

STATEMENT OF
TIMOTHY A. FERGUSON
ACTING ASSISTANT DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION

BEFORE THE
HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT
SURVEILLANCE
UNITED STATES HOUSE OF REPRESENTATIVES

AT A HEARING ENTITLED
“Oversight of the Criminal Justice Information Services (CJIS) Division”

PRESENTED
DECEMBER 17, 2024

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Good morning, Chairman Biggs, Ranking Member McBeth, and Members of the Subcommittee. Today, I am honored to be here, representing the men and women of the Federal Bureau of Investigation's ("FBI") Criminal Justice Information Services ("CJIS") Division located in Clarksburg, West Virginia.

The CJIS Division is one of the largest divisions of the FBI and serves a unique role that provides vital services not only to law enforcement and criminal justice agencies, but also the public we serve. Our northcentral West Virginia campus is home to thousands of employees who are responsible for many public facing programs that help keep Americans safe 24 hours a day, 7 days a week. When the public calls 1-800-CALL-FBI or sends a submission through tips.fbi.gov, the CJIS Division triages and disseminates those tips to our field offices and other local, state, and federal partners. Dissemination of those tips saves lives. Our employees are making firearm eligibility determinations in an accurate and timely manner—ensuring citizens are able to exercise their Second Amendment right while keeping weapons out of the hands of those prohibited from possessing them. Last year, we processed nearly 10 million federal firearm transactions.

We manage the National Crime Information Center ("NCIC"), a lifeline for law enforcement with an average of 10 million daily transactions. The CJIS Division also houses the Next Generation Identification System, a fingerprint and criminal history repository that contains 86 million criminal fingerprints and processes a daily average of 220,000 prints. The program celebrated its 100th anniversary this year. And for more than 90 years, the Uniform Crime Reporting ("UCR") Program has been viewed as an authoritative source for understanding the scope of crime in the nation. Our teams now work with over 19,000 federal, state, county, city, university and college, and tribal law enforcement agencies to collect, validate, and publish that data.

We have a "no-fail mission," and I cannot be prouder of our workforce, our ability to manage services and systems 24/7, and the significant contribution we make to public and officer safety. Our employees serve with professionalism and integrity. On their behalf, I would like to express my appreciation for your time and interest in learning more about the CJIS Division.

UCR Program Data Collection

I would now like to speak briefly about the UCR program and our "Crime in the Nation" reports. The UCR Program collects data on crimes reported to law enforcement via the Summary Reporting System ("SRS") and the National Incident-Based Reporting System ("NIBRS"). SRS was created in the 1920s. NIBRS was initiated in the 1980s and provides more granularity in reported offenses than SRS, such as the specific circumstances and context for crimes like location, time of day, and whether the incident was cleared. In 2016, the UCR Program began transitioning to a NIBRS-only collection with a deadline of January 1, 2021. This transition was recommended by law enforcement partners and endorsed by the CJIS Advisory Policy Board, which comprises representatives from criminal justice and national security agencies and organizations throughout the United States including the International Association of Chiefs of Police, the Major Cities Chiefs' Association, and the Major County Sheriffs of America. During the period between 2016 and 2021, some law enforcement agencies

transitioned to submitting crime data through NIBRS, while others continued to submit through SRS.

The FBI publishes an annual report titled “Crime in the Nation” that describes crime data submitted by law enforcement agencies from around the country. The publication also includes spreadsheets containing underlying data so users can conduct their own reviews and analyses. Each year, some of the more than 19,000 law enforcement agencies around the country submit incomplete data or no data, and CJIS uses statistical methods to estimate the crime data for these agencies to provide a comprehensive view of crime in the nation. Typically, however, the agencies that contribute data cover more than 80 percent of the population. While a substantial proportion of agencies around the country transitioned to NIBRS-only reporting by the January 1, 2021, deadline, we nonetheless had gaps as numerous agencies—including some large agencies representing significant populations—did not submit data. When it came time to publish the NIBRS-only *Crime in the Nation, 2021* annual report in September 2022, only about 65 percent of the population was represented by NIBRS-participating agencies. The UCR Program was unable to apply the traditional estimation methods, which require a statistically acceptable level of participation, to develop year-to-year national trends.

In order to close the gap of missing information, the UCR Program resumed collecting SRS data in 2022. In 2023, to produce meaningful estimates for the two-year trend between 2021 and 2022, we manually sourced 2021 data from large agencies that did not submit NIBRS to supplement what was reported that year for a statistically acceptable level of participation and a more representative trend. The trend determined reported crime decreased an estimated 1.7 percent from 2021 to 2022.

Each Crime in the Nation report contains a table showing crime rates for the previous 20 years. When we released the *Crime in the Nation, 2023* report in September of this year, in one of the many steps we are taking to be more transparent with data reported to us, we automated the 20-year table. This allowed the system to automatically pull data reported to the FBI to generate trends for all years in the table. The SRS data manually sourced in 2022 to fill in gaps for 2021 and demonstrate the year-to-year trend was not included during the automation process. This meant the crime estimate for 2021 appeared lower because it did not include the manually sourced crime incidents and, as a result, made it appear that violent crime rose from 2021 to 2022.

To be clear, our most complete data set continues to reflect that reported crime decreased from 2021 to 2022. Moreover, the 2021 data were not revised in 2023. Our explanation was not as clear as it could have been about the 2021 sourced data not being incorporated in the 2023 table. We have added clearer footnotes in the Crime Data Explorer website to explain the difference and lack of data reported in 2021.

Conclusion

There are many intricacies when it comes to data. Please know the CJIS Division is dedicated to being transparent in the process. The next phase in the FBI’s efforts to provide the public with more timely data is monthly releases. That is slated to begin in 2025. We continue

to encourage and support agencies during their transition to NIBRS so we can continue to publish more detailed, nationally representative data. The CJIS Division takes great pride in helping to protect the American people and upholding the United States Constitution. Our team stands ready to provide critical services to the public and law enforcement day or night. Chairman Biggs, Ranking Member McBath, and Members of the Subcommittee, thank you for the opportunity to testify today. I am prepared to hear your questions.