



Quick Facts

▶ THERE WERE 67,742 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2016.

▶ OF THESE CASES, 6,986 INVOLVED THEFT, PROPERTY DESTRUCTION, OR FRAUD.¹

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

Theft, Property Destruction, and Fraud Offenses¹

In fiscal year 2016, there were 6,986 §2B1.1 offenders, who accounted for 11.3% of all offenders sentenced under the guidelines.² The number of §2B1.1 offenders decreased from fiscal years 2012 to 2016.

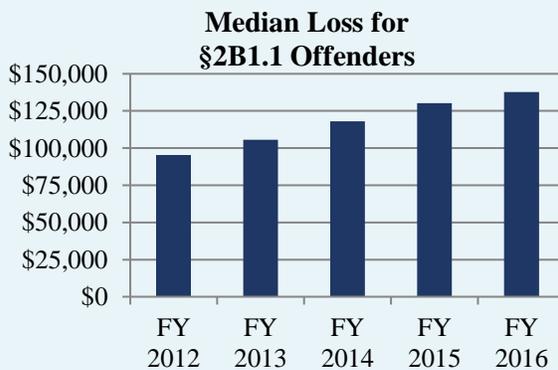


Offender and Offense Characteristics

- In fiscal year 2016, approximately two-thirds of offenders sentenced under §2B1.1 were male (65.3%).
- Nearly half were White (43.8%) followed by Black (32.9%), Hispanic (16.8%), 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 (88.0%).
- The majority of §2B1.1 offenders had little or no prior criminal history (70.1% of these offenders were assigned to Criminal History Category I).
- The median loss for these offenses was \$137,828.³
 - ◆ 86.1% of §2B1.1 offenses involved loss amounts of \$1.5 million or less.
 - ◆ 51.9% of §2B1.1 offenses involved loss amounts of \$150,000 or less.
- Sentences for §2B1.1 offenders were increased for:
 - ◆ 29.8% of offenders because of the number of victims or the extent of harm to victims.⁴
 - ◆ 14.9% of offenders because the offender used sophisticated means to execute or conceal the offense.⁵
 - ◆ 13.2% of offenders for using an unauthorized means of identification.
 - ◆ 10.8% of offenders for having a leadership or supervisory role in the offense.
 - ◆ 16.4% 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 for §2B1.1 offenders were decreased for:
 - ◆ 5.1% of offenders because they were a minor or minimal participant in the offense.

Top Five Districts §2B1.1 Offenders FY 2016

Southern District of Florida (N=507)
Southern District of New York (N=309)
Central District of California (N=275)
Middle District of Florida (N=228)
Northern District of Illinois (N=197)



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 67,742 offenders sentenced in fiscal year 2016, 5,784 were excluded from this analysis due to incomplete guideline application information.

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Theft, Property Destruction, and Fraud Offenses¹

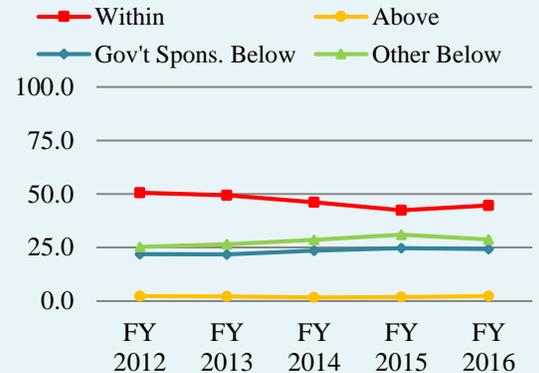
Punishment

- More than two-thirds of §2B1.1 offenders were sentenced to imprisonment (70.1%).
- The average sentence length for §2B1.1 offenders was 22 months.

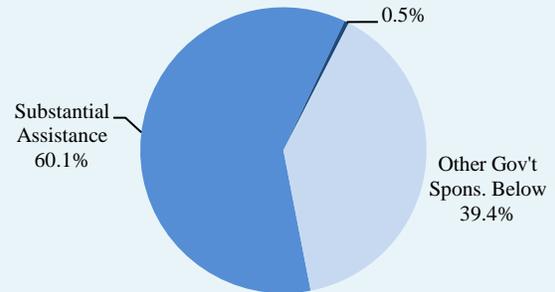
Sentences Relative to the Guideline Range

- During the past five years, the rate of within range sentences for §2B1.1 offenders has decreased (from 50.6% in fiscal year 2012 to 44.6% in fiscal year 2016).
- 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 15 percent of §2B1.1 cases in each of the past five years.
 - ◇ These offenders received an average reduction of 62.5% in their sentence during the five year time period (which corresponds to an average reduction of 24 months).
 - ◆ Other government sponsored departures were granted in approximately six to ten percent of §2B1.1 cases 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 18 months).
- The rate of non-government sponsored below range sentences steadily increased during the past five years (from 25.3% of §2B1.1 cases in fiscal year 2012 to 28.8% in fiscal year 2016).
 - ◆ 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 55.2% 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 and then decreased during the past five years.
 - ◆ The average guideline minimum ranged from 29 months to 34 months during that time period;
 - ◆ The average sentence imposed ranged from 22 months to 24 months during that time period.

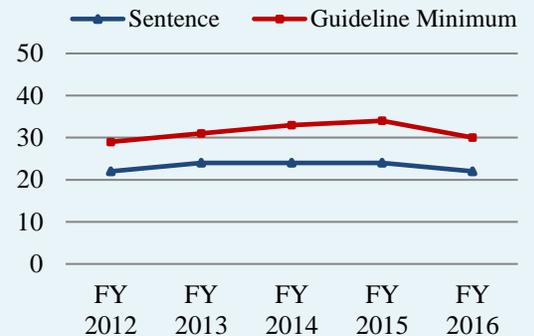
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2016



Average Sentence and Average Guideline Minimum (in months)



³ The Loss Table was amended effective November 1, 2015.

⁴ The Victims Table was amended effective November 1, 2015.

⁵ The Sophisticated Means adjustment was amended effective November 1, 2015.

⁶ "Early Disposition Program (or EDP) departures" are departures where the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.

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