



Quick Facts

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

▶ OF THESE CASES, 1,043 INVOLVED CONVICTIONS UNDER 18 U.S.C. § 1028A.

▶ OFFENSES UNDER 18 U.S.C. § 1028A INVOLVE THE TRANSFER, POSSESSION, OR USE OF A MEANS OF IDENTIFICATION OF ANOTHER PERSON DURING AND IN RELATION TO ANOTHER FELONY.

Section 1028A Aggravated Identity Theft Offenses

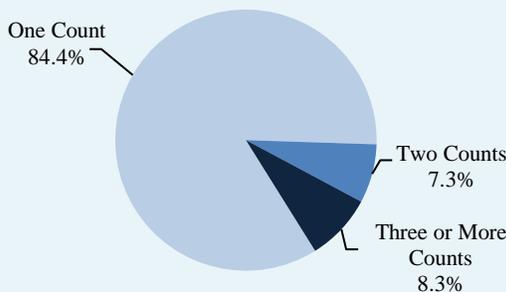


In fiscal year 2017, there were 1,043 offenders convicted under 18 U.S.C. § 1028A, who accounted for 1.7% of all offenders sentenced under the guidelines. The number of offenders convicted under section 1028A has increased by 14.0% since fiscal year 2013.

Offender and Offense Characteristics

- In fiscal year 2017, most offenders (74.1%) convicted under 18 U.S.C. § 1028A were men.
- The majority were Black (49.8%) followed by Hispanic (26.2%), White (19.9%), and Other Races (4.1%).
- The average age of these offenders at sentencing was 36 years.
- The majority (74.8%) of section 1028A offenders were United States citizens.
- The most common Criminal History Category for these offenders was Category I (49.9%). The proportion of these offenders in other Criminal History Categories was as follows:
 - ◆ 11.4% were in Category II;
 - ◆ 14.8% were in Category III;
 - ◆ 6.9% were in Category IV;
 - ◆ 6.5% were in Category V; and
 - ◆ 10.4% were in Category VI.
- Districts with the highest proportion of their overall caseload comprising section 1028A offenses were:
 - ◆ Southern District of Florida (10.3% of the overall caseload);
 - ◆ District of Rhode Island (9.1%);
 - ◆ District of Northern Mariana Islands (7.7%);
 - ◆ District of Maryland (7.0%); and
 - ◆ Eastern District of Pennsylvania (6.6%).

Number of Counts of Conviction Under 18 U.S.C. § 1028A FY 2017



Top Five Districts 18 U.S.C. § 1028A Offenders FY 2017

Southern District of Florida (N=231)
Middle District of Florida (N=59)
Southern District of New York (N=52)
District of Maryland (N=45)
Eastern District of Pennsylvania (N=43)

Punishment

- Almost all offenders (99.0%) convicted under 18 U.S.C. § 1028A were sentenced to imprisonment.¹
- The majority of offenders (86.5%) convicted under 18 U.S.C. § 1028A were also convicted of another offense. The most common of these other offenses were theft, fraud, or property destruction (71.1%) and immigration (5.5%).

¹ Offenses under section 1028A carry a mandatory minimum penalty of 24 months. The punishment imposed under section 1028A must be consecutive to any punishment imposed for another offense, including the offense during which the aggravated identity theft occurred.

Quick Facts

Section 1028A Aggravated Identity Theft Offenses

Punishment (continued)

- The number of offenders convicted of multiple counts under section 1028A increased from 123 in fiscal year 2013 to 163 in fiscal year 2017.
- The average length of sentence for offenders convicted under 18 U.S.C. § 1028A was 48 months.
 - ◆ The average length of sentence for offenders convicted only under section 1028A was 25 months;
 - ◆ The average length of sentence for offenders convicted of both a section 1028A offense and another offense was 52 months; and
 - ◆ The average length of sentence for offenders convicted of multiple counts under section 1028A was 68 months.²

Sentences Relative to the Guideline Range

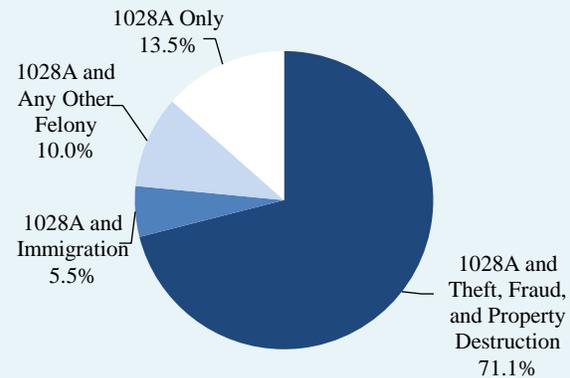
Section 1028A Only Offenses

- Most offenders (89.7%) convicted only of an offense under section 1028A were sentenced to the guideline sentence.²
- The rate of substantial assistance departures granted for section 1028A only offenders was 9.6%.
- The rate of non-government sponsored below guideline sentences for section 1028A only offenders was 0.7%.

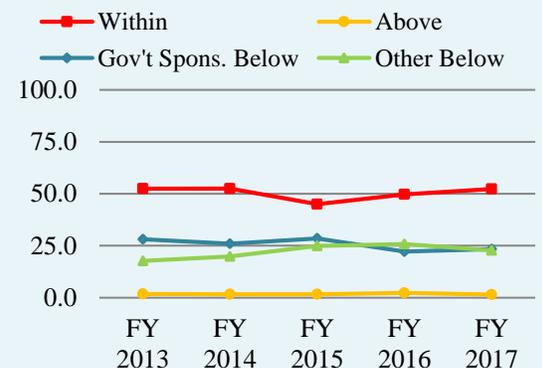
All Section 1028A Offenses

- The rate of within range sentences for all offenders convicted of an offense under section 1028A was 52.3%.
 - ◆ The rate of substantial assistance departures granted for all section 1028A offenders was 17.5%.
 - ◇ The average reduction for these offenders was 58.0%.
 - ◆ The rate of non-government sponsored below range sentences for all section 1028A offenders was 22.7%.
 - ◇ The average reduction for these offenders was 24.9%.
- The average guideline minimum and average sentence have decreased over the past five years.
 - ◆ The average guideline minimum decreased from 66 months to 65 months.
 - ◆ The average sentence imposed decreased from 53 months to 48 months.

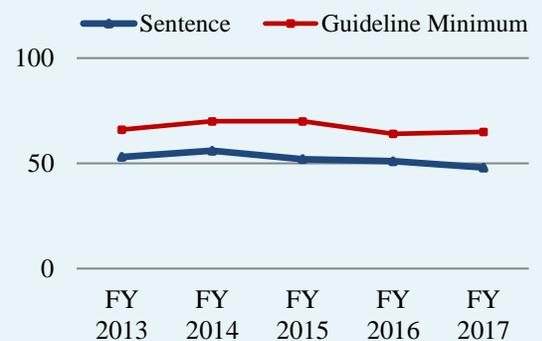
Distribution of 18 U.S.C. § 1028A Offenders With and Without Additional Offenses FY 2017



Sentence Relative to the Guideline Range



Average Sentence and Average Guideline Minimum (in months)



² The guideline sentence for a section 1028A offense is the term of imprisonment required by statute. USSG §2B1.6. Punishments under section 1028A run consecutively to any other term of imprisonment. Section 1028A (b)(4) provides that in cases of multiple convictions under section 1028A, the terms of imprisonment imposed on such counts may, in the discretion of the court, run concurrently, in whole or in part, with each other.

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