

ORGANIZATIONAL GUIDELINES



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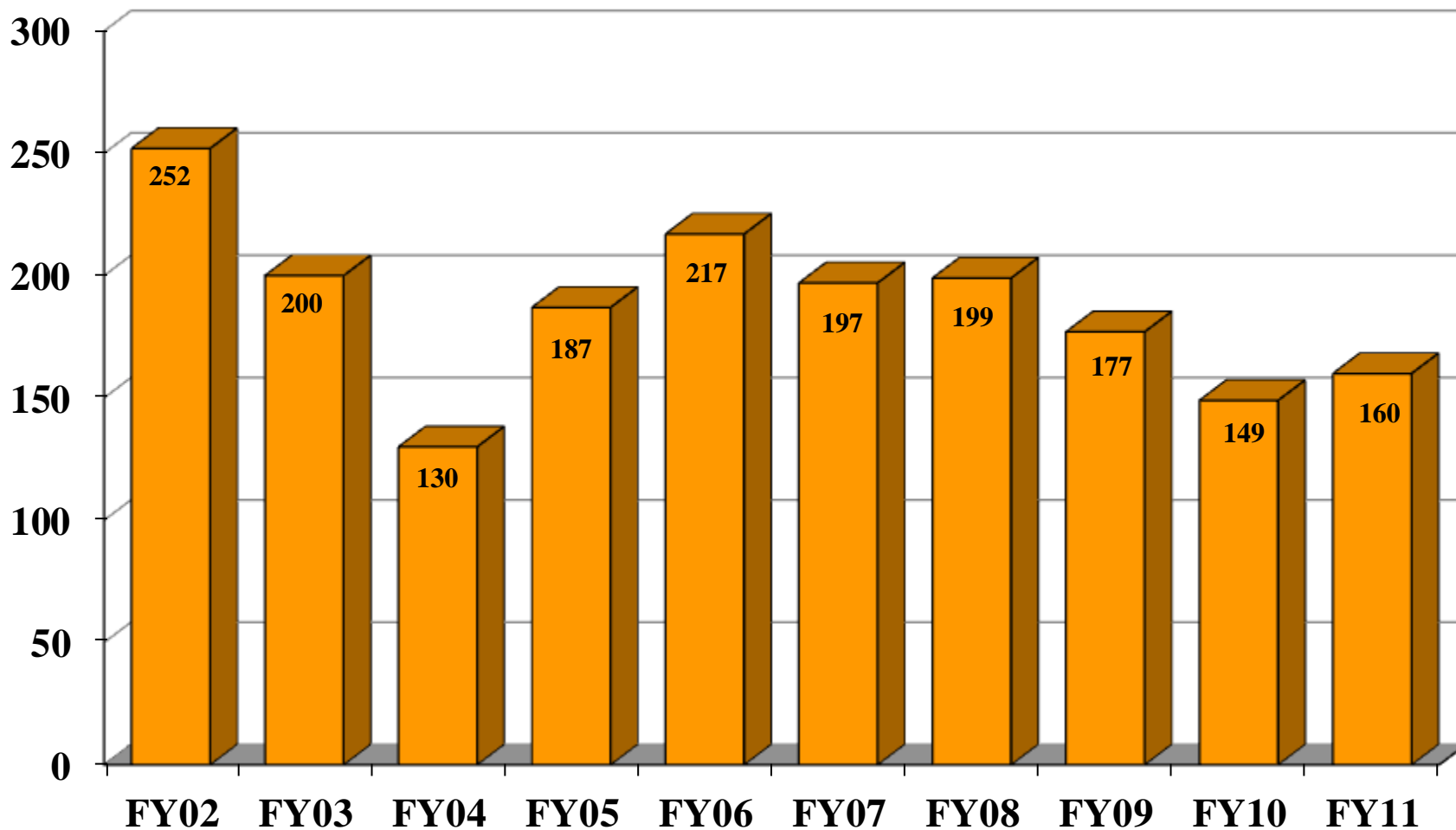
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Moderator: Hon. Beryl A. Howell

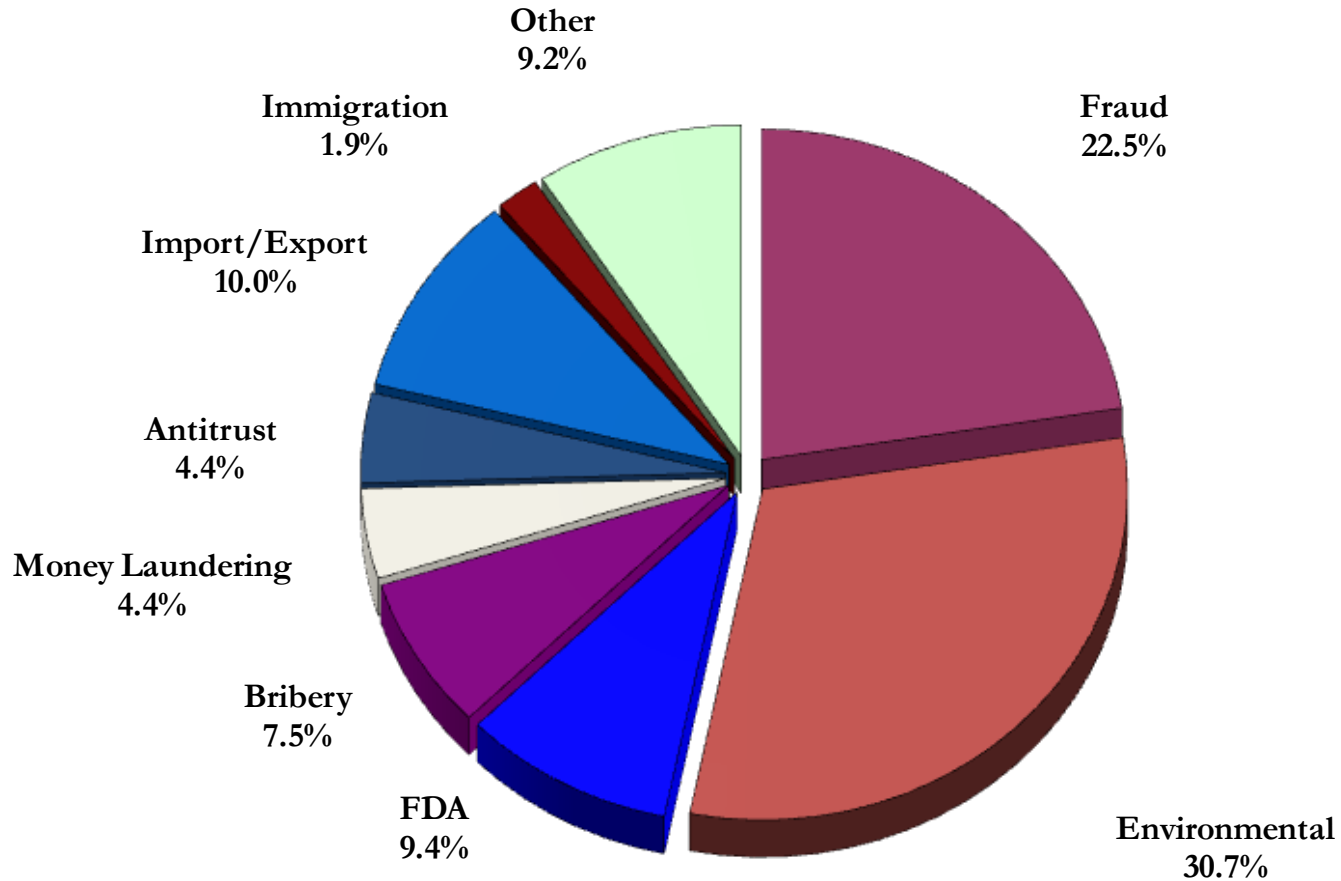
**Commissioner – USSC
District Judge
Washington DC**

Number of Organizational Cases Fiscal Year 2002-2011



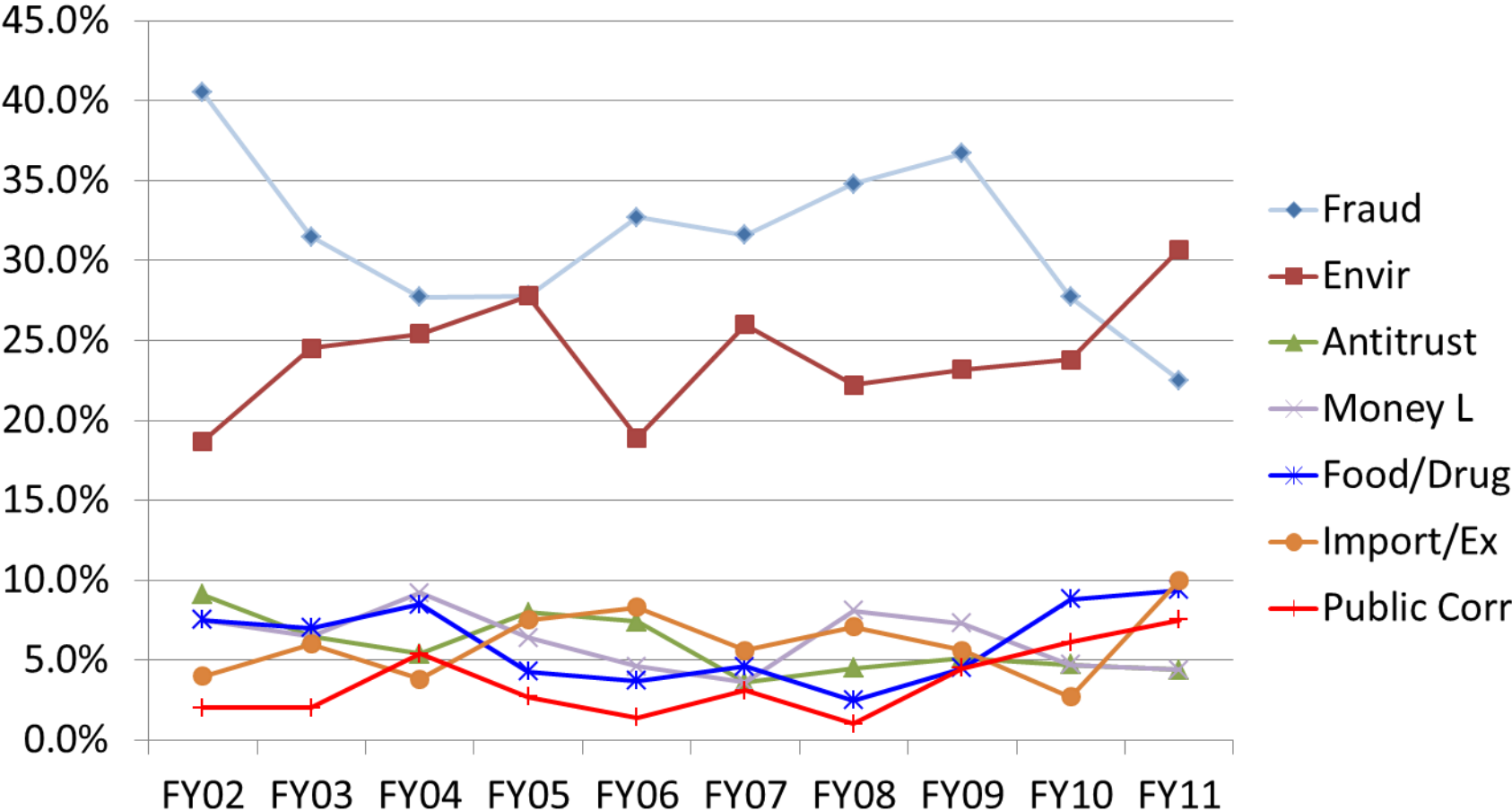
SOURCE: United States Sentencing Commission, 2002-2011 Sourcebook of Federal Sentencing Statistics.

Primary Offenses of Organizational Cases Fiscal Year 2011



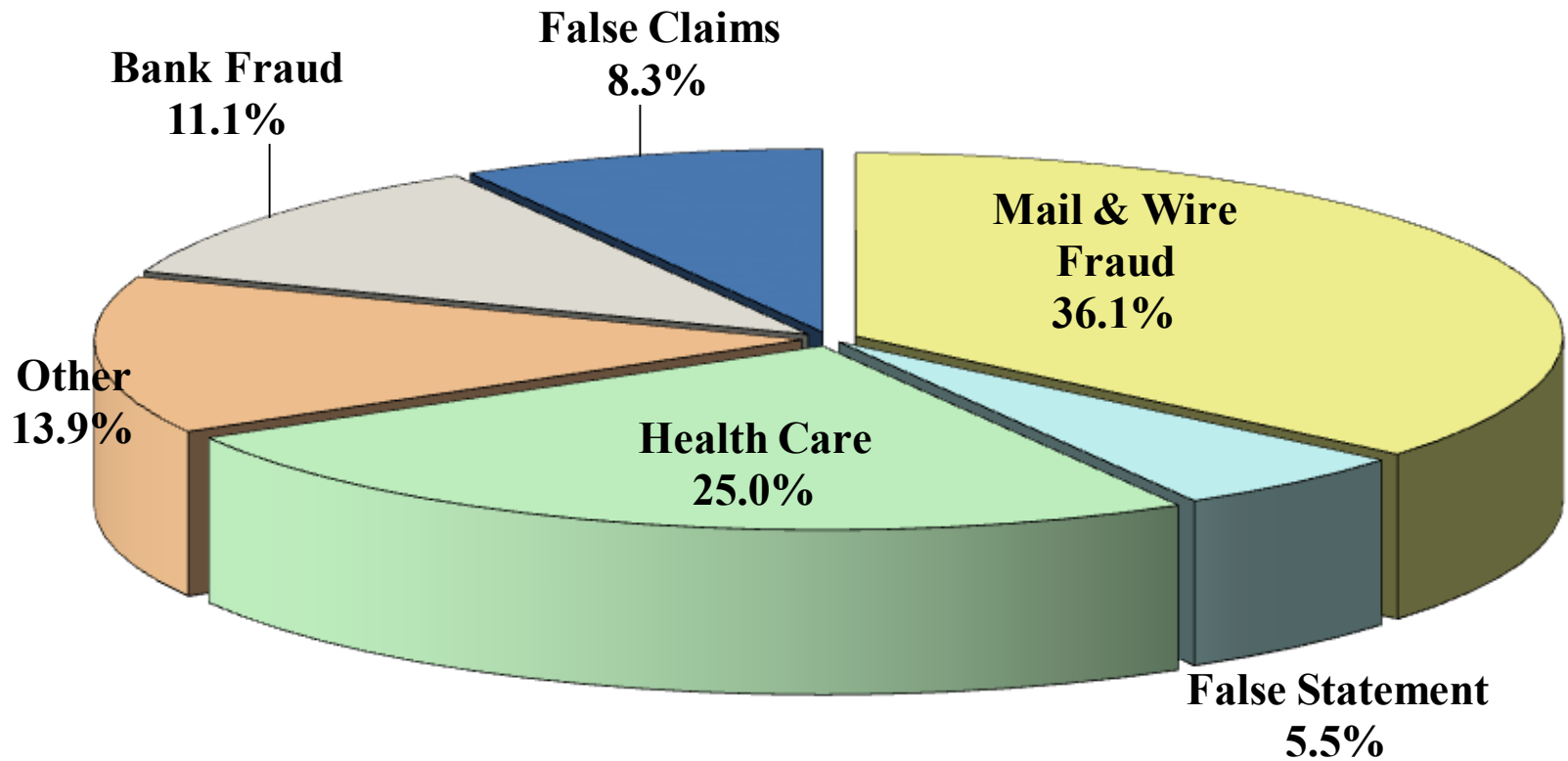
SOURCE: United States Sentencing Commission, *2011 Sourcebook of Federal Sentencing Statistics*. The Environmental category includes the following offense types: Environmental-Water Pollution, Environmental-Air Pollution, Environmental-Hazardous/Toxic Pollutants, and Environmental-Wildlife.

Most Common Primary Offenses for Organizational Cases Fiscal Years 2002-2011

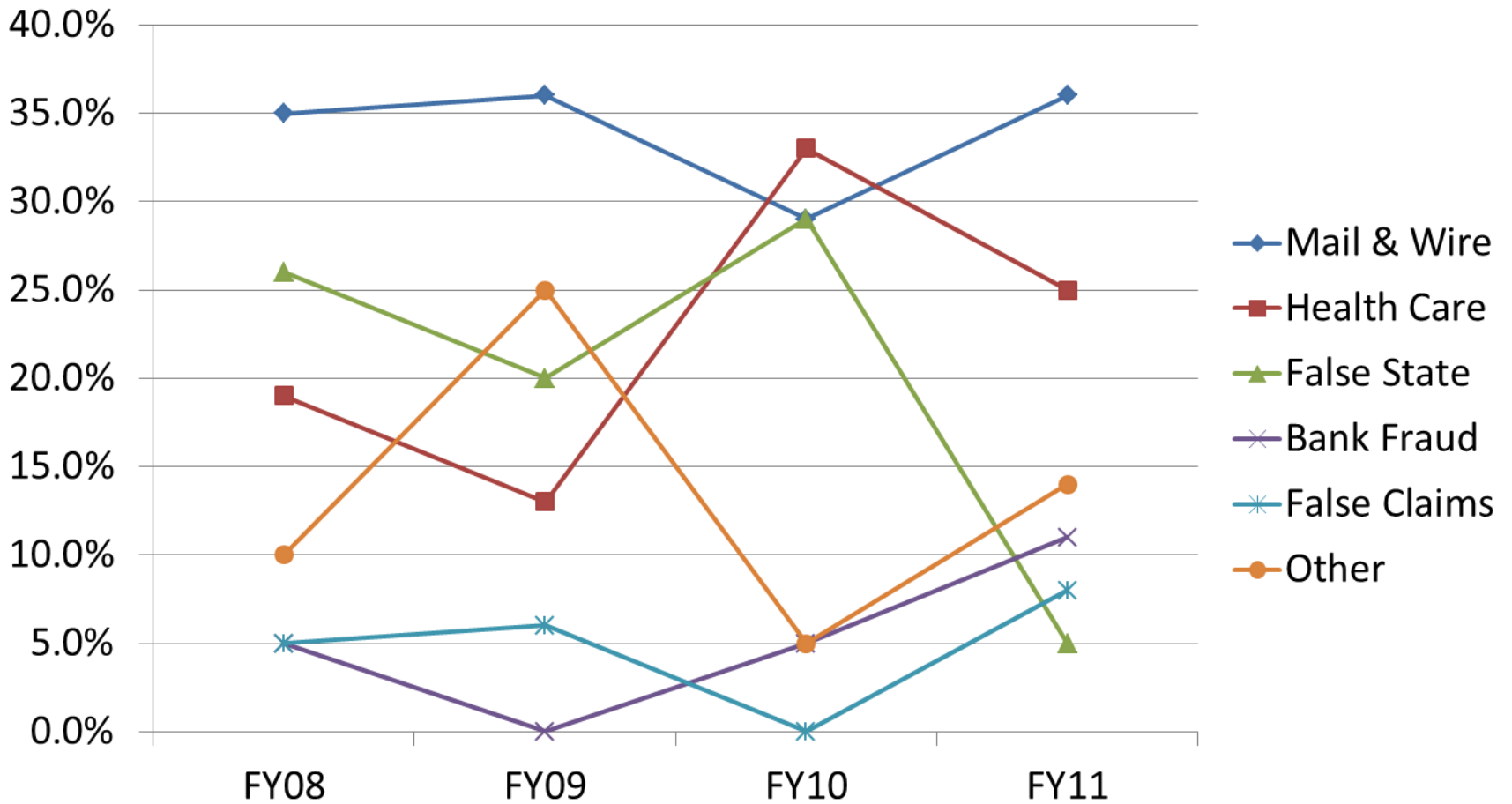


SOURCE: United States Sentencing Commission, 2011 Sourcebook of Federal Sentencing Statistics.

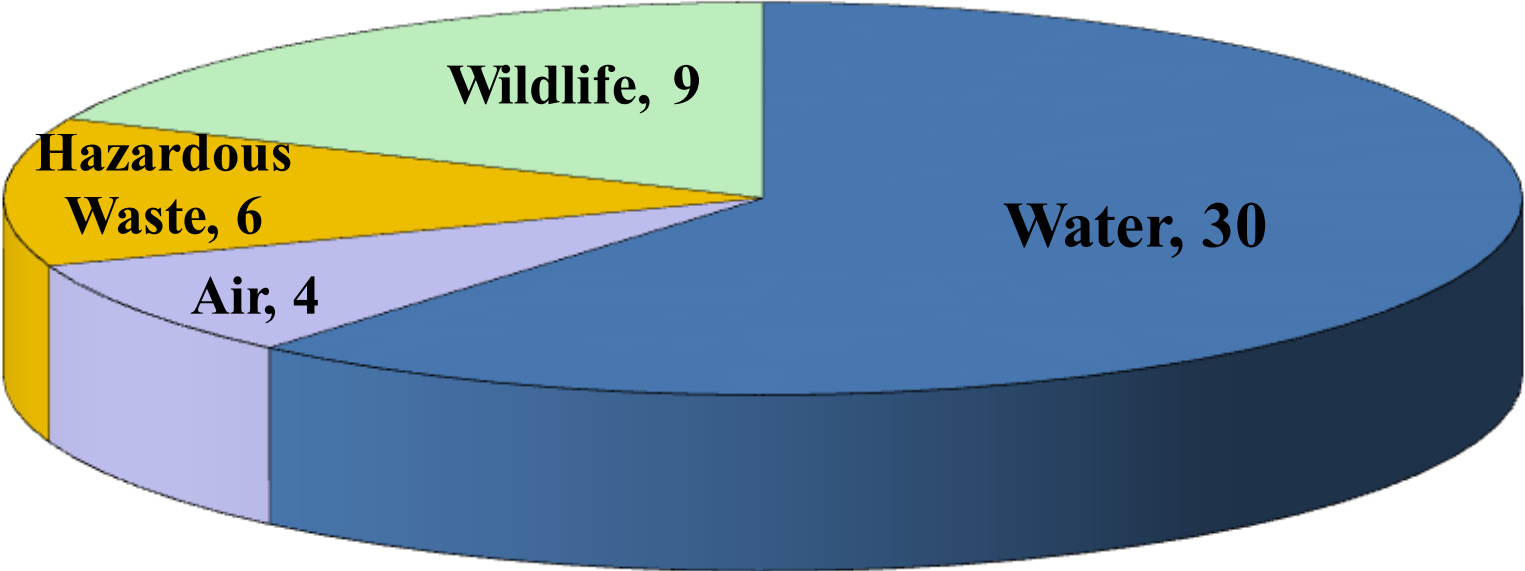
Fraud Offenses in Organizational Cases Fiscal Year 2011



Most Common Fraud Offenses in Organizational Cases Fiscal Years 2008-2011

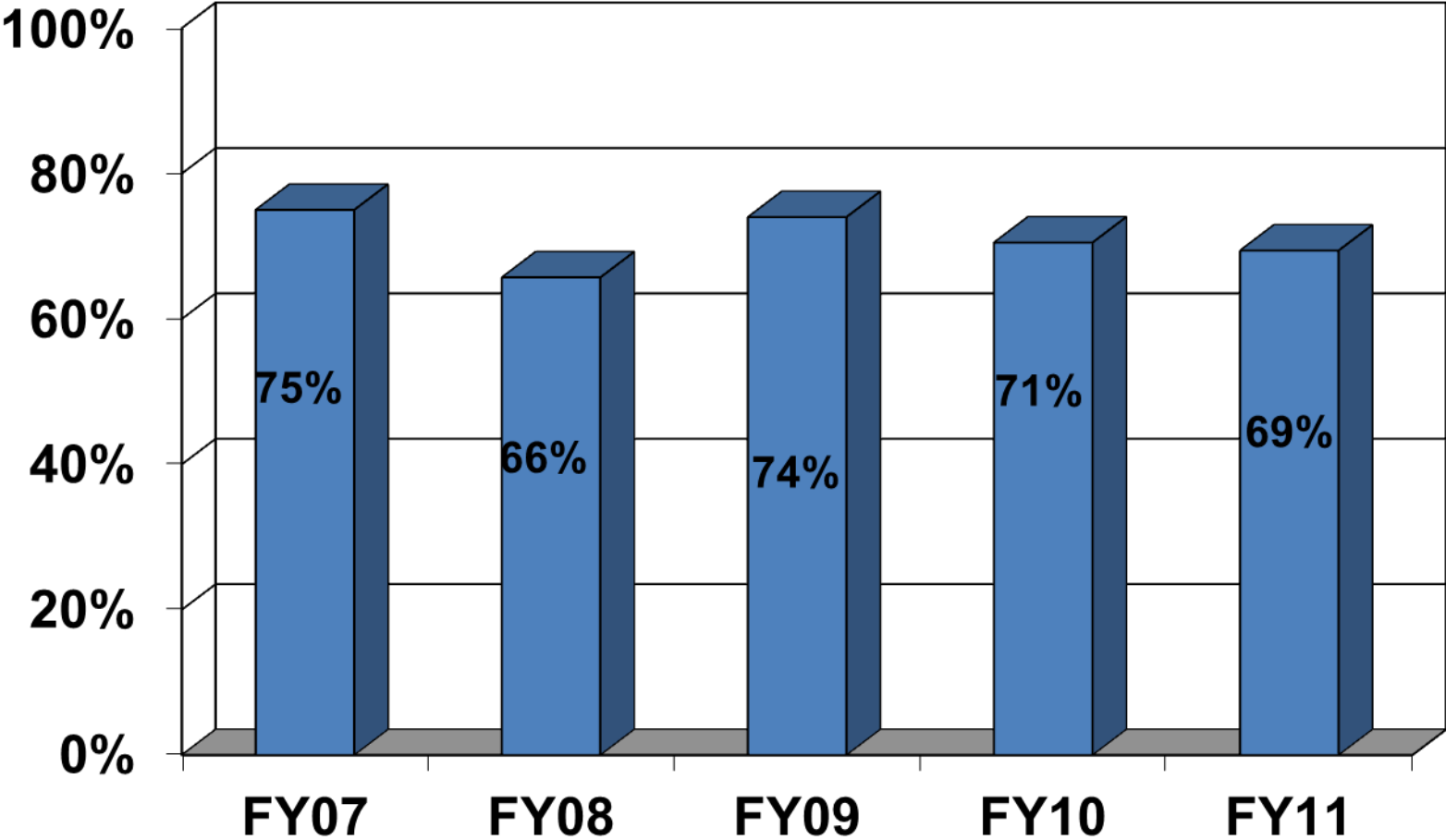


Number of Environmental Organizational Cases Fiscal Year 2011



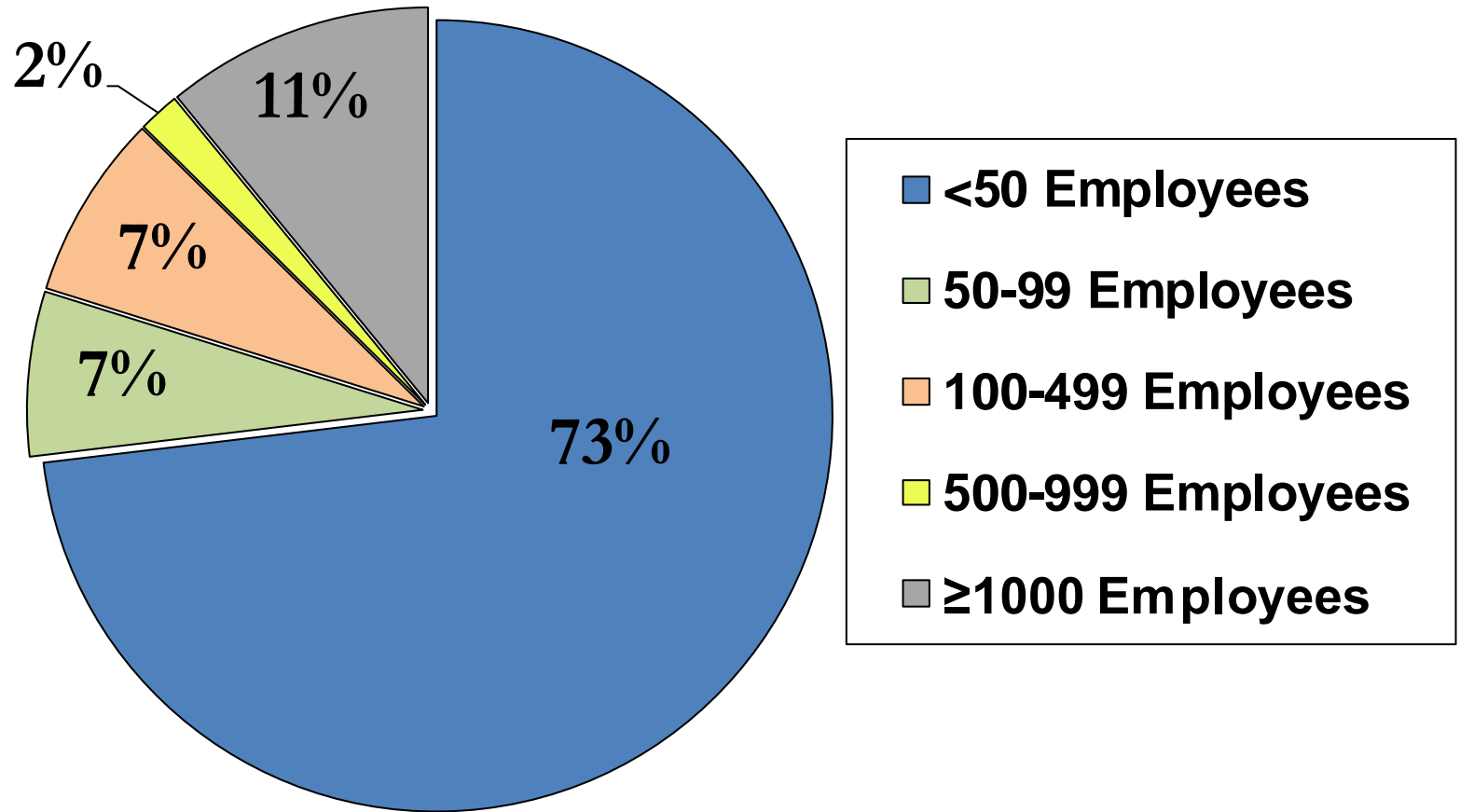
SOURCE: United States Sentencing Commission, 2011 Sourcebook of Federal Sentencing Statistics

Percentage of Organizational Cases Receiving Probation Fiscal Years 2007-2011

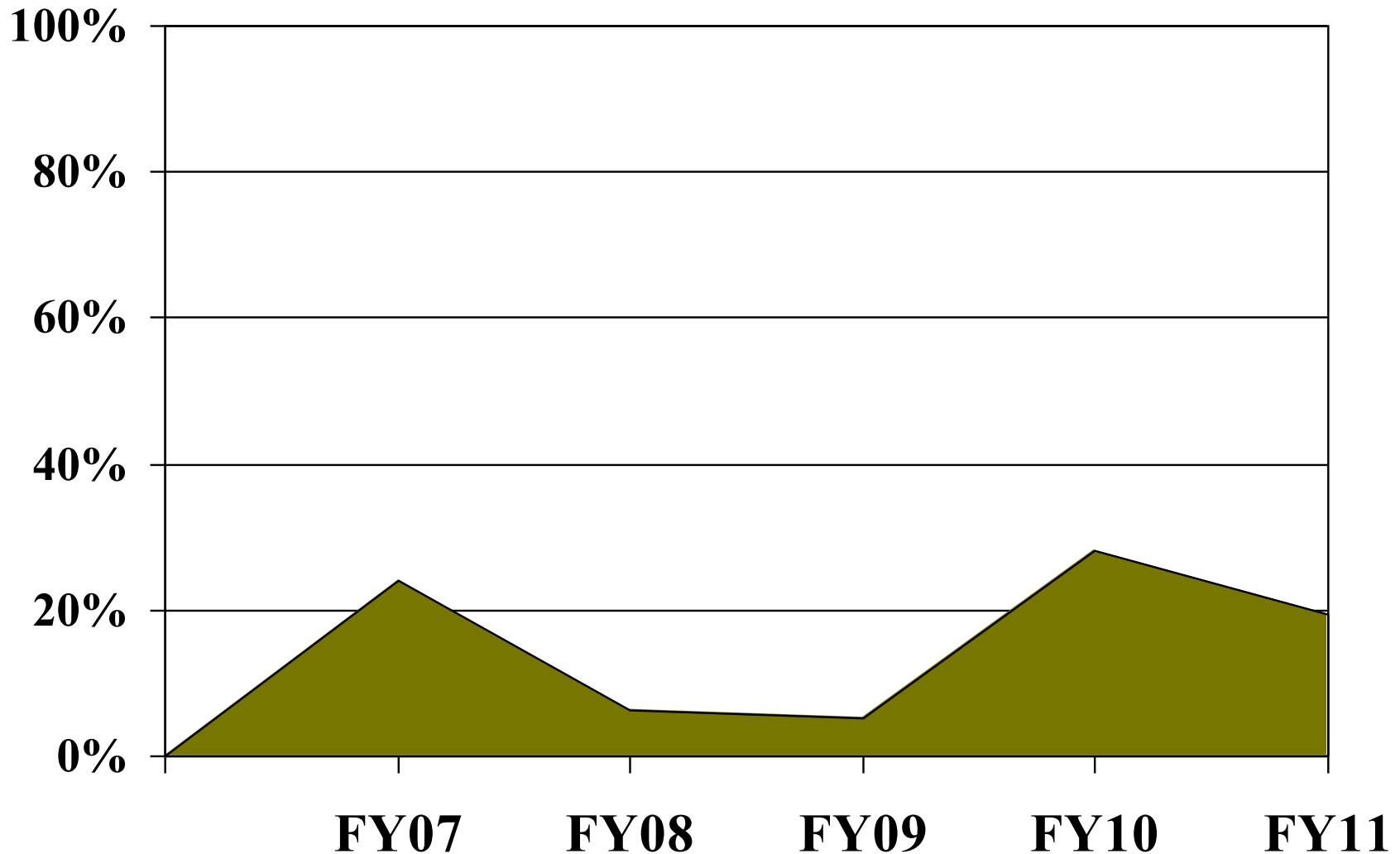


SOURCE: United States Sentencing Commission, 2007-2011 Sourcebook of Federal Sentencing Statistics.

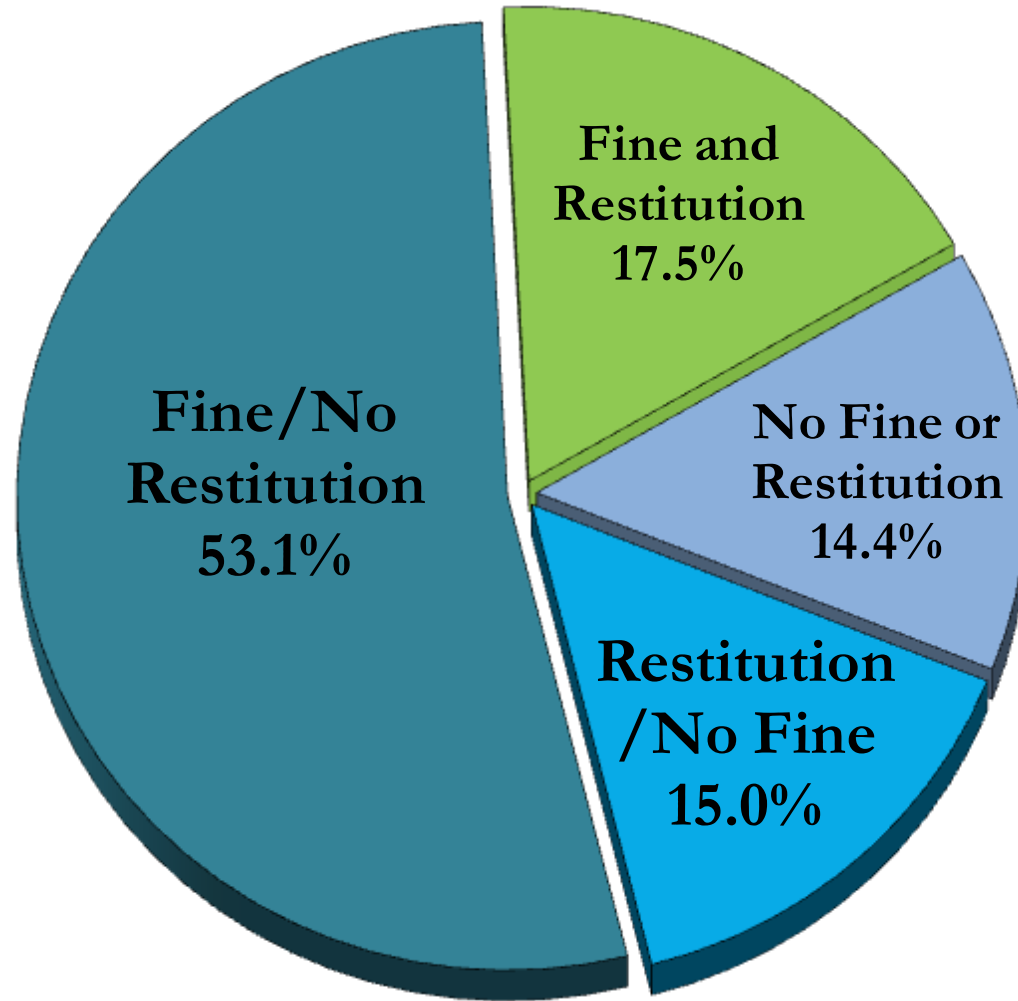
Size of Organizations Sentenced By Number of Employees Fiscal Year 2011



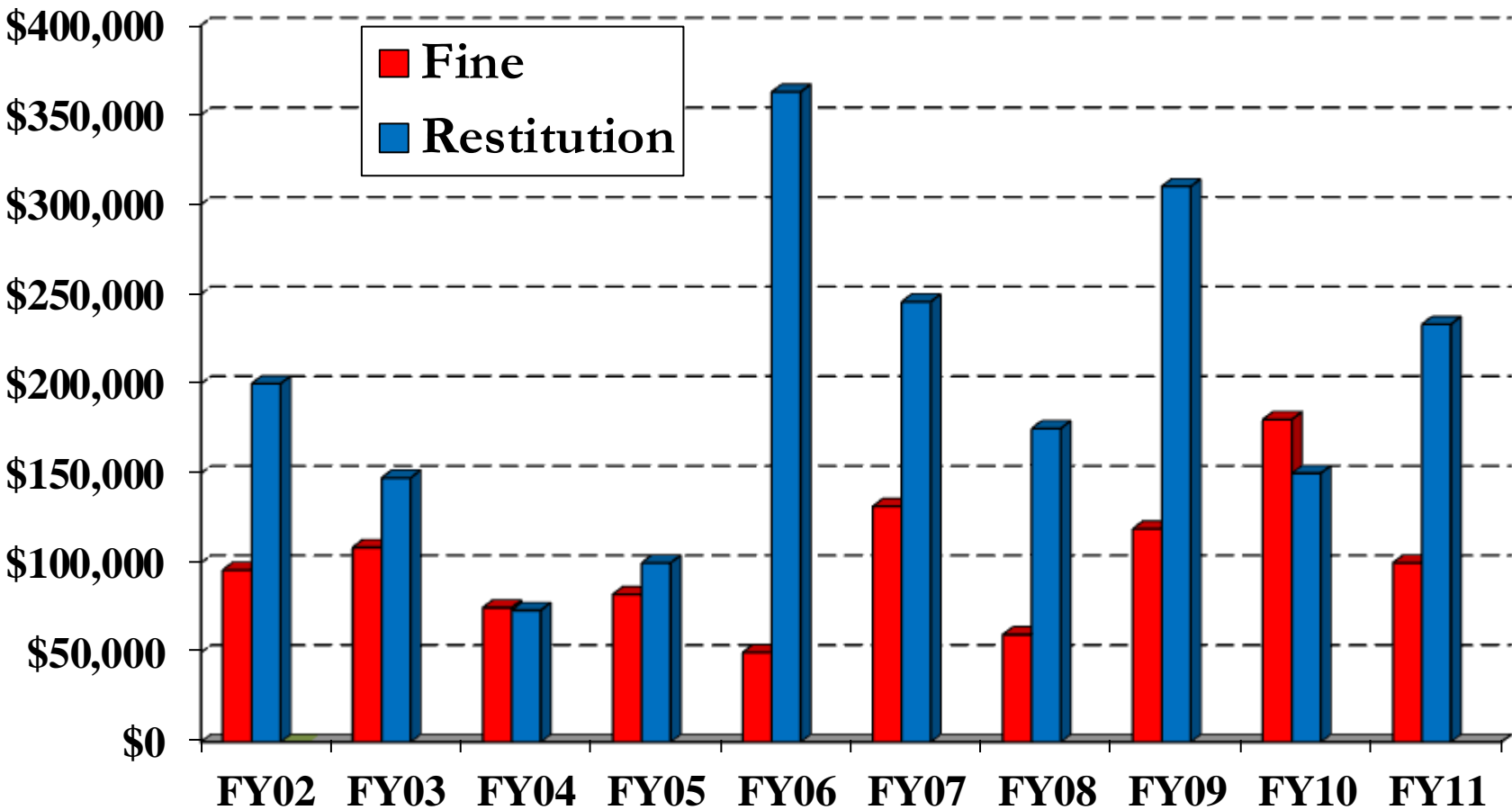
Percentage of Organizational Cases With Court Ordered Compliance / Ethics as Component of Sentence Fiscal Year 2007 - 2011



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*.

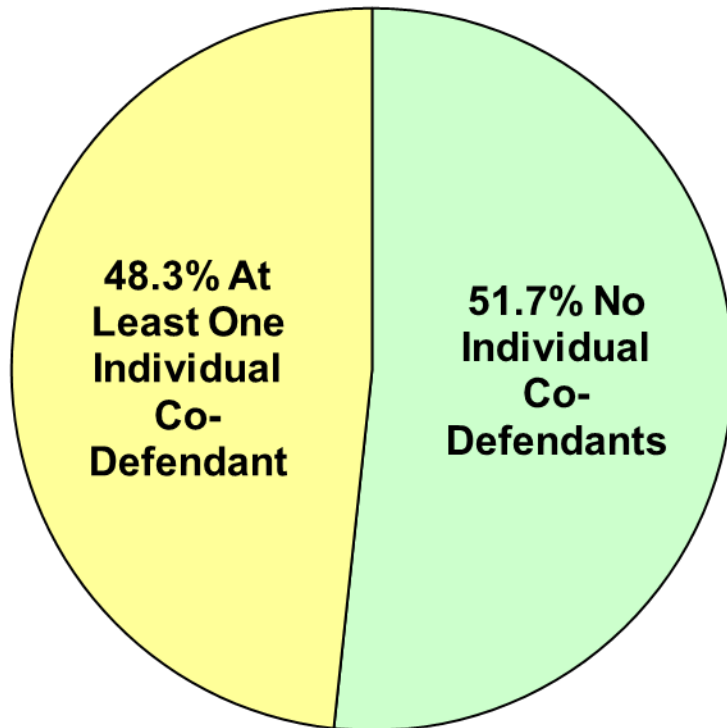
Top Ten Organizational Fines and Restitution Orders by Offense Type (Millions of Dollars) Fiscal Year 2011

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

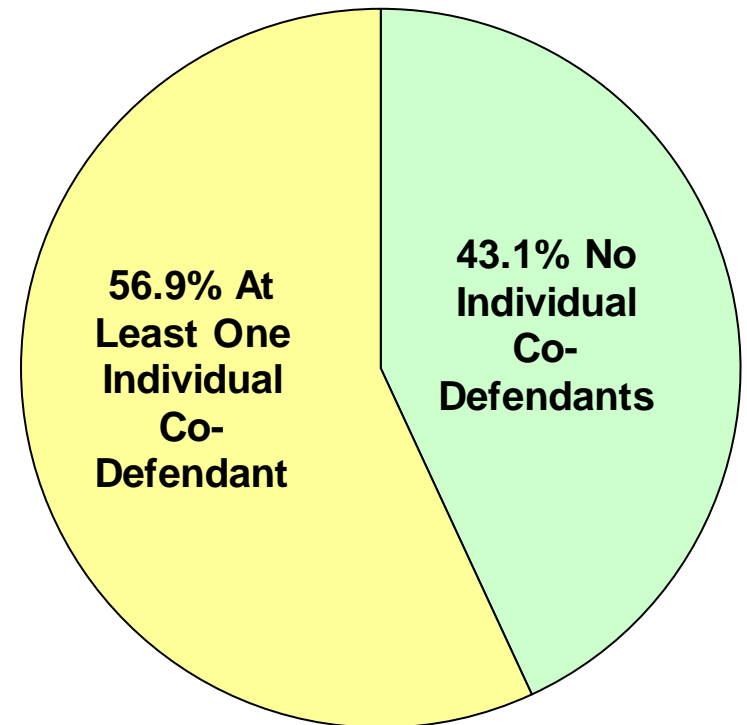
Restitution	
Fraud	\$87.5
Bribery	\$4.1
Fraud	\$3.5
Fraud	\$3.5
Fraud	\$2.0
Environmental	\$2.0
Fraud	\$1.8
Fraud	\$1.5
Environmental	\$1.5
Environmental	\$1.5

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

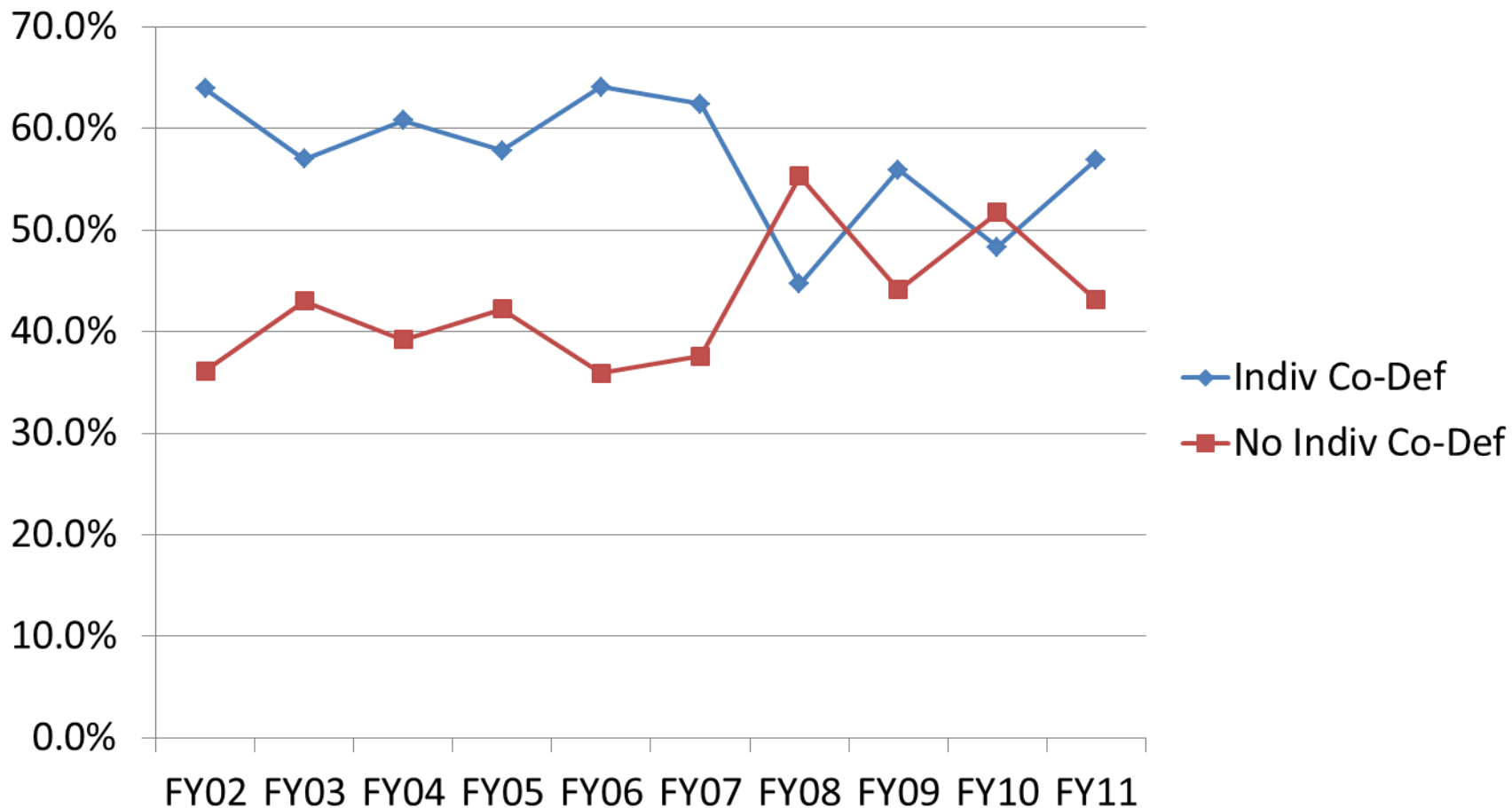
FY10



FY11

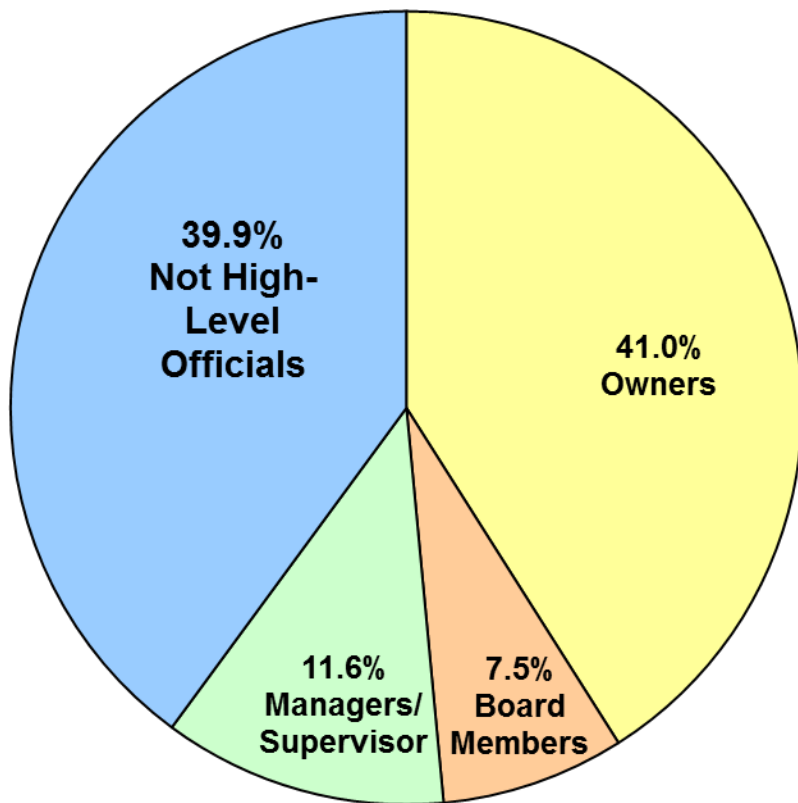


Relationship of Individual Offender to Organizational Cases Fiscal Years 2002-2011

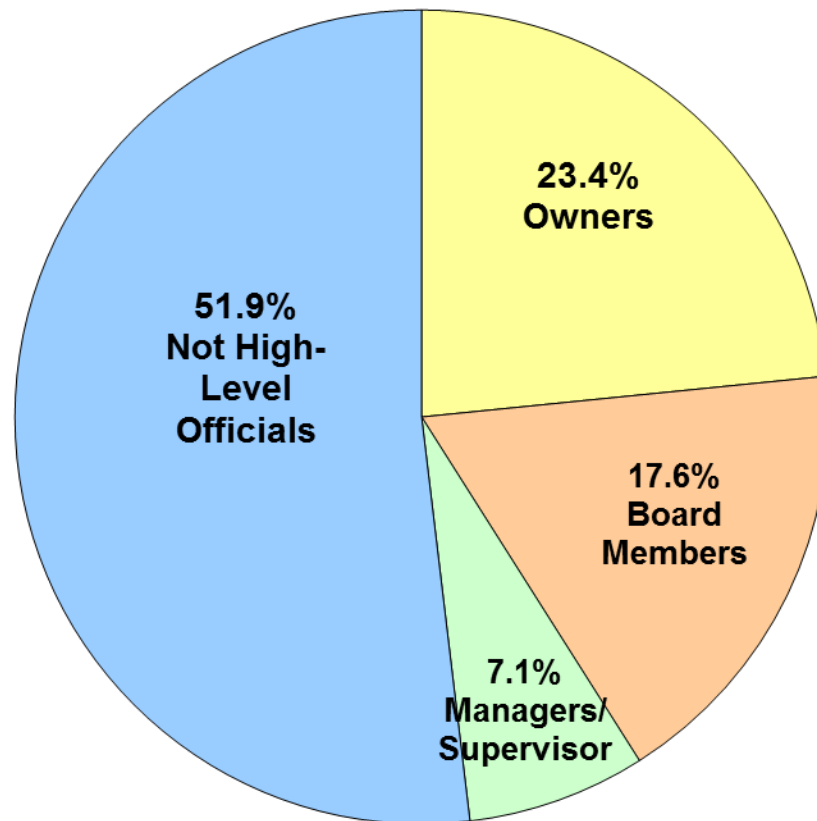


Percentage of Individual Offenders Who Were “High-Level” Officials of Co-Defendant Organizations Fiscal Years 2010-2011

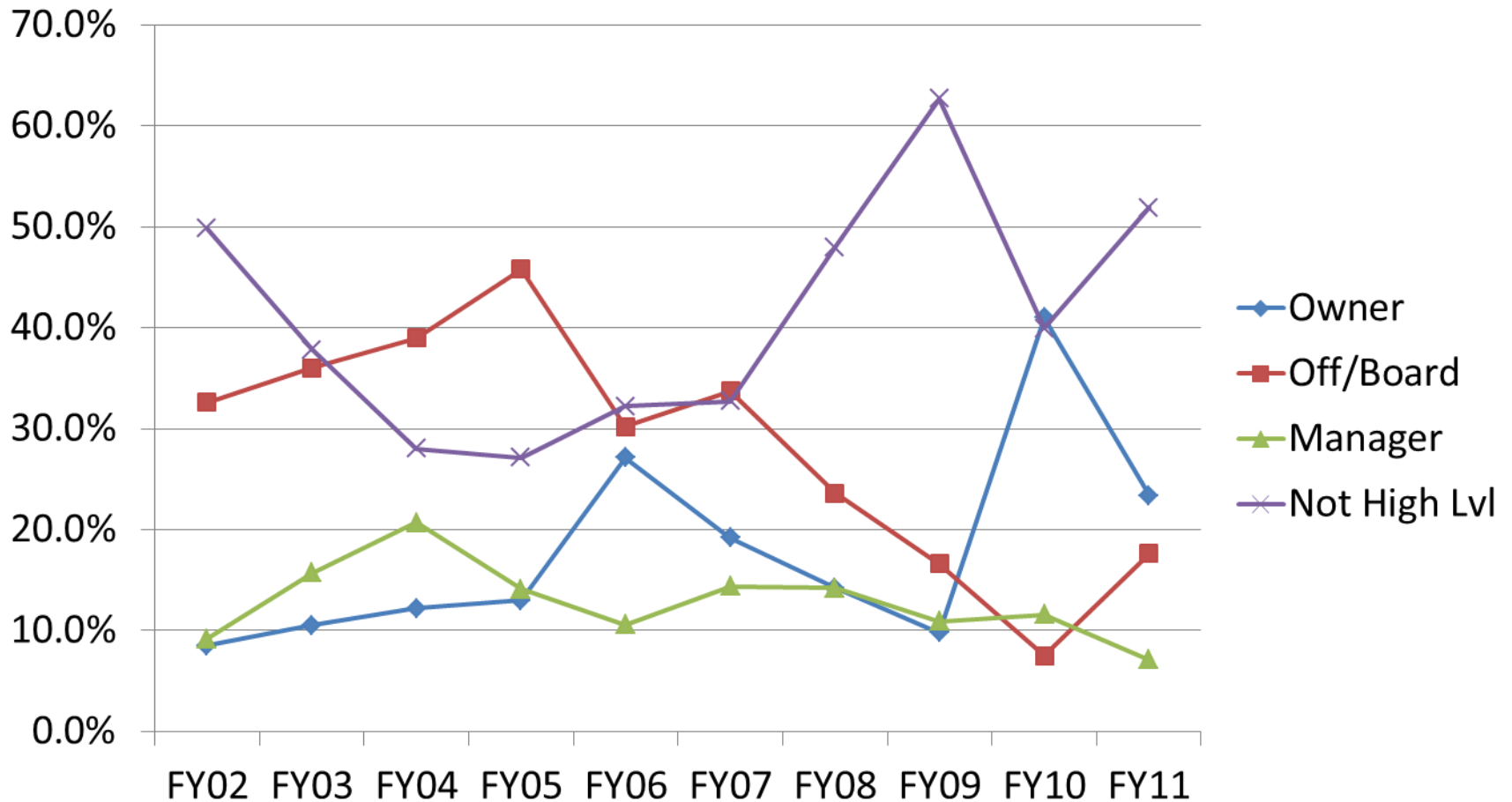
FY10



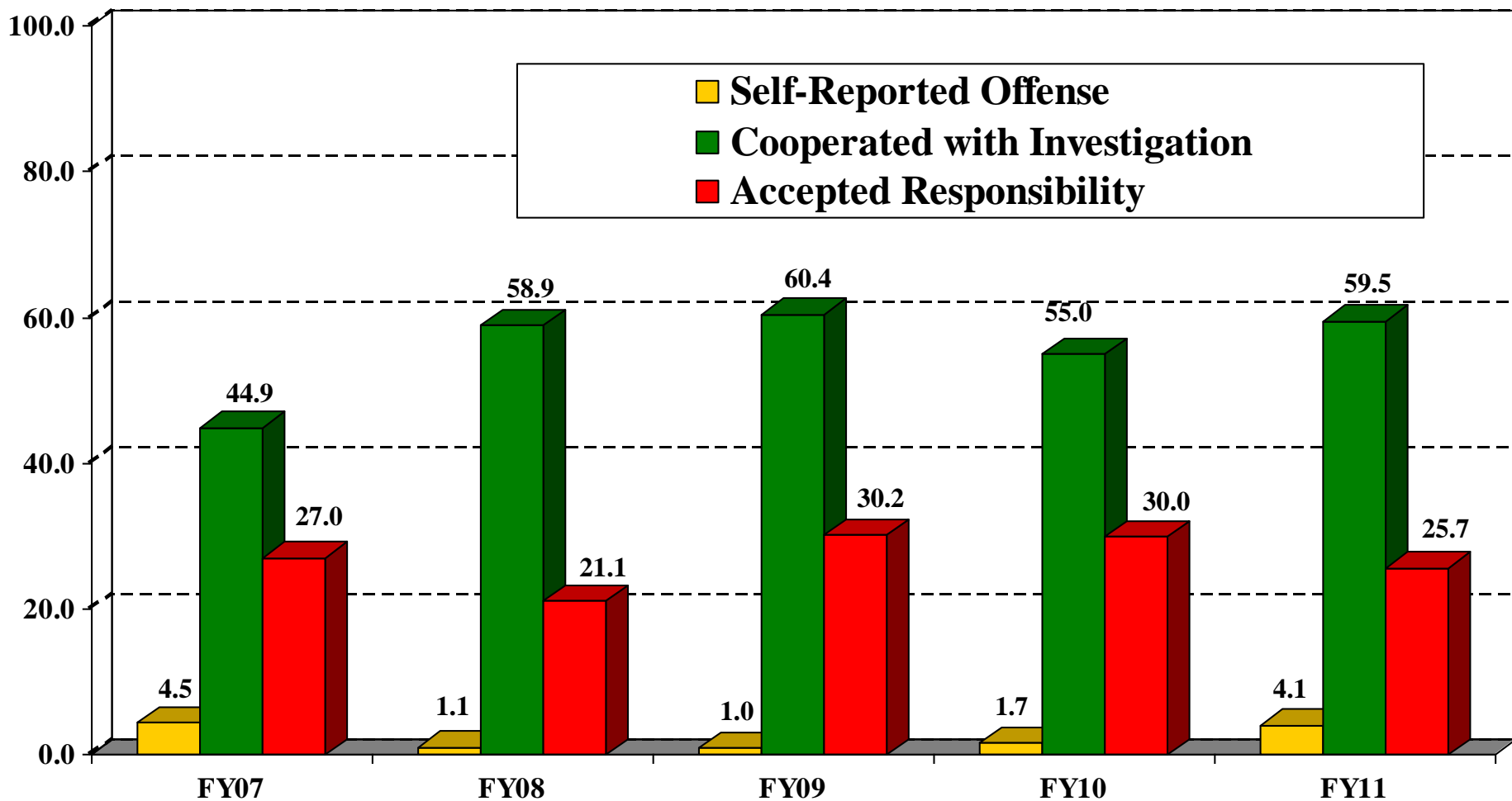
FY11



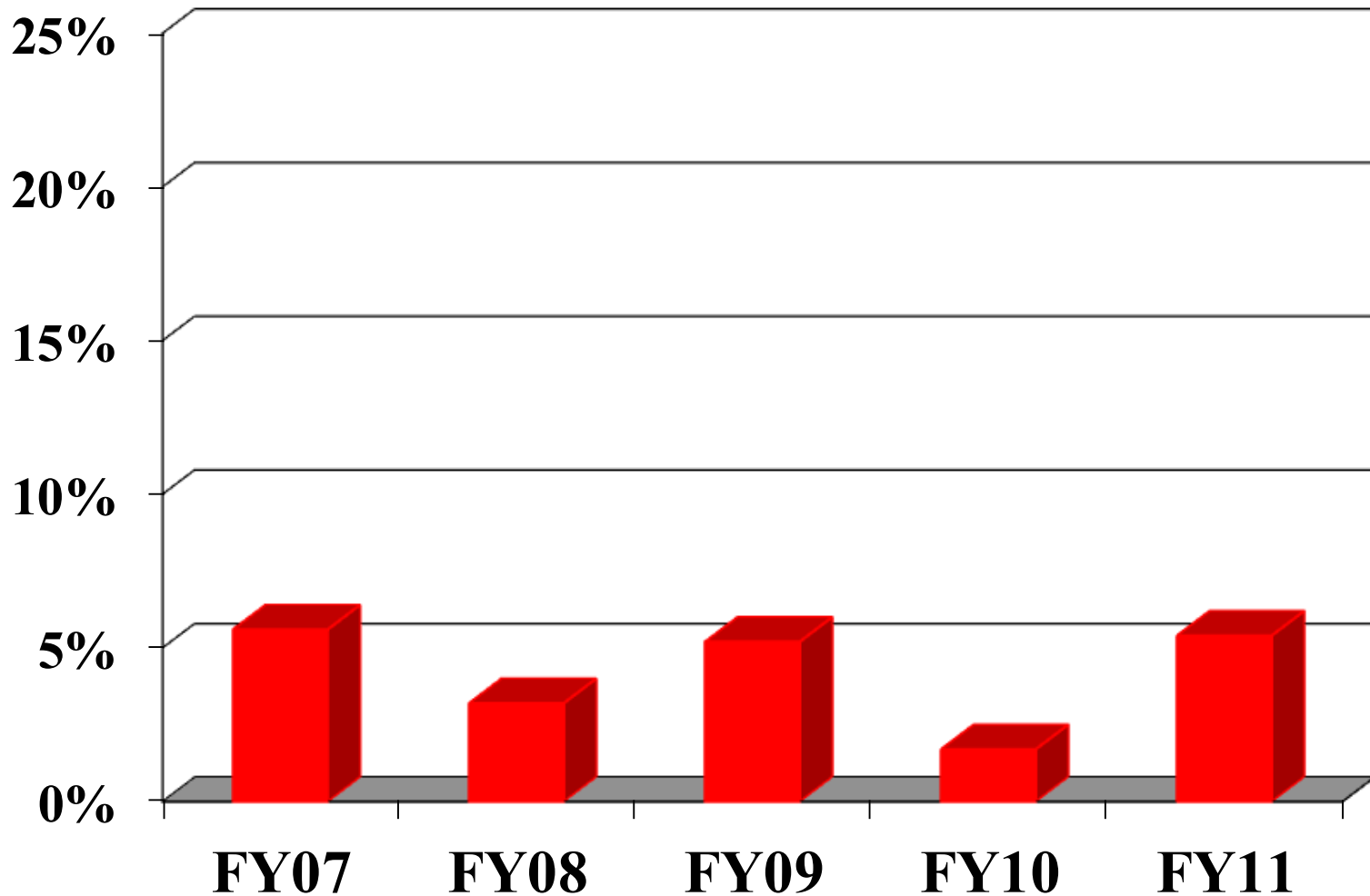
Percentage of Individual Offenders Who Were “High-Level” Officials of Co-Defendant Organizations Fiscal Years 2002-2011



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

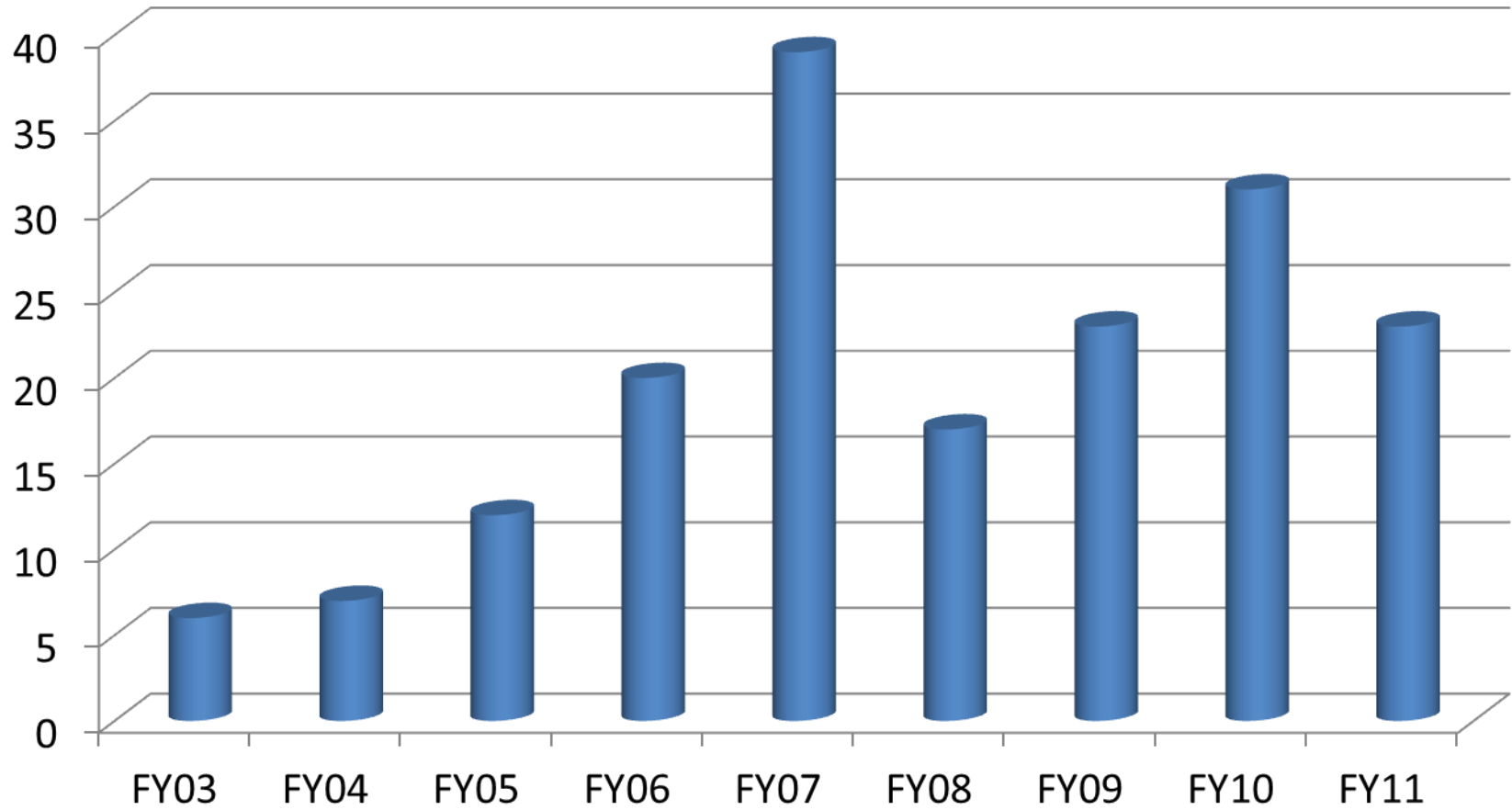


Percentage of Organizations Sentenced that Obstructed Justice (§8C2.5(e)) Fiscal Years 2007-2011



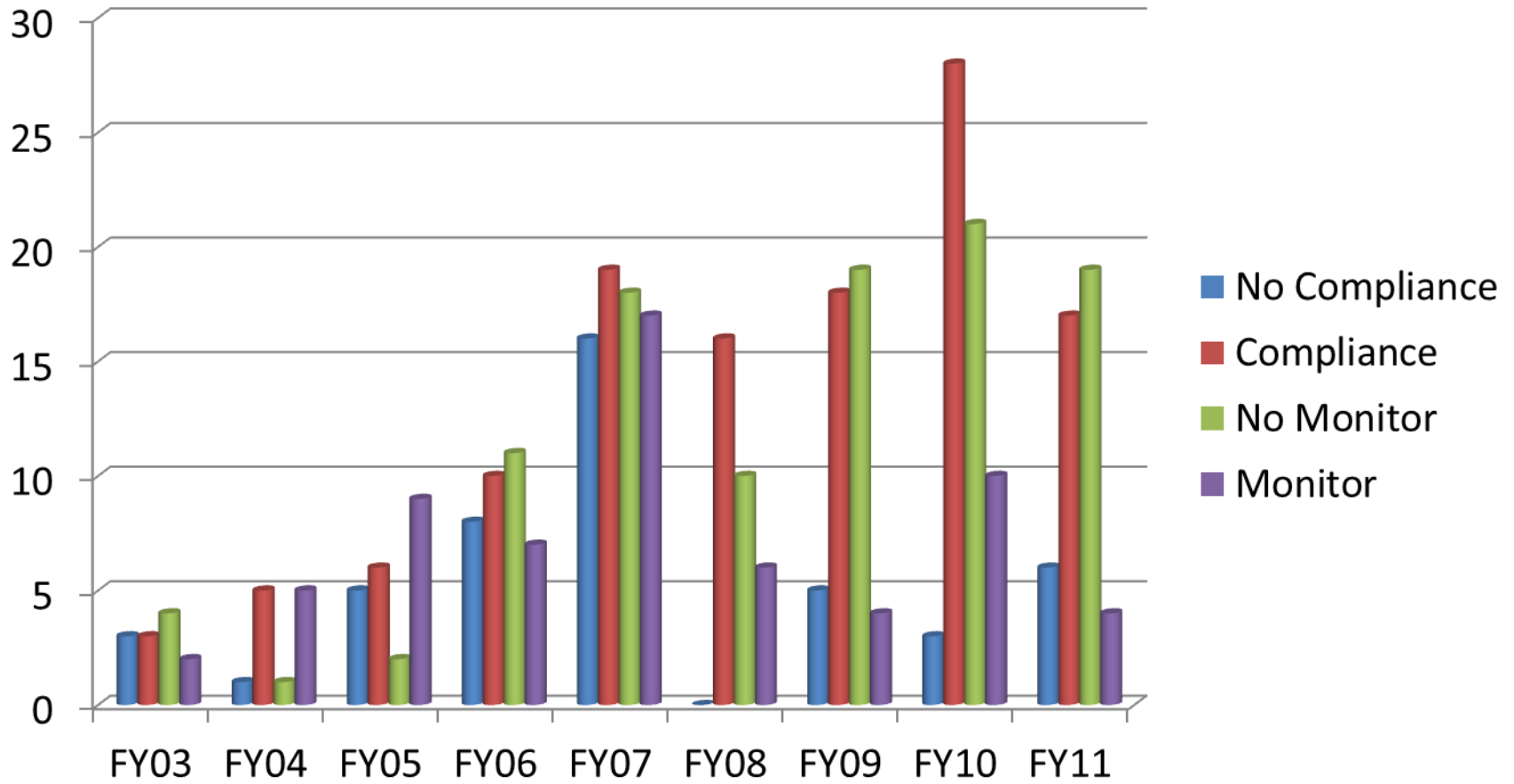
Deferred Prosecution and Non-Prosecution Agreements

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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