Table O-4

CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS¹

Fiscal Year 2020

Involvement/tolerance in an organization/unit of 1,000+ employees 1 2.6	Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 200+ employees 6 15.4	Involvement/tolerance in an organization/unit of 5,000+ employees	1	2.6
Involvement/tolerance in an organization/unit of 50+ employees 15.4	Involvement/tolerance in an organization/unit of 1,000+ employees	1	2.6
Involvement/tolerance in an organization/unit of ten or more employees	Involvement/tolerance in an organization/unit of 200+ employees	2	5.1
No involvement/tolerance OR fewer than ten employees	Involvement/tolerance in an organization/unit of 50+ employees	6	15.4
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 39 100.0 TOTAL 39 100.0 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 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization had no compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 Self-Reporting, C	Involvement/tolerance in an organization/unit of ten or more employees	13	33.3
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 39 100.0 TOTAL 39 100.0 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 39 100.0 TOTAL 39 100.0 Obstruction of Justice - \$8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - \$8C2.5(f) N % Organization had no compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 Self-Reporting, C	No involvement/tolerance OR fewer than ten employees	16	41.0
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 39 100.0 TOTAL 39 100.0 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 39 100.0 TOTAL 39 100.0 TOTAL 39 100.0 Organization did not violate an order or probation 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program for the		39	100.0
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 39 100.0 TOTAL 39 100.0 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 39 100.0 TOTAL 39 100.0 TOTAL 39 100.0 Organization did not violate an order or probation 39 100.0 TOTAL 39 100.0 Organization obstructed justice 3 7.7 Organization obstructed justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 Self-Reporting, Cooperation, and Acceptance		N	%
Organization had no prior record 39 100.00 TOTAL 39 100.00 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 39 100.0 Organization did not violate an order or probation 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization had no compliance and ethics program 39 100.0 TOTAL 39 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3	• • • • • • • • • • • • • • • • • • • •	0	0.0
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 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 TOTAL 39 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooper	One similar criminal/two similar administrative violations within five years	0	0.0
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 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 TOTAL 39 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooper	Organization had no prior record	39	100.0
Organization violated a judicial order or condition of probation for similar conduct 0 0.0 Organization violated condition of probation 39 100.0 Organization did not violate an order or probation 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 TOTAL 39 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooperate, or accept responsibility 8 20.5		39	100.0
Organization violated a judicial order or condition of probation for similar conduct 0 0.0 Organization violated condition of probation 39 100.0 Organization did not violate an order or probation 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 TOTAL 39 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooperate, or accept responsibility 8 20.5	Violation of an Order - §8C2.5(d)	N	%
Organization violated condition of probation 39 100.0 Organization did not violate an order or probation 39 100.0 TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 TOTAL 39 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooperate, or accept responsibility 8 20.5			0.0
TOTAL 39 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 3 7.7 Organization did not obstruct justice 36 92.3 TOTAL 39 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 0 0.0 Organization had no compliance and ethics program 39 100.0 TOTAL 39 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooperate, or accept responsibility 8 20.5		0	0.0
Obstruction of Justice - §8C2.5(e)N%Organization obstructed justice37.7Organization did not obstruct justice3692.3TOTAL39100.0Effective Compliance and Ethics Program - §8C2.5(f)N%Organization did have an effective compliance and ethics program00.0Organization had no compliance and ethics program39100.0TOTAL39100.0Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)N%Reported offense to governmental authorities12.6Cooperated with investigation1743.6Accepted responsibility1333.3Organization did not self-report, cooperate, or accept responsibility820.5	Organization did not violate an order or probation	39	100.0
Organization obstructed justice37.7Organization did not obstruct justice3692.3TOTAL39100.0Effective Compliance and Ethics Program - §8C2.5(f)N%Organization did have an effective compliance and ethics program00.0Organization had no compliance and ethics program39100.0TOTAL39100.0Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)N%Reported offense to governmental authorities12.6Cooperated with investigation1743.6Accepted responsibility1333.3Organization did not self-report, cooperate, or accept responsibility820.5	TOTAL	39	100.0
Organization obstructed justice37.7Organization did not obstruct justice3692.3TOTAL39100.0Effective Compliance and Ethics Program - §8C2.5(f)N%Organization did have an effective compliance and ethics program00.0Organization had no compliance and ethics program39100.0TOTAL39100.0Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)N%Reported offense to governmental authorities12.6Cooperated with investigation1743.6Accepted responsibility1333.3Organization did not self-report, cooperate, or accept responsibility820.5	Obstruction of Justice - §8C2.5(e)	N	%
TOTAL Effective Compliance and Ethics Program - §8C2.5(f) Organization did have an effective compliance and ethics program Organization had no compliance and ethics program 39 100.0 TOTAL Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) Reported offense to governmental authorities Cooperated with investigation Accepted responsibility Organization did not self-report, cooperate, or accept responsibility 8 20.5		3	7.7
Effective Compliance and Ethics Program - §8C2.5(f)N%Organization did have an effective compliance and ethics program00.0Organization had no compliance and ethics program39100.0TOTAL39100.0Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)N%Reported offense to governmental authorities12.6Cooperated with investigation1743.6Accepted responsibility1333.3Organization did not self-report, cooperate, or accept responsibility820.5	Organization did not obstruct justice	36	92.3
Organization did have an effective compliance and ethics program Organization had no compliance and ethics program TOTAL Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) Reported offense to governmental authorities Cooperated with investigation Accepted responsibility Organization did not self-report, cooperate, or accept responsibility 8 20.5	TOTAL	39	100.0
Organization did have an effective compliance and ethics program Organization had no compliance and ethics program TOTAL Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) Reported offense to governmental authorities Cooperated with investigation Accepted responsibility Organization did not self-report, cooperate, or accept responsibility 8 20.5	Effective Compliance and Ethics Program - §8C2.5(f)	N	%
TOTAL39100.0Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)N%Reported offense to governmental authorities12.6Cooperated with investigation1743.6Accepted responsibility1333.3Organization did not self-report, cooperate, or accept responsibility820.5		0	0.0
Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)N%Reported offense to governmental authorities12.6Cooperated with investigation1743.6Accepted responsibility1333.3Organization did not self-report, cooperate, or accept responsibility820.5	Organization had no compliance and ethics program	39	100.0
Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooperate, or accept responsibility 8 20.5	TOTAL	39	100.0
Reported offense to governmental authorities 1 2.6 Cooperated with investigation 17 43.6 Accepted responsibility 13 33.3 Organization did not self-report, cooperate, or accept responsibility 8 20.5	Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	N	%
Accepted responsibility 13 33.3 Organization did not self-report, cooperate, or accept responsibility 8 20.5			2.6
Organization did not self-report, cooperate, or accept responsibility 8 20.5	Cooperated with investigation	17	43.6
	Accepted responsibility	13	33.3
	Organization did not self-report, cooperate, or accept responsibility	8	20.5
101112	TOTAL	39	100.0

¹ Of the 94 organizational cases, the fine guideline was applied in 39 cases. For the remaining 55 cases, the fine guideline was not applied or data on the application of the fine guidelines were missing. 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, 2020 Organizational Datafile, CORPFY20.