

Table 54

ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹
Fiscal Year 2008

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	Number	Percent
Involvement/tolerance in an organization/unit of 5,000+ employees	3	3.2
Involvement/tolerance in an organization/unit of 1,000+ employees	4	4.2
Involvement/tolerance in an organization/unit of 200+ employees	6	6.3
Involvement/tolerance in an organization/unit of 50+ employees	13	13.7
Involvement/tolerance in an organization/unit of ten or more employees	25	26.3
No Involvement/tolerance OR fewer than ten employees	44	46.3
TOTAL	95	100.0

Prior History - §8C2.5(c)	Number	Percent
One similar criminal/two similar administrative violations within ten years	1	1.1
One similar criminal/two similar administrative violations within five years	1	1.1
Organization had no prior record	91	97.8
TOTAL	93	100.0

Violation of an Order - §8C2.5(d)	Number	Percent
Organization violated a judicial order or condition of probation for similar conduct	1	1.1
Organization violated condition of probation	0	0.0
Organization did not violate an order or probation	92	98.9
TOTAL	93	100.0

Obstruction of Justice - §8C2.5(e)	Number	Percent
Organization obstructed justice	3	3.2
Organization did not obstruct justice	90	96.8
TOTAL	93	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	93	100.0
TOTAL	93	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	56	58.9
Accepted responsibility	20	21.1
Organization did not self-report, cooperate, or accept responsibility	18	18.9
TOTAL	95	100.0

¹Of the 199 cases sentenced pursuant to Chapter Eight, 98 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. 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.