

# Congress of the United States

Washington, DC 20515

March 20, 2023

The Honorable Merrick B. Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Garland,

We write to request the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) provide information on the status of compliance among state and local law enforcement agencies (LEAs) in reporting hate crimes data by the National Incident-Based Reporting System (NIBRS).

The rising prevalence of bias-related hate crimes continues to instill fear in communities across the nation, particularly within communities of color and faith-based communities. The tragedy of the May 2022 Buffalo shooting, which killed 10 Black people and injured three other people, was exacerbated by the perpetrator's targeted and racist intent. Earlier this month in Queens, New York, a mother and her son were verbally and physically assaulted in an anti-Asian hate crime incident. In September 2021, multiple Hispanic day laborers were lured and attacked by a Long Island resident who targeted locations that were known to be popular with immigrants. The LGBTQ+ community is also a target of hate, as evidenced by the violent attack on two men in Brooklyn in September 2021 where two individuals made homophobic slurs and ultimately physically attacked the pair.

We have also seen a sharp rise in religiously motivated hate-related incidents. In one of the many recent antisemitic attacks on the streets of New York, last December, a father and his son, both wearing yarmulkes, were assaulted with BB pellets on Staten Island in a crime that came under investigation by NYPD's Hate Crime Task Force. NYPD has also reported multiple instances of hate against Muslim women wearing hijabs, as was in the case of a woman in Queens who was both verbally and physically assaulted for not removing her hijab in June 2021. These are just a few examples of the multitude of bias-related hate crimes we are seeing in our communities.

In response to the rise of hate crimes and rhetoric, especially during the COVID-19 pandemic, Congress took decisive action to combat hate crimes by passing the *COVID-19 Hate Crimes Act*, led by Congresswoman Meng and Senator Hirono. We commend the Department's commitment to combating and mitigating the rise of hate crimes as outlined in the department memorandum from May 27, 2021.<sup>1</sup>

While the federal government has taken meaningful steps to respond to the rise of hate-related attacks and violence, the collection and analyses of accurate data is critical in studying, responding to, and preventing future incidents. We were alarmed to find that while the 2021 Hate Crimes Statistics report, originally published in December 2022, initially signaled a decrease in the number of hate crimes, the report also indicated that the data "cannot reliably be compared across years" due to a significant number of LEAs not submitting their crime data to NIBRS.<sup>2</sup>

---

<sup>1</sup> <https://www.justice.gov/opa/pr/justice-department-announces-new-initiatives-address-and-prevent-hate-crimes-and-hate>

<sup>2</sup> <https://www.justice.gov/crs/highlights/2021-hate-crime-statistics>

In the pursuit of more accurate data, the Bureau of Justice Statistics and the FBI developed the NIBRS system, a progression from the summary reporting system (SRS). While NIBRS has been in place since 1991, the FBI announced in 2015 that the bureau would retire SRS by January 1, 2021, effectively marking a full transition to NIBRS. Underreporting by LEAs has been a consistent barrier for accurate federal data collection, especially with this reporting transition. For example, in 2015, only 6,648 out of over 18,000 LEAs submitted NIBRS data.<sup>3</sup> While there have been improvements in the number of LEAs reporting through NIBRS, the 2021 FBI Hate Crimes Statistics data showed only 11,834 agencies reported their data, a decrease from 15,834 agencies reporting the year prior.

The FBI estimated that it would take as long as two years for individual LEAs to come into compliance with NIBRS, citing that the conversion may require financial and technical assistance.<sup>4</sup> To that end, Congress has appropriated grant funds to help LEAs transition. In addition, from FY2018 to FY2022, the Bureau of Justice Assistance required recipients of the Edward Byrne Memorial Justice Assistance Grants (JAG) who were not NIBRS-compliant to dedicate three percent of JAG award amounts towards becoming certified with NIBRS. The FY2023 consolidated appropriations package also included \$10 million for programs authorized under the *Jabara-Heyer NO HATE Act*, including grant funding for LEAs to implement NIBRS.

While we commend the Department for providing supplemental statistics on March 13, 2023 to bolster the original 2021 hate crimes dataset by accommodating late crime data submitted through SRS, the transition to NIBRS remains incomplete. Without further action to encourage compliance with NIBRS, we fear we will continue to see incomplete and inaccurate accountings of hate crimes in future years. While we know that many hate crimes still go unreported to law enforcement, we recognize that NIBRS has the potential to serve as a scientifically useful tool for the federal government and the national law enforcement community to evaluate and prevent future hate-related incidents and crime. Getting accurate data is critical in our efforts to keep our communities safe from future hate crimes.

Therefore, we respectfully request the Department provide an overview of the current state of LEAs in compliance with NIBRS, including the number and regional distribution of agencies that remain in noncompliance. The overview should outline what is required to be deemed “NIBRS compliant,” existing obstacles for LEAs to come into compliance, the Department’s own estimates on when they expect full compliance, underlying causes of underreporting, and recommendations to increase the number of LEAs participating in NIBRS. The overview should also report on the potential impact of noncompliance in future Hate Crimes Statistics reports. We appreciate the Department’s attention to this request by providing a response by April 20, 2023.

Thank you for your continued leadership and careful consideration of our concerns and request.

Sincerely,

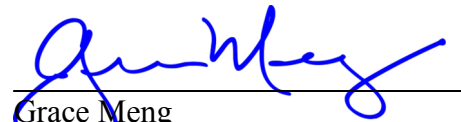
---

<sup>3</sup> <https://www.theiacp.org/sites/default/files/all/n-o/NIBRSTheFutureofUSCrimeDataOct2017.pdf>

<sup>4</sup> <https://www.fbi.gov/file-repository/ucr/30-faqs-about-nibrs-transition-oct-2018.pdf/view>



Kirsten Gillibrand  
United States Senator



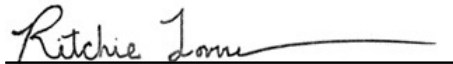
Grace Meng  
Member of Congress



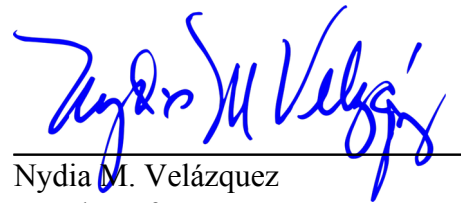
Donald S. Beyer Jr.  
Member of Congress



Dan Goldman  
Member of Congress



Ritchie Torres  
Member of Congress



Nydia M. Velázquez  
Member of Congress



Nicole Malliotakis  
Member of Congress