

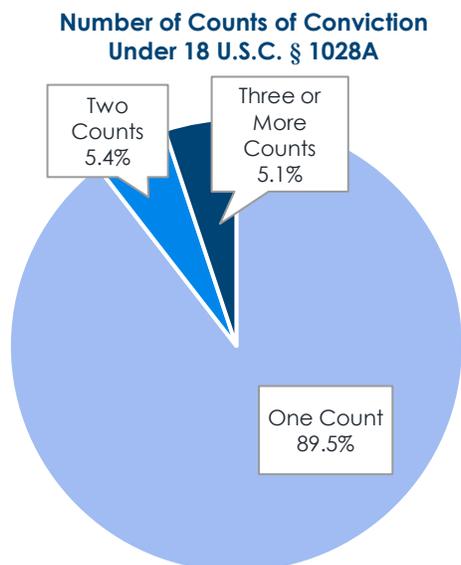
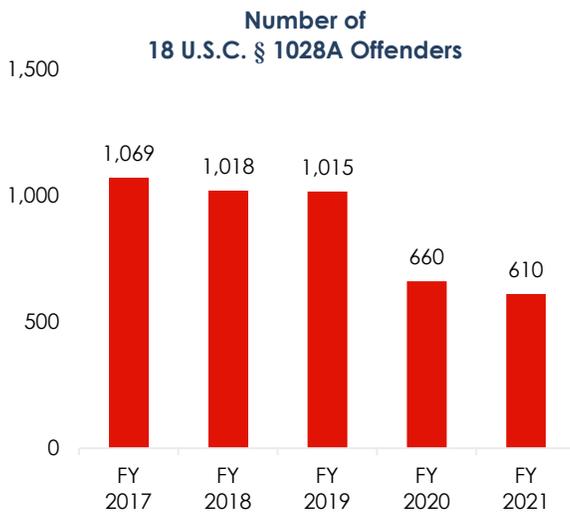


Quick Facts

— Section 1028A Aggravated Identity Theft Offenses —

Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 610 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 HAVE DECREASED BY 42.9% SINCE FY 2017.



Offenders and Offense Characteristics¹

- 72.1% of offenders convicted under section 1028A were men.
- 39.8% were Black, 33.6% were White, 22.0% were Hispanic, and 4.6% were Other races.
- Their average age was 38 years.
- 75.2% were United States citizens.
- 46.3% had little or no prior criminal history (Criminal History Category I);²
 - ◆ 11.9% were CHC II;
 - ◆ 15.5% were CHC III;
 - ◆ 9.4% were CHC IV;
 - ◆ 6.0% were CHC V;
 - ◆ 10.9% were CHC VI.
- The top five districts for section 1028A offenders were:
 - ◆ Southern District of Florida (67);
 - ◆ Eastern District of Pennsylvania (32);
 - ◆ Middle District of Florida (28);
 - ◆ Southern District of New York (23);
 - ◆ Eastern District of Virginia (22).
- The top five districts where section 1028A offenses comprised the highest proportion of the overall caseload were:
 - ◆ District of Rhode Island (10.7%);
 - ◆ Southern District of Florida (8.2%);
 - ◆ Eastern District of Pennsylvania (7.2%);
 - ◆ District of Northern Mariana Islands (6.3%);
 - ◆ Northern District of Florida (6.1%).
- 10.5% were convicted of multiple counts of section 1028A in fiscal year 2021, a slight decrease from 15.9% in fiscal year 2017.
- 86.4% of section 1028A offenders were also convicted of another offense.

Punishment

- 99.3% of offenders convicted under section 1028A were sentenced to prison;³ their average sentence was 46 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 50 months;
 - ◆ The average sentence for offenders convicted under multiple counts of section 1028A was 56 months.



— Section 1028A Aggravated Identity Theft Offenses —

Sentences Relative to the Guideline Range⁴

Section 1028A Only Offenders

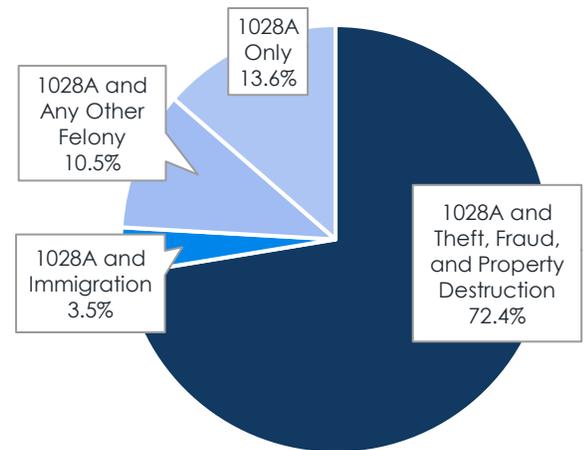
- All offenders with a conviction only under section 1028A were sentenced under the *Guidelines Manual*:
 - ◆ 89.6% were sentenced within the guideline range.
 - ◆ 9.1% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 61.1%.
 - ◆ 1.3% received some other downward departure.⁵

All Section 1028A Offenders

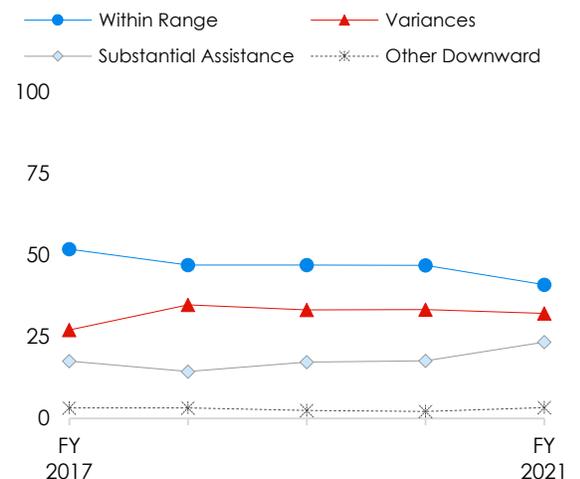
- Of the 67.8% of **all** section 1028A offenders sentenced under the *Guidelines Manual*:
 - ◆ 60.4% were sentenced within the guideline range.
 - ◆ 34.5% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 53.2%.
 - ◆ 4.9% received some other downward departure.
 - ◇ Their average sentence reduction was 31.4%.
 - ◆ 0.2% received an upward departure.⁵
- 32.2% received a variance; of those offenders:
 - ◆ 95.4% received a downward variance.
 - ◇ Their average sentence reduction was 25.9%.
 - ◆ 4.6% received an upward variance.
 - ◇ Their average sentence increase was 24.9%.
- The average guideline minimum fluctuated while the average sentence imposed for **all** section 1028A offenders remained steady over the past five years.
 - ◆ The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 65 months in fiscal year 2017 and 67 months in fiscal year 2021.
 - ◆ The average sentence imposed decreased from 48 months in fiscal year 2017 to 46 months in fiscal year 2021.

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.
⁵ The Commission does not report the average for categories with fewer than three cases.

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)

