

Sentencing Research Studies

An Examination of §2B1.1 Offenders

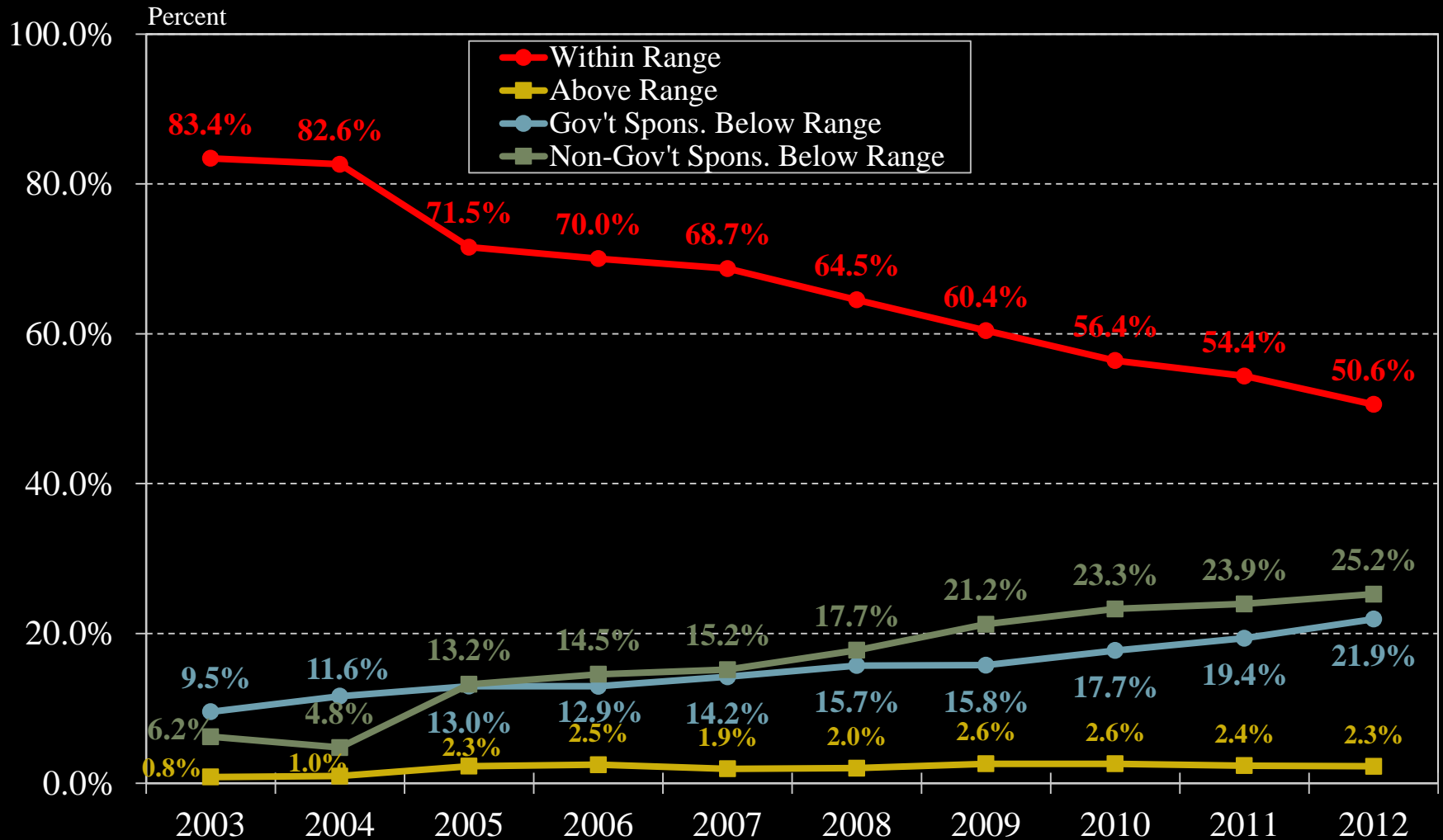


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Office of Research and Data

United States Sentencing Commission
Annual National Seminar
on the Federal Sentencing Guidelines

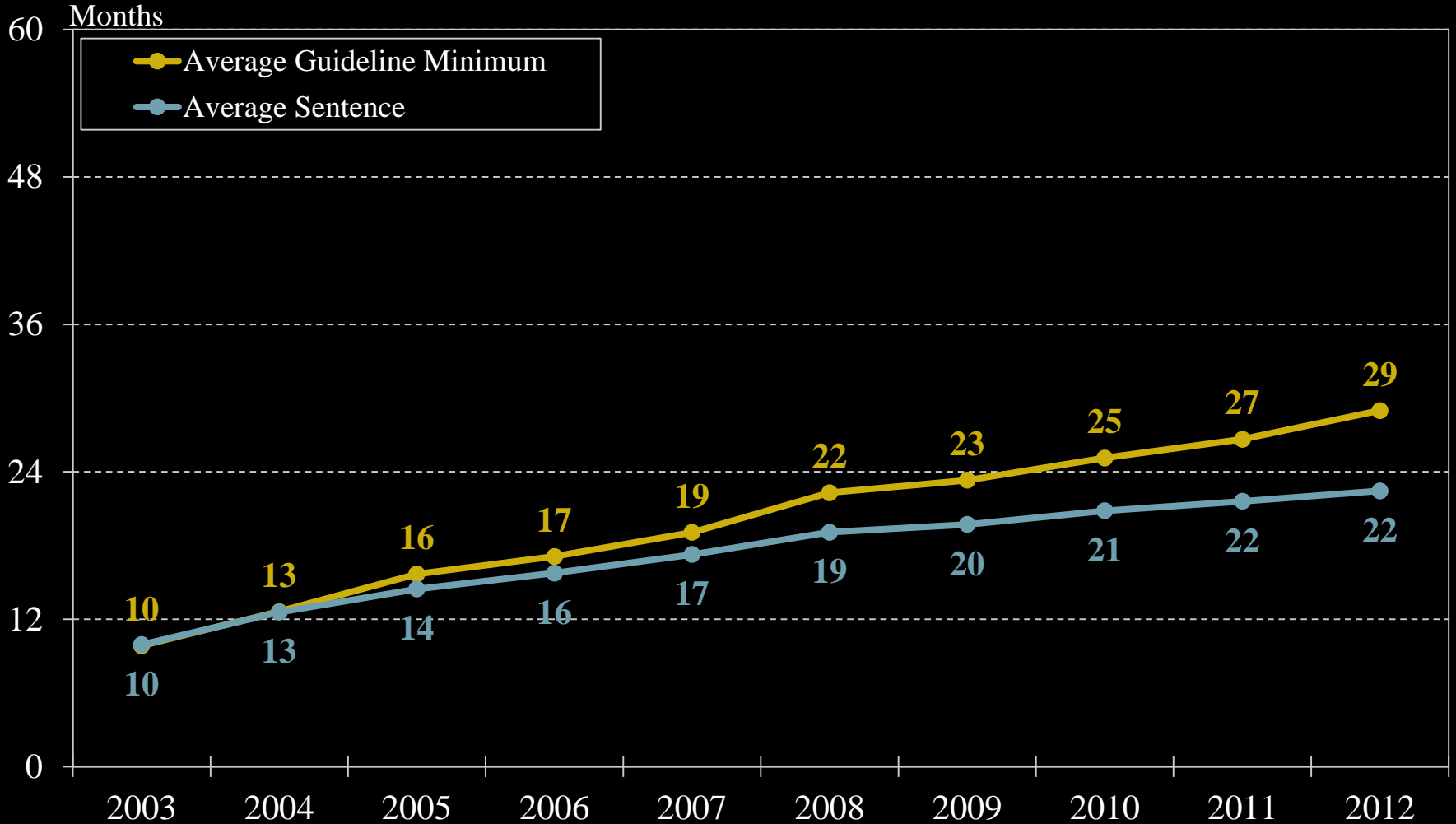
Philadelphia, Pennsylvania
September 17-19, 2014

Sentence Relative to the Guideline Range for §2B1.1 Offenders Fiscal Years 2003-2012



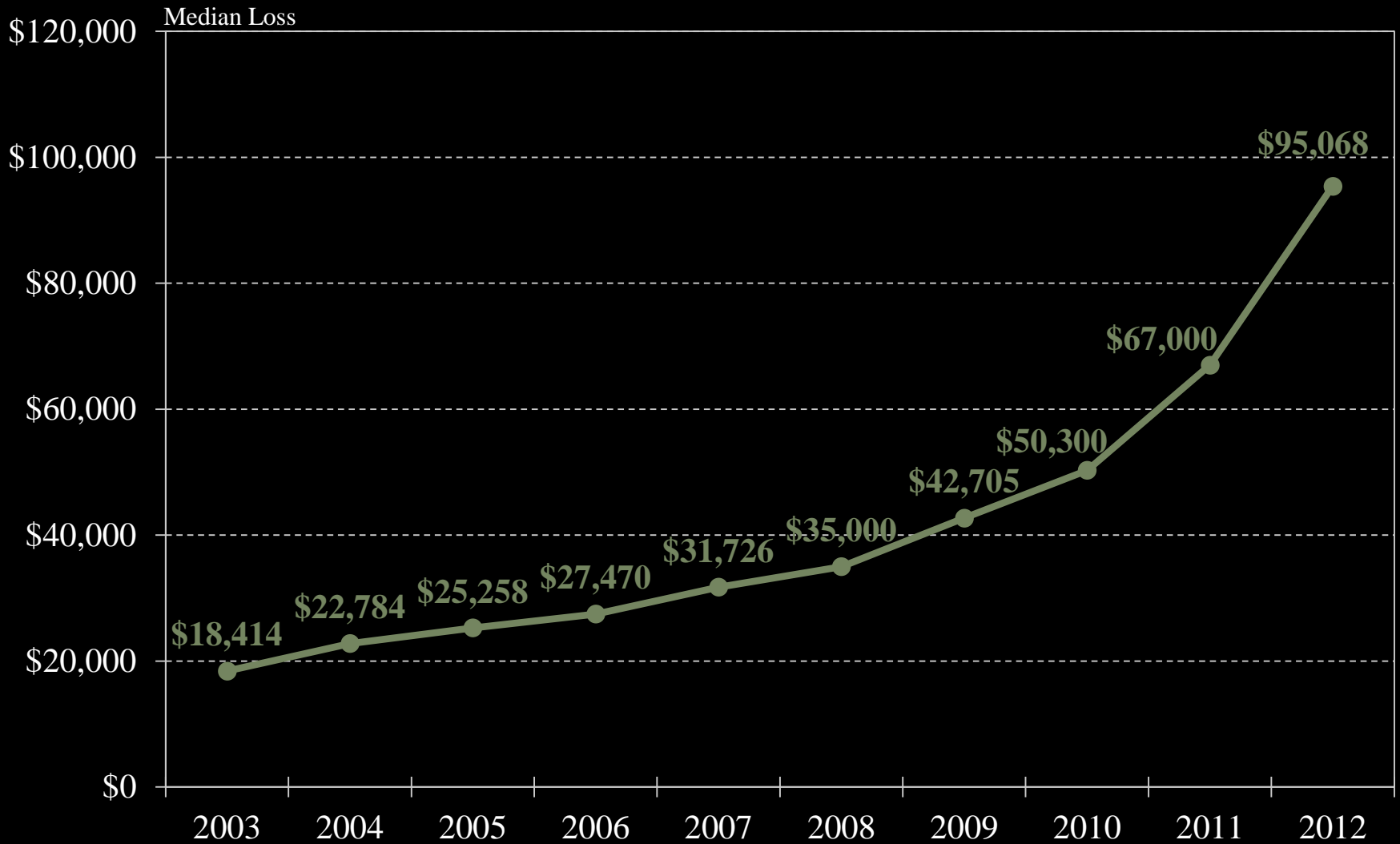
SOURCE: U.S. Sentencing Commission 2003-2011 Datafiles and 2012 Fraud Team Datafile. Of the 770,408 cases, 102,564 were excluded due to incomplete guideline application information. Of the 667,844 remaining cases, 591,882 were excluded that were not sentenced under §2B1.1. Of the remaining 75,962 cases sentenced under §2B1.1, 1,112 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001. An additional 59 cases were excluded due to missing information on the position of the sentence relative to the guideline range.

Average Sentence Length and Average Guideline Minimum for §2B1.1 Offenders Fiscal Years 2003-2012



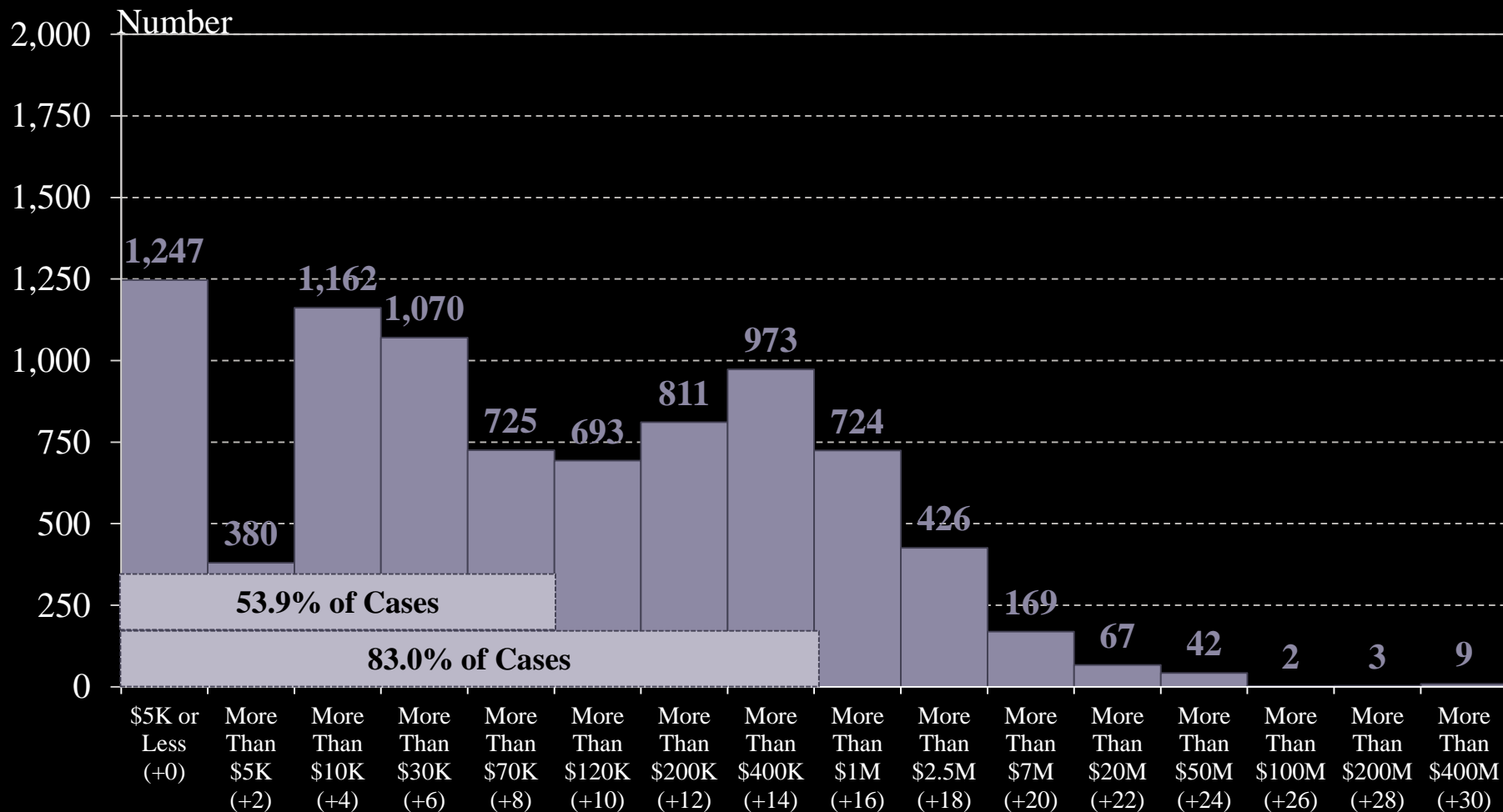
SOURCE: U.S. Sentencing Commission 2003-2011 Datafiles and 2012 Fraud Team Datafile. Of the 770,408 cases, 102,564 were excluded due to incomplete guideline application information. Of the 667,844 remaining cases, 591,882 were excluded that were not sentenced under §2B1.1. Of the remaining 75,962 cases sentenced under §2B1.1, 1,112 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001. Calculation of the mean includes sentences of probation as zero months and any term of confinement as described in USSC §5C1.1. Sentences of 470 months or longer (including life) are included in the calculation as 470 months. An additional 85 cases were excluded due to missing information on sentence length or guideline minimum.

Median Loss Amount for §2B1.1 Offenders Fiscal Years 2003-2012



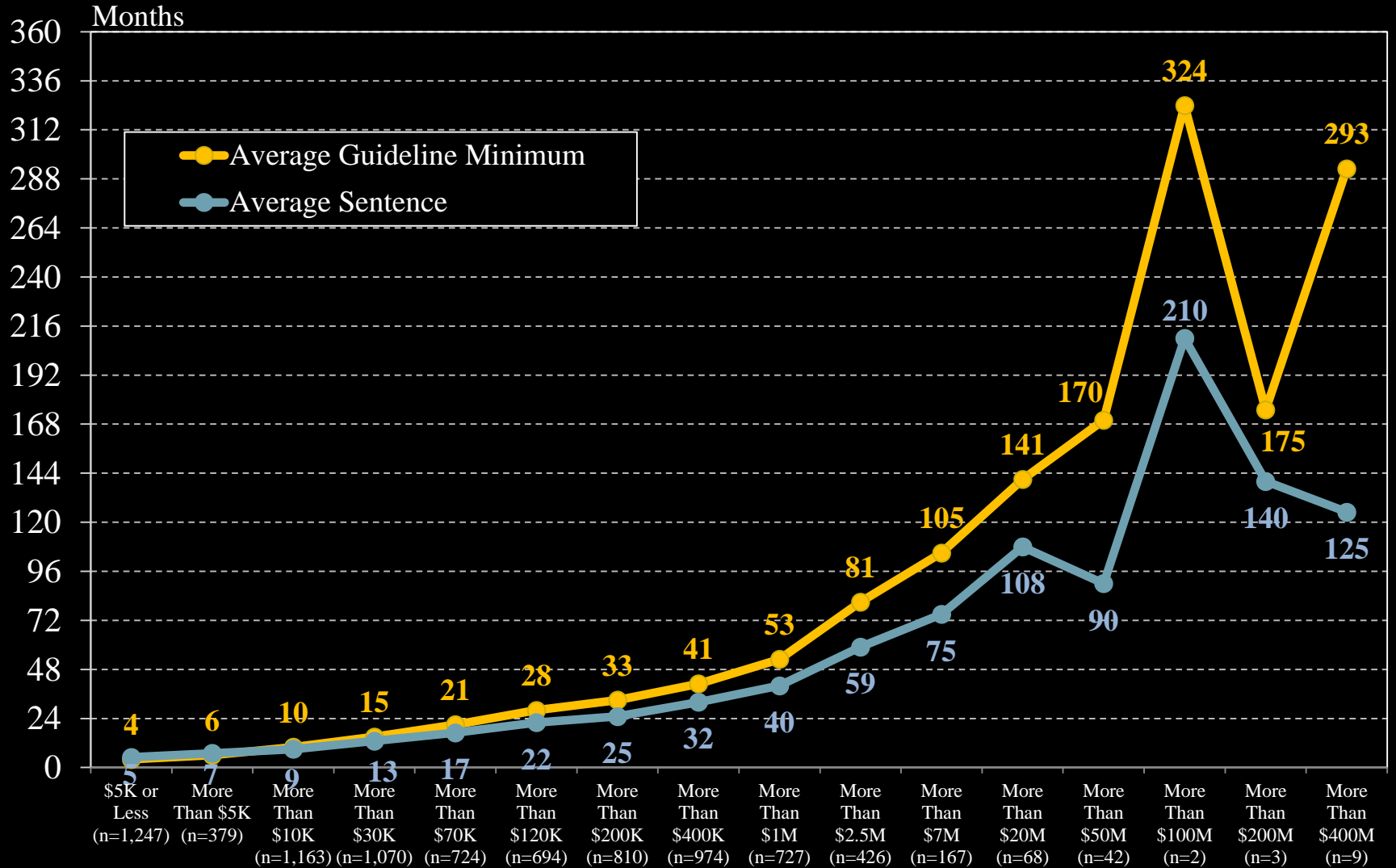
SOURCE: U.S. Sentencing Commission 2003-2011 Datafiles and 2012 Fraud Team Datafile. Of the 770,408 cases, 102,564 were excluded due to incomplete guideline application information. Of the 667,844 remaining cases, 591,882 were excluded that were not sentenced under §2B1.1. Of the remaining 75,962 cases sentenced under §2B1.1, 1,112 were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001. An additional 11,998 cases were excluded due to missing information on exact loss amount. The median is the midpoint so that half of the loss amounts are greater than the median and the remaining half of are less than the median.

Number of §2B1.1 Offenders in Each Loss Table Category Fiscal Year 2012 (N=8,503)



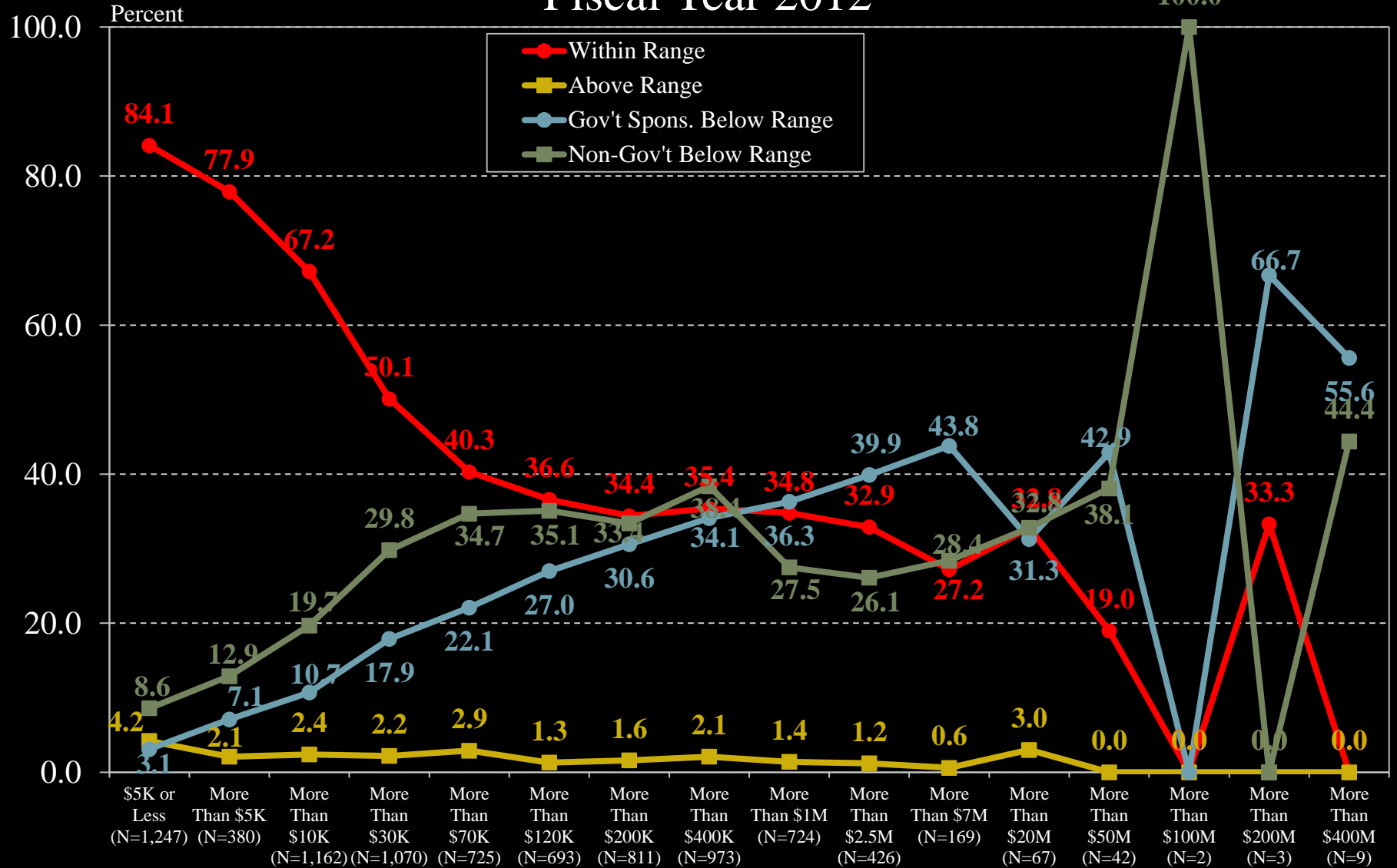
SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria.

Average Sentence Length and Average Guideline Minimum for Each §2B1.1 Loss Table Category FY2012



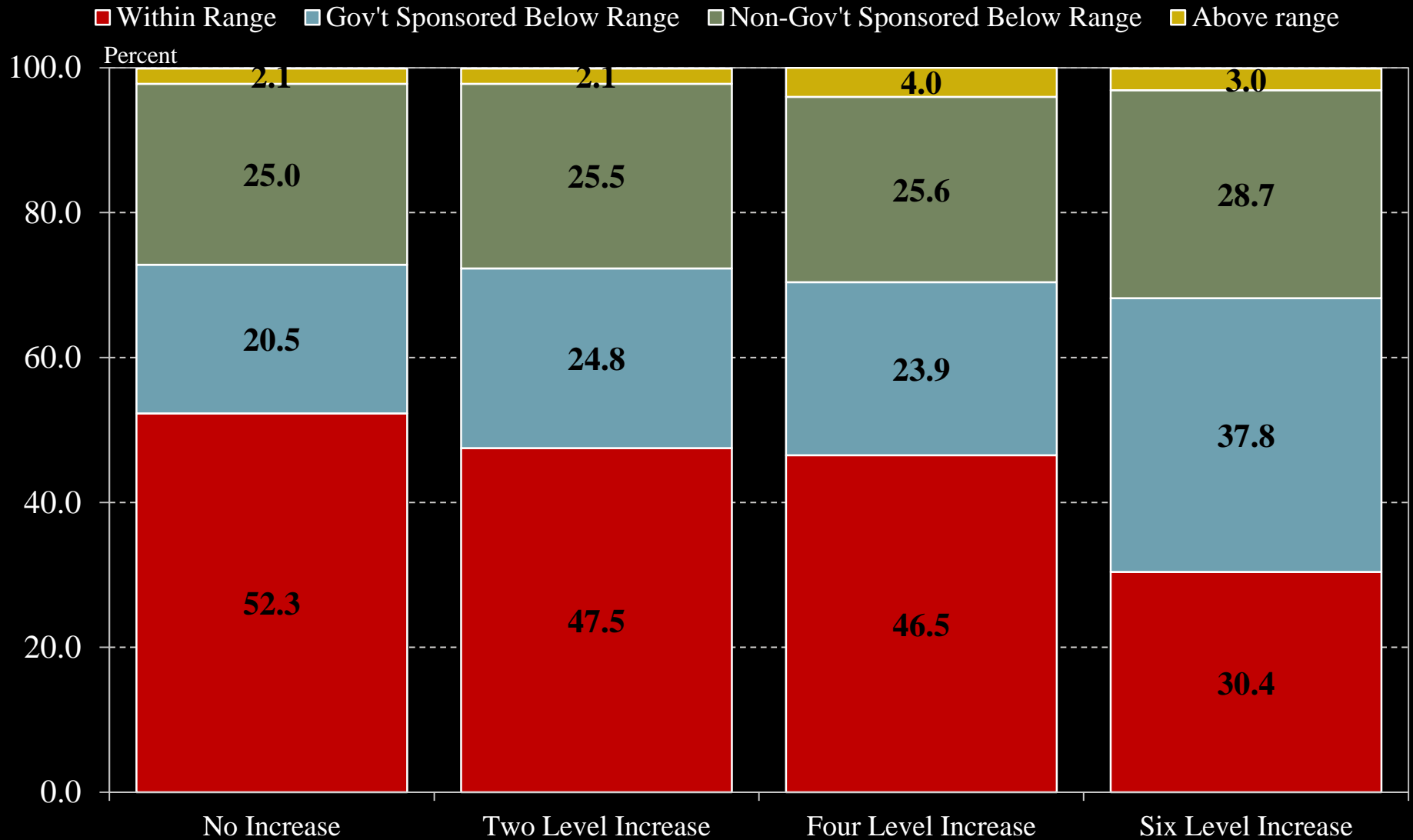
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Sentence Relative to the Guideline Range for §2B1.1 Offenders in Each Loss Table Category Fiscal Year 2012



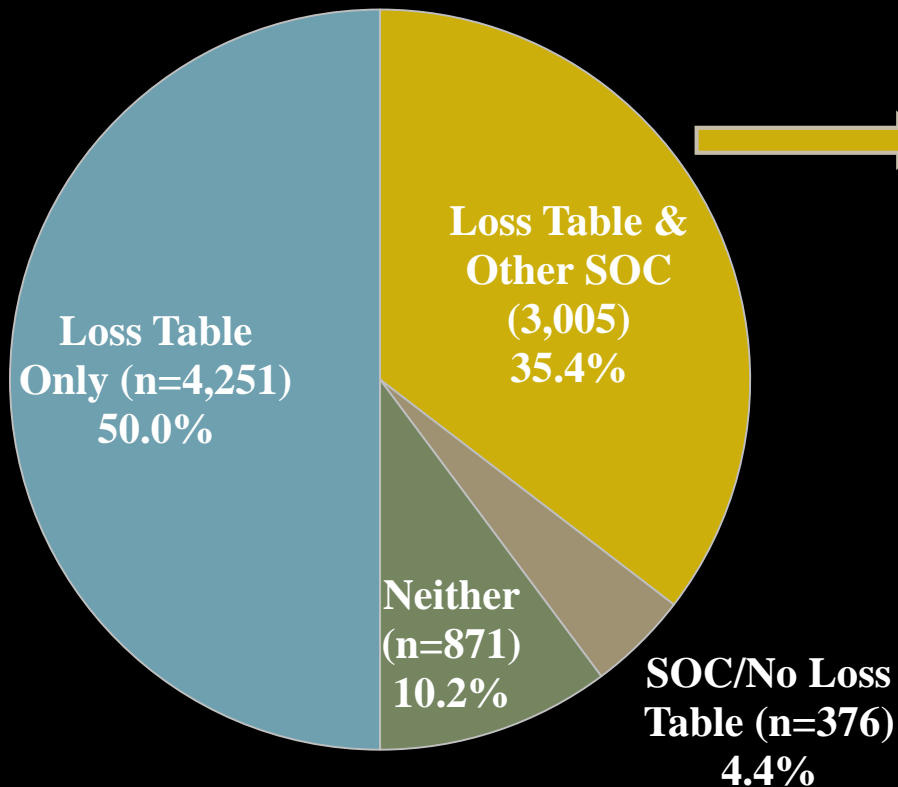
SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria.

Sentence Relative to the Guideline Range for §2B1.1 Offenders with Victims Table Increases Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria.

Application of Specific Offense Characteristics for §2B1.1 Offenders FY2012 (N=8,503)



Total Specific Offense Characteristics Applied	Number	Percent
Total	3,005	100.0
Loss Table +1 SOC	1,900	63.2
Loss Table +2 SOC's	835	27.8
Loss Table +3 SOC's	243	8.1
Loss Table +4 SOC's	25	0.8
Loss Table +5 SOC's	2	0.1

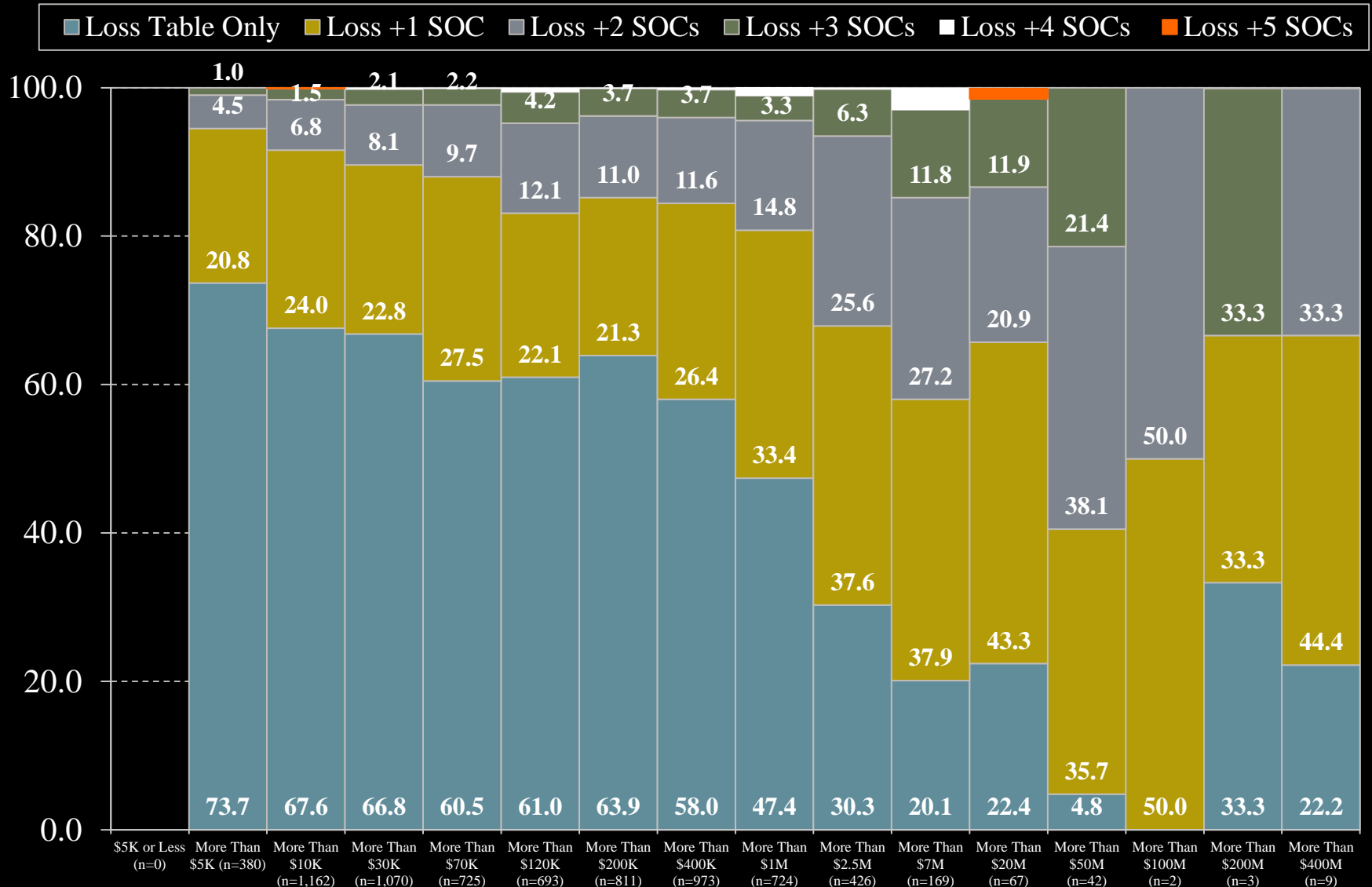
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Application Rates for Selected §2B1.1 Specific Offense Characteristics (November 1, 2011 *Guidelines Manual*) Fiscal Year 2012

	Specific Offense Characteristics	Number	Percent
(b)(1)	Loss Table	7,256	85.3
(b)(2)	Victims Table	1,940	22.8
(b)(4)	Receiving Stolen Property	81	1.0
(b)(9)	Misrepresentation of Charity/Bankruptcy/Educ. Funding	159	1.9
(b)(10)	Relocation/Outside U.S./Sophisticated Means	1,115	13.1
(b)(11)	Device Making/Means of Identification	1,055	12.4
(b)(15)	Gross Receipts/Endanger Financial Institution	148	1.7

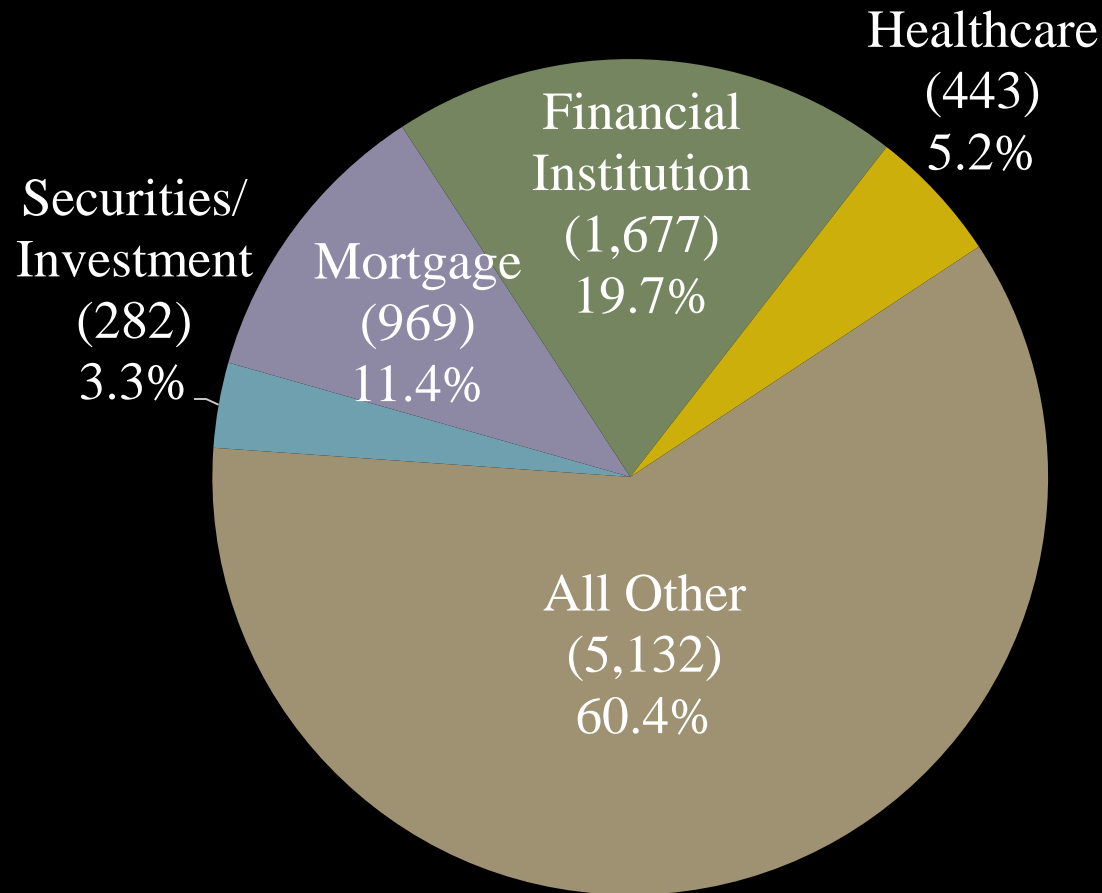
SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. Only SOCs with application rates of one percent or more are included.

Number of Specific Offense Characteristics Applied for §2B1.1 Offenders in Each Loss Table Category (N=7,256) Fiscal Year 2012



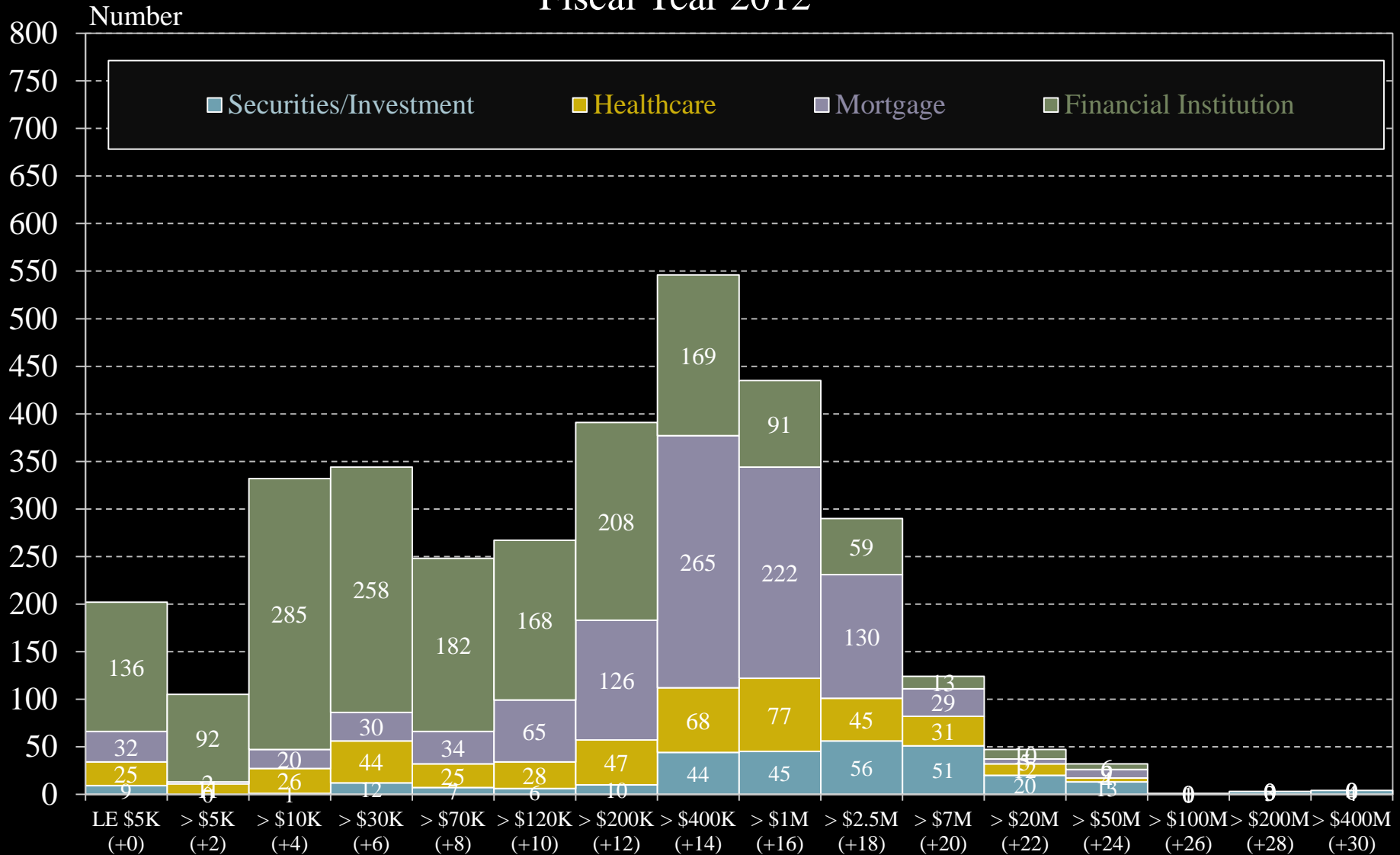
SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. Chart includes only offenders with loss table increases.

Offense Categories for Offenders Sentenced Under §2B1.1 (N=8,503) Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria.

Offenders in Each Loss Table Category for Securities/Investment, Healthcare, Mortgage, and Financial Institution Offenders Fiscal Year 2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The financial institution, mortgage, and securities offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense. Cases missing information on exact loss amount were excluded from the calculation of the median.

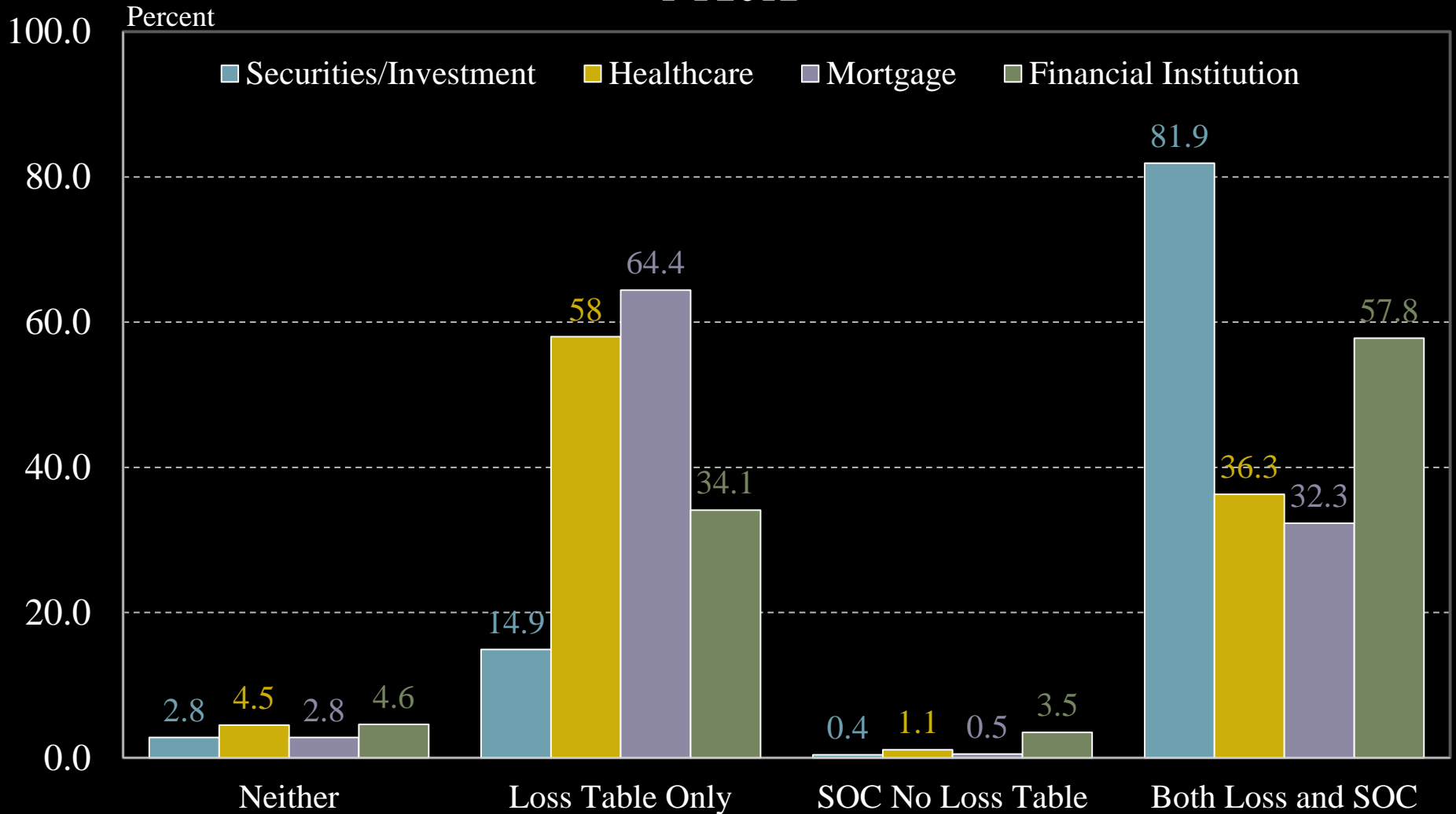
Selected Sentencing Data Comparing Four §2B1.1 Offense Categories Fiscal Year 2012

	Securities/ Investment	Healthcare	Mortgage	Financial Institution
Total Cases	282	443	969	1,677
Median Loss	\$3,321,521	\$582,774	\$777,750	\$86,041
Victims Table Applied	71.3%	14.5%	13.8%	38.0%
Average Guideline Minimum	84	39	39	34
Average Sentence	63	30	24	27
Within Range	40.4%	45.4%	23.5%	48.4%
Above Range	3.6%	0.9%	0.8%	2.6%
Government Sponsored Below Range	31.2%	23.9%	48.6%	24.6%
Non-Government Sponsored Below Range	24.8%	29.8%	27.0%	24.4%

SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The financial institution, mortgage, and securities offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense

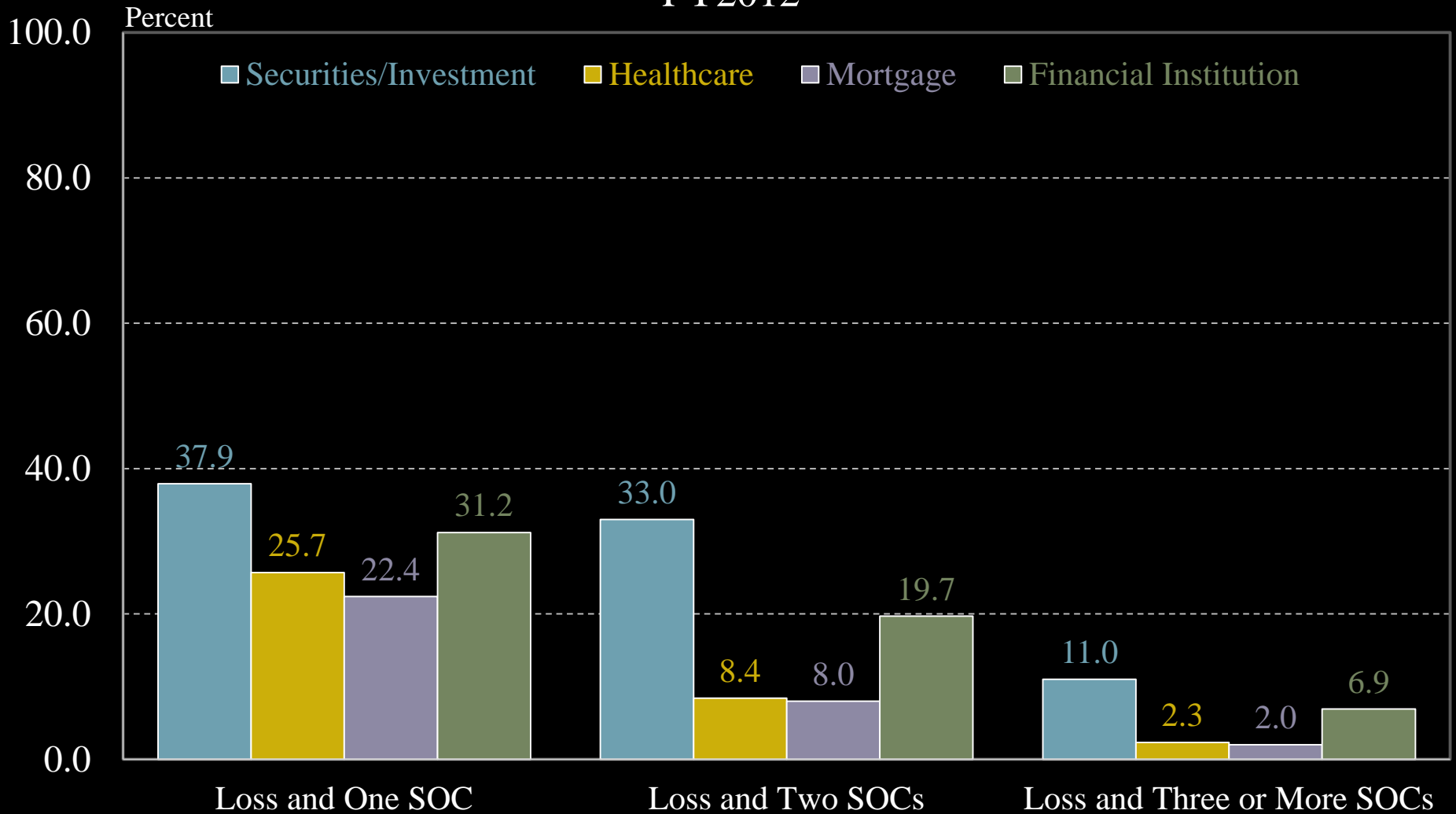
Specific Offense Characteristic Application for Securities/Investment, Healthcare, Mortgage, and Financial Institution Offenders

FY2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The financial institution, mortgage, and securities offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense

Number of Specific Offense Characteristics Applied for Securities/Investment, Healthcare, Mortgage, and Financial Institution Offenders FY2012



SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The financial institution, mortgage, and securities offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.

**Expanded §2B1.1
Offense Type Categories for Continuing Analysis
Fiscal Year 2012**

Total Cases	8,503
Securities and Investment	3.3%
Healthcare	5.2%
Mortgage	11.4%
Credit Card	8.4%
Financial Institution	11.3%
Procurement	1.0%
Government Benefits	8.0%
Identity Theft and Documents	5.0%
Counterfeiting and Forgery	2.9%
Mail Related	4.0%
Computer Related	0.8%
Intellectual Property	0.2%
Embezzlement and Theft	25.4%
All Other	13.1%

SOURCE: U. S. Sentencing Commission 2012 Fraud Team Datafile. Of the 84,173 cases in the fiscal year 2012 datafile, 9,678 were excluded due to incomplete guideline application information. Of the 74,495 remaining cases, 65,985 were excluded that were not sentenced under §2B1.1. Of the remaining 8,510 cases sentenced under §2B1.1, seven were excluded that were sentenced using a *Guidelines Manual* in effect prior to November 1, 2001 or for other logical criteria. The 13 substantive offense categories consist of both convictions under substantive statutes and general fraud statutes with offense conduct consistent with each type of offense.

