



QuickFacts

Sentenced Organizations

What is a Sentenced Organization?

Chapter Eight of the Guidelines Manual governs the sentencing of corporations, partnerships, unions, trusts, pension funds, and non-profit organizations.

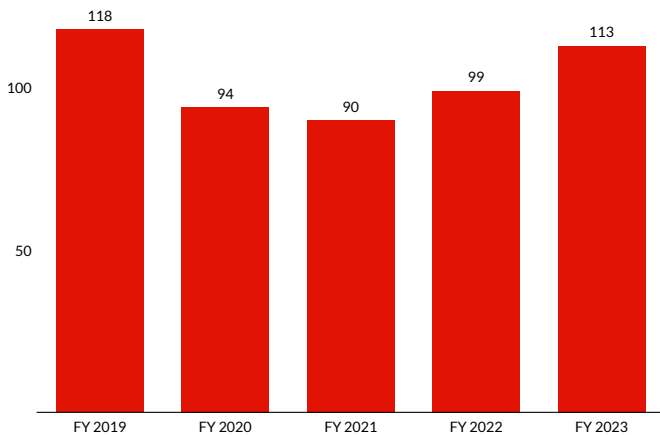
For some crimes, Chapter Eight provides a formula to calculate the minimum and maximum fine applicable to a defendant after consideration of several factors pertaining to culpability. In other cases, such as those involving environmental crimes, the Guidelines Manual instructs the sentencing judge to “determine the appropriate fine by applying the provisions of 18 U.S.C. §§ 3553 and 3572.” Chapter Eight also provides guidance for imposing a term of probation or other costs (such as forfeiture) against a defendant.

Population Snapshot

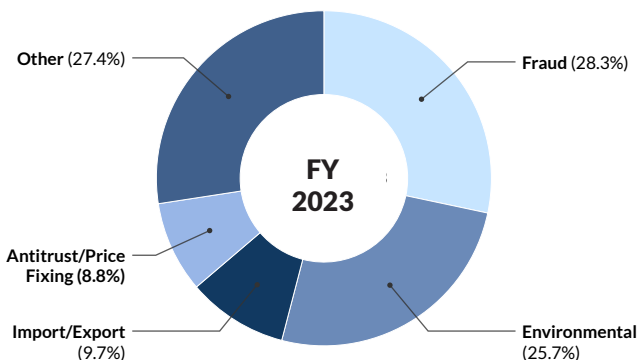
113 cases involving organizations were reported in FY23.¹

The most common offenses committed by organizations were **fraud** and **environmental crimes**.

Numbers of Sentenced Organizations Over Time



Sentenced Organizations by Primary Offense²



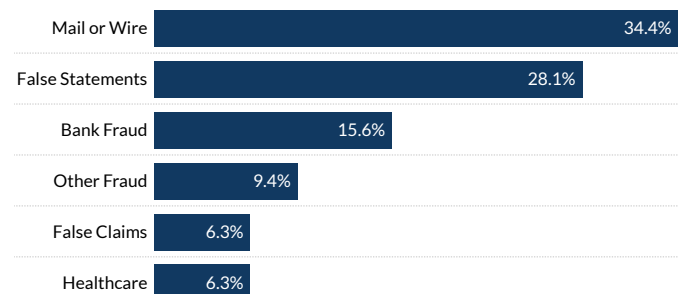
Characteristics of Sentenced Organizations

- 79.6% of sentenced organizations were located within the United States.
- Most organizations were closely-held or private corporations (46.4%) or limited liability companies (39.1%).
- 9.1% were publicly-traded corporations.
- 75.7% had fewer than 50 employees; 11.7% had 1,000 employees or greater.
- 7.3% had a history of misconduct, including previous criminal or civil adjudications against the organization or pending charges.

Offense Characteristics

- The most common offenses were fraud (28.3%), environmental (25.7%), import/export violations (9.7%), and antitrust/price fixing (8.8%) crimes.
- Of the types of environmental offenses, 48.3% were water related, 24.1% were hazardous material related, 20.7% were air related, and 6.9% were wildlife related.
- 56.6% of all organizational cases involved at least one related individual who was separately indicted in addition to the organization.

Types of Fraud Offenses Committed by Organizations





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Chapter Eight Application

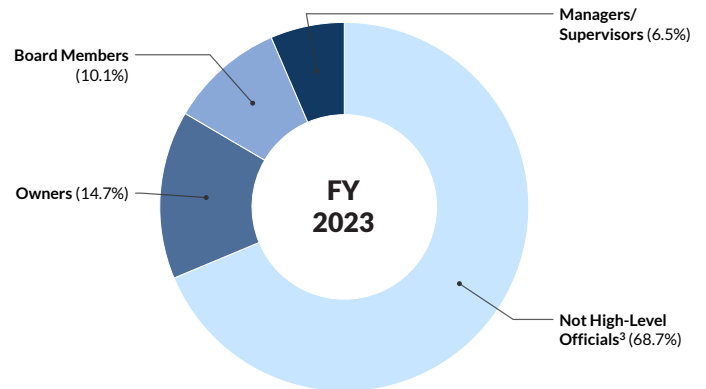
39.8% of the 113 sentenced organizations were sentenced pursuant to the Chapter Eight fine provisions (found in USSG §§8C2.1-8C2.9). The remaining organizations were sentenced pursuant to §8C2.10. Of the 45 organizations sentenced under §§8C2.1-8C2.9:

- 13 organizations (28.9%) received one point under §8C2.5(b) because they had at least ten employees and had a person in substantial authority who participated, condoned, or was willfully ignorant of the offense.
- Two organizations had a prior criminal or administrative violation.
- One violated a judicial order or condition.
- Two obstructed justice.
- One had an effective compliance and ethics program in place.
- One organization received an adjustment for reporting the offense to appropriate governmental authorities, cooperating with the investigation, and accepting responsibility for the offense.
- 17 organizations (37.8%) received an adjustment for cooperating with the investigation and accepting responsibility for the offense.
- 17 organizations (37.8%) received an adjustment for acceptance of responsibility for the offense but did not receive an adjustment for cooperating in the investigation.

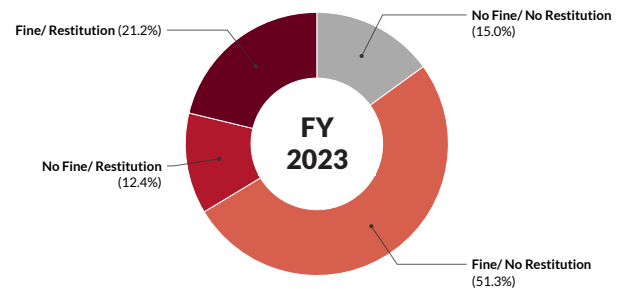
Punishment

- 95.6% of all sentenced organizations pled guilty.
- 79.6% were sentenced to probation.
- 25.7% were ordered to develop a compliance and ethics program, usually as a condition of probation.
- 85.0% were sentenced to pay a fine, restitution, or both.
- 72.6% had a fine imposed.
 - The median fine amount ordered was \$250,000 and the average fine amount was \$49,940,679.
- 33.6% were ordered to pay restitution.
 - The median restitution amount ordered was \$603,247 and the average restitution amount was \$95,760,420.
- 20.4% were ordered to forfeit money.
 - The median forfeiture amount was \$8,740,000 and the average forfeiture amount of \$171,653,471.

Level of Authority of Individuals Charged with Sentenced Organizations



Types of Monetary Sentences Imposed on Sentenced Organizations



Fine, Restitution, and Combined Amount (\$)



SOURCE: United States Sentencing Commission, FY 2019 through FY 2023 Datafiles, USSCFY19-USSCFY23.

¹ Only organizations convicted of a federal offense are included in Commission data. The Commission does not collect data on other dispositions, including non-prosecution or deferred prosecution agreements.

² The "Other" primary offense category includes: food & drug (7), bribery (4), immigration (4), money laundering (4), other (4), drugs (3), copyright/trademark infringement (2), larceny/theft/embezzlement (2), and gambling (1).

³ "Not High-Level Officials" could include individuals from related cases who were not employed by the sentenced organization.