

INTERNATIONAL
ASSOCIATION OF
FINANCIAL CRIMES
INVESTIGATORS

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Date: March 6, 1998

To: The United States Sentencing Commission
From: Susan Sylstra, Executive Director 916-961-2003
Re: 1998 Sentencing Guidelines

Susan Sylstra

The International Association of Financial Crimes Investigators is the non-profit professional association representing nearly 4000 financial industry investigators world wide including banking, law enforcement, retail and support services such as the bankcard associations, processors, credit bureaus and card manufacturers. The Association offers itself as a resource to the Commission for communication among our members, and responses from them regarding any issues under consideration, via our electronic network.

The International Association of Financial Crimes Investigators supports:

- * Proposed Amendment 1, page 602 - 605 - incorporate "more than minimal planning" into the theft loss table, bringing it in line with the base level for fraud.
 - * Proposed Amendment 3, page 610 - 614 - Consolidate the guideline for theft, fraud and tax crimes as proposed.
 - * Proposed Amendment 3, page 611 - The two level decrease for offenses of less than \$2000 should not apply to mail theft.
 - * Proposed Amendment 4, page 616, Note 3 - The current method for valuing credit card loss at any unauthorized use or \$100 per card is inadequate to indicate the potential seriousness of the loss factor involved. The possession of multiple cards indicates an intent to use those cards to their credit limit and beyond, and therefore should be treated by the number of cards possessed, not the credit limits.
- Recommended are the following changes in levels:

Number of Credit Cards	Offense Level Increase
5 or more	2 levels
10 or more	4 levels
20 or more	6 levels

- * Proposed Amendment 4, page 617 - 618 - Noneconomic factors should affect upward departure where multiple victims are involved, creating a multiple victim table for both consumer theft/fraud and mail theft:

Number of Victims	Increase in Level
10 or more	2
20 or more	4
50 or more	6
100 or more	8

Volume mail theft, telemarketing fraud and identity theft fraud cases where large databases are compromised are particularly applicable to this table.

The Association appreciates the opportunity to comment, and remains a resource for the Commission, fulfilling our mission of training and communications. Thank you.

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