Quick Facts 📊⚖️

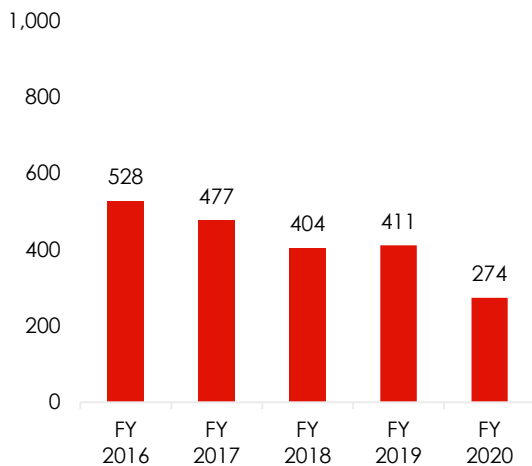## — Government Benefits Fraud Offenses —

## Fiscal Year 2020

▶ In FY 2020, 64,565 cases were reported to the U.S. Sentencing Commission.

▶ 4,356 of these involved theft, property destruction, and fraud.

▶ 6.4% of theft, property destruction, and fraud offenses involved government benefits fraud.[1, 2, 3]

▶ Government benefits fraud has decreased by 48.1% since FY 2016.

Number of Government Benefits Fraud Offenders

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
528	477	404	411	274

Median Loss for Government Benefits Fraud Offenses
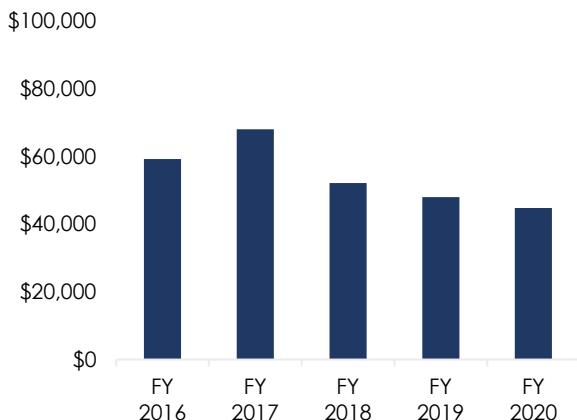
Offender and Offense Characteristics

• 59.1% of government benefits fraud offenders were men.

• 40.5% were White, 31.6% were Hispanic, 22.4% were Black, and 5.5% were Other races.

• Their average age was 46 years.

• 72.4% were United States citizens.

• 70.4% had little or no prior criminal history (Criminal History Category I).

• The median loss for these offenses was $44,792;[4]
  ♦ 22.2% involved loss amounts of $0;
  ♦ 14.9% involved loss amounts greater than $250,000.

• Sentences were increased for:
  ♦ the number of victims or the extent of harm to victims (6.2%);[5]
  ♦ using sophisticated means to execute or conceal the offense (2.9%);
  ♦ using an unauthorized means of identification (16.8%);
  ♦ fraud or theft in connection with a major disaster or emergency (6.2%);
  ♦ a leadership or supervisory role in the offense (3.6%);
  ♦ abusing a public position of trust or using a special skill (8.0%);
  ♦ obstructing or impeding the administration of justice (3.7%).

• Sentences were decreased for:
  ♦ minor or minimal participation in the offense (2.6%).

• The top five districts for government benefits fraud offenders were:
  ♦ District of Massachusetts (24);
  ♦ Southern District of Ohio (18);
  ♦ District of Nebraska (16);
  ♦ Central District of California (12);
  ♦ Middle District of Florida (10).

Punishment

• The average sentence for government benefits fraud offenders was 10 months.

• 61.3% were sentenced to prison.

• 7.3% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 10.0% were relieved of that penalty.

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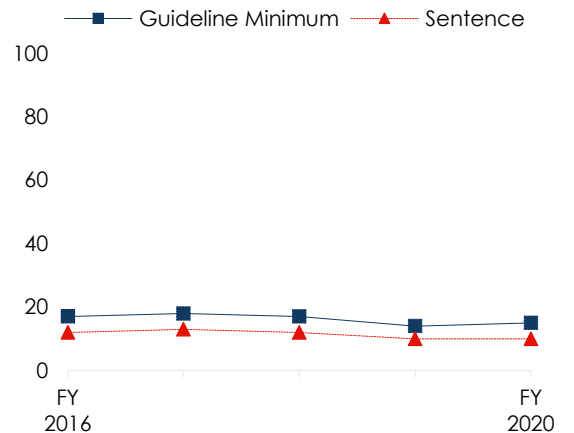@theusscgov

— Government Benefits Fraud Offenses —

Sentences Relative to the Guideline Range

- Of the 47.8% of government benefits fraud offenders sentenced under the *Guidelines Manual*:

  - 82.4% were sentenced within the guideline range.

  - 6.9% received a substantial assistance departure.
    - ◊ Their average sentence reduction was 58.4%.

  - 9.9% received some other downward departure.
    - ◊ Their average sentence reduction was 84.7%.

- 52.2% received a variance; of those offenders:

  - 97.9% received a downward variance.
    - ◊ Their average sentence reduction was 71.1%.

  - 2.1% received an upward variance.
    - ◊ Their average sentence increase was 52.8%.

- The average guideline minimum and the average sentence imposed remained steady over the past five years.

  - The average guideline minimum decreased from 17 months in fiscal year 2016 to 15 months in fiscal year 2020.

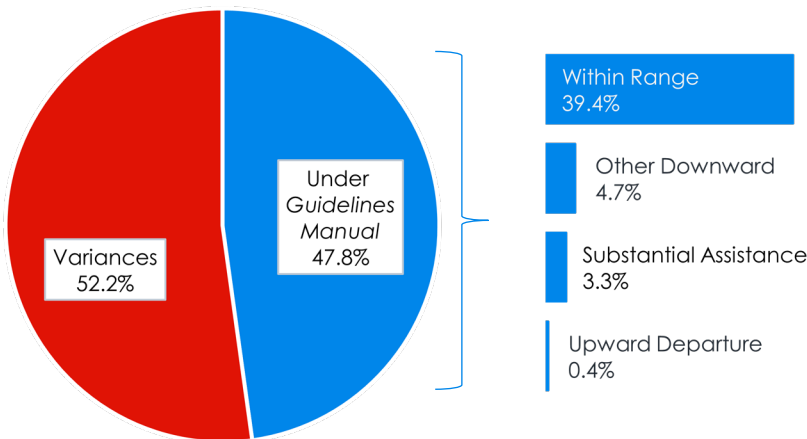 - The average sentence imposed decreased from 12 months in fiscal year 2016 to 10 months in fiscal year 2020.

Sentence Relative to the Guideline Range (%)
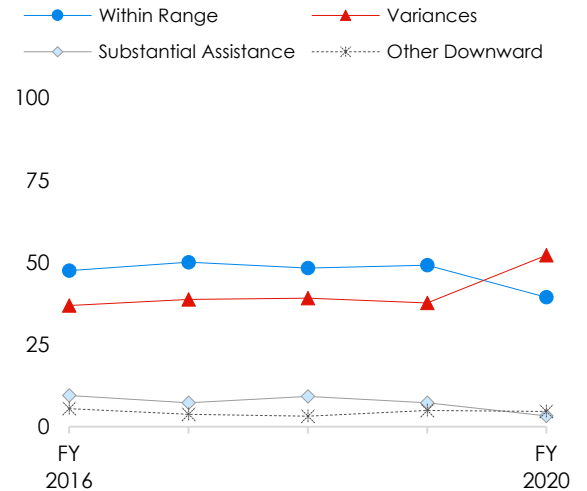
Average Guideline Minimum and Average Sentence (months)

Sentence Imposed Relative to the Guideline Range FY 2020

- Within Range 39.4%
- Under *Guidelines Manual* 47.8%
- Variances 52.2%
- Other Downward 4.7%
- Substantial Assistance 3.3%
- Upward Departure 0.4%

[1] Cases with incomplete sentencing information were excluded from the analysis.

[2] Theft, property destruction, and fraud offenses include cases with complete guideline application information in which the offender was sentenced under §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States) using a *Guidelines Manual* in effect on November 1, 2001 or later. See *www.ussc.gov/research/quick-facts* for the *Quick Facts* on §2B1.1 offenders.

[3] Government benefits fraud includes cases where the offense conduct as described in the Presentence Report involved a false claim to the federal or state government involving assistance programs from federal agencies.

[4] The Loss Table was amended effective November 1, 2001 and November 1, 2015.

[5] The Victims Table and Sophisticated Means adjustment were amended effective November 1, 2015.

SOURCE: United States Sentencing Commission, FY 2016 through FY 2020 Fraud Team Datafiles, USSCFYFT16-USSCFYFT20.