Fiscal Year 2019

- In FY 2019, 76,538 cases were reported to the U.S. Sentencing Commission.
- 5,707 of these involved theft, property destruction, and fraud.
- 2.0% of theft, property destruction, and fraud offenses involved mortgage fraud.1, 2, 3
- Mortgage fraud has decreased by 73.7% since FY 2015.

Offender and Offense Characteristics

- 79.5% of mortgage fraud offenders were men.
- 48.2% were White, 22.3% were Black, 15.2% were Other races, and 14.3% were Hispanic.
- Their average age was 51 years.
- 90.2% were United States citizens.
- 79.5% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was $1,372,368.4
  - 20.2% involved loss amounts of $250,000 or less.
  - 25.0% involved loss amounts greater than $3,500,000.
- Sentences were increased for:
  - the number of victims or the extent of harm to victims (16.1%);
  - using sophisticated means to execute or conceal the offense (41.1%):5
  - using an unauthorized means of identification (3.6%);
  - deriving more than $1 million in gross receipts from or substantially jeopardizing the safety and soundness of a financial institution (8.9%);
  - leadership or supervisory role in the offense (20.5%);
  - abusing a public position of trust or using a special skill (15.2%);
  - obstructing or impeding the administration of justice (4.5%).
- Sentences were decreased for:
  - minor or minimal participation in the offense (7.1%).
- The top five districts for mortgage fraud offenders were:
  - Northern District of Illinois (28);
  - Eastern District of California (11);
  - Southern District of Florida (10);
  - Eastern District of New York (7);
  - Eastern District of Pennsylvania (6).

Punishment

- The average sentence length for mortgage fraud offenders was 23 months.
- 94.6% were sentenced to prison.
- 3.6% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 25.0% were relieved of that penalty.

For more Quick Facts, visit https://www.ussc.gov/research/quick-facts.
Sentences Relative to the Guideline Range

- Of the 49.1% of mortgage fraud offenders sentenced under the Guidelines Manual:
  - 29.1% were sentenced within the guideline range.
  - 65.5% received a substantial assistance departure.
    - Their average sentence reduction was 78.7%.
  - 5.4% received some other downward departure.
    - Their average sentence reduction was 34.6%.
- 50.9% received a variance; of those offenders:
  - 96.5% received a downward variance.
    - Their average sentence reduction was 57.8%.
  - 3.5% received an upward variance.
- The average guideline minimum and average sentence imposed have fluctuated slightly over the past five years.
  - The average guideline minimum decreased from 49 months in fiscal year 2015 to 47 months in fiscal year 2019.
  - The average sentence imposed decreased from 27 months in fiscal year 2015 to 23 months in fiscal year 2019.

Sentence Imposed Relative to the Guideline Range FY 2019

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 §281.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deciet; 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 for the Quick Facts on §281.1 offenders.
3 Mortgage fraud includes cases where the offense conduct as described in the Presentence Report involved any misrepresentation intended to obtain a home loan, the application to multiple banks for a loan on a single property, foreclosure rescue scams, or reverse mortgage scams.
4 The Loss Table and Victims Table were amended effective November 1, 2015.
5 The Sophisticated Means adjustment was amended effective November 1, 2015.