

**APPENDIX E**  
**Illustrative Tables – Commission Data Sampling**

**Table 1**

<b>Law Enforcement Agencies Investigating Identification-Means Related Conduct</b>		
<b>Law Enforcement Agencies</b>	<b>No. of Cases</b>	<b>Percent of Sample</b>
Local/State	41	28.1%
U.S. Secret Service	41	28.1%
INS/Border Patrol	29	19.9%
FBI	25	17.1%
Non-specified or other agency (e.g. FDA)	12	8.2%
IRS	10	6.8%
U.S. Dept. of State	8	5.5%
U.S. Postal Service	8	5.5%
Social Security Administration	7	4.8%
U.S. Customs	3	2.1%
DEA	4	2.7%
ATF	1	0.7%
U.S. Marshals Service	1	0.7%
Non U.S. Agency (Canadian Border Guards)	1	0.7%

**Table 2**  
**Number and Types of ID Means<sup>1</sup>**

Type of ID Means	Number of Cases in the Sample	Number of ID Means Involved <sup>2</sup>					Cases Using This Id Means as Breeder Document
		1	2-10	11-50	51-100	101+	
Social Security No. <sup>3</sup>	39	23	8	2	1	1	32
Driver's License	40	17	13	4	0	0	33
Credit Card	42	2	21	9	1	3	4
Check	36	10	18	5	1	3	1
Birth Certificate	20	10	4	2	0	0	11
Alien Registration Card	10	4	3	0	1	1	1

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<sup>1</sup> "ID means" categories represented by fewer than 10 cases are excluded from the table. The categories are not mutually exclusive because many of the cases in the sample involved more than one type of ID means.

<sup>2</sup> The number of cases in these categories do not add up to total number of cases involving each ID means because the PSRs do not uniformly capture the precise number of ID means associated with the offense conduct.

<sup>3</sup> The "Social Security No." category includes both cards and written/printed numbers.

**Table 3**  
**Nature of Misused ID Means<sup>1</sup>**

<b>Type of ID Means Involved in Offense Conduct</b>	<b>Number of Cases</b>	<b>At Least One ID Means a Physical Object</b>	<b>At Least One ID Means Altered</b>	<b>ID Means “Owner” Gave Consent</b>
Social Security No. <sup>2</sup>	39	23	1	1
Driver’s License	40	39	8	1
Credit Card	42	34	4	2
Check	36	34	5	2
Birth Certificate	20	19	2	0
Alien Registration Card	10	9	0	0

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<sup>1</sup> “ID means” categories represented by fewer than 10 cases are excluded from the table. The categories are not mutually exclusive because many of the cases in the sample involved more than one type of ID means.

<sup>2</sup> The “Social Security No.” category includes both cards and written/printed numbers.

**Table 4**  
**Fictitious vs. Actual Individuals<sup>1</sup>**

<b>Type of ID Means</b>	<b>Number of Cases in the Sample</b>	<b>Per cent of Cases Where ID Means Corresponds to Actual Individual(s)</b>	<b>Per cent of Cases Where ID Means Corresponds to Fictitious Individual(s)</b>	<b>Not Determinable From Available Facts</b>
Social Security No.	39	56%	38.5%	5.5%
Driver's License	40	28%	62.5%	9.5%
Credit Card	42	62%	23.8%	14.2%
Check	36	53%	27.7%	19.3%
Birth Certificate	20	45%	40%	15%
Alien Registration Card	10	20%	80%	0%

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<sup>1</sup> "ID means" categories represented by fewer than 10 cases are excluded from the table. The categories are not mutually exclusive because many of the cases in the sample involved more than one type of ID means.

**Table 5**  
**Distribution of Primary Sentencing Guidelines by**  
**Involvement of Breeder ID Means<sup>1</sup>**

Primary Sentencing Guideline	Cases Involving Breeder ID Means		Cases Without Breeder ID Means	
	Number of Cases	Percent	Number of Cases	Percent
<b>Total</b>	48	100.0	95	100.0
Fraud (§2F1.1)	36	75.0	51	53.7
Immigration (§§2L1.1, 1.2, 2.1, 2.2, 2.4)	6	12.5	23	24.2
Theft/Forgery/Counterfeiting (§2B1.1, §2B5.1)	0	0.0	6	6.3
Money Laundering (§2S1.1)	2	4.2	4	4.2
Firearms (§2K2.1)	2	4.2	3	3.2
Tax (§§2T1.1, 1.4)	0	0.0	3	3.2
Drugs (§§2D1.1, 2.2)	0	0.0	2	2.1
Administration of Justice (§§2J1.3, 1.7)	2	4.2	0	0.0
Food/Drugs (§2N1.1)	0	0.0	1	1.1
Civil/Political Rights (§2H2.1)	0	0.0	1	1.1
Assault (§2A2.2)	0	0.0	1	1.1

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<sup>1</sup> Three of the 146 cases were excluded from this table due to missing guideline application information.

**Table 6**  
**Application of §2F1.1 Specific Offense Characteristics**  
**(N=87 Cases)<sup>1</sup>**

Specific Offense Characteristic	Number of Cases Receiving Enhancement	Percent of §2F1.1 Cases
<b>§2F1.1(b)(1)</b> <b>Loss Enhancement</b>	87	100.0%
Less than \$2,000	15	17.2%
More than \$2,000	5	5.8%
More than \$5,000	16	18.4%
More than \$10,000	12	13.8%
More than \$20,000	15	17.2%
More than \$40,000	4	4.6%
More than \$70,000	4	4.6%
More than \$120,000	3	3.4%
More than \$200,000	7	8.0%
More than \$350,000	1	1.2%
More than \$500,000	1	1.2%
More than \$800,000	4	4.6%
<b>§2F1.1(b)(2)</b> <b>More than minimal planning/Defraud more than one victim</b>	87	100.0%
No Enhancement	9	10.5%
More than Minimal Planning Only	37	42.5%
Defraud Multiple Victims Only	11	12.6%
Both Planning and Multiple Victims	13	14.9%
Unspecified	17	19.5%
<b>§2F1.1(b)(3)</b> <b>Misrepresentation of charity/ violation of judicial or administrative order</b>	3	3.4%
<b>§2F1.1(b)(4)</b> <b>Risk of serious injury/weapon possession</b>	0	0.0%
<b>§2F1.1(b)(5)</b> <b>Use of foreign bank accounts to conceal fraud</b>	1	1.1%
<b>§2F1.1(b)(6)</b> <b>Jeopardize financial institution</b>	0	0.0%

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<sup>1</sup> All of the cases in the sample are in the FY98 datafile and were sentenced using the 1997 (or earlier) Guidelines Manual.

**Table 7**  
**Criminal History**

<b>Criminal History Category</b>	<b>Percent of Cases in ID Theft Sample (n=146)</b>	<b>Percent of Cases in FY98 (n=49,628)</b>
I	21%	55%
II	17%	11%
III	17%	13%
IV	11%	8%
V	17%	4%
VI	17%	9%

**Table 8**  
**Sentencing Outcomes for Identity Theft Sample<sup>1</sup>**

<b>Primary Sentencing Guideline</b>	<b>Number of Cases</b>	<b>Number Receiving Confinement</b>	<b>Mean Months Prison/Alternative Sentence (median)</b>
Fraud (§2F1.1)	87	67	16 (11)
Immigration (§§2L1.1, 1.2, 2.1, 2.2, 2.4)	29	24	10 (6)
Theft/Forgery/Counterfeiting (§2B1.1, §2B5.1)	6	5	8 (10)
Money Laundering (§2S1.1)	6	6	81 (66)
Firearms (§2K2.1)	5	5	30 (24)
Tax (§§2T1.1, 1.4)	3	2	29 (29)
Drugs (§§2D1.1, 2.2)	2	1	60 (60)
Administration of Justice (§§2J1.3, 1.7)	2	2	22 (22)
Food/Drugs (§2N1.1)	1	1	70 (70)
Civil/Political Rights (§2H2.1)	1	1	33 (33)
Assault (§2A2.2)	1	1	77 (77)

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<sup>1</sup> Two of the 146 cases were excluded from this table due to missing guideline application information.



**Table 9**  
**Application of Chapter Three Guideline Adjustments**  
(N=146 Cases)

<b>Chapter Three Enhancement</b>	<b>Number of Cases Receiving Adjustment</b>	<b>Percent of Sample</b>
Hate crime/vulnerable victim	2	1.4%
Official victim	0	0.0%
Restraint of victim	0	0.0%
Terrorism	0	0.0%
Aggravating role	14	9.6%
Mitigating role	5	3.4%
Abuse of position of trust	4	2.7%
Use of a minor	0	0.0%
Obstruction of justice	9	6.2%
Reckless endangerment	1	0.7%
Acceptance of responsibility	129	88.4%