



Quick Facts

▶ THERE WERE 84,173 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2012.

▶ THEFT, PROPERTY DESTRUCTION, AND FRAUD OFFENSES¹ ACCOUNT FOR 11.4% OF THE FEDERAL CASELOAD DURING THIS TIME PERIOD.²

▶ THESE OFFENDERS ARE SENTENCED UNDER SECTION 2B1.1 OF THE U.S. SENTENCING COMMISSION'S *GUIDELINES MANUAL*.

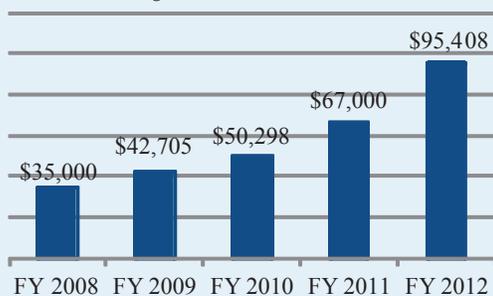
Theft, Property Destruction, and Fraud Offenses¹



Top Five Districts §2B1.1 Offenders FY 2012

Southern District of Florida (N=490)
Southern District of New York (N=309)
Central District of California (N=274)
Middle District of Florida (N=274)
Western District of Texas (N=255)

Median Loss for §2B1.1 Offenders



Offender and Offense Characteristics

- In fiscal year 2012, most offenders sentenced under §2B1.1¹ were male (66.4%).
- Nearly half were White (47.9%) followed by Black (31.3%), Hispanic (13.9%), and Other Races (6.9%).
- The average age of these offenders at sentencing was 42 years.
- These offenses were committed mostly by U.S. citizens (87.6%) compared to non-citizens (12.4%).
- The majority of §2B1.1 offenders had little or no prior criminal history (71.4% of these offenders were assigned to Criminal History Category I).
- The median loss in these cases was \$95,408.
 - ◆ 83.0% of §2B1.1 offenses involved loss amounts of \$1 million or less.
 - ◆ 53.9% of §2B1.1 offenses involved loss amounts of \$120,000 or less.
- Sentences under §2B1.1 were increased for:
 - ◆ 22.8% of offenders because of the number of victims:
 - ◇ 13.2% involved 10 or more victims or mass-marketing;
 - ◇ 6.1% involved 50 or more victims;
 - ◇ 3.5% involved 250 or more victims.
 - ◆ 12.7% of offenders because the offender used sophisticated means to execute or conceal the offense.
 - ◆ 11.7% of offenders for using an unauthorized means of identification.
 - ◆ 10.5% of offenders for having a leadership or supervisory role in the offense.
 - ◆ 15.6% of offenders for abusing a public position of trust or using a special skill.
 - ◆ 4.3% of offenders for obstructing or impeding the administration of justice.
- Sentences under §2B1.1 were decreased for:
 - ◆ 6.0% of offenders because they were a minor or minimal participant in the offense.

Punishment

- More than two-thirds of offenders under §2B1.1 were sentenced to imprisonment (69.0%).
- The average sentence length for offenders under §2B1.1 was 22 months.

¹ 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.

² Of the 84,173 offenders sentenced in fiscal year 2012, 9,678 were excluded from this analysis due to incomplete guideline application information.

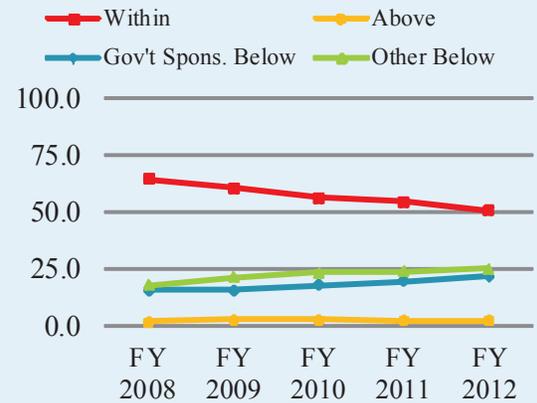
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Theft, Property Destruction, and Fraud Offenses

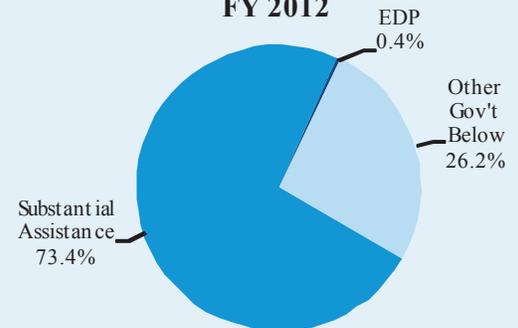
Sentences Relative to the Guideline Range

- For each of the past five years, the rate of within range sentences for §2B1.1 offenses has steadily decreased (64.5% in fiscal year 2008 to 50.6% in fiscal year 2012).
- In each of the past five years, approximately one-fifth of §2B1.1 offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
 - ◆ Substantial assistance departures were granted in approximately 12% to 16% of §2B1.1 offenses in each of the past five years.
 - ◇ These offenders received an average reduction of 59.9% in their sentence during the five year time period (which corresponds to an average reduction of 20 months).
 - ◆ Other government sponsored departures were granted in approximately 3% to 6% of §2B1.1 offenses in each of the past five years.
 - ◇ These offenders received an average reduction of 58.5% in their sentence during the five year time period (which corresponds to an average reduction of 15 months).
- The rate of non-government sponsored below range sentences steadily increased over the past five years (from 17.8% of §2B1.1 offenses in fiscal year 2008 to 25.2% in fiscal year 2012).
 - ◆ Reductions for non-government sponsored below range sentences were smaller than in cases in which the government sponsored a below range sentence, with an average reduction of 54.1% over the five year time period (which corresponds to an average reduction of 13 months).
- Both the average sentence and the average guideline minimum for offenders sentenced under §2B1.1 have increased over the past five years.
 - ◆ The average guideline minimum increased from 22 months to 29 months during that period;
 - ◆ The average sentence imposed increased from 19 months to 22 months.

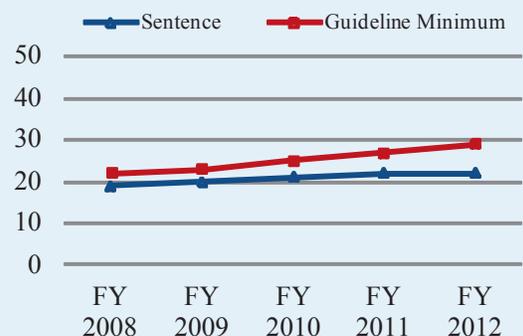
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2012



Average Sentence and Average Guideline Minimum (in months)



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