

**Table 54**

**ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS<sup>1</sup>**  
**Fiscal Year 2004, Pre-Blakely (October 1, 2003, through June 24, 2004)**

<b>Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)</b>	<b>Number</b>	<b>Percent</b>
Involvement/tolerance in an organization/unit of 5,000+ employees	1	2.0
Involvement/tolerance in an organization/unit of 1,000+ employees	0	0.0
Involvement/tolerance in an organization/unit of 200+ employees	0	0.0
Involvement/tolerance in an organization of 50+ employees	8	16.3
Involvement/tolerance in an organization of ten or more employees	24	49.0
No involvement/tolerance OR fewer than ten employees	16	32.7
<b>TOTAL</b>	<b>49</b>	<b>100.0</b>

  

<b>Prior History - §8C2.5(c)</b>	<b>Number</b>	<b>Percent</b>
One similar criminal/two similar administrative violations within ten years	0	0.0
One similar criminal/two similar administrative violations within five years	2	4.1
Organization had no prior record	47	95.9
<b>TOTAL</b>	<b>49</b>	<b>100.0</b>

  

<b>Violation of an Order - §8C2.5(d)</b>	<b>Number</b>	<b>Percent</b>
Organization did violate an order	0	0.0
Organization did not violate an order	49	100.0
<b>TOTAL</b>	<b>49</b>	<b>100.0</b>

  

<b>Obstruction of Justice - §8C2.5(e)</b>	<b>Number</b>	<b>Percent</b>
Organization obstructed justice	3	6.1
Organization did not obstruct justice	46	93.9
<b>TOTAL</b>	<b>49</b>	<b>100.0</b>

  

<b>Effective Compliance and Ethics Program - §8C2.5(f)</b>	<b>Number</b>	<b>Percent</b>
Organization did have an effective compliance program	0	0.0
Organization had no compliance program	49	100.0
<b>TOTAL</b>	<b>49</b>	<b>100.0</b>

  

<b>Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)</b>	<b>Number</b>	<b>Percent</b>
Reported offense to governmental authorities	0	0.0
Cooperated with investigation	24	49.0
Accepted responsibility	15	30.6
Organization did not self-report, cooperate, or accept responsibility	10	20.4
<b>TOTAL</b>	<b>49</b>	<b>100.0</b>

<sup>1</sup>Of the 86 cases that were sentenced pursuant to Chapter Eight, 54 had the fine guidelines applied. The remaining 32 cases had fine guidelines application data missing or inapplicable due to guideline provisions such as a "preliminary determination of inability to pay fine" (§8C2.2). The total for each factor may add up to less than the overall total due to missing information for that specific variable. Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight culpability factors can be found in USSG §8C2.5.

SOURCE: U.S. Sentencing Commission, 2004 Datafile, USSCFY04, Pre-Blakely Only Cases (October 1, 2003, through June 24, 2004).