

Table 54

ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹
Fiscal Year 1999

Involvement in or Tolerance of Criminal Activity by Authority - §8C2.5(b)	Number	Percent
Involvement/tolerance in an organization/unit of 5,000+ employees	2	2.2
Involvement/tolerance in an organization/unit of 1,000+ employees	1	1.1
Involvement/tolerance in an organization/unit of 200+ employees	3	3.3
Involvement/tolerance in an organization of 50+ employees	13	14.1
Involvement/tolerance in an organization of ten or more employees	37	40.2
No involvement/tolerance OR fewer than ten employees	36	39.1
TOTAL	92	100.0

Prior History - §8C2.5(c)	Number	Percent
One similar criminal/two similar administrative violations within ten years	1	1.1
One similar criminal/two similar administrative violations within five years	2	2.2
Organization had no prior record	89	96.7
TOTAL	92	100.0

Violation of an Order - §8C2.5(d)	Number	Percent
Organization did violate an order	2	2.2
Organization did not violate an order	90	97.8
TOTAL	92	100.0

Obstruction of Justice - §8C2.5(e)	Number	Percent
Organization obstructed justice	3	3.3
Organization did not obstruct justice	89	96.7
TOTAL	92	100.0

Effective Program to Prevent and Detect Violations of Law - §8C2.5(f)	Number	Percent
Organization did have an effective program	1	1.1
Organization did not have an effective program	91	98.9
TOTAL	92	100.0

Self-Reporting, Cooperation, and Acceptance of Responsibility - §8C2.5(g)	Number	Percent
Reported offense to governmental authorities	2	2.2
Cooperated with investigation	49	53.2
Accepted responsibility	31	33.7
Organization did not self-report, cooperate, or accept responsibility	10	10.9
TOTAL	92	100.0

¹Of the 255 cases sentenced pursuant to Chapter Eight in FY1999, 151 cases involved offenses covered by the list of applicable guidelines in §8C1.2. For 59 of these 151 cases, the fine guidelines application data are 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 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, Organizational Defendants, FY1999.

