

Table 54

ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹
Fiscal Year 2012

| Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b) | N | % |
|--|-----------|--------------|
| Involvement/tolerance in an organization/unit of 5,000+ employees | 0 | 0.0 |
| Involvement/tolerance in an organization/unit of 1,000+ employees | 2 | 3.2 |
| Involvement/tolerance in an organization/unit of 200+ employees | 2 | 3.2 |
| Involvement/tolerance in an organization/unit of 50+ employees | 12 | 19.0 |
| Involvement/tolerance in an organization/unit of ten or more employees | 22 | 34.9 |
| No Involvement/tolerance OR fewer than ten employees | 25 | 39.7 |
| TOTAL | 63 | 100.0 |
| <hr/> | | |
| 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 | 0 | 0.0 |
| Organization had no prior record | 63 | 100.0 |
| TOTAL | 63 | 100.0 |
| <hr/> | | |
| Violation of an Order - §8C2.5(d) | N | % |
| Organization violated a judicial order or condition of probation for similar conduct | 0 | 0.0 |
| Organization violated condition of probation | 0 | 0.0 |
| Organization did not violate an order or probation | 63 | 100.0 |
| TOTAL | 63 | 100.0 |
| <hr/> | | |
| Obstruction of Justice - §8C2.5(e) | N | % |
| Organization obstructed justice | 6 | 9.5 |
| Organization did not obstruct justice | 57 | 90.5 |
| TOTAL | 63 | 100.0 |
| <hr/> | | |
| Effective Compliance and Ethics Program - §8C2.5(f) | N | % |
| Organization did have an effective compliance program | 0 | 0.0 |
| Organization had no compliance program | 63 | 100.0 |
| TOTAL | 63 | 100.0 |
| <hr/> | | |
| Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) | N | % |
| Reported offense to governmental authorities | 2 | 3.2 |
| Cooperated with investigation | 32 | 50.8 |
| Accepted responsibility | 18 | 28.6 |
| Organization did not self-report, cooperate, or accept responsibility | 11 | 17.5 |
| TOTAL | 63 | 100.0 |

¹ Of the 187 cases sentenced pursuant to Chapter Eight, fine guidelines were applied in 69 cases. In the remaining 118 cases, the fine guideline was not applied or data on the application of the fine guideline was missing. 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.