



# Quick Facts

- ▶ THERE WERE 71,003 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2015.
- ▶ OF THESE CASES, 7,724 INVOLVED THEFT, PROPERTY DESTRUCTION, OR FRAUD.<sup>1</sup>
- ▶ THESE OFFENDERS WERE SENTENCED UNDER SECTION 2B1.1 OF THE U.S. SENTENCING COMMISSION'S *GUIDELINES MANUAL*.

## Theft, Property Destruction, and Fraud Offenses<sup>1</sup>



In fiscal year 2015, there were 7,724 §2B1.1 offenders, who accounted for 12.2%<sup>2</sup> of all offenders sentenced under the guidelines. The number of §2B1.1 offenders decreased from fiscal years 2011 to 2015.

**Top Five Districts §2B1.1 Offenders FY 2015**

Southern District of Florida (N=524)
Middle District of Florida (N=341)
Southern District of New York (N=316)
Central District of California (N=264)
Northern District of Illinois (N=199)

### Offender and Offense Characteristics

- In fiscal year 2015, approximately two-thirds of offenders sentenced under §2B1.1 were male (66.6%).
- Nearly half were White (44.8%) followed by Black (32.9%), Hispanic (15.8%), and Other Races (6.5%).
- The average age of these offenders at sentencing was 43 years.
- The majority of §2B1.1 offenders were United States citizens (88.6%).
- The majority of §2B1.1 offenders had little or no prior criminal history (71.3% of these offenders were assigned to Criminal History Category I).
- The median loss for these offenses was \$130,301.
  - ◆ 79.3% of §2B1.1 offenses involved loss amounts of \$1 million or less.
  - ◆ 48.8% of §2B1.1 offenses involved loss amounts of \$120,000 or less.
- Sentences for §2B1.1 offenders were increased for:
  - ◆ 27.8% of offenders because of the number of victims:
    - ◇ 13.6% involved 10 or more victims or mass-marketing;
    - ◇ 8.5% involved 50 or more victims; and
    - ◇ 5.7% involved 250 or more victims.
  - ◆ 16.5% of offenders because the offender used sophisticated means to execute or conceal the offense.
  - ◆ 11.9% of offenders for using an unauthorized means of identification.
  - ◆ 10.8% 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.
  - ◆ 3.6% of offenders for obstructing or impeding the administration of justice.
- Sentences for §2B1.1 offenders were decreased for:
  - ◆ 6.0% of offenders because they were a minor or minimal participant in the offense.



<sup>1</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.

<sup>2</sup> Of the 71,003 offenders sentenced in fiscal year 2015, 7,543 were excluded from this analysis due to incomplete guideline application information.

# Quick Facts

## Theft, Property Destruction, and Fraud Offenses<sup>1</sup>

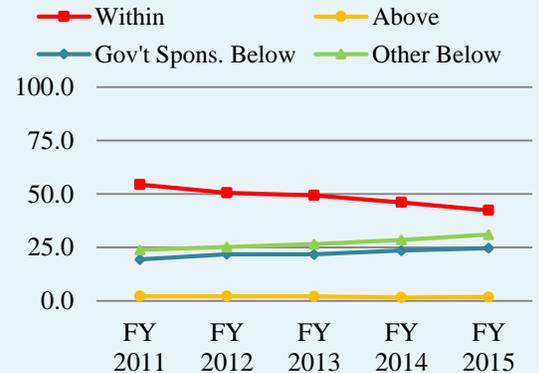
### Punishment

- More than two-thirds of §2B1.1 offenders were sentenced to imprisonment (69.8%).
- The average sentence length for §2B1.1 offenders was 24 months.

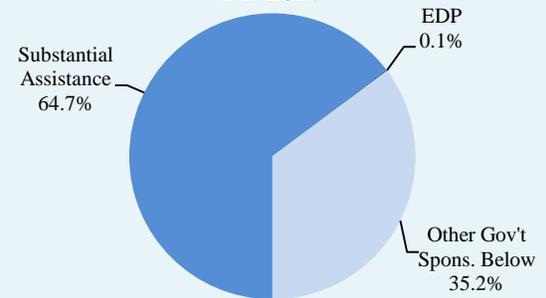
### Sentences Relative to the Guideline Range

- During the past five years, the rate of within range sentences for §2B1.1 offenders has steadily decreased (from 54.4% in fiscal year 2011 to 42.4% in fiscal year 2015).
- In each of the past five years, approximately one-fifth to one-quarter 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 16 percent of §2B1.1 cases in each of the past five years.
    - ◇ These offenders received an average reduction of 61.6% in their sentence during the five year time period (which corresponds to an average reduction of 23 months).
  - ◆ Other government sponsored departures were granted in approximately five to nine percent of §2B1.1 cases in each of the past five years.
    - ◇ These offenders received an average reduction of 59.5% in their sentence during the five year time period (which corresponds to an average reduction of 18 months).
- The rate of non-government sponsored below range sentences steadily increased during the past five years (from 23.9% of §2B1.1 cases in fiscal year 2011 to 31.0% in fiscal year 2015).
  - ◆ 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 55.1% during the five year time period (which corresponds to an average reduction of 15 months).
- Both the average sentence and the average guideline minimum for offenders sentenced under §2B1.1 have increased during the past five years.
  - ◆ The average guideline minimum increased from 27 months to 34 months during that time period;
  - ◆ The average sentence imposed increased from 22 months to 24 months during that time period.

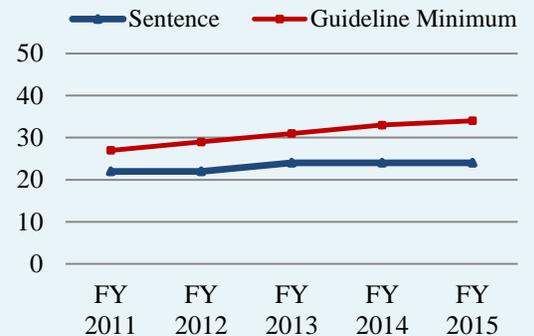
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences FY 2015



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



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