



Quick Facts

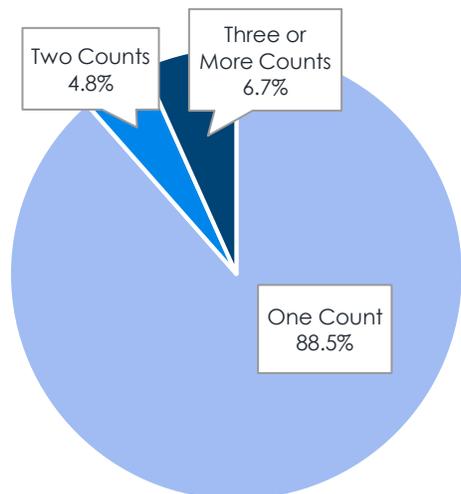
— Section 1028A Aggravated Identity Theft Offenses —

Fiscal Year 2019

- ▶ IN FY 2019, 76,538 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 1,015 INVOLVED CONVICTIONS UNDER 18 U.S.C. § 1028A.¹
- ▶ 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.
- ▶ OFFENSES UNDER 18 U.S.C. § 1028A HAVE REMAINED RELATIVELY STABLE SINCE FY 2015.



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



Offenders and Offense Characteristics

- 77.9% of offenders convicted under section 1028A were men.
- 39.1% were Black, 29.8% were Hispanic, 27.0% were White, and 4.1% were Other races.
- Their average age was 37 years.
- 72.7% were United States citizens.
- 44.2% had little or no prior criminal history (Criminal History Category I).²
 - ◆ 11.4% were CHC II;
 - ◆ 16.5% were CHC III;
 - ◆ 9.7% were CHC IV;
 - ◆ 6.4% were CHC V;
 - ◆ 11.7% were CHC VI.
- The top five districts for section 1028A offenders were:
 - ◆ Southern District of Florida (138);
 - ◆ Central District of California (89);
 - ◆ Middle District of Florida (50);
 - ◆ Southern District of New York (46);
 - ◆ Eastern District of Virginia (37).
- The top five districts where section 1028A offenses comprised the highest proportion of the overall caseload were:
 - ◆ Central District of California (7.8%);
 - ◆ Southern District of Florida (6.9%);
 - ◆ District of Massachusetts (6.9%);
 - ◆ Eastern District of Pennsylvania (5.4%);
 - ◆ Northern District of Georgia (5.1%).
- 11.5% were convicted of multiple counts of section 1028A in fiscal year 2019, a decrease from 12.3% in fiscal year 2015.
- 86.1% of section 1028A offenders were also convicted of another offense.

Punishment

- The average sentence for offenders convicted under section 1028A was 47 months.³
 - ◆ The average sentence for offenders convicted only under section 1028A was 25 months;
 - ◆ The average sentence for offenders convicted of both a section 1028A offense and another offense was 50 months; and
 - ◆ The average sentence for offenders convicted under multiple counts of section 1028A was 63 months.
- 99.4% were sentenced to prison.



Sentences Relative to the Guideline Range

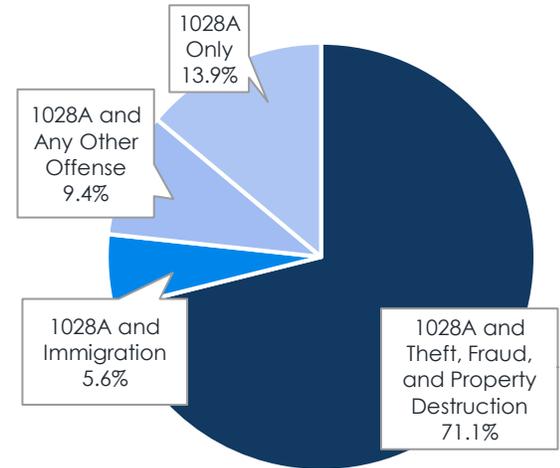
Section 1028A Only Offenders

- 100.0% of offenders with a conviction only under section 1028A were sentenced under the *Guidelines Manual*:⁴
 - ◆ 97.1% were sentenced within the guideline range.
 - ◆ 2.9% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 68.7%.

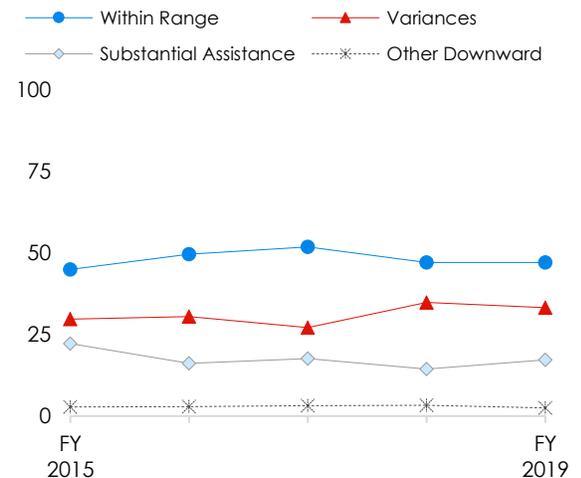
All Section 1028A Offenders

- Of the 66.8% of **all** section 1028A offenders sentenced under the *Guidelines Manual*:⁴
 - ◆ 70.4% were sentenced within the guideline range.
 - ◆ 25.8% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 52.3%.
 - ◆ 3.7% received some other downward departure.
 - ◇ Their average sentence reduction was 25.6%.
- 33.2% received a variance;⁴ of those offenders:
 - ◆ 96.7% received a below range variance.
 - ◇ Their average sentence reduction was 24.1%.
 - ◆ 3.3% received an above range variance.
 - ◇ Their average sentence increase was 46.8%.
- The average guideline minimum and average sentence imposed for **all** section 1028A offenders has decreased over the past five years.
 - ◆ The average guideline minimum decreased from 71 months in fiscal year 2015 to 62 months in fiscal year 2019.
 - ◆ The average sentence imposed decreased from 52 months in fiscal year 2015 to 47 months in fiscal year 2019.

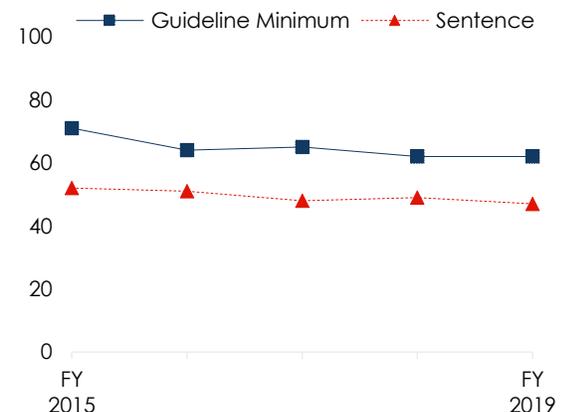
Distribution of 18 U.S.C. § 1028A Offenders With and Without Additional Offenses



Sentence Relative to the Guideline Range for all 18 U.S.C. § 1028A Offenders (%)



Average Guideline Minimum and Average Sentence for all 18 U.S.C. § 1028A Offenders (months)



1 Cases with incomplete sentencing information were excluded from the analysis.

2 Offenders sentenced solely under 18 U.S.C. § 1028A are sentenced pursuant to USSG §2B1.6. The criminal history category is not available for these offenders because the applicable guideline provisions do not call for the sentencing court to make those calculations.

3 Offenses under 18 U.S.C. § 1028A carry a mandatory minimum penalty of 24 months. The punishment imposed under 18 U.S.C. § 1028A must be consecutive to any punishment imposed for another offense, including the offense during which the aggravated identity theft occurred.

4 The guideline sentence for a 18 U.S.C. § 1028A offense is the term of imprisonment required by statute. USSG §2B1.6. Punishments under 18 U.S.C. § 1028A run consecutively to any other term of imprisonment. Section 1028A(b)(4) provides that in cases of multiple convictions under 18 U.S.C. § 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.