crimes, which makes this a particularly pernicious form of violent crime.

Carjacking is also a facilitation crime. While there are clearly many examples of the robbery being committed for the purposes of "joyriding" the vehicle for a brief period of time, in my experience the vehicle that has been carjacked is most likely to be used for committing additional violent crimes, most notably pre-mediated shootings or commercial robberies. This fact also means that carjackings tend to be committed in serial fashion, usually by more than one person. For example, over nine days in December of last year, a group committed four armed carjackings in the geographically confined area of Cleveland's Little Italy. In the last of these carjackings, a 22 year old graduate student was shot and wounded.

One last general point that I would offer for the Committee involves the prevalence of juvenile offenders in committing these crimes. In March of last year, a group of 10 teenagers, ranging in ages from 14 to 19 years old, was arrested for a series of thirty armed carjackings and other violent robberies. The youngest offender, who again was only 14 years old, had been released from house arrest and ankle monitoring by a juvenile court judge only one month before embarking on the carjacking spree.

For purposes of fashioning effective federal responses to the crime of carjacking, then, I offer the following specific suggestions:

- First, the addition of a conspiracy offense to the federal carjacking statute, 18 U.S.C. §2119, would allow for an appropriate expansion of federal prosecutions aimed at preventing carjackings before they occur. As the examples provided earlier help to demonstrate, there are often juveniles involved in the commission of the immediate carjacking and we have seen cases where this was done deliberately in order to insulate adult offenders from federal prosecution. In order to effectively extend federal authority over the entirety of the carjacking group, including adult leaders and enablers, the addition of a substantive conspiracy charge would allow for a sensible extension of federal investigative resources and, ultimately, wider use of federal prosecutions to address those serial, serious offenders who are currently operating in a gray zone outside of federal reach.
- Second, prioritize carjacking responses in the current planning for violent crime reduction by federal investigative agencies, especially in violent crime task forces that are staffed by federal, state, and local law enforcement. As I've stated, carjacking plays an outsized role in the commission of other violent crimes. Federal agencies bring a wide variety of investigative tools that are either unavailable or underutilized by local partners. On the local level, each federal investigative agency, as well as every U.S. Attorney's Office, should develop a strategy specific to reducing carjacking in their given geographic area of responsibility. I would also encourage a similar planning process to be undertaken nationwide by the Department of Justice in order to identify assets and resources that could be deployed to assist cities dealing with a rash of carjackings.
- Third, and related to what I've just said, develop a nationwide best practices for carjacking response investigations that can be provided to every big city patrol officer and detective. In Cleveland and several of our other large cities, we routinely provided laminated cards that offered contact numbers for federal law enforcement and prosecutors, applicable federal statutes, and in some instances, a checklist of suggested on-the-scene questions, follow-up, and sensible steps that could be taken immediately (for example, seizing suspects' cellular telephones for possible execution of search warrants and identifying commercial or residential cameras that may be in the area). These outreach efforts are particularly effective when addressed at a specific offense that is prosecutable on the federal level, and carjacking would seemingly be an appropriate crime on which to focus such an effort.
- Fourth, the issue of juvenile offenders is one that does not necessarily weigh in favor of an expanded federal prosecution strategy. To be sure, there are certain cases that will involve juveniles and, based on the particular facts and circumstances of the case, merit potential federal prosecution. Still, the number of juvenile carjacking offenders far outweighs what U.S. Attorney's Offices could – or more importantly, should – charge. Instead, the prosecution of juvenile carjacking offenders will continue to be handled primarily by state and local authorities. Since many of the most violent juvenile offenders will have had prior contact with the criminal justice system, there is a place for smart screening of the highest risk offenders and ensuring that there are robust re-entry and rehabilitation efforts directed at those youth.

These are just a few of my suggestions, based on a twenty-plus year legal career, almost all of which has been spent as a state or federal prosecutor. Once again, I thank the Committee for an opportunity to address this critical issue of national importance and I look forward to answering any questions that you may have.

**Questions for the Record from Senator Charles E. Grassley
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022**

John Bozzella
President and Chief Executive Officer
Alliance for Automotive Innovation
Washington, D.C.

1. How does the Alliance for Automotive Innovation work with law enforcement within the confines of existing privacy laws? How do you work to preserve the privacy of Americans while assisting law enforcement in emergencies? How does the automotive industry currently work to expedite law enforcement requests for information in emergencies?

As I highlighted in my written testimony, the sharing of a vehicle’s location information – with anyone, including law enforcement – needs to be appropriately balanced against an automaker’s obligations to protect the privacy of its customers. The auto industry respects the importance of protecting consumer data and, in 2014, came together to commit to a first-of-its-kind set of Privacy Principles. The members of our association made individual commitments to be Participating Members and abide by these Principles, which are enforceable by the Federal Trade Commission. The Principles prohibit a Participating Member from sharing vehicle location information with any unaffiliated third party without the affirmative consent of the vehicle owner. The Principles also specifically permit the sharing of vehicle location information with law enforcement in the absence of affirmative consent if law enforcement has obtained a warrant or other court order to access that location information or in exigent circumstances.

I am not in a position to speak to how individual automakers respond to law enforcement in emergencies, but I can tell you that our member companies have carefully examined this issue and have made a decision about how the company can best balance the needs of law enforcement with the privacy of their customers.

The industry remains committed to identifying additional opportunities to improve collaboration on this important topic without undermining the commitment to consumer privacy.

2. How has the self-regulation of the automotive industry worked in the past to advance rules or guidelines beyond what the government has regulated?

In this era of rapid innovation, technology often outpaces the regulatory process. The auto industry has long recognized the importance of identifying potential trends and demonstrating leadership to keep pace with technological innovation. As vehicles started to become more connected, the industry committed to a first-of-its-kind set of Privacy Principles. Likewise, we came together as an industry and in collaboration with government to proactively establish an Information Sharing and Analysis Center (ISAC) to stay abreast of potential cyber threats within

the automotive ecosystem. The industry also recently finalized an international standard for vehicle cybersecurity, covering the entire lifecycle of the vehicle.

The industry has also launched initiatives to accelerate adoption of innovative safety technologies, including for Automatic Emergency Braking (AEB) and rear-seat reminders to combat pediatric heatstroke resulting from children left in hot cars. These voluntary commitments offer the industry opportunity to innovate and compete on ever-advancing technologies, many of which ultimately serve as the basis for regulation.

3. Where is there room for improvement in the cooperation of the automotive industry, law enforcement, and all other involved entities, such as community violence initiatives?

We welcome the opportunity to work with all stakeholders in support of broader efforts to address the rise in carjackings and other issues impacting the safety of our roadways.

4. How effective would having industry recovery standards be in preventing carjackings?

While the auto industry is certainly exploring ways in which we can contribute to the broader efforts to address this challenge, I believe a law enforcement witness may be better suited to address this question.

5. How do varying state privacy laws impair the ability of automotive manufacturers to cooperate with state and federal law enforcement officers? What kinds of federal action or engagement could help auto manufacturers aid law enforcement?

The patchwork of state privacy laws is complex and challenging for companies across all sectors, including automakers. That is why Auto Innovators supports the enactment of a comprehensive federal privacy law to establish clear expectations regarding consumer privacy. Absent a clear federal privacy law, companies must remain concerned how compliance with individual state legislation could conflict with laws in other parts of the country.

Questions from Senator Thom Tillis
for Mr. John Bozzella

1. Mr. Bozzella do you believe that car industries need to do more in preventing carjackings?

We remain committed to developing constructive recommendations in support of continued collaboration with law enforcement and policymakers on carjackings

2. What is your thought about implementing tracking systems in vehicles to help law enforcement solve car thefts?

This is a complex issue, one we take seriously. We remain committed to developing constructive recommendations in support of continued collaboration with law enforcement and policymakers on carjackings

3. What are the privacy concerns which come from implementing tracking systems? How does AAI recommend that its members address these privacy concerns while finding ways to best cooperate with law enforcement?

As I highlighted in my written testimony, the sharing of a vehicle's location information – with anyone, including law enforcement – needs to be appropriately balanced against an automaker's obligations to protect the privacy of its customers. The auto industry respects the importance of protecting consumer data and, in 2014, came together to commit to a first-of-its-kind set of [Privacy Principles](#). The members of our association made individual commitments to be Participating Members and abide by these Principles, which are enforceable by the Federal Trade Commission. The Principles prohibit a Participating Member from sharing vehicle location information with any unaffiliated third party without the affirmative consent of the vehicle owner. The Principles also

specifically permit the sharing of vehicle location information with law enforcement in the absence of affirmative consent if law enforcement has obtained a warrant or other court order to access that location information or in exigent circumstances.

This is a complex issue, one we take seriously. We remain committed to developing constructive recommendations in support of continued collaboration with law enforcement and policymakers on carjackings

4. Do you agree that more law enforcement resources and keeping criminals accountable will drive the spike in carjackings down?

While the auto industry is certainly exploring ways in which we can contribute to the broader efforts to address this challenge, I must defer to others on the panel with more experience to answer this question.

**Questions for the Record from Senator Charles E. Grassley
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022**

Vaughn Bryant
Executive Director, MPI
Metropolitan Family Services
Chicago, IL

Question:

During your oral testimony, you said “It is true that guys who are working on the front lines, on the streets, with the highest risk people should not interact with law enforcement because it does reduce their credibility but the people in management, people like myself do coordinate with the law enforcement on a bi-weekly basis.” Please explain this statement. Are you saying that interacting with police negatively affects the credibility of non-police working on the front lines?

Response:

The participant profile of the individuals we engage includes the following:

- High probability to shoot someone, participate in violence, or be a victim of violence
- Victim of violence or shooting or someone close/Retaliatory
- Gang/group/cliue/crew involved
- Key individual in street organizations
- Prior Criminal History/Repeated offender
- Recently released from jail/prison
- Weapons Carrier
- History of Street Conflicts

Given the activities of the individuals we serve, there is a high likelihood they will be on police radar. Our goal is to build a relationship with them, let them know we care and provide the comprehensive set of services they need to chart a new path to a dignified life. If our outreach workers are seen interacting with law enforcement, the individuals we seek to engage may not trust our intentions. Fortunately, we have gained the respect of law enforcement to the extent that they allow our outreach team to play their role which, best-case scenario, means our interventions influence their behavior in a positive direction, away from crime and/or violence. The factors critical to that influence are familiarity, relatedness and most of all TRUST.

Questions from Senator Thom Tillis **for Sheriff Tom Dart**

1. Sheriff Dart, besides carjackings, what new crime trends are you seeing at the local level?

In addition to carjackings, we have seen increases in retail theft, smash and grab burglaries, and robberies. We have also seen an increase in the utilization of guns in crimes.

2. Do you agree or disagree with those who advocate for defunding or abolishing the police?

We disagree. Policing is important component to public safety but it's not the only component to my office. We also police differently. We work hard to build the public's trust and let them know we are there for them. We put a focus on communication, transparency, and accountability. We know that policing alone cannot address root causes of criminal behavior. Individuals ordered to Cook County Jail have opportunities to take part in a wide array of programing including mental health, substance use, anti-violence, parenting, education, and job training. These programs have impact. Individuals who spend time in our programs are rebooked at lower rates than those who do not.

We have established a community engagement unit to start addressing some of those underlying issues as well as strengthen the bonds with the communities we serve. The unit works with organizations to bring self-defense classes and food deliveries for seniors as well as mentoring programs for children and teens.

We launched a virtual co-responder program to help individuals in crisis reduce their encounters with the criminal justice system. An officer encountering someone in crisis and needs to talk to someone, can instantly connect with a clinician who not only talks through their current concerns, but also helps them navigate services after their initial encounter.

3. What resources do you believe our law enforcement officers need to do their job?

Aerial assets – more helicopters and unmanned aerial vehicles – will help increase public safety by allowing officers to follow offenders and their vehicles by air, reducing chances

the offending vehicle will crash and injure officers, innocent bystanders, or themselves. Aerial assets can also help find missing children and adults.

New software and electronic equipment will also help. How offenders commit crimes has changed and law enforcement needs to keep up. Technology that can help with tracking stolen vehicles, forensic access tools that can extract information from mobile phones are some of the tools out there that can help solve crimes quicker and more efficiently.

4. Do you support the hiring of more law enforcement to address the spike in crime, including carjackings?

Yes – we believe more officers on the streets conducting proactive policing and getting to know the people they serve is vital for creating safer communities. I have more police officers now than I have ever had, and I hope to continue to increase that number.

5. What challenges are you facing with recruitment and retention of officers in your office? What trends are contributing to these challenges, and what can be done to improve the recruitment and retention of law enforcement officers both in your county and across the country?

The Cook County Sheriff's Office has been facing hiring challenges over the last several years due to multiple factors including a negative perception of the overall law enforcement as well as changes in the job market that includes higher and competitive salaries in other sectors. The pandemic has also brought on new challenges and many applicants have expressed concerns of working in a congregate setting environment during a pandemic. The pandemic limited our in-person recruiting efforts and we had to quickly shift to a virtual recruiting platform, which limited our face-to-face interactions with potential applicants and the community. Recently, applicants have expressed the need to have flexibility in their work schedule, including the ability to work remotely, which is not possible for sworn positions.

We have been paying close attention to our resignations and retirement trends, and we are not able to keep up with our attrition rate. We are losing more a month in sworn positions than we can hire.

The Cook County Sheriff's Office has tried different recruitment and hiring strategies to improve our overall hiring numbers; however, we are not getting the applicant pool that we had in the past. We continue to be creative and look for other options that would increase interest in working for the Sheriff's Office. We continue to showcase the good work the Sheriff's Office does with public safety being our number one priority, as well as positively impacting the quality of life of individuals we encounter. We continue to

highlight the opportunity for growth within our organization and continue to explore other hiring incentives and increase our presence in the community.

**Questions for the Record from Senator Charles E. Grassley
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022**

Thomas J. Dart
Sheriff
Cook County Sheriff's Office
Chicago, IL

1. What effects has the “defund the police” movement had in Chicago and Cook County?

I cannot tell you what the impact has been because I am not sure how that could ever be verified. What I can tell you is that it is very hard to recruit and hire correctional officers and police officers. There seems to be a real reluctance to someone wanting to step into these roles. For years my office had a waitlist of hundreds of candidates waiting to be hired, and for the first time, we don't have one. This is not just a Cook County issue but an issue all across the country.

It is demoralizing for the brave men and women who proudly protect and serve their communities. My staff wants to help their communities be safe places where residents can thrive. When there are calls to end their work or take away their ability to do that, it hurts morale and makes it harder to recruit the next generation of officers.

2. What effects have progressive prosecutors who refuse to enforce the law in Chicago and Cook County had? How has less enforcement against bad actors in Chicago and Cook County affected the law enforcement officers and the citizens in those areas?

As the Sheriff of Cook County, I have an obligation to uphold public safety and we will do that regardless of what is going on in the country. Crime increasing is not limited to only Cook County. Crime is increasing everywhere. I have more Sheriff's Police officers than I have ever had. Now I am working to maintain those numbers. That is a tremendous task with our recruiting so difficult. As the Sheriff I will continue to uphold my statutory obligation of protecting the citizens of Cook County and work tirelessly to make it a better place to live.

3. What effects have bail reform policies had in Chicago and Cook County?

We have seen more individuals charged with violent offenses ordered to electronic monitoring than in previous years. We have also seen fewer people charged with non-violent offenses ordered held at Cook County Jail.

4. What kinds of trauma response trainings would be beneficial for improving the mental health of your officers?

Many officers don't seek mental health support because they believe the stress comes with the job, and they just need to tough it out. There has been a longstanding stigma around law enforcement officers admitting they need help. This mentality can lead to conditions such as PTSD to go untreated and potentially lead to self-destructive behaviors. More education, compassion, understanding, and training that can reduce the stigma of seeking help, or speaking to a therapist, could help rank-and-file officers as well supervisors.

In my office, I have several different programs to help my staff. I have an Empower program that helps staff feel like they have a voice as well as positively promotes recognition. I have an Early Intervention System that is designed to identify staff that may be experiencing stress, anxiety, and/or depression. The Early Intervention System is designed to help them talk through their issues with staff in a confidential setting. I also have a Peer Support Program that focuses on supporting staff that have already faced some kind of trauma in their life. That could be the death of a loved one, another officer, depression, alcohol or drug abuse, etc. We are always looking for additional solutions and would be open to suggestions that you may have.

5. Of the guns you recover, how many are legally sold and then used in crimes? How many are illegally possessed?

Nearly all firearms our office has recovered started as a legally purchased weapon. In 2021, our office recovered 778 guns. Half of them were either used in crimes or were illegally possessed. This year through March 23, we have recovered 185 guns, nearly 60 percent of those guns were either illegally possessed or were used in crimes.

6. Which gangs and criminal organizations are the most involved in carjackings?
- Many of our offenders have gang affiliations, but we have not identified a clear pattern of one or two gangs dominating the statistics. In fact, what we have seen is the development of prolific crews numbering 10 to 20 members who come together for the express purpose of vehicular hijacking. Some of these crews even contain individuals belonging to opposing gangs. As part of our research, we interview offenders about tactics, techniques, and procedures. We find that most crews are formed around skill sets specific to the crime or neighborhood and family relationships.*
7. I have often heard from police officers in certain jurisdictions that it is preferable to take a case involving a serious violent crime or a drug trafficking offense to federal prosecutors rather than state authorities because the alleged criminal will be more likely to be detained pre-trial. Is that accurate?

When the offenses rise to the level of a federal statute, yes, it's preferable to have them charged federally for many reasons, including the increased possibility of being detained pre-trial.

**Questions for the Record from Senator Charles E. Grassley
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022**

- 1. When dividing limited government resources between law enforcement initiatives and community violence intervention (CVI) initiatives, how should communities be allocating these resources?**

Communities must ensure that resources for law enforcement initiatives and CVI initiatives are balanced. Combatting violent crime requires a comprehensive approach, so resources cannot be dedicated to only one type of initiative. For example, Dallas PD’s Violent Crime Reduction Plan includes both enforcement action and CVI initiatives. In addition, Mayor Johnson’s Task Force of Safe Communities program also includes CVI and other proven community-based strategies to reduce violence. Our city council has provided adequate funding for the police department and these other programs. As a result of this layered approach, the most significant crime reductions in Dallas are occurring in neighborhoods where both the Violent Crime Reduction Plan strategies and the Mayor’s Task Force on Safe Communities programs are deployed.

- 2. In both your oral and written testimonies, you mentioned ghost guns. To what extent have ghost guns affected the Dallas area? What trends are you seeing in Dallas with respect to ghost guns?**

While ghost guns are not as serious of an issue in Dallas, overall, MCCA members have experienced significant increases in the number of ghost guns in their jurisdictions. According to a membership-wide survey, from May 2019-May 2021, MCCA members saw a 408% increase in criminal incidents involving a ghost gun. These firearms were most often used in aggravated assaults, homicides, and robberies. The survey also identified significant increases (more than 200%) in the number of criminal incidents involving ghost guns perpetrated by prohibited persons, gang-related individuals, and offenders with a previous conviction for a gun crime.

- 3. What role does industry have to play in solving carjacking?**

Industry is a valuable partner when it comes to recovering carjacked vehicles. However, while industry tools can be helpful, if you need to use them, it means someone has been victimized. Therefore, the idea that industry can solve the rise in carjackings is misguided. Responding to carjacking is law enforcement’s responsibility, and law enforcement will continue to focus on preventing carjackings from occurring in the first place.

- 4. To what extent is COVID-19 and the resulting pandemic to blame for the rise in both carjacking and violent crime nationwide?**

In my opinion, it is too early to determine what role the COVID-19 pandemic played in the rise in carjacking and violent crime. There is currently not enough data available to draw conclusions or make correlations.

5. How effective would having industry recovery standards be in preventing carjackings?

It is unlikely that industry recovery standards would be an effective means to prevent carjackings. Such standards would likely not be a significant deterrent for individuals willing to stick a gun in someone's face or otherwise utilize force to commit a carjacking. Furthermore, a large portion of the carjackings in major cities are perpetrated as part of other criminal activity or to go on joyrides. In both these circumstances, the offender typically is not in possession of the car for a long enough period where industry recovery standards would have much of an impact. The most effective method for preventing carjackings is proactive policing, which will drive down robberies, violent crime, and carjackings overall.

6. What kinds of trauma response trainings would be beneficial for improving the mental health of your officers?

The MCCA has continually advocated for a comprehensive approach to officer health and wellness that addresses physical, mental, and emotional health. Officers frequently encounter stressful and traumatic situations throughout their careers, and they must have access to resources to help them healthily process these incidents, including trauma-response training. MCCA members have also reported that peer counseling programs are an extremely valuable resource.

7. Which gangs and criminal organizations are the most involved in carjackings?

In major cities, carjacking crews tend to be most involved. These crews are not necessarily affiliated with a more traditional gang or criminal organization. In Dallas, we responded to serial carjacking crews who would use stolen vehicles to go on crime sprees, including robberies and aggravated assaults. Groups of juveniles also perpetrate many carjackings. These juveniles often commit these crimes to go on joyrides or gain notoriety on social media. The most prominent example is the "Kia Boys" in Milwaukee.

8. Of the guns you recover, how many are legally sold and then used in crimes? How many are illegally possessed?

Most of the crime guns officers recover are illegally possessed and can be traced to a few unique sources. Although it's not as large of an issue in Dallas, there is a proliferation of ghost guns in other major cities across the country. Firearms stolen from vehicles and homes are increasingly being used in crimes or recovered from violent offenders. Finally, several MCCA members have found that criminals are using various types of unemployment and other fraud to finance purchases of weapons that are later used to commit violent crimes. More must be done to keep guns out of the hands of violent offenders, and if these individuals are arrested while in possession of a firearm, they must be held accountable.

9. I have often heard from police officers in certain jurisdictions that it is preferable to take a case involving a serious violent crime or a drug trafficking offense to federal prosecutors rather than state authorities because the alleged criminal will be more likely to be detained pre-trial. Is that accurate for MCCA member cities?

Yes, this is accurate. Some MCCA members have struggled with state and local judges releasing violent and repeat offenders on either PR or very low bonds. Pursuing federal charges for violent criminals can provide an avenue to overcome this challenge. In addition, the prospect of federal charges serves as a powerful deterrent.

**Senator Marsha Blackburn
Questions for the Record to Chief Edgardo Garcia**

- 1. Very closely related to the topic of carjackings is the rapid increase in the theft and trafficking of catalytic converters across Tennessee and the entire nation. Your peers work diligently to curb these thefts and put an end to these out-of-control and dangerous crime sprees. Could you please discuss how catalytic converter thefts have impacted your department and city, and what policy changes could be helpful in preventing these thefts?**

Some carjackings are perpetrated for financial gain, which can include catalytic converter theft. In light of the ongoing supply chain challenges, the precious metals in catalytic converters and other car parts have become even more valuable. As a result, some perpetrators will commit a carjacking and then immediately take the vehicle to a chop shop to sell it for parts.

Congress should consider updating federal law to account for the increase in thefts of auto parts with precious metals, especially catalytic converters. New criminal penalties and regulations will serve as a powerful deterrent and help ensure those who buy and sell stolen catalytic converters are held accountable. In addition, improving record-keeping on catalytic converter sales and requiring catalytic converters to be marked with a unique identification number would bolster law enforcement's efforts to solve cases when these thefts occur.

**Questions from Senator Thom Tillis
for Chief Eddie Garcia**

- 1. Chief Eddie Garcia, can you provide a brief overview of the plan that you implemented in May 2021 to decrease crime?**

The Dallas Police Department's Violent Crime Reduction Plan relies heavily on science and crime data, was developed in conjunction with criminologists, and includes short-term, mid-term, and longer-term strategies to reduce violent crime. The short-term strategies in the plan focus on hot spots policing. We broke the city of Dallas down into microgrids and focused on the roughly 50 grids responsible for 10% of all violent crime in the city. Based on crime analysis and mapping, DPD deployed a highly visible police presence to these grids at the times when violence is most often reported. In addition, DPD teams focused on surveilling, deterring, and arresting repeat violent offenders on other high-crime grids. These hot spots are reviewed and adjusted as needed every 90 days. This approach has

been successful, and the mix of engagement and enforcement has driven down violent crime in these grids by 50%.

The plan's mid-term strategies consist of Place Network Investigations. These consist of a variety of government agencies, non-profit and community-based groups, and other stakeholders working together to address crime and drivers of crime in a given location. Place Network Investigations combine traditional law enforcement efforts with code enforcement, abatement, environmental design changes, and other actions. By strengthening the neighborhood and reinvesting in the community, these strategies seek to alter a location's criminogenic nature.

The longer-term strategies included in the plan emphasize focused deterrence and urban blight abatement. Focused deterrence seeks to change the behavior of high-risk offenders through a combination of incapacitation, community involvement, and alternatives to violence. This consists of continued engagement between law enforcement and high-risk offenders, including providing these individuals with social services, education, and job training. Community violence interventions are also a key component of DPD's focused deterrence strategy. The police department will continue to work closely with other city agencies, non-profits and community groups, and other leaders in the community to implement this portion of the strategy.

2. Chief Garcia, what resources do you believe our law enforcement officers need to do their job?

Law enforcement agencies need the requisite personnel and technology to ensure officers can engage in proactive policing. This will be necessary to drive down violent crime, but, unfortunately, proactive policing has become a luxury for many departments that are contending with high murder rates and low staffing. Congress should also strongly consider providing local law enforcement agencies with additional assistance to help address staffing shortages, enhance forensic capabilities to process new evidence and work through existing backlogs, and further deploy investigative tools, such as gunshot detection technology.

What challenges are you facing with recruitment and retention of officers in your office? What trends are contributing to these challenges, and what can be done to improve the recruitment and retention of law enforcement officers both in your county and across the country?

Local law enforcement agencies, including Dallas PD, are facing a variety of staffing challenges. Law enforcement officers are frustrated by the current situation. Increases in violent crime, the failure of the rest of the criminal justice system to hold violent and repeat offenders accountable, and anti-police rhetoric have negatively impacted officer morale. The confluence of all these factors has produced record levels of attrition. As a result, law enforcement agencies will need additional resources to address recruitment and retention challenges. Given the challenges with morale, unequivocal support for law enforcement from elected officials will also be critical. For example, many MCCA members have reported that officers are leaving for smaller departments where the political climate tends to be more publicly supportive of law enforcement.

3. Chief Garcia, do you believe that lenient penalties that criminals are receiving are making our communities less safe and putting our officers in danger?

Yes, I do. Lenient penalties have produced a situation where violent and chronic offenders cycle through the criminal justice system. This is undoubtedly a contributing factor to the rise in violent crime, especially since these offenders continue to face no consequences for their actions. Lenient penalties also allow these offenders to continue to prey on our communities and contribute to cycles of retaliatory violence. The failure of the criminal justice system to hold violent offenders accountable drains law enforcement resources, hurts officer morale and the public's perception of law enforcement, and is detrimental to public safety and the rule of law.



A Hearing on:

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

Before the Senate Judiciary Committee

March 1, 2022

NATIONAL INSURANCE CRIME BUREAU

**RESPONSES TO QUESTIONS
FOR THE RECORD**

**Questions for the Record from Senator Charles E. Grassley
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022**

1. Can you elaborate on what state-based roadblocks exist that prevent full industry cooperation with law enforcement?

NICB Response: Outside of general Fourth Amendment limitations, NICB is unaware of any specific state laws that restrict cooperation with law enforcement.

2. How does the National Insurance Crime Bureau work with law enforcement within the confines of existing privacy laws? How do you work to preserve the privacy of Americans while assisting law enforcement in emergencies?

NICB Response: The California Consumer Privacy Act (CCPA) is the only consumer data privacy law currently in force in the United States. Because CCPA applies only to for-profit entities, NICB is exempt from that law.

Nevertheless, NICB scrupulously honors the privacy interests of individuals while also assisting law enforcement agencies with advancing criminal investigations and prosecutions. NICB has a robust privacy and security policy; maintains and enforces strict internal rules and controls over the dissemination of consumer information; maintains a data classification system; and is in the process of instituting a Data Governance Committee to oversee all data policy issues, including the preservation of consumer privacy interests.

3. Where is there room for improvement in the cooperation of the automotive industry, law enforcement, and all other involved entities?

NICB Response: NICB has strong connections with federal, state, and local law enforcement agencies all across the country. Many NICB agents are former law enforcement officers themselves. NICB has also spent years building relationships with our law enforcement partners throughout the United States through individual case work and via information sharing. NICB also has a healthy and collaborative relationship with the automotive industry and works with the industry to facilitate criminal investigations and prosecutions.

4. You provided statistical data in your oral and written testimony.
 - a. Do you have raw vehicle theft and carjacking numbers behind those percentages, and can you provide that data?

NICB Response: Attached you will find an addendum which sets forth additional auto theft data.

NICB compiled carjacking data from a variety of sources. However, as stated in Mr. Glawe's testimony, the FBI does not currently collect and report on uniform carjacking statistics across the country. NICB respectfully recommends that the Committee direct the FBI to collect and report on 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 any connections between vehicle thefts or carjackings to other violent crime would also be helpful. Better documentation regarding the reason behind carjackings – whether it be for profit, joyriding, or to use to commit shootings and other violent crimes – is greatly needed.

- b. Do you have data about what crimes are committed in connection with carjacking and auto theft, and can you provide that data?

NICB Response: As mentioned above, there is no uniform data collected and reported on what additional crimes are committed in connection with carjackings and auto thefts. That additional information detailing any connections between vehicle thefts or carjackings to other violent crime would be helpful to better document the reasons behind thefts or carjackings.

Questions for the Record from Senator Thom Tillis
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022

1. Can you provide the top crime trends that you are seeing across the nation?

NICB Response: Mr. Glawe’s testimony set forth in detail the crime trends relating to auto thefts and carjackings in jurisdictions around the country.

The FBI has not reported on 2021 national violent crime statistics to date. However, reports from other sources show that violent crime has risen sharply in the past several years in several major cities around the country. According to one study from the Council on Criminal Justice, homicides in major American cities rose 5% in 2021 from 2020; and was a 44% increase over 2019.

2. What crime trends is National Insurance Crime Bureau (NICB) seeing in the State of North Carolina?

NICB Response: North Carolina experienced a 4% increase in auto thefts from 2019 to 2021. A total of 22,927 cars were stolen in North Carolina in 2021. Although North Carolina remains low in terms of percentage increase in thefts over the past three years, the state ranks 11th in the country in the total volume of automobile thefts.

3. Can you share what collaboration NICB has with law enforcement?

NICB Response: 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 the array of expert solutions to insurance crime from a single comprehensive source.

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.

4. Are there any hurdles that NICB faces when working with law enforcement?

NICB Response: While many challenges arise on a daily basis, and our resource constraints naturally require us to prioritize our operations, NICB continues to work closely with our member insurance companies, law enforcement partners around the country, and other strategic partners to identify, prevent, and deter insurance-related crimes.

ADDENDUM #1

Auto Theft – National

2019	2020	2021	% Change 2019 v 2021
800,863	887,347	932,708	16%

- 2017 – 2021, Auto theft up 29% nationally

Auto Theft – Top 5 Cities by Population

Theft City	2019	2020	2021	% Change 2019 v 2021
New York, NY	6,998	10,071	11,320	62%
Los Angeles, CA	13,594	18,297	21,043	55%
Chicago, IL	11,883	13,124	13,825	16%
Houston, TX	19,714	21,841	22,155	12%
Phoenix, AZ	8,201	8,686	9,060	10%

Top 10 States – Most Cars Stolen by Total Number

State	2019	2020	2021	% Change 2019 v 2021
CA	160,990	187,546	200,610	25%
TX	85,957	94,117	94,606	10%
FL	46,994	45,490	42,785	-9%
CO	21,459	29,367	38,441	79%
WA	25,330	28,478	35,764	41%
IL	25,490	29,015	28,578	12%
OH	22,959	25,561	27,840	21%
MO	25,064	28,120	26,464	6%
GA	27,270	26,249	26,016	-5%
NY	14,403	20,876	22,927	59%

Top 10 States – Auto Theft by Percent Increase

State	2019	2020	2021	% Change 2019 v 2021
CO	21,459	29,367	38,441	79%
WI	8,026	9,932	13,965	74%
VT	380	401	622	64%
NY	14,403	20,876	22,927	59%
DC	2,873	4,020	4,363	52%
WY	658	780	936	42%
SD	1,671	2,182	2,363	41%
WA	25,330	28,478	35,764	41%
ME	620	716	833	34%
MN	12,712	16,821	16,989	34%

All US States – Most Cars Stolen by Total Number

State	2019	2020	2021	% Change 2019 v 2021
CA	160,990	187,546	200,610	25%
TX	85,957	94,117	94,606	10%
FL	46,994	45,490	42,785	-9%
CO	21,459	29,367	38,441	79%
WA	25,330	28,478	35,764	41%
IL	25,490	29,015	28,578	12%
OH	22,959	25,561	27,840	21%
MO	25,064	28,120	26,464	6%
GA	27,270	26,249	26,016	-5%
NY	14,403	20,876	22,927	59%
NC	21,526	22,841	22,494	4%
MI	18,160	19,223	21,302	17%
TN	19,297	21,040	20,712	7%
AZ	18,829	18,972	20,632	10%
OR	15,358	16,416	20,017	30%
PA	14,074	15,726	18,046	28%
MN	12,712	16,821	16,989	34%
SC	16,538	16,752	16,201	-2%
IN	15,796	16,280	16,076	2%
NJ	12,452	12,283	14,841	19%
OK	13,593	14,923	14,322	5%
WI	8,026	9,932	13,965	74%
MD	12,833	12,378	13,761	7%

NV	12,261	11,563	13,424	9%
LA	11,581	13,155	13,017	12%
VA	10,998	12,040	12,315	12%
AL	12,393	11,507	11,382	-8%
KY	9,709	11,745	10,691	10%
NM	9,440	9,031	10,070	7%
KS	8,361	9,540	9,153	9%
AR	8,268	8,911	9,104	10%
UT	6,567	9,450	8,544	30%
CT	5,976	8,568	7,772	30%
MA	6,266	7,065	6,996	12%
MS	5,951	6,794	6,393	7%
IA	5,716	6,429	5,919	4%
NE	4,572	4,869	4,669	2%
DC	2,873	4,020	4,363	52%
HI	2,730	2,758	3,301	21%
MT	2,335	2,788	2,918	25%
PR	4,044	2,111	2,470	-39%
SD	1,671	2,182	2,363	41%
WV	2,778	2,631	2,298	-17%
DE	1,776	1,882	1,862	5%
ID	1,695	1,934	1,839	8%
AK	2,427	1,995	1,754	-28%
ND	1,455	1,674	1,739	20%
RI	1,522	1,648	1,712	12%
WY	658	780	936	42%
NH	730	752	858	18%
ME	620	716	833	34%
VT	380	401	622	64%
TOTAL	800,863	887,345	932,706	

All US States – Auto Theft by Percent Increase

State	2019	2020	2021	% Change 2019 v 2021
CO	21,459	29,367	38,441	79%
WI	8,026	9,932	13,965	74%
VT	380	401	622	64%
NY	14,403	20,876	22,927	59%
DC	2,873	4,020	4,363	52%
WY	658	780	936	42%
SD	1,671	2,182	2,363	41%
WA	25,330	28,478	35,764	41%
ME	620	716	833	34%
MN	12,712	16,821	16,989	34%
OR	15,358	16,416	20,017	30%
UT	6,567	9,450	8,544	30%
CT	5,976	8,568	7,772	30%
PA	14,074	15,726	18,046	28%
MT	2,335	2,788	2,918	25%
CA	160,990	187,546	200,610	25%
OH	22,959	25,561	27,840	21%
HI	2,730	2,758	3,301	21%
ND	1,455	1,674	1,739	20%
NJ	12,452	12,283	14,841	19%
NH	730	752	858	18%
MI	18,160	19,223	21,302	17%
RI	1,522	1,648	1,712	12%
LA	11,581	13,155	13,017	12%
IL	25,490	29,015	28,578	12%
VA	10,998	12,040	12,315	12%
MA	6,266	7,065	6,996	12%
KY	9,709	11,745	10,691	10%
AR	8,268	8,911	9,104	10%
TX	85,957	94,117	94,606	10%
AZ	18,829	18,972	20,632	10%
NV	12,261	11,563	13,424	9%
KS	8,361	9,540	9,153	9%
ID	1,695	1,934	1,839	8%
MS	5,951	6,794	6,393	7%
TN	19,297	21,040	20,712	7%
MD	12,833	12,378	13,761	7%
NM	9,440	9,031	10,070	7%

MO	25,064	28,120	26,464	6%
OK	13,593	14,923	14,322	5%
DE	1,776	1,882	1,862	5%
NC	21,526	22,841	22,494	4%
IA	5,716	6,429	5,919	4%
NE	4,572	4,869	4,669	2%
IN	15,796	16,280	16,076	2%
SC	16,538	16,752	16,201	-2%
GA	27,270	26,249	26,016	-5%
AL	12,393	11,507	11,382	-8%
FL	46,994	45,490	42,785	-9%
WV	2,778	2,631	2,298	-17%
AK	2,427	1,995	1,754	-28%
PR	4,044	2,111	2,470	-39%
TOTAL	800,863	887,345	932,706	

Questions for the Record from Senator Charles E. Grassley
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022

Justin E. Herdman
Former U.S. Attorney for the Northern District of Ohio

- 1. You discussed the federal prosecution of juveniles in your written testimony and during questioning from Senators. Can you elaborate on how the Juvenile Justice and Delinquency Prevention Act (JJDP) affects federal juvenile prosecutions? How would this affect federal juvenile prosecutions in the carjacking context?**

Response

In the federal system, juvenile prosecutions are rare and, when they are brought, handled much differently than adult prosecutions. The reasons for this are obvious – juveniles constitute a unique class of offender due to their physical, emotional, and intellectual development, as well as the heightened opportunity for rehabilitation of these offenders. The Juvenile Justice and Delinquency Prevention Act (JJDP) was enacted in order to help ensure that a juvenile offender’s rights are protected if a federal juvenile prosecution is necessary, while also holding juveniles accountable for their actions in an age-appropriate manner. In my opinion, two of the most notable areas in which JJDP affects federal carjacking prosecutions are the promotion of research and rehabilitation efforts—two areas that are critical in juvenile prosecutions.

As discussed during the hearing, there is a disproportionately high number of juvenile offenders involved in carjacking cases, some as young as 11 years old. Although widespread expansion of federal juvenile prosecutions is not a realistic answer, there are other important ways that federal resources can be used to combat this problem. Legislation, such as the JJDP, provides some of these resources. For example, JJDP facilitates widespread data collection that allows stakeholders (law enforcement, the courts, social service organizations, etc.) to identify high risk juvenile offenders and create robust re-entry and rehabilitation efforts directed at those youth. JJDP also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which helps support these local and state efforts to prevent juvenile delinquency.

To illustrate this in action, the OJJDP has been actively working with states on the current spike in violent crimes by juveniles. Through funding from OJJDP at the U.S. Department of Justice, the National District Attorneys Association (NDAA) is currently working with prosecutors, law enforcement, and other juvenile justice experts to address the rise of these violent crimes, such as juvenile carjackings, and help parties respond swiftly and appropriately. *See* Susan Broderick, Miranda Cassidy, and Irene Ryu, *What’s Behind the Rise in Juvenile Carjackings? What Can We Do About It?*, National District Attorneys Association, <https://ndaa.org/wp-content/uploads/Juvenile-Carjackings-Article-FINAL.pdf> (last visited March 21, 2022).

We also must acknowledge that the juvenile is not necessarily the one orchestrating the carjacking. Adult offenders use juveniles in carjackings to insulate themselves from prosecution.

That is why, in my testimony, I also recommend adding a conspiracy offense to the federal carjacking statute, 18 U.S.C. § 2119.

The federal carjacking statute is unlike many other federal violent crime statutes that contain conspiracy provisions, such as conspiracy to commit Hobbs Act robbery under 18 U.S.C. § 1951(a), or conspiracy to commit kidnapping under 18 U.S.C. § 1201(c). The absence of a conspiracy provision in § 2119 forces prosecutors to rely on 18 U.S.C. § 371, a general conspiracy statute, that caps imprisonment at 5 years. Adding a conspiracy offense to § 2119 would help focus federal investigators on the appropriate parties and stop carjackings before they occur.

2. During questioning, you discussed the need for an altered *mens rea* requirement in the federal carjacking statute, 18 U.S.C. § 2119. Please elaborate.

Response

The federal carjacking statute, 18 U.S.C. § 2119, currently requires an additional intent element not present in many other federal statutes for violent crimes. This specific intent element, added in 1994, requires that, in addition to proof that the offender took a car by violence or through intimidation, there must also be evidence to establish that the offender acted “with the intent to cause death or serious bodily harm” at the precise moment the vehicle was taken or the threat to take the vehicle was made. *Holloway v. United States*, 526 U.S. 1, 1–2 (1999). This intent language effectively imposes a heightened requirement for proving a federal carjacking offense, since prosecutors must necessarily link the specific intent to kill or harm with the actual taking of the car. *Id.*

For example, the 5th Circuit in *United States v. Harris*, 420 F.3d 467, 475 (5th Cir. 2005), stated that there must be “a nexus between the intent to kill or harm and the taking of the car at the precise moment of either the taking of the car or the threat to do so.” The 4th Circuit in *United States v. Bailey*, 819 F.3d 92, 95 (4th Cir. 2016) similarly stated that “[t]o satisfy the intent element, the government must show that the defendant unconditionally intended to kill or seriously injure the car’s driver[.]”

Because of this additional requirement, federal prosecutors are hindered when bringing carjacking cases. The prosecutor must prove, beyond a reasonable doubt, that an offender acted with the “intent to cause death or serious bodily injury” at the *exact* moment the property was taken. This is an uniquely unreasonable burden for prosecutors, and shields those who commit or threaten violence to obtain a vehicle unlawfully by allowing them to, at a later date, simply claim that they had no intent to kill or badly injure the victim at the precise moment they took the car.

This obstacle for federal prosecutors permits offenders to produce logically strained defenses, which have led to absurd case results. To illustrate:

- In *Harris*, the defendant shot the victim to death and then took his car. At trial, the defendant testified that he took the vehicle as a “larcenous afterthought” to murder. Because of this, the 5th Circuit reversed the defendant’s carjacking conviction, reasoning that a rational jury could not have found beyond a

reasonable doubt that, “at the precise moment Harris demanded or took control over the car by force and violence or by intimidation, Harris intended to cause [the victim’s] death or serious bodily harm.”

- Additionally, in *United States v. Applewhaite*, 195 F.3d 679, 685–86 (3d Cir. 1999), this contemporaneous *mens rea* requirement resulted in the reversal of a conviction where a defendant senselessly beat and then shot a victim while taking control of the victim’s vehicle. In that case, the defendant beat the victim unconscious with a bat, hoisted him into the back of his van, and then drove away in the victim’s van. During the drive, the victim regained consciousness and then was shot three times by the offender. Like in *Harris*, the 3rd Circuit reversed the carjacking conviction because the evidence “failed to establish the required nexus between the assault and the taking. Rather, the record establishes that the van was taken as an afterthought in an attempt to get [the victim’s] limp body away from the crime scene. That is not sufficient to establish the intent required under § 2119.”

For all these reasons, I propose that the specific *mens rea* requirement should be stricken from the federal carjacking statute so that it instead reads:

Whoever, ~~with the 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—

- (1) be fined under this title or imprisoned not more than 15 years, or both,
- (2) if serious bodily injury (as defined in section 1365 of this title, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) results, be fined under this title or imprisoned not more than 25 years, or both, and
- (3) if death results, be fined under this title or imprisoned for any number of years up to life, or both, or sentenced to death.

Striking the specific intent requirement would allow the federal carjacking statute to be more aligned with similar federal robbery statutes. Other types of robbery merely require that the offender take property from the victim by force and violence, or by intimidation. Some specific examples of robbery statutes without this heightened *mens rea* include:

- Hobbs Act robbery under 18 U.S.C. § 1951;
- Robbery within the special maritime and territorial jurisdiction of the United States under 18 U.S.C. § 2111;
- Bank robbery under 18 U.S.C. § 2113; and
- Robbery involving controlled substances under 18 U.S.C. § 2118.

Lastly, striking this specific intent element would not affect the federal carjacking statute’s status as a “crime of violence” under 18 U.S.C. § 924(c)(3) because the statute would still require, as many other robbery statutes, that the taking be “by force and violence or by intimidation.” There

has been ample case law demonstrating that the “by force and violence” or “intimidation” language is sufficient to qualify as a “crime of violence.” For example:

- In *United States v. Jackson*, 918 F.3d 467, 486 (6th Cir. 2019), there is a discussion about how “the commission of carjacking by ‘intimidation’ necessarily involves the threatened use of violent physical force and, therefore, that carjacking constitutes a crime of violence under § 924(c)’s elements clause.”
- *United States v. McNeal*, 818 F.3d 141, 157 (4th Cir. 2016), similarly explains that “bank robbery under 18 U.S.C. § 2113(a) is a ‘crime of violence’ within the meaning of the force clause of 18 U.S.C. § 924 (c)(3), because it ‘has as an element the use, attempted use, or threatened use of physical force,’—specifically, the taking or attempted taking of property ‘by force and violence, or by intimidation.’”

In sum, eliminating this unjustified additional intent element in the federal carjacking statute will (1) help prevent the absurd case results outlined in this response; (2) better allow prosecutors to hold defendants responsible for heinous crimes that involve taking control of vehicles by force, violence, or intimidation; and (3) better parallel similar robbery statutes without affecting its status as a “crime of violence” under 18 U.S.C. § 924(c)(3).

Questions for the Record from Senator Thom Tillis
Hearing on “Federal Support for Preventing and Responding to Carjackings”
March 1, 2022

Justin E. Herdman
Former U.S. Attorney for the Northern District of Ohio

1. Mr. Herdman, can you provide an overview of *Operation Legend*, both nationally and in the Northern District of Ohio.

Response

Operation Legend was a sustained, systematic, and coordinated federal law enforcement initiative, in which federal agencies worked in conjunction with state and local law enforcement officials to fight violent crime. The effort was announced by Attorney General William Barr after a 4-year-old boy, LeGend Talifero, who was shot and killed in his sleep on June 29, 2020, in Kansas City, Missouri. The operation was launched nationwide in Kansas City on July 8, 2020, and began in the city of Cleveland on July 29, 2020.

I was fortunate to have been asked to assist Attorney General Barr in implementing Operation Legend over the summer and fall of 2020. Like him, I am immensely proud of the combined efforts of federal agents, local law enforcement, and federal prosecutors to staunch the alarming upward trend in violent crime. Those efforts, which were considerable, did make a difference and they are an excellent example of what can be accomplished through coordinated federal, state, local, and tribal crime prevention efforts.

Although only in operation for less than a year, the program had many notable accomplishments. For example:

- Despite operating during the pandemic, over 6,000 arrests were conducted at the local, state, and federal level nationwide, including approximately 467 arrests for homicide. More than 2,600 firearms were seized, and more than 32 kilos of heroin, 17 kilos of fentanyl, 300 kilos of methamphetamine, 135 kilos of cocaine, and \$11 million in drug and other illicit proceeds were also confiscated during the operation’s lifespan.
- When Operation Legend ended in the city of Cleveland, it had seen the arrest of 122 drug traffickers, firearms offenders, domestic violence convicts, and other violent criminals. Of that total, 61 defendants were charged with narcotics-related offenses, 57 were charged with firearms-related offenses, and four were charged with other violent crimes.

There were three main factors that appeared to contribute to these results. *First*, local law enforcement had immediate access to federal resources through the ATF, FBI, DEA, and U.S. Marshals, all of whom were all working in tandem with local police officers and often out of local police districts or precincts. *Second*, there were federal prosecutors who were willing to bring

cases federally to target the most violent offenders. This had an immediate impact on violent crime, particularly during those early months of the epidemic, because unlike many state and local prosecutors or courts, federal prosecutors were willing to seek bail and federal courts were willing to hold offenders. This ensured that the most violent and prolific offenders remained in custody and were not back in the community. And *third*, there was substantial funding, which helped keep the morale among law enforcement high and also assisted with the long-term growth and coordination with federal agencies. Specific funding to assist the U.S. Marshal's Fugitive Task Forces, for example, had a force multiplying effect on our crime reduction efforts. The ATF also obtained additional funding to support the deployment of their mobile National Integrated Ballistic Information Network (NIBIN) correlation unit to Operation Legend cities, which again had a profound impact on the efficacy of crime reduction efforts.

2. What were the drastic changes that you saw after *Operation Legend* was initiated and implemented?

Response

In LeGend Taliferro's hometown of Kansas City, where more than 200 federal agents were deployed to specifically assist in violent crime investigations, the outcomes were dramatic. Over the roughly three months that those agents worked arm-in-arm with local law enforcement, homicides were down 22-percent, non-fatal shootings were down 24-percent, and aggravated assaults were down 44-percent when compared to the immediately preceding time period. The United States Attorney for the Western District of Missouri, Tim Garrison, stated at the completion of this operational phase: "We promised that Operation LeGend would be a short-term, high-impact strategy to freeze the escalation of violent crime and respond to the record number of homicides in Kansas City this year. That promise was kept. Operation LeGend has had a significant impact on violent crime in Kansas City, and those efforts will continue."

Similar success was seen in Chicago, where Attorney General Barr announced that over the first five weeks of Operation Legend in the city, homicides dropped by 50-percent. Over the first twelve weeks of Operation Legend's implementation in St. Louis, murders dropped by over 50-percent and assaults, including those with a firearm, dropped by 30-percent. And in Indianapolis, homicides were down 22-percent in the first two months of Operation Legend.

I strongly believe that Operation Legend was an effective demonstration of the positive impact that additional resources, prosecutorial will, and proven law enforcement tactics can have in saving lives. Crime reduction in any community requires uniformed officer presence, investigative resources, and prosecutorial commitment to hold violent offenders accountable. Operation Legend offered cities struggling with a surge in violence with all three of those tools and I believe that it stands as an enduring model program for future efforts directed at increasing public safety.

3. Do you agree that policies to defund or abolish the police are dangerous to our communities and to our brave law enforcement officers?

Response

Yes. Policing is a difficult and dangerous profession that requires long hours on the job, often overnight and on holidays, with periods of routine and mundane activity that can turn deadly at an instant. We rely on police officers to protect our communities and families, to assist us when we need help, and to do so in a national climate that is often outright hostile to law enforcement. The simple fact remains that when responding to criminal incidents, especially violent crime, there is absolutely no substitute for well-trained, uniformed, and armed law enforcement.

I offer just one area of law enforcement response that demonstrates the above proposition. Any police officer knows that responding to a domestic violence incident is among the most dangerous calls they can receive. The tragic results of this fact were demonstrated clearly to me in October 2017, when a 31-year old police officer named Justin Leo responded to a domestic violence call in Girard, Ohio. The suspect was armed with a firearm and shot Officer Leo with absolutely no warning, murdering him before the officer had a chance to draw his own weapon. As horrific as the killing of Officer Leo was, this was not an incident to which an unarmed, civilian social service worker should ever be asked to respond.

We ask police officers to perform a tremendously difficult task for the overall betterment of our communities and society. In exchange, they are often underpaid and overworked. A reduction in police funding cannot result in safer cities or less violence against well-meaning residents, but rather the exact opposite.



March 1, 2022

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Federal Support for Preventing and Responding to Carjackings – Full Committee Hearing

Dear Chairman Durbin and Ranking Minority Member Grassley:

On behalf of the Act 4 Juvenile Justice Coalition, a network of more than 200 national organizations focused on improving federal policy related to the youth legal system, we are writing to address the current conversation surrounding public safety in our nation and its impacts on youth, families, and communities at large.

We are deeply troubled by the growing narrative that paints our young people as “violent offenders.” These accusations were not true in the 1990s when they first reared their ugly head, and they are not true now. Much to the contrary, data shows that youth crime has decreased steadily over the past two decades, and that the policies and alternatives to incarceration that have been implemented are effective in helping our country and its young people. This troubling and misleading narrative, however, took center stage today during a hearing before the Senate Judiciary Committee.

What we know about our young people, and how we can best serve them has not changed. As Vaughn Bryant of Metropolitan Family Services stated during his testimony, “The root causes of crime are well documented and researched. Crime is primarily the outcome of multiple adverse social, economic, cultural, and family conditions. Just as the root causes of crime are multi-layered, so must be the systems we build to address it.”

The one thing that has changed though is the onset of a global pandemic and the burden that it has placed on young people, families, and communities nationwide. This challenge has resulted in increased mental health crises, suicides, overdoses, car accidents, and a myriad of other negative outcomes for young people and families. Despite the fact these other challenges may not grab as many headlines, we owe it to our young people to look at this issue holistically, and not just based on which pieces have more shock value. The issue at play is one of public health.

Over the span of two years, both the government and public have had to address a vast array of challenging issues ranging from financial distress, to political divide, to public safety. These challenges were compounded by the global COVID-19 pandemic. COVID-19 has greatly impacted, and continues to impact, the health and safety of our nation, including our children. This has led to mass-shutdowns, virtual schooling, and calls to reduce the number of youth incarcerated to stem the spread of the virus. Now, entering our third year of this historic public health crisis, tremendous harm has been done to communities, families, and children.

Despite the resiliency of our youth during this extraordinary time, the current narrative blames young people and casts them as a threat. As of 2019, youth arrests and incarceration were at nearly the lowest levels seen in 50 years,¹ yet the current media narrative depicts youth in a way that is not only harmful to their futures, but is factually inaccurate and racialized. Taking into account upticks in violence in many communities, violent crime rates are still dramatically lower than where they stood in the 1990s.² Between 1994 and 2019, violent crime arrest rates declined for all age groups, with the greatest declines seen among youth. Among young people ages 15-17 specifically, rates decreased an average of 73%.³

Approximately three decades ago, when this data set was first being collected, the country launched an inaccurate, racialized, and profoundly damaging narrative, which led to an abysmal failure of policy responses focused exclusively on punishment. Since then, a variety of stakeholders have collaborated to find alternative bipartisan solutions rooted in evidence-based practices that have proven to be extremely effective.

Framing the conversation solely in terms of violent crime overlooks the many negative outcomes that vulnerable populations, including children, have experienced over the past two years. Reframing the conversation and policy practices with the goal of supporting families, keeping children connected to positive adults in their communities, and focusing on healing and rehabilitation is more accurate and one that would garner support from a diverse array of groups, including families, community leaders, law enforcement, public health workers, advocates, and youth leaders themselves.

Federal involvement and investment are essential in efforts to protect youth, prevent delinquency, and promote safe communities. The reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) at the end of the 115th Congress,⁴ aligned research, adolescent development, and evidence-based practices that have been adopted in jurisdictions across the country and have led to better outcomes for both children and public safety.

We call on federal and local leaders to do better for our young people, our families, and our communities. The time is now to invest in and continue to support our young people and their families.

Respectfully submitted,



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cc: Members of the Committee on the Judiciary

1 Office of Juvenile Justice and Delinquency Prevention. (n.d.). *Juvenile Arrest Rate Trends*. Working for Youth Justice and Safety. Retrieved March 1, 2022, from https://www.ojjdp.gov/cjstatbb/crime/JAR_Display.asp?ID=qa05200&seeOffenses=1.

2 Justice, N. C. for J. (n.d.). *Age-specific Arrest Rate Trends*. Working for Youth Justice and Safety. Retrieved March 1, 2022, from <https://www.ojjdp.gov/cjstatbb/crime/qa05301.asp?qaDate=2019>.

3 *Id.*

4 Juvenile Justice Reform Act of 2017, H.R. 1809, 115th Cong. (1st Sess. 2017).


National District Attorneys Association

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 February 28th, 2022

The Honorable Dick Durbin
 Committee on the Judiciary
 United States Senate
 Washington, D.C., 20002

The Honorable Chuck Grassley
 Committee on the Judiciary
 United States Senate
 Washington, D.C., 20002

Dear Chairman Durbin & Ranking Member Grassley,

I am reaching out on behalf of the National District Attorneys Association (NDAA), the oldest and largest national organization representing state and local prosecutors in the country. With more than 5,000 members nationwide, NDAA is recognized as the leading source of national expertise on the prosecution function and is a valuable resource for the media, academia, government, and community leaders. Today, I write in response and in support of the Senate Judiciary Committee's hearing on *Federal Support for Preventing and Responding to Carjackings*.

As you know, there has been an alarming increase in violent crimes committed by both adults and juveniles across the country. Of particular concern has been the unprecedented rise in armed carjackings committed by juveniles, some as young as 12 or 13. A review of recent cases, along with conversations with law enforcement, prosecutors and other experts in the field, reveals that there has been a confluence of factors that are contributing to this rise. Prosecutors are uniquely positioned to address this recent increase in crime and assist policymakers in ensuring we address this growing problem.

NDAA understands that myriad factors are contributing to the rise in carjackings committed by juveniles, the most profound impact stemming from the COVID-19 pandemic and the devastating impact it has had in schools and in juvenile justice systems across the country. The lockdowns caused many states to close schools and move to a virtual learning environment. The lack of day-to-day structure and oversight has resulted in youth spending less time in school settings and more time unsupervised on the streets and on social media.

The impact of the pandemic on the juvenile justice system has been even more dramatic. The shutdown brought normal court processing to a standstill. Many prosecutors could not respond effectively to juvenile offending, even cases of serious crimes, and most community programming was discontinued. However, these challenges present opportunities for the law enforcement, business, and advocacy communities to work together in identifying potential risk factors, providing increased opportunities for struggling youth, and ensuring proper enforcement of any laws that are broken.

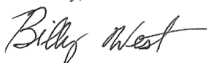
Responding to this new crisis requires a comprehensive approach which begins, as both Chairman Durbin and Ranking Member Grassley have noted, with improved data collection by

our partners at the Department of Justice and Department of Transportation. Further, law enforcement can be assisted by our partners in the business community when attempting to locate stolen vehicles. As the Senate Judiciary Committee noted in a letter to the automotive industry, the speed in which law enforcement can locate a stolen vehicle plays an important role in ensuring the property is returned and offenders are held accountable.

These requests by the leadership of the Senate Judiciary Committee are important in combatting carjackings throughout the country. NDAA has also identified in its recent article, [*What's Behind the Rise in Juvenile Carjackings? What Can We Do About It?*](#), additional steps that can be taken to reduce this concerning increase in crime. Specifically, jurisdictions should continue prioritizing their resources on these cases and establishing special task forces to share information and collaborate. Accompanying these efforts should be clear messages sent to the community that these crimes will not be tolerated. Further, the juvenile justice system should work with community partners to educate youth about the dangers of engaging in carjackings and the consequences that will follow. Finally, law enforcement should work in partnership with juvenile advocates to assist in identifying potential risk factors for troubled youth in a community and providing resources and programming to assist those individuals in leading a productive lifestyle.

The Senate Judiciary Committee's hearing on *Federal Support for Preventing and Responding to Carjackings* is an important first step in identifying the challenges facing our communities and working together on a comprehensive solution that promotes public safety. We thank you for your tireless efforts to improve the criminal justice system and look forward to working alongside you and your staff to ensure law enforcement and advocates have the tools needed to end this recent rise in carjackings.

Sincerely,



Billy West
NDAA President