



Economic Crime Public Data Briefing

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United States Sentencing Commission

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ANALYSIS OF FEDERAL SENTENCING DATA FOR ECONOMIC CRIME OFFENDERS

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USSG §2B1.1

- Guideline covers a variety of economic offenses
- Offenses sentenced under the guideline consistently account for approximately 11 percent of the federal caseload
- A total of 8,503 offenders were sentenced under the guideline in fiscal year 2012



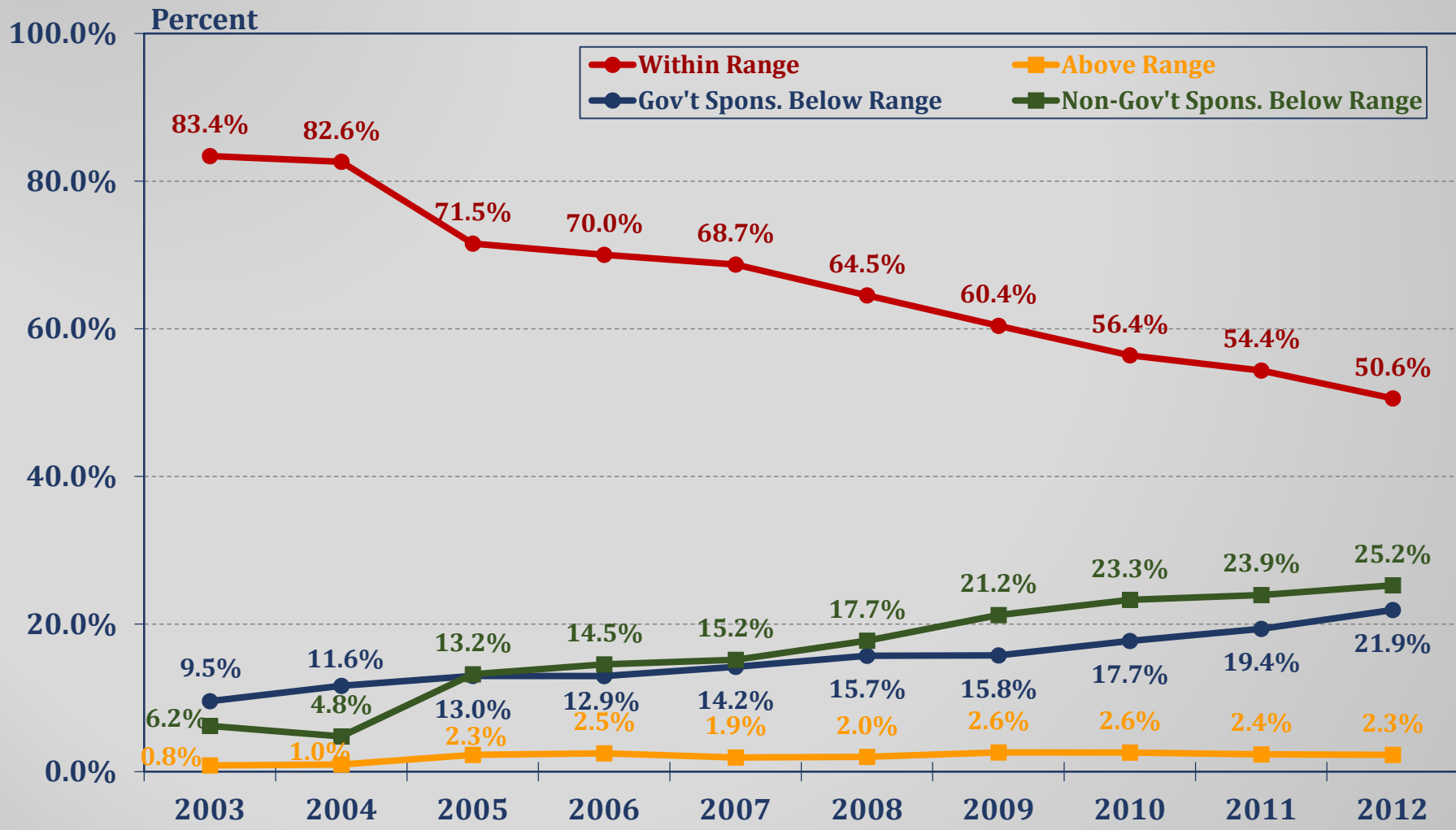
SENTENCING TRENDS FOR §2B1.1 OFFENDERS

FISCAL YEARS 2003-2012



Figure 1

Sentence Relative to the Guideline Range for §2B1.1 Offenders Fiscal Years 2003-2012



SOURCE: U.S. Sentencing Commission 2003-2011 Datafiles and 2012 Fraud Team Datafile. Of the 770,408 cases, 102,564 were excluded due to incomplete guideline application information. Of the 667,844 remaining cases, 591,882 were excluded that were not sentenced under §2B1.1. Of the remaining 75,962 cases sentenced under §2B1.1, 1,112 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001. An additional 59 cases were excluded due to missing information on the position of the sentence relative to the guideline range.



Figure 2

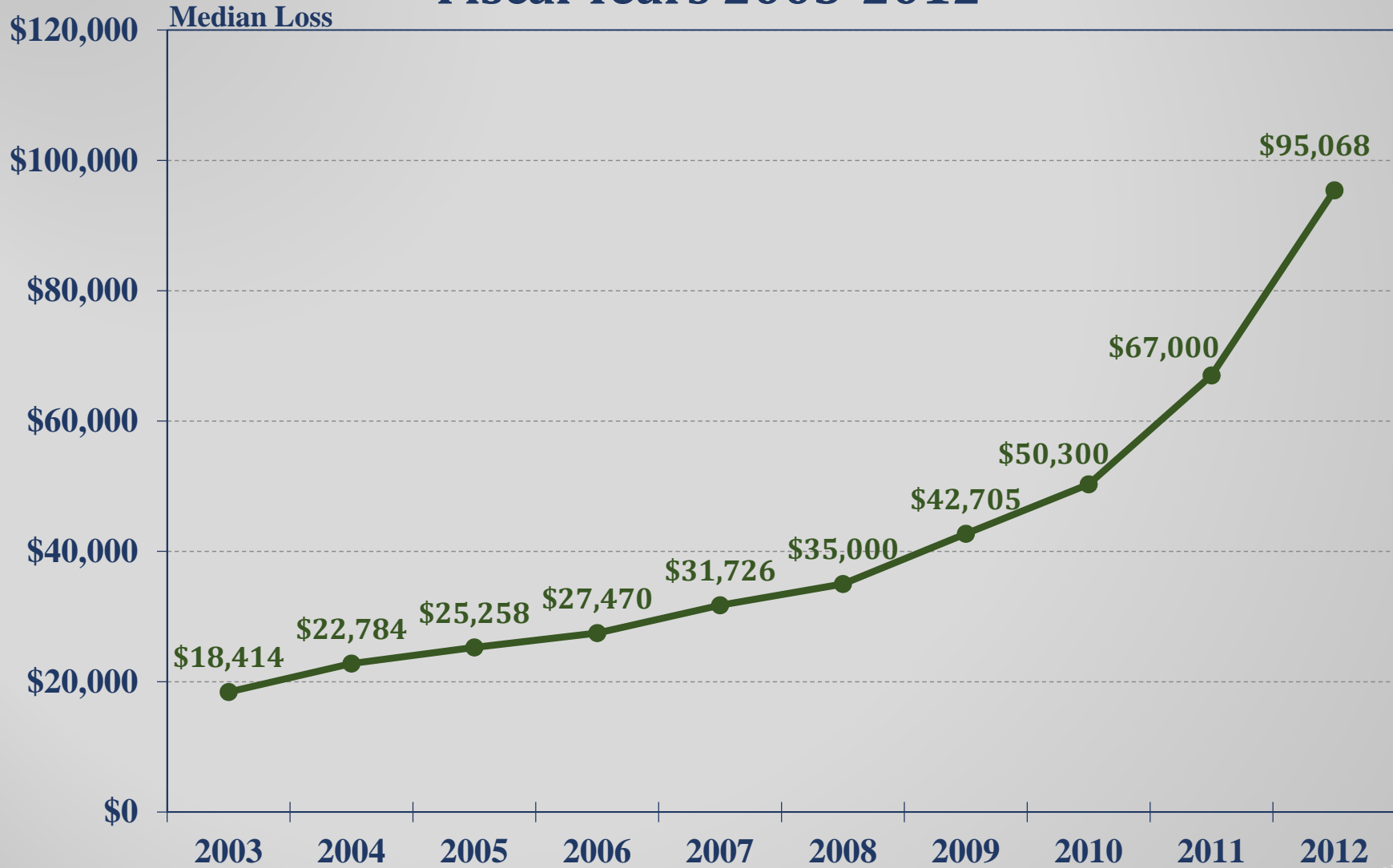
Average Guideline Minimum and Average Sentence for §2B1.1 Offenders Fiscal Years 2003-2012



SOURCE: U.S. Sentencing Commission 2003-2011 Datafiles and 2012 Fraud Team Datafile. Of the 770,408 cases, 102,564 were excluded due to incomplete guideline application information. Of the 667,844 remaining cases, 591,882 were excluded that were not sentenced under §2B1.1. Of the remaining 75,962 cases sentenced under §2B1.1, 1,112 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001. Calculation of the mean includes sentences of probation as zero months and any term of confinement as described in USSC §5C1.1. Sentences of 470 months or longer (including life) are included in the calculation as 470 months. An additional 85 cases were excluded due to missing information on sentence length or guideline minimum.



Figure 3 Median Loss for §2B1.1 Offenders Fiscal Years 2003-2012



SOURCE: U.S. Sentencing Commission 2003-2011 Datafiles and 2012 Fraud Team Datafile. Of the 770,408 cases, 102,564 were excluded due to incomplete guideline application information. Of the 667,844 remaining cases, 591,882 were excluded that were not sentenced under §2B1.1. Of the remaining 75,962 cases sentenced under §2B1.1, 1,112 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001. An additional 11,998 cases were excluded due to missing information on exact loss amount. The median is the midpoint so that half of the loss amounts are greater than the median and the remaining half of are less than the median.



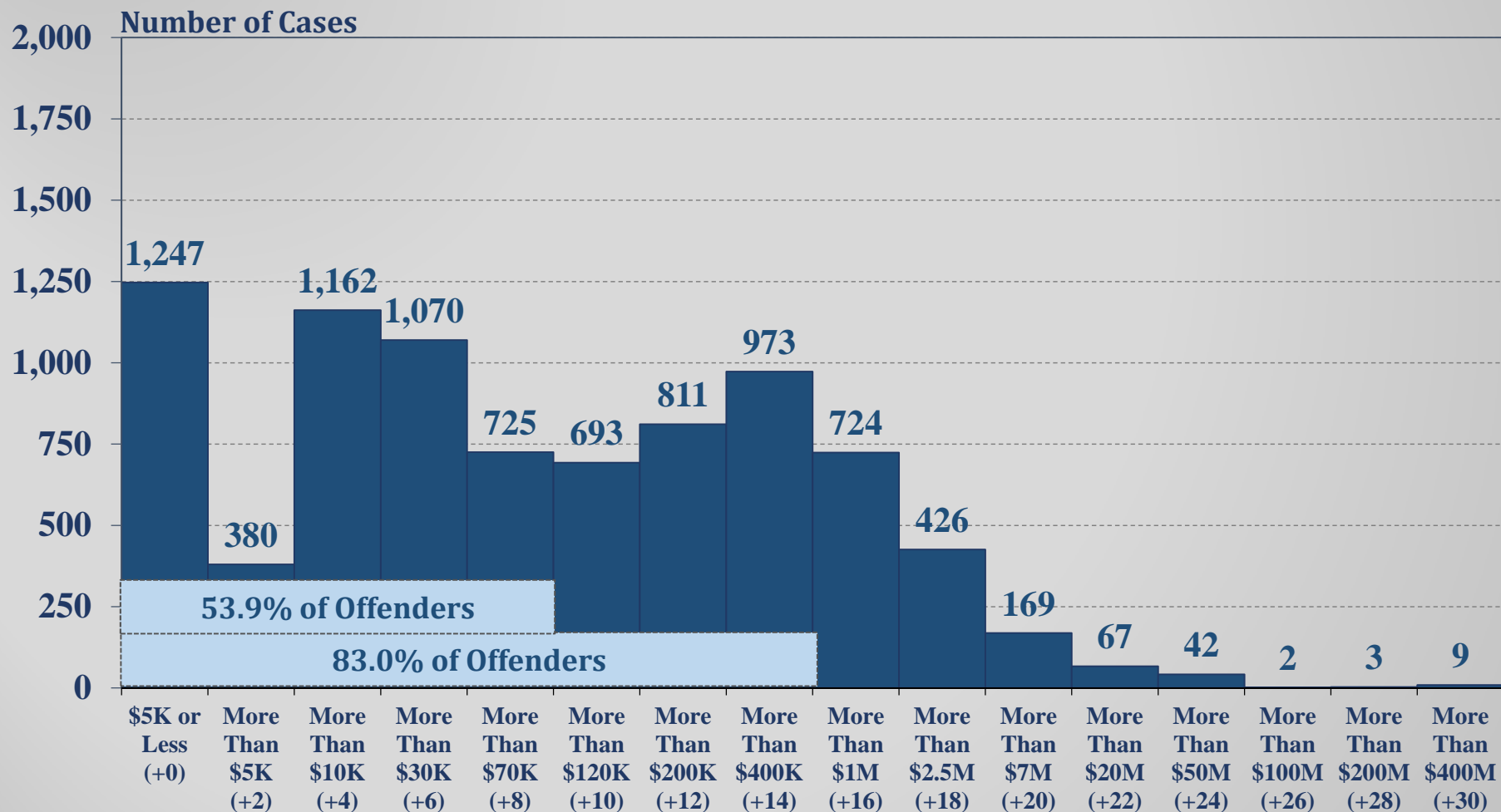
SENTENCING TRENDS FOR §2B1.1 OFFENDERS IN EACH LOSS TABLE CATEGORY

FISCAL YEAR 2012



Figure 4

Number of §2B1.1 Offenders in Each Loss Table Category Fiscal Year 2012 (N=8,503)

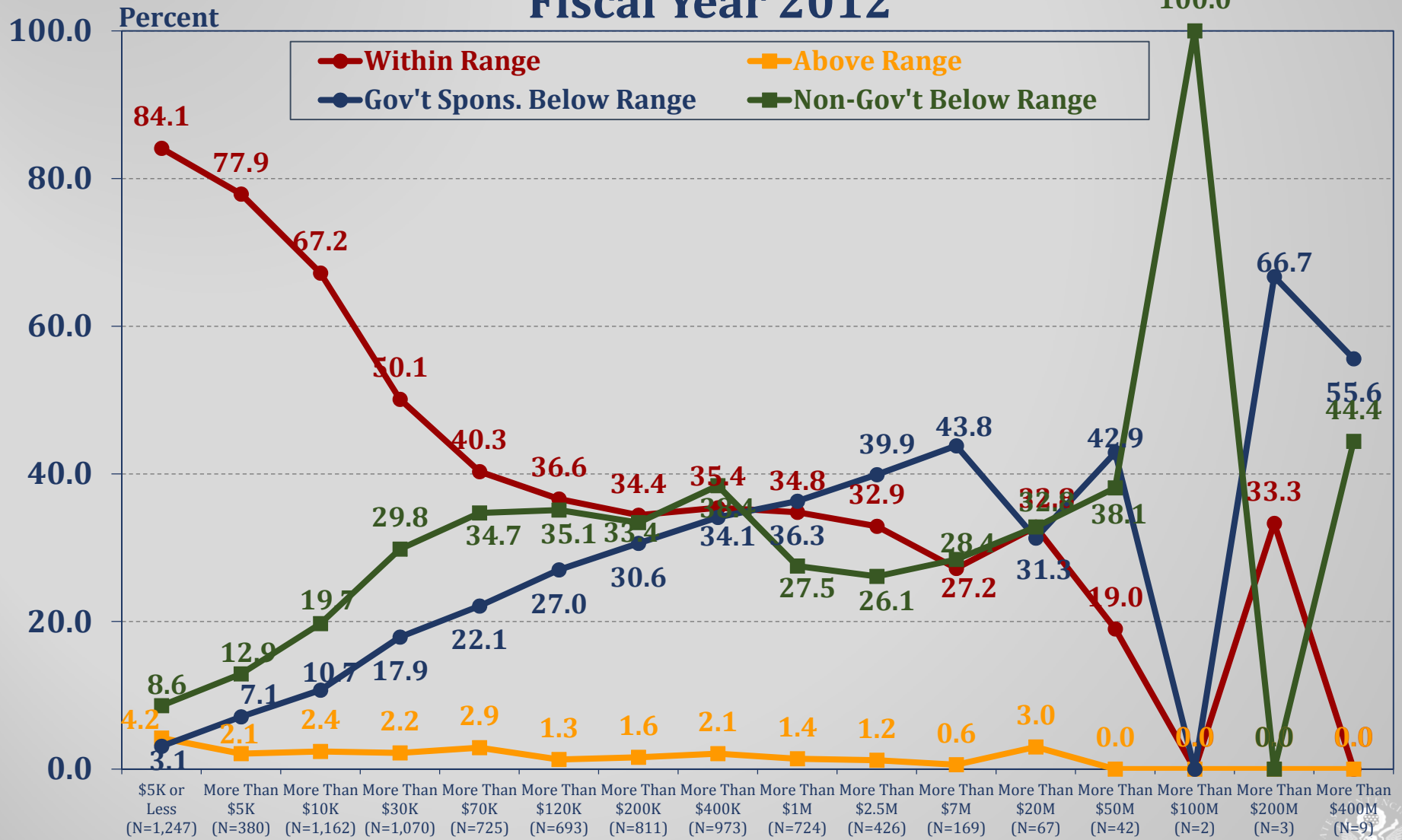


SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria.



Figure 5

Sentence Relative to the Guideline Range for §2B1.1 Offenders in Each Loss Table Category Fiscal Year 2012

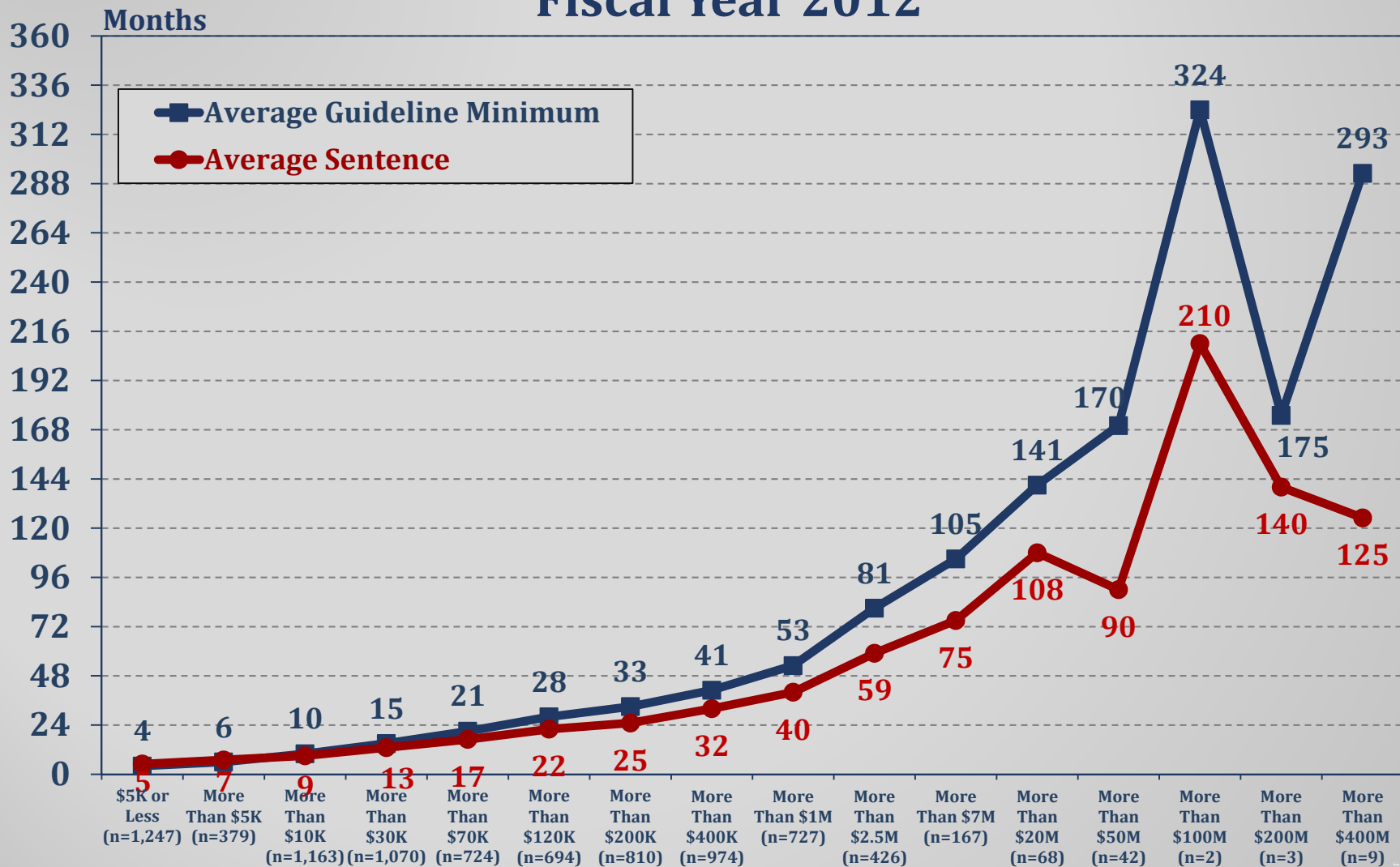


SOURCE: U.S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria.



Figure 6

Average Guideline Minimum and Average Sentence for §2B1.1 Offenders in Each Loss Table Category Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. An additional two cases were excluded due to missing information on sentence imposed.

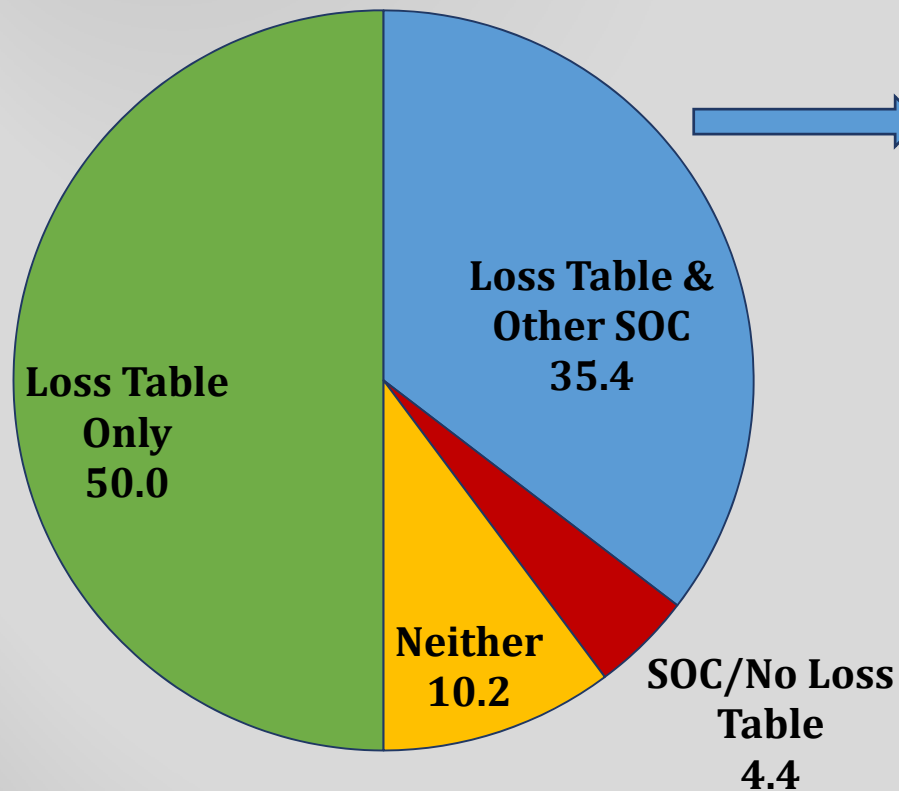


APPLICATION OF GUIDELINE ENHANCEMENTS FOR §2B1.1 OFFENDERS

FISCAL YEAR 2012



Figure 7 Application of Specific Offense Characteristics for §2B1.1 Offenders Fiscal Year 2012 (N=8,503)



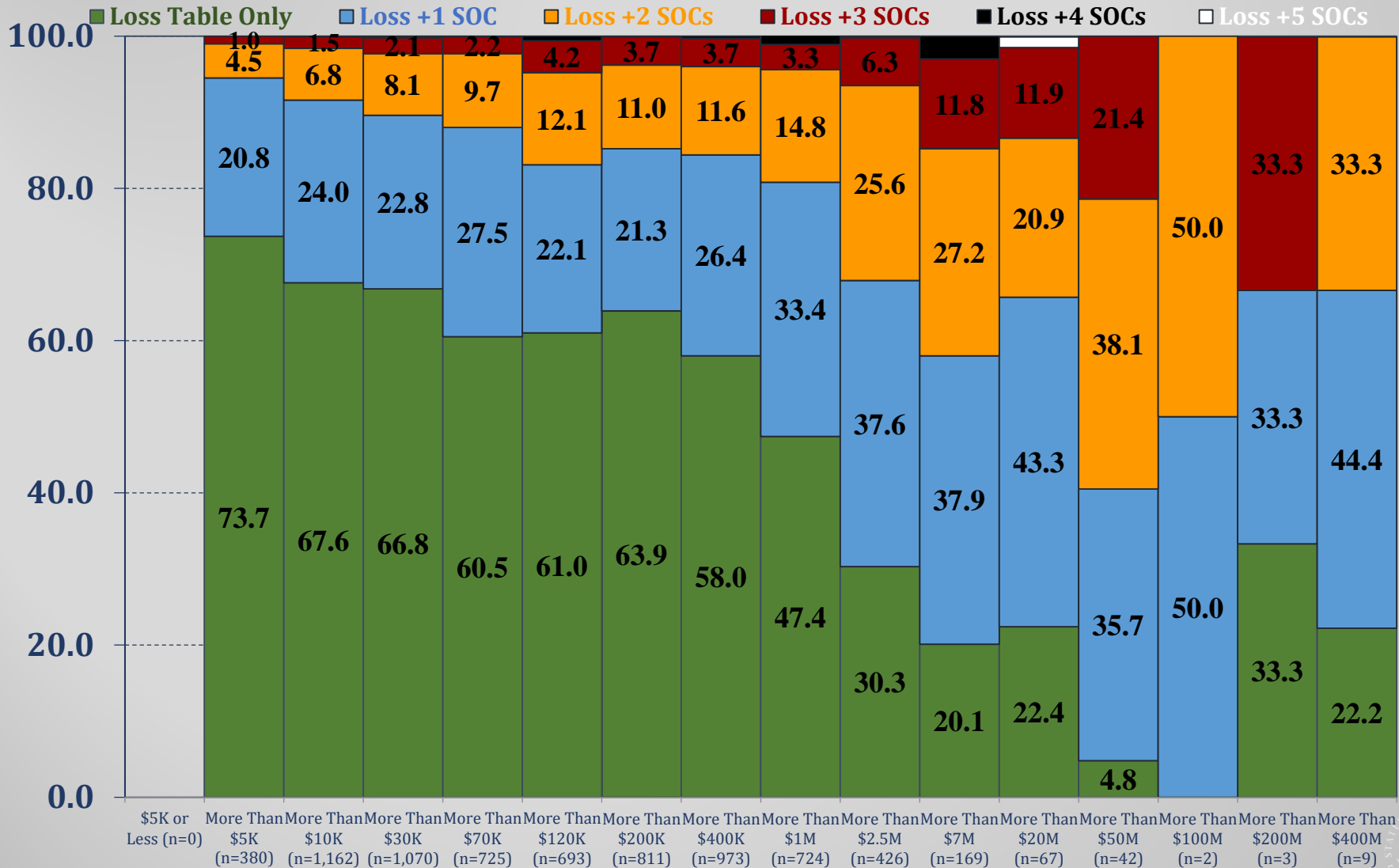
Total Specific Offense Characteristics Applied	Number	Percent
Total	3,005	100.0
Loss Table and 1 SOC	1,900	63.2
Loss Table and 2 SOCs	835	27.8
Loss Table and 3 SOCs	243	8.1
Loss Table and 4 SOCs	25	0.8
Loss Table and 5 SOCs	2	0.1

SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria.



Figure 8

Number of Specific Offense Characteristics Applied for §2B1.1 Offenders in Each Loss Table Category (N=7,256) Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. Chart includes only offenders with loss table increases.



Table 1

Application Rates for Selected §2B1.1 Specific Offense Characteristics Fiscal Year 2012

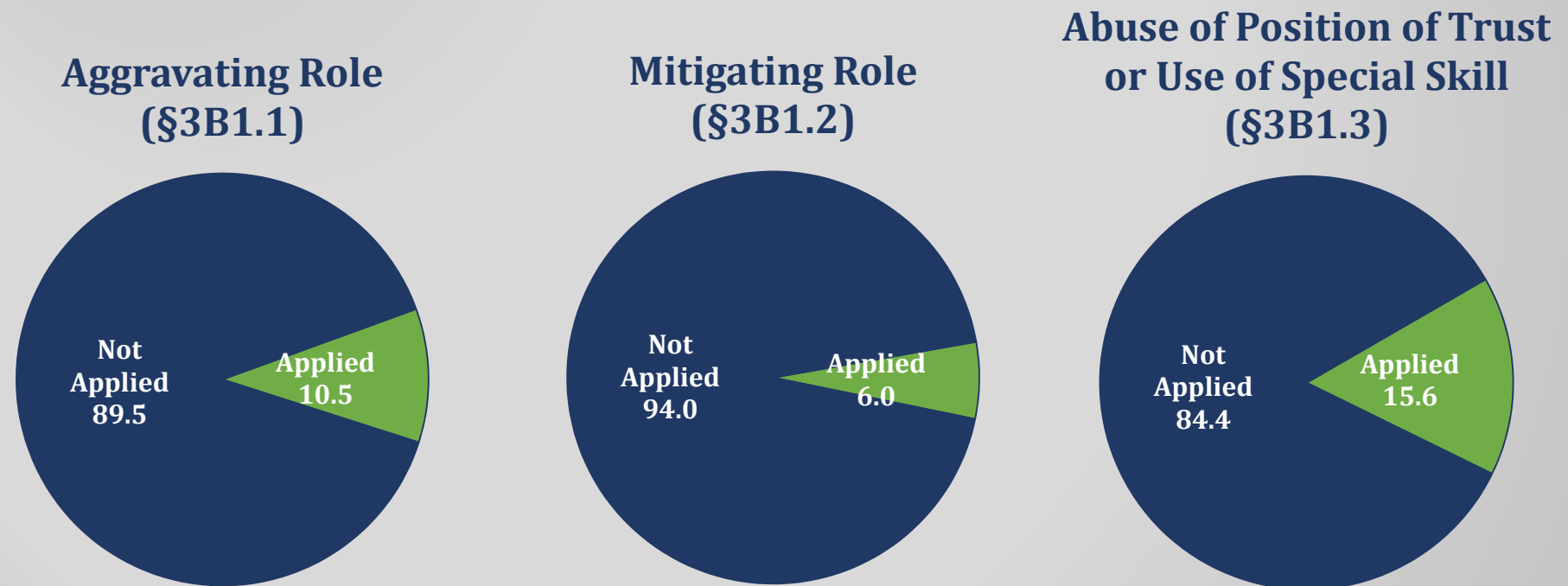
Specific Offense Characteristic		Number	Percent
(b)(1)	Loss Table	7,256	85.3
(b)(2)	Victims Table	1,940	22.8
(b)(4)	Receiving Stolen Property	81	1.0
(b)(9)	Misrepresentation of Charity/Bankruptcy/Educ. Funding...	159	1.9
(b)(10)	Relocation of Offense/Outside U.S./Sophisticated Means	1,115	13.1
(b)(11)	Device Making/Means of Identification	1,055	12.4
(b)(16)	Gross Receipts/Endanger Financial Institution	148	1.7

SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. Only SOCs with application rates of one percent or more are included.



Figure 9

Selected Chapter Three Guideline Application for §2B1.1 Offenders (N=8,503) Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. Cases missing information for a category were excluded from the analysis for that category.



TYPES OF ECONOMIC CRIMES SENTENCED UNDER §2B1.1

Fiscal Year 2012



Table 2

Types of Economic Crimes Sentenced Under §2B1.1 Fiscal Year 2012

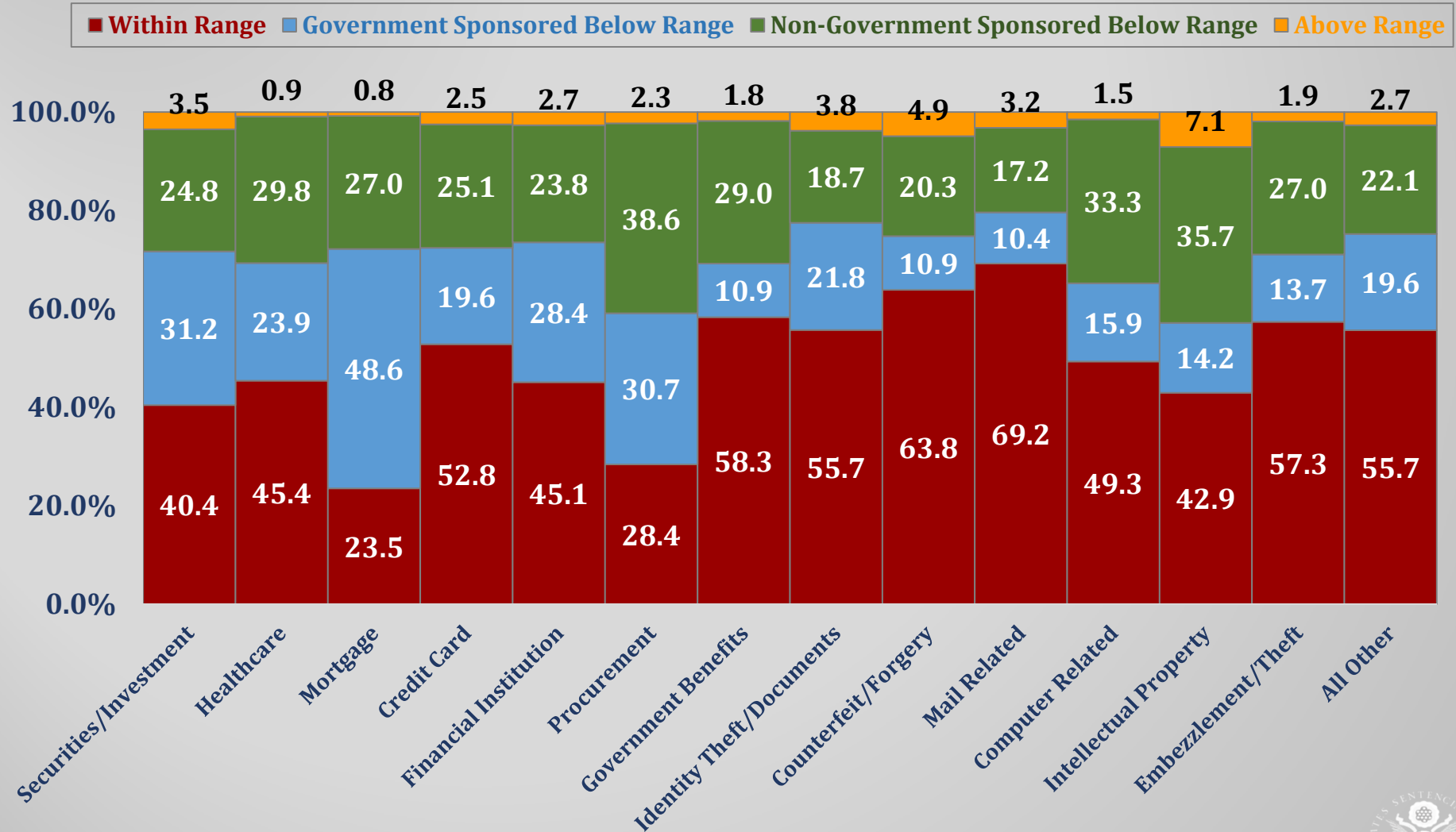
Total Cases	8,503	100.0%
Securities and Investment	282	3.3%
Healthcare	443	5.2%
Mortgage	969	11.4%
Credit Card	712	8.4%
Financial Institution	965	11.3%
Procurement	88	1.0%
Government Benefits	679	8.0%
Identity Theft and Documents	422	5.0%
Counterfeiting and Forgery	246	2.9%
Mail Related	344	4.0%
Computer Related	69	0.8%
Intellectual Property	14	0.2%
Embezzlement and Theft	2,160	25.4%
All Other	1,110	13.1%

SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.



Figure 10

Sentences Relative to the Guideline Range for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012

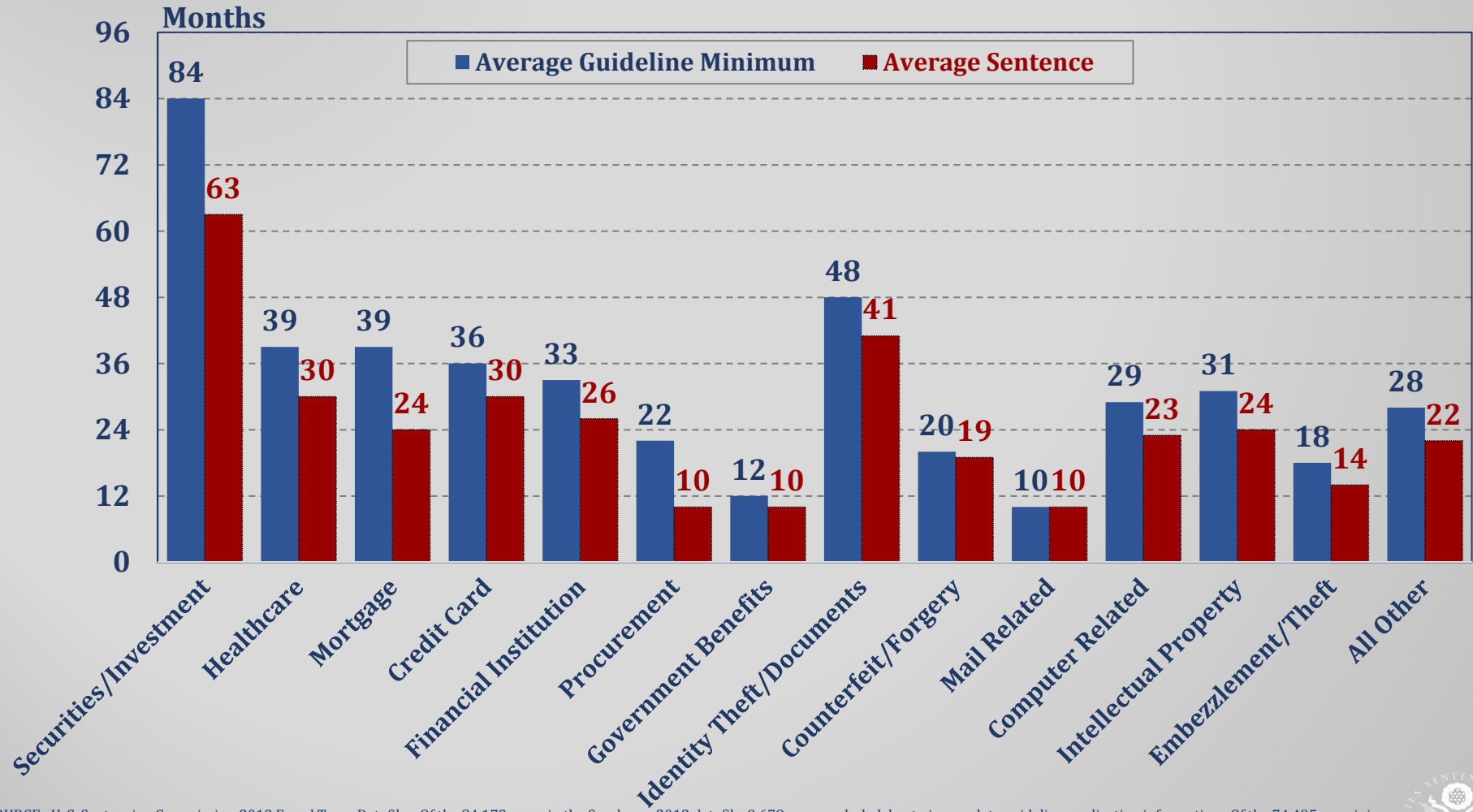


SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.



Figure 11

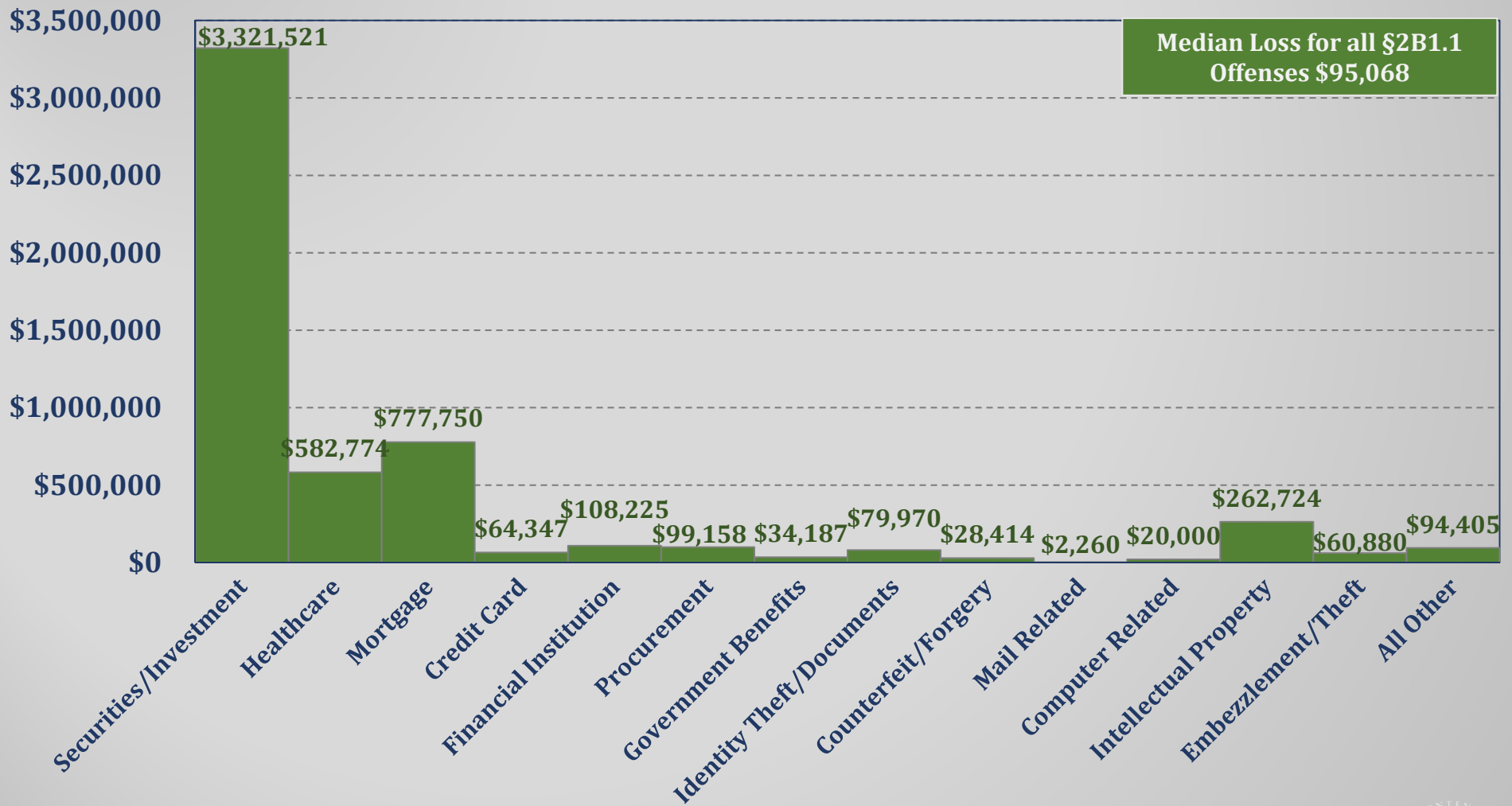
Average Guideline Minimum and Average Sentence for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense. Calculation of the mean includes sentences of probation as zero months and any term of confinement as described in USSC §5C1.1. Sentences of 470 months or longer (including life) are included in the calculation as 470 months. An additional 85 cases were excluded due to missing information on sentence length or guideline minimum.



Figure 12 Median Loss for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012



SOURCE: U.S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense. Of the 8,503 cases, a total of 1,711 were excluded from the analysis due to missing information on exact loss amount.



Figure 13 Application of Victims Table for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012

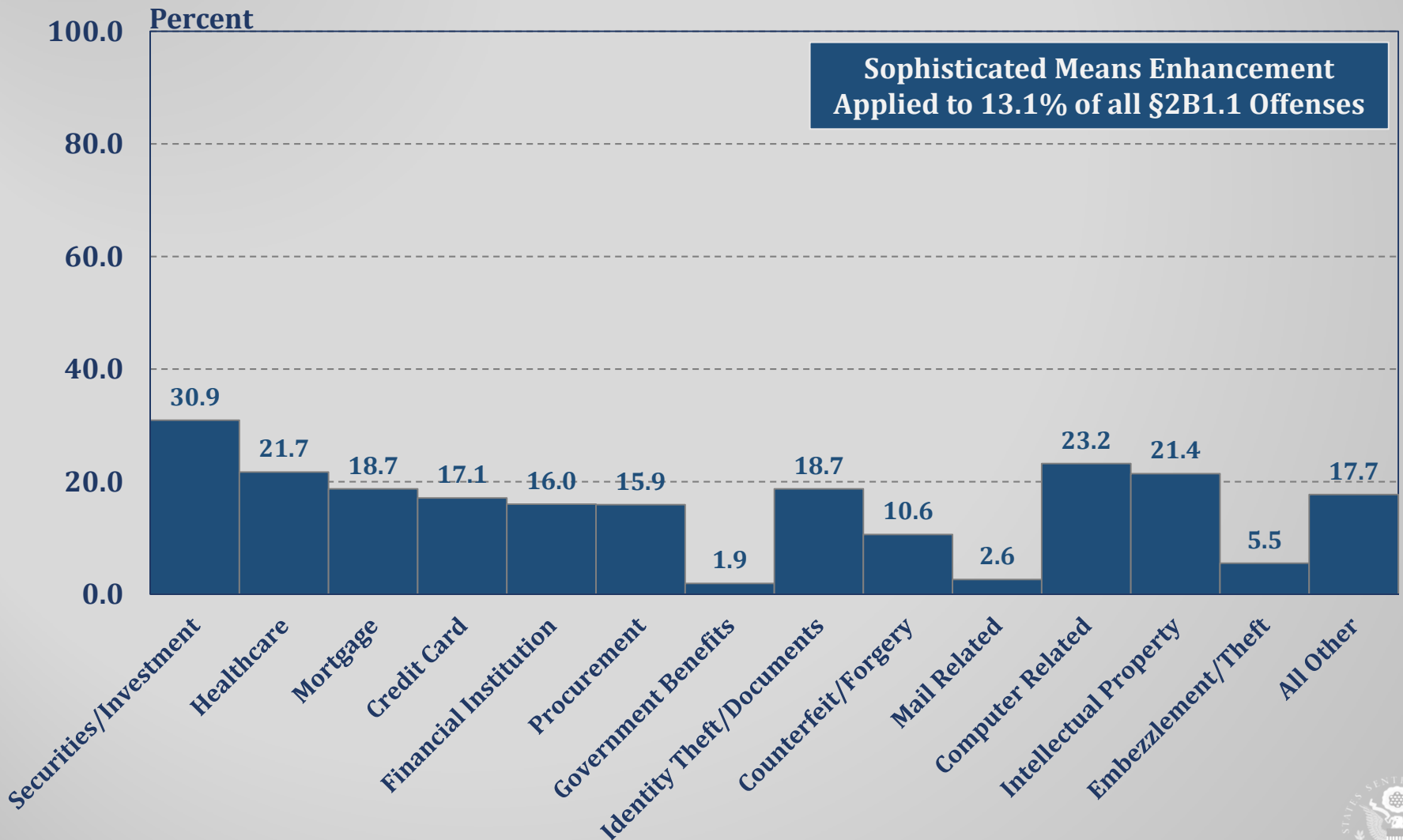


SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.



Figure 14

Application of Sophisticated Means for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012

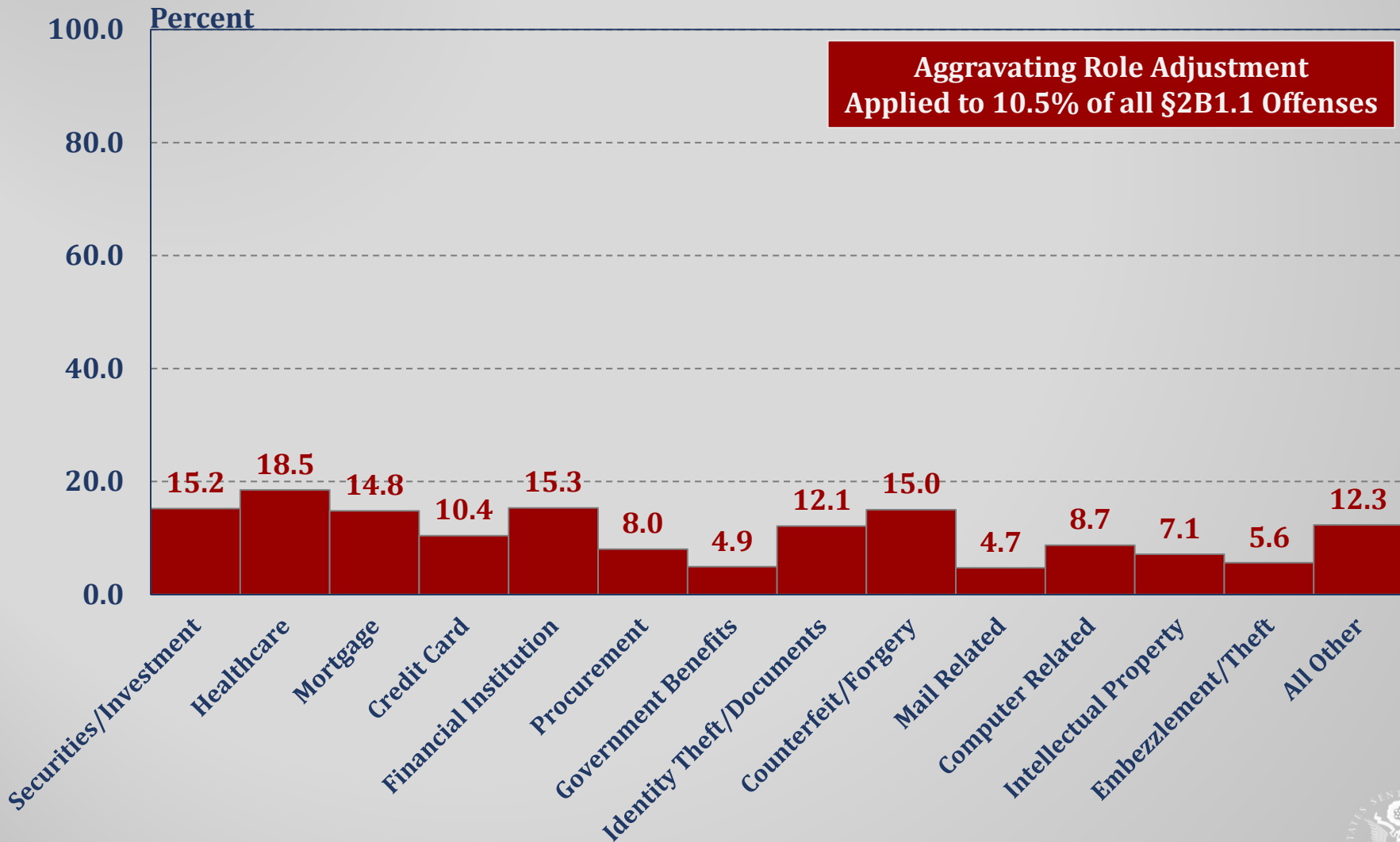


SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.



Figure 15

Application of Aggravating Role (§3B1.1) for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012

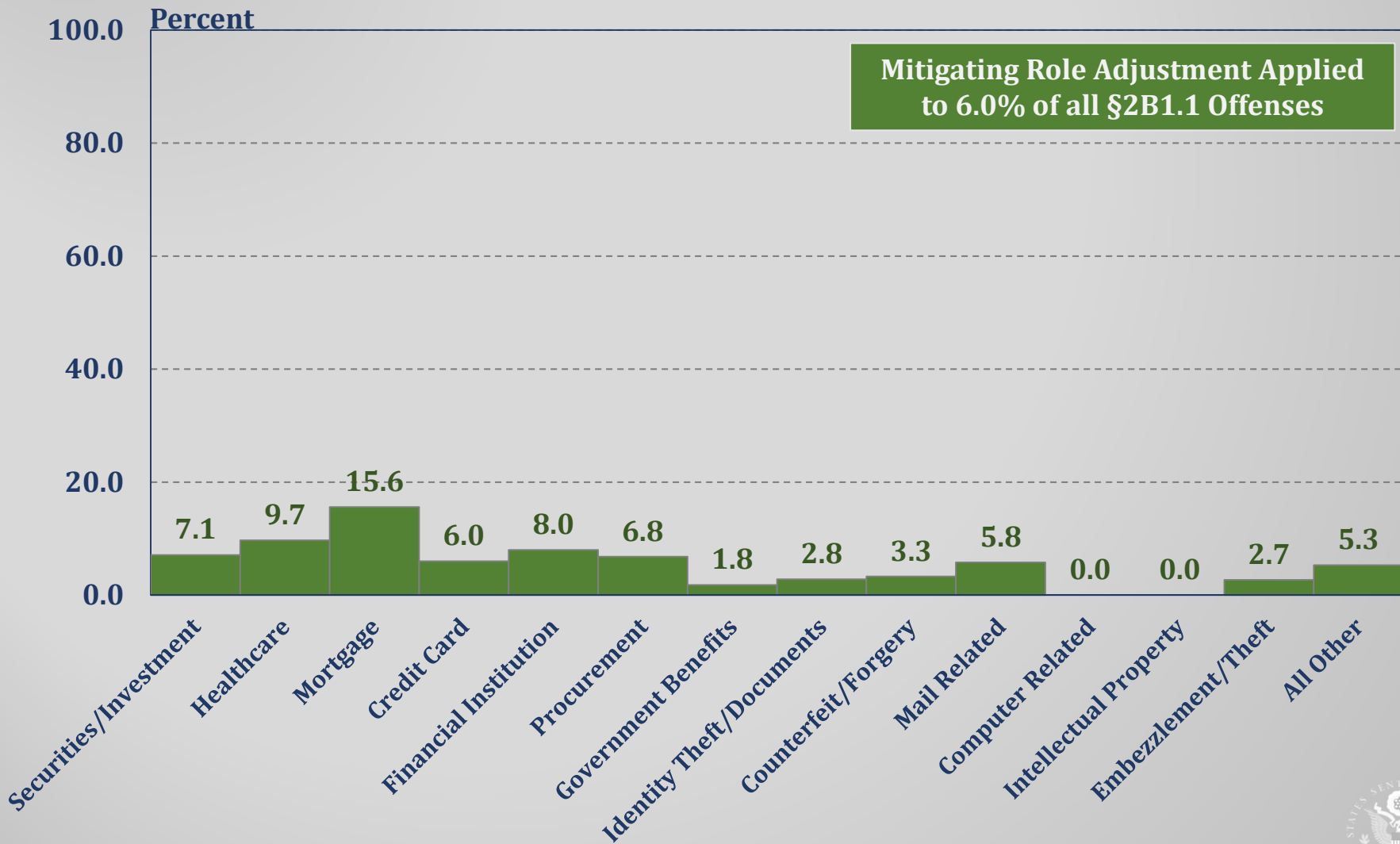


SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.



Figure 16

Application of Mitigating Role (§3B1.2) for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012

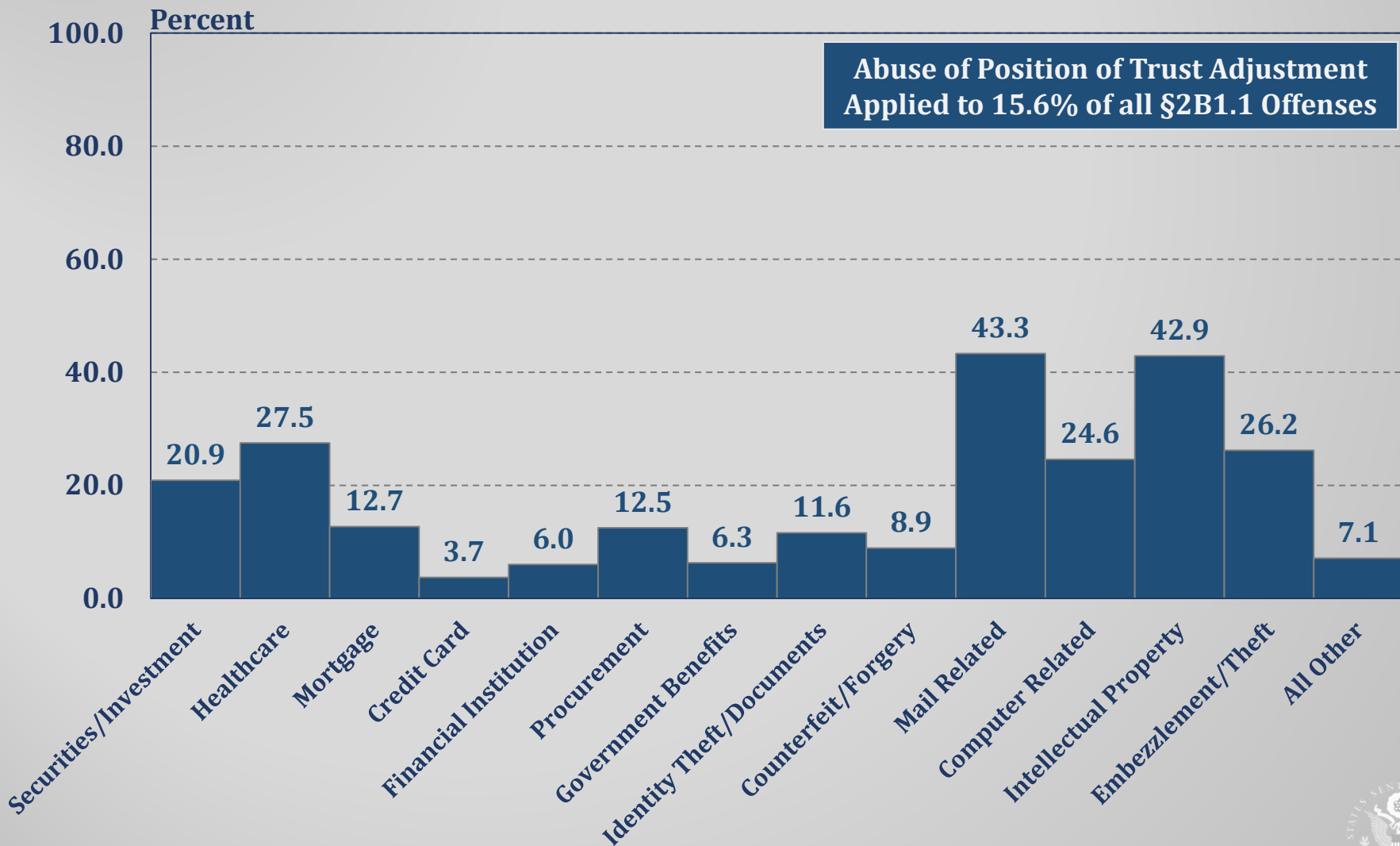


SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.



Figure 17

Application of Abuse of Position of Trust (§3B1.3) for §2B1.1 Offenders in Each Economic Crime Category Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.



