The National Incident-Based Reporting System (NIBRS): Benefits and Issues

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SUMMARY

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The National Incident-Based Reporting System (NIBRS): Benefits and Issues

Since 1930, the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) program has collected and published nationwide crime statistics. State and local law enforcement agencies, as well as federal agencies, voluntarily submit data on reported crimes that occur in their jurisdictions to UCR. UCR then compiles and publishes the data, and provides datasets and some trend analyses in a standardized format that legislators, researchers, and law enforcement agencies can access to better understand and address crime in the United States.

The UCR program previously collected crime data from federal, state, local, and tribal law enforcement through the older Summary Reporting System (SRS) and the more recently introduced National Incident-Based Reporting System (NIBRS). On January 1, 2021, the FBI retired the SRS program and will only collect data using NIBRS. This report provides background on the development and adoption of NIBRS as well as details about both the benefits and potential issues related to this change.

The shift to NIBRS is intended to yield many benefits including improved reliability, accuracy, accessibility, and timeliness of national crime data. NIBRS expanded the number of crimes for which data are collected from 30 to 84 different offenses. NIBRS also includes details about these crimes that were not previously measured in SRS. For example, NIBRS allows police to report, when applicable, the relationship between the victim and offender, the types of property damaged or drugs seized, and bias motivation (e.g., race, religion, sexual orientation, disability, gender, gender identity). Perhaps the most significant change in NIBRS is the elimination of the hierarchy rule that applied in SRS. The hierarchy rule required police to report only the most serious offense if an incident included several crimes. For example, if an aggravated assault and a burglary occurred within a single incident, only the assault was reported to the FBI via SRS. In contrast, NIBRS allows law enforcement to report up to 10 co-occurring offenses per single incident.

There are concerns about how this shift may affect crime rates, agency participation rates, and access to federal grants. The elimination of the hierarchy rule has raised concerns that counting all crimes that occurred during an incident will make it seem as if crime has increased; however, these concerns may not be warranted in many situations. Across two studies that examined the effect of shifting to NIBRS, neither found significant changes in reported crime rates, though data do indicate that NIBRS may have more of an influence on crime rates in smaller or lower-crime jurisdictions. Another concern is that fewer agencies will participate in NIBRS compared to SRS, and as a result, data quality will suffer. Lower agency participation rates can have consequences for understanding crime both in the present and over time. Policymakers might consider whether to direct the FBI or the Bureau of Justice Statistics (BJS) to examine data gaps and determine where it may be advisable to target resources to increase NIBRS participation.

An additional concern relates to federal grants that base funding on crime data reported to UCR. Several federal grants, most notably the Edward Byrne Memorial Justice Assistance Grants (JAG) program, use UCR crime data to calculate allocations for state, local, and tribal governments. Any state that previously submitted data to UCR via SRS can no longer use this format as of January 2021. As a result, jurisdictions that struggle with the shift to NIBRS may lose out on the funds determined by the reported number of crimes.

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Introduction

Since 1930, the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) program has collected nationwide crime statistics.[1] Federal, state, local, and tribal law enforcement agencies voluntarily submit data about reported crimes that occur in their jurisdictions to UCR. UCR then compiles and publishes the data, and provides datasets and some trend analyses in a standardized format that legislators, researchers, and law enforcement agencies can access to better understand and address crime in the United States.

The UCR program previously collected crime data from federal, state, local, and tribal law enforcement through the older Summary Reporting System (SRS) and the more recently introduced National Incident-Based Reporting System (NIBRS).

On January 1, 2021, the FBI retired the SRS program and will only collect these data in NIBRS.[2] This retirement does not mean that past SRS data will not be available for use, but rather that going forward, data will not be collected via SRS.

The SRS program began as a paper-based system in the 1930s, and although it advanced over time to incorporate more crimes and electronic submissions, its scope remained limited.[3] SRS captured data in two categories of crimes, labeled Part I and Part II offenses.[4] There were 10 Part I offenses: 4 violent offenses (criminal homicide, rape, robbery, and aggravated assault), 4 property offenses (burglary, larceny-theft, motor vehicle theft, and arson),[5] and 2 human trafficking offenses. Data were collected on the number of Part I offenses reported to police as well as the number of arrests. There were 20 Part II crimes (e.g., fraud, gambling, drunkenness, vandalism) for which the FBI only collected arrest data.[6]

NIBRS was developed by the FBI to address several shortcomings of SRS. First, NIBRS expanded the number of crimes for which data are collected. NIBRS groups crimes into two categories labeled Group A and Group B offenses. Group A includes 71 offenses in 28 categories and Group B includes 13 offenses (for a complete list of crimes captured in both the SRS and NIBRS programs, see **Appendix**).[7] NIBRS also includes details about these crimes that were not previously measured in SRS. For example, NIBRS allows law enforcement agencies to report the relationship between the victim and offender, the types of property damaged or drugs seized, and bias motivation (e.g., race, religion, sexual orientation, disability, gender, gender identity).[8]

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[1] U.S. Department of Justice, Federal Bureau of Investigation, *SRS to NBIRS*, https://www.fbi.gov/services/cjis/cjis-link/srs-to-nibrs-the-path-to-better-ucr-data (hereinafter, "*SRS to NIBRS*").

[2] *SRS to NIBRS*.

[3] *SRS to NIBRS*.

[4] U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, Uniform Crime Reporting Program, *Summary Reporting System User Manual*, pp. 20-22 (hereinafter, "*SRS User Manual*").

[5] U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the U.S. 2019*, https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019.

[6] Law enforcement agencies were able to report runaways in SRS as a Part II offense, but as of 2009 this was no longer required. The FBI does not report data on runaway offenses, and as a result runaway is not counted as one of the official Part II offenses.

[7] U.S. Department of Justice, Federal Bureau of Investigation, *NIBRS Quick Facts*, https://www.fbi.gov/file-repository/ucr/nibrs-quick-facts.pdf/view, pp. 1-2 (hereinafter, "*NIBRS Quick Facts*").

[8] U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, Uniform Crime Reporting Program, *2019.2.1 National Incident-Based Reporting System User Manual*, September 2020, pp. 78-

Perhaps the most significant change in NIBRS is the elimination of the hierarchy rule that applied to SRS.[9] The hierarchy rule required law enforcement agencies to report only the most serious offense if an incident included several crimes.[10] For example, if an aggravated assault and a burglary occurred within a single incident, only the assault was reported to the FBI via SRS. In contrast, NIBRS allows law enforcement to report up to 10 co-occurring offenses per single incident.[11] As a result, NIBRS data can be a more accurate representation of the incidences of various types of crimes committed in the United States.[12]

NIBRS was made available to law enforcement agencies beginning in the late 1980s.[13] During the ensuing years, agencies could report their crime data in either the SRS or NIBRS formats. In 2016, the FBI announced that it would retire the SRS program in January 2021.[14] Now that SRS is retired, law enforcement agencies are not able to report data to the FBI in that format. The FBI estimated that it would take law enforcement agencies between one to two years to convert their data reporting systems.[15] To aid agencies in meeting the January 2021 deadline, federal grants like the Edward Byrne Memorial Justice Assistance Grants (JAG) allow grantees to use funds to help cover the cost of conversion. For example, from FY2018 to FY2020 JAG recipients that were not certified NIBRS compliant were required to use 3% of any JAG award toward that purpose.[16]

The most recent data released by the FBI indicated that in 2019, all 50 states, as well as Washington, DC, and Puerto Rico, had law enforcement agencies that reported data to UCR in either SRS, NIBRS, or both formats.[17] In that year, 80% of active law enforcement agencies reported 12 months of crime data to UCR and 89% of active law enforcement agencies reported at least one month of data.[18] These data indicate that although there was not full participation, a majority of active agencies did report crime data to the FBI. Seven states and Puerto Rico did not participate in NIBRS in 2019.[19] However, among Washington, DC, and the 43 states that did

79 (hereinafter, "*NIBRS User Manual*").

[9] *NIBRS User Manual*, p. 150.

[10] *SRS User Manual*, pp. 23-24.

[11] U.S. Department of Justice, Federal Bureau of Investigation, *30 Questions and Answers about NIBRS Transition*, https://www.fbi.gov/file-repository/ucr/30-faqs-about-nibrs-transition-oct-2018.pdf/view, p. 8 (hereinafter, "*30 Questions*").

[12] *30 Questions*, p. 9.

[13] See CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council, pp. 9-10.

[14] U.S. Department of Justice, Federal Bureau of Investigation, *The FBI's Transition to a National Incident-Based Reporting System (NIBRS)-Only Data Collection*, https://www.bjs.gov/content/pub/pdf/nibrs.pdf

[15] *30 Questions*, p. 13.

[16] For more information on the JAG program, see CRS In Focus IF10691, *The Edward Byrne Memorial Justice Assistance Grant (JAG) Program*, by Nathan James.

[17] U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reporting Program Participation Data*, http://s3-us-gov-west-1.amazonaws.com/cg-d4b776d0-d898-4153-90c8-8336f86bdfec/ucr_participation_1960_2019.csv (hereinafter, "UCR program participation data"). The FBI's Crime Data Explorer webpage states: "UCR Program participation data provides information about agencies that report data, regardless of format (summary or incident-based data), to the UCR program. These data help clarify the percentage of the population covered by reported data." There are data and statistics reported elsewhere by the FBI that do not completely align with this dataset; however, given that this is the official dataset the FBI provides for the purposes of understanding UCR participation, CRS proceeded with these data.

[18] Email correspondence with Federal Bureau of Investigation, Global Law Enforcement Support Section, January 14, 2021; and UCR program participation data.

[19] Non-participating states/territories were Alaska, California, Florida, Puerto Rico, New Jersey, Nevada, New York, and Wyoming. Both New York and California have received federal aid to develop state-specific programs that will be

participate in NIBRS, at least 27, or 63%, had half or more of their UCR participating agencies using NIBRS. Among these 27 higher participation states, all but three had law enforcement agencies that were reporting to NIBRS that covered half or more of the states' populations and 18 covered more than 90% of the population.[20]

The National Crime Statistics Exchange (NCS-X)

In 2013, the Bureau of Justice Statistics (BJS) and FBI partnered to launch the NCS-X, "a program designed to generate nationally-representative incident-based data on crimes reported to law enforcement agencies."[21] Because the United States has yet to achieve full participation in UCR or NIBRS, crime rates and statistics are bound by the available data. This is not an uncommon issue and statisticians frequently use data from a subset, or sample, of a population to generate estimates about the full population.[22] The underlying idea is that as long as a sample shares the attributes of the whole population, it can be used to estimate the characteristics of the whole.[23] For example, if 50% of law enforcement agencies have fewer than 25 officers then a sample of law enforcement agencies should contain, to the degree possible, approximately the same proportion. Similarly, whatever proportion of agencies serve urban or rural communities, the sample should match these characteristics. Statistics calculated using a sample of a population are referred to as *estimates*. The NCS-X is to add incident-based crime data from a stratified random sample of 400 additional law enforcement agencies to those reporting to NIBRS to attempt to fill in the gaps and generate national crime estimates.[24] As an additional benefit, agencies that participate in NCS-X are to receive technical assistance and funding that may aid them in shifting to NIBRS.[25] Estimates such as these are subject to error arising from the sample (i.e., differences between the obtained sample value and true population value) and non-sampling errors such as incorrect or dishonest reports.[26]

This report discusses the expected benefits of the NIBRS program as well as possible sources for concern, particularly about the potential consequences of lower participation from law enforcement agencies.

Benefits of NIBRS

According to the FBI, the shift to NIBRS will improve the "reliability, accuracy, accessibility, and timeliness" of crime data in the United States.[27] For example, NIBRS captures a larger variety of crimes than did SRS (see **Appendix**).[28] NIBRS also collects more details about each incident that

NIBRS compliant. California has the California Incident-Based Reporting System (CIBRS) and New York has the New York State's Incident-Based System (NYSIBR). For more information, see https://www.bjs.gov/content/nibrs2.cfm.

[20] In states where less than half of the law enforcement agencies reported to NIBRS in 2019, the participating agencies covered, on average, 22% of the population.

[21] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "National Crime Statistics Exchange Powering the Transition to NIBRS," https://www.bjs.gov/content/ncsx.cfm (hereinafter, "Powering the Transition").

[22] Christian Heumann and Michael Schomaker Shalabh, *Introduction to Statistics and Data Analysis* (Springer International Publishing Switzerland, 2016), p. 181 (hereinafter, "*Introduction to Statistics and Data Analysis*").

[23] *Introduction to Statistics and Data Analysis*, p. 181.

[24] For more detailed information on the sampling technique employed by NCS-X see, https://www.bjs.gov/content/ncsx.cfm.

[25] Powering the Transition.

[26] For more information see CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council, pp. 26-27.

[27] U.S. Department of Justice, Federal Bureau of Investigation, *Are You Ready? The Countdown to NIBRS*, https://www.fbi.gov/services/cjis/cjis-link/are-you-ready-the-countdown-to-nibrs (hereinafter "*Are You Ready?*").

[28] Many resources about the benefits of NIBRS cite the expansion of the definition of rape to include both male and female victims. NIBRS included this expanded definition from its inception, though in 2013 SRS also expanded its definition of rape to the following: "Penetration, no matter how slight, of the vagina or anus with any body part or

were not previously included in SRS (e.g., the time of day and the relationship between the victim and offender).[29] Further, NIBRS allows users to distinguish between completed and attempted crimes.[30] NIBRS also expands the hotel rule to include storage facilities.[31] The hotel rule states, "If a number of units under a single manager are the object of a Burglary and the manager, rather than the individual tenants/renters, will most likely report the offenses to the police, the agency should report the Burglary to the FBI's UCR Program as a single incident."[32] Under the updated rule, law enforcement should report an offense at a qualifying location as a single incident against a single object while also recording the number of units affected.

As discussed previously, perhaps the most significant change between SRS and NIBRS is the elimination of the hierarchy rule. Under this rule, when a law enforcement agency reported data about a given incident to SRS, in almost all cases it was only able to report one offense per incident.[33] If multiple offenses occurred within a single incident, only the most serious crime (per the SRS hierarchy) was reported to the FBI.[34] This rule likely stemmed from the constraints of data collection when SRS was still a paper-based reporting system. The effect of the hierarchy rule has been to undercount the number of crimes that are reported to law enforcement agencies.[35]

NIBRS does not apply the hierarchy rule and allows law enforcement to report up to 10 co-occurring offenses per single incident.[36] There has been some concern that the elimination of the hierarchy rule may make it appear as if there has been a large increase in crime; however, present data do not support this conclusion (see more discussion of this in the "Influence of the Shift to NIBRS on Crime Rates" section).

The Office for Victims of Crime (OVC) has outlined several additional benefits of NIBRS for crime victims.[37] First, the elimination of the hierarchy rule is expected to reveal information on co-occurring victimizations. In SRS, it would not have been possible to study incidents involving multiple offenses perpetrated against the same victim or victims. NIBRS also allows for improved examination of incidents involving multiple offenders. Data on co-offenders might allow law enforcement and criminologists to better understand juvenile offenders, who are more likely than adults to offend in groups.[38] In addition, NIBRS collects information about weapons used by offenders (e.g., firearm, automatic rifle, knife/cutting instrument, motor vehicle, poison,

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object, or oral penetration by a sex organ of another person, without the consent of the victim."

[29] U.S. Department of Justice, Federal Bureau of Investigation, *National Incident-Based Reporting System (NIBRS)*, https://www.fbi.gov/services/cjis/ucr/nibrs (hereinafter, "FBI, *NIBRS*").

[30] FBI, *NIBRS*.

[31] *NIBRS User Manual*, p. 19.

[32] *NIBRS User Manual*, p. 19.

[33] *SRS User Manual*. There are a few exceptions to the hierarchy rule. Arson and both forms of human trafficking are always counted regardless of whether multiple offenses occurred (p. 23). Motor vehicle theft is a special case of larceny-theft, and is therefore counted in a separate category (pp. 25-26). Justifiable homicide, "by definition, occurs in conjunction with another offense(s). Therefore, the crime being committed when the justifiable homicide took place is reported as a separate offense." (p. 30).

[34] *Are You Ready?*.

[35] *Are You Ready?*.

[36] *Are You Ready?*.

[37] U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *Eight Benefits of NIBRS to Victim Service Provides*, https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/NIBRS/index.html.

[38] U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Co-Offending and Patterns of Juvenile Crime*, December 2005, https://www.ncjrs.gov/pdffiles1/nij/210360.pdf, p. ii.

fire/incendiary device, or explosives) that was not included in SRS.[39] Collecting this type of data may aid law enforcement initiatives and legislation regarding weapons used during the commission of a crime. Collection of more granular crime data, including victim demographics and bias motivation, may help in developing better victims' services programs and legislation. NIBRS collects data on the age of victims, whether the offense was cleared (e.g., was someone arrested), as well as the relationship between the victim and offender.[40] NIBRS also allows agencies to identify up to five co-occurring bias motivations per offense type when a crime appears to be driven by an offender's biases.[41] The measured biases include race/ethnicity/ancestry, religion, sexual orientation, disability, gender, and gender identity. Each of these data elements may advance research on crime victimization and perhaps improve resources and outcomes for victims.

Although domestic violence offenses such as elder abuse and intimate partner violence are not listed as Group A or Group B offenses, the data on victim-offender relationships will allow researchers and law enforcement agencies to examine these types of offenses. NIBRS data can be filtered by age, gender, race, weapon, location, and offense type, as well as by the following victim-offender relationships: spouse, parent/step-parent, sibling/step-sibling, child/step-child, grandparent, grandchild, in-law, boyfriend/girlfriend, child of boyfriend/girlfriend, homosexual relationship, ex-spouse, and other family member.[42] These data permit more precise analyses, such as identifying common correlates or predictors for elder abuse, which were not possible using SRS data. This precision may, in turn, help in developing more-targeted policy programs or intervention strategies. However, these crimes are often unreported or underreported and, as a result, the National Crime Victimization Survey is an essential source of information about crimes that are not reported to the police.[43]

National Crime Victimization Survey (NCVS)

The Bureau of Justice Statistics (BJS) administers the NCVS, which captures information about criminal victimization in the United States. The NCVS is not a part of UCR data collection, but the survey addresses important gaps in the understanding of crime in the United States. The NCVS is conducted via interviews with a subset (i.e., sample) of the population about the nature of any victimizations (i.e., frequency, characteristics, and consequences) they may have experienced. This interview-based methodology enables the NCVS to include data on crimes both reported and unreported to law enforcement. The survey provides key information about crime, including crimes that were not reported to law enforcement.[44] Thus, the NCVS is a valuable data source in addition to UCR when examining the totality of crime in the United States.[45] As with the NCS-X, statistics generated via sampling procedures are subject to error arising from the nature of the sample and the participants.[46]

[39] *NIBRS User Manual*, pp. 92-93.

[40] *NIBRS User Manual*, pp. 119, 67, and 151.

[41] *NIBRS User Manual*, pp. 78-79.

[42] See the EZANIBRS system for an example of these filters at https://www.ojjdp.gov/ojstatbb/ezanibrsdv/asp/selection.asp.

[43] Darlene Hutchinson, *Fewer than Half of Victims Report Violent Crimes*, U.S. Department of Justice, Office of Justice Programs, December 14, 2017, https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/blogs-2017/2017-blog-ncvs.htm.

[44] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Criminal Victimization, 2019*, Summary, September 2020.

[45] See CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council, pp. 17-31.

[46] See CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council, pp. 26-27.

Potential Issues Related to the NIBRS Transition

Influence of the Shift to NIBRS on Crime Rates

As noted, the elimination of the hierarchy rule has raised concerns that using NIBRS data to calculate crime rates might make it appear that crime has increased. In particular, reporting co-occurring crimes during an incident, as opposed to only reporting the most serious crime, may lead to a perception that crime rates have gotten worse rather than that the reporting of crime is now more complete. However, these concerns may not be warranted in many situations. First, the shift to NIBRS will not occur all at once. The adoption of NIBRS has been gradual and geographically diffuse, and most states have already implemented it. Although the FBI's annual crime report, "Crime in the United States," continued to report data in the SRS format and with the hierarchy rule in place up until the most recent report,[47] the FBI has also created reports using NIBRS data at the national level and for individual states.[48] These FBI publications and local reports from agencies that have been collecting NIBRS format data for longer periods may provide agencies with baselines for comparison about how adopting NIBRS may influence their crime data.

Two studies have demonstrated that implementing NIBRS did not result in significant increases in crime rates. These studies were published in 2000 and 2014, and thus suggest the stability of these results across a significant span of time.

The first study, published by BJS in 2000, included 1,131 law enforcement agencies.[49] The study compared the crime rates calculated using SRS (i.e., with the hierarchy rule in place and hotel rule not applied to storage facilities) to those obtained using NIBRS and found, on average, a 2% increase in the overall crime rate. The murder rate remained unchanged, which was to be expected as it was at the top of the SRS hierarchy. Rape, robbery, and aggravated assault rates increased, on average, less than 1% when using NIBRS data. The greatest changes were observed for larceny and motor vehicle theft rates (3.4% and 4.5% higher, respectively). These increases were likely attributable to the absence of a hierarchy rule.[50] The burglary rate was, on average, 0.5% lower in NIBRS (the authors credited this shift to changes in the hotel rule).[51] The study also examined the differing influence of NIBRS in jurisdictions with varying levels of crime. The results indicated that jurisdictions with relatively high rates of crime may not observe significant changes, but NIBRS may have more of an influence in smaller or lower-crime jurisdictions. According to the authors,

> a jurisdiction that experienced in a year two robberies, one of which was in conjunction with a murder, would count one robbery under Summary UCR and two under NIBRS. Though the actual count differed by one, the percent difference was 100%. Such

[47] Department of Justice, Federal Bureau of Investigation, 2019 Crime in the United States, *Violent Crime – Data Collection*, https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/violent-crime.

[48] For example, see U.S. Department of Justice, Federal Bureau of Investigation, 2019 National Incident-Based Reporting System, https://ucr.fbi.gov/nibrs/2019.

[49] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Special Report, *Effects of NIBRS on Crime Statistics*, July 2000, p. 2 (hereinafter, "BJS, *Effects of NIBRS on Crime Statistics*").

[50] BJS, *Effects of NIBRS on Crime Statistics*, pp. 7-8.

[51] BJS, *Effects of NIBRS on Crime Statistics*, p. 5.

> jurisdictions should rely on the actual numbers rather than percent differences to express changes in measurement or over time.[52]

The second study was published by the FBI in 2014.[53] This study examined the 6,299 agencies reporting to NIBRS in 2014 and compared the difference in national-level crime rates that resulted from the application or elimination of the hierarchy rule. Overall, the national crime rate[54] increased by 2.1% when comparing NIBRS to SRS, which was attributed to the joint influence of the elimination of the hierarchy rule and the ability to report co-occurring offenses.[55] This study found the following differences in offense-specific crime rates when comparing NIBRS to SRS: less than a 0.1% increase for rape, a 0.6% increase for robbery and aggravated assault, a 1.0% increase for burglary, a 2.6% increase for larceny, and a 2.7% increase for motor vehicle theft. This is consistent with the results reported in the prior study. In general, these results indicate that, on average, crime rates do not greatly increase between NIBRS and SRS. The domain in which increases appear to be the largest are property crimes.

Taken together, these results suggest that NIBRS does not significantly distort crime rates at the national level, but local agencies, especially in low-crime areas, may see notable increases in the reported numbers and rates of some crimes. There are strategies law enforcement can use to help the public understand NIBRS data, and any related crime rate increases, in their proper context. One strategy is to present the raw counts of criminal offenses rather than percentages. This way, the public may better understand that a large percentage increase does not necessarily indicate a significant uptick in actual crime.[56] Another strategy is for law enforcement agencies to present several years of data in both NIBRS and SRS formats to demonstrate how crime rates would have looked using both methods.[57] This approach may "demonstrate what the trend of crime rates would look like if the agency was still only reporting in the SRS. The converted data could help soften and explain the appearance of increased crime while lending even more transparency to the agency's crime reporting to the public."[58]

Agency Participation

Another concern is that fewer agencies will participate in NIBRS compared to SRS, and as a result, data quality will suffer. As of 2019, every state as well as Washington, DC, and Puerto Rico had at least one law enforcement agency that participated in UCR. Although the majority of states either had at least one law enforcement agency that participated in NIBRS or were developing a NIBRS-compatible state-based system (e.g., California Incident-Based Reporting System [CIBRS], the New York State's Incident-Based System [NYSIBR]), some agencies have not made the switch. Lower agency participation can have consequences for both understanding crime in a given year and longitudinal analyses.

Policymakers might consider whether to direct the FBI or BJS to examine where data gaps exist and whether they systemically vary by categories such as public safety budgets or rurality. For

[52] BJS, *Effects of NIBRS on Crime Statistics*, p. 3.

[53] U.S. Department of Justice, Federal Bureau of Investigations, Uniform Crime Report, *Effect of NIBRS on Crime Statistics*, Executive Summary, 2014 (hereinafter, "FBI, *Effect of NIBRS on Crime Statistics*").

[54] This was calculated using the total counts for murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.

[55] FBI, *Effect of NIBRS on Crime Statistics*.

[56] FBI, *Effects of NIBRS on Crime Statistics*, p. 1.

[57] FBI, *Effect of NIBRS on Crime Statistics*, p.1.

[58] FBI, *Effect of NIBRS on Crime Statistics*, p. 14

example, in 2019 there were lower levels of NIBRS participation in the Southwest and Midwest.[59] In the Southwest, both Arizona and New Mexico had less than 6% of law enforcement agencies reporting to UCR using NIBRS, and Texas had about 38% of participating agencies reporting to NIBRS. Further, these agencies do not cover large proportions of each state's population. The agencies reporting to NIBRS cover 6% of Arizona's population, 37% of New Mexico's population, and 23% of Texas' population. If these states do not increase their participation in NIBRS now that SRS has been retired, there may be a significant loss of information about crime in this region. Identifying these gaps is important not only for appropriately gauging the reliability of conclusions drawn from NIBRS data, but also for determining where it may be desirable to target resources to increase NIBRS participation.

One barrier to participation in NIBRS could be the cost of setting up more complex data infrastructure and training staff in the technology. The shift may be especially difficult for smaller, or lower funded, agencies to achieve. There are about 18,000 federal, state, and local law enforcement agencies in the United States, and the sizes of these agencies vary widely from employing 1 to 30,000 officers.[60] Small town agencies employing 10 or fewer officers are the most common.[61] These types of agencies may struggle to find the financial and technical resources to implement NIBRS. For example, an initial cost estimate for setting up NIBRS in Anderson, SC, a town with approximately 27,000 residents and 100 sworn police officers, ranged from $130,000 to $200,000.[62] These costs may be too high for many agencies, and the FBI has proposed that smaller agencies may benefit from pooling resources or partnering with larger agencies.[63] Federal grant funds were previously made available to help make the shift to NIBRS. In FY2017, NIBRS conversion was added as an area of emphasis for JAG grants. Following that, from FY2018 to FY2020, the Bureau of Justice Assistance (BJA) required that JAG recipients that were not certified as NIBRS-compliant dedicate 3% of any JAG award toward that end.

Access to Federal Grants

A final concern relates to federal grants that base funding on crime data reported to UCR. Several federal grants, most notably the JAG program, use UCR crime data to calculate allocations for state, local, and tribal governments. The JAG program funds criminal justice initiatives in all 50 states as well as the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.[64] JAG funds are allocated using a statutorily defined formula.[65] Fifty percent of a state's JAG allocation is based on its share of the population and the other half on the number of violent crimes (i.e., homicide, rape, robbery, and aggravated assault)

[59] UCR program participation data.

[60] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *National Sources of Law Enforcement Employment Data*, October 2016, p. 1 (hereinafter, "*National Sources of Law Enforcement Employment Data*").

[61] *National Sources of Law Enforcement Employment Data*, p.1.

[62] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Statistics Exchange, Estimating Costs for Transitioning to the National Incident-Based Reporting System (NIBRS), https://www.bjs.gov/content/pub/pdf/Local%20Agency%20-%20Estimating%20Cost%20for%20Transitioning%20%20to%20NIBRS_01232017.pdf.

[63] *30 Questions*, p. 12.

[64] See CRS In Focus IF10691, *The Edward Byrne Memorial Justice Assistance Grant (JAG) Program*, by Nathan James.

[65] 34 U.S.C. §10156.

reported to the FBI[66]—in particular, "the state's respective share of the average number of reported violent crimes in the United States for the three most recent years for which data are available."[67] Any state that previously submitted data to UCR via SRS can no longer use this format as of January 2021. As a result, states may lose out on the funds determined by the reported number of crimes. In acknowledgment of this concern, BJA added the requirements to JAG grants outlined above. As stated by BJA, "the 3 percent requirement will assist state and local jurisdictions in working toward compliance, to ensure they continue to have critical criminal justice funding available through JAG when SRS is replaced by NIBRS in FY2021."[68] Similar funding calculations based on violent crimes reported to the FBI are also in place for the DNA Capacity Enhancement and Backlog Reduction (CEBR) program[69] as well as the Debbie Smith DNA Backlog Grant program.[70]

[66] See CRS In Focus IF10691, *The Edward Byrne Memorial Justice Assistance Grant (JAG) Program*, by Nathan James.

[67] See CRS In Focus IF10691, *The Edward Byrne Memorial Justice Assistance Grant (JAG) Program*, by Nathan James.

[68] U.S. Department of Justice, Bureau of Justice Statistics, *Edward Byrne Justice Assistance Grant (JAG) Program Factsheet*, p.2, https://bja.ojp.gov/sites/g/files/xyckuh186/files/publications/2018-JAG-Fact-Sheet.pdf.

[69] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *FY2020 DNA Capacity Enhancement for Backlog Reduction (CEBR) Program (Formula)*, FY2020 Grant Solicitation, https://bja.ojp.gov/funding/opportunities/bja-2020-18413.

[70] 34 U.S.C. §40701(c).

Appendix. SRS and NIBRS Offense Lists

Summary Report System (SRS)[71]

Part 1 Offenses

(Note: The order of Part I offenses here also reflects the order in which the hierarchy rule was applied).

- Criminal Homicide
- Rape
- Robbery
- Aggravated Assault
- Burglary
- Larceny-theft (except motor vehicle theft)
- Motor Vehicle Theft
- Arson
- Human Trafficking, Commercial Sex Acts
- Human Trafficking, Involuntary Servitude

Part 2 Offenses

- Other Assaults (simple)
- Forgery and Counterfeiting
- Fraud
- Embezzlement
- Stolen Property (buying, receiving, or possessing)
- Vandalism
- Weapons (carrying, possessing, etc.)
- Prostitution (including commercialized vice, assisting or promoting prostitution, and purchasing prostitution)
- Sex Offenses (except rape and prostitution offenses)
- Drug Abuse Violations
- Gambling
- Offenses Against the Family and Children
- Driving Under the Influence
- Liquor Laws
- Drunkenness
- Disorderly Conduct

[71] U.S. Department of Justice, Federal Bureau of Investigation, Crime Justice Information Services Division, Uniform Crime Reporting Program, *Summary Reporting System (SRS) User Manual*, pp. 20-22.

- Vagrancy
- All Other Offenses
- Suspicion
- Curfew and Loitering Laws (persons under 18)
- Runaways (persons under 18)[72]

National Incident-Based Reporting System (NIBRS)[73]

Group A Offenses

- Animal Cruelty
- Arson
- Assault Offenses
  - Aggravated Assault
  - Simple Assault
  - Intimidation
- Bribery
- Burglary/Breaking & Entering
- Commerce Violations
  - Import Violations*
  - Export Violations*
  - Federal Liquor Offenses*
  - Federal Tobacco Offenses*
  - Wildlife Trafficking*
- Counterfeiting/Forgery
- Destruction/Damage/Vandalism of Property
- Drug/Narcotic Offenses
  - Drug/Narcotic Violations
  - Drug Equipment Violations
- Embezzlement
- Espionage*
- Extortion/Blackmail
- Fraud Offenses
  - False Pretenses/Swindle/Confidence Game
  - Credit Card/Automated Teller Machine Fraud
  - Impersonation

[72] Runaway has not been a required-reporting offense in UCR since 2009, as it is not a criminal offense in all jurisdictions. Runaway data are stored in UCR when reported but these data are not reported by the FBI in UCR databases; the FBI no longer publishes information on runaways as a Part II crime.

[73] *NIBRS User Manual*, pp. 10-14.

  - Welfare Fraud
  - Wire Fraud
  - Identity Theft
  - Hacking/Computer Invasion
  - Money Laundering*
- Fugitive Offenses
  - Harboring Escapee/Concealing from Arrest*
  - Flight to Avoid Prosecution*
  - Flight to Avoid Deportation*
- Gambling Offenses
  - Betting/Wagering
  - Operating/Promoting/Assisting Gambling
  - Gambling Equipment Violations
  - Sports Tampering
- Homicide Offenses
  - Murder and Nonnegligent Manslaughter
  - Negligent Manslaughter
  - Justifiable Homicide (Not a Crime)
- Human Trafficking Offenses
  - Commercial Sex Acts
  - Involuntary Servitude
- Immigration Violations
  - Illegal Entry into the United States*
  - False Citizenship*
  - Smuggling Aliens*
  - Re-entry about Deportation*
- Kidnapping/Abduction
- Larceny/Theft Offenses
  - Pocket-picking
  - Purse-snatching
  - Shoplifting
  - Theft From Building
  - Theft From Coin-Operated Machine or Device
  - Theft From Motor Vehicle
  - Theft of Motor Vehicle Parts or Accessories
  - All Other Larceny
- Motor Vehicle Theft
- Pornography/Obscene Material
- Prostitution Offenses

- Prostitution
- Assisting or Promoting Prostitution
- Purchasing Prostitution
- Robbery
- Sex Offenses
  - Rape
  - Sodomy
  - Sexual Assault With An Object
  - Fondling
  - Incest
  - Statutory Rape
  - Failing to Register as a Sex Offender*
- Stolen Property Offenses
- Treason*
- Weapon Law Violations
  - Weapon Law Violations
  - Violation of National Firearm Act of 1934*
  - Weapons of Mass Destruction*
  - Explosives*

Group B Offenses

- Bad Checks
- Bond Default
  - Failure to Appear*
- Curfew/Loitering/Vagrancy Violations
- Disorderly Conduct
- Driving Under the Influence
- Drunkenness
- Family Offenses, Nonviolent
- Federal Resources Violations*
- Liquor Law Violations
- Peeping Tom
- Perjury*
- Trespass of Real Property
- All Other Offenses

*Reported only for federal and tribal law enforcement agencies

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