

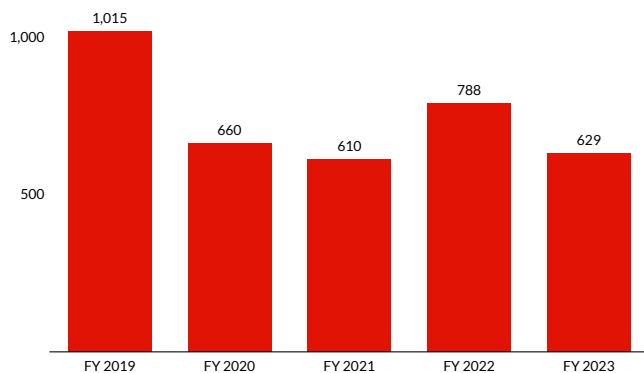


Population Snapshot

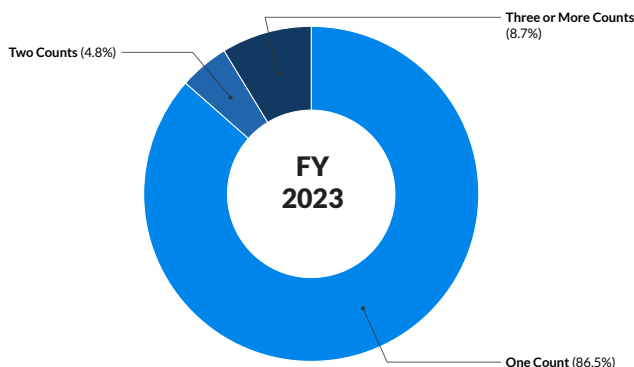
64,124 cases were reported in FY23;
629 involved 18 U.S.C. § 1028A.

Such cases have decreased
38% since FY2019.

Number of 18 U.S.C. § 1028A Offenses



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



QuickFacts

Aggravated Identity Theft

Individual and Offense Characteristics¹

75.0% of individuals convicted under section 1028A were men.

45.5% were Black, 31.0% were White, 19.7% were Hispanic, and 3.8% were Other races.

Their average age was 39 years.

79.9% were United States citizens.

43.9% had little or no prior criminal history (Criminal History Category I).²

- 9.7% were CHC II;
- 17.2% were CHC III;
- 9.6% were CHC IV;
- 7.0% were CHC V;
- 12.6% were CHC VI;

The top five districts for individuals convicted under section 1028A were:

- Southern District of Florida (64);
- Middle District of Florida (48);
- Central District of California (35);
- Southern District of New York (34);
- District of Massachusetts (30).

The top five districts where section 1028A offenses comprised the highest proportion of the overall caseload were:

- District of Rhode Island (8.5%);
- Eastern District of California (6.6%);
- District of Massachusetts (6.3%);
- District of Montana (5.7%);
- Middle District of Florida (4.3%)

13.5% were convicted of multiple counts of section 1028A in fiscal year 2023, a slight increase from 11.5% in fiscal year 2019.

89.7% of individuals convicted under section 1028A were also convicted of another offense.

Punishment

98.1% of individuals convicted under section 1028A were sentenced to prison;³ their average sentence was 51 months.

- The average sentence for individuals convicted only under section 1028A was 24 months;
- The average sentence for individuals convicted of both a section 1028A offense and another offense was 54 months;
- The average sentence for individuals convicted under multiple counts of section 1028A was 72 months.



QuickFacts

Aggravated Identity Theft

Sentences Relative to the Guideline Range⁴

Section 1028A Only Sentenced Individuals

All individuals with a conviction only under section 1028A were sentenced under the *Guidelines Manual*:

- 93.8% were sentenced within the guideline range.
- 6.2% received a substantial assistance departure.
 - Their average sentence reduction was 58.3%.

All Section 1028A Sentenced Individuals

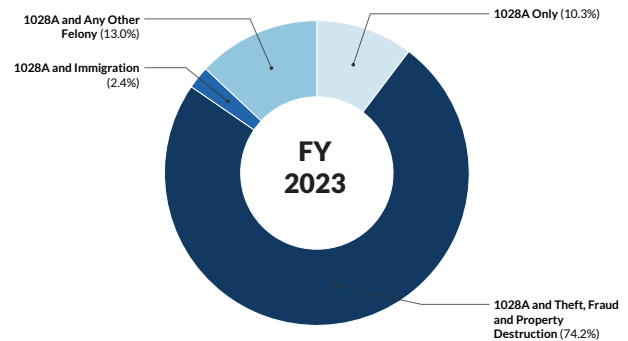
Of the 61.4% of all individuals convicted under section 1028A under the *Guidelines Manual*:

- 65.8% were sentenced within the guideline range.
- 31.1% received a substantial assistance departure.
 - Their average sentence reduction was 61.0%.
- 3.1% received some other downward departure.
 - Their average sentence reduction was 34.8%.
- 38.6% received a variance; of those individuals:
 - 95.9% received a downward variance.
 - Their average sentence reduction was 24.8%.
 - 4.1% received an upward variance.
 - Their average sentence increase was 41.9%.

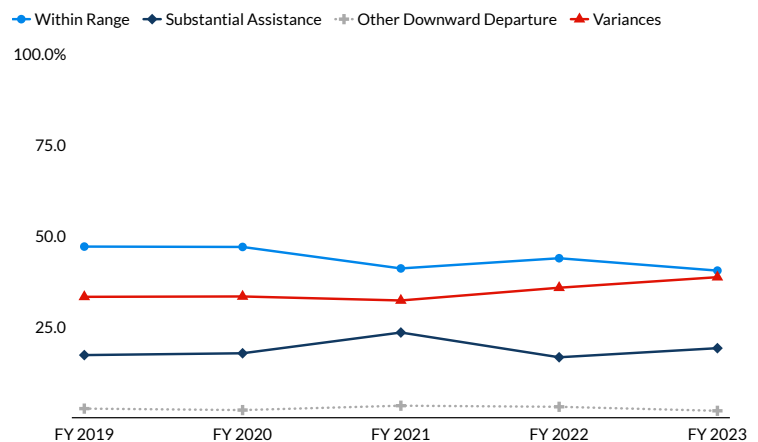
The average guideline minimum for all individuals convicted under section 1028A has fluctuated while the average sentence imposed has remained steady over the past five years.

- The average guideline minimum has fluctuated throughout the fiscal years. The average guideline minimum was 57 months in fiscal year 2019 and 66 months in fiscal year 2023.
- The average sentence imposed has remained steady throughout the fiscal years. The average sentence imposed was 47 months in fiscal year 2019 and 51 months in fiscal year 2023.

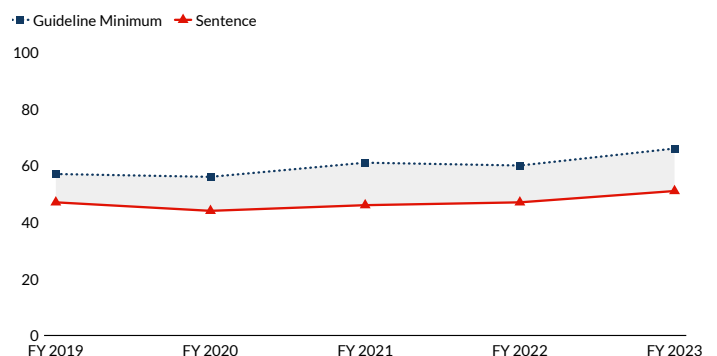
Distribution of 18 U.S.C. § 1028A Offenders With and Without Additional Offenses



Sentences Relative to the Guideline Range



Average Guideline Minimum and Average Sentence (months)



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

² Individuals sentenced solely under 18 U.S.C. § 1028A are sentenced pursuant to USSG §2B1.6. The criminal history category is not available for these individuals 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.