



A Basic Introduction to the Organizational Guidelines

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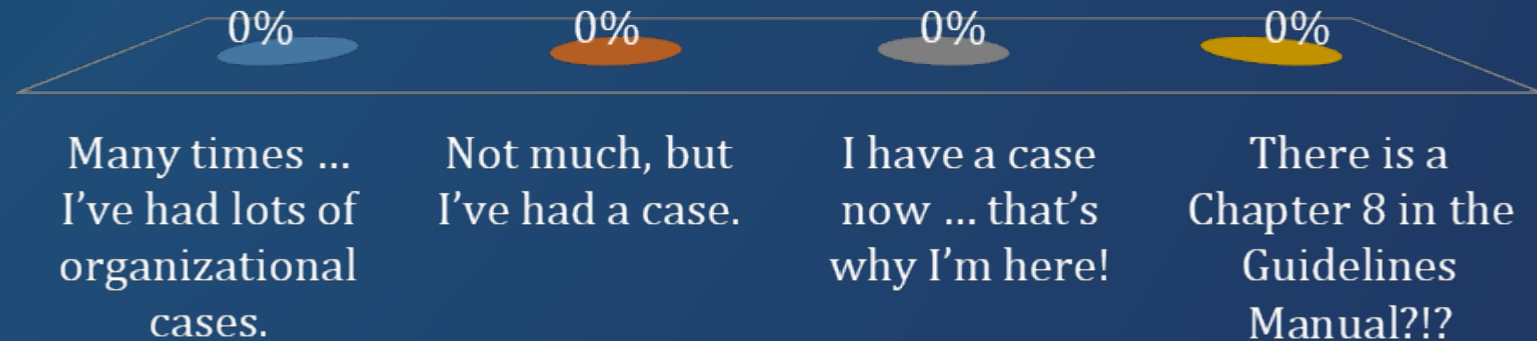


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There Are Organizational Guidelines???

In my previous experience, I have used Chapter 8 of the *Guidelines Manual*

- A. Many times ... I've had lots of organizational cases.
- B. Not much, but I've had a case.
- C. I have a case now ... that's why I'm here!
- D. There is a Chapter 8 in the *Guidelines Manual*!?



Organizational Guidelines Session Outline

- Why do I need to know this?
- How does Chapter 8 work?
 - An organization can't go to jail? What types of sentences are we talking about?
 - When do the Chapter 8 fine provisions apply?
 - How do I evaluate the culpability of an organization?
 - How do I calculate the fine range?
- How does probation work in these cases?



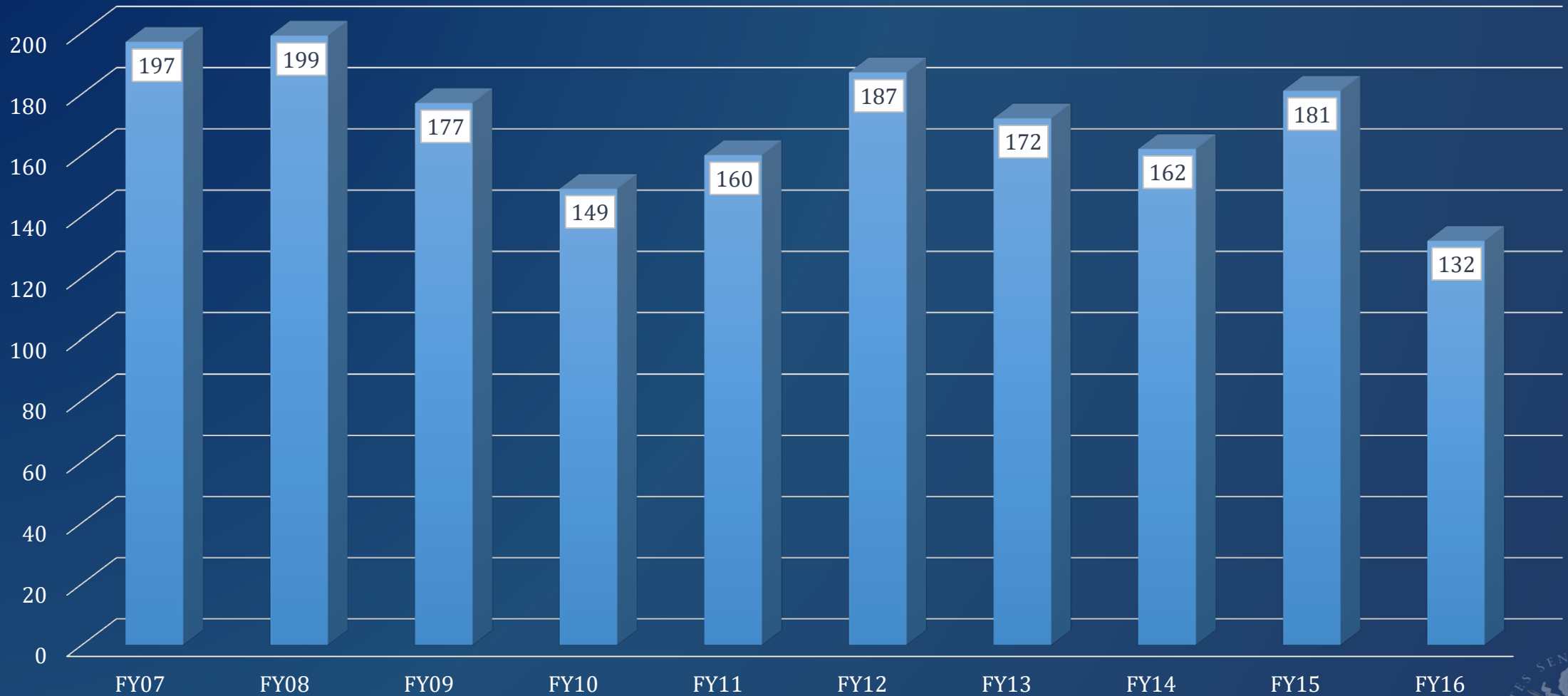
Why Do I Need to Know About Chapter 8?

- Authorization: **The Sentencing Reform Act of 1984**
 - U.S. Sentencing Commission to develop sentencing guidelines for individuals and organizations
 - Like other GL calculations, courts must consider the guideline sentence where applicable.
- Chapter 8 has some difference from your typical GL calculations – **Avoid the common mistakes.**
- While there aren't that many cases each year, they do come up.



Number of Organizational Cases

Fiscal Years 2007-2017



SOURCE: United States Sentencing Commission, 2007-2017 *Sourcebooks of Federal Sentencing Statistics*.





How Does Chapter 8 Work?



When Do I Turn To Chapter 8?

- Applies to “Organizations”
 - Corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions, and non-profit organizations
- Applies to felony and Class A misdemeanors (§8A1.1)



General Principles

- Organizations should remedy harm caused by offense (§§8B1.1 - 8B1.4)
- Organizations with criminal purpose should be divested (§8C1.1)
- “Carrot and Stick Approach” - Fine ranges determined by seriousness of offense and culpability (§§8C2.1 - 8C2.10)
- Probation to implement sanctions and reduce recidivism (§§8D1.1 – 8D1.4)



General Application Principles

- Apply Chapter 8 in order (§8A1.2)
 - Part B – Remedying Harm from Criminal Conduct
 - Part C – Fines
 - Part D – Probation
 - Part E – Special Assessments, Forfeitures, and Costs



Restitution

§8B1.1

- Requires identifiable victim
- If so, court shall either
 - Enter restitution order if authorized by specified statute
 - OR
 - Impose term of probation or supervised release with condition requiring restitution if offense meets criteria for restitution order in § 3663(a)(1)
- Restitution paid before fine



Remedial Order

§8B1.2

- Imposed as a condition of probation
- Remedy harm caused by offense and eliminate or reduce risk that the instant offense will cause future harm
- Examples include a product recall for a food and drug violation or a cleanup order for an environmental violation



Community Service

§8B1.3

- Ordered as a condition of probation
- Must be reasonably designed to repair harm caused by the offense
- Must be preventive or corrective action directly related to the offense and serving one of the purposes of sentencing



Order of Notice to Victims

§8B1.4

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- Court may order defendant to pay cost of giving notice to victims
- Cost may be set off against fine imposed if imposition of both sanctions is excessive





Determining the Fine



Organizational Fines

- Fine provisions are found in **Part C** of Chapter 8
- The step-by-step process for determining the guideline fine range is found in §§8C2.3 – 8C2.9

But Don't Jump Right In

- Before calculating the fine range, there are a series of decision points.



Organizational Fines

Decision Point #1

Did the organization operate primarily for a criminal purpose or by criminal means?



Criminal Purpose Organizations

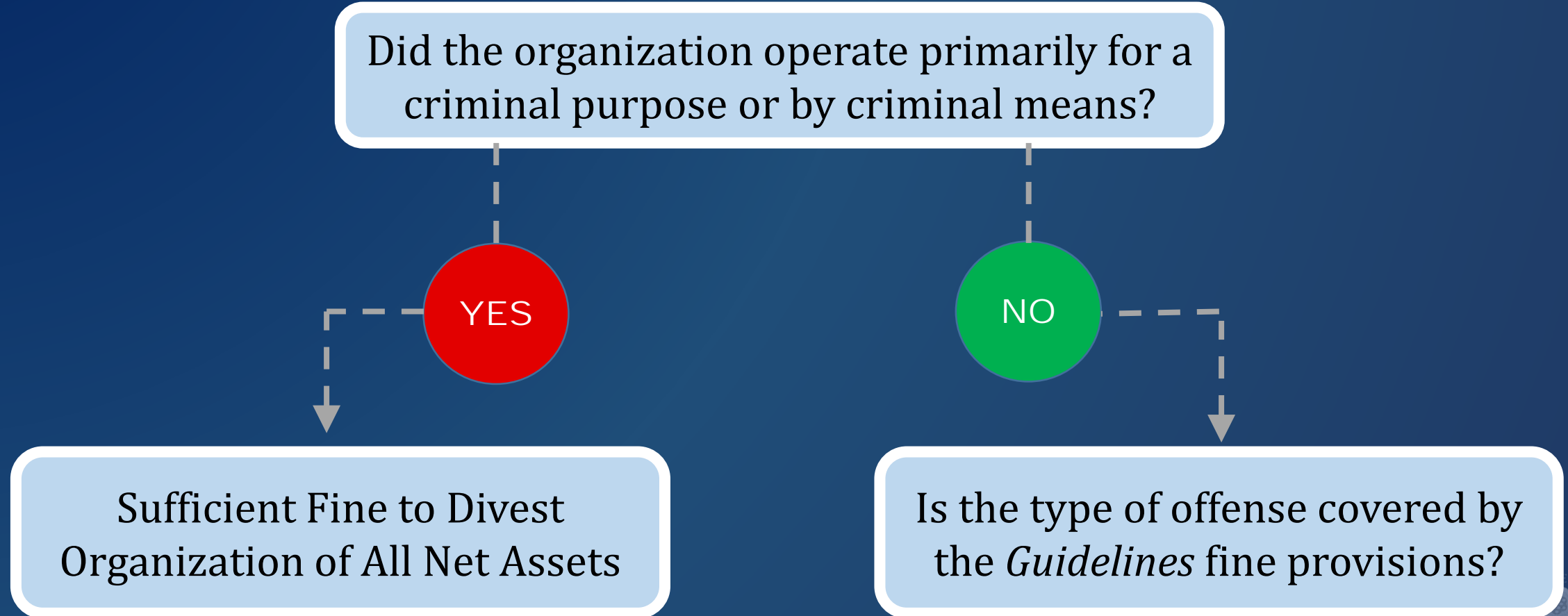
§8C1.1

- If court determines that organization operated primarily
 - For a criminal purpose, or
 - By criminal meansthen set the fine in an amount sufficient to divest the organization of all net assets
- Net assets means all assets remaining after payment of all legitimate claims by known innocent bona fide creditors



Organizational Fines

Decision Point #1



Organizational Fines

Decision Point #2

NO

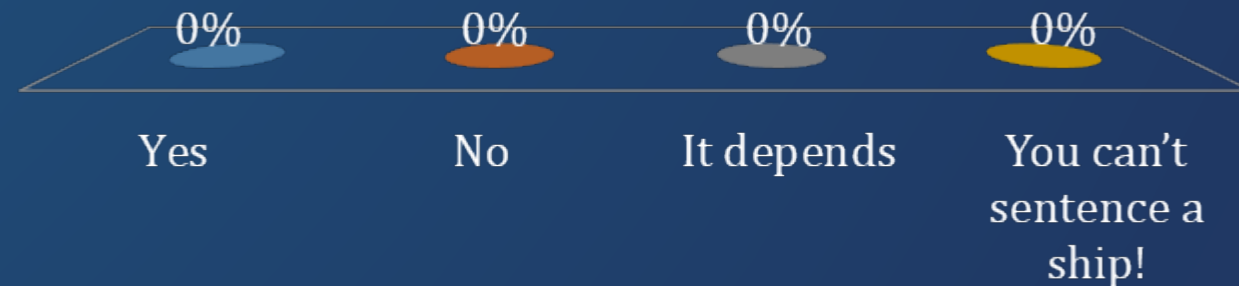
Is the type of offense covered by
the *Guidelines* fine provisions?



Scenario: Applicability of Fine Range Provisions

The Defendant company, a multi-million dollar business, operated cargo ships that knowingly operated in U.S. waters without required equipment to separate oil and other waste from bilge water before being pumped into open waters. Company was charged with failure to maintain an accurate oil record book and unlawful discharge in violation of 33 U.S.C. § 1908(a)). Is it necessary to calculate a fine range under the guidelines?

- A. Yes
- B. No
- C. It depends
- D. You can't sentence a ship!



Applicability of Fine Guidelines

§8C2.1

- Apply §§8C2.2 through 8C2.9 to each count for which the offense level is determined under either
 - One of the Listed Chapter Two Guidelines
 - or*
 - RICO violations, attempts, solicitations, or conspiracies, aiding and abetting, accessory after the fact, and misprision of felony if offense level for underlying offense is determined under one of the Listed Chapter Two Guidelines

Note: Cross-references to or from one of the Listed Chapter Two Guidelines will affect this determination



Types of Chapter Two Offenses Not Covered by Guidelines Fine Provisions

Environmental

Food, Drugs, Agricultural and Consumer Products

Civil/Individual Rights

Administration of Justice (*e.g.*, contempt, obstruction of justice, and perjury)

National Defense

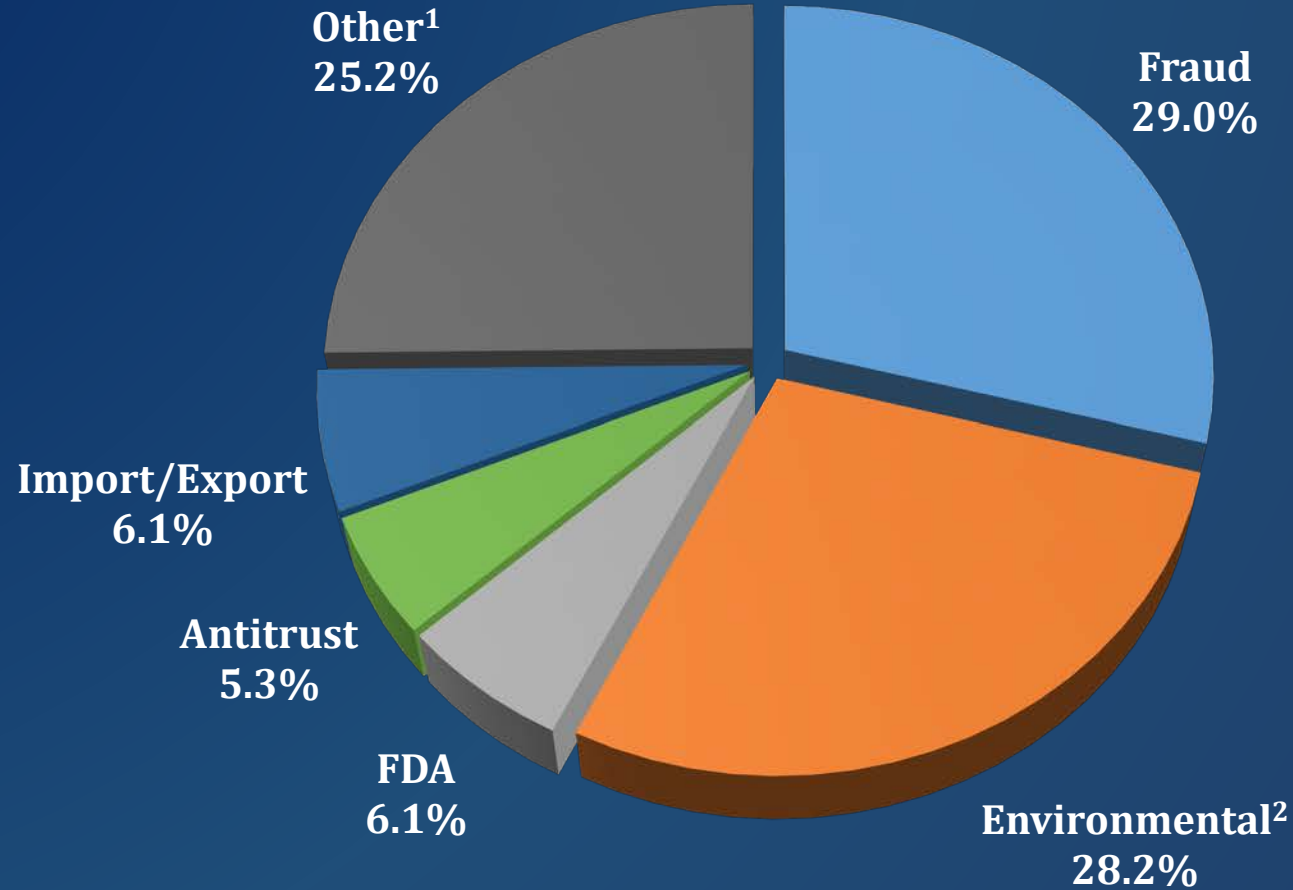
Types of Chapter Two Offenses Covered by Guidelines Fine Provisions

Fraud (§2B1.1)	Certain offenses involving criminal enterprises or racketeering (§§2E3.1, 2E4.1, 2E5.1, 2E5.3)
Insider Trading (§2B1.4)	Obscenity offenses (§2G3.1)
Trespass (§2B2.3)	Certain offenses involving explosive materials or firearms (§§2K1.1, 2K2.1)
Commercial Bribery (§2B4.1)	Smuggling, Transporting or Harboring an Unlawful Alien (§2L1.1)
Criminal Infringement of Copyright or Trademark (§2B5.3)	Odometer Laws and Regulations (§2N3.1)
Offenses involving altering or removing motor vehicle identification numbers (§2B6.1)	Antitrust (§2R1.1)
Certain offenses involving public officials (§§2C1.1, 2C1.2, 2C1.6)	Money laundering and structuring offenses (§§2S1.1, 2S1.3)
Offenses involving drug paraphernalia and drug regulatory offenses (§§2D1.7, 2D3.1, 2D3.2)	Certain tax offenses (§§2T1.1, 2T1.4, 2T1.6, 2T1.7, 2T1.8, 2T1.9, 2T2.1, 2T2.2, 2T3.1)

Primary Offense of Organizational Cases

Fiscal Year 2017

25



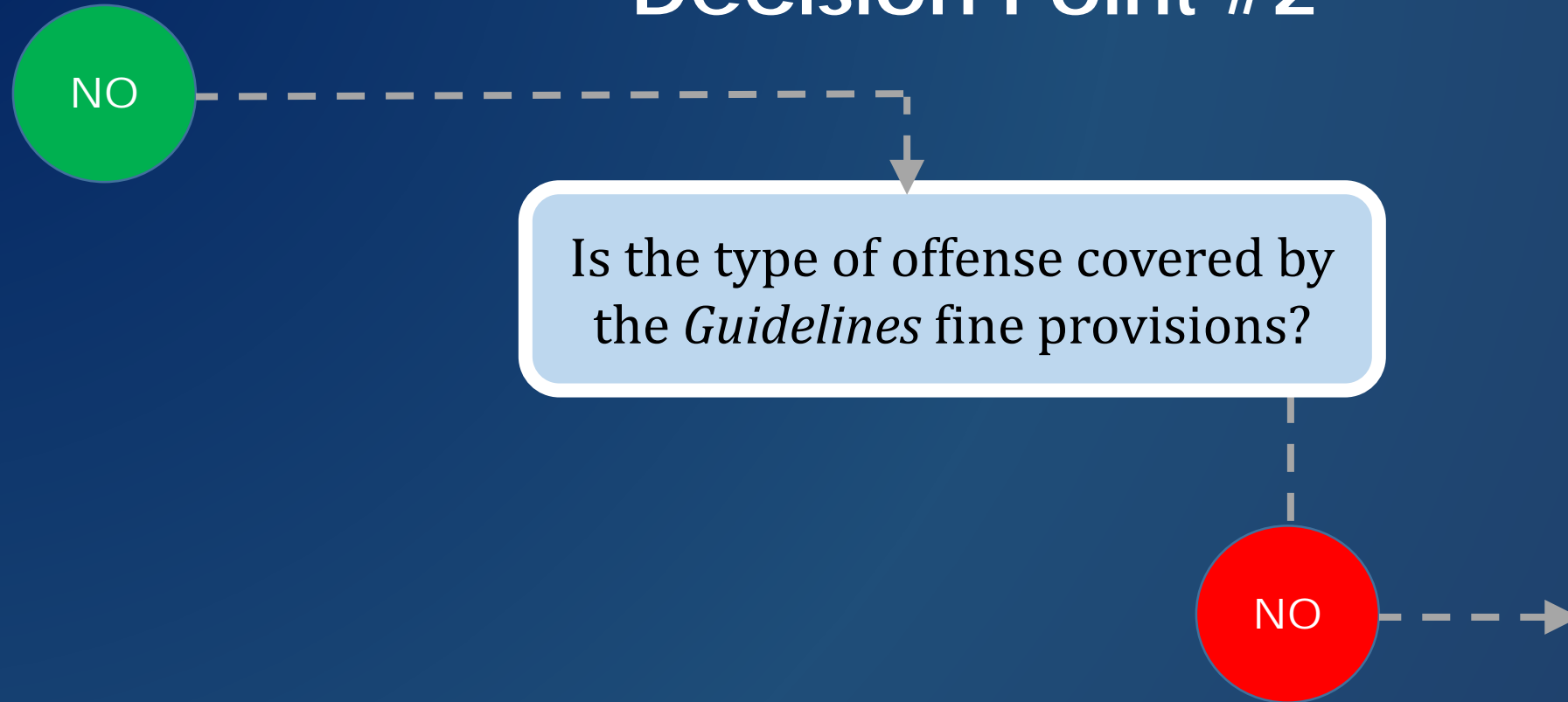
¹ The Other category includes the following offense types: Copyright/Trademark Infringement, Drugs (not FDA), Firearms, Food Stamps, Gambling, Obstruction of Justice, Racketeering, Tax, and Other.

² The Environmental category includes the following offense types: Environmental-Water Pollution, Environmental-Air Pollution, Environmental-Hazardous/Toxic Pollutants, and Environmental-Wildlife.

SOURCE: United States Sentencing Commission, 2016 Datafile. CORP16.



Organizational Fines Decision Point #2



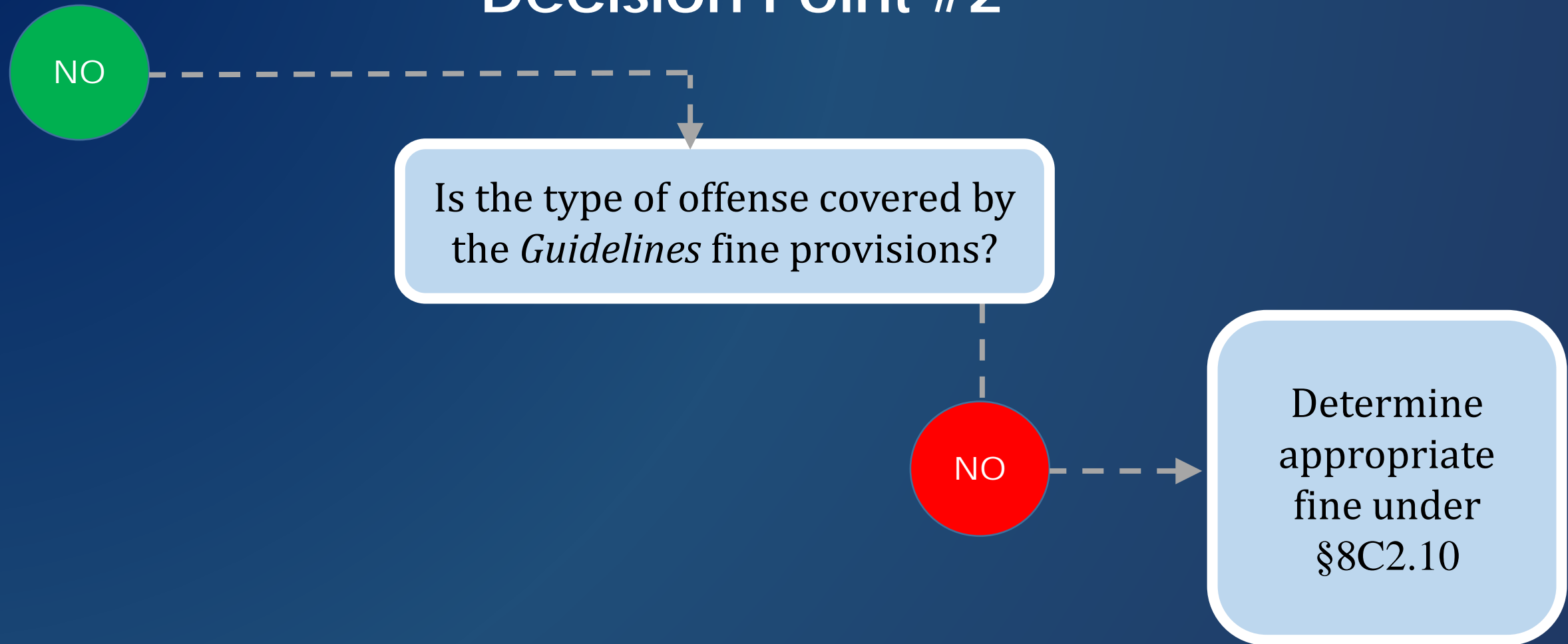
Scenario: Applicability of Fine Range Provisions

Now that we know the court does not have to determine a fine range, how does the court proceed?

- A. There is no fine.
- B. The court is free to determine an appropriate fine without limitation.
- ✓ C. The court should determine an appropriate fine based upon statutory criteria.



Organizational Fines Decision Point #2



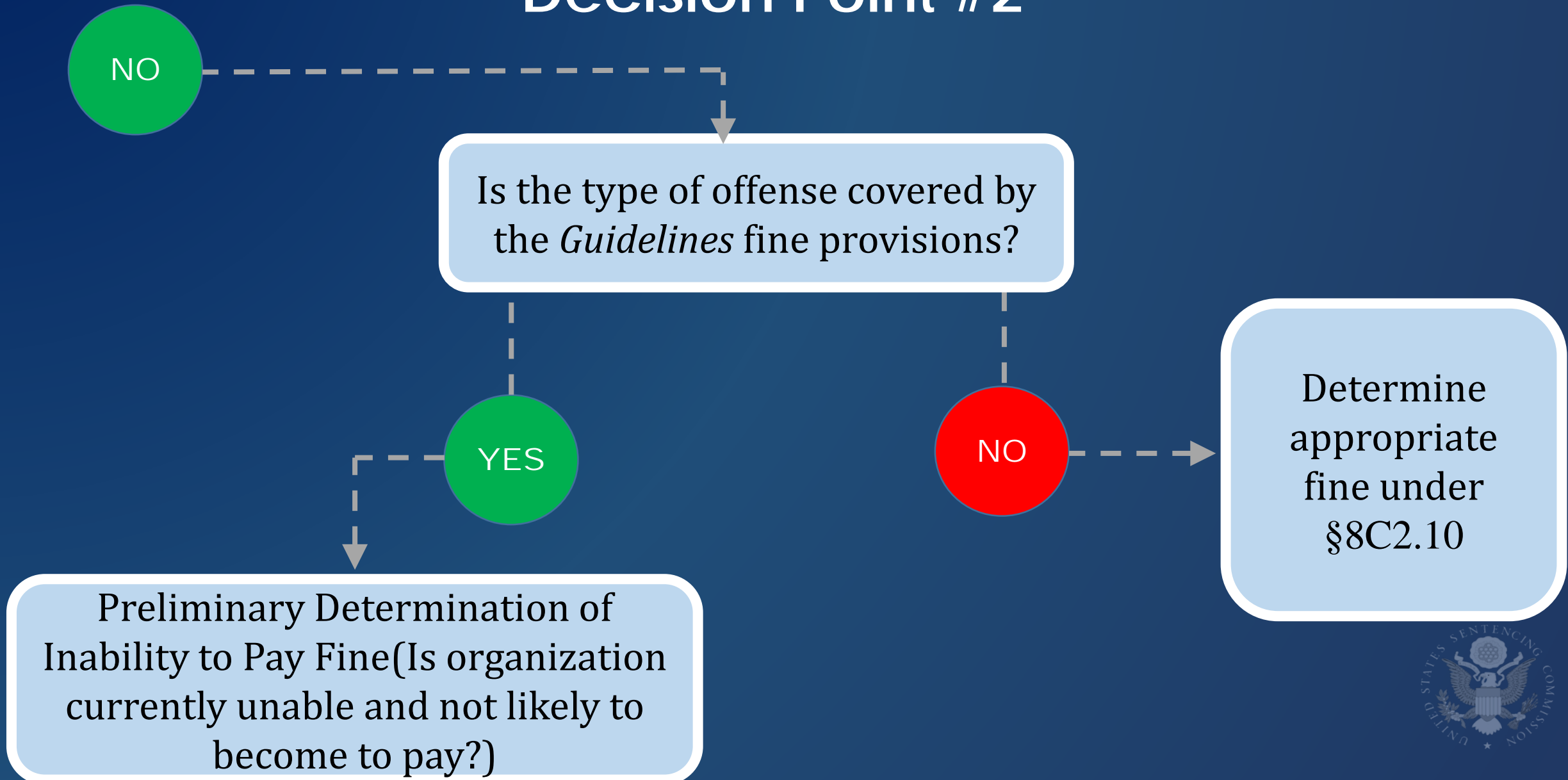
Determining the Fine for Other Counts

§8C2.10

For any count or counts not covered under §8C2.1, the court should determine an appropriate fine by applying the provisions of 18 U.S.C. §§ 3553 (Imposition of a sentence) and 3572 (Imposition of sentence of fine and related matters).



Organizational Fines Decision Point #2



Preliminary Determination of Inability to Pay Fine

§8C2.2

No need to make guideline fine determination in case where either

- Organization cannot and is not likely to become able to pay restitution required under §8B1.1
- or*
- Organization cannot and is not likely to become able to pay minimum guideline fine



Organizational Fines

Decision Point #3

Preliminary Determination of
Inability to Pay Fine
(Is organization currently unable and
not likely to become to pay?)

YES

No fine or reduced fine
imposed

NO

Determine Guideline Fine
Range



Step One – Determining the Fine Range

Calculate the Chapter Two Offense Level

§8C2.3

For counts covered by §8C2.1

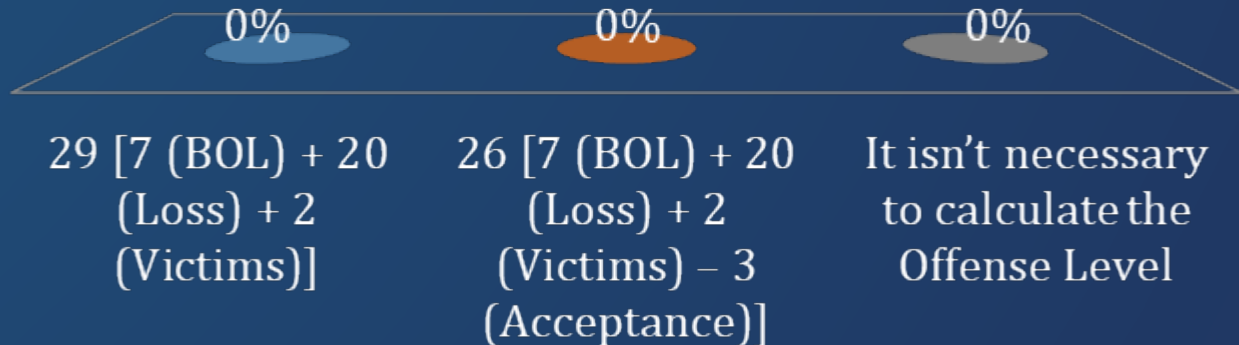
- Use the applicable Chapter Two guideline to determine the offense level (BOL and all applicable SOCs)
- If there is more than one count, apply Chapter Three, Part D to determine combined offense level



Scenario: Determining the Fine Range

The Defendant company, a multi-million dollar business, was convicted of wire fraud (18 U.S.C. §1343) resulting in \$10M in loss to 15 victims. The government notified the court that Defendant fully cooperated and accepted responsibility. What is the offense level for purposes of calculating a fine range under the guidelines?

- ✓ A. 29 [7 (BOL) + 20 (Loss) + 2 (Victims)]
- B. 26 [7 (BOL) + 20 (Loss) + 2 (Victims) – 3 (Acceptance)]
- C. It isn't necessary to calculate the Offense Level



Step One – Determining the Fine Range

Calculate the Chapter Two Offense Level

§8C2.3

For counts covered by §8C2.1

- Use the applicable Chapter Two guideline to determine the offense level (BOL and all applicable SOCs)
- If there is more than one count, apply Chapter Three, Part D to determine combined offense level
- **Do not** apply any other parts of Chapter Three (*e.g.*, Acceptance of Responsibility or Obstruction)



Step Two – Determining the Fine Range

Base Fine

§8C2.4

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Apply the greater of

- Amount from Offense Level Fine Table
- Pecuniary gain to organization, *or*
- Pecuniary loss from offense intentionally, knowingly, or recklessly caused by organization

Unless

- Chapter Two guideline includes special instruction for organizational fines, *or*
- Calculation of pecuniary gain or loss would unduly complicate or prolong sentencing process



Base Fine

§8C2.4 (cont.)

(d)

OFFENSE LEVEL FINE TABLE

Offense Level	Amount
6 or less	\$8,500
7	\$15,000
8	\$15,000
9	\$25,000
10	\$35,000
11	\$50,000
12	\$70,000
13	\$100,000
14	\$150,000
15	\$200,000
16	\$300,000
17	\$450,000
18	\$600,000
19	\$850,000
20	\$1,000,000

21	\$1,500,000
22	\$2,000,000
23	\$3,000,000
24	\$3,500,000
25	\$5,000,000
26	\$6,500,000
27	\$8,500,000
28	\$10,000,000
29	\$15,000,000
30	\$20,000,000
31	\$25,000,000
32	\$30,000,000
33	\$40,000,000
34	\$50,000,000
35	\$65,000,000
36	\$80,000,000
37	\$100,000,000
38 or more	\$150,000,000.



Base Fine

§8C2.4 (cont.)

- Fine Table in this guideline, along with other monetary tables in the *Guidelines Manual*, revised for inflation, pursuant to Amendment 791, which took effect on November 1, 2015.
- Of Note – New Special Instruction
 - “For offenses committed prior to November 1, 2015, use the offense level fine table that was set forth in the version of §8C2.4(d) that was in effect on November 1, 2014, rather than offense level fine table set forth in subsection (d) above.”



Step Three – Determining the Fine Range

Determine Culpability Score

§8C2.5

BASE OFFENSE LEVEL	5 POINTS
Involvement in or Tolerance of Criminal Activity	+5/ +4/ +3/ +2/ +1
Prior History	+2 or +1
Violation of an Order	+2 or +1
Obstruction of Justice	+3
Effective Program to Prevent and Detect Violations of Law	-3
Self-Reporting, Cooperation <u>and</u> Acceptance of Responsibility	-5/ -2/ -1

Step Four – Determining the Fine Range

Minimum and Maximum Multipliers

§8C2.6

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CULPABILITY SCORE	MINIMUM MULTIPLIER	MAXIMUM MULTIPLIER
10 or more	2.00	4.00
9	1.80	3.60
8	1.60	3.20
7	1.40	2.80
6	1.20	2.40
5	1.00	2.00
4	0.80	1.60
3	0.60	1.20
2	0.40	0.80
1	0.20	0.40
0 or less	0.05	0.20.



Step Five – Putting the Pieces Together

Guideline Fine Range

§8C2.7

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= MIN. FINE
§8C2.7(A)

MIN.
X MULTIPLIER
§8C2.6

BASE FINE
§8C2.4
X

MAX.
MULTIPLIER
§8C2.6
=

BASE FINE
MAX. FINE
§8C2.4
§8C2.7(B)



Scenario – Putting the Pieces Together

Defendant A is a successful advertising agency with over \$3 million in assets and has 200 employees. The sole owner of the advertising agency (Owner) was approached by his neighbor (Neighbor) who stated that he needed “help cashing some checks.” Without providing services, Defendant A received \$10,000 checks from Neighbor, returning \$9,000 in cash. Defendant A took in over \$250,000 in checks from Neighbor, before Neighbor was arrested for being part of a criminal operation.

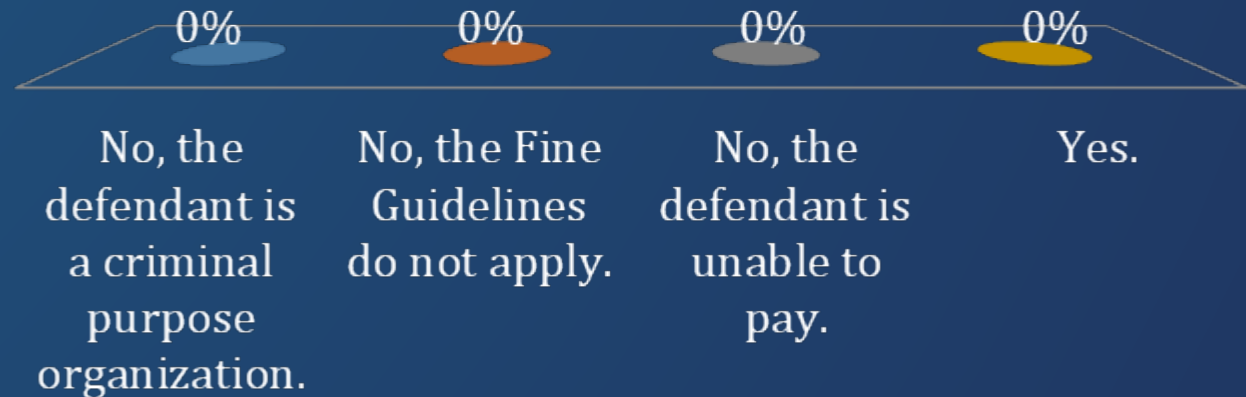
Defendant A was convicted of one count of money laundering in violation of 18 U.S.C. § 1956 (covered under USSC §2S1.1), which carries a statutory maximum fine of \$500,000. Defendant A fully cooperated and accepted responsibility.



Scenario – Putting the Pieces Together (cont.)

Is it necessary to calculate a fine range under the guidelines?

- A. No, the defendant is a criminal purpose organization.
- B. No, the Fine Guidelines do not apply.
- C. No, the defendant is unable to pay.
- ✓ D. Yes.

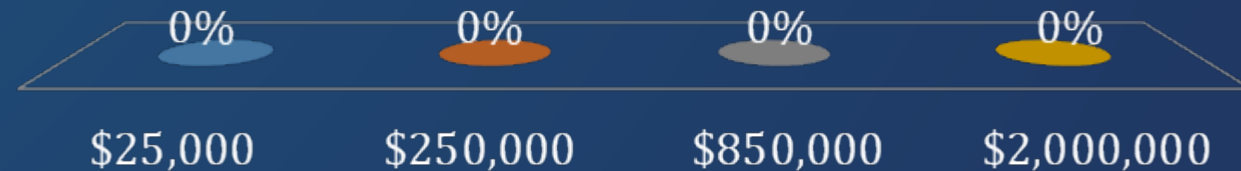


Scenario – Putting the Pieces Together (cont.)

What is Defendant A's base fine under §8C2.4?

*The total Chapter Two offense level under §2S1.1 is **22** [8 (BOL) + 12 (\$250,000 in laundered funds) + 2 (convicted under 18 U.S.C. § 1956)].*

- A. \$25,000
- B. \$250,000
- C. \$850,000
- ✓ D. \$2,000,000



Scenario – Putting the Pieces Together (cont.)

What is the Defendant's culpability score under §8C2.5?

*Hint: Owner committed the offense;
Company has 200 employees; Defendant
cooperated and Accepted Responsibility*

A. 0

B. 1

C. 5

✓ D. 6



Step Three – Determining the Fine Range

Determine Culpability Score

§8C2.5

BASE OFFENSE LEVEL	5 POINTS
Involvement in or Tolerance of Criminal Activity	+5/ +4/ +3/ +2/ +1
Prior History	+2 or +1
Violation of an Order	+2 or +1
Obstruction of Justice	+3
Effective Program to Prevent and Detect Violations of Law	-3
Self-Reporting, Cooperation <u>and</u> Acceptance of Responsibility	-5/ -2/ -1

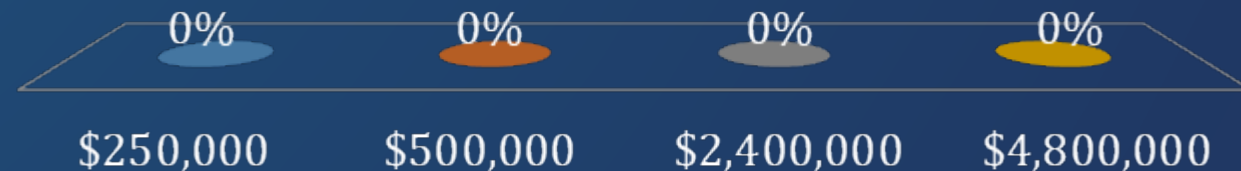
Scenario – Putting the Pieces Together (cont.)

What is the minimum of the Defendant's guideline's fine range?

Hint: Base fine is \$2,000,000

Culpability Score is 6, resulting in a minimum multiplier of 1.20 and maximum multiplier of 2.40

- A. \$250,000
- ✓ B. \$500,000
- C. \$2,400,000
- D. \$4,800,000



Imposing a Fine

§8C3.1

- Use guideline fine range as determined under §§8C1.1 and 8C1.9, or §8C1.10 *unless*
 - Guideline minimum fine exceeds statutory maximum fine, in which case statutory maximum fine becomes guideline fine
 - or*
 - Guideline maximum fine is lower than statutory minimum fine, in which case statutory minimum fine becomes guideline fine



Other Guideline Provisions Relating to Calculation of Fine

Determining the Fine Within the Range – §8C2.8

- §8C2.8(a): identifies factors the court should consider
- §8C2.8(b): court may consider the relative importance of any factor used to determine the range

Disgorgement – §8C2.9

- Add to fine any gain that has not or will not be paid as restitution or for other remedial measures





Implementing the Fine



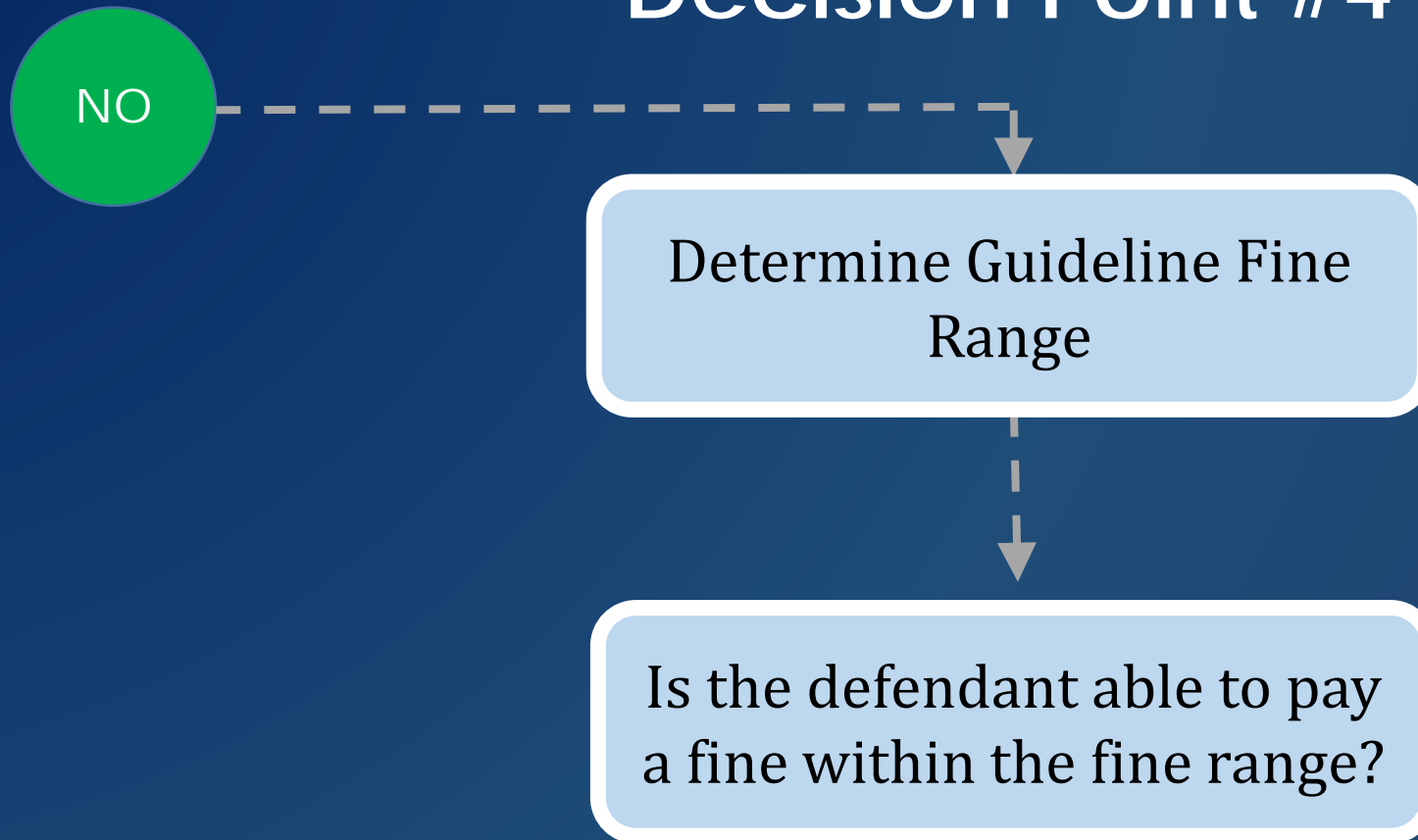
Payment of the Fine

§8C3.2

- Immediate for organizations operating as criminal purpose or by criminal means
- Otherwise, immediate unless organization is financially unable or the immediate payment would pose undue burden on organization; then payment at earliest possible date, either by date certain or installment schedule



Organizational Fines Decision Point #4



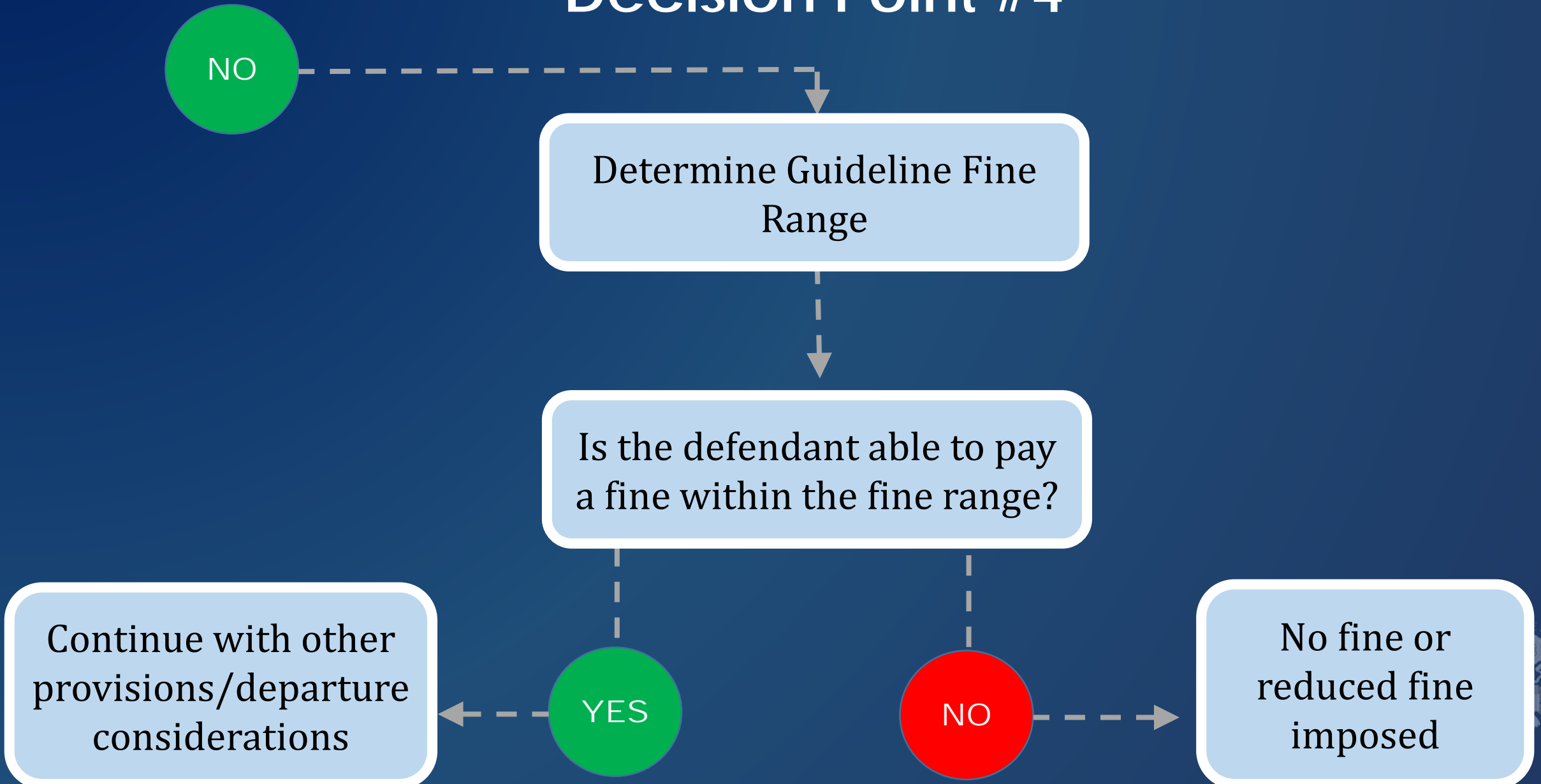
Reduction of Fine Based on Inability to Pay

§8C3.3

- If fine would impair ability to make restitution
- or*
- If organization unable and unlikely to become able to pay fine



Organizational Fines Decision Point #4



Fines Paid by Owners of Closely Held Organizations

§8C3.4

Organization's fine may be offset by owners' fines for same offense conduct

- *“The court may offset the fine imposed upon a closely held organization when one or more individuals, each of whom owns at least a 5 percent interest in the organization, has been fined in a federal criminal proceeding for the same offense conduct for which the organization is being sentenced.”*





Departures from the Guideline Fine Range



Upward Departure Provisions

- Substantial Assistance – §8C4.1
- Risk of Death or Bodily injury – §8C4.2
- Threat to National Security – §8C4.3
- Threat to Environment – §8C4.4
- Threat to a Market – §8C4.5
- Official Corruption – §8C4.6
- Mandatory Program to Prevent and Detect Violations of the Law – §8C4.10
- Exceptional Organizational Culpability – §8C4.11 (if culpability score > 10)



Downward Departure Provisions

- Public Entity – §8C4.7
- Members or Beneficiaries of Organization as Victims – §8C4.8
- Remedial Costs that Greatly Exceed Gain – §8C4.9
- Exceptional Organizational Culpability – §8C4.11 (if no substantial authority involved and had effective program)



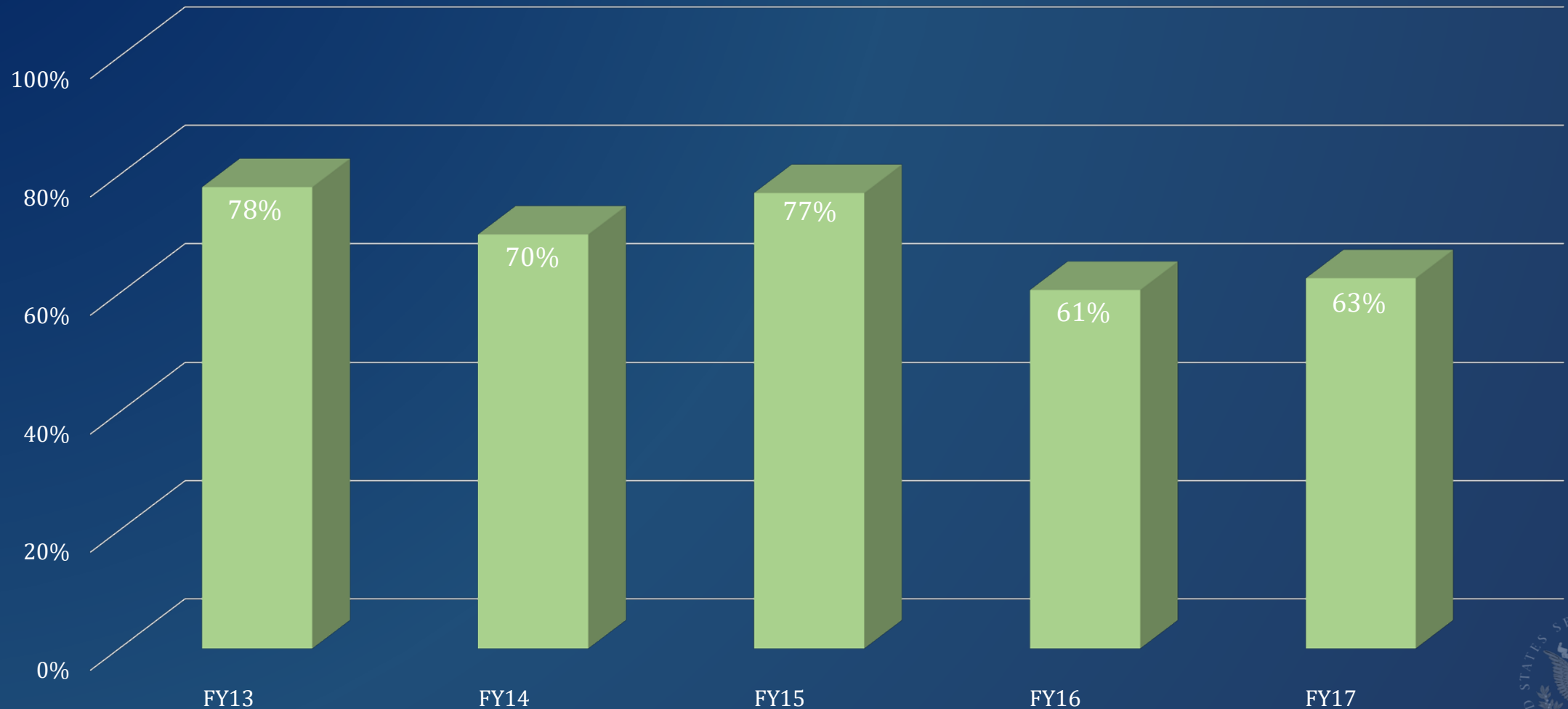


Organizational Probation



Percentage of Organizational Cases Receiving Probation

Fiscal Years 2013-2017



SOURCE: United States Sentencing Commission, 2012-2016 *Sourcebooks of Federal Sentencing*

Imposition of Probation

§8D1.1

Court shall order probation

- If necessary to secure any remediation required by court (restitution, remedial order, community service)
- If payment of monetary penalty is required, which is not paid in full at sentencing
- If organization has 50 or more employees, is required to have E&C program, and does not
- If within five years, organization engaged in similar criminal misconduct and instant offense occurred after adjudication



Imposition of Probation

§8D1.1

Court shall order probation (cont.)

- If high level personnel involved in offense engaged in similar criminal misconduct within five years of instant offense and instant offense occurred after adjudication
- To ensure changes made within organization to reduce likelihood of future criminal conduct
- **If sentence does not include fine**
or
- If necessary to accomplish one or more of the purposes of sentencing



Term of Probation

§8D1.2

For Felony Offenses

One – Five years

For Class A misdemeanors

No more than five years



Mandatory Conditions of Probation

- §8D1.3(a): No new federal, state or local crimes
- §8D1.3(b): Unless fine is imposed or court makes finding that condition is plainly unreasonable, impose at least one of the following conditions for felony offenses:
 - Restitution, *or*
 - Community service



Recommended Conditions of Probation

§8D1.4

- §8D1.3(c): Other conditions reasonably related to
 - nature and circumstances of offense or history or characteristics of organization; and
 - involving only deprivation of liberty and property necessary to effect purposes of sentencing
- §8D1.4: provides a list of recommended conditions






Resources Available







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ORGANIZATIONAL GUIDELINES

Chapter Eight Overview

- Overview of the Organizational Guidelines PDF
- Chapter Eight of the Current Guidelines Manual
- Primer on the Organizational Guidelines Fines
- Guideline Application Worksheets for Organizational Offenses

Organizational Offender Sentencing Statistics

- Quick Facts on Organizational Offenders
- Datafiles for Organizational Offenders
- Sourcebook Tables and Figures

Additional Resources

- Chair Saris Remarks Annual Compliance and Ethics Institute (October 2013) PDF
- Public Meeting Panel Discussion (November 2005)
- Ad Hoc Advisory Group on Organizational Guidelines (October 2003)
- The Sentencing Commission's Implementation of the Sarbanes-Oxley Act (2003) PDF
- 2001 Conference Paper by Vice Chair John R. Steer on the Organizational Sentencing Guidelines (February 2002) PDF
- The Federal Sentencing Guidelines for Organizations: A Decade of Promoting Compliance and Ethics (January 2002) PDF
- Corporate Crime Symposium Proceedings Book (September 1995) PDF
- Food & Drug Working Group Final Report (February 1994)
- Report from Advisory Group on Environmental Sanctions (December 1993) PDF
- Supplementary Report on Sentencing Guidelines for Organizations (August 1991) PDF
- Discussion Materials on Organizational Sanctions (July 1988) PDF

[illegible]



Other Hypotheticals



Fact Pattern Variation #1A

- Assume the same facts as Fact Pattern 1, except Defendant has pleaded guilty to three counts of money laundering



Fact Pattern Variation #1A - Answer

- *The maximum fine authorized by statute may increase when an organization is convicted of multiple counts. See § 8C3.1, comment.*
- *If Defendant has pleaded guilty to three counts, its aggregate statutory maximum fine will be \$1,500,000*
- *Using Base fine of \$1,200,000, the guideline fine range will be \$1,440,000-\$1,500,000 (as limited by the statutory maximum aggregate)*



Fact Pattern Variation #1A – Answer (cont.)

- *Pursuant to §8C2.2(b), after establishing the guideline fine range, the court would make a preliminary determination whether Defendant is able to pay the minimum of the guideline fine range*



Fact Pattern #2

- Company B is convicted of one count of price-fixing in a three-year conspiracy, a violation of 15 USC § 1
- Successful automotive component manufacturer that employs 150 people
- The total volume of commerce in the goods affected by the violation over the three years was \$12 million



Fact Pattern #2 (cont.)

- Legitimate business, no prior illegal activity
- Cooperated and accepted responsibility
- Assets - \$20 million. Annual net income - \$1,750,000



Fact Pattern #2 – Answer

- *Determine whether Defendant has the ability to pay restitution*
- *The base fine is \$2,400,000 (20% of \$12 volume of commerce)*
- *The culpability score = 5*
 - *Start with 5 points*
 - *+2 (more than 200 employees and high-level personnel)*
 - *-2 (cooperation and acceptance)*



Fact Pattern #2 – Answer (cont.)

- *The base fine is \$2,400,000 (20% of \$12 million volume of commerce)*
- *The culpability score = 5*
- *The minimum and maximum multipliers are 1.00 and 2.00*
- *The guideline fine range is \$2,400,000-\$4,800,000*



Fact Pattern #3

- One count of making campaign contributions in the name of another person, in violation of 2 U.S.C. § 441f
- The Defendant company's CEO approached 15 employees and suggested that the corporation would give them a \$3,000 bonus in exchange for making a \$2,500 donation to the political campaign of the CEO's brother



Fact Pattern #3 - Answer

- *Appendix A references violations of 2 U.S.C. § 441f to §2C1.8*
- *Because §2C1.8 is not listed in §8C2.1(a), and the applicable guideline offense level would not be determined under §8C2.1, the provisions of §§8C2.2 through 8C2.9 do not apply*
- *The fines for all counts not covered under §8C2.1 are governed by §8C2.10, which provides that “the court should determine an appropriate fine by applying the provisions of 18 U.S.C. §§ 3553 and 3572.”*





Other Data



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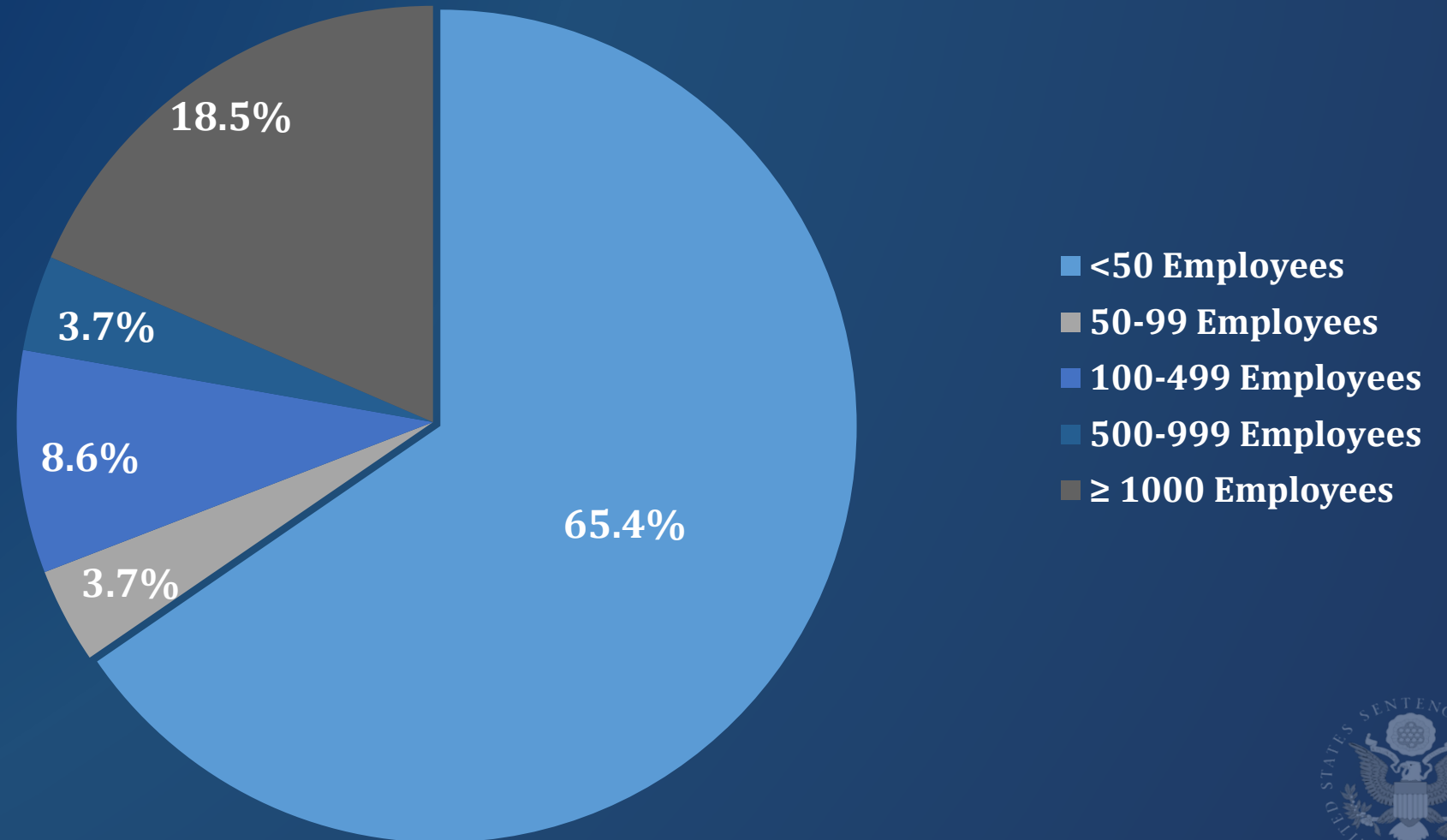


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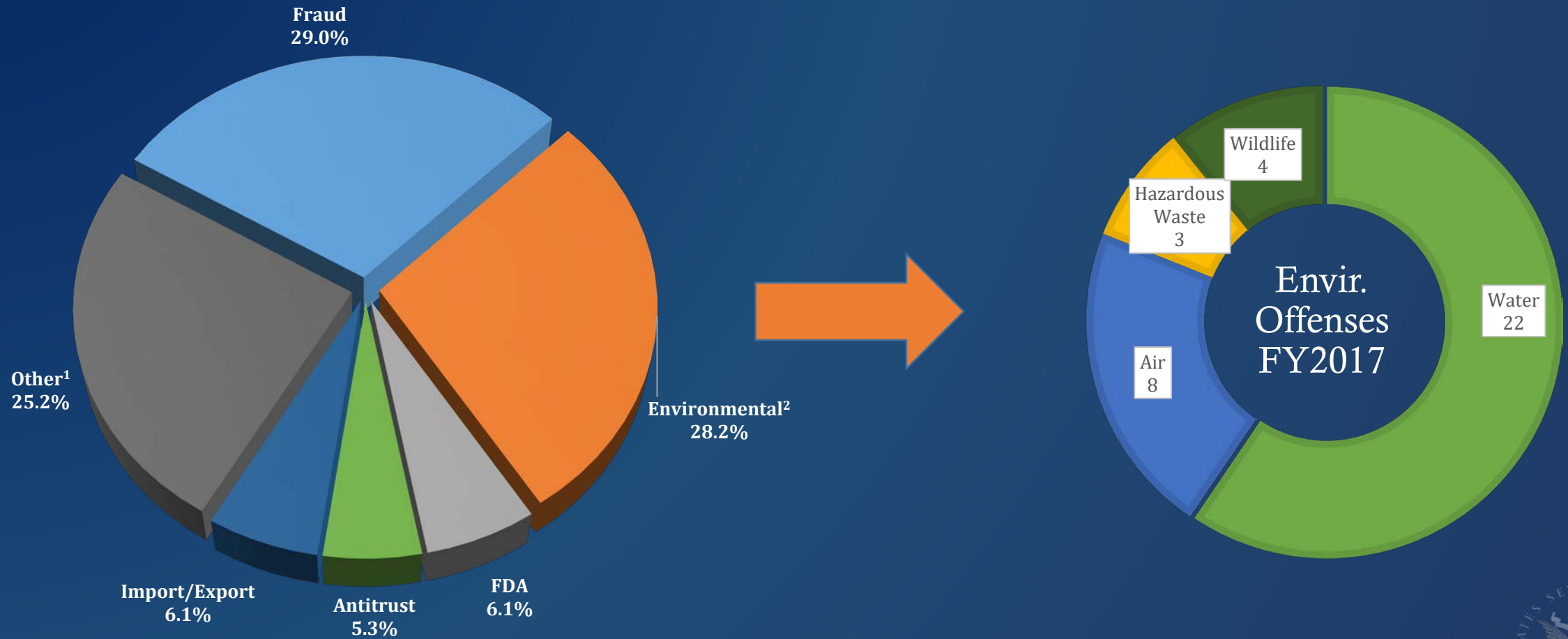
Size of Organizations Sentenced By Number of Employees Fiscal Year 2017



SOURCE: United States Sentencing Commission, 2017 Datafile, CORP16

Number of Environmental Organizational Cases Fiscal Years 2016

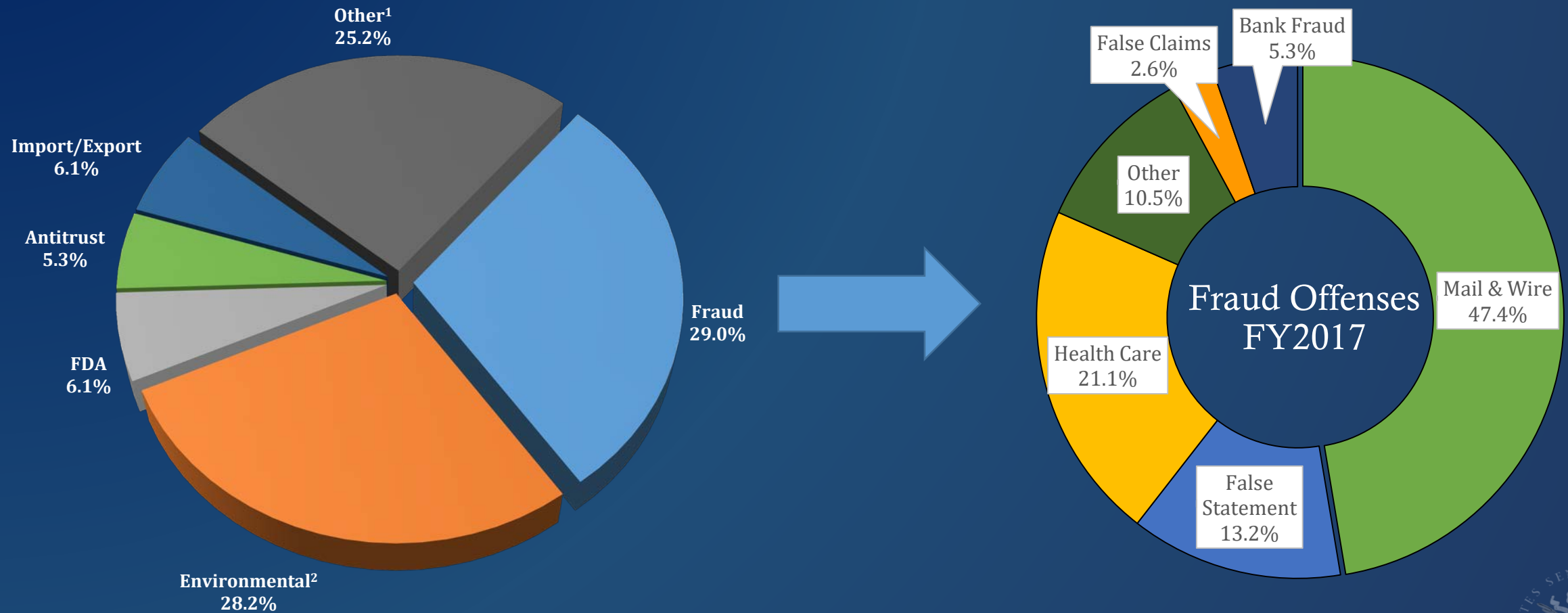
80



SOURCE: United States Sentencing Commission, 2017 *Sourcebook of Federal Sentencing Statistics*.

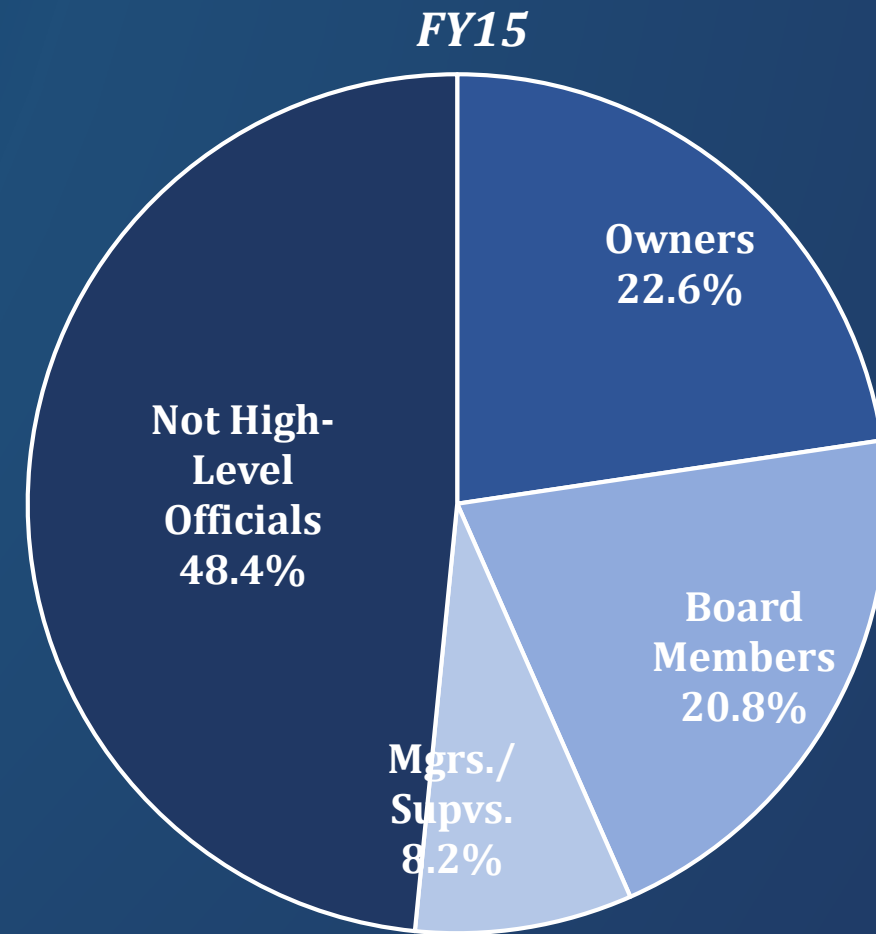
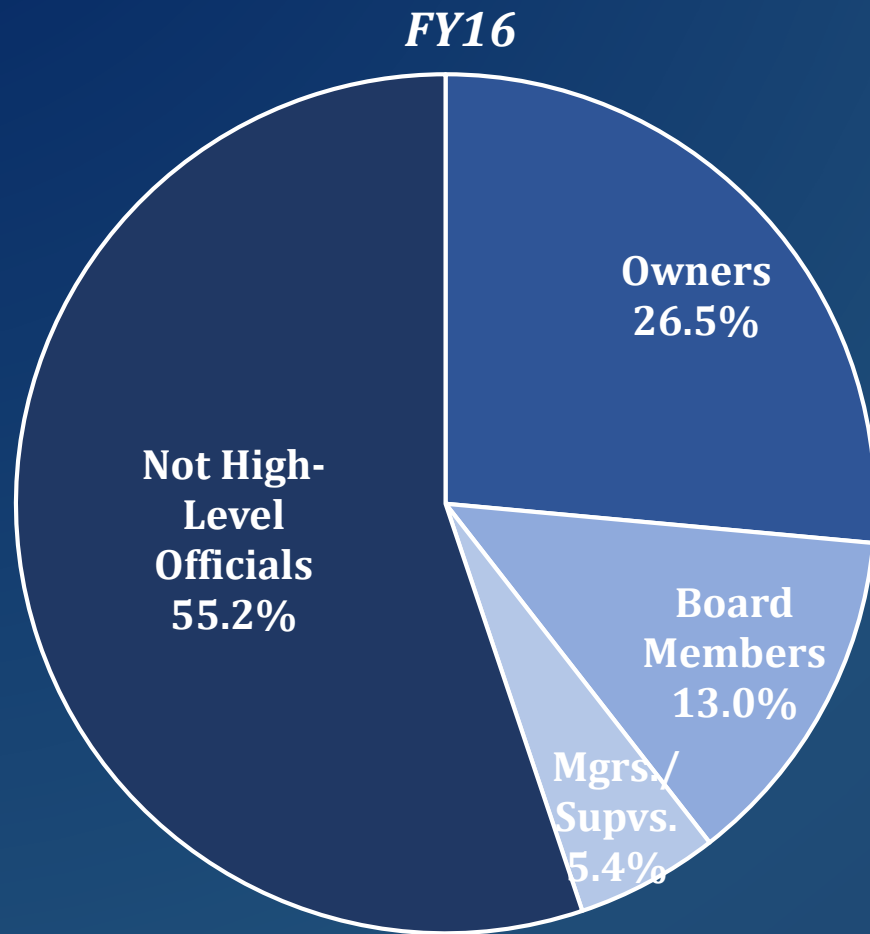
Fraud Offenses in Organizational Cases

Fiscal Year 2017



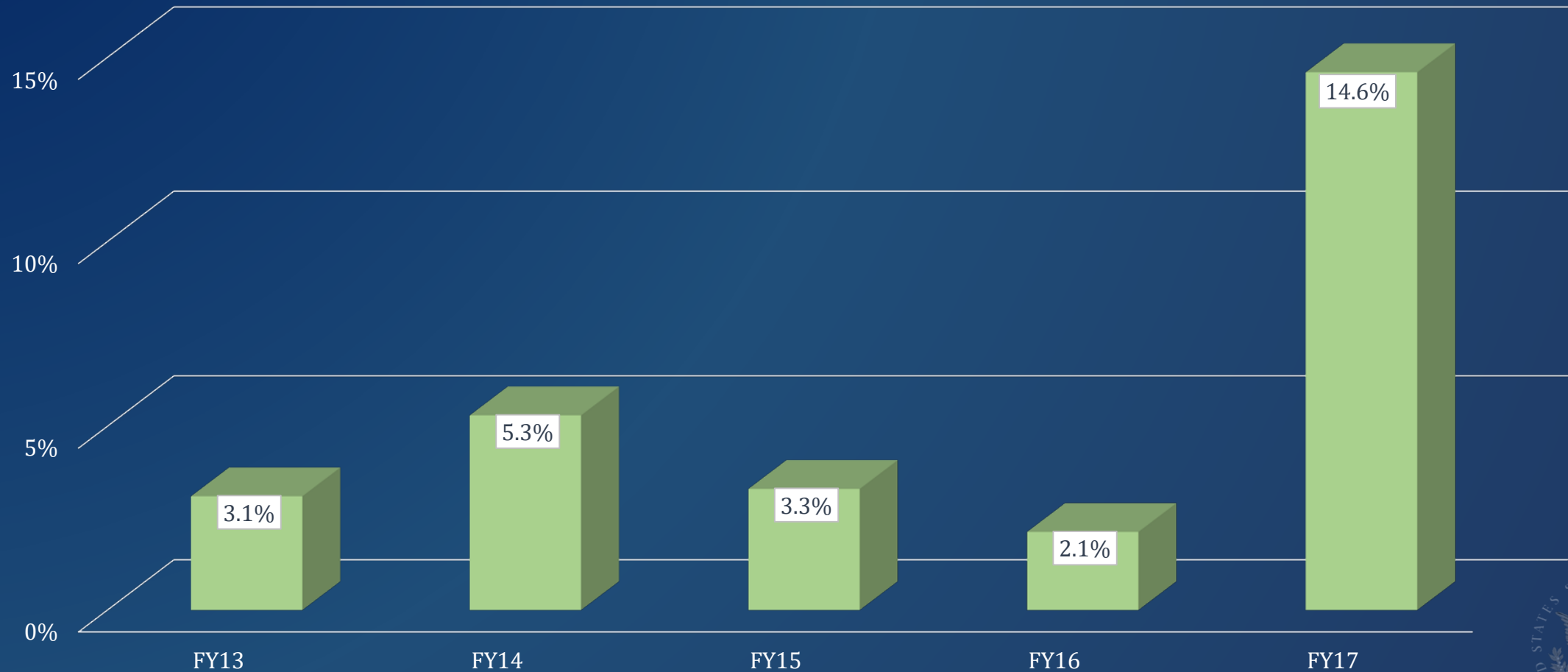
SOURCE: United States Sentencing Commission, 2017 Datafile, CORP17.

Percentage of Individual Offenders Who Were "High-Level" Officials of Co-Defendant Organizations Fiscal Years 2016-2017



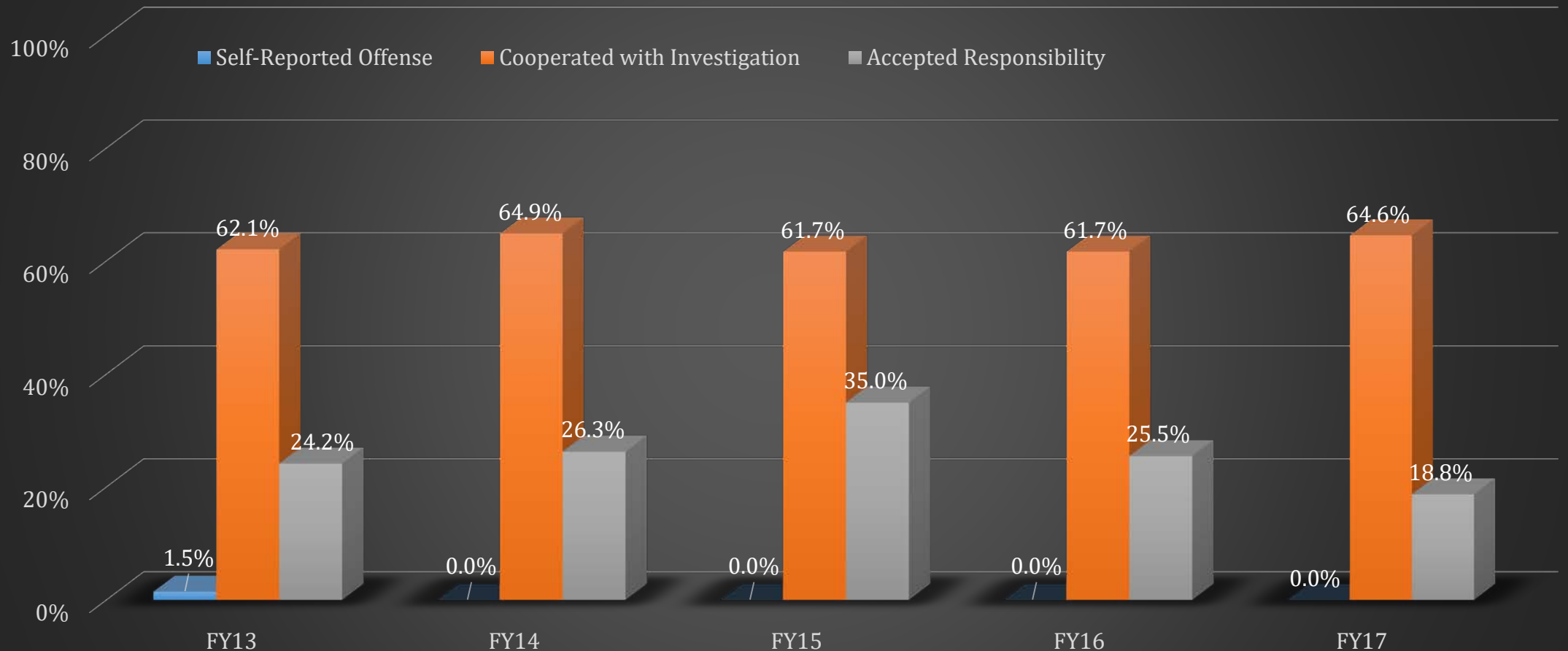
SOURCE: United States Sentencing Commission, 2016-2017 Datafiles, CORP15 and CORP16.

Percentage of Organizations Sentenced that Obstructed Justice (§8C2.5(e)) Fiscal Years 2013-2017



SOURCE: United States Sentencing Commission, 2013-2017 *Sourcebooks of Federal Sentencing*

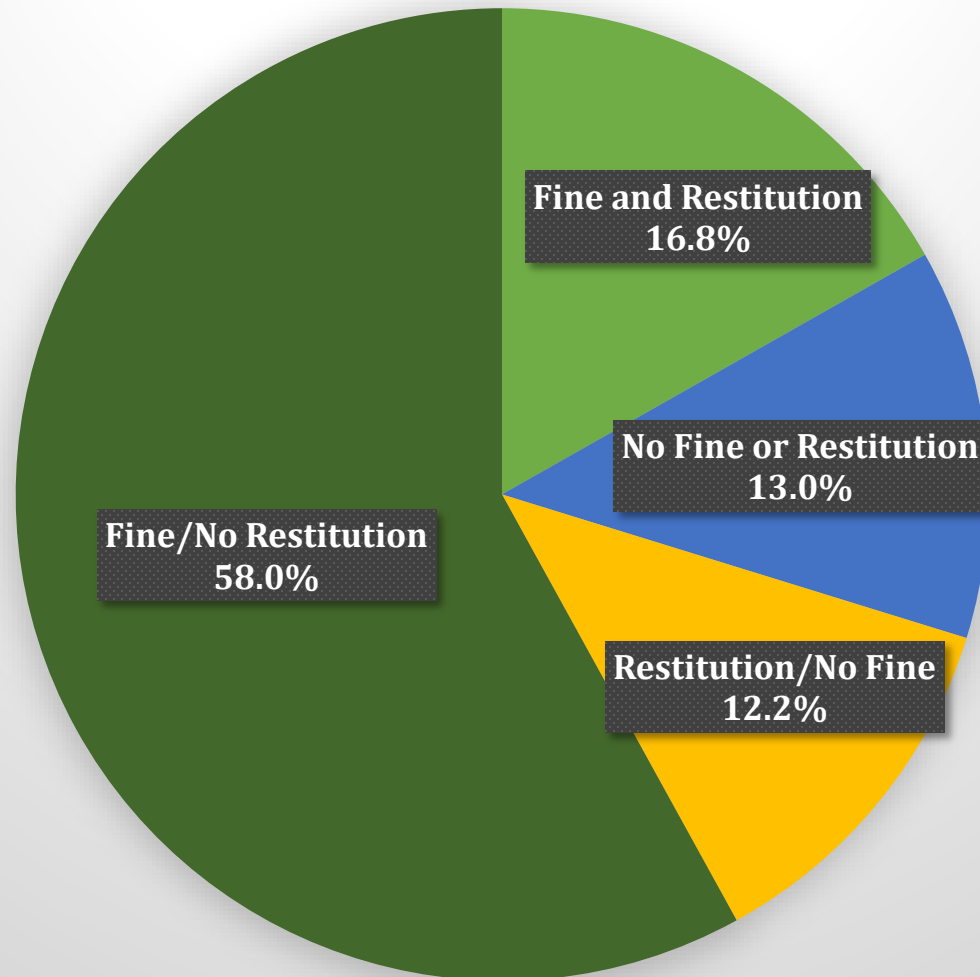
Percentage of Organizational Cases Receiving Reduction in Culpability Score under §8C2.5(g) Fiscal Years 2013-2017



SOURCE: United States Sentencing Commission, 2013-2017 *Sourcebooks of Federal Sentencing*

Types of Monetary Sentences

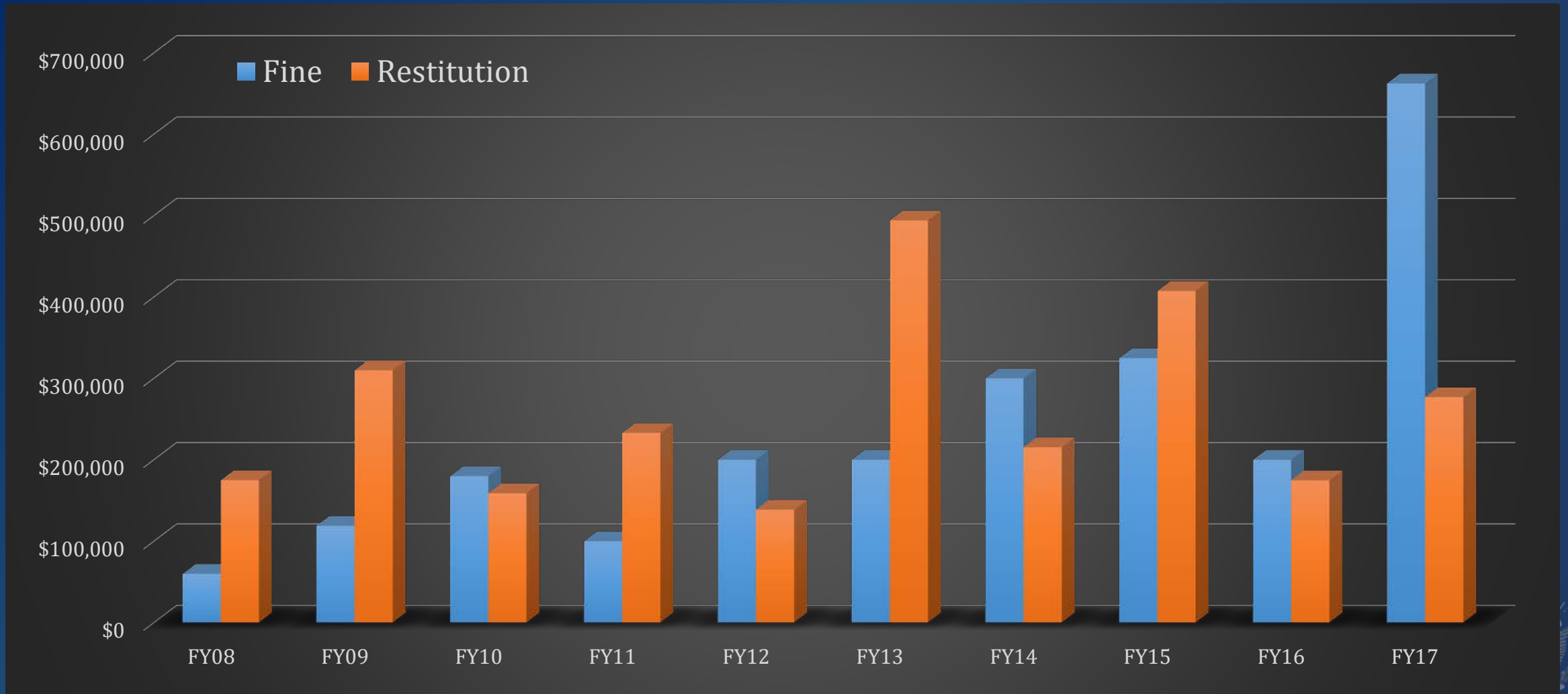
Fiscal Year 2017



SOURCE: United States Sentencing Commission, 2017 *Sourcebook of Federal Sentencing Statistics*.

Fine and Restitution Distribution

Fiscal Years 2008-2017



SOURCE: United States Sentencing Commission, 2008-2017 *Sourcebooks of Federal Sentencing*

Top Ten Organizational Fines and Restitution Orders by Offense Type (Millions of Dollars) Fiscal Year 2017

Fines	
Environmental	\$ 2,800.0
Fraud	\$ 925.0
Fraud	\$ 710.0
Fraud	\$ 550.0
Fraud	\$ 395.0
Import/Export Violation	\$ 287.0
Drugs (not FDA)	\$ 208.0
Fraud	\$ 203.0
Bribery	\$ 94.9
Bribery	\$ 93.0

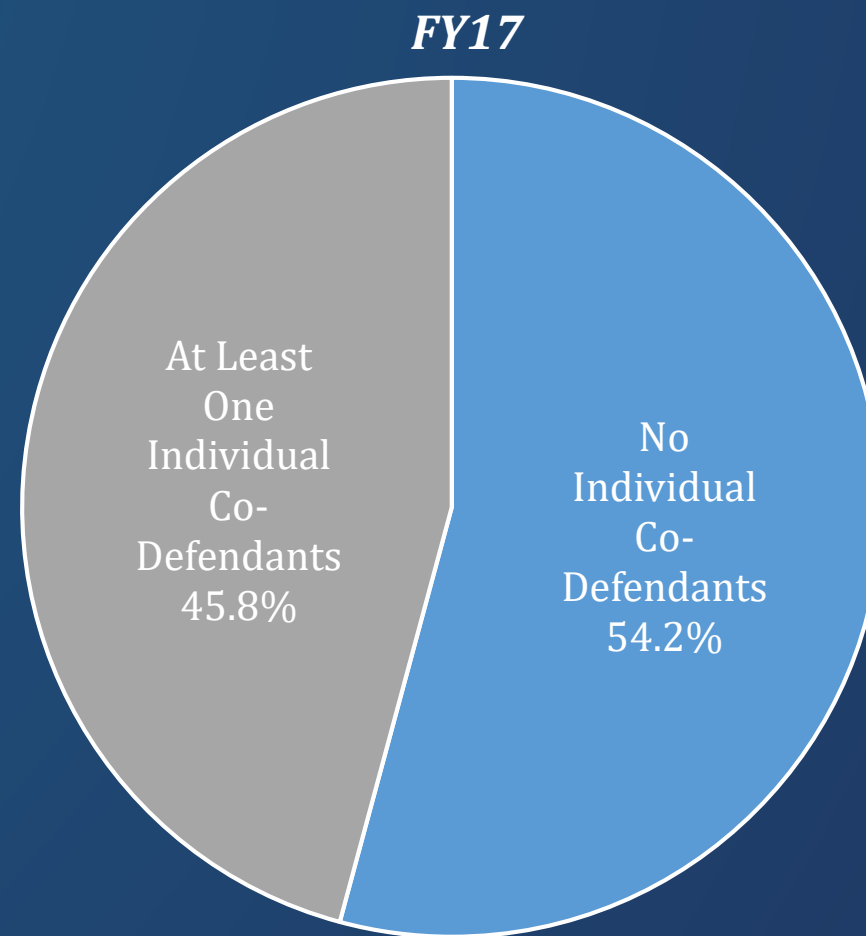
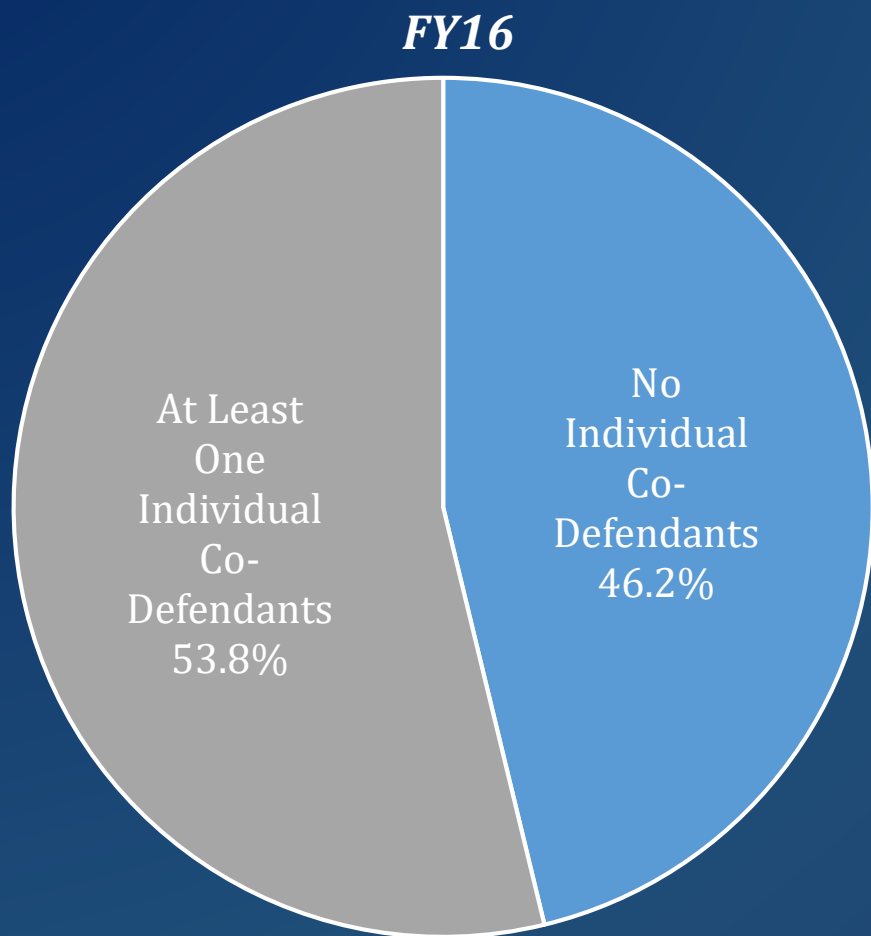
Restitution	
Fraud	\$ 975.0
Fraud	\$ 16.1
Fraud	\$ 9.0
Fraud	\$ 6.7
Fraud	\$ 3.6
Fraud	\$ 3.4
Fraud	\$ 3.2
Fraud	\$ 3.0
Fraud	\$ 2.5
Import/Export Violation	\$ 2.3



SOURCE: United States Sentencing Commission, 2017 Datafile, CORP17.

Relationship of Individual Offender To Organizational Cases

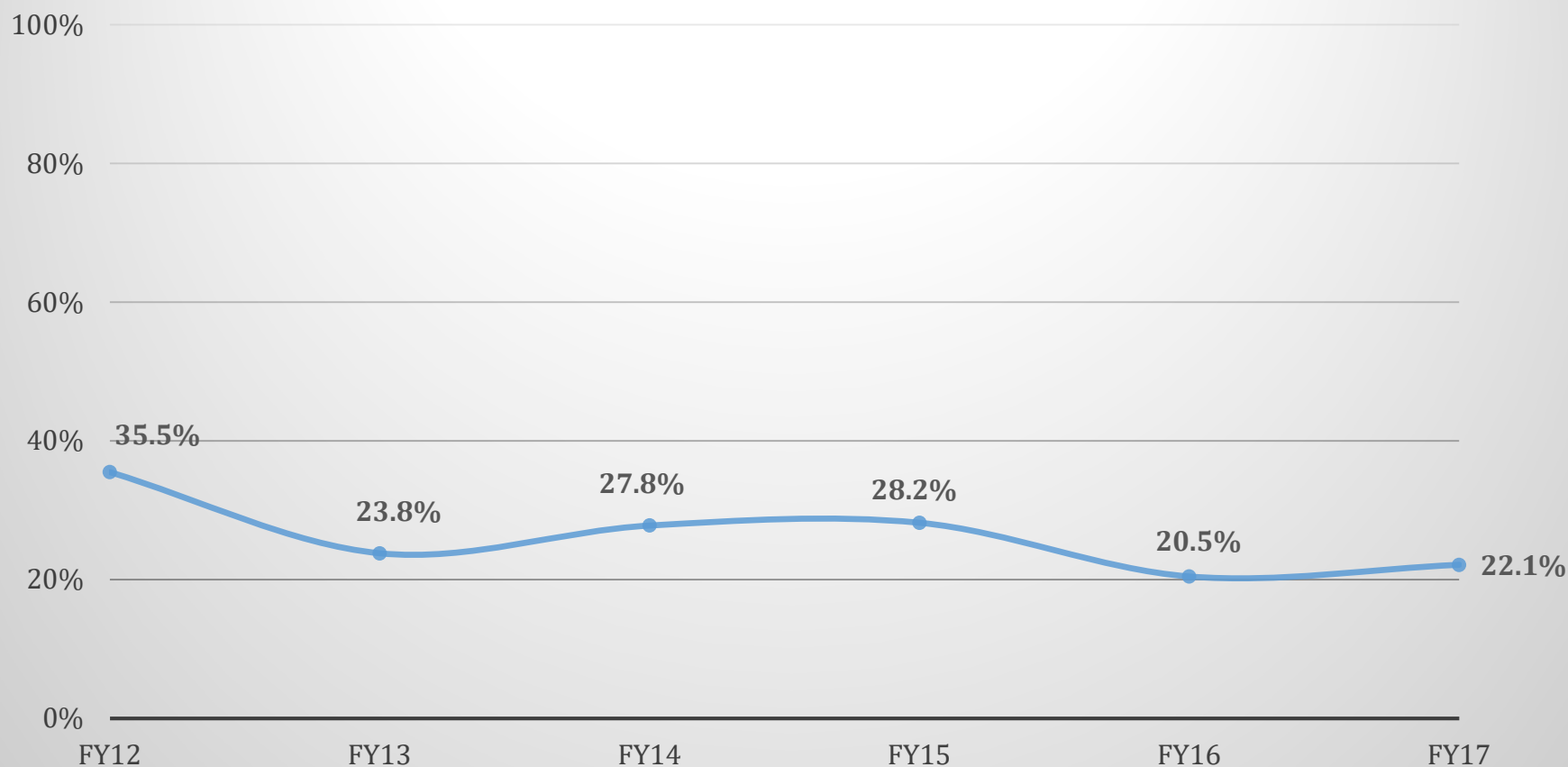
Fiscal Years 2016-2017



SOURCE: United States Sentencing Commission, 2016-2017 Datafiles, CORP16 and CORP17.

Percentage of Organizational Cases With Court Ordered Compliance / Ethics as Component of Sentence

Fiscal Years 2012-2017



SOURCE: United States Sentencing Commission, 2012-2017 *Sourcebooks of Federal Sentencing Statistics*.