



Statewide Plan of Operation

Detection, Prevention, Deterrence & Reduction of Motor Vehicle Theft & Related Crimes

STATE OF NEW YORK
Division of Criminal Justice Service
Office of Program Development and Funding
on behalf of the
Motor Vehicle Theft and Insurance Fraud Prevention Board

COPYRIGHT NOTICE

Copyright 2014 by the New York State Division of Criminal Justice Services. This publication may be reproduced without the express written permission of the New York State Division of Criminal Justice Services provided that this copyright notice appears on all copies or segments of the publication.

The 2014 edition is published by

New York State
Division of Criminal Justice Services
Office of Program Development and Funding
Alfred E. Smith Office Building
80 South Swan Street
Albany, New York 12210

Table of Contents

The Statewide Plan of Operation for Motor Vehicle Theft

| | |
|---------------------------------|---|
| Introduction | 1 |
| Eligible Programs | 1 |
| Outline of Statewide Plan | 2 |

Part I: Problem Identification of Motor Vehicle Theft

| | |
|-------------------------|---|
| Statewide Overview..... | 3 |
|-------------------------|---|

Part II: Analysis of Motor Vehicle Theft in New York State

| | |
|-----------------|---|
| Statewide | 3 |
|-----------------|---|

Part III: Areas of Concentration in the Statewide Plan of Operation

| | |
|--------------------------------------------------|----|
| Law Enforcement / Detection / Apprehension | 13 |
| Prosecution / Adjudication / Conviction | 14 |
| Education / Training Programs | 15 |

Part IV: Evaluation

| | |
|-----------------------------------------|----|
| Standardized Performance Measures | 16 |
|-----------------------------------------|----|

Appendix A:

History of the Board & Statewide Plan of Operation

| | |
|-------------------------|----|
| Introduction..... | 19 |
| Mission Statement | 19 |
| Statistics..... | 20 |

Introduction

In accordance with Article 36-A of the Executive Law, the New York State Motor Vehicle Theft and Insurance Fraud (MVT&IF) Prevention Board “shall develop and recommend to the Commissioner a **Plan of Operation** which shall provide for a coordinated approach to curtailing motor vehicle theft and motor vehicle insurance fraud throughout the state. The plan shall provide an integrated means to detect, prevent, deter and reduce motor vehicle theft and motor vehicle insurance fraud by providing funds, upon the recommendation of the Board and approved by the Commissioner, to meet these objectives.”

The Board is committed to ensuring that the Plan of Operation reflects not only the interests and concerns of those state and local officials whose duty it is to enforce the criminal laws and to direct the administration of justice in New York State, but also the views of the insurance industry, professional organizations and citizens as well. In developing the plan, the Board has embraced a programmatic approach based upon input from the New York State Statewide MVT&IF Advisory Group, as well as proven effective methods of various Auto Theft Prevention Authorities (ATPAs) throughout the nation.

Due to the divergent nature of the problems of motor vehicle theft and insurance fraud, the Board agreed to address Motor Vehicle Theft and Motor Vehicle Insurance Fraud as separate and individual plans. This document represents the Plan of Operation for Motor Vehicle Theft.

Eligible Programs

In accordance Article 36-A of the Executive Law, §846-m, activities eligible for funding include, but are not limited to, the following:

- Prosecution and adjudication services (county and municipal agencies only).
- Law enforcement services (county and municipal agencies only).
- Neighborhood or community based programs designed to reduce the incidence of motor vehicle theft and motor vehicle insurance fraud.
- Educational programs designed to prevent the incidence of theft of motor vehicles and fraudulent claims practices.
- Programs designed to examine, evaluate and make recommendations relating to the effectiveness of motor vehicle theft prevention devices or methods. This includes, but is not limited to, passive tracking devices designed to identify the location of a motor vehicle at any given point in time and window glass etching with vehicle identification numbers or any other unique identifying symbol including decal programs.

Funds provided under this program shall be used to augment, and not to supplant, the provider agency's current funding, if any, for motor vehicle theft detection, prevention, or reduction activities.

Outline of Statewide Plan of Operation

The Plan is representative of an effective strategy that can easily be adapted by local, county and state agencies to decrease the incidence of motor vehicle theft through integrated means that detect, deter and prevent motor vehicle theft. The Plan is presented in the following format:

Part I: Problem Identification of Motor Vehicle Theft

The collection of accurate and timely crime data is essential in the identification of a motor vehicle theft problem, whether it is derived from the FBI's Uniform Crime Reporting (UCR) Program, a regional Crime Analysis Center (CAC) or data that an agency otherwise gathers to answer the "who", "what", "where" and "when" of motor vehicle theft and related crimes.

Part II: Analysis of Motor Vehicle Theft in New York State

Through the analysis of timely and accurate data, an agency is provided the means to determine the "why" with regard to the occurrence of motor vehicle theft and related crimes. Determining causes and trends is essential in the development of an effective crime reduction strategy that targets the problem identified. The Plan analyzes motor vehicle theft and related crimes from both a statewide and regional level.

Part III: Areas of Concentration in the Statewide Plan of Operation

The Plan shall provide an integrated means to detect, prevent, deter and reduce motor vehicle theft and related crimes. The areas of concentration for the plan are as follows:

- **Law Enforcement / Detection / Apprehension**
- **Prosecution / Adjudication / Conviction**
- **Public Awareness / Prevention / Education**

Part IV: Evaluation

The Plan presents standardized performance measures that are recommended for inclusion by law enforcement and prosecution agencies in the evaluation of their strategy to decrease motor vehicle theft and related crimes.

Part I: Problem Identification of Motor Vehicle Theft

Statewide Overview

New York State has experienced a sustained reduction in the number of reported stolen vehicles — from 79,697 in 1997 to 15,401 in 2013 (an 81% percent decrease). This reduction in New York State far exceeds the national reduction of 53.2 percent in reported motor vehicle thefts between 1997 and 2012 the latest date for Motor Vehicle Theft statistics available from the FBI. The number of vehicles reported stolen in New York State is now at its lowest level in more than two decades.

According to Division of Criminal Justice Services statistics, motor vehicle theft in New York State dropped approximately 10% percent in 2013 when compared with 2012 data. (See the table below).

Part II: Analysis of Motor Vehicle Theft in New York State

Statewide Analysis

Legislative findings associated with the creation of the Motor Vehicle Theft and Insurance Fraud Demonstration Program (New York Executive Law §846-J) point out: “Motor vehicle theft and motor vehicle insurance fraud are a major problem in New York and cost honest motor vehicle policyholders billions of dollars annually. As the cost of motor vehicle insurance continues to rise, this essential coverage has become less affordable and more out of reach for many New Yorkers.”

Motor vehicle theft in New York and elsewhere is committed for a variety of reasons. Research in the field as well as input from the Statewide Advisory Group suggests that there are two basic motives behind motor vehicle thefts:

Unauthorized Use:

- Joyriding: Theft of the vehicle to simply ride around in it. These vehicles are usually recovered quickly and in the same community in which they were stolen.
- Transportation: Theft of the vehicle for personal use. Unlike joyriding, this theft is committed for a specific reason -- transportation. The stolen car is abandoned at the destination.

| Motor Vehicle Theft 2012 vs. 2013 Top Ten Counties | | | |
|----------------------------------------------------------|--------|-------|---------|
| County | 2012 | 2013 | Change |
| Queens | 2,715 | 2,411 | -11.2% |
| Kings (Brooklyn) | 2,680 | 2,606 | -2.8% |
| Bronx | 1,649 | 1,449 | -12.13% |
| Erie | 1,481 | 1,256 | -15.2% |
| Suffolk | 1,182 | 1,176 | -.5% |
| Nassau | 1,001 | 888 | -11.29% |
| Monroe | 976 | 886 | -10.0% |
| New York | 834 | 742 | -11.04% |
| Westchester | 632 | 613 | -3.1% |
| Onondaga | 580 | 542 | -6.6% |
| New York State | 17,021 | 15401 | -9.5% |

- **Commit Other Crimes:** Theft of the vehicle for transportation to and from a crime scene such as staged accidents or when a drug user “leases” their vehicle to their supplier or dealer in lieu of cash for drugs for a specific period of time. The vehicle is abandoned or passed off to another after the crime is committed.

Profit:

- **Professional or Personal:** Thefts perpetrated for financial gain.

Most research and professional commentary (Statewide Plan Group) indicate that the vast majority of thefts are for profit. There are three major categories of operations for motor vehicle theft for profit: 1) stolen for resale/re-tag, 2) stolen for parts and 3) stolen for export. In many cases, the motor vehicle theft operations are just part of larger organized crime syndicates that utilize monies generated from thefts for drugs and money laundering into legitimate businesses.

Stolen for Resale / Re-tag:

- *Fraudulent Paperwork:* An integral part of the motor vehicle theft problem continues to be the alteration, production, sale and possession of illegal documents such as titles, registrations and insurance cards.
- *Counterfeit / Altered Title:* These methods involve the selling of stolen vehicles by means of fraudulent vehicle titles which are often from out of state. The perpetrators rely on loose and inconsistent vehicle title laws in the United States. In some states, evidence of ownership may be accomplished by registration certificate and transfer is by bill of sale on cars other than those sold as new. Stolen cars are registered in these states, frequently on mailed-in applications for registration documentation. In some states, no evidence of ownership is required on older model vehicles. In these operations, an application is completed which reflects the purchase of the vehicle from a fictitious person in another state. A registration certificate and license plates are obtained. The vehicle is then sold with this documentation of “ownership.”
- *Title Washing:* Another scheme used in motor vehicle theft and insurance fraud is title washing. This involves the transferring of a vehicle title between different states to remove title brands and to change an odometer reading. For example: if thieves purchase a vehicle in New Jersey that was branded as a rebuilt salvage vehicle, they may transfer the title to a state that does not brand titles and obtain a clean title. In many cases, the perpetrators will continue to transfer the title to several states in order to disguise the history of the vehicle and confuse the ownership trail. NYS Department of Motor Vehicles (DMV) has seen some vehicles where four or five titles have been obtained in a three- or four-day period from different states that issue titles over the counter. The final clean title is used to sell the vehicle to an unsuspecting customer for more than the actual value.
- *Fraudulent Manufacturer’s Certificate of Origin:* The manufacturer of a new vehicle includes a document with the vehicle to its destination and ultimate sale called a Manufacturer’s Certificate of Origin (MCO). It is frequently referred to as

the vehicle's birth certificate. In many states, the MCO is the foundation for all subsequent registration and title documents. Fraudulent MCO's are used to misrepresent stolen vehicles as "new." This occurs more for the illegal export of vehicles than for registration purposes.

In the New York City area, DMV has observed fraudulent MCO's being offered in an attempt to register two- and four-wheel motorized scooters. These vehicles are, by definition, "motor vehicles", but they cannot be registered, titled and operated on NYS highways since they do not meet NYS motor vehicle safety and equipment standards. The sellers of these vehicles are supplying these fraudulent MCO's in an attempt to enhance the sale of these vehicles to consumers who are unfamiliar with the law and are under the belief that these vehicles can be registered for use on the road.

- *Identity Theft:* The illegal use of another person's identity through the use of identification documents and/or numbers to obtain the apparent legal ownership of a motor vehicle that is then re-tagged, re-sold, stripped for parts or exported. Also utilized for acquiring the vehicle for personal use.

Stolen identities are often used to steal a vehicle by leasing it on a Friday or Saturday when a credit check cannot be acquired until Monday. The perpetrator pays 4-6 months up front and then disappears with the vehicle.

- *Fraudulent Licenses / Insurance Cards / Inspection Stickers:* These are created to support the ownership of the stolen vehicle with the counterfeit title by a fictitious person. Counterfeit and fraudulently obtained licenses and other documents are also utilized in insurance fraud scams and a number of other crimes such as identity theft, credit card fraud and bank fraud. Technological advances and the development of more sophisticated computer systems and printers are often utilized by the perpetrators of these schemes. In other instances, middlemen provide the fake documents, often at a steep price, depending on the type of document and the quality of the forgery. Some criminals may offer a "package" of false documents, guaranteeing that they will be sufficient for the buyer to take to the DMV and use them to apply for a legitimate license or non-driver ID. In addition, fraudulent licenses, insurance cards and other documents are sometimes obtained through bribery or other corruption at the issuing agency or insurance broker. Unscrupulous brokers may also take money from clients for insurance or premiums but not remit the funds to the insurance company.

New York State has adopted the use of two-dimensional bar codes which are extremely difficult to alter or duplicate. As a result, most fraudulent licenses, insurance cards and/or inspection stickers found in New York State are from other states that have not adopted these preventive measures.

"International Driver's Licenses", "International Driver Permits" and other similar identification cards have been produced and sold through web sites and/or

businesses. While this activity may constitute a scheme to defraud the document purchaser who is led to believe said documents will assist with the securing of legitimate licenses and/or other legal papers, the documents themselves are seldom considered to be forgeries, as they do not purport to be created or issued by a state or the federal government. The producers of these documents often clearly state in their advertisements, web sites or applications (or on the face of the documents) that they are “not issued by the government”.

- *Altered Vehicle Identification Numbers:* The intentional alteration of a vehicle’s identification number (VIN) and the use of the fictitious VIN on counterfeit ownership or registration documents. The vehicle is then sold to an unsuspecting buyer.
- *Altered Manufacturer Stickers and Bar Codes:* The perpetrator will create counterfeit stickers that often have altered VIN’s with the wrong bar code or one that cannot be read. NYS DMV has added a check digit system as another layer of protection.
- *Re-tags:* Involve the purchase of salvage vehicles (wrecked) from insurance companies or motor vehicle wreckers. The salvage is usually dismantled but the VIN plate, license plates, title or bill of sale is retained. A vehicle of similar make and model is stolen and the identity of the salvage vehicle is transferred to it. The stolen vehicle is then sold under this identity.

Stolen for Parts:

- *Chop Shops:* These methods involve theft and dismantling of vehicles for parts and accessories which are sold for profit. Parts are purchased by body shops or repair garages for repairs to damaged vehicles. There are far fewer large warehouse operations like those that were common in the 1970s and 1980s due to increased enforcement. The chop shops of today are often one or two bay operations in secluded industrial parks, local neighborhood garages, or surrounded by industry that make access and identification extremely difficult for law enforcement. Recent investigations have revealed that some chop shop operations use such non-traditional dismantling areas as vacant lots or hidden fields. The financial motivation for stealing cars for parts is substantial. The value of the individual parts of a car far exceeds the total value of the vehicle. Additionally, stolen car parts are sold at a discounted rate and yet the final customer, a car owner or a reimbursing insurance company, pays the regular retail price. Some chop shop operations are highly organized and cars may be stolen to fill specific orders for parts from the shop’s customers, who are often “legitimate” body and repair shops. Vehicles are also stolen by “body shops” that strip parts of the vehicle. A claim is then filed and the vehicle is repaired by the “body shop” with the original parts.
- *Salvage / Dismantler Operations:* VTL §415-a (1) requires anyone in the business of acquiring motor vehicles which are to be dismantled for parts or resold as scrap to possess a dismantler’s license issued by the DMV. Violation

of this section is a class E felony. A garage may have other licenses, such as to repair vehicles, but if parts are to be removed for a profit a dismantler's license is required. The legislative history of this section indicates that it was intended to provide a method by which police can trace stolen vehicles and their component parts. See *People v. Tinneny*, 99 Misc. 2d 962 (Sup. Ct., Kings Co., 1979). However, case law has held that the storage of parts coupled with the presence of customers does not prove that the defendant was purchasing (obtaining) vehicles for the purpose of dismantling. See *People v. Agnello*, 122 A.D.2d 216 (2d Dept. 1986).

Many are licensed dismantlers that purchase stolen vehicles for heavy scrap or to supply salvage vehicles for re-tags. Some participate with organized crime in controlling the scrap industry.

Salvage dealers will purchase vehicles from auctions that are missing primarily unidentifiable parts such as leather interiors, headlight and grill assemblies, etc. They will then repair these vehicles with stolen parts or sell them to individuals who will repair them with stolen parts whose origin cannot be identified. If the vehicle is presented to NY State DMV for a salvage inspection, they will use bogus receipts to confirm that these parts were purchased legitimately. If the vehicle is taken out of state, many states do not require salvage inspections and the vehicles will be titled and sold.

- *“Surgical” Removal of Stolen Parts:* A scheme involving the theft and precise removal of the interior component parts of the vehicle. The vehicle is then recovered by a governmental agency and reported to the respective insurance company. In some cases, the vehicle is declared a total financial loss and sent to an auction.

The thieves are able to track the targeted vehicle and buy it back at auction at a fraction of its value and then re-install the stolen parts. One major benefit to the thieves is that the parts that are removed are not identified with any traceable numbers.

- *Internet Sale:* There is a growing use of the Internet to sell vehicles to rebuilders as well as individuals. It is not uncommon for sellers to advertise vehicles for sale with “clean titles” which are salvage vehicles under state law. Major parts have to be replaced so these vehicles become recipients of stolen parts. Use of a “clean title” can then result in circumvention of salvage inspections that may be required for salvage vehicles. The challenge is that the sales are not regulated by any one jurisdiction and therefore, the states must have other ways to track vehicles if they are brought in for titling. Another area of concern with Internet sales are multiple sales of a single vehicle or the collection of the money for the vehicle with failure to deliver the vehicle and/or proper proofs of ownership.

In recent years, there has been an increase in the use of the Internet to scam buyers and to steal identities. Internet auction sites have been used to sell and

auction stolen vehicles and/or parts as well as documents. While some Internet auction sites have policies which bar the sale of such items, the sheer magnitude of items being sold at any given time prohibits the identification and removal of all illegal items prior to sale.

- *Component Parts / Street Racing:* There are an increasing number of thefts of small motor vehicle components from vehicles. Radio thefts have long been a problem; theft of air bags, electronic control modules (vehicle mounted laptop-sized computers that control various functions), catalytic converters, televisions, DVD players, and expensive leather interiors are becoming evident. Theft of GPS mapping devices has become a greater problem across the state from those mounted simply on the front windshield to those expensive factory models mounted in the dashboard.

Another facet of stolen motor vehicles for parts relates to "street racing". High performance engines and transmissions are in high demand due to the extreme wear-and-tear incurred during these races. Parts including V-Tech engines, transmissions, headlights (Xenon gas) and rims have a particularly high resale value and provide an appealing profit margin for thieves.

Stolen for Export:

- *Export Operations:* "Export" refers to the transportation of merchandise out of the U.S. for the purpose of being entered into the commerce of a foreign country. Export operations involve organized rings and small groups of individuals that send abroad stolen vehicles (often high-end luxury or heavy duty trucks) and/or stolen vehicle parts.

Part 192 of Title 19 of the Code of Federal Regulations (19 CFR Part 192) provides the United States Customs and Border Protection (CBP) the authority to impose export reporting requirements on used self-propelled vehicles (see 19 USC 1627a in the Motor Vehicle Theft Enforcement Act of 1984). A "self-propelled" vehicle includes any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment and any other self-propelled vehicle used or designed for running on land but not rail. The Motor Vehicle Theft Enforcement Act of 1984 provides for the imposition of penalties on any person who knowingly imports, exports or attempts to import or export any stolen self-propelled vehicle or part of a self-propelled vehicle on which the identification number has been removed, obliterated, tampered with or altered. Violations of the law also make the self-propelled vehicle, or part thereof, subject to seizure and forfeiture.

Additional legislation has attempted to strengthen U.S. stolen vehicle laws and add new force to 19 USC 1627a. One important piece of legislation was the Anti-Car Theft Act of 1992. On October 25, 1992, President George Bush signed the bill, which aimed to reduce the level of auto theft and the threat of carjacking, major crime problems that cost American car owners billions of dollars each year.

Title IV, Section 401 of the Act contains two provisions that were intended to tighten Customs enforcement against exporters of stolen vehicles. These provisions mandate that Customs conduct random export inspections and eliminate the personal use exemption from the export reporting requirement.

While the United States has taken statutory action to reduce the export of stolen vehicles, many countries do not have laws prohibiting the sale of stolen vehicles imported from foreign countries. Vehicles (whole and/or dismantled) that are stolen in the United States are hidden in containers or re-tagged and “rolled on” to freight ships headed to an overseas buyer (predominantly Central and South America, Eastern Europe, Russia, the Caribbean and the Far East).

Not all export operations involve hiding a vehicle for transport to other countries. One scheme involves the leasing or purchase of a vehicle with a minimum down payment (balance financed). Once the schemer obtains the vehicle title, the lien holder is removed or a lien release letter is forged and a clean title obtained. The clear title is then presented to United States Customs for export and the vehicle leaves the United States in plain view. When the lien holder does not receive payment for 90 days, it will begin repossession proceedings; however, the vehicle is long gone and repatriation is highly unlikely.

Other Statewide Trends in 2013: Theft from vehicles has increased throughout New York State. Primary targets are electronic devices (ex. GPS devices, MP3 players, laptops, etc.) that can be easily sold on the street, via the Internet or at a pawn shop. While “smash and grab” operations occur, often vehicle owners are remiss with regard to properly securing their vehicles and thieves gain easy access via unlocked doors.

Metropolitan New York City: (inclusive of the five boroughs, Westchester, Rockland, Suffolk, and Nassau Counties.) Motor vehicle crime in this area has reportedly involved various aspects, including:

- **Organized Crime:** Both traditional and non-traditional organized crime operations and a large number of more loosely organized groups are involved in stealing and trafficking in stolen vehicles. Money laundering is occurring through the use of check cashing store fronts.
- **Stolen Parts:** The vehicles stolen for parts as those that are of high volume in the population (top 10 vehicles sold = top 10 vehicles stolen). Also in demand are after market performance parts (V-Tech engines, low profile tires and rims), due to a surge in illegal “street racing”. The new Xenon head lights are removed as well as catalytic converters, which contain valuable platinum. GPS mapping devices are on the interior of the front windshield. Spark plugs are used to smash the side window for entry. High-end vehicles that have factory-installed expensive GPS devices in the dashboard are being targeted as well.

- *Vehicles:* Sport utility vehicles, all wheel drive vehicles, and high-end import luxury cars are frequently stolen for export. Vehicles stolen in Bronx County tend to be older vehicles (1998-91) of foreign make (Honda, Nissan, Toyota) that are seen as easy steals due to a one-key system.

Current steel prices make it lucrative to steal older, larger vehicles and sell them to salvage processors. Unscrupulous tow operators spot the vehicles on the street, tow them and sell them for a profit of \$2,000 a vehicle.

- *Joyriding / Unauthorized Use:* An increase in these crimes is occurring with older foreign vehicles (Honda, Nissan, and Toyota) due to the ease in which the vehicles are broken into. Bronx is experiencing an increase within unauthorized use with the vehicles returned to the neighborhood they are stolen from.
- *Chop Shops:* Due to increased enforcement, there tends not to be as many large chop shop operations. Rather, smaller one-and two-car garages that can easily shut down and move are replacing them. The perpetrators also utilize open air space such as on-street and open lots.
- *Motorcycles:* Many motorcycle models now cost \$20,000 or more, making them a valuable target for thieves who either sell stolen cycles whole or strip them down in chop shop-like fashion for parts resale. The motorcycle parts market is especially lucrative in colder weather climates where a shorter riding season encourages a stolen parts trade. Motorcycle thieves are very resourceful and will use every part for resale or reconstruction into another cycle. Motorcycle parts, including frames, can be more easily altered, reused and camouflaged than car or truck parts. This results in a lower recovery rate for stolen cycles than vehicles: approximately 25-30 percent vs. 60-65 percent. Higher-end motorcycles are also highly sought-after luxury items in foreign countries, fostering a lucrative export market for stolen cycles.
- *Vans:* These vehicles are often stolen to transport ill-gotten-gains (e.g., motorcycles, proceeds from a burglary, etc.)
- *All-Terrain Vehicles (ATVs):* These vehicles are stolen for personal use or sold for profit.
- *Exportation:* Illegal overseas exportation of re-tagged stolen vehicles with salvaged VINs occurs in container ships. In another method, individuals will lease a vehicle or purchase one and put the minimum down payment allowable and finance the balance. Once they obtain the title, they will remove the lien holder or forge a lien release letter and obtain a clean title. The clear title will be presented to U.S. Customs and the vehicle will be cleared for export. The stolen vehicle will then be exported out of the country.
- *Fraudulent Paperwork:* Mostly out-of-state licenses, temporary tags (NJ, PA), counterfeit temporary licenses and in-transit registrations from other states with

lax regulations are being sold on the street. The making of counterfeit documents can be done by anyone with the computer software skills and copies of security features which can be bought off the Internet. New York City sees more of the out-of-state licenses than upstate.

- *Large Trucks and “Skid Steer” Tractors:* Due to high value and lack of knowledge by enforcement, these trucks are often targeted. There is a large export problem dealing with trucks and heavy equipment. Also trailers are stolen and loaded with industrial wastes. The stolen vehicle report is often not on date of theft but on date when it is recognized as missing.
- *Fraud Operations:* Often vehicles are stolen to perpetuate insurance fraud, staged accidents and owner give-ups.
- *Identity Theft:* The use of another’s identity allows an individual to fraudulently obtain a new or used vehicle.

Outside Metropolitan New York City area: Areas outside the New York City metropolitan area have reported particular problems with patterns of motor vehicle crime involving:

- *Cloned Stolen Vehicles:* A recent investigation with Canadian authorities working in conjunction with the New York State Police (NYSP), NYS DMV, National Insurance Crime Bureau (NICB) and the United States Canadian Auto Theft Task Force (UCAT) has revealed that vehicles are being stolen in Canada. VIN numbers from similar vehicles are copied and public VIN plates, anti-theft labels and secondary numbers are counterfeited and placed on the stolen vehicle, commonly referred to as cloning a vehicle. The vehicle is then exported to the United States. Through NICB and the National Crime Information Center (NCIC), a determination can be made that the same VIN is registered in the U.S. and Canada at the same time. Obviously, no two VIN numbers can be the same and therefore, one of the vehicles has to be a re-tag. This investigation has shown that the stolen cloned vehicle is usually in the United States and, therefore, the citizen in this country is directly impacted.
- *Chop Shops:* Body shops will order stolen parts from known chop shops and junk yards that deal in stolen parts. Results are huge profits by purchasing used/stolen parts and changing them for new parts. These chop shops tend not to be large operations, due to increased enforcement, but smaller one and two car garages that can easily shut down and move. They also utilize open air space such as on-street and open lots.
- *Gangs:* Vehicles are accepted in lieu of cash payment for drugs and then sold to criminal chop shops and used car dealers.

- *Vehicles Designated as Salvage:* VIN numbers are taken and placed on vehicles stolen from Canada. The difference between Canadian and United States title laws allow this type of activity to occur.
- *Large Trucks, Farm Equipment and “Skid Steer” Tractors:* Targeted due to high value and limited enforcement expertise. Flatbed tow trucks and heavy duty tow vehicles stolen from other states are being brought into New York.
- *ATVs, Snowmobiles and Trailers:* Throughout upstate New York, these vehicles are being stolen and either used in remote areas or sold.
- *Owner Give-Up: “Crack Car” / “Cars for Crack”:* The vehicle owner gives up his or her vehicle for a time period in exchange for drugs, usually crack cocaine. The vehicle is then used for any of several illegal purposes and is seldom returned. The owner often languishes in the crack house, plied with more drugs, sometimes for days, while the car passes through several hands, and is driven roughly or abused.

The owner eventually reports the vehicle stolen. If the vehicle is recovered with a driver, the driver claims permission was given. Depending upon the specific fact pattern, police charge Unauthorized Use of a Motor Vehicle (UUMV) in the Third degree (an A misdemeanor) and/or Criminal Possession of Stolen Property (D or E Felony depending upon value). The “victim” is reluctant to appear as a witness. Often the driver is found with drugs in his or her possession and is convicted on a drug charge. When possible, prosecutors try for the UUMV conviction, which leads to a felony upon a second conviction.

- *Stolen Vehicles:* Current steel prices make it lucrative to steal older, larger vehicles and sell them to salvage processors. Unscrupulous tow operators spot the vehicles on the street, tow them and sell them for a profit.
- *Stolen Parts:* Generally, a vehicle is worth less than the sum of its individual parts. Vehicles stolen for parts are often those that are of high volume in the population (top 10 vehicles sold = top 10 vehicles stolen). Illegal “street racing” has made after-market performance parts (V-Tech engines, low profile tires and rims) in high demand. Xenon head lights and catalytic converters are removed due to the valuable platinum these parts contain. GPS mapping devices are an extremely popular theft-from-vehicle item and high-end vehicles with factory installed dashboard GPS systems are being targeted as well.

Part III: Areas of Concentration in the Statewide Plan of Operation

The Plan shall provide an integrated means to detect, prevent, deter and reduce motor vehicle theft and related crimes. Following are the four areas of concentration that the Plan identifies as essential for an effective statewide strategy. Each of these areas contain elements that have been identified by experts in the field as effective strategies within the area of concentration

Law Enforcement / Detection / Apprehension

In order to continue the impact on motor vehicle theft and related crimes by law enforcement, the following efforts should be incorporated:

1. Coordinated Efforts and Enhanced Communications

Within each law enforcement agency: The impact of an individual law enforcement agency is greater when efforts of distinct units such as patrol and detectives act in concert with each other. Intelligence briefings should be two-way in order to effectively focus efforts.

Within each county: The coordination among agencies through an informal or a formal task force approach can result in effective methods of detection and apprehension. Experience across New York State has shown that it is essential for the Office of the District Attorney to be a primary partner, especially from the beginning of the more complex, undercover or long-term investigations. Inclusion of state agencies whose missions are relevant to the targeted crimes is also essential. This provides additional manpower, intelligence and the prevention of overlapping or competing investigations. This includes the utilization of SAFETNet.

- **SAFETNet / UDECS:** Statewide deconfliction system that enhances officer safety by preventing two or more agencies from simultaneously pursuing investigations against common targets. Targets (people, places, etc.) of case investigations are entered into the Secure Automated Fast Event Tracking Network through the New York/New Jersey High Intensity Drug Trafficking Area Regional Intelligence Center (HIDTA) or the Upstate New York Regional Intelligence Center (UNYRIC).

Within New York State: Initiate meetings of law enforcement agencies from contiguous counties as well as meetings with Special Investigations Unit (SIU) of insurance carriers.

2. Effective Enforcement: Problem identification and analysis enable law enforcement agencies to effectively target their enforcement initiatives. Based upon experience from current grant-funded programs in New York and other

states, the following enforcement methods should be considered when a law enforcement agency is combating motor vehicle theft and related crimes:

- Sting operations that target the crimes identified through problem identification and analysis;
- Development of confidential informants through assistance of the District Attorney;
- Development of expertise in personnel at patrol and detective / investigator levels through training and field experience. (Essential in problem identification and enforcement at the patrol level and when utilizing complex sting operations);
- Audit teams of state and local officers to inspect repair shops, scrap yards and dismantlers;
- Vehicle identification number tracking systems;
- Utilization of advanced technology for investigations, in terms of surveillance;
- Ongoing statistical analysis and creating and maintaining intelligence data banks; and,
- Use of effective charges to gain greater impact from arrests (e.g., PL165.09, 165.10, and 165.11). The motor vehicle stripping and unauthorized use statutes are “predicate charges”, meaning a previous conviction can be used to upgrade the charge in a second offense.

Prosecution / Adjudication / Conviction

In order to continue the impact on motor vehicle theft by effective prosecution, the following efforts are incorporated into the statewide strategy.

1. Coordinated Effort and Enhanced Communications:

Within each DA office:

- dedicate staff to motor vehicle insurance fraud and develop expertise;
- utilize vertical prosecution; and,
- assist in the coordination of investigations within the county and work closely with law enforcement.

Within each county: The coordination among agencies through an informal or a formal task force approach can result in effective methods of detection and apprehension. Experience across New York State has shown that it is essential for the office of the district attorney to be a primary partner, especially from the beginning of the more complex, undercover or long-term investigations. Inclusion of state agencies whose missions are relevant to the targeted crimes is also essential. This provides additional manpower, intelligence and the prevention of overlapping or competing investigations. This includes the utilization of SAFETNet.

- **SAFETNet / UDECS:** Statewide deconfliction system that enhances officer safety by preventing two or more agencies from simultaneously pursuing investigations against common targets. Targets (people, places, etc.) of case investigations are entered into the Secure Automated Fast Event Tracking Network through the New York/New Jersey High Intensity Drug Trafficking Area Regional Intelligence Center (HIDTA) or the Upstate New York Regional Intelligence Center (UNYRIC).

Within New York State: Initiate meetings of law enforcement agencies from contiguous counties as well as meetings with SIU of insurance carriers.

2. **Making Appropriate Plea Offers and Sentence Recommendations to the Judiciary**

In those counties where the district attorneys have worked to enhance plea offers and seek stiff penalties for motor vehicle theft and related crimes, the efforts of the police have been reinforced. It is important to stress the need for a strong judicial response on these matters, with an emphasis on communicating that these crimes are not “victimless” and that leniency only tends to perpetuate the ongoing problem of motor vehicle crime in our communities. The use of state RICO charges has also been very effective in prosecuting organized crime rings.

Education / Training Programs

Besides education of the public, it is essential to educate law enforcement personnel and prosecutors. Experience in the field is an important aspect, but the foundation for effective enforcement and prosecution is quality training. The development of all-encompassing training programs is important, with the input of seasoned investigators essential. The length of training seminars can vary from one to four days, as well as simple roll call programs of checklists that can be easily used in the field. Emphasis should be placed on the development and delivery of training programs on motor vehicle theft specific for the following target groups:

- Patrol & investigative level law enforcement personnel;
- Law enforcement agency command & executive level personnel;
- Law enforcement training directors of New York State;
- Prosecutors;
- Magistrates and judges;
- Insurance industry personnel (underwriting and SIU); and,
- Community groups and the general public.

The Statewide Work Group recommended that one way to be truly effective in presentation of the information is to present a team composed of a prosecutor, law enforcement investigator, insurance carrier investigator and a local prosecutor where the program is being held. It is important that the team members be experienced, preferably from the greater New York City area or its suburbs, and that there is a local

prosecutor who has developed expertise and has intelligence on motor vehicle theft crimes in the area. The workgroup believes this would lend a stronger case in presenting the information and greater reception by the target group.

Part IV: Evaluation

The evaluation of programs and projects is undertaken to ensure that their implementation is in accordance with agreed plans, objectives and goals, to prove that funds are used as agreed and to provide for possible adjustments and further planning of individual programs and projects. The Plan recommends the inclusion of the following standardized performance measures by law enforcement and prosecution in the evaluation of their strategy to decrease motor vehicle theft and related crimes:

Law enforcement agencies (patrol and investigations)

- Number of investigations initiated
- Number of misdemeanor arrests and types of charges levied
- Number of felony arrests & types of charges levied
- Number of reported motor vehicle thefts
- Number of stolen motor vehicles recovered
- Value of recovered motor vehicles
- Value of recovered motor vehicle parts
- Number of "owner give-ups" identified
- Number of reported larcenies from motor vehicles
- Number of incidents whereby auto stripping was charged pertaining to motor vehicles
- Number of intra-agency motor vehicle insurance fraud meetings conducted and/or attended
- Number and type of training sessions conducted
- Number and type of training sessions attended
- A narrative summarizing current inter-agency collaborative efforts regarding motor vehicle theft

Prosecution

- Number of investigations initiated
- Number of warrants issued
- Number of indictments
- Number of misdemeanor arrests prosecuted
- Number of felony arrests prosecuted
- Number of misdemeanor convictions
- Number of felony convictions
- Type(s) of sentencing
- Number of intra-agency motor vehicle theft meetings conducted and/or attended

- Number and type of training sessions conducted
- Number and type of training sessions attended
- A narrative summarizing current inter-agency collaborative efforts regarding motor vehicle theft

Education / Training Programs

- Subject areas, instructors and seminar outlines
- Number and location of seminars held
- Number of attendees per seminar
- Number of agencies represented per seminar
- Number of webinar trainings produced
- Number of motor vehicle theft and/or motor vehicle insurance fraud articles published in The Empire State Prosecutor magazine.

Appendix A

New York State Motor Vehicle Theft & Insurance Fraud Prevention Board

History of the Board & Statewide Plan of Operation Statistics

History of the Board & Statewide Plan of Operation

Introduction

During the 1980s, New York State experienced a dramatic increase in motor vehicle theft and fraud-related crimes. From 1986 through 1990, the number of motor vehicles reported stolen increased by 65 percent. In response to the prevalence and economic costs of the crimes of motor vehicle theft and insurance fraud, New York State enacted Executive Law, Article 36-A (L.1994, c.170), creating the *New York Motor Vehicle Theft and Insurance Fraud Prevention Demonstration Program* to help reduce the overall cost of motor vehicle insurance in the state.

Funding for the Program is provided for under State Finance Law §89-d, *Motor Vehicle Theft and Insurance Fraud Prevention Fund*. As of June 1, 2009, the fund consists of monies received from the \$10 dollar fee assessed on each insurance policy issued for a portion of passenger vehicles and all other motor vehicles registered in New York State (Insurance Law §9110).

A 12-member *Motor Vehicle Theft and Insurance Fraud Prevention Board* was authorized under New York State enacted Executive Law, Article 36-A (L.1994, c.170) to make recommendations to the Commissioner of the Division of Criminal Justice Services regarding the administration of the Program. Members of the Board, selected by the Governor and the Legislature, include representatives of law enforcement, consumers of motor vehicle insurance, insurance carriers and relevant state agencies. With the appointment of its members, the Board became operational in September 1997 and made initial Program awards in late 1997.

Mission Statement

In accordance with Executive Law §846-1 and 846-m, the Motor Vehicle Theft and Insurance Fraud Prevention Board, as its stated mission and purpose shall make recommendations to the Commissioner of the Division of Criminal Justice Services (Commissioner) with respect to the exercise of his or her functions, powers and duties as set forth in Executive Law §846-1(3).

The Board shall also:

In accordance with the legislative intent of Article 36-A of the Executive Law, develop and recommend to the Commissioner a **plan of operation** which shall provide for a coordinated approach to curtailing motor vehicle theft and motor vehicle insurance fraud throughout the state (hereinafter "Plan"). The Plan shall provide an integrated means to detect, prevent, deter and reduce motor vehicle theft and insurance fraud by providing funds, upon the recommendation of the Board and approval by the Commissioner, to meet these objectives.

Reported Number of Motor Vehicle Thefts for 2013

| Rank | COUNTY | MV Theft | | Rank | COUNTY | MV Theft |
|-------------|---------------|-----------------|--|-------------|---------------|-----------------|
| 1 | Kings | 2,606 | | 32 | Ontario | 35 |
| 2 | Queens | 2,411 | | 33 | Livingston | 33 |
| 3 | Bronx | 1,449 | | 34 | Tompkins | 28 |
| 4 | Erie | 1,256 | | 35 | Chemung | 27 |
| 5 | Suffolk | 1,176 | | | Franklin | 27 |
| 6 | Nassau | 888 | | | Montgomery | 27 |
| | Monroe | 886 | | | Putnam | 27 |
| 8 | New York | 742 | | 39 | Greene | 26 |
| 9 | Westchester | 613 | | 40 | Tioga | 25 |
| 10 | Onondaga | 542 | | 41 | Steuben | 24 |
| 11 | Albany | 251 | | 42 | Madison | 23 |
| 12 | Richmond | 226 | | | Washington | 23 |
| 13 | Niagara | 218 | | 44 | Orleans | 22 |
| 14 | Orange | 216 | | 45 | Essex | 19 |
| 15 | Schenectady | 196 | | | Genesee | 19 |
| 16 | Oneida | 167 | | 47 | Delaware | 16 |
| 17 | Rensselaer | 134 | | | Herkimer | 16 |
| 18 | Broome | 130 | | 49 | Allegany | 14 |
| 19 | Rockland | 91 | | | Columbia | 14 |
| 20 | Jefferson | 80 | | | Lewis | 14 |
| 21 | Dutchess | 79 | | | Otsego | 14 |
| 22 | Oswego | 78 | | 53 | Chenango | 12 |
| 23 | Cattaraugus | 62 | | | Cortland | 12 |
| 24 | Saratoga | 61 | | 55 | Cayuga | 10 |
| 25 | Ulster | 55 | | | Seneca | 10 |
| 26 | Chautauqua | 44 | | 57 | Schoharie | 9 |
| 27 | Sullivan | 40 | | 58 | Warren | 8 |
| 28 | Clinton | 39 | | | Wyoming | 8 |
| | Fulton | 39 | | 60 | Schuyler | 7 |
| 30 | St Lawrence | 38 | | 61 | Yates | 3 |
| 31 | Wayne | 36 | | 62 | Hamilton | 0 |