



QuickFacts

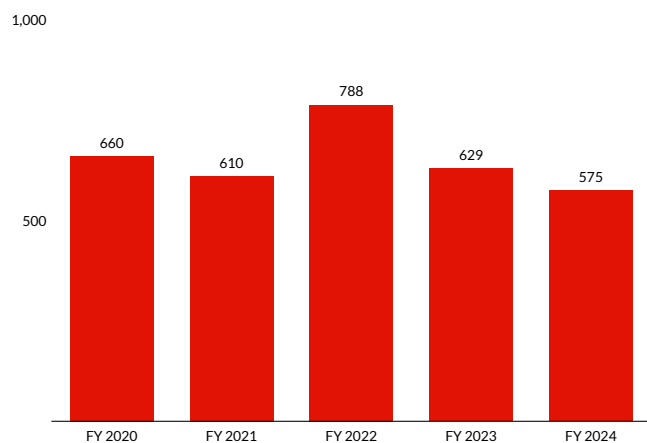
18 U.S.C. § 1028A Aggravated Identity Theft

Population Snapshot

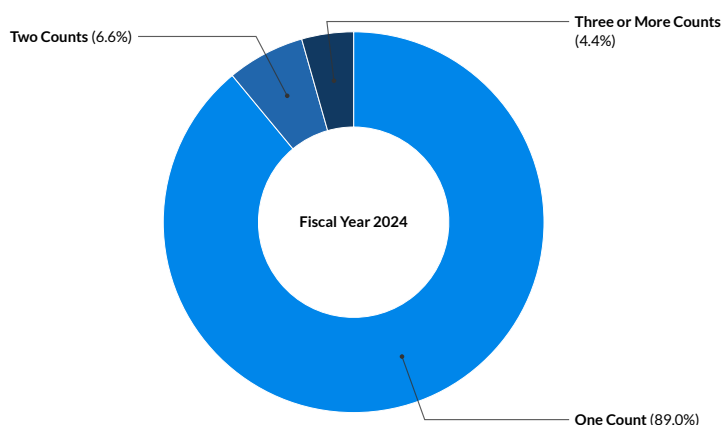
61,678 cases were reported in FY24;
575 involved 18 U.S.C. § 1028A.

Such cases have decreased
12.9% since FY20.

Number of 18 U.S.C. § 1028A Offenses



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



Individual and Offense Characteristics¹

79.1% of individuals convicted under section 1028A were men.

46.9% were Black, 30.2% were White, 18.4% were Hispanic, and 4.5% were Other races.

Their average age was 39 years.

80.9% were United States citizens.

45.4% had little or no prior criminal history (Criminal History Category I):²

- 15.3% were CHC II;
- 11.4% were CHC III;
- 9.2% were CHC IV;
- 5.4% were CHC V;
- 13.3% were CHC VI.

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

- Southern District of Florida (49);
- Southern District of New York (37);
- Central District of California (36);
- Middle District of Florida (36);
- Eastern District of Michigan (25).

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

- Eastern District of California (4.5%);
- District of Maryland (4.2%);
- Southern District of Alabama (4.2%);
- Eastern District of Michigan (3.9%);
- Central District of California (3.9%).

11.0% were convicted of multiple counts of section 1028A in fiscal year 2024, a slight decrease from 11.8% in fiscal year 2020.

89.0% of individuals convicted under section 1028A were also convicted of another offense.

Punishment

The average sentence for individuals convicted under section 1028A was 54 months; 99.0% were sentenced to prison.³

- The average sentence for individuals convicted only under section 1028A was 25 months;
- The average sentence for individuals convicted of both a section 1028A offense and another offense was 57 months;
- The average sentence for individuals convicted under multiple counts of section 1028A was 74 months.



QuickFacts

Aggravated Identity Theft

Sentences Relative to the Guideline Range⁴

Sentences for Section 1028A Only

100% of sentences for convictions under section 1028A only were sentenced under the *Guidelines Manual*.

- 95.2% were within the guideline range.
- 4.8% were substantial assistance departures.
 - The average sentence reduction was 56.9%.

Sentences for All Section 1028A

64.7% of sentences for convictions under section 1028A were under the *Guidelines Manual*.

- 44.0% were within the guideline range.
- 16.2% were substantial assistance departures.
 - The average sentence reduction was 57.8%.
- 4.2% were some other downward departure.
 - The average sentence reduction was 30.7%.
- 0.3% were upward departures.⁵

35.3% of sentences for convictions under section 1028A were variances.

- 33.2% were downward variances.
 - The average sentence reduction was 25.3%.
- 2.1% were upward variances.
 - The average sentence increase was 47.4%.

The average guideline minimum and average sentence imposed have increased over the past five years.

- The average guideline minimum increased from 56 months in fiscal year 2020 to 68 months in fiscal year 2024.
- The average sentence imposed increased from 44 months in fiscal year 2020 to 54 months in fiscal year 2024.

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

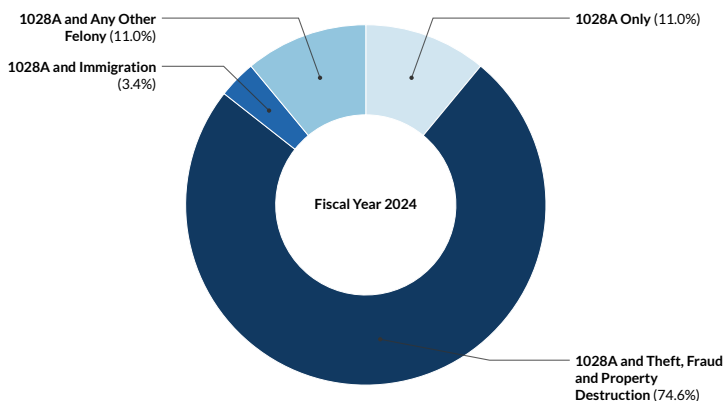
² Individuals sentenced solely under 18 U.S.C. § 1028A are sentenced pursuant to USSG §2B1.6. The criminal history category is not available for these offenders because the applicable guideline provisions do not call for the sentencing court to make those calculations.

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.

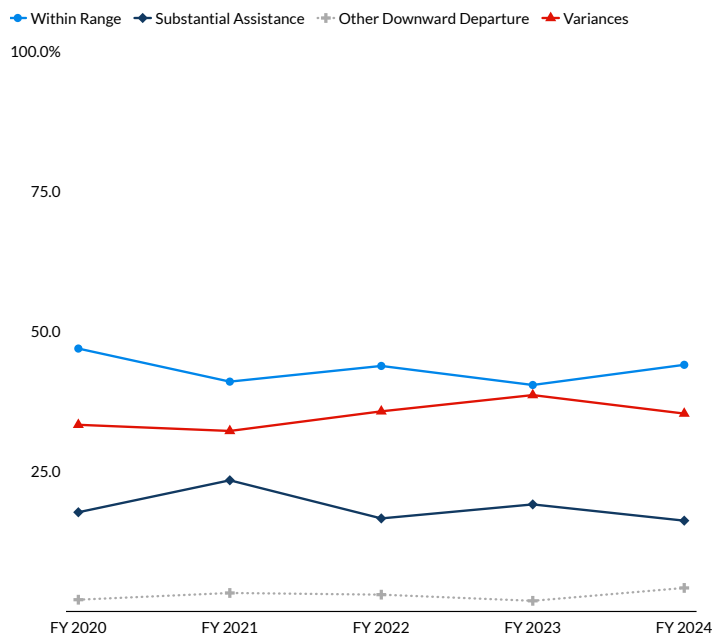
⁴ The guideline sentence for an 18 U.S.C. § 1028A offense is the term of imprisonment required by statute. USSG §2B1.6. Punishments under 18 U.S.C. § 1028A run consecutively to any other term of imprisonment. Section 1028A(b)(4) provides that in cases of multiple convictions under 18 U.S.C. § 1028A, 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 With and Without Additional Offenses



Sentences Relative to the Guideline Range by Fiscal Year



Average Guideline Minimum and Average Sentence (months)

