

# United States Senate

WASHINGTON, DC 20510

September 12, 2016

The Honorable James Comey  
Director  
Federal Bureau of Investigation  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

Dear Director Comey:

We write to request that the Federal Bureau of Investigation (FBI) begin collecting data on stalking and domestic violence crimes in the Uniform Crime Reporting (UCR) Program and the National Incident-Based Reporting System (NIBRS). As you know, the FBI's UCR Program and NIBRS are voluntary, nationwide programs used by law enforcement agencies throughout the country to collect and report crime data. The UCR Program, which was established in 1929, collects summary incident and arrest data on 29 categories of crimes, from homicide to drunkenness. NIBRS is a newer system, which collects more information through incident and arrest data on 32 categories of crimes, from homicide to loitering. Together, these two programs help to provide law enforcement, legislators, and other organizations with the data needed to help address crime at various levels.

Despite the broad range of crimes covered by these two data collection systems, neither the UCR Program nor NIBRS collects any specific data on stalking and domestic violence.<sup>i</sup> It is estimated that one in six women will experience stalking victimization during their lifetimes.<sup>ii</sup> Similarly, an estimated one in four women will experience domestic violence during their lifetimes – an intimate partner crime that has a substantial, destructive effect on the family unit.<sup>iii</sup> Domestic violence and stalking also affect men; an estimated one in 19 men have experienced stalking at some point in their lifetimes, and an estimated one in seven men have experienced severe physical violence by an intimate partner at some point in their lifetimes.<sup>iv</sup> Both stalking and domestic violence crimes have a high level of repeat victimizations,<sup>v</sup> and many times lead to death or serious injury of the victim.

The seriousness and devastating effects of these crimes, as well as the propensity for repeat victimization, expose a dangerous gap in the FBI's crime data collection programs. Without comprehensive crime data, it is difficult for law enforcement, legislators, and researchers to determine with accuracy and precision how often certain crimes occur, the rate of reporting, or the number of prosecutions. It is also difficult to determine whether a particular crime is a gateway to other crimes – for example, the rate at which domestic violence incidents eventually lead to murder, or the rate at which stalking incidents eventually lead to assault, which one study determined is as high as 81 percent.<sup>vi</sup> Accordingly, the UCR Program and NIBRS should begin collecting comprehensive crime data on stalking and domestic violence as soon as possible.

The FBI has the authority to add and reclassify crimes that have data collected through the UCR Program and NIBRS. Federal law requires the Attorney General to “acquire, collect, classify, and preserve identification, criminal identification, crime, and other records.”<sup>vii</sup> This broad authorization provides the FBI with the authority to collect and report data on new crimes without congressional approval, and the FBI has already taken advantage of this broad authority to do so. For example, in January 2016, the FBI began collecting NIBRS crime data on animal cruelty, with the justification that animal cruelty is an early indicator of violent crime.<sup>viii</sup> Similarly, throughout the 1960s and 1970s, the FBI expanded its collection of data about the incidents in which law enforcement officers were killed and assaulted.<sup>ix</sup>

As the FBI develops plans to transition the UCR Program to a NIBRS-only data collection program by January 1, 2021,<sup>x</sup> we request that the FBI take three steps to improve the limited data that have been collected on stalking and domestic violence. First, in an effort to ensure the best and most comprehensive information is collected, we encourage the FBI to continue to work with state and local law enforcement agencies to help prepare them to be able to fully participate in the transition to NIBRS. Second, as the FBI works with these agencies, we urge the FBI to develop a strategy for ensuring that data on the crimes of domestic violence and stalking are reported, and that statistics on those specific crimes are readily ascertainable through NIBRS. If such information is not able to be captured by the existing crime categories available in NIBRS, we urge the FBI to expand its data collection. Lastly, until the transition to a NIBRS-only data collection program is complete, we request that the FBI take appropriate steps to ensure stalking and domestic violence crime statistics can be ascertained from the current UCR Program and NIBRS.

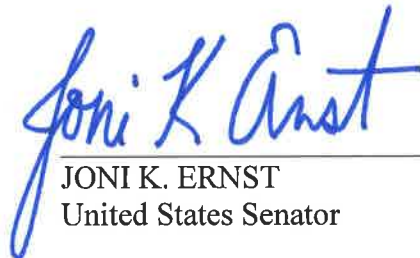
We appreciate your consideration and respectfully request that within six months, the FBI respond to this letter with an update detailing (1) the means by which the FBI is attempting to capture stalking and domestic violence crime statistics in advance of the 2021 transition, (2) the means by which the FBI will ensure stalking and domestic violence crime statistics are readily ascertainable after the 2021 transition to the NIBRS-only data collection program, and (3) provide a status update on the FBI’s progress in moving toward a NIBRS-only data collection program at the national level, as well as what the FBI is doing to encourage state and local participation.

Thank you for your time and consideration. If you have any questions, you can contact Maria Price, [maria\\_price@gillibrand.senate.gov](mailto:maria_price@gillibrand.senate.gov), with Senator Gillibrand, or Taryn Frideres, [taryn\\_frideres@ernst.senate.gov](mailto:taryn_frideres@ernst.senate.gov), with Senator Ernst.

Sincerely,



KIRSTEN GILLIBRAND  
United States Senator



JONI K. ERNST  
United States Senator

cc: The Honorable Loretta Lynch, Attorney General, U.S. Department of Justice

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<sup>i</sup> NIBRS collects information on crimes such as assault and homicide. Supplemental data allows law enforcement officials to provide information on the victim, offender, and incidents of family and nonfamily violence. The supplemental data allows for the collection of crime data on domestic violence incidents. However, it is our understanding that if the imputed crime is not covered by a Group A offense, law enforcement agencies are unable to report such additional information. In addition, the UCR does not generally collect all of this supplemental information, and it only collects information beyond arrest data for certain types of crimes. Accordingly, the current NIBRS and UCR program do not provide a sufficient framework for consistent and accurate reporting of domestic violence incidences.

<sup>ii</sup> The National Center for Victims of Crime. (2012). *Stalking fact sheet*. Retrieved from [http://www.victimsofcrime.org/docs/default-source/src/stalking-fact-sheet-2015\\_eng.pdf?sfvrsn=2](http://www.victimsofcrime.org/docs/default-source/src/stalking-fact-sheet-2015_eng.pdf?sfvrsn=2) (last accessed July 5, 2016); *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*. Retrieved from [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_Report2010-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf) (last accessed August 16, 2016).

<sup>iii</sup> Safe Horizon. *Domestic Violence: Statistics & Facts*. Retrieved from <http://www.safehorizon.org/page/domestic-violence-statistics--facts-52.html> (last accessed July 5, 2016)

<sup>iv</sup> See The National Center for Victims of Crime. *Stalking Factsheet*. (2012). Retrieved from [http://www.victimsofcrime.org/docs/default-source/src/stalking-fact-sheet-2015\\_eng.pdf?sfvrsn=2](http://www.victimsofcrime.org/docs/default-source/src/stalking-fact-sheet-2015_eng.pdf?sfvrsn=2) (last accessed August 16, 2016); See also Black, Michelle; Basile, Kathleen; Breiding, Matthew; Smith, Sharon; Walters, Mikel; Merrick, Melissa; Chen, Jieru; and Stevens, Mark. (2011). *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*. Retrieved from [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_Report2010-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf) (last accessed August 16, 2016).

<sup>v</sup> See Davis, Robert; Maxwell, Christopher. (2003). *Preventing Repeat Incidents of Family Violence: A Reanalysis of Data From Three Field Tests*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/200608.pdf> (last accessed July 15, 2016). See also Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice. (1998). *Stalking and Domestic Violence: Report to Congress under the Violence Against Women Act*. Retrieved from <https://www.ncjrs.gov/pdffiles1/ovw/172204.pdf> (last accessed July 15, 2016).

<sup>vi</sup> American Bar Association. *Domestic Violence Statistics*. Retrieved from [http://www.americanbar.org/groups/domestic\\_violence/resources/statistics.html](http://www.americanbar.org/groups/domestic_violence/resources/statistics.html) (last accessed August 19, 2016).

<sup>vii</sup> See 28 U.S.C. 534(a)(1)

<sup>viii</sup> Federal Bureau of Investigations. (2015). *Animal Cruelty Category Added to NIBRS*. Retrieved from <https://www.fbi.gov/news/podcasts/thisweek/animal-cruelty-category-added-to-nibrs.mp3/view> (last accessed July 18, 2016).

<sup>ix</sup> Federal Bureau of Investigations. *About Law Enforcement Officers Killed and Assaulted*. (2013). Retrieved from [https://ucr.fbi.gov/leoka/2013/about-leoka/about\\_leoka](https://ucr.fbi.gov/leoka/2013/about-leoka/about_leoka) (last accessed August 19, 2016).

<sup>x</sup> Federal Bureau of Investigations. *UCR Program Quarterly*. (2016). Retrieved from <https://ucr.fbi.gov/ucr-program-quarterly/ucr-program-quarterly-april-2016> (last accessed August 17, 2016).