Table O-4

CULPABILITY FACTORS FOR SENTENCED ORGANIZATIONS¹ Fiscal Year 2023

Involvement/tolerance in an organization/unit of 5,000+ employees	Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	N	%
Involvement/tolerance in an organization/unit of 200+ employees	Involvement/tolerance in an organization/unit of 5,000+ employees	2	4.4
Involvement/tolerance in an organization/unit of 50+ employees 13 28.9 Involvement/tolerance in an organization/unit of ten or more employees 21 46.7 TOTAL 45 100.0 Prior History - §8C2.5(c) N % One similar criminal/two similar administrative violations within ten years 1 2.2 One similar criminal/two similar administrative violations within five years 1 2.2 Organization had no prior record 43 95.6 TOTAL 45 100.0 Violation of an Order - §8C2.5(d) N % Organization violated a judicial order or condition of probation for similar conduct 1 2.2 Organization violated an order or probation 0 0.0 Organization did not violate an order or probation 44 97.8 TOTAL 45 100.0 Obstruction of Justice - §8C2.5(e) N % Organization did not obstructed justice 2 4.4 Organization did not obstruct justice 2 4.4 Organization did not obstruct justice 43 95.6 TOTAL 45 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization had no compliance and ethics program 1 2.2 Organization had no compliance and ethics program 44 97.8 TOTAL 45 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 2.2 Cooperated with investigation 18 40.0 Accepted responsibility 17 37.8 Organization did not self-report, cooperate, or accept responsibility 9 20.0	Involvement/tolerance in an organization/unit of 1,000+ employees	1	2.2
Involvement/tolerance in an organization/unit of ten or more employees 21 46.7 TOTAL 45 100.0	Involvement/tolerance in an organization/unit of 200+ employees	4	8.9
No involvement/tolerance OR fewer than ten employees	Involvement/tolerance in an organization/unit of 50+ employees	4	8.9
Prior History - \$8C2.5(c) N % One similar criminal/two similar administrative violations within ten years 1 2.2 One similar criminal/two similar administrative violations within five years 1 2.2 Organization had no prior record 43 95.6 TOTAL 45 100.0 Violation of an Order - \$8C2.5(d) N % Organization violated a judicial order or condition of probation for similar conduct 1 2.2 Organization violated condition of probation 0 0.0 Organization did not violate an order or probation 44 97.8 TOTAL 45 100.0 Obstruction of Justice - \$8C2.5(e) N % Organization obstructed justice 2 4.4 Organization did not obstruct justice 2 4.4 Organization did not obstruct justice 2 4.4 Organization did have an effective compliance and ethics program 1 2.2 Organization had no compliance and ethics program 44 97.8 TOTAL 45 100.0 Self-Reporting, Coo	Involvement/tolerance in an organization/unit of ten or more employees	13	28.9
Prior History - §8C2.5(c) N % One similar criminal/two similar administrative violations within ten years 1 2.2 One similar criminal/two similar administrative violations within five years 1 2.2 Organization had no prior record 43 95.6 TOTAL 45 100.0 Violation of an Order - §8C2.5(d) N % Organization violated a judicial order or condition of probation for similar conduct 1 2.2 Organization violated condition of probation 0 0.0 Organization did not violate an order or probation 44 97.8 TOTAL 45 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 2 4.4 Organization did not obstruct justice 2 4.4 Organization did have an effective compliance and ethics program - §8C2.5(f) N % Organization had no compliance and ethics program 1 2.2 Organization had no compliance and ethics program 44 97.8 TOTAL 45 100.0 <	No involvement/tolerance OR fewer than ten employees	21	46.7
One similar criminal/two similar administrative violations within ten years 1 2.2 One similar criminal/two similar administrative violations within five years 1 2.2 Organization had no prior record 43 95.6 TOTAL 45 100.0 Violation of an Order - §8C2.5(d) N % Organization violated a judicial order or condition of probation for similar conduct 1 2.2 Organization violated condition of probation 0 0.0 Organization did not violate an order or probation 44 97.8 TOTAL 45 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 2 4.4 Organization obstructed justice 43 95.6 TOTAL 45 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 1 2.2 Organization had no compliance and ethics program 44 97.8 TOTAL 45 100.0 Self-Reporting, Cooperatio	TOTAL	45	100.0
One similar criminal/two similar administrative violations within ten years 1 2.2 One similar criminal/two similar administrative violations within five years 1 2.2 Organization had no prior record 43 95.6 TOTAL 45 100.0 Violation of an Order - §8C2.5(d) N % Organization violated a judicial order or condition of probation for similar conduct 1 2.2 Organization violated condition of probation 0 0.0 Organization did not violate an order or probation 44 97.8 TOTAL 45 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 2 4.4 Organization obstructed justice 43 95.6 TOTAL 45 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 1 2.2 Organization had no compliance and ethics program 44 97.8 TOTAL 45 100.0 Self-Reporting, Cooperatio	Prior History - §8C2.5(c)	N	0/0
One similar criminal/two similar administrative violations within five years 1 2.2 Organization had no prior record 43 95.6 TOTAL 45 100.0 Violation of an Order - \$8C2.5(d) N % Organization violated a judicial order or condition of probation for similar conduct 1 2.2 Organization violated condition of probation 0 0.0 Organization did not violate an order or probation 44 97.8 TOTAL 45 100.0 Obstruction of Justice - \$8C2.5(e) N % Organization obstructed justice 2 4.4 Organization obstructed justice 2 4.4 Organization did not obstruct justice 43 95.6 TOTAL 45 100.0 Effective Compliance and Ethics Program - \$8C2.5(f) N % Organization did have an effective compliance and ethics program 1 2.2 Organization had no compliance and ethics program 44 97.8 TOTAL 45 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility -			
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TOTAL 45 100.0 Violation of an Order - §8C2.5(d) N % Organization violated a judicial order or condition of probation of probation violated condition of probation 0 0 0.0 Organization did not violate an order or probation 44 97.8 100.0 Obstruction of Justice - §8C2.5(e) N % Organization obstructed justice 2 2 4.4 Organization did not obstruct justice 3 43 95.6 TOTAL 4 45 100.0 Effective Compliance and Ethics Program - §8C2.5(f) N % Organization did have an effective compliance and ethics program 4 4 97.8 TOTAL 4 45 100.0 Self-ective Compliance and ethics program 5 1 2.2 Organization had no compliance and ethics program 44 97.8 100.0 Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g) N % Reported offense to governmental authorities 1 1 2.2 Cooperated with investigation 1 18 40.0 Accepted responsibility 1 17 37.8	·	43	95.6
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Reported offense to governmental authorities 1 2.2 Cooperated with investigation 18 40.0 Accepted responsibility 17 37.8 Organization did not self-report, cooperate, or accept responsibility 9 20.0	Self-Reporting Cooperation, and Acceptance of Responsibility - 88C2 5(g)	N	0/0
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Accepted responsibility 17 37.8 Organization did not self-report, cooperate, or accept responsibility 9 20.0	•		
Organization did not self-report, cooperate, or accept responsibility 9 20.0			
	TOTAL		100.0

¹ Of the 113 organizational cases, the fine guideline was applied in 45 cases. For the remaining 68 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.