Quick Facts

— Mortgage 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.
- 1.4% of theft, property destruction, and fraud offenses involved mortgage fraud.¹ ² ³
- Mortgage fraud has decreased by 69.9% since FY 2017.

Offender and Offense Characteristics

- 70.7% of mortgage fraud offenders were men.
- 43.1% were White; 27.6% were Black, 20.7% were Hispanic, and 8.6% were Other races.
- Their average age was 49 years.
- 98.3% were United States citizens.
- 82.8% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was $371,818;⁴
  - 37.7% involved loss amounts of $250,000 or less;
  - 13.2% involved loss amounts greater than $3,500,000.
- Sentences were increased for:
  - the number of victims or the extent of harm to victims (6.9%);⁵
  - using sophisticated means to execute or conceal the offense (29.3%);
  - using an unauthorized means of identification (5.2%);
  - deriving more than $1 million in gross receipts from or substantially jeopardizing the safety and soundness of a financial institution (1.7%);
  - a leadership or supervisory role in the offense (13.8%);
  - abusing a public position of trust or using a special skill (17.2%);
  - obstructing or impeding the administration of justice (1.7%).
- Sentences were decreased for:
  - minor or minimal participation in the offense (5.2%).
- The top five districts for mortgage fraud offenders were:
  - Northern District of Georgia (9);
  - Northern District of Illinois (8);
  - District of New Jersey (8);
  - Southern District of Florida (6);
  - Middle District of Florida (5).

Punishment

- The average sentence for mortgage fraud offenders was 14 months.
- 74.1% were sentenced to prison.
- 1.7% 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 41.4% of mortgage fraud offenders sentenced under the Guidelines Manual:
  - 54.2% were sentenced within the guideline range.
  - 37.5% received a substantial assistance departure. Their average sentence reduction was 78.4%.
  - 8.3% received some other downward departure.6

- 58.6% received a variance; of those offenders:
  - All received a downward variance. Their average sentence reduction was 55.1%.

- The average guideline minimum and average sentence imposed decreased over the past five years.
  - The average guideline minimum decreased from 42 months in fiscal year 2017 to 29 months in fiscal year 2021.
  - The average sentence imposed decreased from 20 months in fiscal year 2017 to 14 months in fiscal year 2021.

Sentence Imposed Relative to the Guideline Range FY 2021

- Under Guidelines Manual: 41.4%
- Variances: 58.6%
- Within Range: 22.4%
- Substantial Assistance: 15.5%
- Other Downward: 3.5%