

Table 54**ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹**
Fiscal Year 2009

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	4	4.2
Involvement/tolerance in an organization/unit of 1,000+ employees	1	1.0
Involvement/tolerance in an organization/unit of 200+ employees	16	16.7
Involvement/tolerance in an organization/unit of 50+ employees	10	10.4
Involvement/tolerance in an organization/unit of ten or more employees	23	24.0
No Involvement/tolerance OR fewer than ten employees	42	43.8
TOTAL	96	100.0
Prior History - §8C2.5(c)	N	%
One similar criminal/two similar administrative violations within ten years	0	0.0
One similar criminal/two similar administrative violations within five years	1	1.0
Organization had no prior record	95	99.0
TOTAL	96	100.0
Violation of an Order - §8C2.5(d)	N	%
Organization violated a judicial order or condition of probation for similar conduct	2	2.1
Organization violated condition of probation	0	0.0
Organization did not violate an order or probation	94	97.9
TOTAL	96	100.0
Obstruction of Justice - §8C2.5(e)	N	%
Organization obstructed justice	5	5.2
Organization did not obstruct justice	91	94.8
TOTAL	96	100.0
Effective Compliance and Ethics Program - §8C2.5(f)	N	%
Organization did have an effective compliance program	0	0.0
Organization had no compliance program	96	100.0
TOTAL	96	100.0
Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	N	%
Reported offense to governmental authorities	1	1.0
Cooperated with investigation	58	60.4
Accepted responsibility	29	30.2
Organization did not self-report, cooperate, or accept responsibility	8	8.3
TOTAL	96	100.0

¹Of the 177 cases sentenced pursuant to Chapter Eight, fine guidelines were applied in 96 cases. In the remaining 81 cases, fine guidelines application data was missing or inapplicable due to guideline provisions such as a “preliminary determination of inability to pay fine” (§8C2.2). 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.