

White Collar Crime Prosecutions for July 2018

The latest available data from the Justice Department show that during July 2018 the government reported 389 new white collar crime prosecutions. According to the case-by-case information analyzed by the Transactional Records Access Clearinghouse (TRAC), this number is down 26.9 percent over the previous month.

Number Latest Month	389
Percent Change from previous month	-26.9
Percent Change from 1 year ago	1.2
Percent Change from 5 years ago (Including Magistrate Court)	-28.5
Percent Change from 5 years ago (Excluding Magistrate Court)	-30.9

Table 1. Criminal White Collar Crime Prosecutions

White Collar Crime

This report summarizes the government's recent efforts when it comes to combating white collar crime — the number of such cases, the investigative agencies involved, the laws cited, the busiest federal districts and the busiest federal judges.

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The comparisons of the number of defendants charged with white collar crime-related offenses are based on case-by-case information obtained by TRAC under the Freedom of Information Act from the Executive Office for United States Attorneys (see Table 1).

When monthly 2018 prosecutions of this type are compared with those of the same period in the previous year, the number of filings was only slightly up (1.2%). Prosecutions over the past year are still much lower than they were five years ago. Overall, the data show that prosecutions of this type are down 28.5 percent from levels reported in 2013.

The decrease from the levels five years ago in white collar crime prosecutions for these matters is shown more clearly in Figure 1. The vertical bars in Figure 1 represent the number of white collar crime prosecutions of this type recorded on a month-to-month basis. Where a prosecution was initially filed in U.S. Magistrate Court and then transferred to the U.S. District Court, the magistrate filing date was used since this provides an earlier indicator of actual trends. The superimposed line on the bars plots the six-month moving average so that natural fluctuations are smoothed out. The one and five-year rates of change in Table 1 and in the sections that follow are all based upon this six-month moving average. To view trends year-by-year rather than month-by-month, see [TRAC's annual report series](#) for a broader picture.

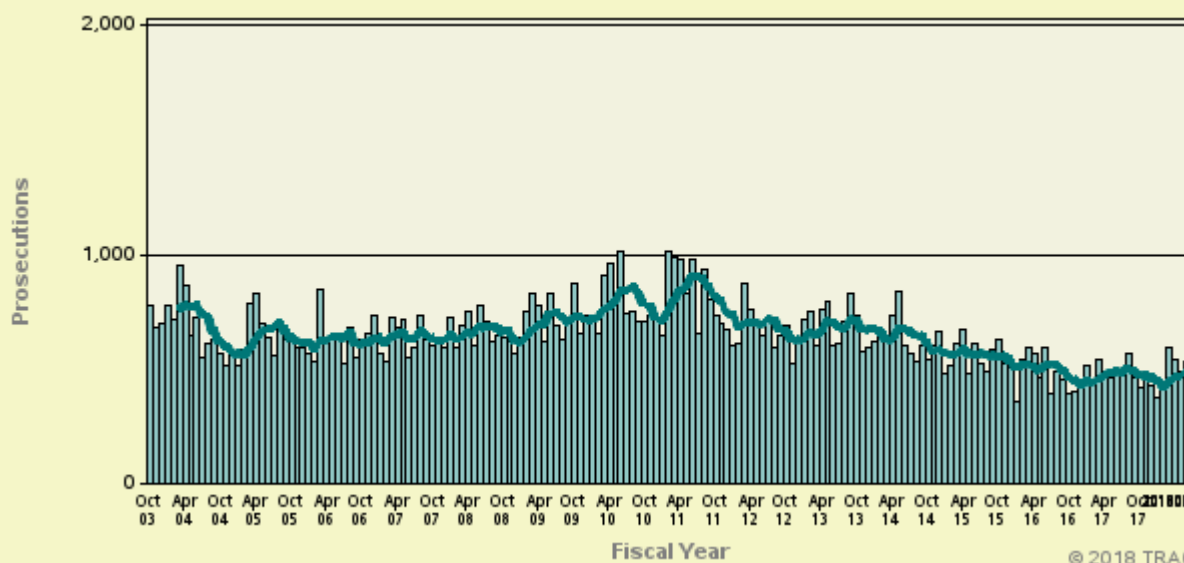


Figure 1. Monthly Trends in White Collar Crime Prosecutions

Within the broad category of white collar crime, cases were classified by prosecutors into more specific types.

Case types within white collar crime are

- Federal Procurement Fraud
- Tax Fraud
- Other Insurance Fraud
- Bankruptcy Fraud
- Other Fraud Against Businesses
- Securities Fraud
- Other Investment Fraud
- Computer Fraud
- Fraud Against Insurance Providers
- Insider Fraud Against Insurance Providers
- Antitrust Violations - Airlines
- Antitrust Violations - Defense Procurement
- Antitrust Violations - Finance Markets, Other than Banking
- Corporate Fraud
- Aggravated Identity Theft
- Federal Program Fraud
- Arson for Profit
- Financial Institution Fraud
- Advance Fee Schemes
- Consumer Fraud
- Commodities Fraud
- Antitrust Violations - Other
- Health Care Fraud
- Intellectual Property Violations
- MEWA (Multiple Employer Welfare Arrangements) Fraud/MET
- Antitrust Violations - Banking
- Antitrust Violations - Extraterritorial Application Of
- Telemarketing Fraud
- Identity Theft
- Other White Collar Crime/Fraud

The largest number of prosecutions of these matters in July 2018 was for "Fraud-Health Care", accounting for 18.5 percent of prosecutions. Prosecutions were also filed for "Fraud-Other" (18.5%), "Fraud-Identity Theft-Aggravated" (10.5%), "Fraud-Financial Institution" (9.5%), "Fraud-Federal Program" (9.3%), "Fraud-Tax" (8.5%), "Fraud-Identity Theft-Other" (6.4%), "Fraud-Other Business" (4.4%), "Fraud-Computer" (3.3%), "Fraud-Securities" (3.3%). See Figure 2.

The lead investigative agency for white collar crime prosecutions in July 2018 was FBI accounting for 31 percent of prosecutions referred. Other agencies with substantial numbers of white collar crime referrals were: DHS (12%), IRS (11%), HHS (10%), SecServ (7%). See Figure 3.

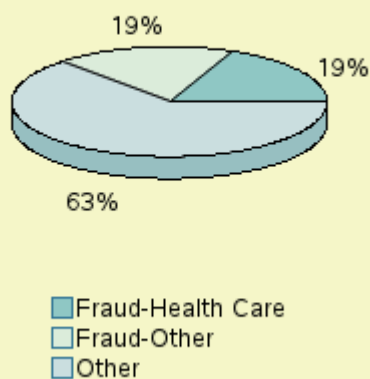


Figure 2. Specific Types of Prosecutions

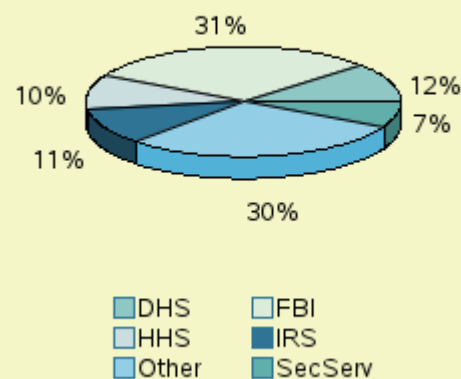


Figure 3. Prosecutions by Investigative Agency

White Collar Crime Prosecutions in U.S. Magistrate Courts

Top Ranked Lead Charges

In July 2018, 77 defendants in white collar crime cases for these matters were filed in U.S. Magistrate Courts. These courts handle less serious misdemeanor cases, including what are called "petty offenses." In addition, complaints are sometimes filed in the magistrate courts before an

indictment or information is entered. In these cases, the matter starts in the magistrate courts and later moves to the district court where subsequent proceedings take place.

In the magistrate courts in July the most frequently cited lead charge was Title 18 U.S.C Section 1028 involving "Aggravated Identity Theft". This was the lead charge for 15.6 percent of all magistrate filings in July.

Other frequently prosecuted lead charges include: "18 USC 1028 - Fraud and related activity - id documents" (13%), "18 USC 1343 - Fraud by wire, radio, or television" (13%), "18 USC 1344 - Bank Fraud" (9.1%), "42 USC 408 - Fed Old Age, Survivors & Disab Insur -Penalties" (7.8%), "18 USC 1546 - Fraud and misuse of visas, permits, and other documents" (6.5%).

White Collar Crime Prosecutions in U.S. District Courts

In July 2018, 312 defendants in new cases for these matters were charged in the U.S. District Courts. In addition during July there were an additional 37 defendants whose cases moved from the magistrate courts to the U.S. district courts after an indictment or information was filed. The sections which follow cover both sets of cases and therefore cover all matters filed in district court during July.

Top Ranked Lead Charges

Table 2 shows the top lead charges recorded in the prosecutions of white collar crime matters filed in U.S. District Court during July 2018.

Lead Charge	Count	Rank	1yr ago	5yrs ago	
18 USC 1349 - Mail Fraud - Attempt and Conspiracy	41	1	5	5	More
18 USC 1343 - Fraud by wire, radio, or television	36	2	1	1	More
18 USC 1347 - Health Care Fraud	31	3	4	7	More
18 USC 371 - Conspiracy to commit offense or to defraud US	24	4	3	4	More
18 USC 1344 - Bank Fraud	20	5	2	2	More
18 USC 641 - Public money, property or records	18	6	9	6	More
18 USC 1029 - Fraud and related activity - access devices	16	7	7	8	More
18 USC 1028A - Aggravated Identity Theft	15	8	10	15	More
18 USC 1341 - Mail Fraud - Frauds and swindles	15	8	8	3	More
21 USC 841 - Drug Abuse Prevention & Control-Prohibited acts A	15	8	54	61	More

Table 2. Top Charges Filed

- "Mail Fraud - Attempt and Conspiracy" (Title 18 U.S.C Section 1349) was the most frequent recorded lead charge. "Mail Fraud - Attempt and Conspiracy" (Title 18 U.S.C Section 1349) was ranked 5 a year ago, while it was ranked 5 five years ago.
- Ranked 2nd in frequency was the lead charge "Fraud by wire, radio, or television" under Title 18 U.S.C Section 1343. "Fraud by wire, radio, or television" under Title 18 U.S.C Section 1343 was ranked 1 a year ago, while it was ranked 1 five years ago.
- Ranked 3rd was "Health Care Fraud" under Title 18 U.S.C Section 1347. "Health Care Fraud" under Title 18 U.S.C Section 1347 was ranked 4 a year ago, while it was ranked 7 five years ago.

Among these top ten lead charges, the one showing the greatest increase in prosecutions — up 833.3 percent — compared to one year ago was Title 21 U.S.C Section 841 that involves " Drug Abuse Prevention & Control-Prohibited acts A ". This was the same statute that had the largest increase — 600 % — when compared with five years ago.

Again among the top ten lead charges, the one showing the sharpest decline in prosecutions compared to one year ago — down 20.9 percent — was " Conspiracy to commit offense or to defraud US " (Title 18 U.S.C Section 371). Compared to five years ago, the most significant

decline in prosecutions — 55.4 percent — was for filings where the lead charge was " Mail Fraud - Frauds and swindles " (Title 18 U.S.C Section 1341).

Top Ranked Judicial Districts

In July 2018 the Justice Department said the government brought 129.6 white collar crime prosecutions for every ten million people in the United States.

Understandably, there is great variation in the per capita number of white collar crime prosecutions that are filed in each of the nation's ninety-four federal judicial districts.

The districts registering the largest number of prosecutions per capita for these matters last month are shown in Table 3. Districts must have at least 5 white collar crime prosecutions to receive a ranking.

- The Middle District of Pennsylvania (Scranton) — with 642 prosecutions as compared with 129.6 prosecutions per ten million population in the United States — was the most active during July 2018.
- The Eastern District of Washington (Spokane) ranked 2nd.
- Eastern District of New York (Brooklyn) is now ranking 3rd.

Judicial District	Percapita	Count	Rank	1yr ago	5yrs ago	
Penn, M	642	17	1	49	58	More
Wash, E	606	8	2	61	52	More
N. Y., E	478	33	3	11	12	More
Cal, S	446	13	4	28	31	More
Ga, S	381	5	5	59	56	More
Fla, S	377	23	6	1	1	More
Ohio, S	306	15	7	23	24	More
Ala, N	293	7	8	26	15	More
Kansas	289	7	9	25	27	More
Penn, W	288	9	10	10	26	More

Table 3. Top 10 Districts (per ten million people)

Recent entrants to the top 10 list were Eastern District of New York (Brooklyn), now ranked 3rd, and Southern District of Ohio (Cincinnati) at 7th. In the same order, these districts ranked 11th and 23rd one year ago and 12th and 24th five years ago.

The federal judicial district which showed the greatest growth in the rate of white collar crime prosecutions compared to one year ago — 78.9 percent — was Middle District of Pennsylvania (Scranton). This was the same district that had the largest increase — 41.7 percent — when compared with five years ago.

In the last year, the judicial District Court recording the largest drop in the rate of white collar crime prosecutions — 39.5 percent — was Northern District of Alabama (Birmingham). This was the same district that had the largest increase — 66.2 percent — when compared with five years ago.

Top Ranked District Judges

At any one time, there are about 680 federal District Court judges working in the United States. The judges recorded with the largest number of new white collar crime cases of this type during July 2018 are shown in Table 4.

A total of 10 out of the "top ten" judges were in districts which were in the top ten with the largest number of white collar crime filings per capita, while the remaining 9 judges were from other districts. (Because of ties, there were a total of 19 judges in the "top ten" rankings.)

- Judge Timothy Seymour Black in the Southern District of Ohio (Cincinnati)

Judge		Count	Rank	
Black, Timothy Seymour	Ohio, S	12	1	More
Jones, John E., III	Penn, M	10	2	More
Feuerstein, Sandra J.	N. Y., E	8	3	More
Moskowitz, Barry Ted	Cal, S	5	4	More
McAliley, Chris M.	Fla, S	5	4	More
Wood, Lisa Godbey	Ga, S	5	4	More
Azrack, Joan M.	N. Y., E	5	4	More

ranked 1st with 12 defendants in white collar crime cases.

- Judge John E. Jones, III in the Middle District of Pennsylvania (Scranton) ranked 2nd with 10 defendants in white collar crime cases.
- Judge Sandra J. Feuerstein in the Eastern District of New York (Brooklyn) ranked 3rd with 8 defendants in white collar crime cases.

Judge		Count	Rank	
Trenga, Anthony John	Virg, E	5	4	More
Coogler, L. Scott	Ala, N	4	9	More
Hayes, William Q.	Cal, S	3	10	More
Scriven, Mary Stenson	Fla, M	3	10	More
Altonaga, Cecilia M.	Fla, S	3	10	More
Weisman, M. David	Ill, N	3	10	More
Van Bokkelen, Joseph S.	Ind, N	3	10	More
Vance, Sarah S.	La, E	3	10	More
O'Toole, George A., Jr.	Mass	3	10	More
McShane, Michael Jerome	Oregon	3	10	More
Dominguez, Daniel R.	Puer Rico	3	10	More
O'Connor, Reed Charles	Texas, N	3	10	More

Table 4. Top Ten Judges

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