

Table 54

ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹
Fiscal Year 2003

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	Number	Percent
Involvement/tolerance in an organization/unit of 5,000+ employees	2	2.2
Involvement/tolerance in an organization/unit of 1,000+ employees	1	1.1
Involvement/tolerance in an organization/unit of 200+ employees	1	1.1
Involvement/tolerance in an organization of 50+ employees	14	15.6
Involvement/tolerance in an organization of ten or more employees	29	32.2
No involvement/tolerance OR fewer than ten employees	43	47.8
TOTAL	90	100.0

Prior History - §8C2.5(c)	Number	Percent
One similar criminal/two similar administrative violations within ten years	2	2.2
One similar criminal/two similar administrative violations within five years	1	1.1
Organization had no prior record	87	96.7
TOTAL	90	100.0

Violation of an Order - §8C2.5(d)	Number	Percent
Organization did violate an order	1	1.1
Organization did not violate an order	89	98.9
TOTAL	90	100.0

Obstruction of Justice - §8C2.5(e)	Number	Percent
Organization obstructed justice	3	3.3
Organization did not obstruct justice	87	96.7
TOTAL	90	100.0

Effective Program to Prevent and Detect Violations of Law - §8C2.5(f)	Number	Percent
Organization did have an effective compliance program	0	0.0
Organization had a compliance program, but it was not effective	0	0.0
Organization had no compliance program	90	100.0
TOTAL	90	100.0

Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	Number	Percent
Reported offense to governmental authorities	1	1.1
Cooperated with investigation	36	40.0
Accepted responsibility	37	41.1
Organization did not self-report, cooperate, or accept responsibility	16	17.8
TOTAL	90	100.0

¹Of the 200 cases that were sentenced pursuant to Chapter Eight, 99 had the fine guidelines applied. The remaining 101 cases had fine guidelines application data missing or inapplicable due to guideline provisions such as a “preliminary determination of inability to pay fine” (§8C2.2). The total for each factor may add up to less than the overall total due to missing information for that specific variable. Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight culpability factors can be found in USSG §8C2.5.

SOURCE: U.S. Sentencing Commission, Organizational Datafile, FY2003.