

United States Senate
WASHINGTON, DC 20510

November 13, 2024

VIA ELECTRONIC TRANSMISSION

Mr. Kevin Scott
Acting Director
Bureau of Justice Statistics

Dear Acting Director Scott:

I write to you concerning the completeness and accuracy of the Federal Bureau of Investigation's (FBI's) national crime statistics. Last year, on October 16, 2023, the FBI published its 2022 Crime in the Nation Statistics which reported that, for crimes reported by state law enforcement, "national violent crime decreased an estimated 1.7% in 2022 compared to 2021."¹ However, almost one year later the FBI, like a thief in the night, reportedly revised its figures with no public explanation and the data now indicates that violent crime reported by state law enforcement agencies ***actually increased by about 4.5%*** during that time period.²

Both the statistics and the timing of the FBI silently updating its publication are important as this misinformation was used during the 2024 election. For example, at a campaign event in Landover, Maryland on June 7, 2024, Vice President Harris touted, "You know, Donald Trump often likes to say violent crime is up under our administration, while, in fact, violent crime is now near a 50-year low."³ The Harris campaign's KAMALA HQ also fact-checked a clip of Trump claiming crime is up by posting, "Trump is lying. Last year violent crime fell to one of the lowest levels in more than 50 years."⁴ These claims were most likely made in reliance on the FBI's 2022 Crime in the Nation Statistics as those were the most recent statistics at that time.⁵ Indeed, the Harris campaign's X account cited to those statistics.⁶

¹ Federal Bureau of Investigation, *FBI Releases 2022 Crime in the Nation Statistics*, PRESS RELEASE (Oct. 16, 2023) <https://www.fbi.gov/news/press-releases/fbi-releases-2022-crime-in-the-nation-statistics>.

² John R. Lott Jr., *Stealth Edit: FBI Quietly Revises Violent Crime Stats*, REALCLEAR INVESTIGATIONS (Oct. 16, 2024) https://www.realclearinvestigations.com/articles/2024/10/16/stealth_edit_fbi_quietly_revises_violent_crime_stats_1065396.html; Ryan King, *FBI quietly revised 2022 crime data to show violent offenses rose rather than dropped*, NEW YORK POST (Oct. 16, 2024) <https://nypost.com/2024/10/16/us-news/fbi-quietly-revised-2022-crime-data-to-show-violent-offenses-rose-rather-than-dropped/>. This revision seems to first have appeared in footnote 1 in the 2023 Crime in the Nation report released on Sep. 23, 2024, which says, "The 2022 violent crime rate has been updated for inclusion in CIUS, 2023." Federal Bureau of Investigation, *FBI Releases 2023 Crime in the Nation Statistics*, PRESS RELEASE (Sep. 23, 2024) <https://www.fbi.gov/news/press-releases/fbi-releases-2023-crime-in-the-nation-statistics>.

³ The White House, *Remarks by Vice President Harris at a Campaign Event*, SPEECHES AND REMARKS, (June 7, 2024) <https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/06/07/remarks-by-vice-president-harris-at-a-campaign-event-4/>.

⁴ @KamalaHQ, X (June 22, 2024, 7:27 PM), <https://x.com/KamalaHQ/status/1804657413674434950>.

⁵ But, these were not the only instances of this data being used during the election. See Tim Haines, *Kamala Harris Campaign Ad on Border Security: "Trump Just Talks Tough, Kamala Harris is Tough,"* REALCLEAR POLITICS (Aug. 23, 2024), https://www.realclearpolitics.com/video/2024/08/23/kamala_harris_campaign_ad_on_border_security_trump_just_talks_tough_kamala_harris_is_tough.html (Showing a Harris for President ad claiming, "The truth: on Kamala Harris's watch, violent crime went down."); and @KamalaHQ, X (Aug. 26, 2024 5:34 PM), <https://x.com/KamalaHQ/status/1828184166581604806> (Showing the Harris HQ X account posted an MSNBC clip where a reporter erroneously relied on flawed FBI data and claimed, "FBI data shows a clear drop in violent crime since Trump left office.").

⁶ *Id.*

Moreover, the FBI's inaccurate data was used to fact-check the candidates during the presidential debate.⁷ For example, during the debate between candidates Trump and Harris, ABC moderator David Muir fact-checked President Trump's claim regarding crime by using the FBI's published data saying, "President Trump, as you know, the FBI says overall violent crime is coming down in this country."⁸ To which President Trump replied "the FBI – they were defrauding statements...It was a fraud."⁹ Then, National Public Radio (NPR) fact-checked President Trump's claim regarding increased violent crime under the Biden-Harris administration by writing, "What's more, violent crime — including murder, robbery and rape — is way down nationwide, according to the most recent data from the FBI."¹⁰

The updated figures now mirror the Bureau of Justice Statistics (BJS) National Crime Victimization Survey statistics that show that the "violent victimization rate increased from 16.5 victimizations per 1,000 persons in 2021 to 23.5 per 1,000 in 2022."¹¹ This significant discrepancy calls into question the reliability of the FBI's data, its reports concerning national crime statistics, and the motivation behind the FBI not publicly announcing the updated data given the revision occurred just weeks before the election and had been publicly relied upon.

By way of background, in 2021 the FBI changed how it collected national crime information by requiring all state law enforcement agencies to submit their crime data through the FBI's new National Incident-Based Reporting System (NIBRS).¹² According to BJS, it partnered with the FBI to establish the "new set of statistical procedures to estimate crime," but using "this new estimation process solely on NIBRS data introduced several challenges which the estimation process was designed to address."¹³ According to a joint BJS and FBI fact sheet, BJS and the FBI jointly developed the NIBRS estimation statistical methodology to "produce reliable estimates of crime with their associated margins of error."¹⁴ The fact sheet also says that BJS and the FBI formed a partnership and worked jointly to increase the number of state agencies reporting into NIBRS so a more complete and detailed picture of crime in the U.S. can be created.¹⁵ According to the fact sheet, "when uncertainty in an estimate is deemed too high, the estimate may be withheld from publication."¹⁶ Yet, reports about the inaccuracies and incompleteness

⁷ See Joseph A. Wulfsohn, *ABC debate fact-check of Trump ages poorly as FBI quietly revises violent crime statistics up*, FOX NEWS (Oct. 18, 2024) <https://www.foxnews.com/media/abc-debate-fact-check-trump-ages-poorly-fbi-quietly-revises-violent-crime-statistics-up>. Reportedly, "The ABC News debate had an estimated audience of 67.1 million, and aired across 17 stations, according to Nielsen, a media analytics company." Kaia Hubbard, *How many people watched the presidential debate? Ratings are in for ABC's Trump-Harris showdown*, CBS NEWS (Sep. 12, 2024) <https://www.cbsnews.com/news/trump-harris-debate-abc-ratings-2024/>.

⁸ Riley Hoffman, *READ: Harris-Trump presidential debate transcript*, ABC NEWS (Sept. 10, 2024). See also Joseph A. Wulfsohn, *ABC debate fact-check of Trump ages poorly as FBI quietly revises violent crime statistics up*, FOX NEWS (Oct. 18, 2024) <https://www.foxnews.com/media/abc-debate-fact-check-trump-ages-poorly-fbi-quietly-revises-violent-crime-statistics-up>.

⁹ *Id.*

¹⁰ NPR, *NPR fact-checked the Harris-Trump presidential debate. Here's what we found*, (Sep. 11, 2024) <https://www.npr.org/2024/09/11/g-s1-21932/fact-check-trump-harris-presidential-debate-2024>.

¹¹ Office of Justice Programs, Bureau of Justice Statistics, *Criminal Victimization, 2022*, NCJ 307089 (Sep. 2023) <https://bjs.ojp.gov/document/cv22.pdf>.

¹² Michael Dorgan, *FBI's 'flawed' crime data highlighted by Chicago's 118 'missing murders': expert*, FOX NEWS (Sep. 26, 2024) <https://www.foxnews.com/us/fbis-flawed-crime-data-highlighted-chicagos-118-missing-murders-expert>.

¹³ Bureau of Justice Statistics, *NIBRS Estimation Project*, (Aug. 3, 2022) <https://bjs.ojp.gov/nibrs-estimation-project#producing-national-and-state-level-crime-estimates-as-law-enforce>.

¹⁴ BJS and FBI, *NIBRS Estimation Summary*, FACT SHEET (Aug. 2022) <https://bjs.ojp.gov/content/pub/pdf/nibrses.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

of the FBI's national crime statistics seriously calls into question these assertions, what metrics of "uncertainty" are "too high," and who makes those decisions.

At the time the FBI began requiring NIBRS-only reporting, only 67.9% of law enforcement agencies were submitting data to the system.¹⁷ While the number of state law enforcement agencies submitting data to NIBRS has increased over time, reports say that this transition was moving "much slower than anticipated."¹⁸ Specifically, even currently, not all law enforcement agencies are reportedly providing data to NIBRS, and the estimation methodologies the FBI uses to fill in the gaps to make up for the missing data have been off.¹⁹ For example, in 2021, the FBI used incomplete data and published incorrect annual crime numbers for the City of St. Louis that were about 15% lower than their actual totals.²⁰ In 2023, the FBI reported there were 499 homicides in Chicago, but the Chicago Police Department publicly reported using their own data that there were 617 homicides.²¹ It's reported there are dozens of other cities where the FBI's number of homicides are different by 20% than what the cities themselves reported.²² Further, these inconsistencies have reportedly occurred across the nation and for other violent crimes.²³ It's reported that for 2023, the City of Baltimore reported 262 murders but the FBI reported 225; Milwaukee reported robberies increased by 7% but FBI reported a 13% drop; and Nashville reported more than 6,900 aggravated assaults while the FBI only reported 5,941.²⁴

It is also concerning that as of the date of this letter the FBI's 2022 Crime in the Nation Statistics press release in October 2023 still contains the inaccurate statistics that "national violent crime decreased an estimated 1.7% in 2022 compared to 2021."²⁵ It appears the FBI is pushing misinformation to the public. With the recent release of the FBI's 2023 Crime in the Nation Statistics, the FBI must provide assurances to the American people that this information is complete, accurate, and reliable.²⁶

For Congress to be able to trust the FBI's published data, the FBI's practices surrounding the revision and how the FBI is conducting its research for publication must be better understood. Accordingly, so Congress may conduct objective and independent oversight concerning the reliability and accuracy of FBI national crime statistics, please provide answers to the following no later than November 27, 2024.

1. Who approved the publication of the 2022 Crime in the Nation Statistics? Did BJS provide guidance, advice, or feedback, whether official or unofficial, related to the uncertainty or accuracy of the data collected and used for the 2022 Crime in the Nation Statistics? Provide all records.²⁷

¹⁷ NIBRS Estimation Project *supra* note 14.

¹⁸ Tom Jackman, *Lagging crime data fuels misperceptions, thwarts prevention, study finds*, WASHINGTON POST (Jun. 25, 2024) <https://www.washingtonpost.com/dc-md-va/2024/06/25/crime-data-council-criminal-justice/>.

¹⁹ Dorgan *supra* note 12.

²⁰ Mark Morgan and Sean Kennedy, *Bad data from the FBI mislead about crime*, WASHINGTON EXAMINER (Apr. 5, 2024) <https://www.washingtonexaminer.com/restoring-america/fairness-justice/2953562/bad-data-from-the-fbi-mislead-about-crime/>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ 2022 Crime in the Nation Statistics *supra* note 1.

²⁶ FBI, *FBI Releases 2023 Crime in the Nation Statistics*, PRESS RELEASE (Sep. 23, 2024) <https://www.fbi.gov/news/press-releases/fbi-releases-2023-crime-in-the-nation-statistics>.

²⁷ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically created or stored information), calendar entries, inter-

2. Explain, in detail, why the original 2022 Crime in the Nation Statistics were inaccurate and subsequently updated.
3. When and how were the inaccuracies in the 2022 Crime in the Nation Statistics uncovered? Explain in detail and provide all records.
4. Prior to its publication, were concerns raised about the accuracy, reliability, completeness, or uncertainty in the estimation of the 2022 Crime in the Nation Statistics? Explain those concerns and provide all records.
5. Prior to its publication, were concerns raised about the accuracy, reliability, completeness, or uncertainty in the estimation of the 2023 Crime in the Nation Statistics? Explain those concerns and provide all records.
6. From January 2021 to the present, provide all records between and among BJS, FBI, and other Justice Department components related to the NIBRS transition and the accuracy of NIBRS derived statistics.
7. Who is responsible for determining when uncertainty in an estimation is deemed too high and should be withheld from publication? Explain, in detail, the process for reviewing and determining whether an estimation should be withheld from publication.
8. Provide all policies, guidance, and similar documents related to the withholding of data when the uncertainty in a NIBRS estimation is deemed too high.

Thank you for your prompt review and response. If you have any questions, please contact Brian Randolph or Jace Pimentel on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget