



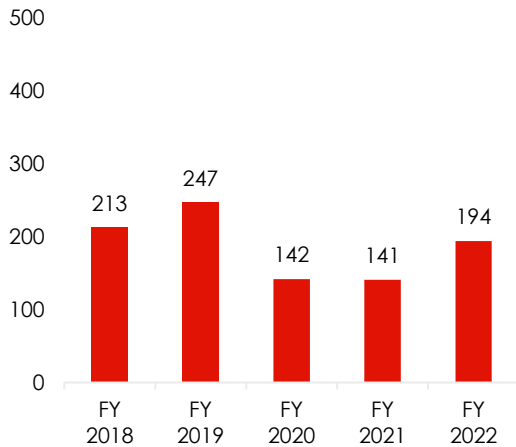
# Quick Facts

## — Securities and Investment Fraud Offenses —

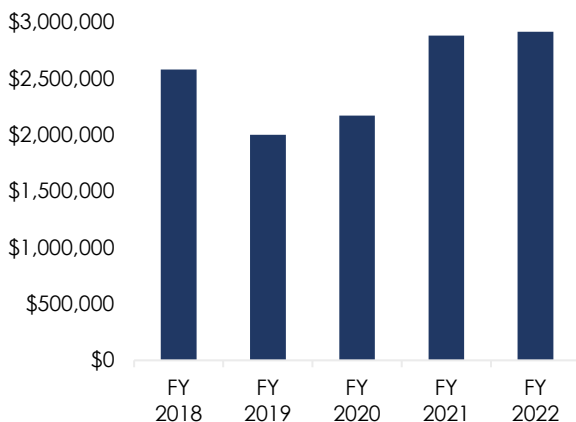
### Fiscal Year 2022

- ▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 5,208 OF THESE INVOLVED THEFT, PROPERTY DESTRUCTION, AND FRAUD.
- ▶ 3.8% OF THEFT, PROPERTY DESTRUCTION, AND FRAUD OFFENSES INVOLVED SECURITIES AND INVESTMENT FRAUD.<sup>1, 2, 3</sup>
- ▶ SECURITIES AND INVESTMENT FRAUD HAS DECREASED BY 8.9% SINCE FY 2018.

**Number of Securities and Investment Fraud Offenders**



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



### Offender and Offense Characteristics

- 94.9% of securities and investment fraud offenders were men.
- 76.2% were White, 10.4% were Hispanic, 7.8% were Other races, and 5.6% were Black.
- Their average age was 52 years.
- 91.8% were United States citizens.
- 82.0% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was \$2,913,635; <sup>4</sup>
  - ◆ 13.1% involved loss amounts of \$250,000 or less;
  - ◆ 28.8% involved loss amounts greater than \$9,500,000.
- Sentences were increased for:
  - ◆ the number of victims or the extent of harm to victims (76.3%);<sup>5</sup>
  - ◆ using sophisticated means to execute or conceal the offense (38.1%);
  - ◆ violation of a securities or commodities law by an officer or director of a publicly traded company, broker, dealer, or investment adviser (22.7%);
  - ◆ a leadership or supervisory role in the offense (17.5%);
  - ◆ abusing a public position of trust or using a special skill (14.4%);
  - ◆ obstructing or impeding the administration of justice (7.7%).
- Sentences were decreased for:
  - ◆ minor or minimal participation in the offense (4.6%).
- The top five districts for securities and investment fraud offenders were:
  - ◆ Southern District of New York (29);
  - ◆ Eastern District of New York (19);
  - ◆ Central District of California (15);
  - ◆ Southern District of Florida (12);
  - ◆ District of New Jersey (12).

### Punishment

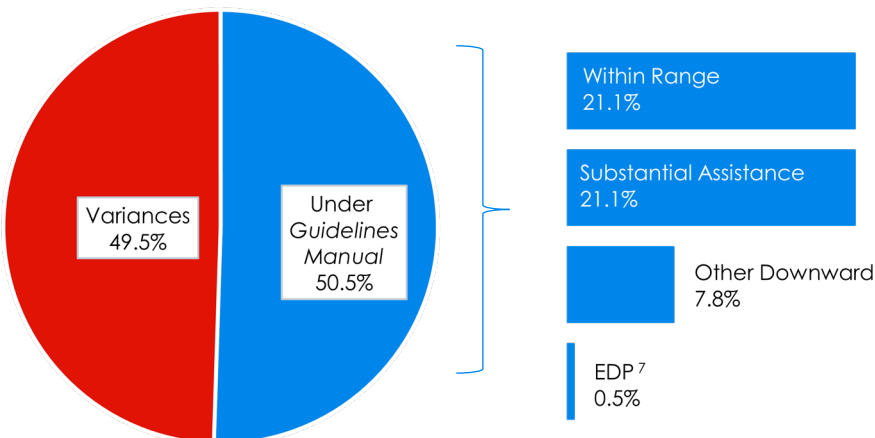
- The average sentence for securities and investment fraud offenders was 47 months.
- 91.2% were sentenced to prison.
- 1.0% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, none were relieved of that penalty.



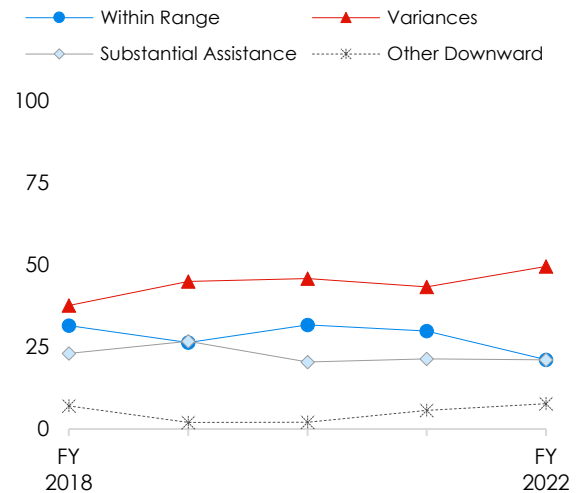
## Sentences Relative to the Guideline Range

- Of the 50.5% of securities and investment fraud offenders sentenced under the *Guidelines Manual*:
  - 41.8% were sentenced within the guideline range.
  - 41.8% received a substantial assistance departure.
    - Their average sentence reduction was 63.9%.
  - 15.3% received some other downward departure.
    - Their average sentence reduction was 57.6%.
- 49.5% received a variance; of those offenders:
  - 97.9% received a downward variance.
    - Their average sentence reduction was 48.7%.
  - 2.1% received an upward variance.<sup>6</sup>
- The average guideline minimum fluctuated and the average sentence imposed slightly decreased over the past five years.
  - The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 77 months in fiscal year 2018 and 88 months in fiscal year 2022.
  - The average sentence imposed decreased from 54 months in fiscal year 2018 to 47 months in fiscal year 2022.

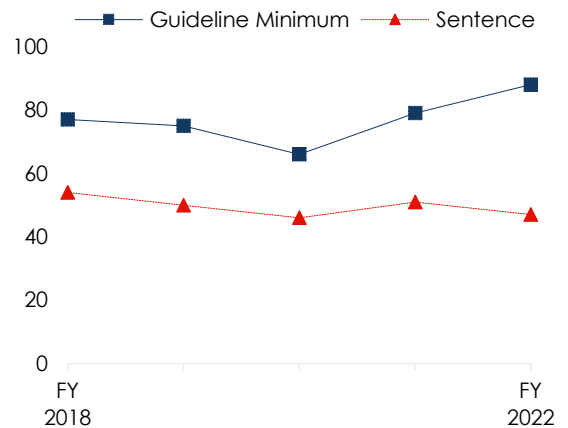
## Sentence Imposed Relative to the Guideline Range FY 2022



## Sentence Relative to the Guideline Range (%)



## Average Guideline Minimum and Average Sentence (months)



<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.uscc.gov/research/quick-facts](http://www.uscc.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.

<sup>7</sup> "Early Disposition Program (or EDP) departures" are departures where the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.