

ORGANIZATIONAL GUIDELINES



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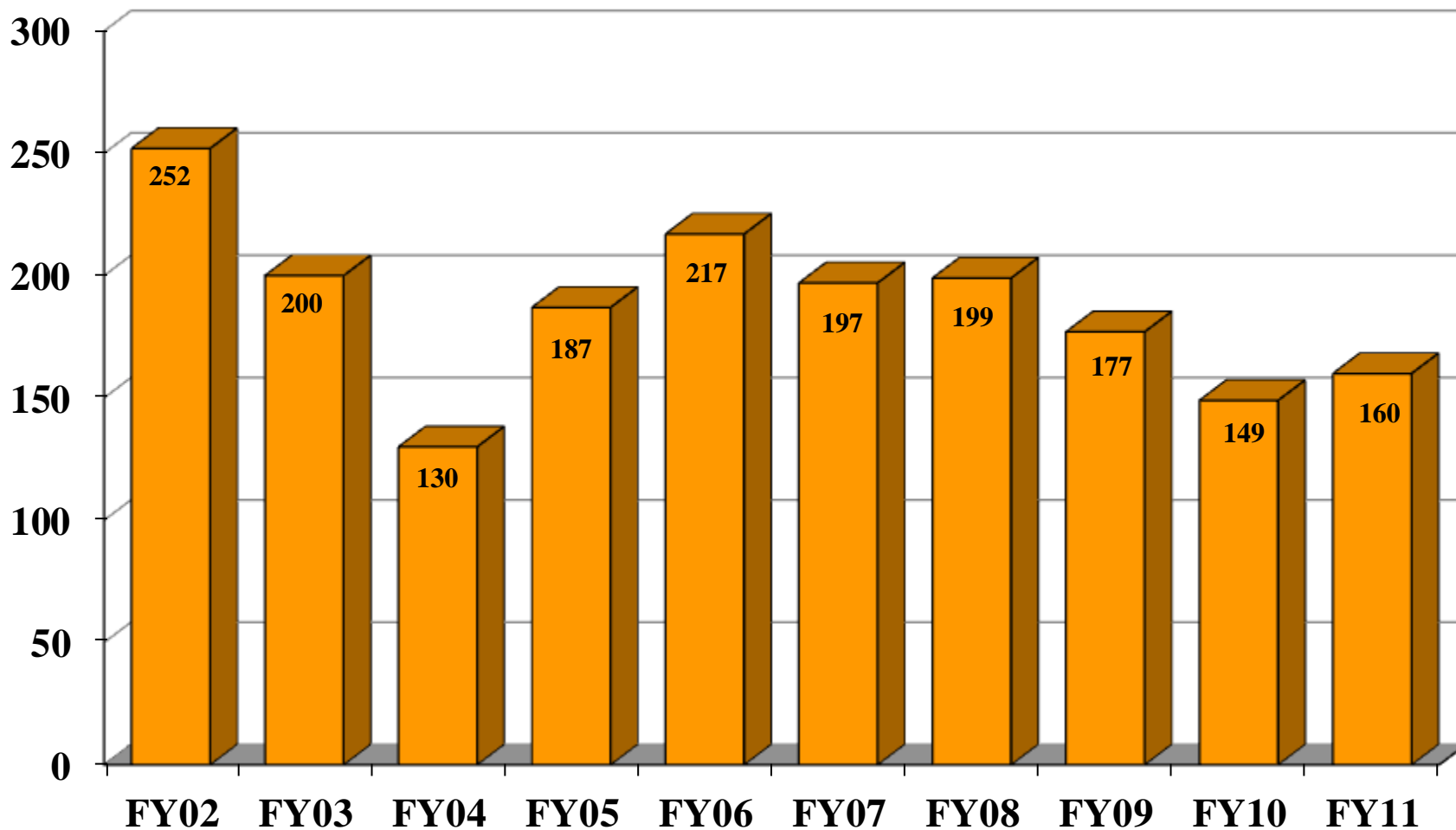
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Moderator: Hon. Beryl A. Howell

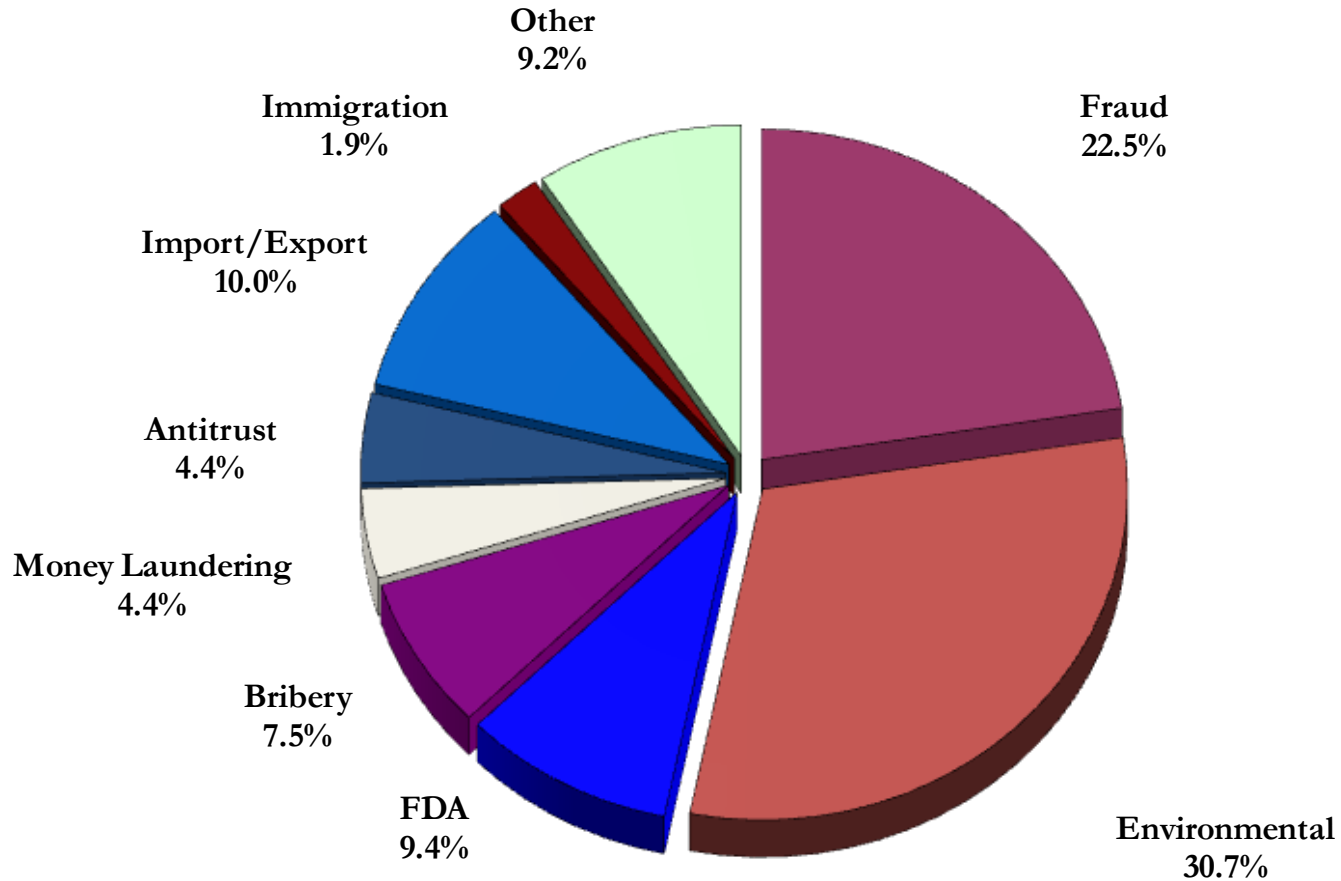
**Commissioner – USSC
District Judge
Washington DC**

Number of Organizational Cases Fiscal Year 2002-2011



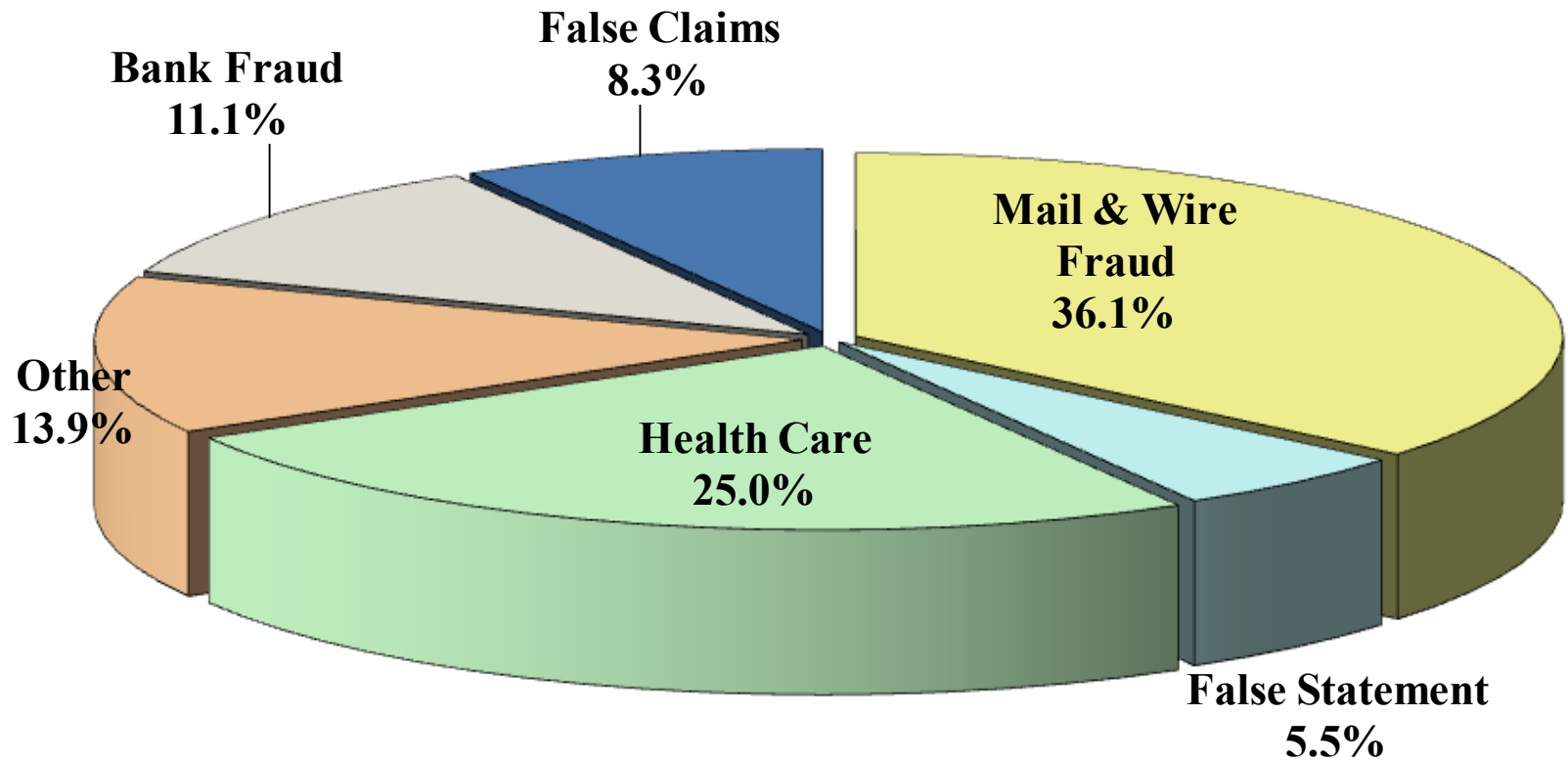
SOURCE: United States Sentencing Commission, 2002-2011 Sourcebook of Federal Sentencing Statistics.

Primary Offenses of Organizational Cases Fiscal Year 2011

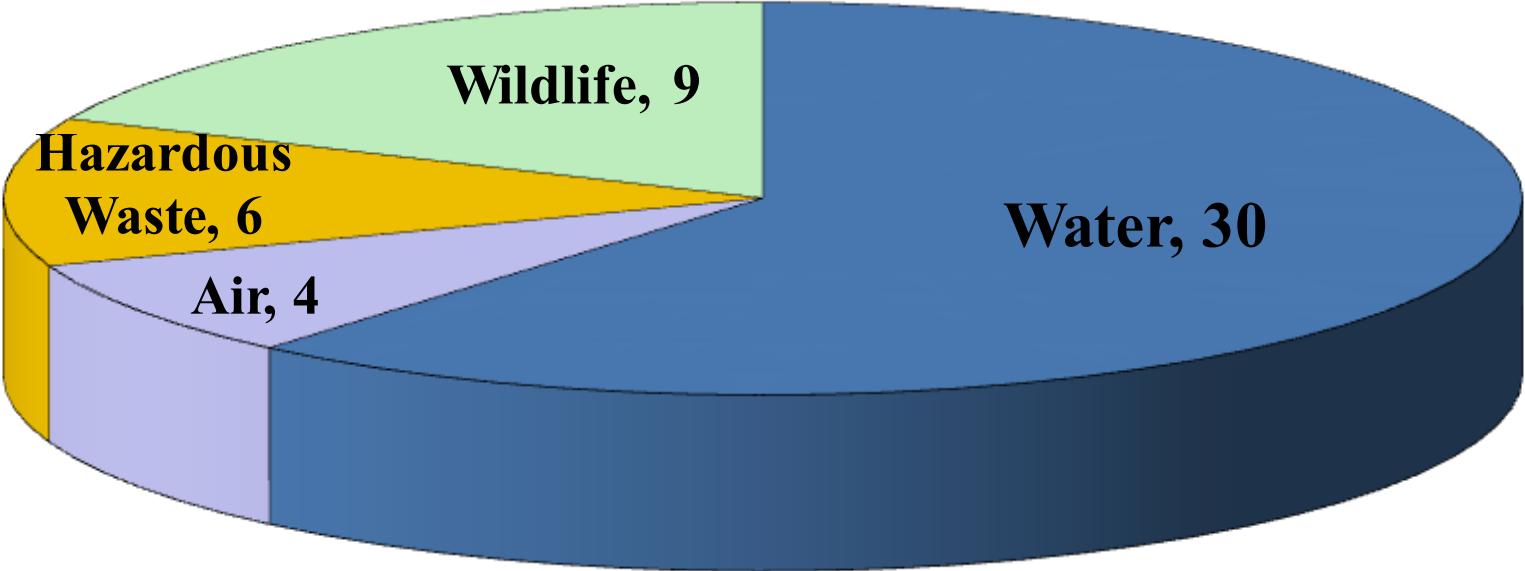


SOURCE: United States Sentencing Commission, *2011 Sourcebook of Federal Sentencing Statistics*. The Environmental category includes the following offense types: Environmental-Water Pollution, Environmental-Air Pollution, Environmental-Hazardous/Toxic Pollutants, and Environmental-Wildlife.

Fraud Offenses in Organizational Cases Fiscal Year 2011

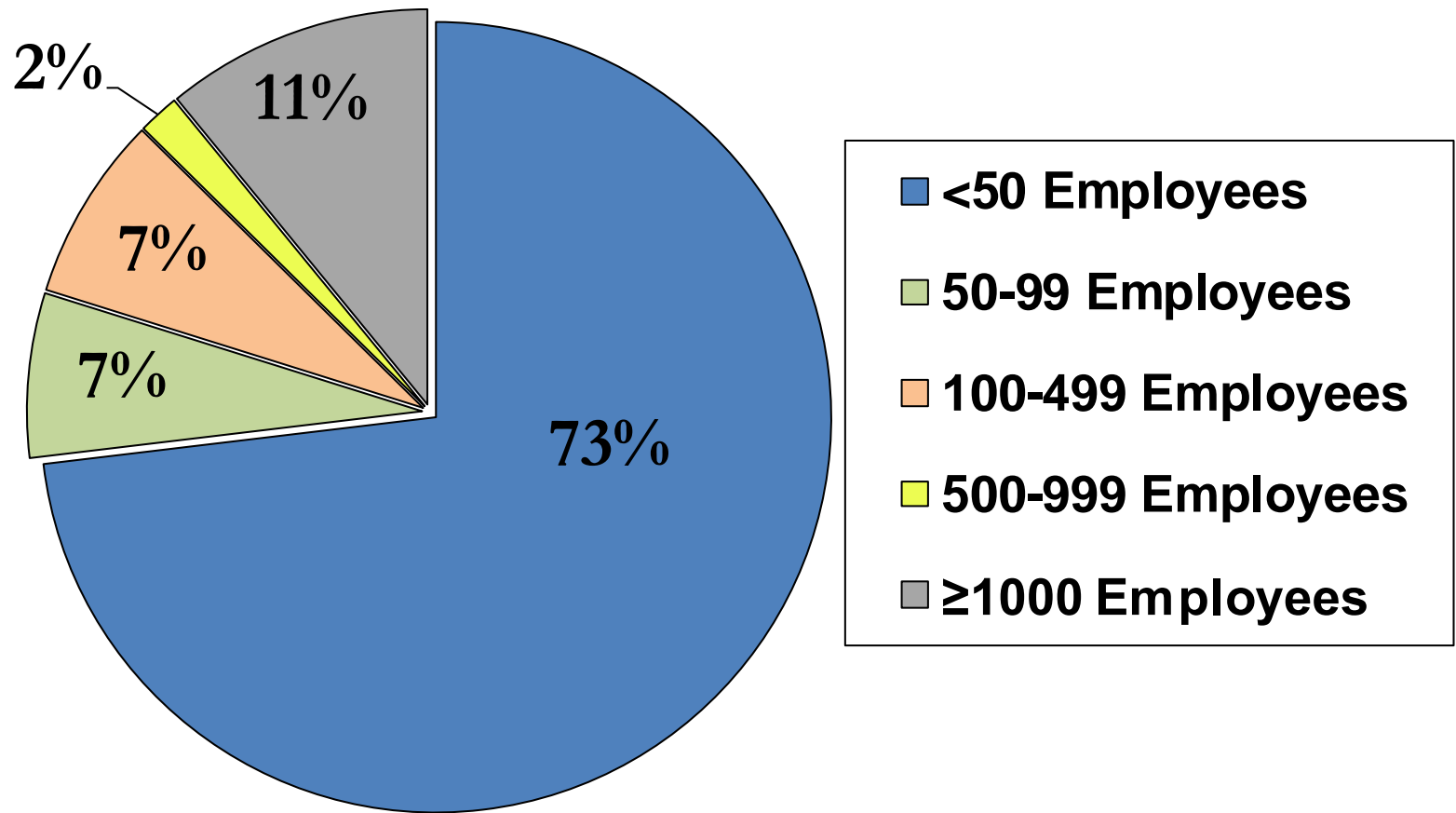


Number of Environmental Organizational Cases Fiscal Year 2011

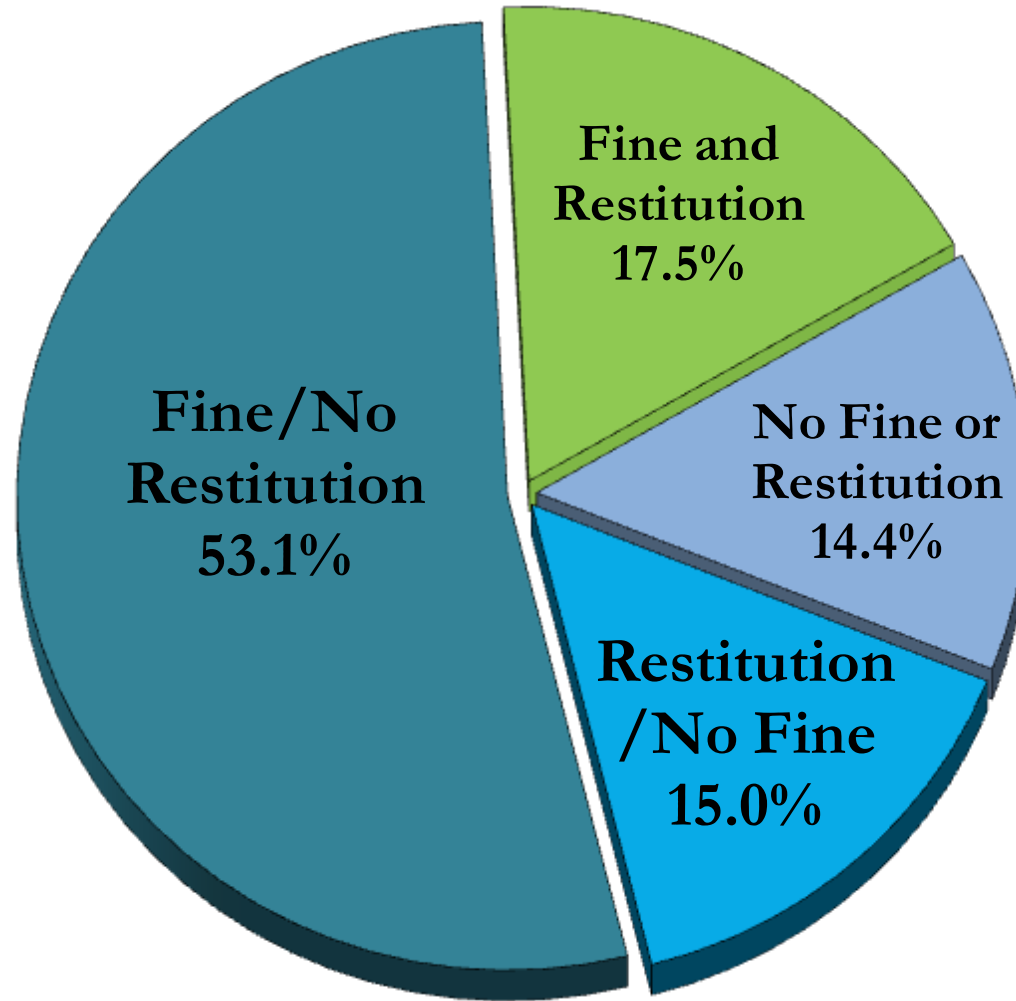


SOURCE: United States Sentencing Commission, 2011 Sourcebook of Federal Sentencing Statistics

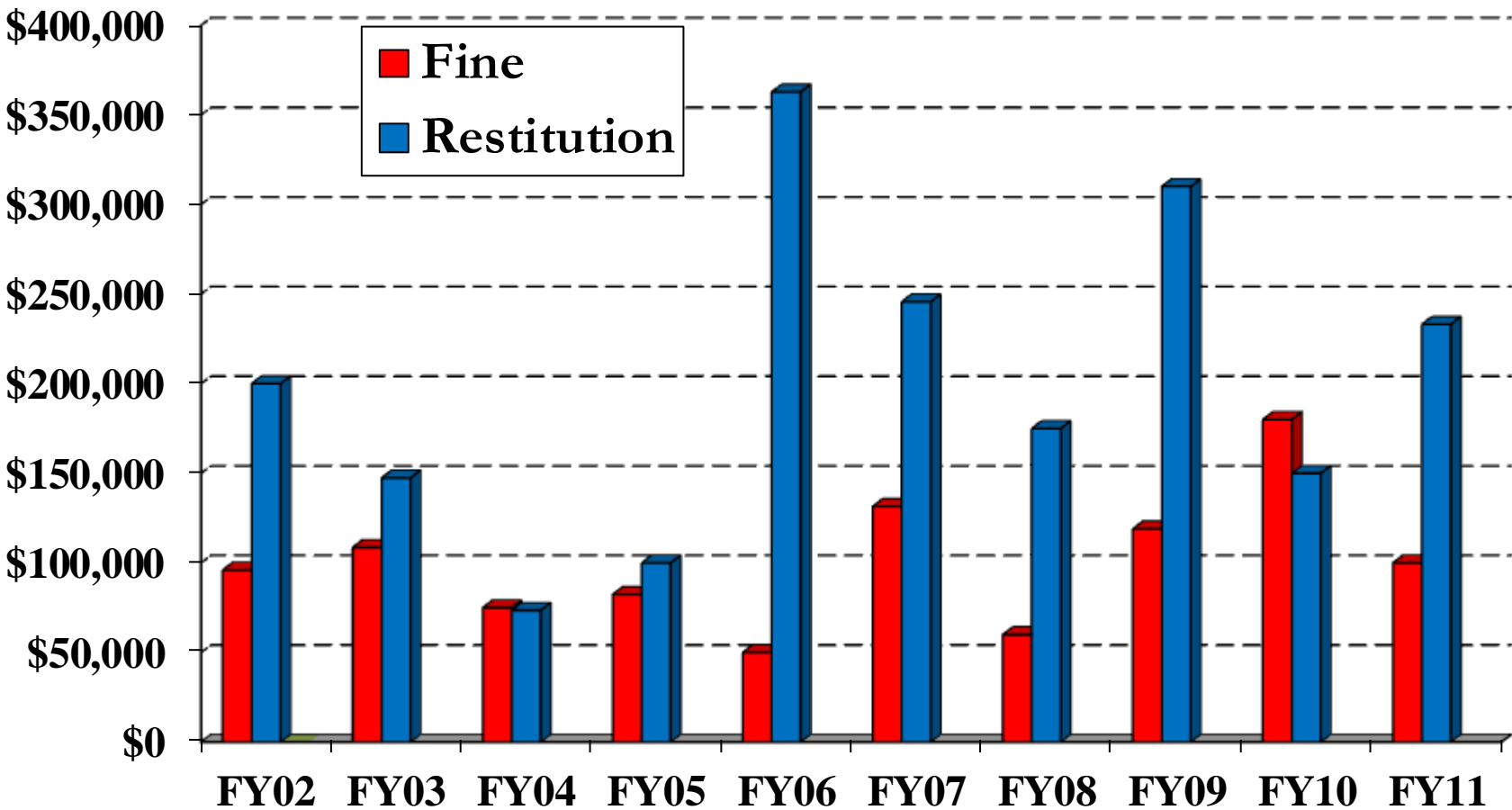
Size of Organizations Sentenced By Number of Employees Fiscal Year 2011



Types of Monetary Sentences Fiscal Year 2011



Median Fine and Restitution for Organizations Fiscal Years 2002-2011



¹FY04 data consists of only pre-*Blakely* data from October 1, 2003 through June 24, 2004. FY05 data consists of only post-*Booker* data from January 12, 2005 through September 30, 2005.
SOURCE: United States Sentencing Commission, 2002-2011 *Sourcebook of Federal Sentencing Statistics*.

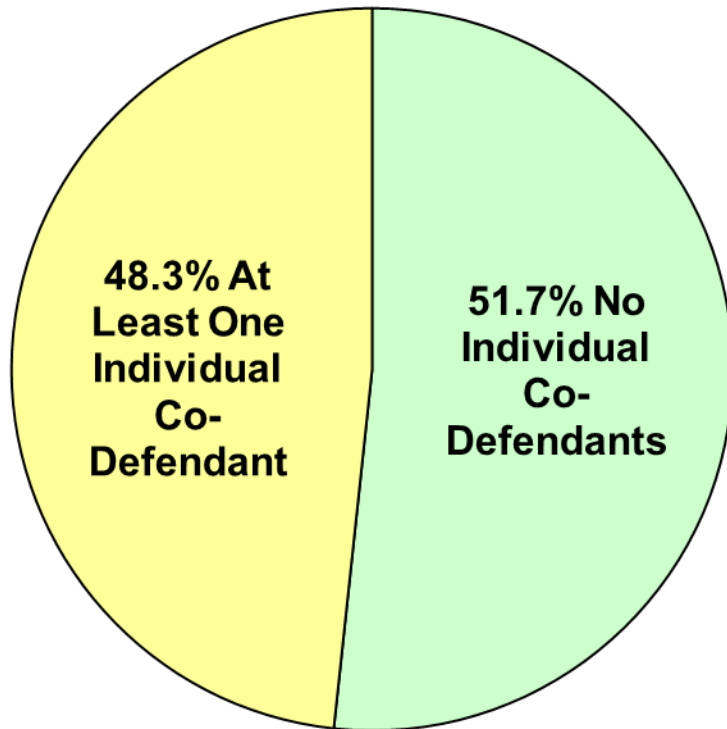
Top Ten Organizational Fines and Restitution Orders by Offense Type (Millions of Dollars) Fiscal Year 2011

| Fines | |
|---------------|---------|
| Food & Drug | \$253.9 |
| Food & Drug | \$170.0 |
| Food & Drug | \$150.0 |
| Import/Export | \$140.0 |
| Food & Drug | \$97.0 |
| Antitrust | \$91.8 |
| Import/Export | \$73.0 |
| Bribery | \$70.5 |
| Other | \$49.1 |
| Antitrust | \$48.0 |

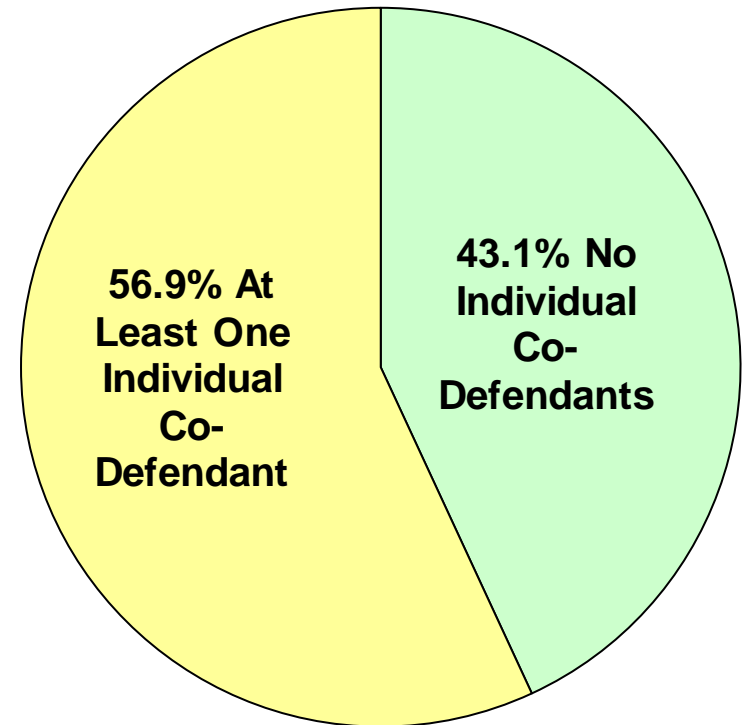
| Restitution | |
|--------------------|--------|
| Fraud | \$87.5 |
| Bribery | \$4.1 |
| Fraud | \$3.5 |
| Fraud | \$3.5 |
| Fraud | \$2.0 |
| Environmental | \$2.0 |
| Fraud | \$1.8 |
| Fraud | \$1.5 |
| Environmental | \$1.5 |
| Environmental | \$1.5 |

Relationship of Individual Offender to Organizational Cases Fiscal Years 2010-2011

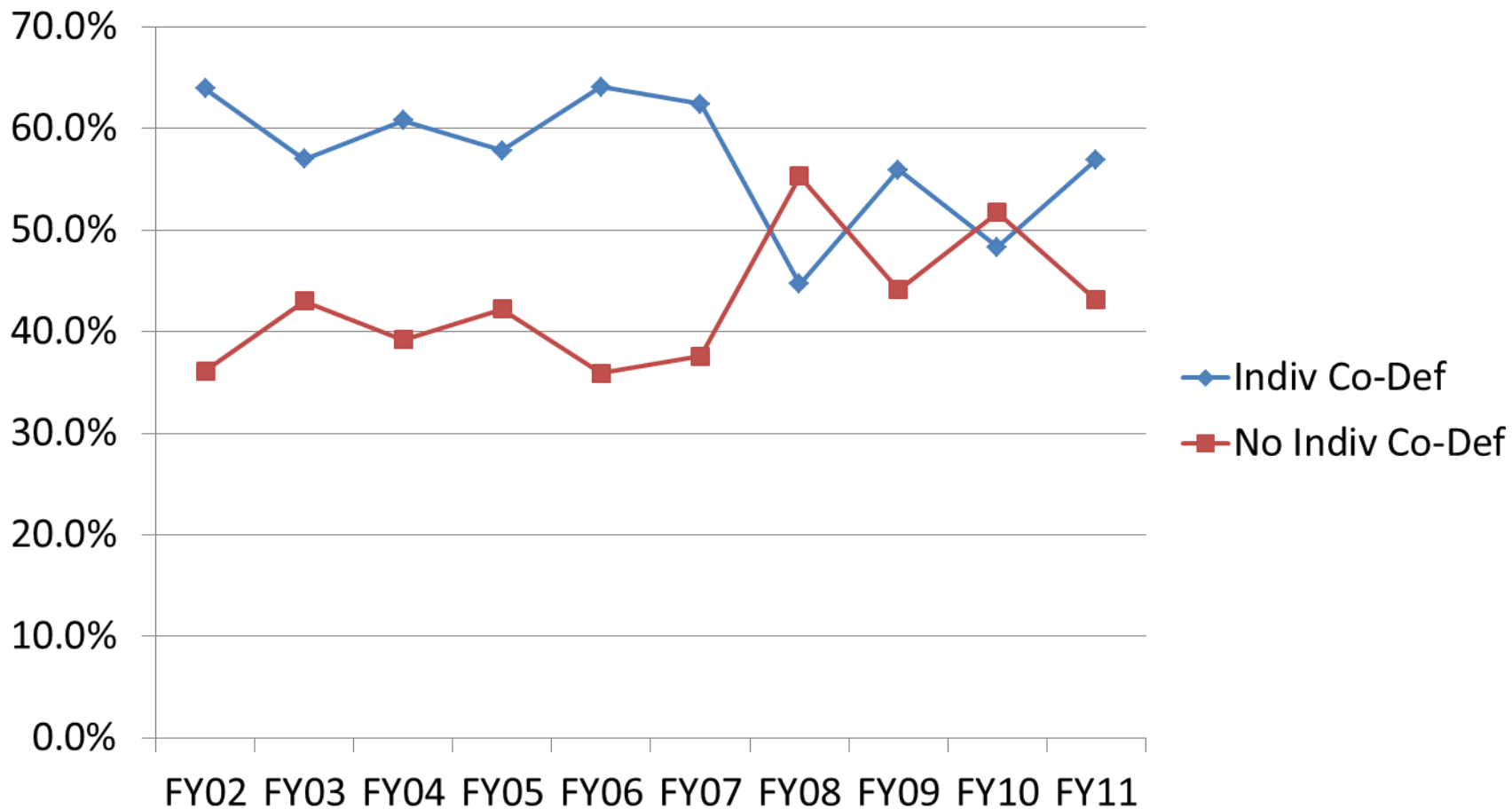
FY10



FY11

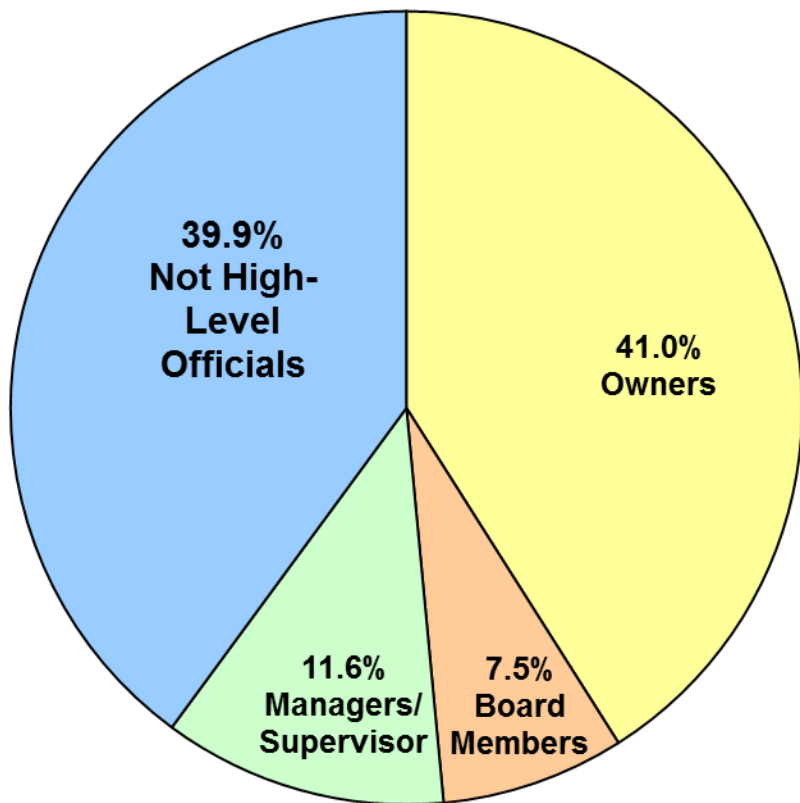


Relationship of Individual Offender to Organizational Cases Fiscal Years 2002-2011

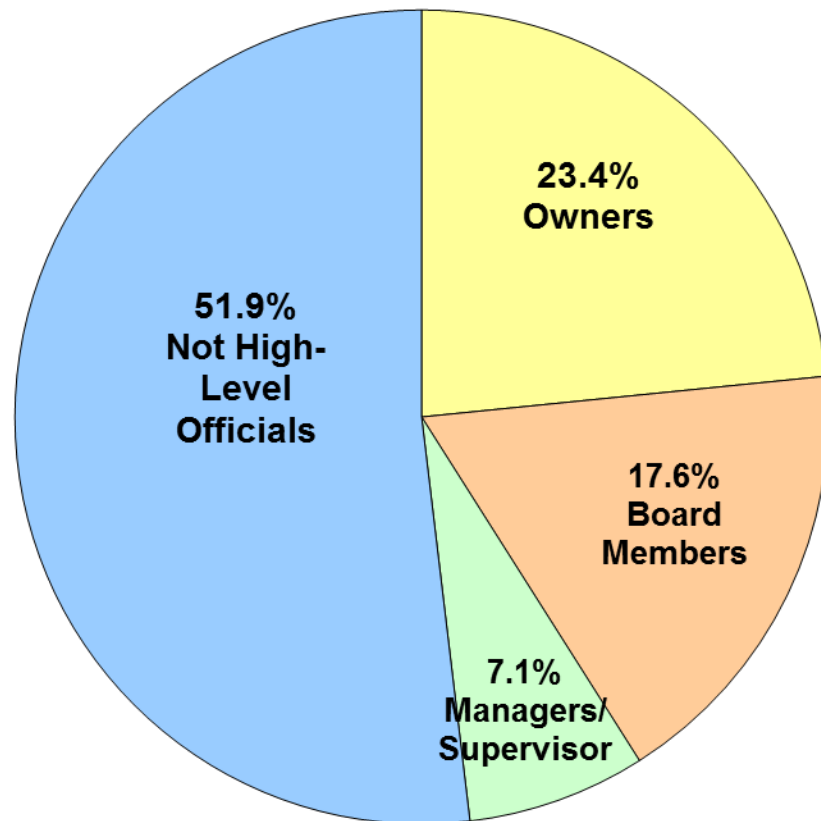


Percentage of Individual Offenders Who Were “High-Level” Officials of Co-Defendant Organizations Fiscal Years 2010-2011

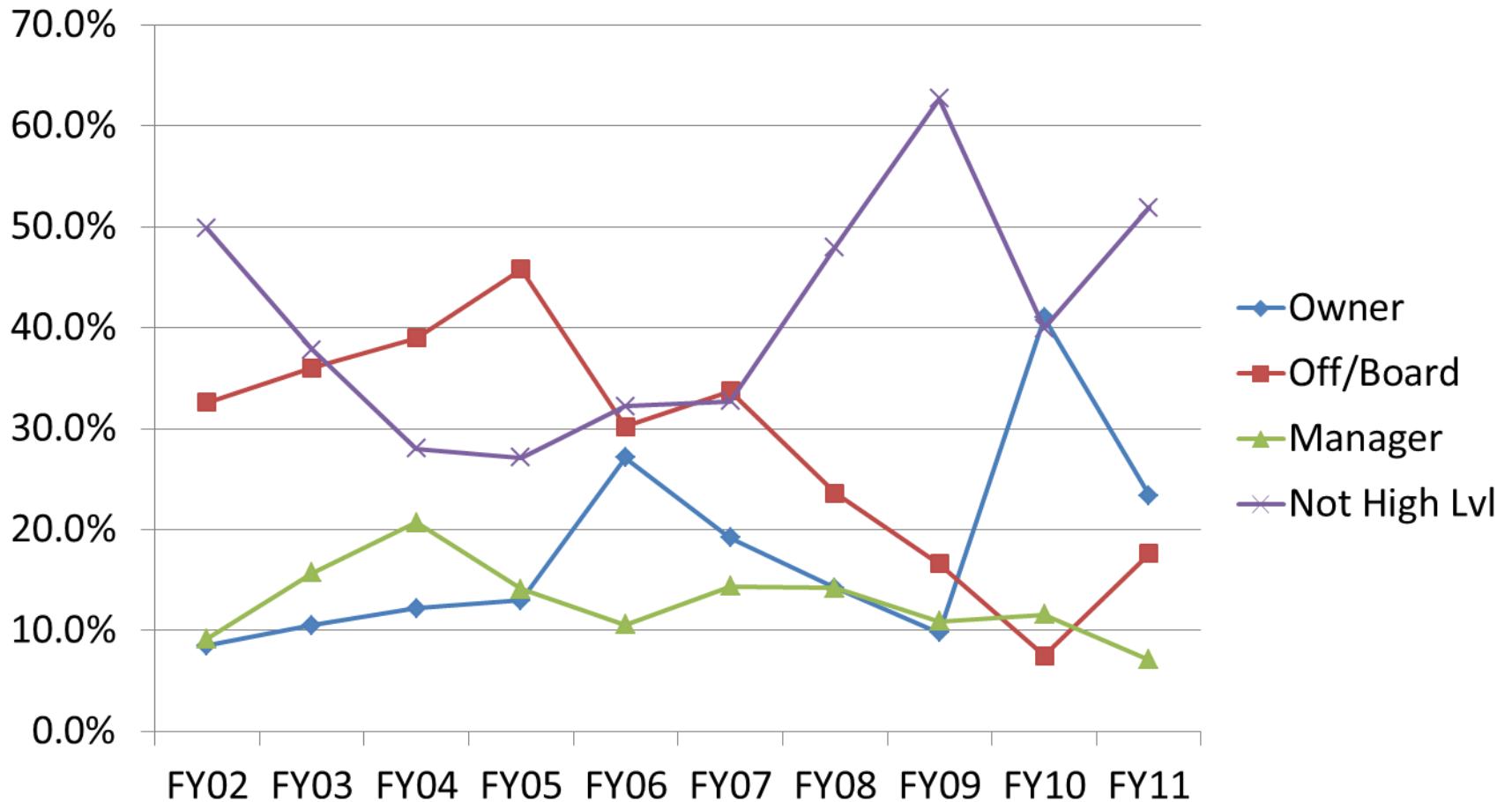
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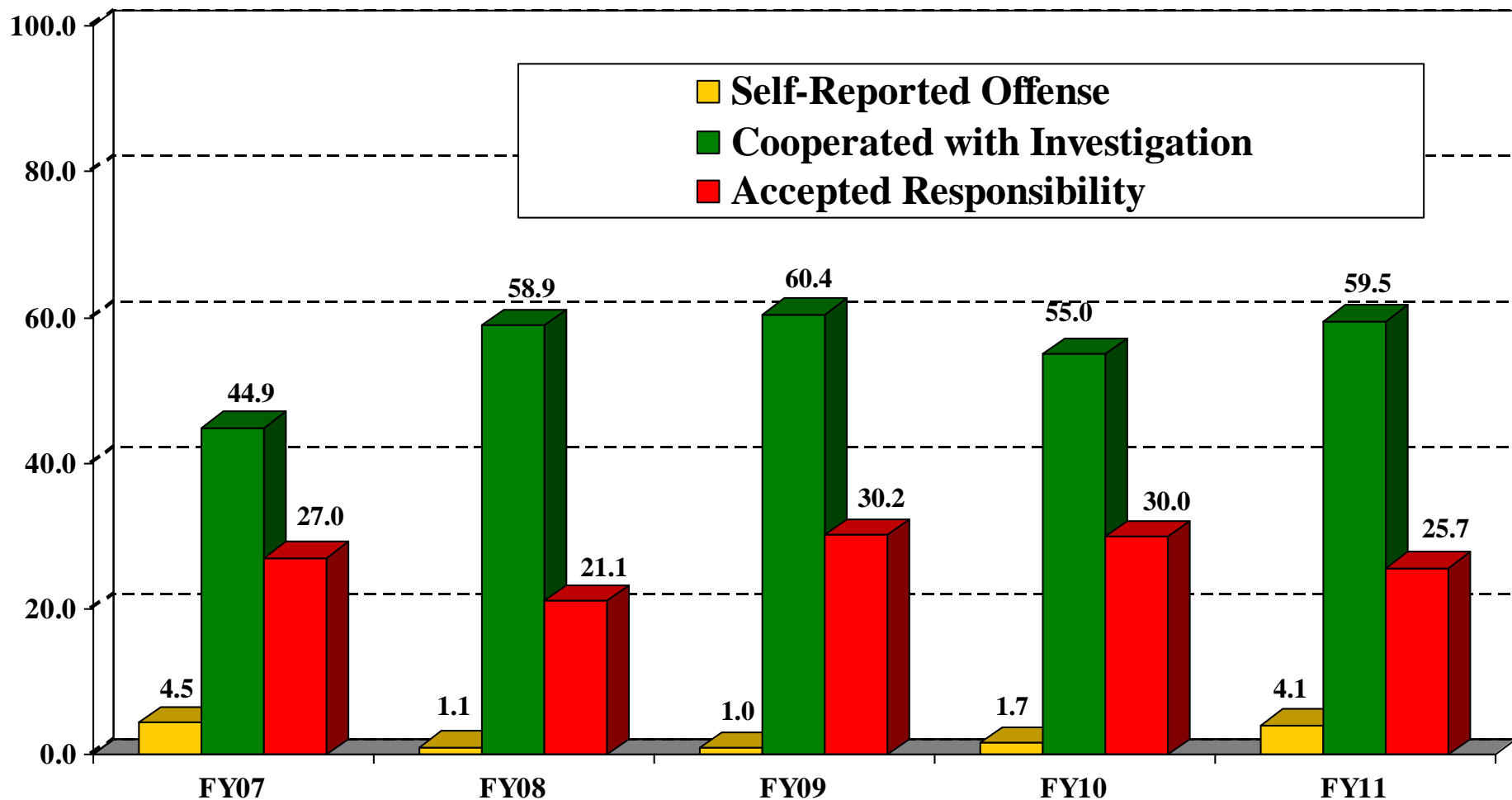
FY11



Percentage of Individual Offenders Who Were “High-Level” Officials of Co-Defendant Organizations Fiscal Years 2002-2011

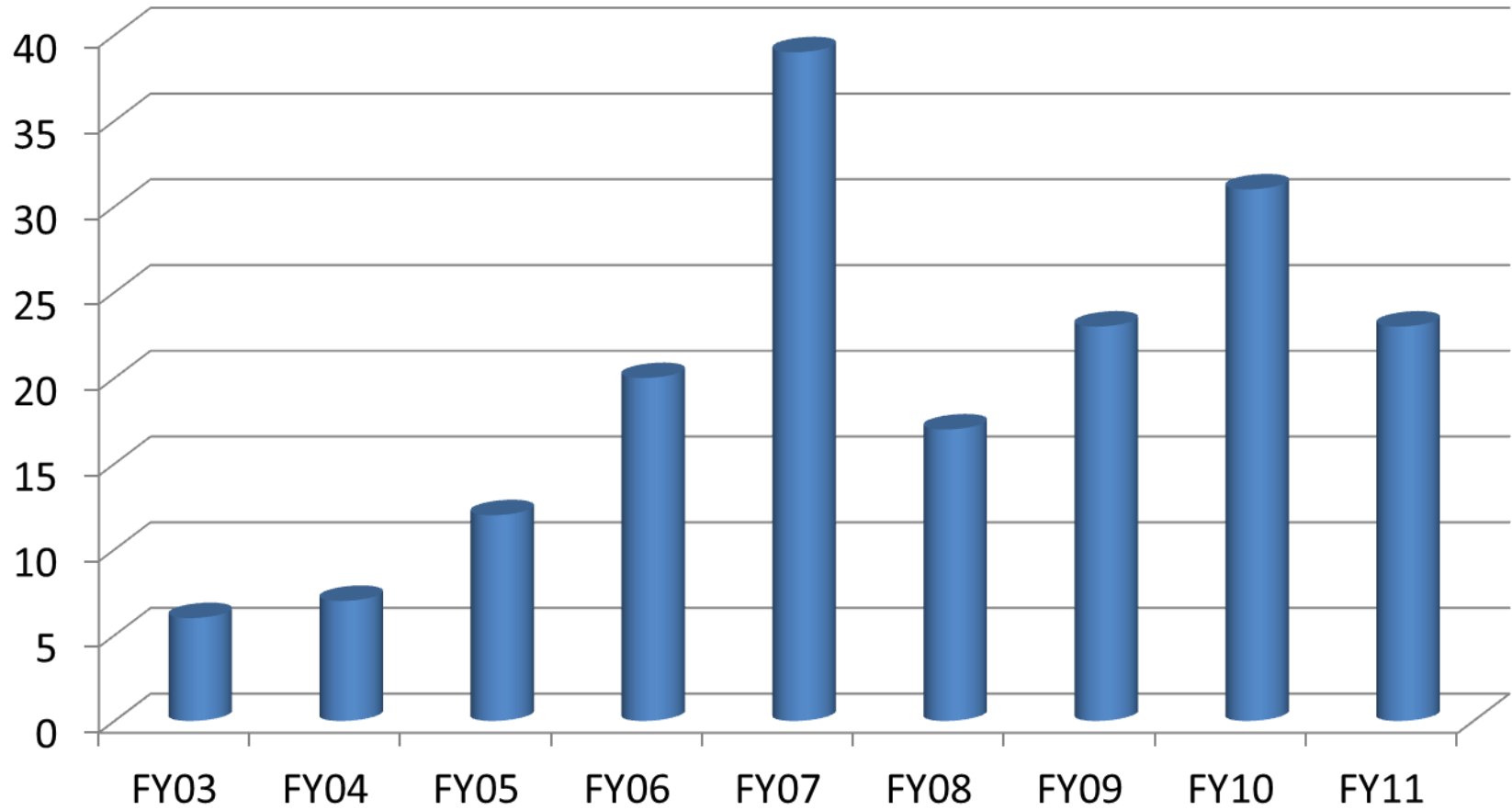


Percentage of Organizational Cases Receiving Reduction in Culpability Score Under §8C2.5(g) Fiscal Years 2007-2011



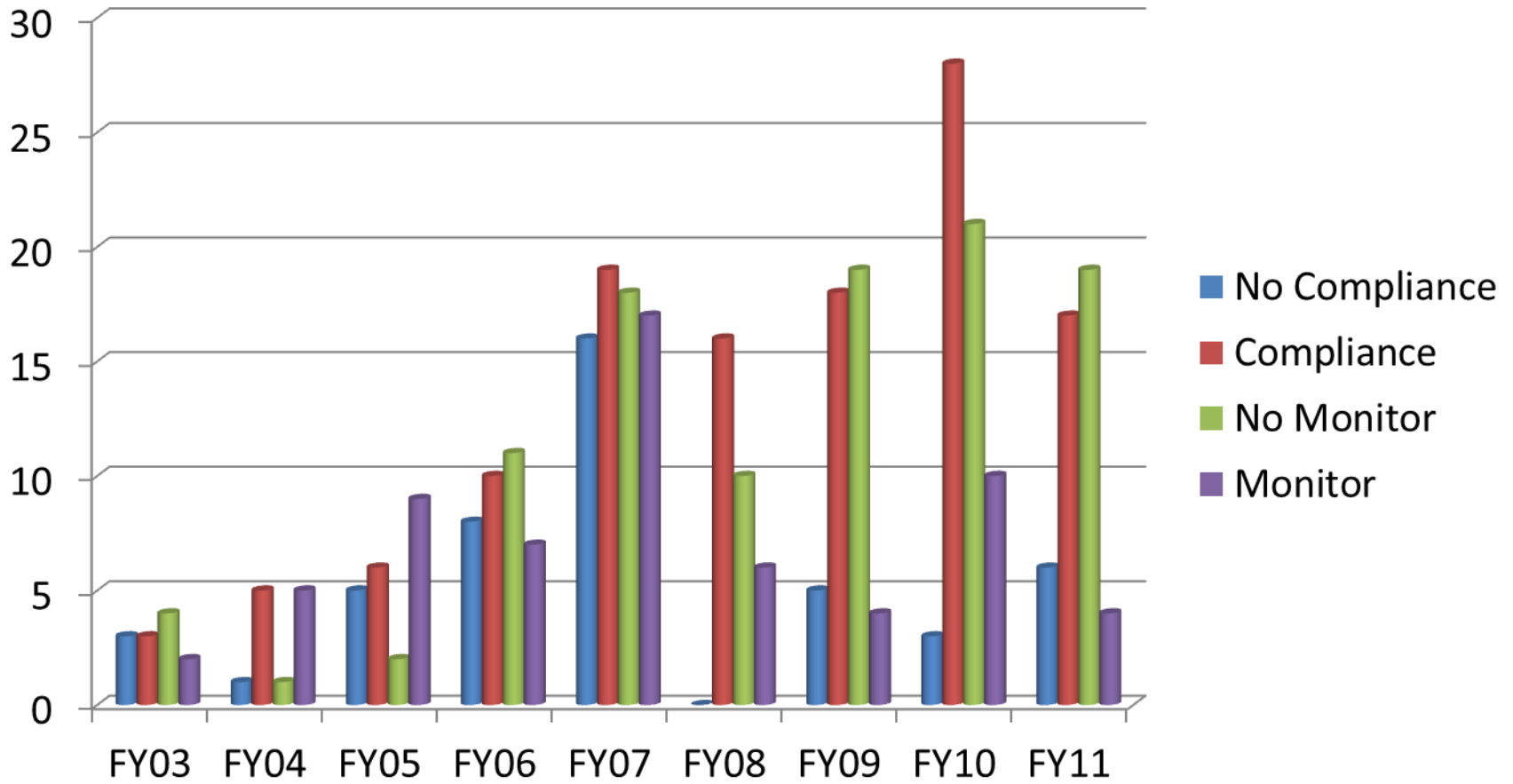
Deferred Prosecution and Non-Prosecution Agreements

Deferred Prosecution and Non-Prosecution Agreements for Organizations Fiscal Year 2003-2011



SOURCES: *Submission and Letter from Principal Deputy Assistant Attorney General Brian Benczkowski to Chairman John Conyers, Committee on the Judiciary, U.S. House of Representatives, May 15, 2007*; Lawrence D. Finder and Ryan D. McConnell, *Annual Corporate Pre-Trial Agreement Update 2007 (2008)*; Lawrence D. Finder, Ryan D. McConnell, and Scott L. Mitchell, *Betting the Corporation, Compliance Programs in the Context of Deferred and Non-Prosecution Agreements (2009)*; Jay Martin, Ryan D. McConnell & Charlotte A. Simon, *Plan Now or Pay Later: The Role of Compliance in Criminal Cases (Spring 2011)*; Gibson Dunn, *2011 Year-End Update on Corporate Deferred Prosecution and Non-Prosecution Agreements (Jan.4, 2011)*.

Deferred Prosecution and Non-Prosecution Agreements for Organizations Fiscal Year 2003-2011



SOURCES: *Submission and Letter from Principal Deputy Assistant Attorney General Brian Benzckowski to Chairman John Conyers, Committee on the Judiciary, U.S. House of Representatives, May 15, 2007*; Lawrence D. FINDER and Ryan D. McConnell, *Annual Corporate Pre-Trial Agreement Update 2007 (2008)*; Jay Martin, Ryan D. McConnell & Charlotte A. Simon, *Plan Now or Pay Later: The Role of Compliance in Criminal Cases (Spring 2011)*; Gibson Dunn, *2011 Year-End Update on Corporate Deferred Prosecution and Non-Prosecution Agreements (Jan.4, 2011)*.

U.S. Sentencing Commission

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