



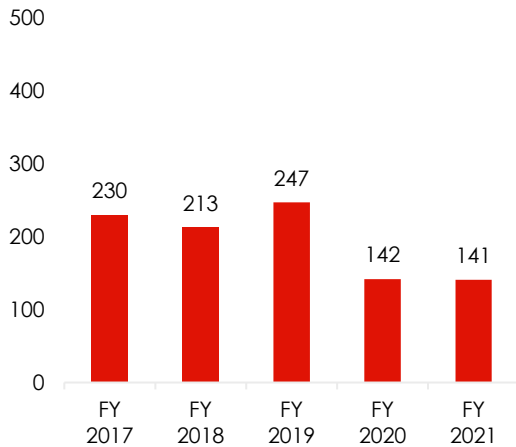
# Quick Facts

## — Securities and Investment Fraud Offenses —

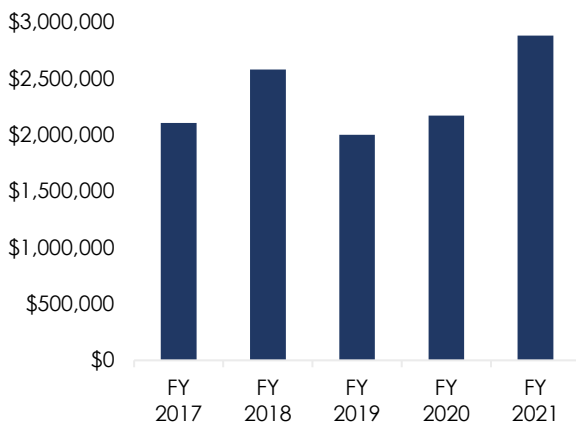
### Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 4,235 OF THESE INVOLVED THEFT, PROPERTY DESTRUCTION, AND FRAUD.
- ▶ 3.4% OF THEFT, PROPERTY DESTRUCTION, AND FRAUD OFFENSES INVOLVED SECURITIES AND INVESTMENT FRAUD.<sup>1, 2, 3</sup>
- ▶ SECURITIES AND INVESTMENT FRAUD HAS DECREASED BY 38.7% SINCE FY 2017.

**Number of Securities and Investment Fraud Offenders**



**Median Loss for Securities and Investment Fraud Offenses**



### Offender and Offense Characteristics

- 96.5% of securities and investment fraud offenders were men.
- 70.0% were White, 12.9% were Black, 10.0% were Hispanic, and 7.1% were Other races.
- Their average age was 51 years.
- 90.1% were United States citizens.
- 87.2% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was \$2,881,438;<sup>4</sup>
  - ◆ 6.3% involved loss amounts of \$250,000 or less;
  - ◆ 25.9% involved loss amounts greater than \$9,500,000.
- Sentences were increased for:
  - ◆ the number of victims or the extent of harm to victims (75.9%);<sup>5</sup>
  - ◆ using sophisticated means to execute or conceal the offense (50.4%);
  - ◆ violation of a securities or commodities law by an officer or director of a publicly traded company, broker, dealer, or investment adviser (31.9%);
  - ◆ a leadership or supervisory role in the offense (13.5%);
  - ◆ abusing a public position of trust or using a special skill (17.7%);
  - ◆ obstructing or impeding the administration of justice (9.9%).
- Sentences were decreased for:
  - ◆ minor or minimal participation in the offense (4.3%).
- The top seven districts for securities and investment fraud offenders were:
  - ◆ Southern District of New York (23);
  - ◆ Eastern District of New York (13);
  - ◆ Central District of California (10);
  - ◆ Southern District of Florida (10);
  - ◆ Northern District of Illinois (6);
  - ◆ District of New Jersey (6);
  - ◆ Northern District of Texas (6).

### Punishment

- The average sentence for securities and investment fraud offenders was 51 months.
- 87.9% were sentenced to prison.
- 0.7% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, none were relieved of that penalty.

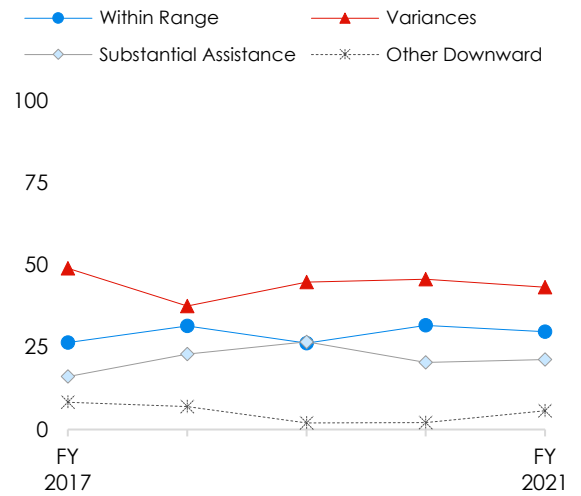


— Securities and Investment Fraud Offenses —

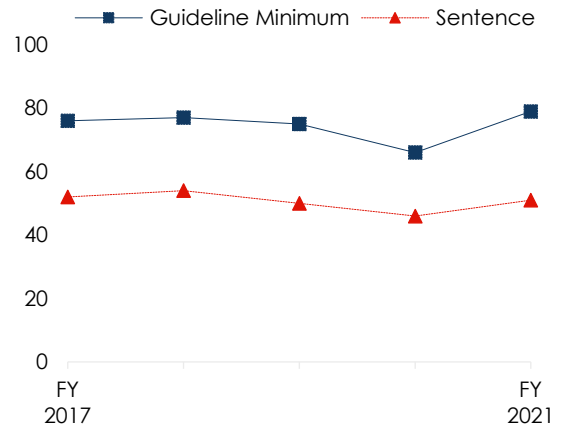
**Sentences Relative to the Guideline Range**

- Of the 56.7% of securities and investment fraud offenders sentenced under the *Guidelines Manual*:
  - ◆ 52.5% were sentenced within the guideline range.
  - ◆ 37.5% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 76.2%.
  - ◆ 10.0% received some other downward departure.
    - ◇ Their average sentence reduction was 35.2%.
- 43.3% received a variance; of those offenders:
  - ◆ 96.7% received a downward variance.
    - ◇ Their average sentence reduction was 49.6%.
  - ◆ 3.3% received an upward variance.<sup>6</sup>
- The average guideline minimum and average sentence imposed fluctuated over the past five years.
  - ◆ The average guideline minimum increased from 76 months in fiscal year 2017 to 79 months in fiscal year 2021.
  - ◆ The average sentence imposed decreased from 52 months in fiscal year 2017 to 51 months in fiscal year 2021.

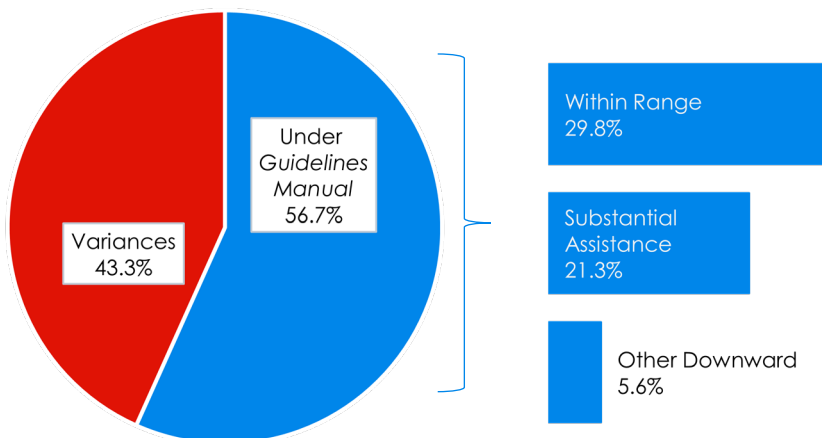
**Sentence Relative to the Guideline Range (%)**



**Average Guideline Minimum and Average Sentence (months)**



**Sentence Imposed Relative to the Guideline Range FY 2021**



<sup>1</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>2</sup> 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](http://www.ussc.gov/research/quick-facts) for the Quick Facts on §2B1.1 offenders.

<sup>3</sup> Securities and investment fraud includes cases where the offense conduct as described in the Presentence Report involved the deception of investors or the manipulation of financial markets.

<sup>4</sup> The Loss Table was amended effective November 1, 2001 and November 1, 2015.

<sup>5</sup> The Victims Table and Sophisticated Means adjustment were amended effective November 1, 2015.

<sup>6</sup> The Commission does not report the average for categories with fewer than three cases.