APPENDIX D

EXPLANATION OF STRATIFIED SAMPLING METHODOLOGY

Identifying statutes through the LEXIS/NEXIS search comprised a structured effort to document statutes which might potentially cover offense conduct also described in 18 USC §1028(a)(7). A next step was to examine cases sentenced under these other statutes to determine if and how the range of identity crime conduct already present in federal statute might be affected by guideline changes targeting identification means-related offense conduct.

To measure the types of identification means-related offense conduct occurring beyond 18 USC §1028, a coding project was designed to examine the case files of offenders sentenced under statutes on the list. The information in these files would compare this offense conduct to the definitions of the Identity Theft and Assumption Deterrence Act of 1998.

The sample design had four requirements. First, at least one case would be sampled from each of the statutes on the list to assure the breadth of the review. Second, only cases received at the Commission with PSR data would be selected (to permit evaluation of offense conduct information). Third, the number of cases sampled from each statute would be generally proportional to the total number of convictions for that statute in FY98. Fourth, the sample would concentrate on non-immigration guideline cases, with a specific smaller sample component targeting immigration guideline cases.

Resources were available to review approximately 300 cases. The resulting purposeful sample randomly selected 321 cases review using the four criteria listed above. The main stratified sample included 268 cases with at least one conviction in the statute list and with no immigration guideline (§2L) computation.[1] The immigration sample component contained an additional 53 cases with at least one conviction in the statute list and with at least one immigration guideline (§2L) computation.

Consistent with the objectives of the coding project, data obtained from the coding effort provide information on the range and variation of identification-means related offense conduct to guide further analysis. However, this sample is *not* a representative sample that can be used to make inferences to the population as a whole. Instead, it provides a creative and rigorous methodology to view the nature and extent of identification-means related offense conduct throughout the federal criminal code, and to help distinguish the full range of sentencing option implications in the context of current prosecutorial charging practices and/or specific proposed Chapter Two or Chapter Three guideline enhancements.

---

[1]The distribution of convictions across the statute list varied widely. The stratification was established as follows (sample cases/number of cases with convictions for this statute): (i) 20/1,020 case convictions; (ii) 15/918 case convictions; (iii) 10 /70-to and-560 case convictions; (iv) 5/50-to-69 case convictions; (v) 4/40-to-49 case convictions; (vi) 3/20-to-39 case convictions; (vii) 2/10-to-19 case convictions; and (viii) 1/fewer than 10 case convictions.