

Table 54

ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹
Fiscal Year 2005, Post-Booker (January 12, 2005 through September 30, 2005)

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	Number	Percent
Involvement/tolerance in an organization/unit of 5,000+ employees	1	1.4
Involvement/tolerance in an organization/unit of 1,000+ employees	1	1.4
Involvement/tolerance in an organization/unit of 200+ employees	3	4.3
Involvement/tolerance in an organization of 50+ employees	15	21.7
Involvement/tolerance in an organization of ten or more employees	22	31.9
No involvement/tolerance OR fewer than ten employees	27	39.1
TOTAL	69	100.0

Prior History - §8C2.5(c)	Number	Percent
One similar criminal/two similar administrative violations within ten years	1	1.4
One similar criminal/two similar administrative violations within five years	3	4.3
Organization had no prior record	65	94.2
TOTAL	69	100.0

Violation of an Order - §8C2.5(d)	Number	Percent
Organization did violate an order	4	5.8
Organization did not violate an order	65	94.2
TOTAL	69	100.0

Obstruction of Justice - §8C2.5(e)	Number	Percent
Organization obstructed justice	5	7.2
Organization did not obstruct justice	64	92.8
TOTAL	69	100.0

Effective Compliance and Ethics Program - §8C2.5(f)	Number	Percent
Organization did have an effective compliance program	0	0.0
Organization had no compliance program	69	100.0
TOTAL	69	100.0

Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	Number	Percent
Reported offense to governmental authorities	2	2.9
Cooperated with investigation	42	60.9
Accepted responsibility	15	21.7
Organization did not self-report, cooperate, or accept responsibility	10	14.5
TOTAL	69	100.0

¹Of the 142 cases that were sentenced pursuant to Chapter Eight, 74 had the fine guidelines applied. The remaining 68 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. A description of Chapter Eight culpability factors can be found in USSG §8C2.5. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005 through September 30, 2005).