Theft, Property Destruction, and Fraud Offenses

In fiscal year 2014, there were 8,216 §2B1.1 offenders, who accounted for 12.1% of all offenders sentenced under the guidelines. The number of §2B1.1 offenders has remained relatively stable for the last five years.

**Offender and Offense Characteristics**

- In fiscal year 2014, most offenders sentenced under §2B1.1\(^1\) were male (66.5%).
- Nearly half were White (44.7%) followed by Black (32.3%), Hispanic (16.1%), and Other Races (6.9%).
- The average age of these offenders at sentencing was 43 years.
- These offenses were committed mostly by U.S. citizens (88.8%) compared to non-citizens (11.2%).
- 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 $118,081.
  - 81.6% of §2B1.1 offenses involved loss amounts of $1 million or less.
  - 50.4% of §2B1.1 offenses involved loss amounts of $120,000 or less.
- Sentences under §2B1.1 were increased for:
  - 25.1% of offenders because of the number of victims:
    - 13.2% involved 10 or more victims or mass-marketing;
    - 7.5% involved 50 or more victims;
    - 4.4% involved 250 or more victims.
  - 15.4% of offenders because the offender used sophisticated means to execute or conceal the offense.
  - 12.0% of offenders for using an unauthorized means of identification.
  - 10.5% of offenders for having a leadership or supervisory role in the offense.
  - 16.6% of offenders for abusing a public position of trust or using a special skill.
  - 3.9% of offenders for obstructing or impeding the administration of justice.
- Sentences under §2B1.1 were decreased for:
  - 5.3% 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 (70.1%).
- The average sentence length for offenders under §2B1.1 was 24 months.

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\(^{1}\) 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 75,836 offenders sentenced in fiscal year 2014, 8,164 were excluded from this analysis due to incomplete guideline application information.
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 (56.4% in fiscal year 2010 to 46.1% in fiscal year 2014).

- 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 13 to 16 percent of §2B1.1 offenses in each of the past five years.
    - These offenders received an average reduction of 61.2% in their sentence during the five year time period (which corresponds to an average reduction of 22 months).
  - Other government sponsored departures were granted in approximately three to seven percent of §2B1.1 offenses in each of the past five years.
    - These offenders received an average reduction of 59.1% in their sentence during the five year time period (which corresponds to an average reduction of 17 months).

- The rate of non-government sponsored below range sentences steadily increased over the past five years (from 23.3% of §2B1.1 offenses in fiscal year 2010 to 28.6% in fiscal year 2014).
  - 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 54.9% over the five year time period (which corresponds to an average reduction of 14 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 25 months to 33 months during that period;
  - The average sentence imposed increased from 21 months to 24 months.

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**Government Sponsored Below Range Sentences FY 2014**

- Substantial Assistance 69.5%
- Other Gov't Below 30.1%
- EDP 0.4%

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

- Sentence
- Guideline Minimum

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**SOURCE:** United States Sentencing Commission Fraud Team Datafiles, 2010 through 2014, USSCFTFY10-USSCFTFY14.