

Table 52

ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS¹
Fiscal Year 1997

Involvement in or Tolerance of Criminal Activity by Substantial Authority Personnel	Number	Percent
Involvement/Tolerance in an organization/unit of 1,000+ employees	2	1.8
Involvement/Tolerance in an organization/unit of 200+ employees	11	9.7
Involvement in an organization of 50+ employees	22	19.5
Involvement in an organization of ten or more employees	30	26.5
No involvement/tolerance OR fewer than ten employees	48	42.5
TOTAL	113	100.0

Prior History	Number	Percent
One similar criminal/two similar administrative violations within five years	3	2.7
One similar criminal/two similar administrative violations within ten years	2	1.8
Organization had no prior record	107	95.5
TOTAL	112	100.0

Violation of an Order	Number	Percent
Organization did violate an order	0	0.0
Organization did not violate an order	113	100.0
TOTAL	113	100.0

Obstruction of Justice	Number	Percent
Organization obstructed justice	8	7.1
Organization did not obstruct justice	105	92.9
TOTAL	113	100.0

Effective Program to Prevent and Detect Violations of Law	Number	Percent
Organization had an effective compliance program	1	0.9
Organization did not have an effective program	112	99.1
TOTAL	113	100.0

Self-Reporting, Cooperation, and Acceptance of Responsibility	Number	Percent
Self-reported offense	1	0.9
Cooperated with investigation	59	52.2
Accepted responsibility	27	23.9
Organization did not self-report, cooperate, or accept responsibility	26	23.0
TOTAL	113	100.0

¹There were 220 cases sentenced pursuant to Chapter Eight in FY1997. The Chapter Eight Fine Guidelines were applied in 128 of these cases. The total for each factor may add to less than the overall total due to missing information for that variable. Other 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, 1997.