

Table 54

ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹
Fiscal Year 2016

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	3	6.4
Involvement/tolerance in an organization/unit of 1,000+ employees	2	4.3
Involvement/tolerance in an organization/unit of 200+ employees	3	6.4
Involvement/tolerance in an organization/unit of 50+ employees	7	14.9
Involvement/tolerance in an organization/unit of ten or more employees	11	23.4
No Involvement/tolerance OR fewer than ten employees	21	44.7
TOTAL	47	100.0
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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	2	4.3
Organization had no prior record	45	95.7
TOTAL	47	100.0
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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	47	100.0
TOTAL	47	100.0
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Obstruction of Justice - §8C2.5(e)	N	%
Organization obstructed justice	1	2.1
Organization did not obstruct justice	46	97.9
TOTAL	47	100.0
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Effective Compliance and Ethics Program - §8C2.5(f)	N	%
Organization did have an effective compliance program	1	2.1
Organization had no compliance program	46	97.9
TOTAL	47	100.0
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Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	N	%
Reported offense to governmental authorities	0	0.0
Cooperated with investigation	29	61.7
Accepted responsibility	12	25.5
Organization did not self-report, cooperate, or accept responsibility	6	12.8
TOTAL	47	100.0

¹ Of the 132 cases sentenced pursuant to Chapter Eight, the fine guideline was applied in 48 cases. In the remaining 84 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 total number of cases in which the fine guideline was applied 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, 2016 Organizational Datafile, CORPFY16.