



**Larceny and Fraud Study  
2013-2015  
Research Findings**



# Background

# Embezzlement Study 1997-1998

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- **The Commission conducted a study of felony embezzlement cases to examine the relationship between the amount embezzled and sentencing outcomes.**
  - **Analysis of felony embezzlement cases sentenced under truth-in-sentencing laws between January 1, 1995, and June 30, 1997.**
- **Since analysis revealed a relationship between dollar amount embezzled and the sentence received, new factors were added to Sections A, B, and C of the Larceny worksheets.**

# Larceny and Fraud Study 1999-2000

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- **The following year, the Commission conducted a study of larceny and fraud cases to examine the relationship between the amount of money or value of property stolen and sentencing outcomes.**
- **The Commission studied a sample of felony larceny and fraud cases sentenced in CY1998 and CY1999.**
  - **Sample excluded embezzlement because it had been examined in the previous study.**
  - **Certain other offenses were also excluded, such as motor vehicle theft and forging public record, since the statutory definition is not tied to value.**

# Larceny and Fraud Study 1999-2000

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- **Although many variations of the factors were tried, models with factors that were statistically significant were only marginally better than the existing guidelines model.**
  - **In addition, augmenting the sentencing guidelines to incorporate the potential factors would have added a layer of complexity for users when scoring and may not have yielded higher compliance rates.**



**Commission took no action**



# 2013-2015 Study Methodology

# Larceny and Fraud Study 2013-2015

## Methodology

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- **The Commission approved a study of felony larceny and fraud offenses in order to examine the relationship between the value of money/property stolen and sentencing outcomes.**
- **Factors gathered through supplemental data were tested to try to improve the predictive ability of the guidelines model.**

# Larceny and Fraud Study 2013-2015

## Methodology

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A sample was selected from FY2011 - FY2013 sentencing events. A stratified random sampling technique was used to under-sample grand larceny cases and over-sample other types of larcenies. This was done in order to ensure an adequate number of cases for non-grand larceny in the sample.

	Number of Sentencing Events
Grand Larceny	200
Embezzlement	600
Other Larcenies	400
Fraud	300
<b>Total Sample</b>	<b>1,500</b>

For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Methodology

### Identification of Offenses for the Study

Code Section	Description
§18.2-103	Shoplift, alter price tags >= \$200
§18.2-108(A)	Receive stolen goods-\$200 or more
§18.2-108.1	Receive stolen firearm
§18.2-115	Conversion by fraud of property titled to other, >=\$200
§18.2-116	Goods on approval, fail to pay or return goods-\$200 or more
§18.2-117	Bailee, fail to return animal, auto, etc. - \$200 or more
§18.2-118	Fail to return leased personal property-\$200 or more
§18.2-95(i)	Grand larceny - \$5 or more from person
§18.2-95(ii)	Grand larceny - \$200 or more not from person
§18.2-95(iii)	Larceny of firearm, regardless of value, not from person
§18.2-96.1	Altering, defacing, removing, possessing serial no. > \$200
§18.2-97	Larceny of animals (dog, horse, pony, mule, cow, steer, etc.)
§18.2-97	Larceny of animals and poultry worth less than \$200
§18.2-98	Larceny of bank notes, checks, etc. worth \$200 or more
§18.2-108.01(A)	Larceny \$200 or more with intent to sell or distribute
§18.2-108.01(B)	Sell etc. stolen property aggregate value \$200 or more
§18.2-114.1	Special commissioner, fail to account for money-\$200 or more
§18.2-111	Embezzlement, \$200 or more
§18.2-112	Embezzlement by public officer
§18.2-113	Fraudulent entry by financial officer

# Larceny and Fraud Study 2013-2015

## Methodology

### Identification of Offenses for the Study

Code Section	Description
§18.2-170	Forging - Coins or bank notes
§18.2-172	Forgery
§18.2-172	Uttering
§18.2-173	Possess forged bank notes or coins-10 or more
§18.2-178	Obtain money by false pretenses >=\$200
§18.2-178	Obtain signature, writing by false pretenses
§18.2-181	Bad checks, \$200 or more
§18.2-181.1	Bad checks, two or more w/in 90 days, >=\$200
§18.2-186(B)	False statement to obtain property/credit-\$200 or more
§18.2-186.3(D)	Identity Fraud - Financial loss greater than \$200
§18.2-187.1	False statement to obtain utilities, TV, \$200 or more
§18.2-188	False statement to obtain hotel/motel service, etc., >=\$200
§18.2-192(1,a)	Theft of credit card / numbers
§18.2-193	Forgery/uttering of credit card
§18.2-195(1)	Credit Card Fraud >= \$200 over 6 month period
§18.2-197	Receive goods from credit fraud-\$200 or more
§18.2-198	Airline/railroad ticket-obtain at discount price by fraud
§18.2-200.1	Fail to perform construction in return for advances, > \$200
§63.2-522	Fraudulently obtaining welfare asst. - Value \$200 or more
§63.2-523	Unauthorized use of food stamps - Value \$200 or more
§43-13	Intent to defraud funds not used to pay labor/supplies \$200+

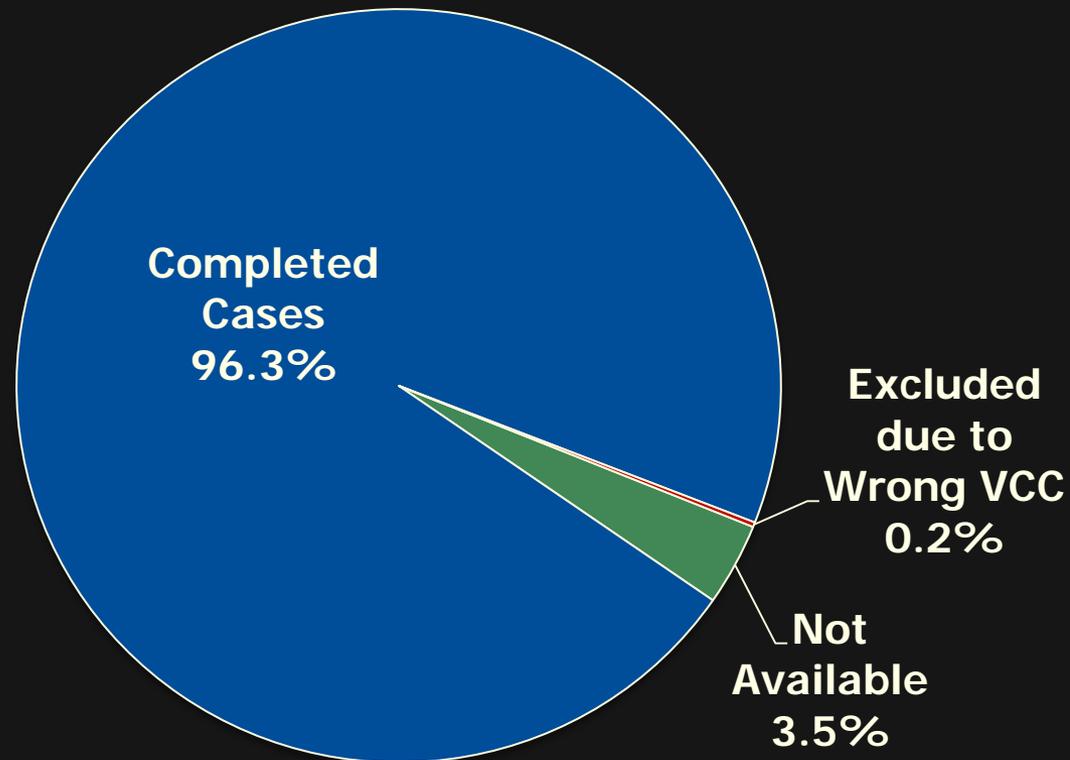


## 2013-2015 Study Findings

# Larceny and Fraud Study 2013-2015

## Sample Characteristics

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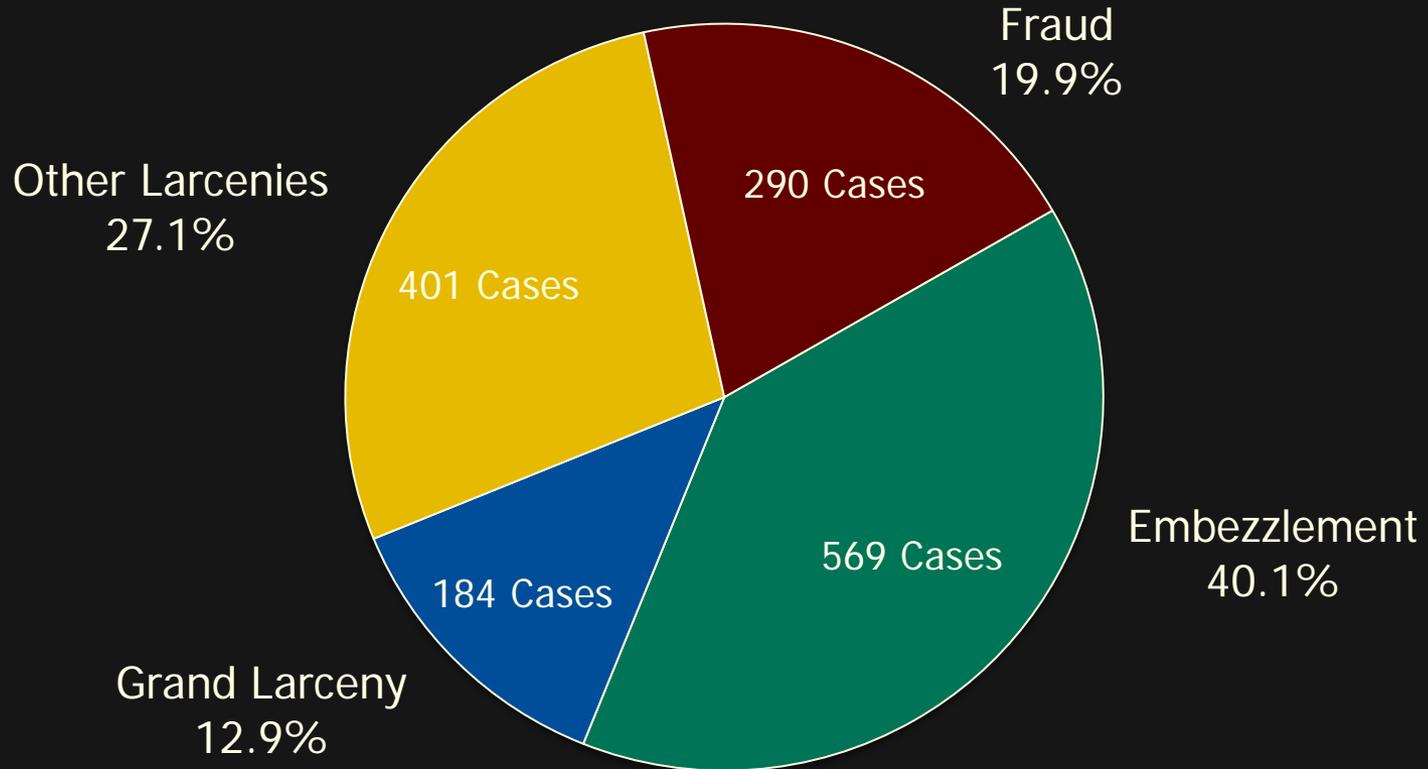
1,500 Cases Sampled

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# Larceny and Fraud Study 2013-2015

## Sample Characteristics

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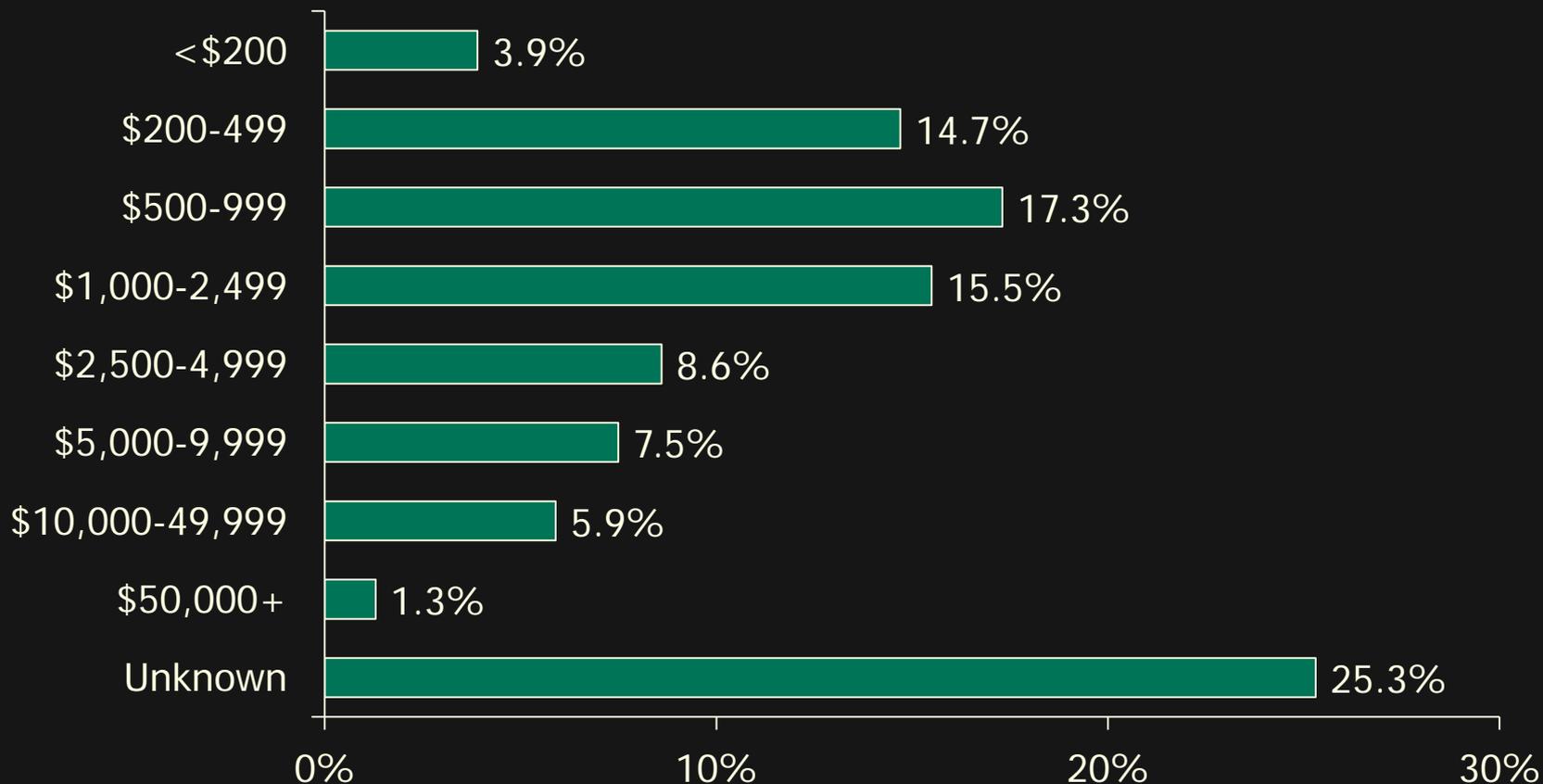


**N = 1,444**

# Larceny and Fraud Study 2013-2015

## Sample Characteristics

### Value of Property Involved



**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

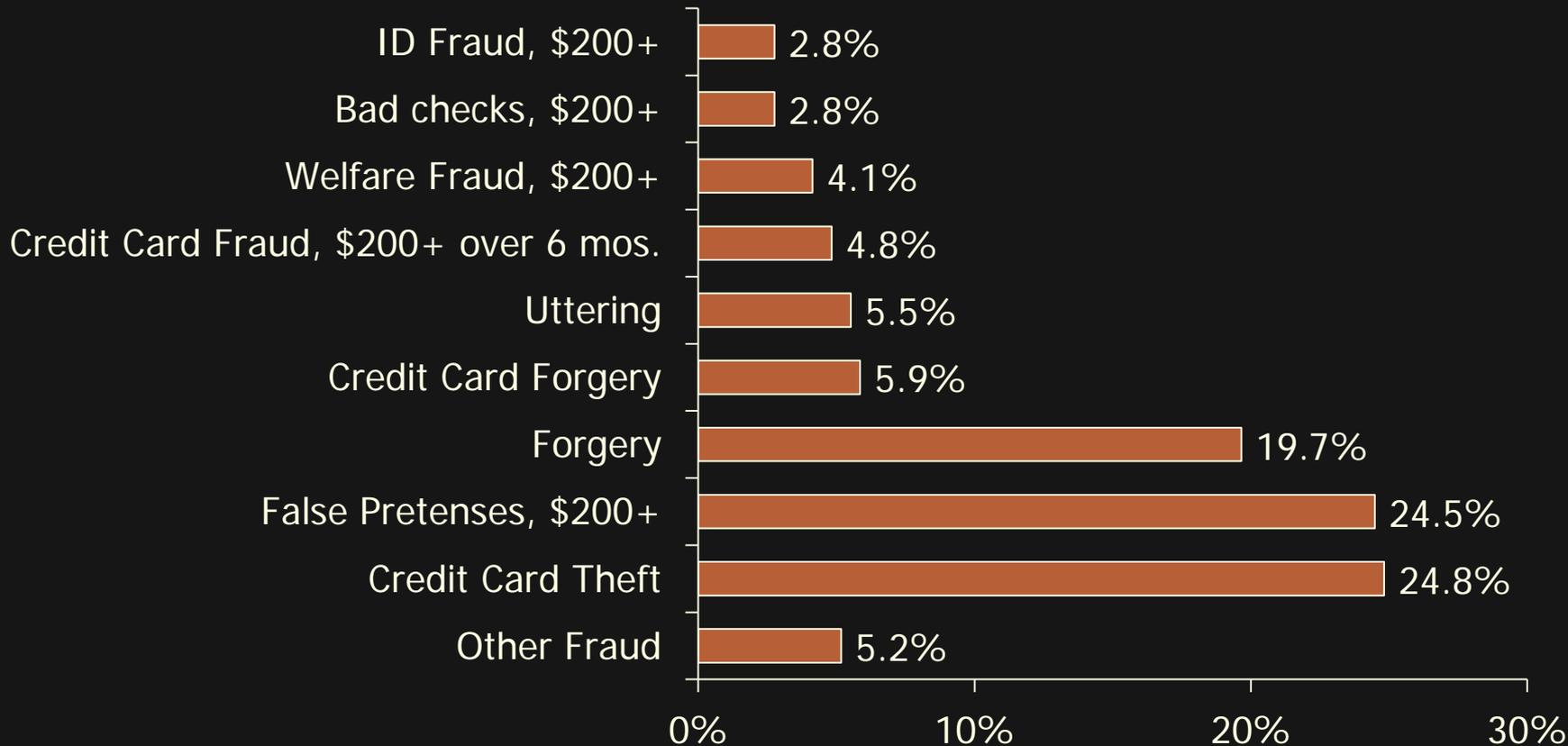


**Fraud**

# Larceny and Fraud Study 2013-2015

## Fraud Offenses

### Type of Primary Offense

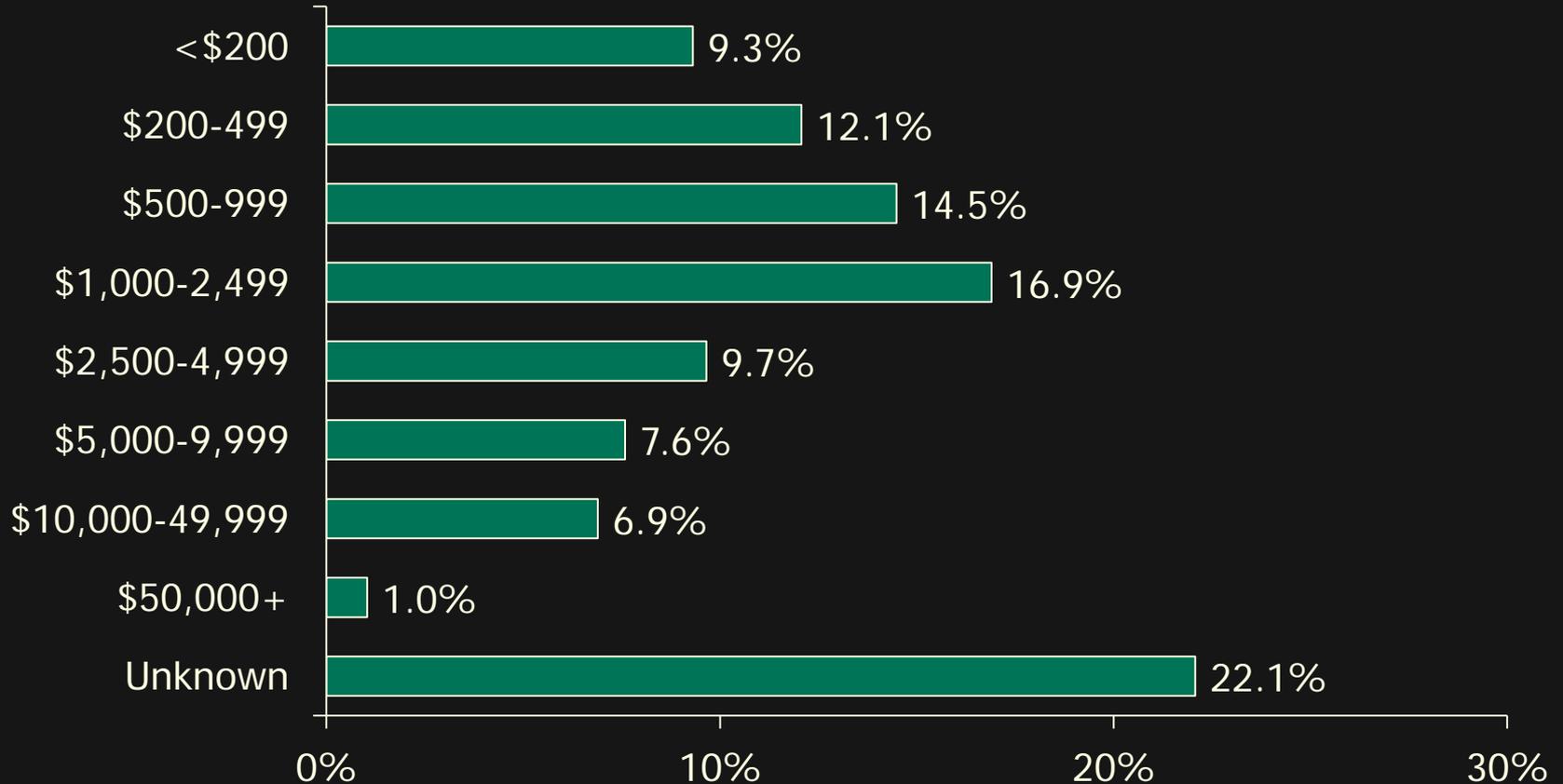


Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded.

# Larceny and Fraud Study 2013-2015

## Fraud Offenses

### Value of Property Involved

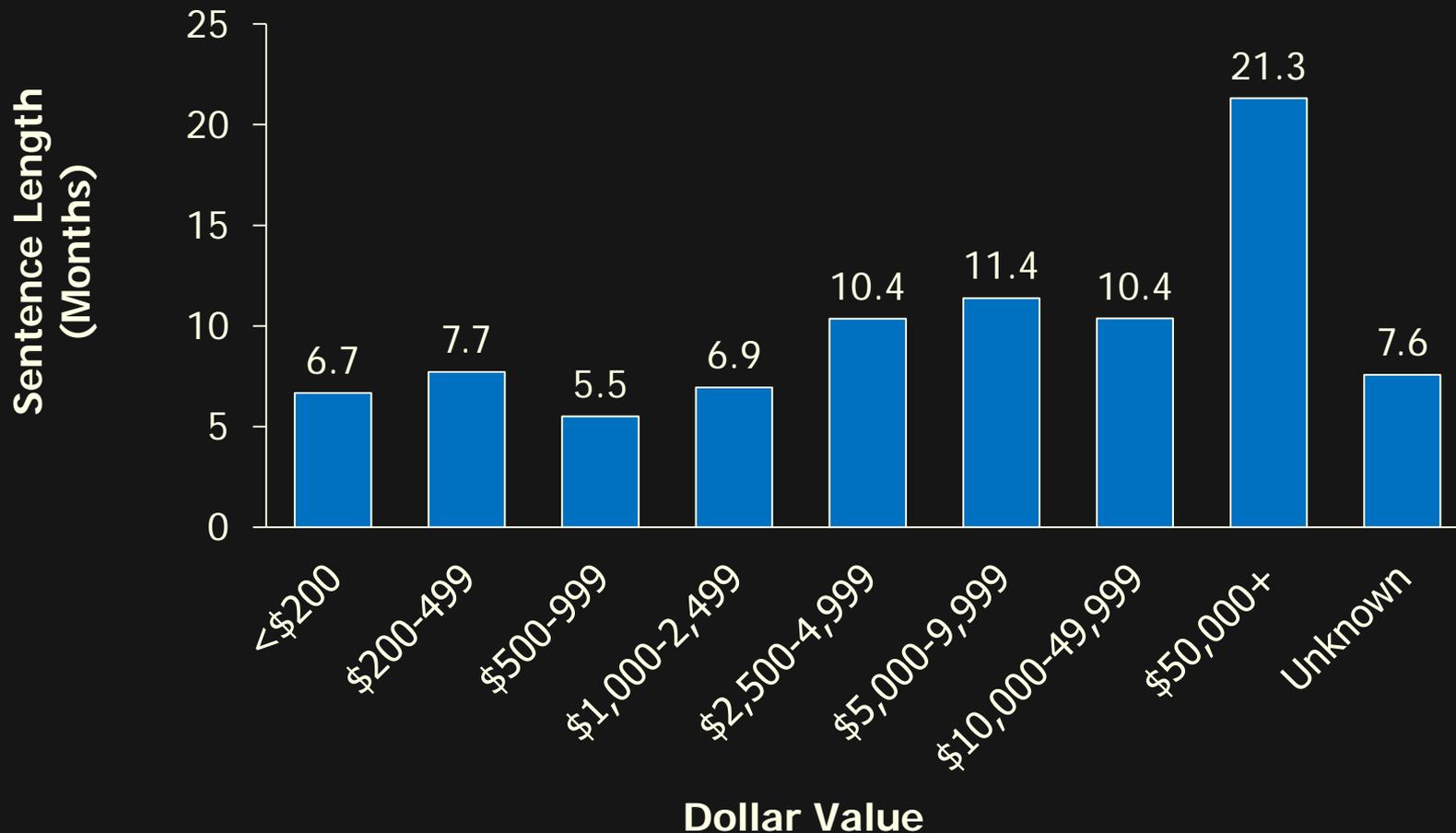


Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded.

# Larceny and Fraud Study 2013-2015

## Fraud Offenses

### Mean Sentence Length by Fraud Amount

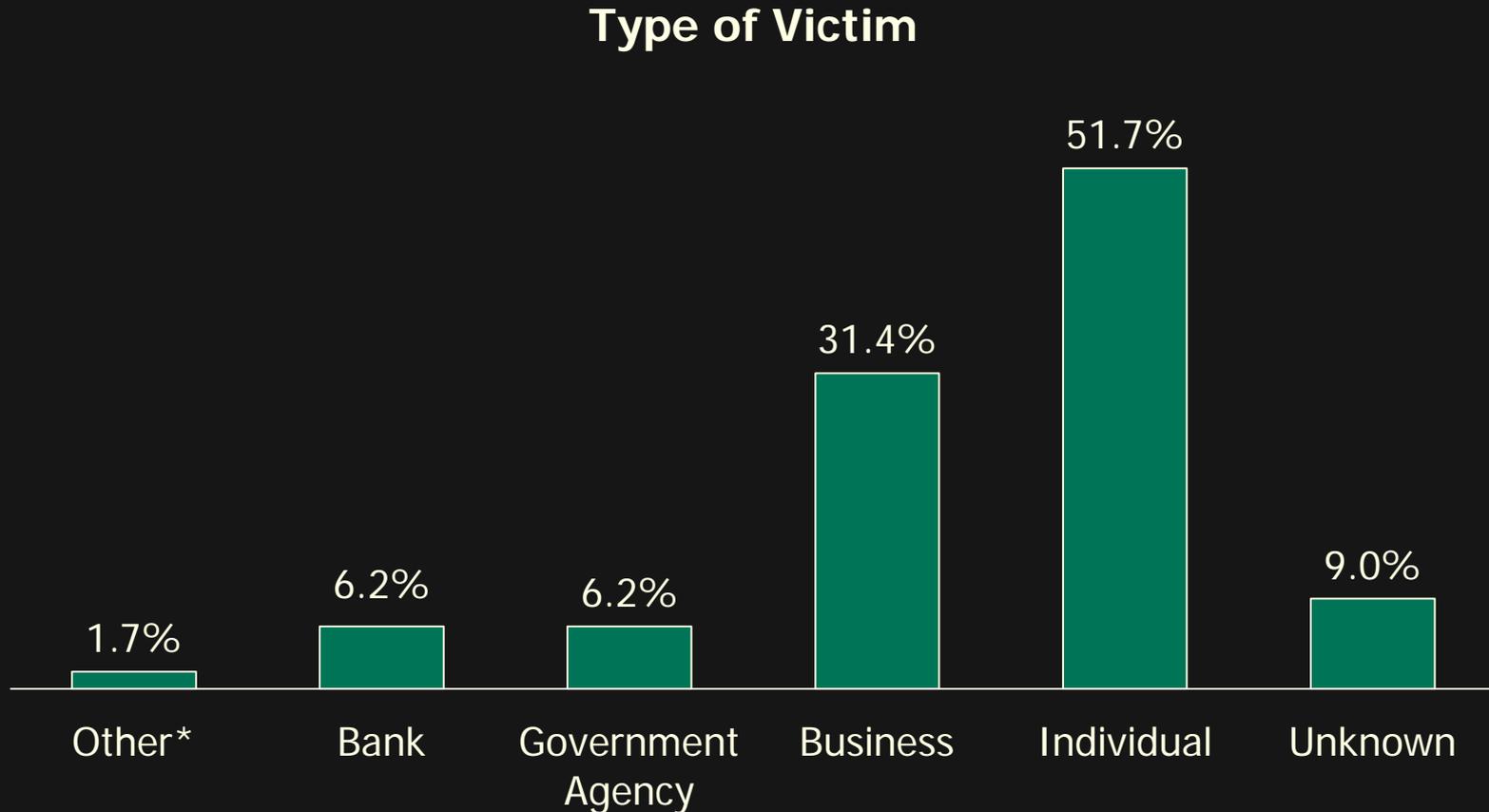


Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded.

# Larceny and Fraud Study 2013-2015

## Fraud Offenses

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\* "Other" includes non-profit and religious organizations

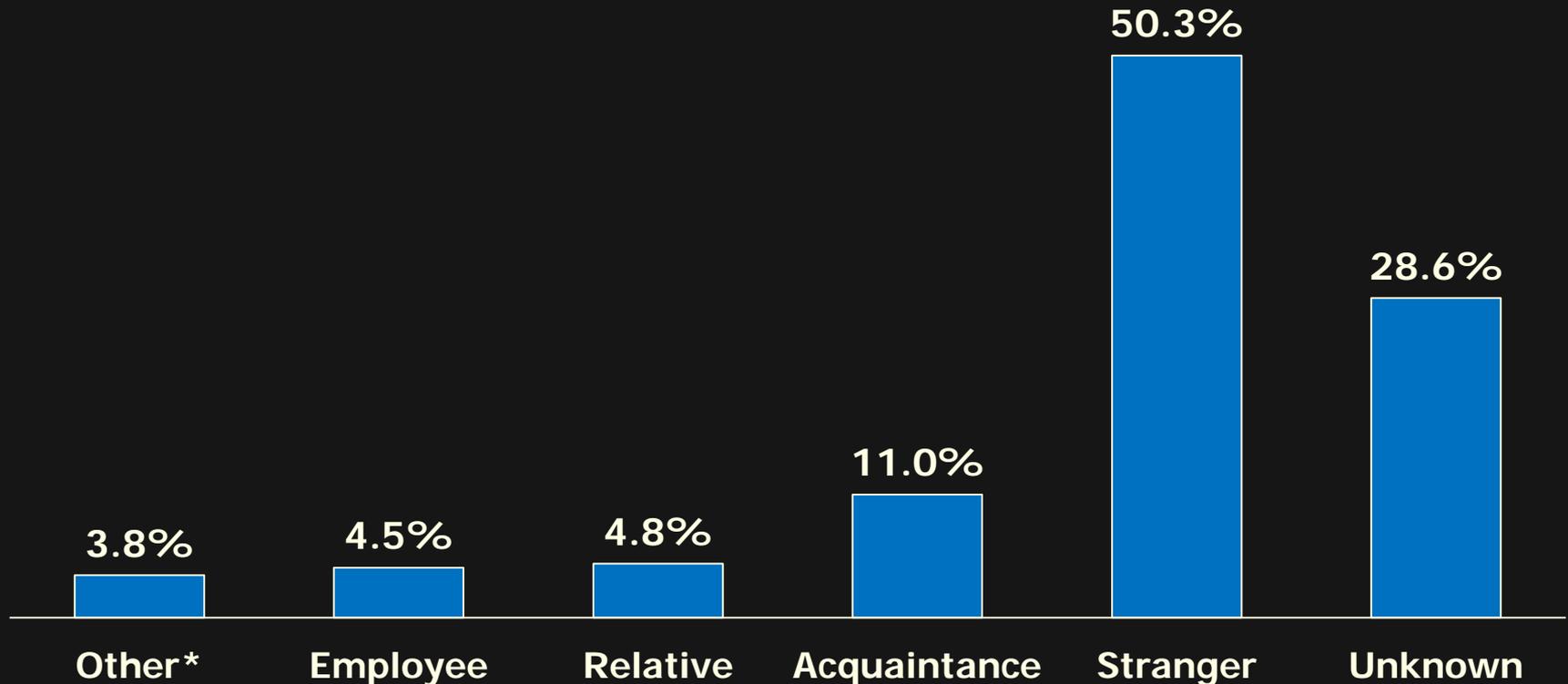
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**Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded. Percentages may not total 100% because there may be multiple offenses in each sentencing event.**

# Larceny and Fraud Study 2013-2015

## Fraud Offenses

### Offender's Relationship to Victim



\* "Other" includes caregivers and co-workers

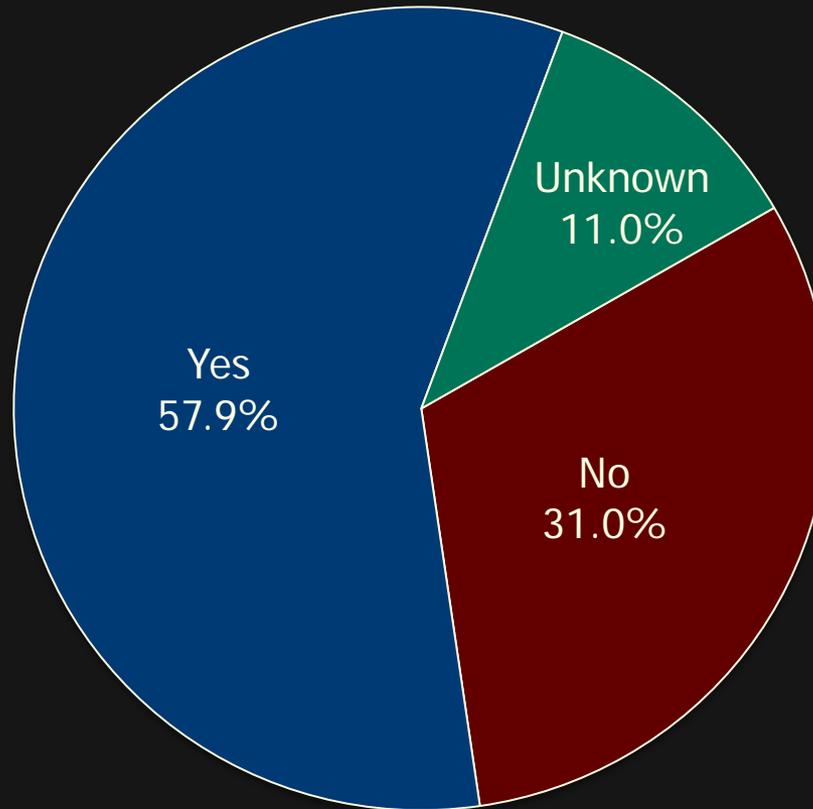
Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded. Percentages may not total 100% because there may be multiple offenses in each sentencing event.

# Larceny and Fraud Study 2013-2015

## Fraud Offenses

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### Restitution Ordered at Sentencing

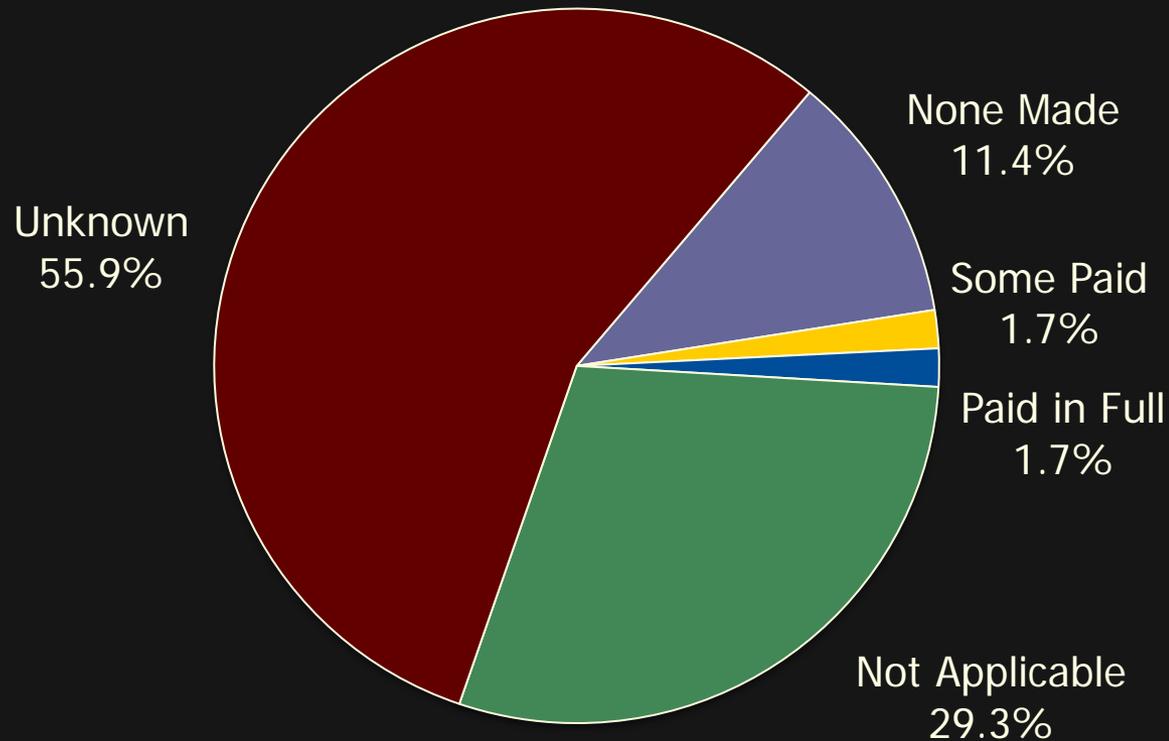


# Larceny and Fraud Study 2013-2015

## Fraud Offenses

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### Restitution Status at Sentencing

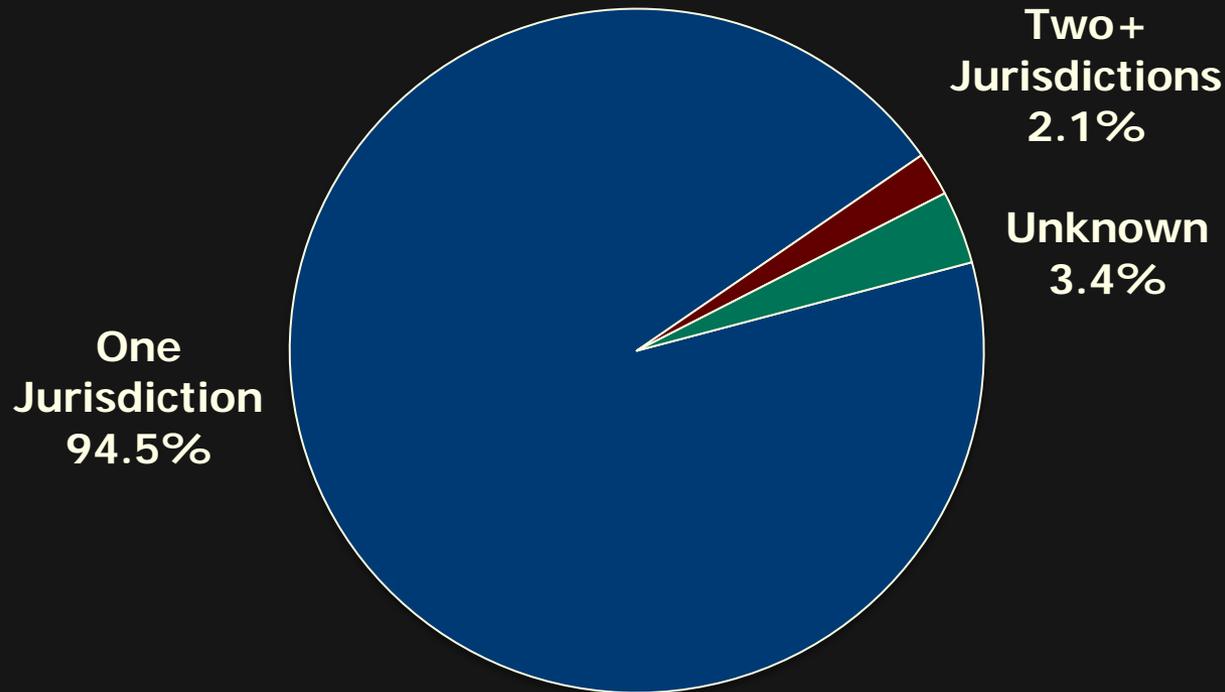


# Larceny and Fraud Study 2013-2015

## Fraud Offenses

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### Number of Jurisdictions in Which Offender Convicted





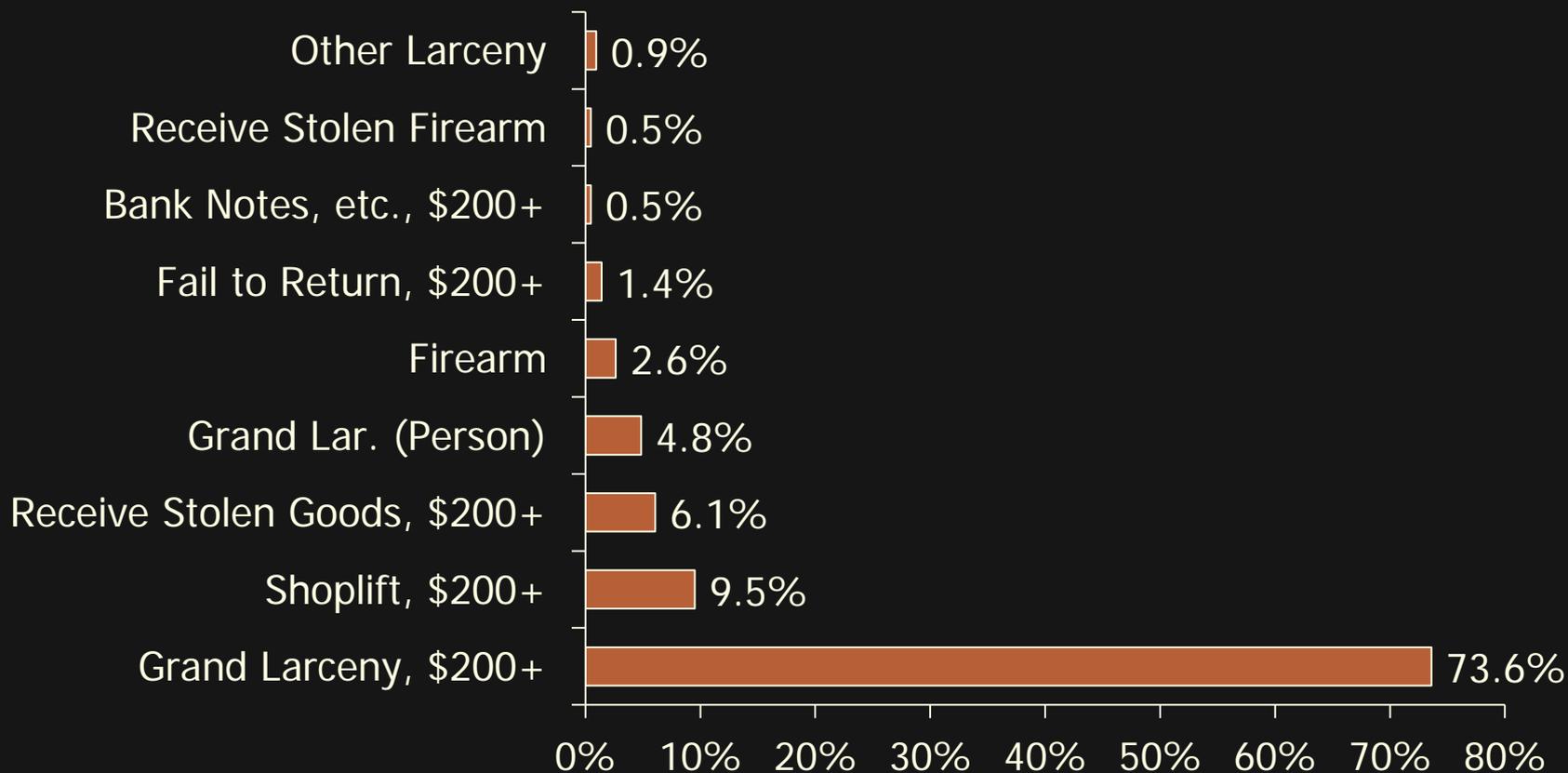
# Larceny

## - Excluding Embezzlement

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

### Type of Primary Offense

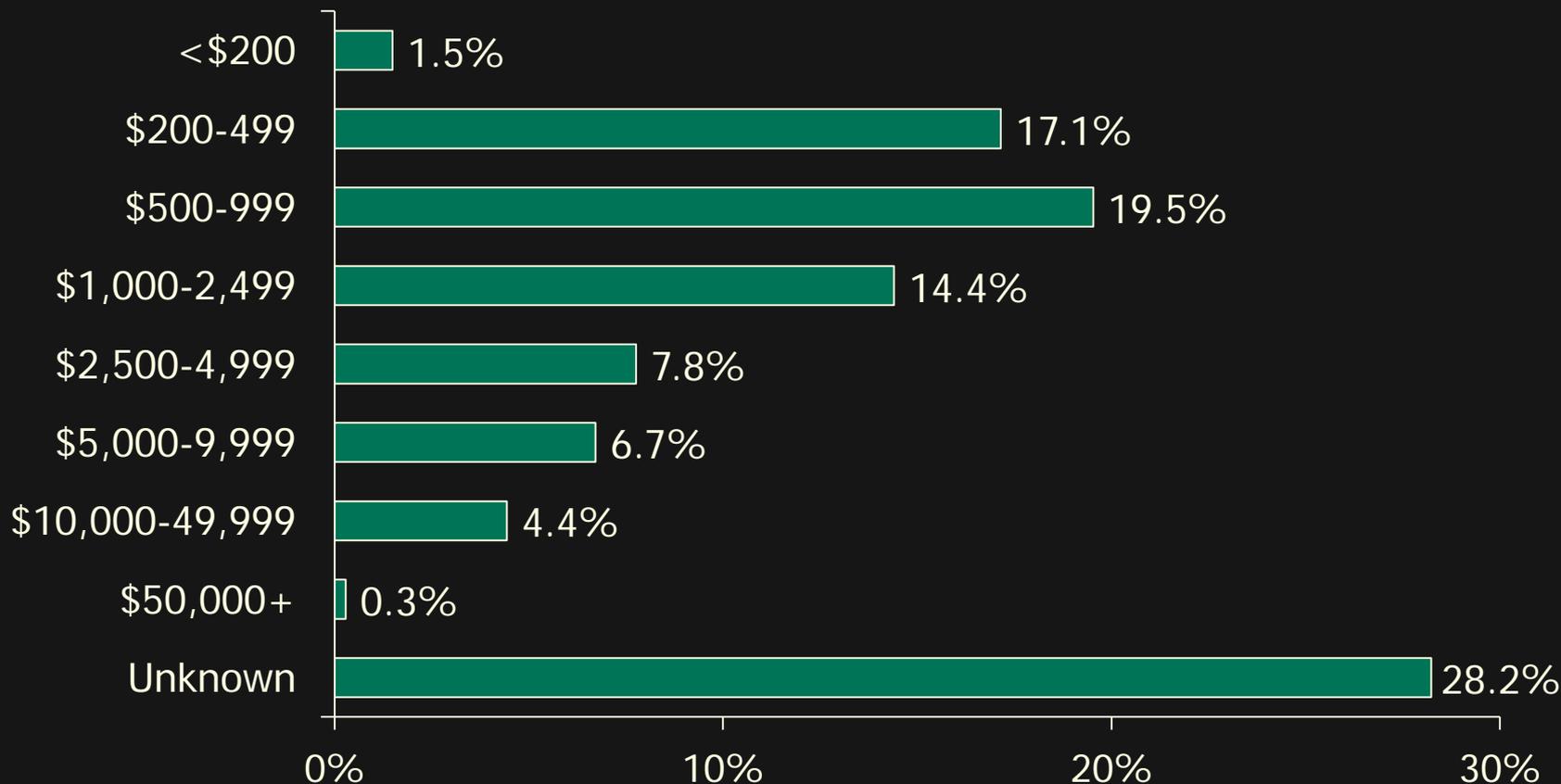


**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

### Value of Property Involved

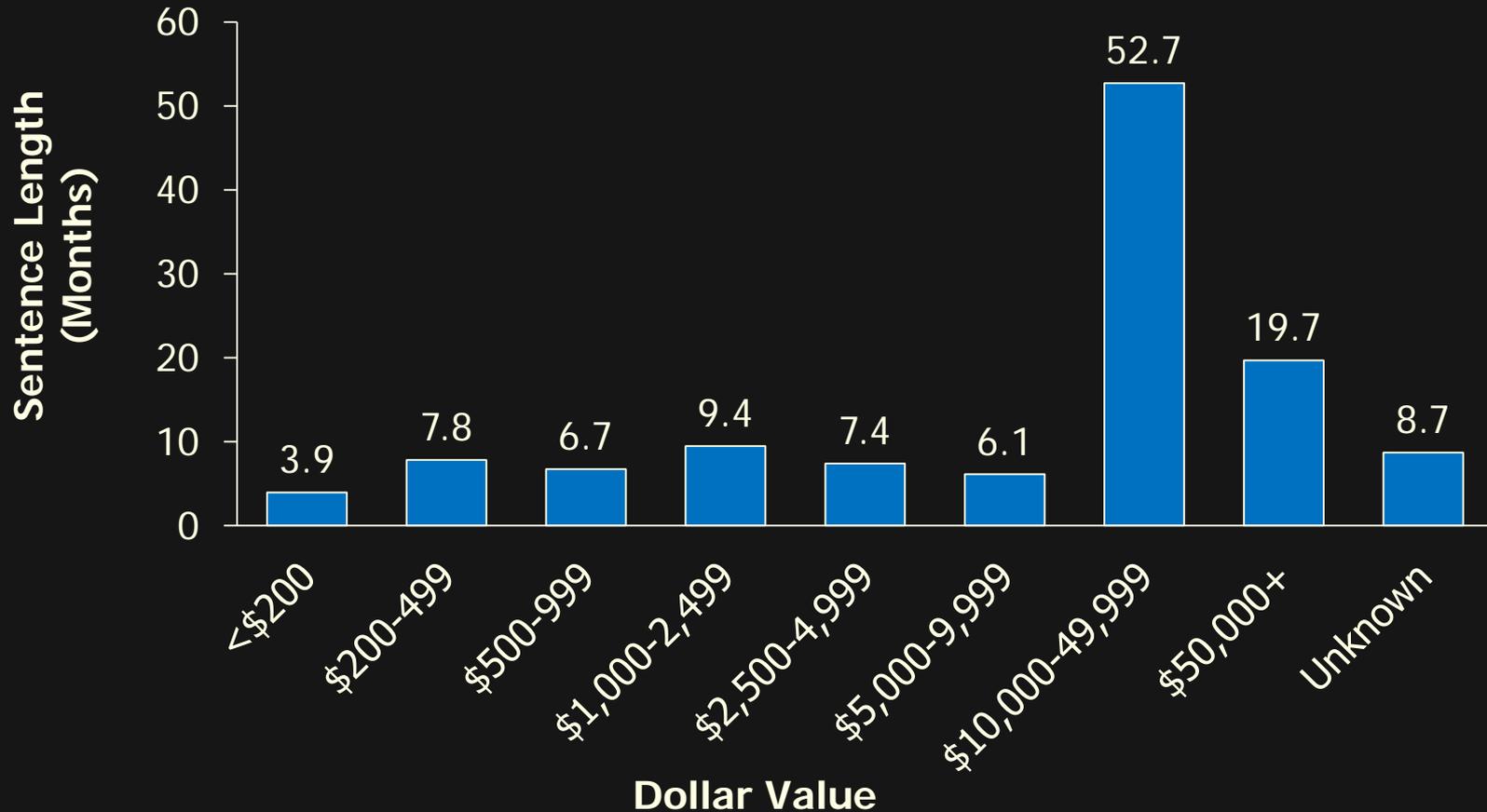


**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

### Mean Sentence Length by Larceny Amount

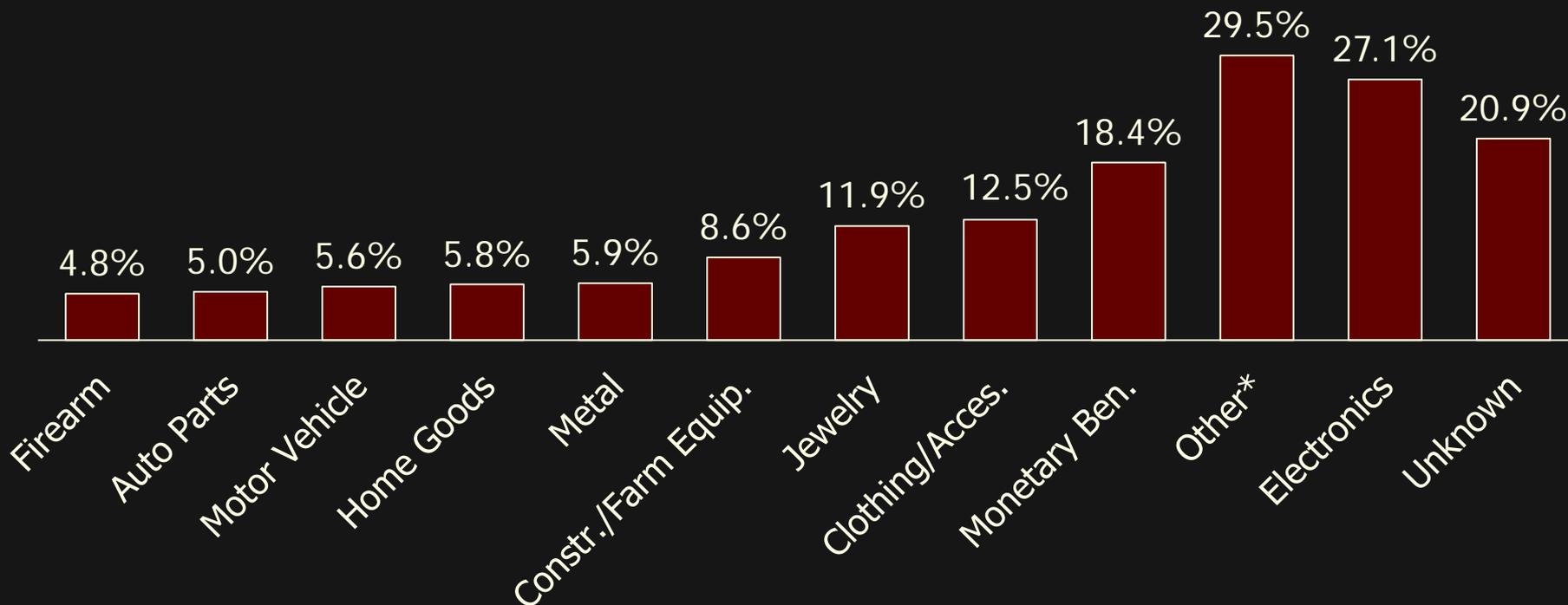


Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

### Type of Item(s) Involved



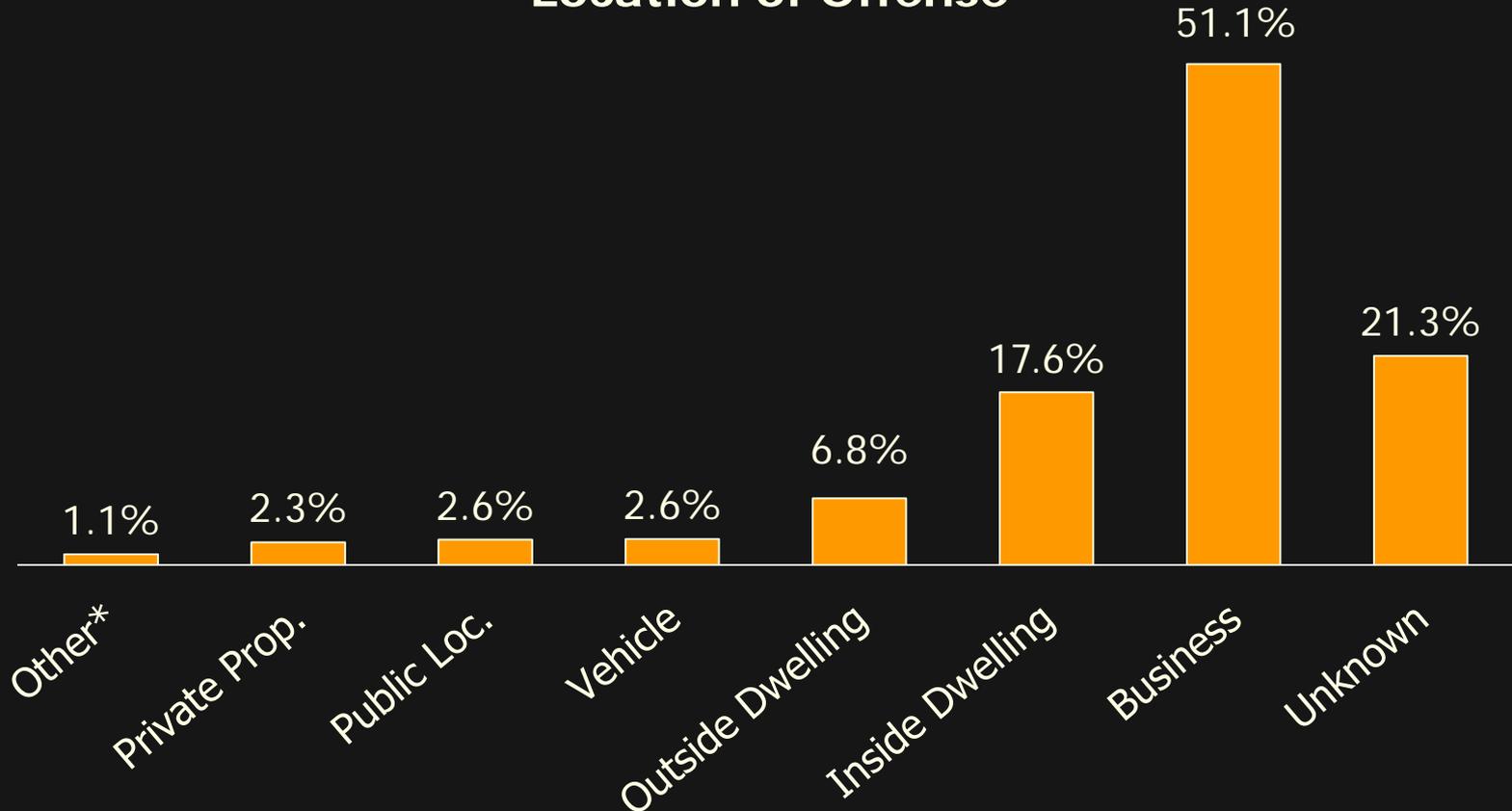
\* "Other" includes bicycles, other weapons, sporting goods, cigarettes, and animals

**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population. Percentages may not total 100% because there may be multiple offenses/items in each sentencing event.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

### Location of Offense



\* "Other" includes school property, govt. offices, and religious organizations

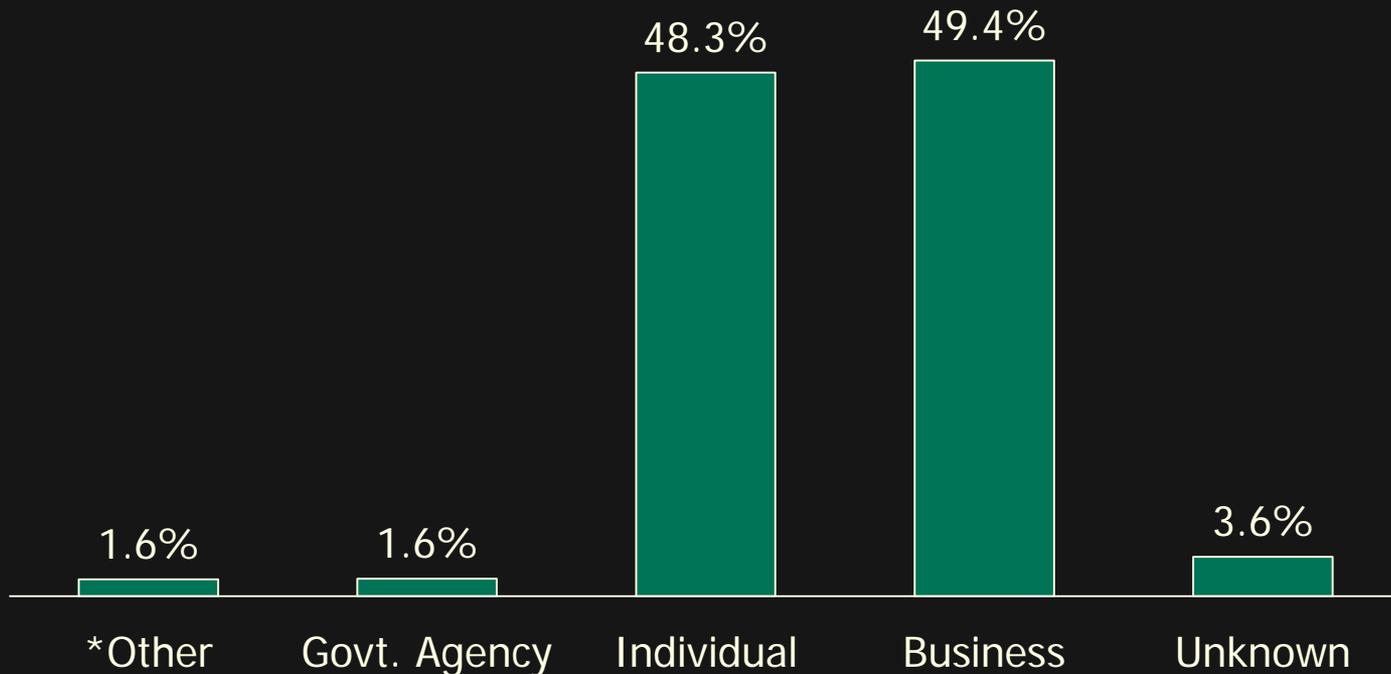
**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population. Percentages may not total 100% because there may be multiple offenses in each sentencing event.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

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### Type of Victim



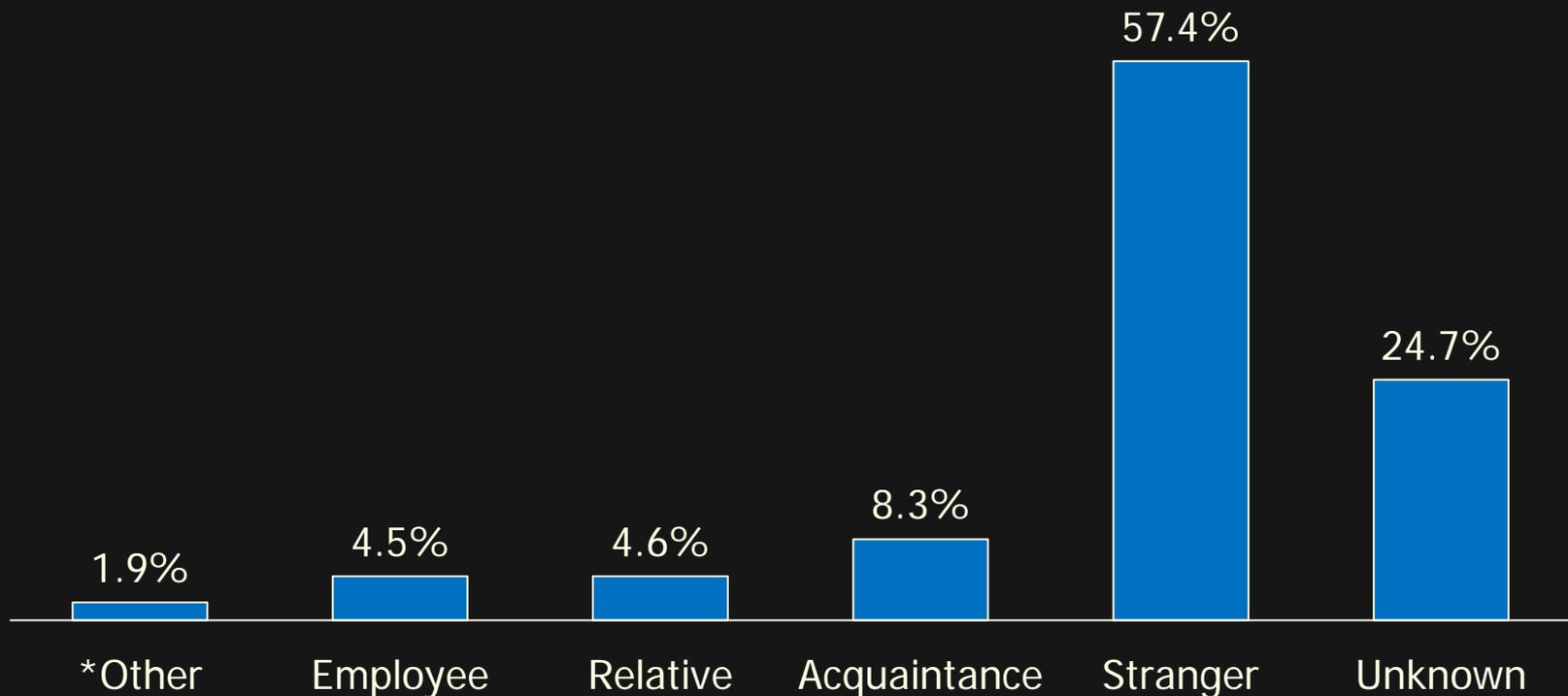
\* "Other" includes schools, non-profit organizations, and banks

**Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population. Percentages may not total 100% because there may be multiple offenses in each sentencing event.**

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

### Offender's Relationship to Victim



\* "Other" includes significant other, student, volunteer, caregiver, and co-worker

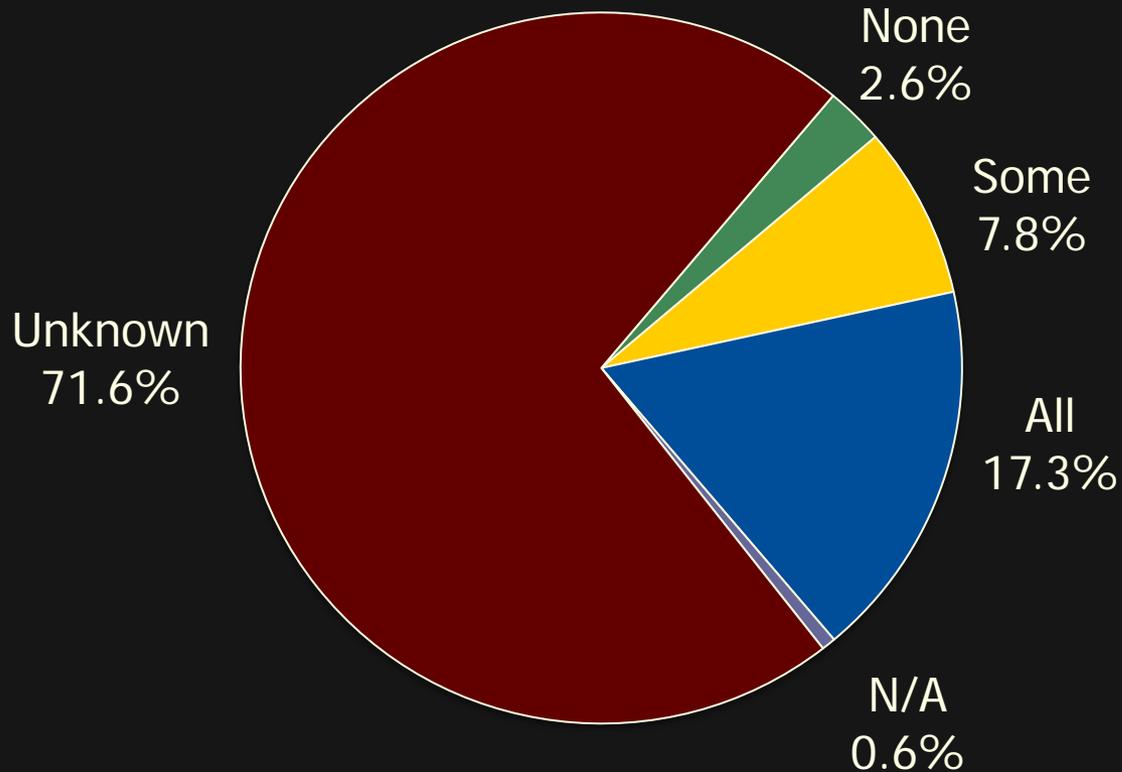
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# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

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### Items Recovered by Sentencing



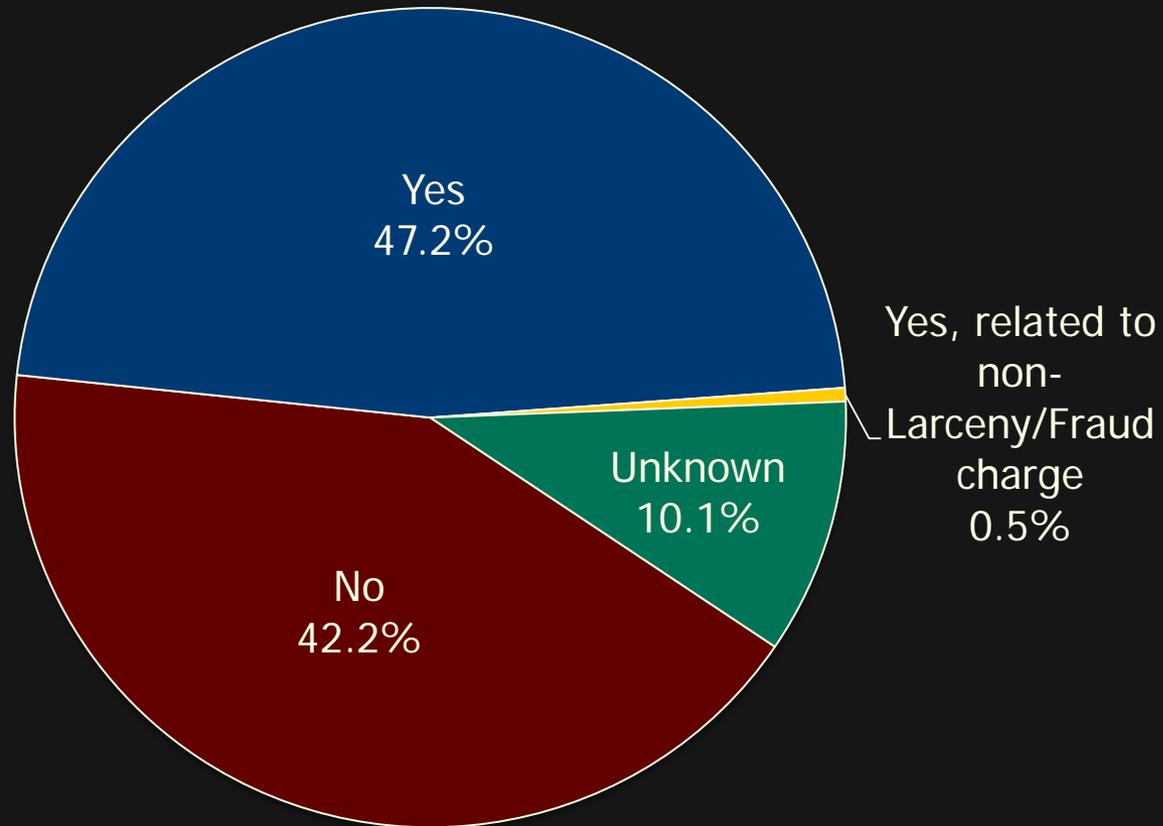
**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

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### Restitution Ordered at Sentencing



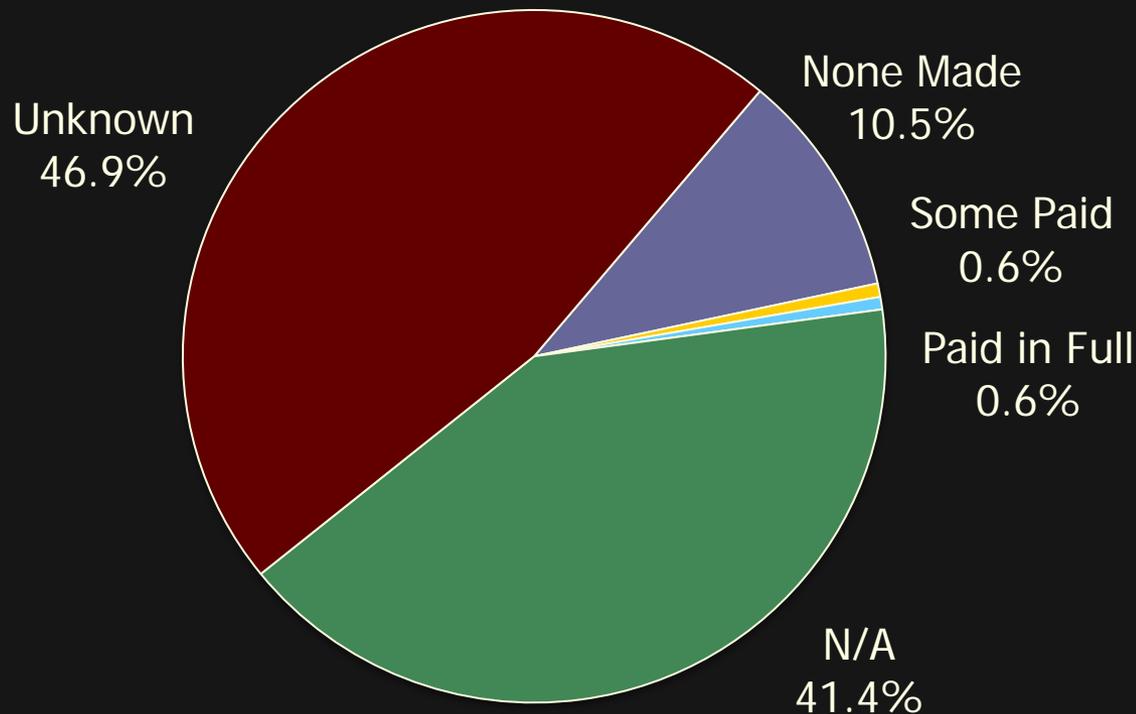
**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

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### Restitution Status at Sentencing



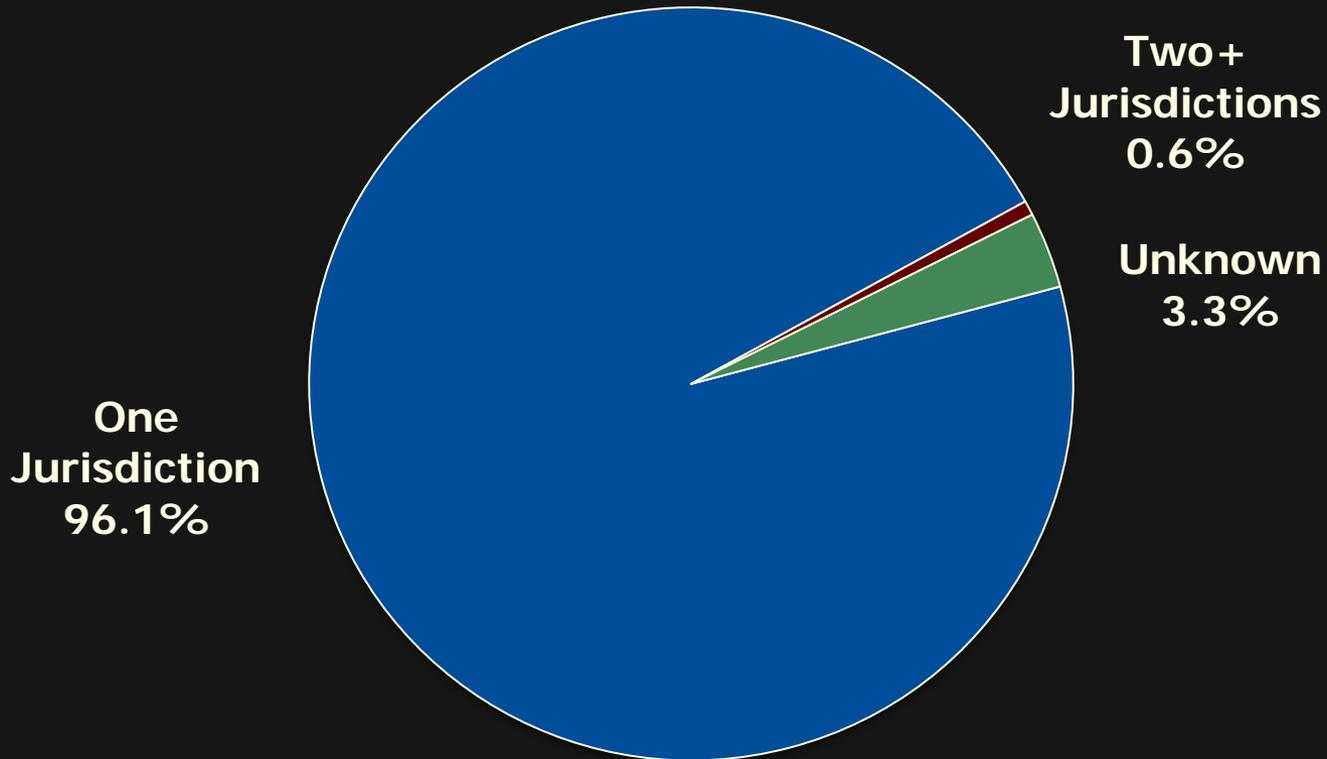
**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Larceny (Excl. Embezzlement)

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### Number of Jurisdictions in Which Offender Convicted



**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

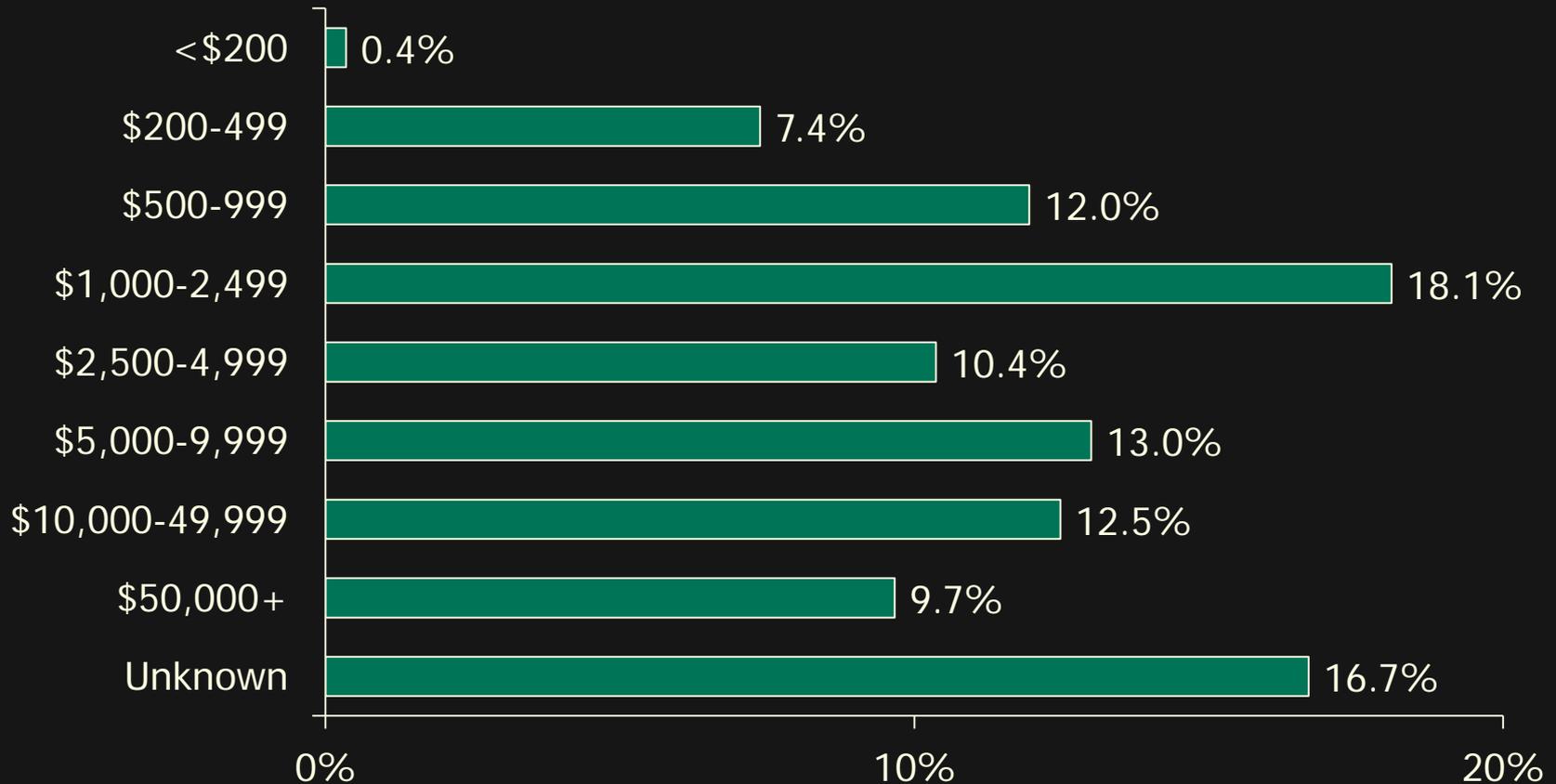


# Embezzlement

# Larceny and Fraud Study 2013-2015

## Embezzlement

### Value of Property Involved

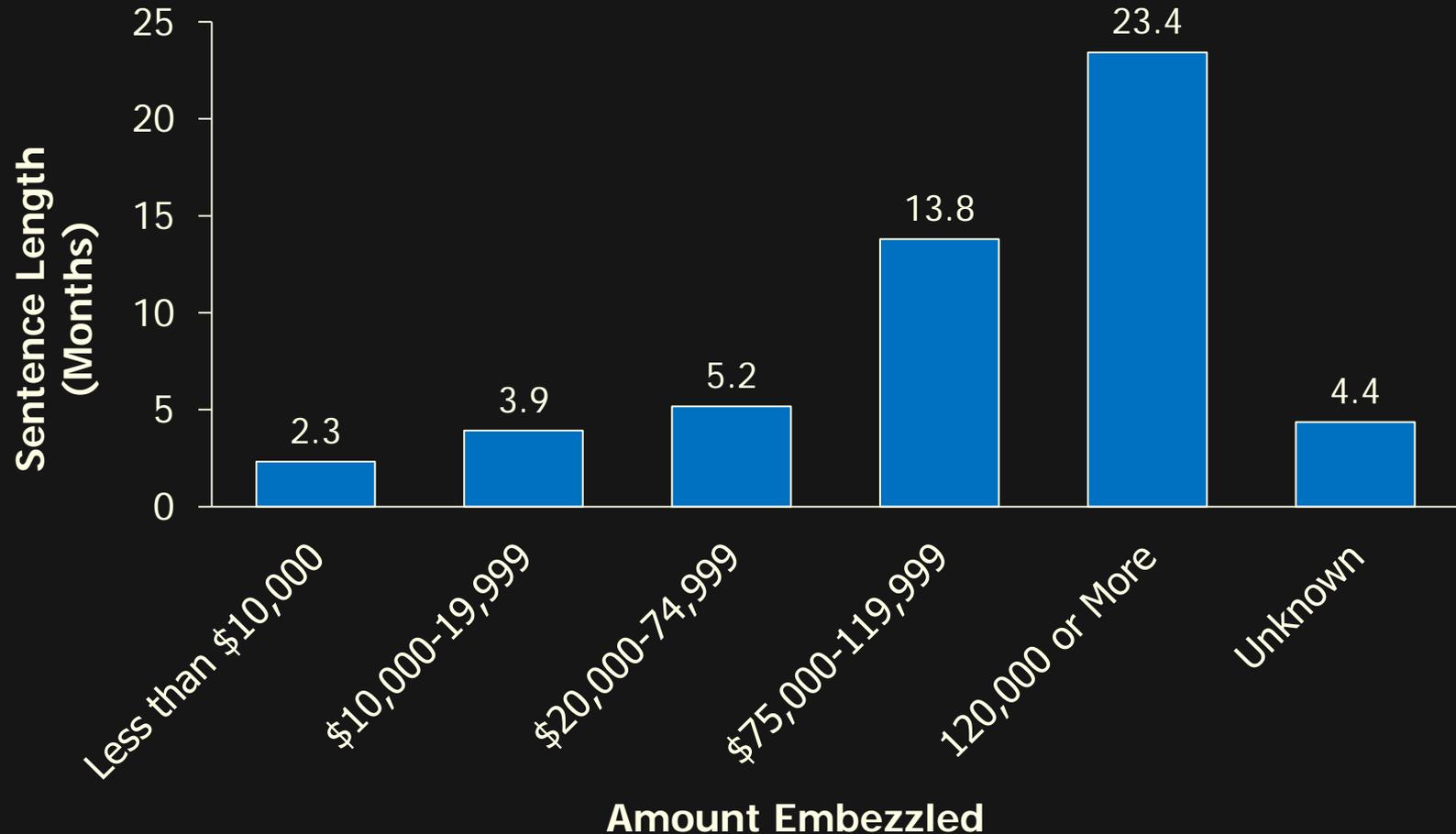


Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded.

# Larceny and Fraud Study 2013-2015

## Embezzlement

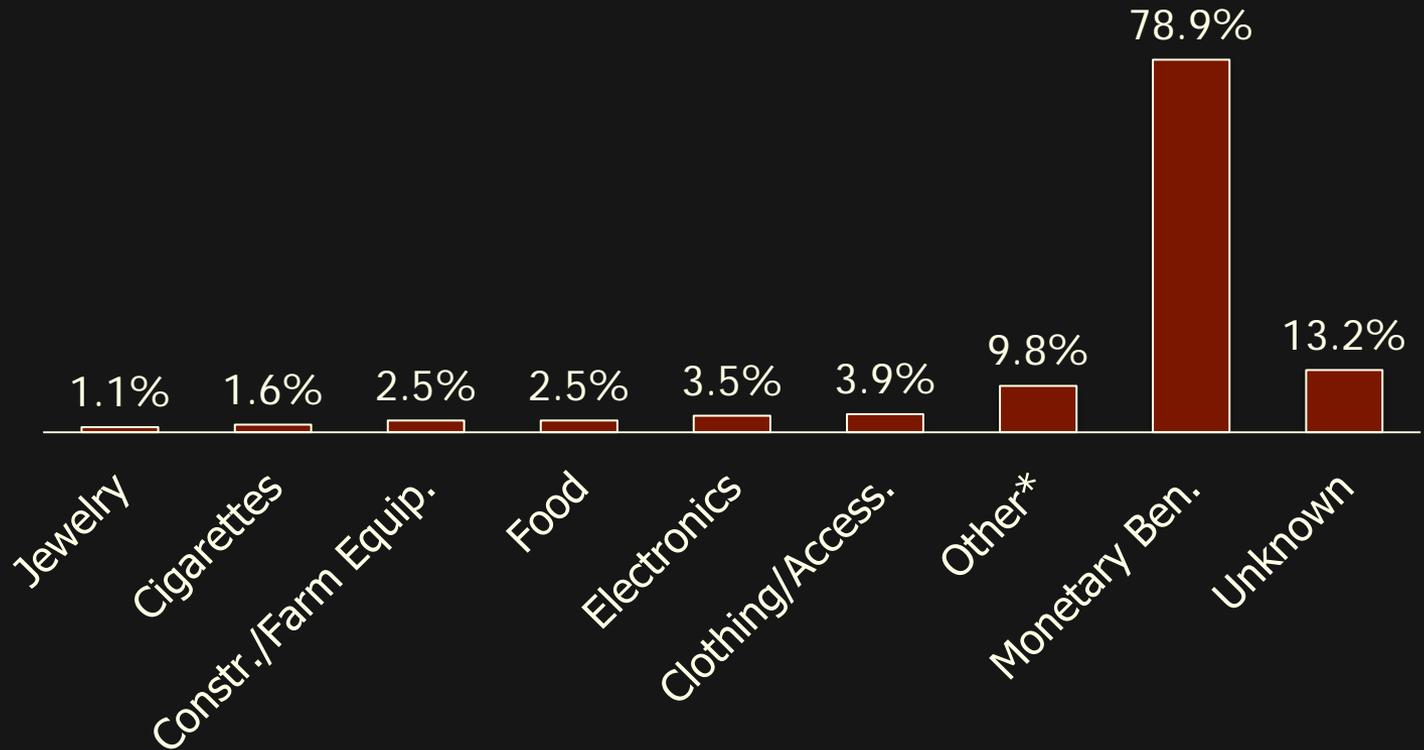
### Mean Sentence Length by Embezzlement Amount



# Larceny and Fraud Study 2013-2015

## Embezzlement

### Type of Item(s) Involved



\* "Other" includes scrap metal, automotive goods, and household goods

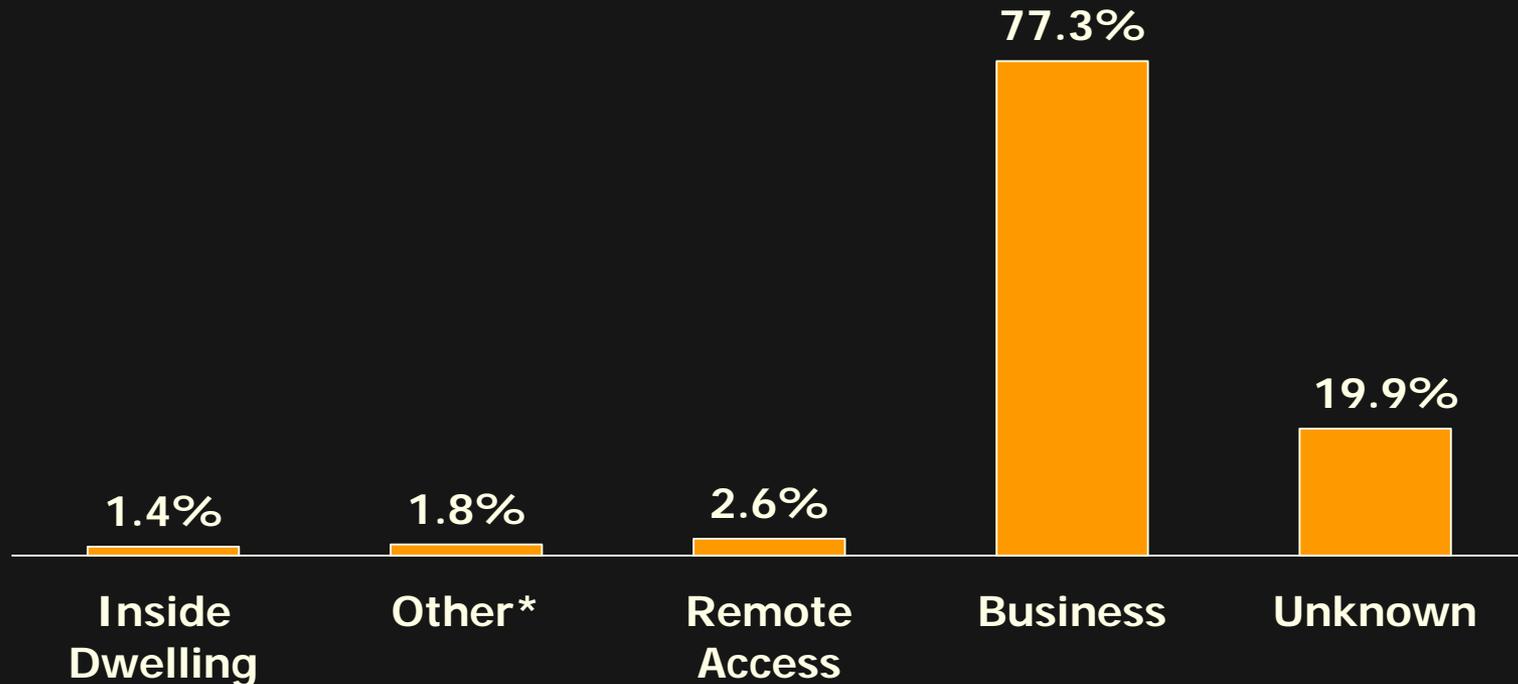
Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded. Percentages may not total 100% because there may be multiple offenses/items in each sentencing event.

# Larceny and Fraud Study 2013-2015

## Embezzlement

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### Location of Offense



\* "Other" includes govt. offices, school property, outside of a residence, and other private property

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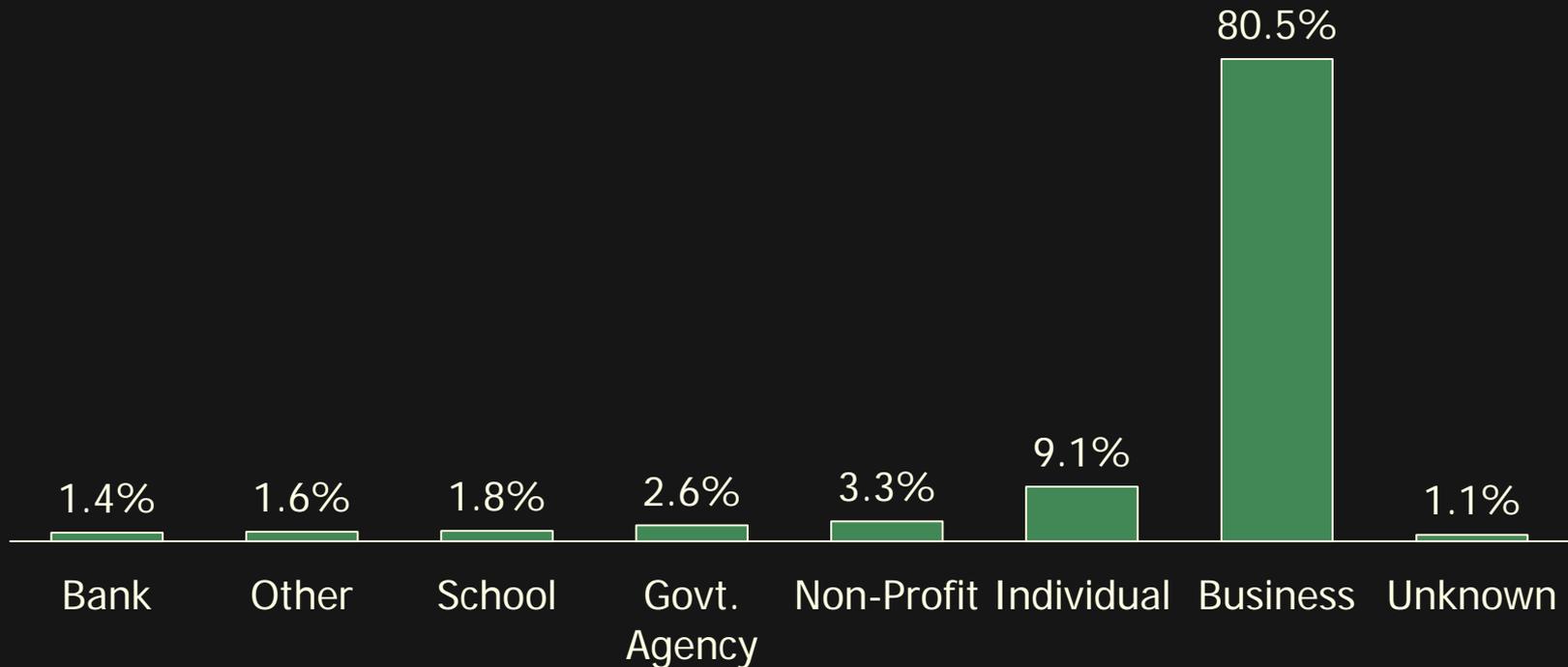
Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded. Percentages may not total 100% because there may be multiple offenses in each sentencing event.

# Larceny and Fraud Study 2013-2015

## Embezzlement

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### Type of Victim



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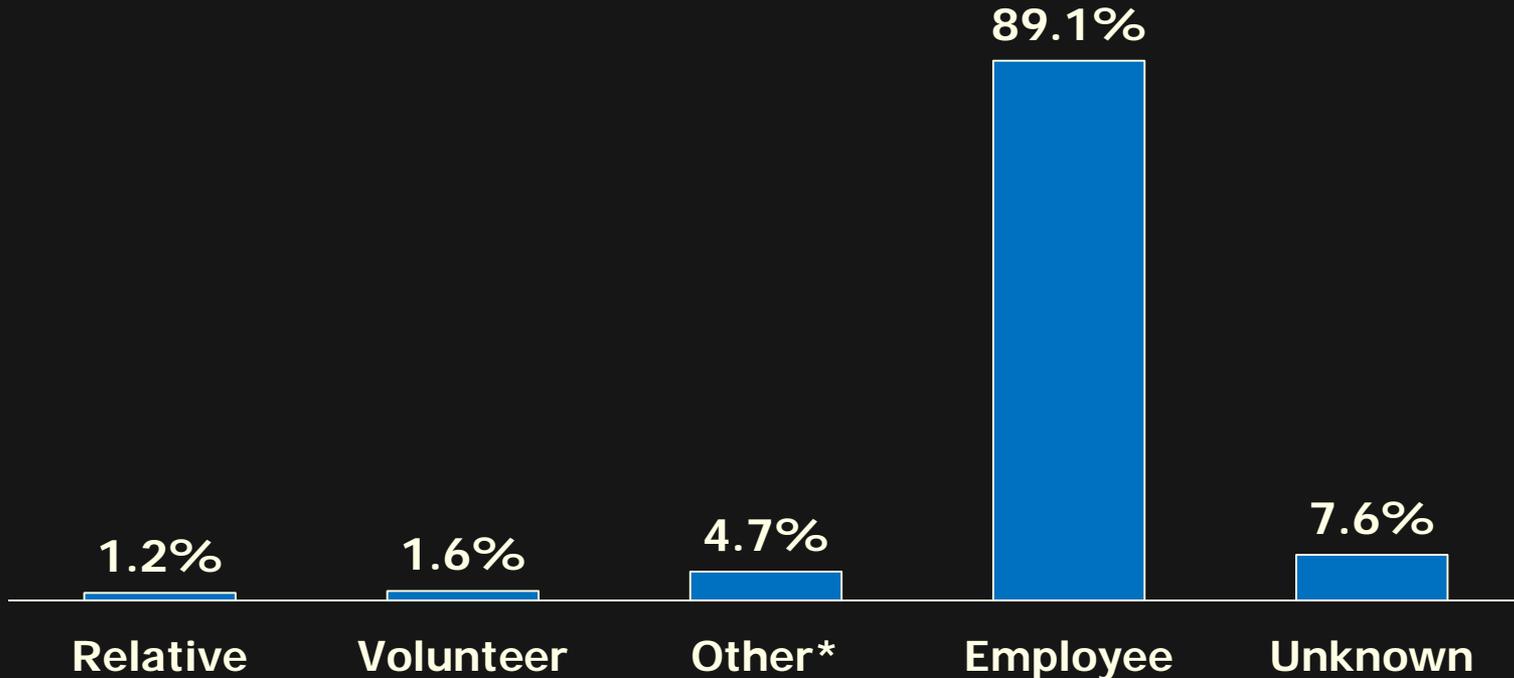
**Note:** Cases that were assigned the wrong VCC or where the file could not be located were excluded. Percentages may not total 100% because there may be multiple offenses in each sentencing event.

# Larceny and Fraud Study 2013-2015

## Embezzlement

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### Offender's Relationship to Victim



\* "Other" includes acquaintances, authority figures, attorneys, and financial advisors

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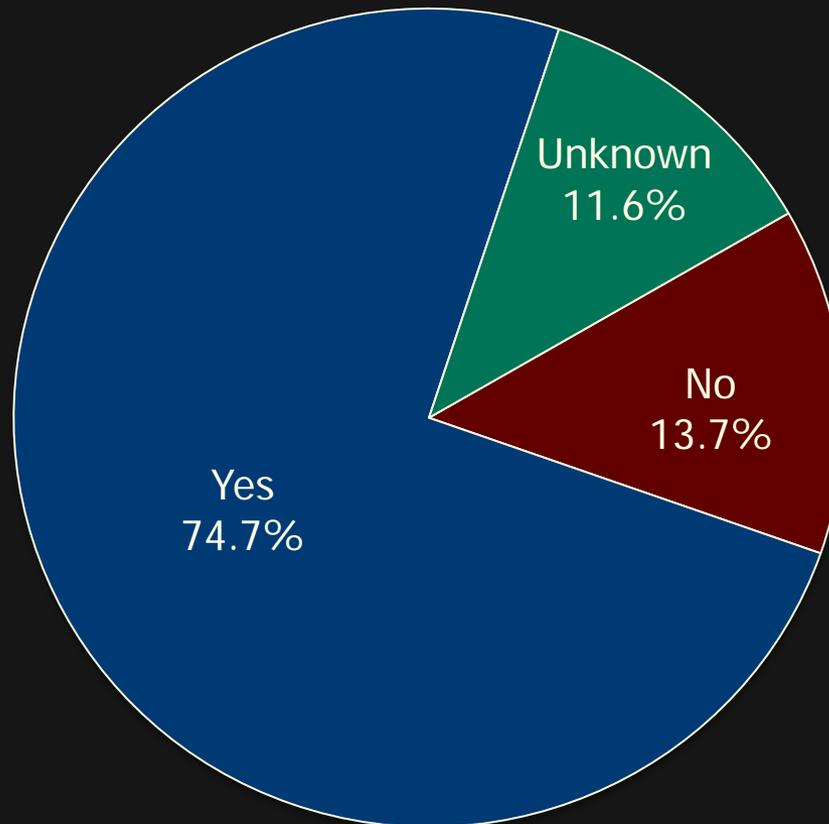
Note: Cases that were assigned the wrong VCC or where the file could not be located were excluded. Percentages may not total 100% because there may be multiple offenses in each sentencing event.

# Larceny and Fraud Study 2013-2015

## Embezzlement

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### Restitution Ordered at Sentencing

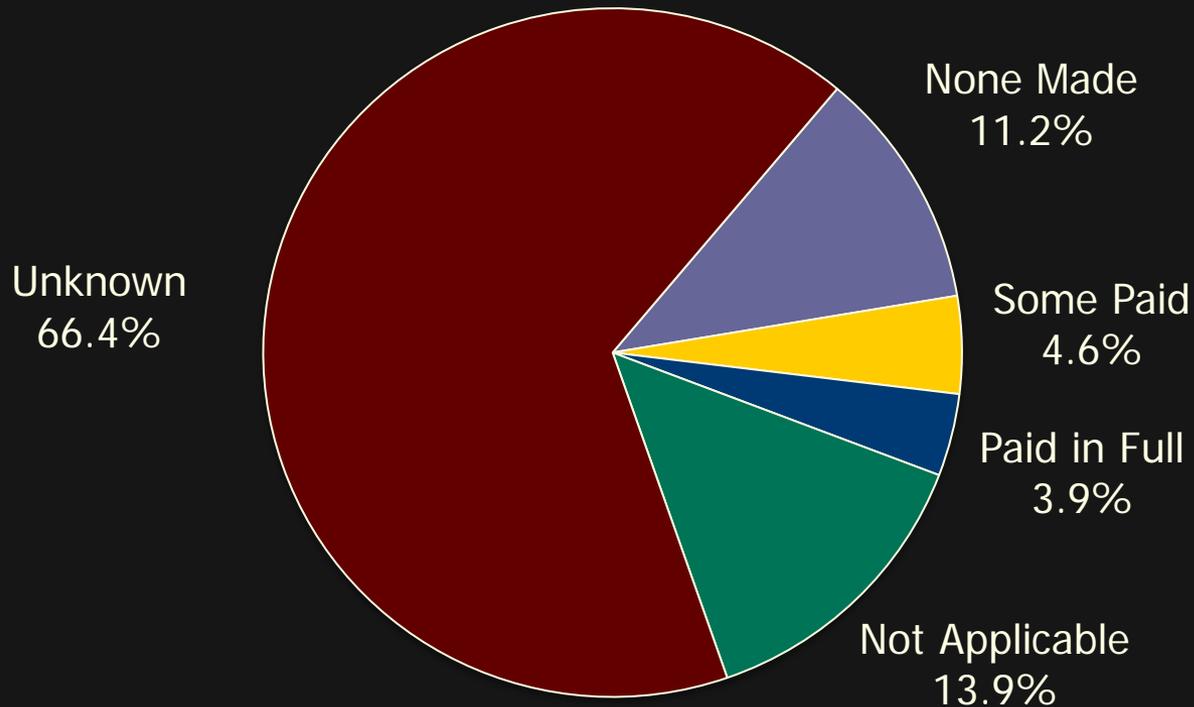


# Larceny and Fraud Study 2013-2015

## Embezzlement

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### Restitution Status at Sentencing





## 2013-2015 Study Findings

# Larceny and Fraud Study 2013-2015

## Findings

Compliance for offenses included in the sample is fairly high with relatively balanced departures.

### Current Compliance

	Fraud	Larceny (Excl. Embezzlement)	Embezzlement
<b>Compliance</b>	<b>83.8%</b>	<b>82.2%</b>	<b>84.1%</b>
<b>Mitigation</b>	<b>10.3%</b>	<b>8.3%</b>	<b>5.4%</b>
<b>Aggravation</b>	<b>6.0%</b>	<b>9.5%</b>	<b>10.5%</b>

\* Worksheets with scoring errors or missing monetary value were excluded from the analysis. For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population.

# Larceny and Fraud Study 2013-2015

## Findings

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- **Staff explored numerous permutations of potential factors to determine whether adding a factor to the Guidelines would increase compliance for larceny and/or fraud cases.**
  - **Non-Embezzlement Larceny and Fraud**
    - **None of the models incorporating additional factors would improve projected compliance.**
  - **Embezzlement**
    - **The existing factor on the worksheets relating to amount embezzled works fairly well to predict judicial sentencing decisions.**
    - **However, one modification to Section A would serve to slightly increase compliance for this offense – this will be discussed in the following presentation.**

