



Federal Data on Hate Crimes in the United States

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Reports of crimes where the offenders' actions appear to be motivated by their bias or animosity towards a particular race, ethnicity, religion, sex, sexual orientation, or gender identity have contributed to some observers' perceptions that hate crimes are on the rise in the United States. These incidents might also generate interest among policymakers about how the federal government collects data on crimes committed in the United States that are alleged to be bias-motivated.

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The Federal Bureau of Investigation (FBI) started its Hate Crime Statistics program pursuant to the requirement in the Hate Crime Statistics Act (HSCA, P.L. 101-275) that the Department of Justice (DOJ) collect and report data on crimes that "manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property." In addition to the FBI's Hate Crime Statistics program, DOJ also collects data on hate crime victimizations through the Bureau of Justice Statistics' (BJS') National Crime Victimization Survey (NCVS). The NCVS measures self-reported criminal victimizations including those perceived by victims to be motivated by an offender's bias against them for belonging to or being associated with a group largely identified by the characteristics outlined in the HSCA.

Scholars, advocates, and members of the media have pointed out that there is a significant disparity between the number of hate crimes reported by the FBI's Hate Crime Statistics program each year and the number of hate crime victimizations reported by BJS' NCVS. This has led some to criticize the hate crime data published by the FBI as an undercount of the number of hate crimes committed in the United States each year. However, this statistics gap can be partially explained by the different measures and methodologies utilized by the FBI and BJS to collect these data. For example, the FBI only reports on crimes that have been reported to the police, while BJS collects reports of criminal victimizations that may or may not meet the statutory definition of a hate crime and may or may not have been reported to the police. There are a number of reasons why some victims do not report their victimization to the police, including fear of reprisal, not wanting the offender to get in trouble, believing that police would not or could not do anything to help, and believing the crime to be a personal issue or too trivial to report.

There are also several reasons why a hate crime that was reported as such to the police might not be subsequently reported to the FBI for their Hate Crime Statistics program. Deciding whether a crime meets the statutory definition of a hate crime requires law enforcement agencies to investigate allegations of hate crime motivations before making a final determination. Reporting of hate crimes by law enforcement agencies to the FBI might be hampered by the fact that some law enforcement agencies do not have the training necessary to investigate potential bias-motivated offenses effectively. In addition, differing definitions between the FBI and state statutes as to what constitutes a *hate crime* generate confusion as to which standard should be used to determine whether a hate crime occurred and should be reported.

The FBI transitioned to the National Incident Based Reporting System (NIBRS) as of January 1, 2021. Policymakers might have an interest in how NIBRS differs from the FBI's previous hate crime reporting program and whether full participation in NIBRS might improve the quality and completeness of federal hate crime data. However, like the FBI's current crime reporting program, participation in the NIBRS program is voluntary, and policymakers might consider steps Congress could take to promote adoption of NIBRS by all law enforcement agencies.

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The United States has experienced a series of high-profile violent crimes where the alleged or convicted offenders' actions appeared to be or were motivated by their bias or animosity towards a particular race, ethnicity, religion, sex, sexual orientation, or gender identity. For example, shootings at the Capital Jewish Museum in Washington, DC,¹ and the Annunciation Catholic School in Minneapolis, MN²; a man fatally stabbing a 6-year-old Palestinian American boy near Chicago, IL³; and reports of hate crimes against Asian Americans during the COVID-19 pandemic⁴ contribute to some observers' perceptions that hate crimes are on the rise in the United States. The salience of these events and how they are covered in the media might also contribute to the perception that there is a growing number of hate crimes (also known as bias crimes or bias-motivated offenses) being perpetrated in communities across the country.⁵ Policymakers might turn to hate crime data collected by the Department of Justice (DOJ) to understand if there has actually been an increase in hate crimes in the United States and, if so, the nature of the increase. Policymakers might also utilize these same data to craft a policy response to hate crimes that is grounded in the data and conduct oversight of the federal government's efforts to combat these crimes.

This report begins with an overview of federal sources of data on hate crimes. This includes a brief overview of the Hate Crime Statistics Act (HCSA, P.L. 101-275), which requires DOJ to collect and report data on hate crimes, and the two systems DOJ employs to collect these data: the Federal Bureau of Investigation's (FBI's) Hate Crime Statistics Program and the Bureau of Justice Statistics' (BJS') National Crime Victimization Survey (NCVS). The report then discusses two salient issues regarding hate crime statistics: the relatively large difference between the number of hate crimes reported by the FBI and the number of hate crime victimizations reported by BJS, and concerns about law enforcement agencies underreporting hate crimes to the FBI. The report concludes with a discussion of whether the full adoption of the FBI's National Incident Based Reporting System (NIBRS) might serve as a means of improving federal hate crime data.

The Hate Crime Statistics Act

The HCSA requires DOJ to collect and report data on crimes that "manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property." Congress required DOJ to collect these data because, at the time, few states collected data on hate crimes and there were no national data.⁶ Policymakers believed that national data

¹ U.S. Department of Justice, Office of Public Affairs, "Alleged Perpetrator of Shooting in Washington, D.C. Charged with Hate Crimes," press release, August 7, 2025, <https://www.justice.gov/opa/pr/alleged-perpetrator-shooting-washington-dc-charged-hate-crimes>.

² Steve Karnowski and Mark Vancleave, "Two children killed, 17 wounded during Mass in a Minneapolis Catholic school shooting," *PBS News*, August 27, 2025, Online Edition.

³ Nadine Yousif, "Illinois man convicted for hate crime murder of Palestinian boy," *BBC*, February 28, 2025, Online Edition.

⁴ Sungil Han, Jordan R Riddell, and Alex R Piquero, "Anti-Asian American Hate Crimes Spike During the Early Stages of the COVID-19 Pandemic," *Journal of interpersonal violence*, vol. 38, no. 3-4 (2023), p. 3513.

⁵ For example, research suggests that increased media coverage of school shootings after a high-profile incident can lead people to believe that school shootings occur with more frequency than they actually do. See Glenn W. Muschert, "Research in School Shootings," *Sociology Compass*, vol. 1, no. 1 (2007), pp. 60-80; and H. Jaymi Elsass, Jaclyn Schidkrat, and Mark C. Stafford, "Studying School Shootings: Challenges and Considerations for Research," *American Journal of Criminal Justice*, vol. 14 (2016), pp. 444-464.

⁶ U.S. Congress, House Committee on the Judiciary, *Hate Crime Statistics Act*, report to accompany H.R. 1048, 101st (continued...)

would reveal the scope of the problem and provide a basis for more effective law enforcement efforts to address hate crimes.⁷

Since the HCSA was enacted, Congress has expanded the definition of what constitutes a hate crime for data collection purposes. The act initially required DOJ to collect data on hate crimes based on race, religion, sexual orientation, or ethnicity. Congress amended the act to require DOJ to collect data on hate crimes based on the victims' disability (P.L. 103-322) in 1994 and gender or gender identity, along with hate crimes committed by and against juveniles (P.L. 111-84), in 2009.

The HCSA initially included a sunset provision that would have ended the requirement for DOJ to collect hate crime data after 1994. However, the Church Arson Prevention Act (P.L. 104-155) removed that provision.

Federal Hate Crime Data

To meet the requirements of the HCSA and subsequent amendments, DOJ collects and reports data on hate crimes that occur in the United States through two sources: the Hate Crime Statistics program and the NCVS.

Hate Crime Statistics Program

DOJ fulfills the HCSA's requirement by collecting supplemental data on hate crimes through the FBI's Uniform Crime Reporting (UCR) program. The Hate Crime Statistics Program collects data about hate crime offenders' alleged bias motivations for the set of offenses already reported to the UCR program.⁸ Under the Hate Crime Statistics Program, the victim of a hate crime can be an individual, a business, an institution, or society as a whole.

Hate Crime Statistics Program data is collected and reported to the FBI by law enforcement agencies across the country. Agency participation in the Hate Crime Statistics Program, like the UCR program, is voluntary but most agencies participate. In 2024, 16,419 law enforcement agencies in all 50 states and the District of Columbia participated in the Hate Crime Statistics Program, or approximately 85% of all UCR-enrolled agencies.⁹ The agencies that participated represented jurisdictions that include approximately 323 million people.¹⁰

The FBI requires law enforcement agencies to use a two-step process for investigating hate

Cong., 1st sess., June 23, 1989, H.Rept. 101-109, p. 2; U.S. Congress, Senate Committee on the Judiciary, *Hate Crime Statistics Act*, report to accompany S. 419, 101st Cong., 1st sess., May 1, 1989, S.Rept. 101-21, p. 3 (hereinafter, "House Judiciary Committee report on the Hate Crime Statistics Act").

⁷ House Judiciary Committee report on the Hate Crime Statistics Act, p. 3.

⁸ These offenses include crimes against persons (homicide, rape, robbery, aggravated and simple assaults, intimidation, human trafficking, and involuntary servitude), crimes against property (robbery, burglary, larceny-theft, motor vehicle theft, arson, and destruction/damage/vandalism), and crimes against society (drugs or narcotics offenses, gambling offenses, prostitution offenses, and weapons law violations).

⁹ U.S. Department of Justice, Federal Bureau of Investigation, *UCR Summary of Reported Crimes in the Nation, 2024*, August 2025, p. 18, (hereinafter, "Reported Crimes in the Nation, 2024").

¹⁰ For a point of comparison, in 2018 (the most recent year of data published by BJS) there were a reported 17,541 state and local law enforcement agencies that employed at least one full-time officer or the equivalent in part-time officers. Andrea M. Gardner and Kevin M. Scott, *Census of State and Local Law Enforcement Agencies, 2018 – Statistical Tables*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 302187, Washington, DC, October 2022, p. 1.

crimes before reporting them to the Hate Crime Statistics Program.¹¹ In the first step, the law enforcement officer that initially responds to a potential hate crime incident is responsible for determining whether there is any indication that the offense was motivated by bias against an individual's perceived membership in one of the groups specified in the HCSA. If there is an indication of a bias motivation, the incident is designated as a suspected bias-motivated crime and forwarded to an investigator. Depending on the size of the agency, this may be an individual trained in hate crime matters or a special unit dedicated to this task. In the second step, the investigator is responsible for reviewing the facts of the incident and making the final determination as to whether the crime meets the HCSA definition of a hate crime. According to the FBI, an agency should only report an incident as a hate crime when a law enforcement investigation reveals sufficient evidence to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by his or her bias.¹²

Law enforcement agencies can submit data on single and multiple bias incidents. Single bias incidents are those in which one or more of the offenses committed during an incident are motivated by the same bias. Multiple bias incidents are those in which one or more of the offenses committed during an incident are motivated by two or more biases.¹³

Annual hate crime data published by the FBI differs from traditional UCR crime data published by the FBI in an important way. For most crimes, the FBI estimates full-year crime data for law enforcement agencies that submit less than 12 months of data to the UCR. In contrast, hate crime data published by the FBI only includes offenses reported by the police. Due to the relatively low number of reported hate crimes each year compared to non-bias motivated crime, no estimation for missing data is done by the FBI for the Hate Crime Statistics Program as this could lead to inaccurate estimates.¹⁴

National Crime Victimization Survey

BJS has collected data on hate crime victimizations through the NCVS since 2003.¹⁵ The NCVS data is collected in partnership with the Census Bureau through semiannual interviews with residents of a nationally representative sample of households.¹⁶ All people age 12 or older in the sampled households are interviewed. The NCVS collects self-reported data on non-fatal personal crime victimizations (sexual assault, robbery, aggravated and simple assaults, and personal larceny) and property crime victimizations (burglary, motor vehicle theft, and other thefts) regardless of whether the crimes were reported to the police.

The NCVS uses the same HCSA definition of a hate crime as the FBI. The NCVS collects data on crimes that victims perceive to be motivated by an offender's bias against them based on their race, gender and gender identity, religion, disability, sexual orientation, or ethnicity. In the NCVS data, hate crime victimizations for personal crimes are counts of individual victims, while hate

¹¹ U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crimes Data Collection Guidelines and Training Manual*, version 3.0, March 1, 2022, p. 3. <https://le.fbi.gov/file-repository/hate-crime-data-collection-guidelines-and-training-manual.pdf/view>.

¹² *Reported Crimes in the Nation, 2024*, p. 37.

¹³ Up to five different bias motivations can be reported per offense. See U.S. Department of Justice, Federal Bureau of Investigation, "Hate Crime: Frequently Asked Questions," December 2022, (hereinafter, "Hate Crime FAQs").

¹⁴ *Hate Crime FAQs*, p. 9.

¹⁵ Grace Kena and Alexandra Thompson, *Hate Crime Victimization, 2005–2019*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, NCJ 300954, Washington, DC, September 2021, p. 15 (hereinafter "BJS, *Hate Crime Victimization*").

¹⁶ BJS, *Hate Crime Victimization*, p. 12.

crime victimizations for property crimes are counts of victimized households.

In order for a victimization to be classified as a hate crime in the NCVS, the victim has to report one of three types of evidence of the offender's bias: (1) the offender used hate language, (2) the offender left hate signs or symbols at the scene, or (3) police investigators confirmed that a hate crime occurred.¹⁷

Table 1 compares the methodologies of the UCR Hate Crime Statistics Program and the NCVS.

Table 1. Comparison of the UCR Hate Crime Statistics Program and the National Crime Victimization Survey

	UCR Hate Crime Statistics Program	National Crime Victimization Survey
Unit of analysis	Individuals, businesses, institutions, or society as a whole	Individuals and households
Offenses	<ul style="list-style-type: none"> • Crimes against persons: homicide, rape, aggravated and simple assaults, intimidation, human trafficking, and involuntary servitude • Crimes against property: robbery, burglary, larceny-theft, motor vehicle theft, arson, destruction/damage/vandalism • Crimes against society: drug or narcotics offenses, gambling offenses, prostitution offenses, weapons law violations, and animal cruelty offenses^a 	<ul style="list-style-type: none"> • Crimes against persons: sexual assault, robbery, aggravated and simple assaults, and personal larceny • Household property crimes: burglary, motor vehicle theft, and other thefts
Biases	Race, gender and gender identity, religion, disability, sexual orientation, or ethnicity	Race, gender and gender identity, religion, disability, sexual orientation, or ethnicity
Methodology	Law enforcement agencies submit data on known hate crime offenses to the FBI	Interviews of persons 12 and older living in a nationally representative sample of households
Participation	Voluntary. Law enforcement agencies are asked but are not required to submit hate crime data to the FBI	Voluntary. Participants in the NCVS can decline to answer questions about hate crime victimizations or to participate in the survey altogether
Standard for a hate crime	When law enforcement finds sufficient evidence to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by his or her bias	The victim perceives the offender's bias against him or her to be motivated by the victim belonging to or being associated with one of the groups specified in the HCSA and (1) the offender used hate language, (2) the offender left hate signs or symbols at the scene, or (3) police investigators confirmed that a hate crime occurred
National data	Yes	Yes
State data	Yes	No

¹⁷ BJS, *Hate Crime Victimization*, p. 15.

	UCR Hate Crime Statistics Program	National Crime Victimization Survey
Local data	Yes	No
Estimation	No. The FBI does not estimate hate crime data for non-participating law enforcement agencies or for law enforcement agencies that submit less than a full 12 months of data	Yes. BJS uses responses from a national sample of households to develop national estimates of hate crime victimizations
Frequency of collection	Annually	Semiannually

Source: CRS presentation of information published by the Federal Bureau of Investigation and the Bureau of Justice Statistics.

- a. Law enforcement agencies that participate in the National Incident Based Reporting System (NIBRS) collect and report data on 52 Part A offenses. Law enforcement agencies can report a bias motivation for each Part A offense if one is present. Part A offenses include the offenses reported by the FBI through the Hate Crime Statistics Program along with other offenses. Data for these other offenses are reported as “other” hate crimes (in the case of crimes against persons or property) or as “crimes against society” in the FBI’s annual *Hate Crime Statistics* publication. For more information on Part A offenses, see <https://www.fbi.gov/file-repository/ucr/nibrs-quick-facts.pdf/view>.

Differences in the Two National Measures of Hate Crimes

The FBI’s and BJS’ data collection goals and methodologies are distinct. This distinction results in a difference between the number of hate crime incidents reported by the FBI and the number of hate crime victimizations reported by BJS. For example, BJS reported that there were an estimated 305,390 hate crime victimizations in 2019 (the most recent data available).¹⁸ The FBI, on the other hand, reported that there were approximately 7,300 hate crime incidents that involved approximately 8,800 victims in 2019.¹⁹

What might explain the difference in the two national measures of hate crimes? The answer lies partially in the fact that the data reported by the FBI and BJS reflect different goals for collecting data on hate crimes. The FBI data only reflect hate crime incidents that are reported to law enforcement, and where law enforcement concludes that a hate crime has occurred and reports it to the FBI’s Hate Crime Statistics Program. In contrast, the goal of the NCVS hate crime data collection effort is to estimate the total number of hate crime *victimizations* that occur each year, including victimizations that are not reported to law enforcement agencies (i.e., a portion of the *dark figure*²⁰ of crime). Because the NCVS collects data on reported and unreported hate crime victimizations, its totals will always be larger than the FBI’s hate crime data.

Another explanation for the difference between the two measures is that there are the different standards needed to be met to be counted as a hate crime in the FBI’s Hate Crime Statistics Program and the NCVS. For a hate crime to be counted by the FBI, law enforcement must have sufficient evidence that would lead a reasonable and prudent person to conclude that the

¹⁸ BJS, *Hate Crime Victimization*, p. 3.

¹⁹ Though the FBI has more recently available data, 2019 numbers are cited here as a point of comparison to the BJS data. U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crime Statistics, 2019* (hereinafter, “*Hate Crime Statistics, 2019*”), Table 1.

²⁰ The *dark figure* of crime refers to crimes that are not reported to the police or are undetected.

offender's actions were motivated, in whole or in part, by his or her bias. In contrast, under the NCVS, an incident is counted as a hate crime if the victim believes that the offense was based on their race, ethnicity, religion, disability, sexual orientation, gender, or gender identity, and the offender used hate language, hate symbols, or a law enforcement investigation concluded that a hate crime had occurred. An independent investigation of the perceived bias is not necessary in every case for the NCVS interviewers to include the victimization as a hate crime.

The goals and methodologies described above help explain why the NCVS estimates of hate crime victimizations are higher than the number of hate crime incidents reported by the FBI. At the same time, the FBI's Hate Crime Statistics Program collects data on a larger number of victim types and crimes that may be motivated by the offender's bias than the NCVS. For example, the FBI collects data on bias motivated homicides and vandalisms, which are not captured by the NCVS. Law enforcement agencies can also report data to the FBI on hate crimes against individuals, businesses, religious institutions, other institutions, and society as a whole, whereas the NCVS only collects data on hate crimes against individuals (i.e., personal crimes) and households (i.e., property crimes).

Are Hate Crimes Underreported to the FBI by Law Enforcement?

A common criticism of the FBI's hate crime data is that a large proportion of participating law enforcement agencies report zero hate crimes in a given year (*zero-reporting agencies*), leading some researchers and advocacy groups to believe that the zero-reporting agencies are underreporting hate crimes.²¹ The evidence presented to support these accusations are discrepancies between hate crime figures reported by the FBI and the self-reported hate crime figures tabulated by organizations serving the communities that are often the targets of hate crime (e.g., organizations serving the LGBTQ, Jewish, Muslim, or Arab communities).²²

Research suggests that some law enforcement agencies have underreported the number of hate crime incidents to the FBI. In one study, researchers reviewed a sample of assault incident reports from seven local law enforcement agencies across the country that were not classified as hate crimes to see if there was any indication that the offenses had a bias motivation.²³ Incidents where there was a clear indication that bias was a predominant motivating factor in the assault were coded as *bias-motivated*, and other incidents were coded as *ambiguous* if there was an indication of bias but also evidence of some other identifiable triggering event or alternative motivation. The study found that for some of the incidents, there was evidence that they were motivated by the alleged perpetrator's bias, but that these misclassification errors were relatively infrequent and varied by law enforcement agency. The estimated proportion of misclassified cases for each agency ranged from zero to 8% of all assault incidents when both *bias-motivated* and *ambiguous* incidents were considered and from zero to 3% when only *bias-motivated* cases were considered. While the proportion of misclassified assault cases for any individual agency is relatively low, if the percentage of misclassified cases reported in this study was generalizable to the universe of

²¹ See, for example, Sergio Olmos, "Researchers say the FBI's statistics on hate crimes across the country are flawed," *NPR*, January 1, 2023.

²² See, for example, Muslim Advocates, "Muslim Advocates: 2019 FBI Data Undercounts Hate Crimes," press release, November 17, 2020, <https://muslimadvocates.org/2020/11/muslim-advocates-2019-fbi-data-undercounts-hate-crimes/>.

²³ Jack McDevitt, James Cronin, and Jennifer Balboni et al., *Bridging the Information Disconnect in National Reporting of Bias Crime, Research in Brief*, The Center for Criminal Justice Policy Research, Northeastern University, Boston, MA, p. 5.

all assaults, it would account for thousands of hate crimes that were not reported to the Hate Crime Statistics Program.

Another study of the accuracy of hate crime reporting utilized incident-based crime data (see discussion of expanding the National Incident Based Reporting System, below) from four local law enforcement agencies to evaluate whether hate crimes were being misclassified.²⁴ This study looked at all criminal incidents, not just assaults, reported to the four agencies in 2008 and examined not only whether hate crimes were misclassified as non-bias-motivated offenses, but also whether non-bias-motivated offenses were wrongly classified as hate crimes and how these errors compared to misclassification errors for other non-hate crimes. This study found that undercounting of hate crimes was the most common misclassification error in the records they examined. The researchers noted that “extending error rates to the population suggest that the estimated number of bias crimes that go unaccounted is noticeable.”²⁵

Beyond misclassification of bias-motivated offenses reported to police, evidence suggests that victims of hate crimes may be particularly unlikely to report their victimization to police compared to victims of non-hate crimes. In one study analyzing 2014 NCVS data, researchers found that the odds of victims of violent hate crimes reporting the offense to the police were 17% lower than victims of non-hate crimes, even when statistically controlling for other variables such as victim demographics (e.g., sex, race) and situational factors (e.g., weapon used).²⁶ These same researchers also examined the self-reported reasons victims either did or did not report the hate crime to the police. They found that the most common reason for not reporting the incident to law enforcement was that they reported the incident to a different official. On the other hand, the most common reason for reporting the incident to the police was to try to stop the perpetrator while the incident was ongoing.²⁷

Even though the research described above did not focus on local law enforcement agencies who reported zero hate crimes, it is these agencies in particular that critics argue are likely to have underreported hate crimes.²⁸ As shown in **Figure 1**, the vast majority of agencies that participate in the Hate Crime Statistics Program are zero-reporting agencies, leading critics to conclude that hate crimes are significantly underreported to the FBI.

In order for a law enforcement agency to be considered a “participant” in the FBI’s hate crime statistics program, it has to submit data on the number of hate crimes for at least part of the year or a letter signed by the police chief certifying that no hate crimes occurred that year in its jurisdiction.²⁹ The proportion of agencies that reported zero hate crimes to the FBI was relatively consistent from 1996 to 2006, increased from 2006 to 2014, and then decreased from 2014 to 2024. However, from 1996 to 2024, 84% of participating law enforcement agencies on average

²⁴ James J. Nolan, Stephen M. Haas, and Erica Turley et al., “Assessing the ‘Statistical Accuracy’ of the National Incident-Based Reporting System Hate Crime Data,” *American Behavioral Scientist*, vol. 59, no. 12 (2015), pp. 1562-1587 (hereinafter, “Nolan et al., ‘Assessing the ‘Statistical Accuracy’ of the National Incident-Based Reporting System Hate Crime Data’”).

²⁵ Nolan et al., “Assessing the ‘Statistical Accuracy’ of the National Incident-Based Reporting System Hate Crime Data,” p. 1582.

²⁶ Frank S. Pezzella, Matthew D. Fetzer, and Tyler Keller, “The Dark Figure of Hate Crime Underreporting,” *American Behavioral Scientist*, 2019, p. 15. (hereinafter, “Pezzella et al., ‘The Dark Figure of Hate Crime Underreporting’”).

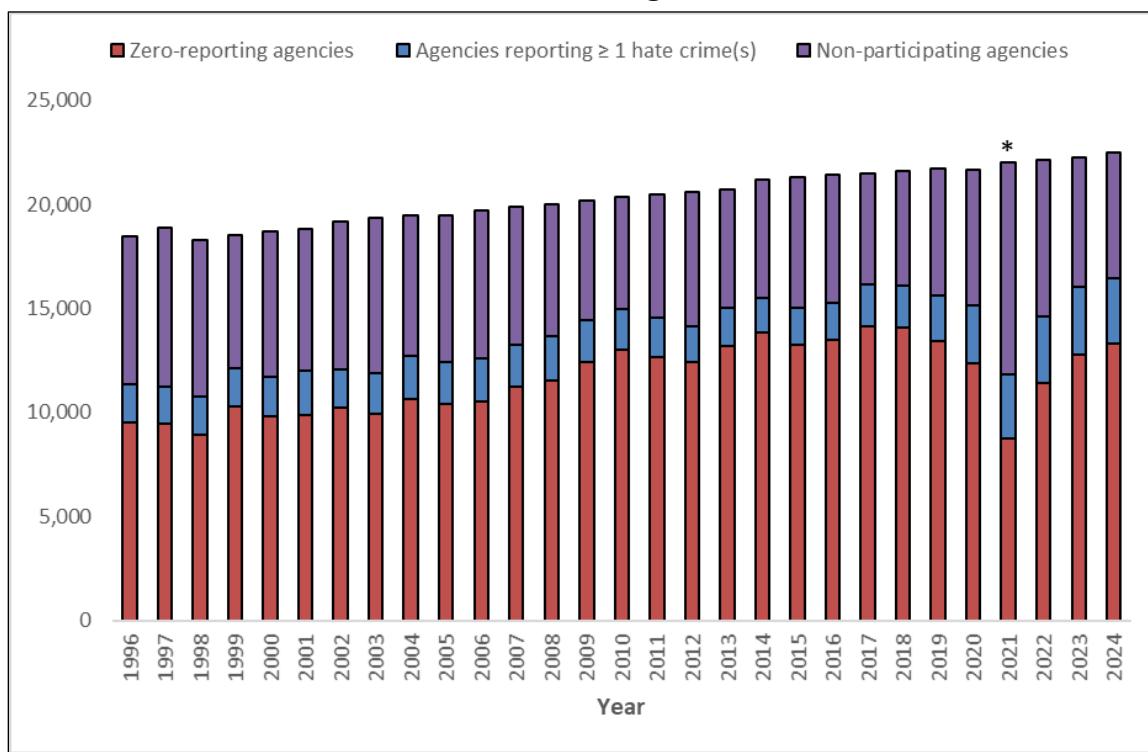
²⁷ Pezzella et al., “The Dark Figure of Hate Crime Underreporting,” pp. 16-17.

²⁸ See, for example, Matthew Vanden Bosch and Brendan Lantz, “Differential compliance with the reporting of hate crime statistics as a function of state laws,” *Journal of Criminal Justice*, vol. 98 (2025).

²⁹ Stephen M. Haas, James J. Jordan, and Erica Turley et al., *Assessing the Validity of Hate Crime Reporting: An Analysis of NIBRS Data*, State of West Virginia, Department of Military Affairs and Public Safety, Division of Justice and Community Services, Office of Research and Strategic Planning, Charleston, WV, July 2011, p. 4.

reported zero hate crimes each year. There are also agencies that do not participate in the hate crime statistics program, providing neither data on any hate crime incidents nor an affirmative zero-report. From 1996 to 2024, this portion of non-participation agencies has ranged from 25% to 46% of all agencies across the United States and its territories, though has averaged around 33% of agencies overall.

Figure 1. Number of Law Enforcement Agencies by Participation Status in the FBI's Hate Crime Statistics Program, 1996-2024



Source: U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crime Statistics and UCR Program Participation Data for 1996-2024*, downloaded at <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/downloads>.

Note: These data represent the sum total of federal, state, local, and tribal law enforcement agencies across the United States and its territories. Note that some of the non-participating agencies captured in these yearly totals may not be agencies where it would be reasonably expected for them to handle hate crime cases as part of their regular functions (e.g., The Internal Revenue Service Criminal Investigation Unit, special jurisdiction agencies like airport police).

*The FBI only accepted NIBRS data and no Summary Reporting System (SRS) data in 2021, before reverting to accepting both formats from 2022 onward. This likely caused a noticeable reduction in hate crime data submissions.

Aside from misclassification errors, there are several reasons that might explain why a law enforcement agency does not report any hate crimes in a given year. The first, and most straightforward, reason is because no hate crimes occurred. Given that law enforcement agency jurisdictions include communities with as little as a few hundred residents, it is not implausible that some residents, especially those that live in very small and homogeneous communities, did not experience any hate crimes. Second, in order for a law enforcement agency to report a hate crime to the FBI, it must be reported to the police. Data from the NCVS indicates that on average, 42% of violent hate crime victimizations were not reported to the police from 2015 to 2019.³⁰

³⁰ BJS, *Hate Crime Victimization*, p. 6.

Hate crime victims might choose not to report the incident to the police for a variety of reasons, including

- fear of retaliation,
- embarrassment that they were victimized,
- a belief that the crime was not motivated by the perpetrator's bias,
- lack of familiarity with a state's hate crime laws,
- distrust of law enforcement,
- a belief that law enforcement will not investigate the case,
- fear of being exposed as a member of the LGBTQ community, or
- fear of being re-traumatized by the criminal justice system.³¹

Even when a hate crime is reported to state and local law enforcement, as described above, an investigation must be conducted into the perceived bias to determine if the offense was bias-motivated before the agency reports it to the FBI as a hate crime. This step can be challenging for some law enforcement agencies, especially small agencies with relatively few resources. When there is evidence that a hate crime might have occurred, law enforcement agencies have to complete additional investigative steps to determine whether an offense meets the statutory definition of a hate crime, and in some cases law enforcement officers might not be trained sufficiently on recognizing biases in crimes to conduct such investigations.³² Few states provide mandatory training for law enforcement officers on investigating, identifying, and reporting hate crimes, and in the states that do, there is little oversight to confirm that law enforcement officers are receiving the training and applying it correctly.³³

Ambiguity in the circumstances surrounding hate crimes can also lead to an undercounting. Under the Hate Crime Statistics Program, law enforcement agencies report the number of hate crimes that were "motivated in whole or in part by bias." Law enforcement officers might have difficulty applying this standard in cases where a bias motivation might not be obvious, especially when considering hate crimes that were motivated "in part" by an offender's bias.³⁴ While a cross burning on the front yard of a Black family's home is an unambiguous hate crime, in other cases the motivation of the alleged perpetrators might not be so clear. These ambiguous hate crimes can be classified into two categories: response/retaliation events and target-selection events.³⁵

- **Response/retaliation events** are those where the offense was first triggered by something other than bias, but at some point, bias exacerbates the incident into a

³¹ Harbani Ahuja, "The Vicious Cycle of Hate: Systemic Flaws in Hate Crime Documentation in the United States and the Impact on Minority Communities," *Cardozo Law Review*, vol. 37, no. 5 (June 2016), pp. 1882-1883 (hereinafter, "Ahuja, 'The Vicious Cycle of Hate'") and Pezzella et al., "The Dark Figure of Hate Crime Underreporting," pp.4-6.

³² Brendan Lantz, Andrew S. Gladfelter, and Barry R. Ruback, "Stereotypical Hate Crimes and Criminal Justice Processing: A Multi-Dataset Comparison of Bias Crime Arrest Patterns by Offender and Victim Race," *Justice Quarterly*, vol. 36, no. 2 (2019), pp. 197-199 (hereinafter "Lantz et al., 'Stereotypical Hate Crimes and Criminal Justice Processing'").

³³ For more information on state-specific statutes, see Movement Advancement Project. "Equality Maps: Hate Crime Laws." https://www.mapresearch.org/equality-maps/hate_crime_laws (accessed December 4, 2025).

³⁴ Nolan et al., "Assessing the 'Statistical Accuracy' of the National Incident-Based Reporting System Hate Crime Data," p. 1564.

³⁵ Nolan et al., "Assessing the 'Statistical Accuracy' of the National Incident-Based Reporting System Hate Crime Data," p. 1564.

hate crime.³⁶ For example, a White motorist and a Black motorist get into a dispute because their cars were involved in an accident. However, after a few minutes, the White motorist assaults the Black motorist while yelling racial slurs. In this case, the incident was not initiated because of the White motorist's bias against the Black motorist, but the White motorist's bias eventually resulted in him assaulting the Black motorist.

- **Target-selection events** are those where a target of a crime is selected because of the offender's bias against members of the group, but the offender's bias is not obvious.³⁷ For example, someone might rob men leaving bars that are known to be frequented by same sex couples because the offender believes they will be less likely to report the offense because they might not want to be identified as being a member of the LGBTQ community.

In addition to issues related to law enforcement officer training on identifying hate crimes for submission to the FBI, differences in how a hate crime is defined under state law and under the HCSA can create its own ambiguities. For example, gender identity is a protected class under the HCSA, but it might not be a recognized bias motivation under a state's laws; conversely, political affiliation is considered a protected class under some state laws, but is not currently recognized as bias motivation under the HCSA.³⁸ As such, if a law enforcement officer is more familiar with the state's hate crime definition, he or she might not identify an offense based on gender-bias as a potential hate crime. As one group of researchers noted:

Some particularly severe bias incidents may easily be classified as hate crimes. For most hate incidents, however, the task of investigating and finding evidence for bias motivation can be a difficult one for law enforcement officers; officers often do not have all the information and lack adequate training and resources to easily identify bias motivation.³⁹

Improving Hate Crime Data: Considerations for Policymakers

Congress passed the HCSA with the intent of collecting national data on bias-motivated offenses that could be used to inform federal hate crime policy. While DOJ has taken steps to collect these data, the hate crime data reported by the FBI is incomplete and the NCVS self-reported hate crime victimization data likely includes incidents that would not meet the legal standard needed to be charged as hate crime. Hate crime data “missing” from the FBI’s Hate Crime Statistics program results from a series of complications associated with collecting these data (e.g., victims might not report the offense to the police, law enforcement agencies might fail to correctly identify potential hate crimes, or law enforcement agencies might not routinely and systematically report hate crime data to the FBI). Policymakers may have an interest in what steps Congress could take to help improve the quality of the FBI’s hate crime data. One option on the horizon might be law enforcement agencies full adoption of NIBRS.

³⁶ Nolan et al., “Assessing the ‘Statistical Accuracy’ of the National Incident-Based Reporting System Hate Crime Data,” pp. 1564-1565.

³⁷ Nolan et al., “Assessing the ‘Statistical Accuracy’ of the National Incident-Based Reporting System Hate Crime Data,” p. 1565.

³⁸ National Association for the Advancement of Colored People, *State-By-State Hate Crime Laws*, Washington, DC, September 9, 2021, https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/naACP_hate_crime_laws_by_state.pdf.

³⁹ Lantz et al., “Stereotypical Hate Crimes and Criminal Justice Processing,” p. 199.

Compared to the Summary Reporting System (SRS) used by the FBI since the 1930's, NIBRS collects more data on a wider variety of offenses.⁴⁰ NIBRS asks participating law enforcement agencies to collect and report incident-level data on offenders, victims, the relationship between victims and offenders, and the circumstances surrounding the incident for 52 different offenses. In comparison, SRS is largely a tabulation of the number of eight Part I offenses reported to the police.⁴¹

As a part of NIBRS, reporting agencies can identify whether an offense was motivated by an offender's bias against the victim for each reported offense. Under the Hate Crime Statistics Program, law enforcement agencies that are not currently submitting NIBRS-compliant data submit a supplemental summary report to the FBI when there is evidence that one or more crimes in their jurisdiction involved a bias motivation. It has been argued that hate crime reporting will increase as more agencies adopt NIBRS because reporting the presence or absence of bias motivations is built into NIBRS.⁴² In addition to making it easier for law enforcement agencies to report hate crimes to the FBI, NIBRS provides data on a wider variety of offenses, including those that were motivated by offenders' bias against their victims, and data on the context of hate crimes (e.g., locations where hate crimes occur, the relationship between alleged perpetrators and victims of hate crimes, whether alleged offenders are residents of the community where they committed their offenses, the weapons used in the offenses (if any), and the types and seriousness of injuries sustained by hate crime victims).⁴³

Though the adoption of NIBRS has been steadily increasing across the United States,⁴⁴ participation in the program is voluntary. If a law enforcement agency does not believe it is worth the time and effort to adopt NIBRS and the state does not mandate that it participates in the program, there is no federal mandate to compel them to adopt NIBRS. Therefore, policymakers might have an interest in what steps Congress could take to promote wide-scale adoption of the program. Congress could consider placing a condition on a program such as the Byrne Justice Assistance Grant (JAG) that would require law enforcement agencies to submit NIBRS data to the FBI or face a penalty under the program. However, the JAG program already provides an indirect financial incentive to participate fully in the FBI's crime reporting program. Half of a state's allocation is based on its proportion of the average number of violent crimes reported in the United States over the past three years, and allocations for local governments are based on their proportion of the average number of violent crimes reported in the state over the past three years.⁴⁵ In addition, in order for local governments to be eligible for a direct award under the program, they have to have submitted violent crime data for at least 3 of the past 10 years.⁴⁶

Yet, even with these incentives, some law enforcement agencies in the United States do not participate in the UCR because compiling the data can be difficult and time-consuming, and

⁴⁰ For more information, see CRS Report R46668, *The National Incident-Based Reporting System (NIBRS): Benefits and Issues*, by Nathan Kemper.

⁴¹ The eight Part I offenses are homicide, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.

⁴² James J. Nolan III, Yoshio Akiyama, and Samuel Berhanu, "The Hate Crime Statistics Act of 1990: Developing a Method for Measuring the Occurrence of Hate Violence," *American Behavioral Scientist*, vol. 46, no. 1 (September 2002), p. 146 (hereinafter, "Nolan et al., 'The Hate Crime Statistics Act of 1990'").

⁴³ Nolan et al., "The Hate Crime Statistics Act of 1990," p. 147.

⁴⁴ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "NIBRS Estimation Program," August 3, 2022, <https://bjs.ojp.gov/nibrs-estimation-program>.

⁴⁵ For more information on how allocations are calculated under the JAG program see CRS In Focus IF10691, *The Edward Byrne Memorial Justice Assistance Grant (JAG) Program*.

⁴⁶ 34 U.S.C. §10156(e)(3).

many small agencies might not have the resources needed to fully comply with the FBI's data collection and submission requirements. Furthermore, some of these agencies may be so small that they would be unlikely to qualify for more than the minimum grant award allotment for JAG, meaning they do not have even an indirect incentive to participate in the UCR. Thus, Congress could also consider authorizing a new grant program that would provide funding to state and local governments to cover expenses related to transitioning to NIBRS, such as purchasing new software and computers, or training officers on how to use NIBRS.⁴⁷

While NIBRS might provide some administrative efficiency with regard to reporting hate crimes, it does not address some of the other issues law enforcement agencies currently have with reporting hate crimes through the UCR program. Implementing NIBRS does not address hate crime victims being reluctant to report an offense to the police, training for law enforcement officers on how to identify potential hate crimes, or the need to improve law enforcement agencies' processes for investigating potential hate crimes, nor will it resolve differences between the HCSA and state hate crime definitions.

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⁴⁷ For more information on past and current efforts to assist law enforcement agencies transitioning to NIBRS, see CRS In Focus IF13087, *Federal Support for Law Enforcement Agencies' Transition to the National Incident-Based Reporting System (NIBRS)*, by Nathan Kemper