

Table O-4

CULPABILITY FACTORS FOR ORGANIZATIONAL OFFENDERS¹
Fiscal Year 2020

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 5,000+ employees	1	2.6
Involvement/tolerance in an organization/unit of 1,000+ employees	1	2.6
Involvement/tolerance in an organization/unit of 200+ employees	2	5.1
Involvement/tolerance in an organization/unit of 50+ employees	6	15.4
Involvement/tolerance in an organization/unit of ten or more employees	13	33.3
No involvement/tolerance OR fewer than ten employees	16	41.0
TOTAL	39	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	0	0.0
Organization had no prior record	39	100.0
TOTAL	39	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	39	100.0
TOTAL	39	100.0
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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
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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
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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
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.