



# Quick Facts

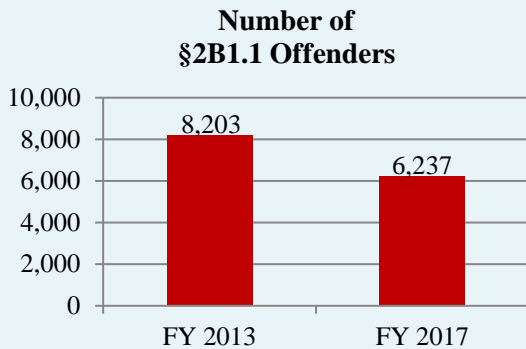
▶ THERE WERE 66,873 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2017.

▶ OF THESE CASES, 6,237 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>

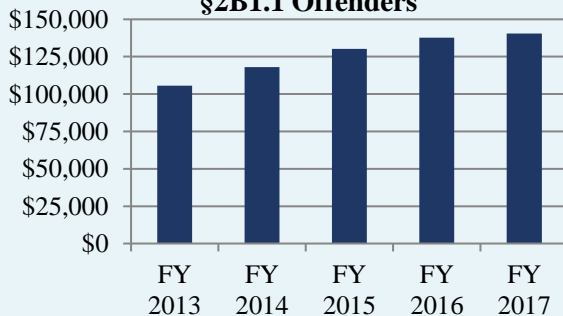
In fiscal year 2017, there were 6,237 §2B1.1 offenders, who accounted for 10.1% of all offenders sentenced under the guidelines.<sup>2</sup> The number of §2B1.1 offenders decreased from fiscal years 2013 to 2017.



### Top Five Districts §2B1.1 Offenders FY 2017

Southern District of Florida (N=565)
Central District of California (N=262)
Southern District of New York (N=255)
Middle District of Florida (N=244)
Northern District of Illinois (N=189)

### Median Loss for §2B1.1 Offenders



### Offender and Offense Characteristics

- In fiscal year 2017, approximately two-thirds of offenders sentenced under §2B1.1 were men (67.4%).
- The greatest proportion of offenders were White (42.5%) followed by Black (32.6%), Hispanic (18.1%), and Other Races (6.9%).
- The average age of these offenders at sentencing was 43 years.
- Most §2B1.1 offenders were United States citizens (86.5%).
- The majority of §2B1.1 offenders had little or no prior criminal history (70.2% of these offenders were assigned to Criminal History Category I).
- The median loss for these offenses was \$140,420.<sup>3</sup>
  - ◆ 84.6% of §2B1.1 offenses involved loss amounts of \$1.5 million or less.
  - ◆ 51.3% of §2B1.1 offenses involved loss amounts of \$150,000 or less.
- Sentences for §2B1.1 offenders were increased for:
  - ◆ 32.3% of offenders because of the number of victims or the extent of harm to victims;<sup>4</sup>
  - ◆ 15.2% of offenders because the offender used sophisticated means to execute or conceal the offense;<sup>5</sup>
  - ◆ 13.8% of offenders for using an unauthorized means of identification;
  - ◆ 10.7% of offenders for having a leadership or supervisory role in the offense;
  - ◆ 17.2% of offenders for abusing a public position of trust or using a special skill; and
  - ◆ 4.8% of offenders for obstructing or impeding the administration of justice.
- Sentences for §2B1.1 offenders were decreased for:
  - ◆ 4.8% 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 66,873 offenders sentenced in fiscal year 2017, 4,956 were excluded from this analysis due to incomplete guideline application information.

# Quick Facts

## Theft, Property Destruction, and Fraud Offenses

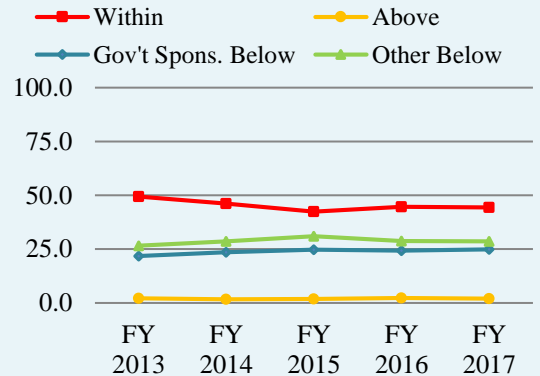
### Punishment

- More than two-thirds of §2B1.1 offenders were sentenced to imprisonment (72.3%).
- The average sentence length for §2B1.1 offenders was 23 months.

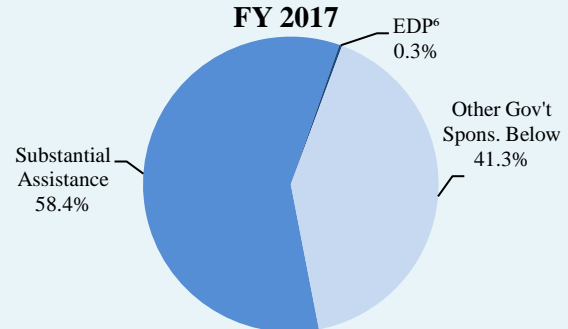
### Sentences Relative to the Guideline Range

- During the past five years, the rate of within range sentences for §2B1.1 offenders has decreased (from 49.4% in fiscal year 2013 to 44.4% in fiscal year 2017).
- 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 63.1% in their sentence during the five-year time period (which corresponds to an average reduction of 25 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 60.6% 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 26.6% of §2B1.1 cases in fiscal year 2013 to 28.7% in fiscal year 2017).
  - ◆ 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% 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 varied during the past five years.
  - ◆ The average guideline minimum ranged from 30 months to 34 months during that time period;
  - ◆ The average sentence imposed ranged from 22 months to 24 months during that time period.

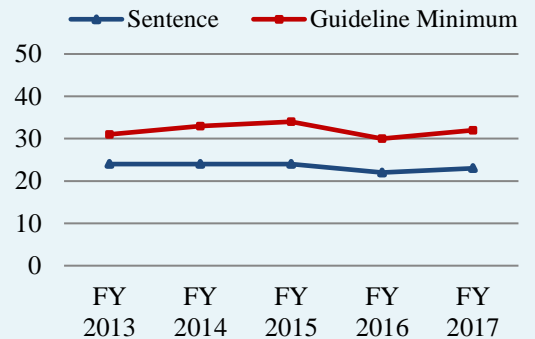
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences



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



<sup>3</sup> The Loss Table was amended effective November 1, 2015.

<sup>4</sup> The Victims Table was amended effective November 1, 2015.

<sup>5</sup> The Sophisticated Means adjustment was amended effective November 1, 2015.

<sup>6</sup> "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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