

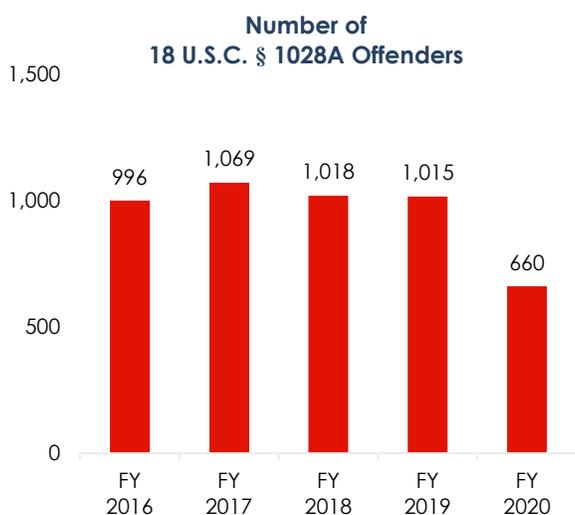


Quick Facts

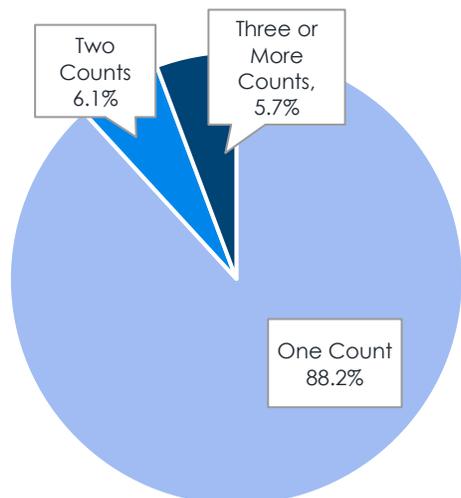
— Section 1028A Aggravated Identity Theft Offenses —

Fiscal Year 2020

- ▶ IN FY 2020, 64,565 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 660 OF THESE 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.
- ▶ OFFENSES UNDER 18 U.S.C. § 1028A DECREASED BY 33.7% SINCE FY 2016.



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



Offenders and Offense Characteristics¹

- 75.6% of offenders convicted under section 1028A were men.
- 41.9% were Black, 28.7% were White, 25.5% were Hispanic, and 3.9% were Other races.
- Their average age was 38 years.
- 72.7% were United States citizens.
- 47.3% had little or no prior criminal history (Criminal History Category I);²
 - ◆ 11.7% were CHC II;
 - ◆ 13.6% were CHC III;
 - ◆ 10.0% were CHC IV;
 - ◆ 6.9% were CHC V;
 - ◆ 10.5% were CHC VI.
- The top six districts for section 1028A offenders were:
 - ◆ Southern District of Florida (98);
 - ◆ Central District of California (35);
 - ◆ Southern District of New York (30);
 - ◆ Eastern District of Pennsylvania (26);
 - ◆ Middle District of Florida (25);
 - ◆ District of Massachusetts (25).
- The top five districts where section 1028A offenses comprised the highest proportion of the overall caseload were:
 - ◆ District of Rhode Island (9.0%);
 - ◆ Southern District of Florida (7.4%);
 - ◆ District of Massachusetts (6.5%);
 - ◆ District of Hawaii (5.6%);
 - ◆ Eastern District of Pennsylvania (5.3%).
- 11.8% were convicted of multiple counts of section 1028A in fiscal year 2020, a slight increase from 11.0% in fiscal year 2016.
- 87.3% of section 1028A offenders were also convicted of another offense.

Punishment

- 99.6% of offenders convicted under section 1028A were sentenced to prison;³ their average sentence was 44 months.
 - ◆ The average sentence for offenders convicted only under section 1028A was 23 months;
 - ◆ The average sentence for offenders convicted of both a section 1028A offense and another offense was 47 months;
 - ◆ The average sentence for offenders convicted under multiple counts of section 1028A was 71 months.



Sentences Relative to the Guideline Range⁴

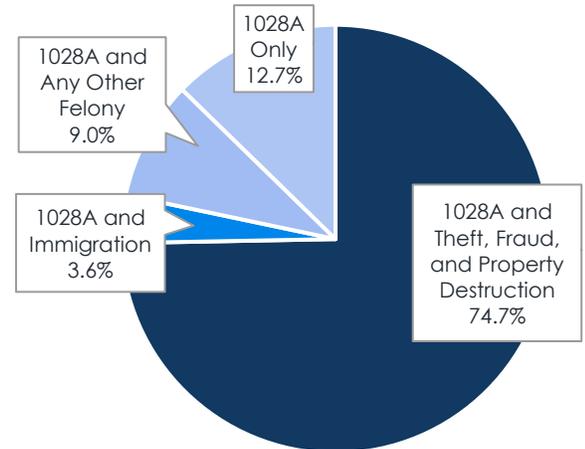
Section 1028A Only Offenders

- 100.0% of offenders with a conviction only under section 1028A were sentenced under the *Guidelines Manual*:
 - ◆ 95.1% were sentenced within the guideline range.
 - ◆ 4.9% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 46.9%.

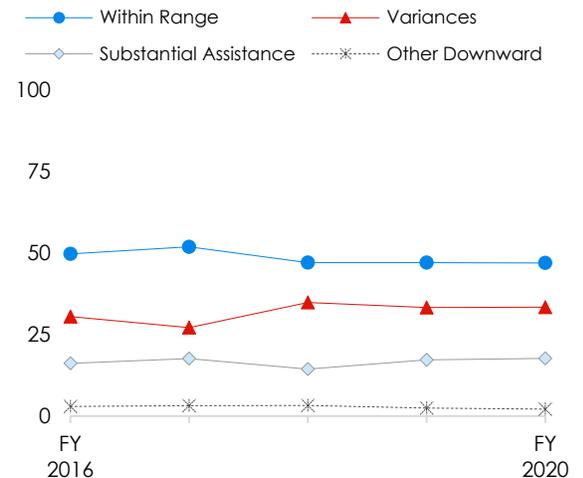
All Section 1028A Offenders

- Of the 66.7% of **all** section 1028A offenders sentenced under the *Guidelines Manual*:
 - ◆ 70.3% were sentenced within the guideline range.
 - ◆ 26.5% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 57.1%.
 - ◆ 3.2% received some other downward departure.
 - ◇ Their average sentence reduction was 29.5%.
- 33.3% received a variance; of those offenders:
 - ◆ 94.1% received a downward variance.
 - ◇ Their average sentence reduction was 27.2%.
 - ◆ 5.9% received an upward variance.
 - ◇ Their average sentence increase was 25.7%.
- The average guideline minimum remained steady and the average sentence imposed for **all** section 1028A offenders slightly decreased over the past five years.
 - ◆ The average guideline minimum decreased from 64 months in fiscal year 2016 to 60 months in fiscal year 2020.
 - ◆ The average sentence imposed decreased from 51 months in fiscal year 2016 to 44 months in fiscal year 2020.

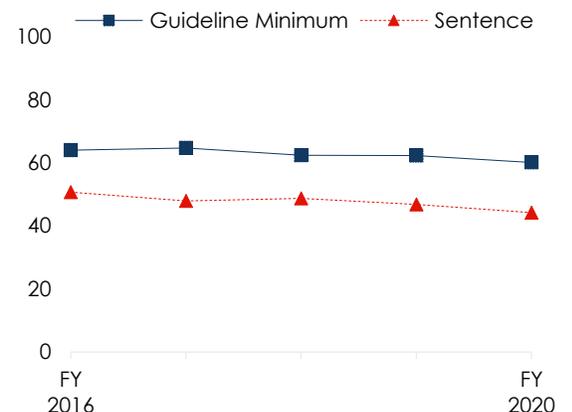
Distribution of 18 U.S.C. § 1028A Offenders With and Without Additional Offenses



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 an 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.