

Table O-4

CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2018

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	3	5.6
Involvement/tolerance in an organization/unit of 200+ employees	7	13.0
Involvement/tolerance in an organization/unit of 50+ employees	8	14.8
Involvement/tolerance in an organization/unit of ten or more employees	12	22.2
No involvement/tolerance OR fewer than ten employees	24	44.4
TOTAL	54	100.0
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Prior History - §8C2.5(c)	N	%
One similar criminal/two similar administrative violations within ten years	2	3.7
One similar criminal/two similar administrative violations within five years	0	0.0
Organization had no prior record	52	96.3
TOTAL	54	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	54	100.0
TOTAL	54	100.0
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Obstruction of Justice - §8C2.5(e)	N	%
Organization obstructed justice	1	1.9
Organization did not obstruct justice	53	98.1
TOTAL	54	100.0
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Effective Compliance and Ethics Program - §8C2.5(f)	N	%
Organization did have an effective compliance and ethics program	1	1.9
Organization had no compliance and ethics program	53	98.1
TOTAL	54	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	33	61.1
Accepted responsibility	16	29.6
Organization did not self-report, cooperate, or accept responsibility	5	9.3
TOTAL	54	100.0

¹ Of the 99 organizational cases, the fine guideline was applied in 54 cases. For the remaining 45 cases, the fine guideline was not applied or data on the application of the fine guidelines were missing. The total for each factor may add up to less than the total number of cases in which the fine guidelines were 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.