



Research NOTES

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Analyzing Data About Sanctions for Organizations

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This issue of Research Notes describes how the Commission collects and reports information on the variables in the organizational datafile available in the individual datafiles, and discusses analytical issues that may arise when using this data.

The United States Sentencing Commission (“the Commission”) is an independent agency in the judicial branch of the federal government. The Commission’s primary responsibility is to promulgate and amend the federal sentencing guidelines. The Commission has other responsibilities, including (1) establishing a data collection, analysis, and research program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) publishing data concerning the sentencing process; (3) collecting and disseminating information concerning sentences actually imposed and the relationship of such sentences to the factors set forth in 18 U.S.C. § 3553(a); and (4) collecting and disseminating information regarding the effectiveness of sentences imposed.¹ To meet these responsibilities, the Commission receives and collects data from sentencing documents sent directly from the federal courts.²

Office of Research and Data

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Research Notes give background information on the technical details of the Commission’s data collection and analysis process. They are designed to help researchers use the Commission’s datafiles by providing answers to common data analysis questions. **Helpful links:**



Commission Website
<https://www.uscc.gov>



Interactive Data Analyzer
<https://ida.uscc.gov>



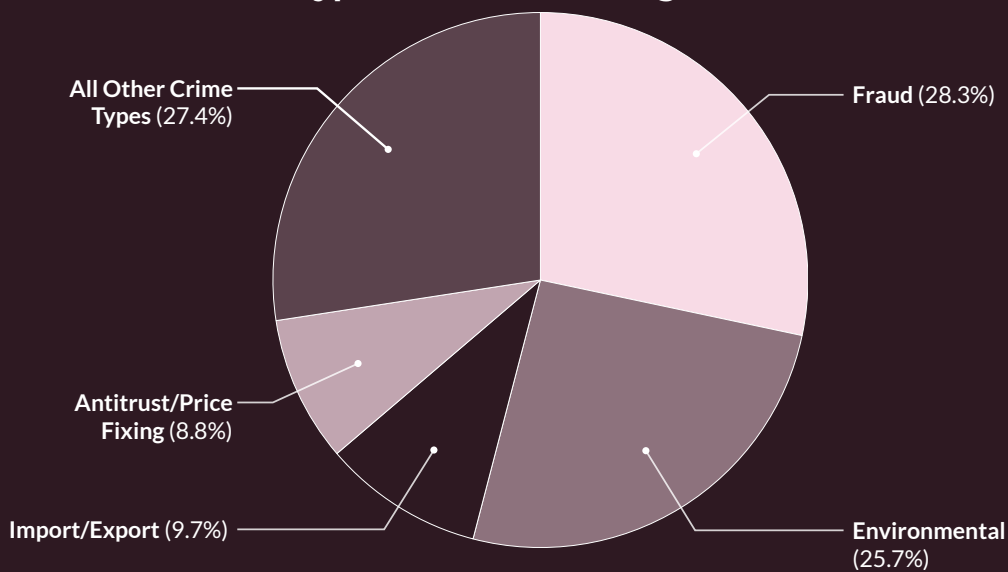
Judiciary Sentencing Information
<https://jsin.uscc.gov>

Introduction

The Commission has provided guidance and collected information about organizational sanctions for over 30 years.³ This publication explains how the Commission collects and reports information on the variables available in the Commission’s organizational datafile.⁴ The key variables in the Commission’s organizational datafile are noted in all capital letters inside of brackets throughout the text. It should be noted that the number of organizations sentenced each year is small (around 100 cases), compared to the number of individuals sentenced each year in the federal criminal justice system, about 65,000 in recent years.⁵

In the Commission’s organizational datafiles, the variable [CPIDN] is the unique identification number assigned to each case when it is initially processed at the Commission. Occasionally a case is submitted where one or more of the required documents is missing or the documents do not contain all the information that the Commission collects for the organizational datafile. In those situations, the variables will be reported as “missing” unless otherwise noted in the datafile codebook. Researchers may also want to review the document status variables ([JANDC], [REASONS], [INDICT], [PLEA], and [PSR]) when information is missing.

Offense Type of Sentenced Organizations



SOURCE: U.S. Sentencing Commission’s FY 23 Quick Facts on Sentenced Organizations

Basic Information About Organizations⁶

The organizational datafile contains information about each sentenced organization, most of which is collected from the Presentence Report (PSR). Background information on the organization is collected. The organization’s primary industry (e.g., Services, Transportation, Construction) is identified by the variable [BUSCLAS]. If the type of industry is other than one of the pre-set values, then the code “Other” value is chosen, and the text field [BUSTEXT] will describe the type of industry. The variable [INCORLOC] reports whether the organization is located within, or outside, the United States. The variable [INCORPYR] details the year in which the organization was incorporated. The variable [OWNSTRCT] indicates the ownership structure of the organization (e.g., Closely Held Corporation, Publicly Traded Corporation, Limited Liability Corporation). If the value

of “Other” is recorded for the [OWNSTRCT] variable, then the text field [OWNSTEXT] contains additional information if available. The financial status of the organization (e.g., Defunct, Solvent, Operating) at the time of sentencing is provided by the variable [FINSTDS]. If the value of “Other” is chosen for [FINSTDS], then additional information is recorded in the text field [FINSTXT] if available.

The organizational datafile contains basic information about the sentencing of organizations taken from the Judgment and Commitment Order (J&C). The variables [DISPOSIT] and [NEWCNVTN] detail whether the organization pleaded guilty or was convicted at trial. The variable [SENTYR] provides information about the fiscal year in which the organization was sentenced. The primary type of offense (e.g., Fraud, Antitrust) variable is [PRIMOFF].



Guideline Application and Fine Ranges

Most of the *Guidelines Manual* details how to calculate sentences for individual defendants, however, Chapter Eight of the *Guidelines Manual* details how sanctions are calculated for companies, corporations, and other organizations.⁷ The introduction to Chapter Eight explains,

Organizations can act only through agents and, under federal criminal law, generally are vicariously liable for offenses committed by their agents. At the same time, individual agents are responsible for their own criminal conduct. Federal prosecutions of organizations therefore frequently involve individual and organizational co-defendants. Convicted individual agents of organizations are sentenced in accordance with the guidelines and policy statements in the preceding chapters. This chapter is designed so that the sanctions imposed upon organizations and their agents, taken together, will provide just punishment, adequate deterrence, and incentives for organizations to maintain internal mechanisms for preventing, detecting, and reporting criminal conduct.⁸

The introduction to Chapter Eight of the *Guidelines Manual* sets forth several principles upon which the chapter is based. They are:

1. The court must, whenever practicable, order the organization to remedy any harm caused by the offense.
2. If the organization operated primarily for a criminal purpose or primarily by criminal means, the fine should be set sufficiently high to divest the organization of all its assets.
3. The fine range for any other organization should be based on the seriousness of the offense and the culpability of the organization. Culpability generally will be determined by six factors. The four factors that increase the ultimate punishment of an organization are: (i) the involvement in or tolerance of criminal activity; (ii) the prior history of the organization; (iii) the violation of an order; and (iv) the obstruction of justice. The two factors that mitigate the ultimate punishment of an organization are: (i) the existence of an effective compliance and ethics program; and (ii) self-reporting, cooperation, or acceptance of responsibility.
4. Probation is an appropriate sentence for an organizational defendant when needed to ensure that another sanction will be fully implemented, or to ensure that steps will be taken within the organization to reduce the likelihood of future criminal conduct.⁹

Part B of Chapter Eight of the *Guidelines Manual* is designed, in part, to remedy the harm from criminal conduct by organizations and covers such topics as restitution, remedial orders, community service, and order of notice to victims.¹⁰ Restitution, discussed in §8B1.1 of the *Guidelines Manual*, is documented in the organizational datafile as monetary categories in the variable [RESCAT]. Remedial orders are discussed in §8B1.2, which states, “a remedial order imposed as a condition of probation may require the organization to remedy the harm caused by the offense and to eliminate or reduce the risk that the instant offense will cause future harm.”¹¹ The dollar amount of the remedial order is recorded in the organizational datafile in the variable [REMEDORD]. Community service is discussed in §8B1.3 and recorded in the organizational datafile as the variable [CMSRVORD]. Section 8B1.4 directs the probation officer to apply §5F1.4 (Order of Notice to Victims) when appropriate.¹² Notice to victims is recorded in the organizational datafile as the variable [VICTNOTE].

Part C of Chapter Eight details the use of fines as a punishment for organizations.¹³ Section 8C1.1 applies to organizations operated primarily for a criminal purpose or primarily by criminal means.¹⁴ For organizations that are determined to be criminal purpose organizations, the “fine shall be set at an amount (subject to the statutory maximum) sufficient to divest the organization of all its net assets.”¹⁵ These types of organizations are identified in the organizational datafile by the variable [CRIMPURP].

Subpart Two of Part C of Chapter Eight sets forth the guidelines used to determine the fine for organizations that have not been determined to be criminal purpose organizations.¹⁶ However, the fine guidelines will not be calculated for every organizational offense. The applicability of the guidelines to calculate fines is based in part on the Chapter Two offense guideline that applies to each count of conviction.¹⁷ The provisions of §8C2.2 through §8C2.9 apply to each count for which the applicable guideline is listed in §8C2.1.¹⁸ The Chapter Two guideline variables for an organization are collected in a similar manner to those for sentenced individuals in the individual datafile.¹⁹ For organizations where a Chapter Two guideline computation was applied, the datafile contains information on the guideline(s) applied, the base offense level, and specific offense characteristics. The variable [CH2APP] indicates whether the probation officer calculated a Chapter Two guideline computation for the organization in the PSR. Whether the organization is financially able to pay a fine under §8C2.2 of the *Guidelines Manual* is noted in the [CANTPAY] variable. The variable [CH8FINGD] indicates whether the probation officer calculated a fine range for the organization under §8C2.2 through §8C2.9 or if there were reasons why the fine guideline range was not calculated.

If the fine guidelines are determined to apply, then §8C2.2 through §8C2.9 are reviewed for application. The variable [BASEFINE] identifies the base fine amount determined under §8C2.4 of the *Guidelines Manual*. The base fine is the greater of the amount in the fine table²⁰ that corresponds to the offense level calculated under the applicable Chapter Two offense guideline(s), the pecuniary gain to the organization, the pecuniary loss for the victims, or another factor identified by the sentencing court (e.g., the value of 20% of the volume of commerce affected in an antitrust offense). The variable [DETBFINE] records how the base fine was determined.

After the base fine amount is determined, the organization’s culpability score is determined, which will establish the minimum and maximum fine range below or above the base fine. The fine guideline range will be higher for organizations that are determined to be more culpable and, conversely, the range will be lower for organizations that are determined to be less culpable.

..... ”

The fine guidelines will not be calculated for every organizational offense. The applicability of the guidelines to calculate fines is based in part on the Chapter Two offense guideline that applies to each count of conviction.

.....

All organizations start with five points for the culpability score under §8C2.5(a).²¹ Under §8C2.5(b), the organization's level of involvement in, or tolerance of, criminal activity is determined.²² The first step of this determination is based on the number of employees in the organization and whether high-level employees knew about, participated in, or tolerated the illegal activity. The variable [EMPLOYNM] details the ranges for the number of employees in the organization.²³ The variable for tolerance is [TOLERNCE]. Up to five points may be added to the culpability score based on the level of involvement and tolerance.

Next, §8C2.5(c) assesses whether an organization has prior criminal misconduct similar to the instant offense.²⁴ This part of the culpability score is recorded in the variable [HISTORY]. Additionally, the variable [HSMISCND] indicates whether the PSR or sentencing transcript note that the organization had a history of misconduct or there are pending charges. The variables [PRCIVIL] and [PRCRIME] indicate whether the prior history is civil or criminal. Up to two points may be added to the culpability score based on prior misconduct.

Section 8C2.5(d) measures whether the instant offense was a violation of a judicial order or injunction or a violation of probation.²⁵ This determination is recorded in the variable [VIOLATE]. Up to two points may be added for such violations.

Section 8C2.5(e) assigns points for obstruction of justice²⁶ and is documented in the variable [OBSTRUCT]. If the organization "willfully obstructed or impeded, attempted to obstruct or impede, or aided, abetted, or encouraged obstruction of justice during the investigation, prosecution, or sentencing of the instant offense, or, with knowledge thereof, failed to take reasonable steps to prevent such obstruction or impedence or attempted obstruction or impedence" the culpability score will be increased by three points.²⁷

Section 8C2.5(f) reduces the culpability score by three points if the organization has an effective compliance and ethics program.²⁸ The existence of such a program is recorded in the variable [COMPLY] and the variable [COMPLYPR] indicates whether the organization had a compliance program (even if it did not receive a reduction in points).

..... ”

The final factor of the culpability score is set out in §8C2.5(g), which may reduce the culpability score by up to five points if the organization self-reports, fully cooperates with authorities, and accepts responsibility for the offense.

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The final factor of the culpability score is set out in §8C2.5(g), which may reduce the culpability score by up to five points if the organization self-reports, fully cooperates with authorities, and accepts responsibility for the offense.²⁹ Two variables capture this information. The self-reporting portion of the culpability score is recorded in the variable [ACCEPT]. Additionally, the variable [SELFREP] records whether the organization self-reported the offense prior to authorities starting an investigation.

All the sub-parts of the culpability score are summed for the final culpability score. The final combined culpability score, which is reported on the Statement of Reasons form, is recorded in the variable [FCULPSCO].

Once the culpability score is determined, it is used to determine the minimum fine multiplier [MINFINML] and the maximum fine multiplier [MAXFINML] as discussed in §8C2.6.³⁰ The variables [GLFINMIN] and [GLFINMAX] record the guideline minimum and maximum fine dollar amount, which are the products of the base fine amount [BASEFINE] multiplied by the multipliers as explained in §8C2.7.³¹ The court then considers the factors listed in §8C2.8 to determine whether to impose a fine within the guideline range.³² The amount of the fine the court imposes is captured as a categorical variable called [FINECAT].³³ The variable [SUSFNCAT] provides information about the category of the amount of the fine ordered as suspended. The court can add to the fine amount to remove any illicit gain from the organization which has not already been accounted for under §8C2.9 (Disgorgement).³⁴ This is documented in the variable [DISGORGE].

Finally, §8C2.10 instructs the court to consider the appropriate fines for any counts of conviction not covered by §8C2.1 by applying statutory provisions under 18 U.S.C. §§ 3553 and 3572.³⁵ For organizations where no counts of conviction are covered by §8C2.1, the fine dollar amount imposed is still captured within the categorical variable [FINECAT].

Subpart Three of Part C in Chapter Eight provides instructions on how to implement the fine, instructions for when the organization cannot afford to pay the fine, and where the fines are reduced for the organization because a fine was already imposed on related individuals (e.g., the CEO of the company).³⁶ As previously discussed, the indicator variable [CANTPAY] reports which organizations are unable to pay a fine. The dollar amount of the organization's fine which is offset by the related individuals is documented as a dollar amount in the variable [FINOFFST].

Subpart Four of Part C of Chapter Eight details departures from the guideline range.³⁷ Similar to the individual datafile, the variable [SENTRNGE] will detail whether the court sentenced within the guideline range (when the fine guidelines were applied). Reasons for why the court sentenced outside of the guideline range are recorded in the variables [REAS1-REASX]. Note that it is common for courts to cite multiple reasons for sentencing outside the guideline range, and the variables [REAS1-REASX] are not in any order of importance or magnitude.

Probation and Additional Sanctions

Part D of Chapter Eight discusses probation for organizations.³⁸ The term of probation is discussed in §8D1.2 of the *Guidelines Manual* and the months imposed are recorded in the variable [PROBATN]. The court may also recommend other actions that the organization take as part of the probation. Pursuant to §8D1.4, the court may order the organization to create an

ethics program, compliance program, or some type of systemic effort to prevent or detect violations.³⁹ The variable [ORDERCE] indicates if this was required of the organization. When the variable [ORDERCE] is coded as “yes,” additional information describing the required action may be entered in the text field [ORDERTXT]. The variable [COFI] indicates whether the organization was required to provide on-going access to their financial information to a probation officer. The variable [PROBMON] indicates if the organization was required to hire a monitor as a condition of probation. If the value is “yes,” more information may be entered into the text field [PRMONTXT].

The organizational datafile records monetary costs and punishments associated with the sentencing other than the fine discussed above. Some organizations are sentenced to forfeiture, and this is reported as the dollar amount in the variable [FORFEITR]. The costs associated with prosecution and sentencing may also be imposed upon an organization under §8E1.3.⁴⁰ That amount is reported out as a dollar in the variable [COSTASSM]. The indicator variable [CMSRVORD] denotes whether an organization has been ordered to provide community service.

Statutes of Conviction

The Commission collects information on each count of conviction listed on the J&C.⁴¹ Court documents will often list multiple statutes for a single count of conviction, therefore, the Commission's datafile records up to three statutes, including the title number, section number, and subsection designation for each count of conviction. Commission staff enters the counts and statutes in the same order that they are listed on the J&C. The counts of conviction and the statutes for each count are not hierarchical, therefore, the order of the counts does not indicate their seriousness (i.e., they are not ordered by length of maximum penalty). In some instances, the first statute in a count may

be a “conspiracy” or “definitional” statute and the second statute may be the “substantive” statute.

The Commission reports out the statutes in a series of “count-based” variables, [STA1_1] through [STA1_XXX], [STA2_1] through [STA2_XXX], and [STA3_1] through [STA3_XXX]. After the “STA” prefix, the “1,” “2,” and “3” designations denote that it is the first, second, or third statute listed in a count of conviction. The numeric value (1 through XXX) after the underscore in the variable name denotes the first through XXX count of conviction. For example, the variable STA2_3 is the second statute listed for the third count of conviction. The maximum number of counts of conviction (“XXX”) varies from year-to-year based on the organization with the most counts of conviction sentenced during that fiscal year. The variable [NOCOUNTS] reports out the total number of counts of conviction for each organization; reviewing the largest value reported for this variable among all cases will provide the maximum number of counts of conviction recorded in any single case for that fiscal year of data (i.e., the value of “XXX”).

The Commission’s statute variables, [STA1_1] through [STA1_XXX], [STA2_1] through [STA2_XXX], and [STA3_1] through [STA3_XXX] include the entire statute (i.e., the title, section, and subsection) in a single character string. All the letters in the section and subsection are capitalized, without parentheses or statute symbols. For example, the drug trafficking statute, 21 U.S.C. § 841(b)(1)(A), is coded as the character string, “21841B1A.” If an organization only has one count of conviction, then the remaining statute fields for each count [STA1_2 through STA1_XXX], [STA2_2 through STA2_XXX], and [STA3_2 through STA3_XXX], will be blank. Similarly, if an organization only has one statute for a count of conviction, then the second and third statute fields for that count will be blank. The statutory minimum and maximum fine ranges for each count of conviction are recorded in the variables [SMIN1-SMINXXX] and [SMAX1-SMAXXXX]. The individual minimums and maximum fine ranges correspond to the count numbers in the [STA1_1 - STA3_

XXX] variables. The overall statutory fine range variables are [STATMIN] and [STATMAX].

There is an additional set of statute variables that only contain the title and section of the statute [TTSC1_1 - TTSC3_XXX] (i.e., does not include the subsection). Researchers should utilize these variables if the section of the statute contains a letter (e.g., Aggravated identity theft is 18 U.S.C. § 1028A), which might make it difficult to identify in the [STA1_1 - STA3_XXX] series of variables which include the title, section, and subsection together in the text field. These title and section only statute variables are available on the publicly released datafiles from Fiscal Year 2022 forward. This set of variables is count-based like [STA1_1 - STA3_XXX] and correspond with the [SMIN1-SMINXXX] and [SMAX1-SMAXXXX] fine range fields.

Not all research questions require a count-based analysis. In those instances, using the Commission’s unique statute variables [NWSTAT1-NWSTATXX] may be sufficient. These variables [NWSTAT1-NWSTATXX] contain a character string of the title, section, and subsection of only the unique statutes for each case generated from all the statute fields (and therefore are not count based). The variables [NWSTAT1-NWSTATXX] have no hierarchy. Rather, each occurrence of a unique statute (title section and subsection) is represented within the variables [NWSTAT1-NWSTATXX] for each organization. Note that each unique statute field [NWSTAT1-NWSTATXX] is generated from any of the counts of conviction, therefore, the individual statutory minimum [SMIN1-SMINXXX] and maximum [SMAX1-SMAXXXX] variables cannot be used in conjunction with these variables. Like the count-based statute variables, the maximum number of unique statutes (the “XX”) will vary from year-to-year based on the organization with the most unique statutes. The variable [NOUSTAT] is numeric and signifies the number of unique statutes in a case. Running a frequency on [NOUSTAT] and reviewing the largest value reported will provide the maximum number of unique statutes for a single organizational case in a given fiscal year.

For More Information

The Commission's annual organizational datafiles are available for download in SAS or SPSS formats along with the corresponding codebook describing the variables and values at <https://www.ussc.gov/research/datafiles/commission-datafiles>. For any data related questions, please contact the Commission at askORD@ussc.gov. To keep current with new Commission news and publications, please follow the Commission on X @theusscgov.

About the Office of Research and Data

ORD provides statistical and other social science research and analyses on specific sentencing issues and federal crime.

The office receives documents from the federal courts concerning the sentences imposed on individuals, analyzes and enters information from those documents into the Commission's comprehensive computer database, and creates annual datafiles of sentencing information.



AskORD@ussc.gov



202-502-4500

Endnotes

1 The United States Sentencing Commission is an independent agency in the judicial branch of the federal government. Established by the Sentencing Reform Act of 1984, its principal purposes are (1) to establish sentencing policies and practices for the federal courts, including guidelines regarding the appropriate form and severity of punishment for sentenced individuals convicted of federal crimes; (2) to advise and assist Congress, the federal judiciary, and the executive branch in the development of effective and efficient crime policy; and (3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues. 28 U.S.C. § 995(a)(12)–(20).

2 The Commission collects information for every federal felony and Class A misdemeanor offense sentenced each year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case, including (1) the charging document; (2) the plea agreement; (3) the Presentence Report; (4) the Judgment and Commitment Order; and (5) the Statement of Reasons form. 28 U.S.C. § 994(w)(1). For more information about the datafile collection process at the Commission, see CHRISTINE KITCHENS, U.S. SENT'G COMM'N, RESEARCH NOTES: COMMISSION COLLECTION OF INDIVIDUAL OFFENDER DATA (2019). Commission materials cited herein are available on the Commission's website at www.ussc.gov.

3 For more information about the history of the organizational guidelines and data, see KATHLEEN C. GRILLI, KEVIN T. MAASS & CHARLES S. RAY, U.S. SENT'G COMM'N, THE ORGANIZATIONAL SENTENCING GUIDELINES: THIRTY YEARS OF INNOVATION AND INFLUENCE (2022).

4 The Commission's organizational datafiles from fiscal year 2002 forward are available for download in either SPSS or SAS formats, along with the codebook describing all of the available variables and values. See U.S. Sent'g Comm'n, *Commission Datafiles*, <https://www.ussc.gov/research/datafiles/commission-datafiles> (last visited Oct. 18, 2024). The Commission does not provide the statistical analysis programs (SAS or SPSS). The statistical analysis programs need to be purchased by the user. The datafiles provided on the Commission's website are mainly intended to be used by outside researchers who are familiar with or learning about the federal sentencing guidelines as well as analyzing large data sources using the specialty software. The Commission provides the datafiles and various resources about the datafiles (including the Research Notes publication series), the federal sentencing guidelines, etc. on its website. However, researchers should recognize that it will take an investment of both time and money if the researcher does not already have a statistical analysis program and is unfamiliar with either the federal sentencing guidelines or the Commission's datafiles. Note that not all variables mentioned in this paper will exist for all years of data collected by the Commission. Please consult the codebook for information about variable and value changes over time.

5 See U.S. SENT’G COMM’N, QUICK FACTS: SENTENCED ORGANIZATIONS (2024) [hereinafter QUICK FACTS ON ORGANIZATIONS]; see also U.S. SENT’G COMM’N, 2023 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS figs.3 & O-2 (2024) [hereinafter 2023 SOURCEBOOK].

6 “‘Organization’ means a person other than an individual.” 18 U.S.C. § 18. “The term includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.” U.S. SENT’G COMM’N, GUIDELINES MANUAL §8A1.1, comment. (n.1) (Nov. 2024) [hereinafter USSG].

7 See USSG Ch.8, intro. comment.; see also QUICK FACTS ON ORGANIZATIONS, *supra* note 5; 2023 SOURCEBOOK, *supra* note 5, at figs.O-1–O-7, tbls.O-1–O-4.

8 USSG Ch.8, intro. comment.

9 *Id.*

10 See USSG Ch.8, Pt.B.

11 USSG §8B1.2(a).

12 USSG §8B1.4.

13 See USSG Ch.8, Pt.C.

14 USSG §8C1.1.

15 *Id.*

16 See USSG Ch.8, Pt.C, Subpt.2.

17 For more information about organizations and fines, see U.S. SENT’G COMM’N, PRIMER ON FINES FOR ORGANIZATIONS (2024).

18 USSG §8C2.1.

19 For more information about guideline application data, see U.S. Sent’g Comm’n, *Research Notes*, <https://www.uscc.gov/research/datafiles/research-notes> (last visited Oct. 18, 2024).

20 USSG §8C2.4(d).

21 USSG §8C2.5(a).

22 USSG §8C2.5(b).

23 The number of employees can vary from day-to-day. The PSR generally reports out the approximate number of employees at the time the offense occurred.

24 USSG §8C2.5(c).

25 USSG §8C2.5(d).

26 USSG §8C2.5(e).

27 *Id.*

28 USSG §8C2.5(f)(1).

29 USSG §8C2.5(g)(1).

30 USSG §8C2.6.

31 USSG §8C2.7.

32 USSG §8C2.8.

33 The exact fine amount is not reported in the organizational datafile because a specific fine amount could identify an organization due to the small number of cases and the publicity surrounding a high-profile company.

34 USSG §8C2.9.

35 USSG §8C2.10.

36 See USSG Ch.8, Pt.C, Subpt.3.

37 See USSG Ch.8, Pt.C, Subpt.4.

38 See USSG Ch.8, Pt.D, intro. comment.

39 USSG §8D1.4.

40 USSG §8E1.3.

41 The Commission only collects and reports information on the counts where the organization was convicted. Any information about charges (and the corresponding statutes) for which the organization was not indicted, charges which were dropped after indictment, or charges for which the organization was acquitted are not recorded on the Commission’s datafiles.