



## **Joint Position Paper on ATM Crime Sentences**

Joint Position: The ATM Industry Association and the ATM Security Association view ATM crimes, whether physical or more cyber-related kinds of attack, as significantly disruptive to the consumer economy and to the financial services sector and call for greater attention to be given to the imposition of significant sentences for ATM criminals, especially when methods of attack involve use of explosives.

### **Background**

In the ATMIA/ASA annual fraud survey of 2019, just over 59% of respondents said they had seen a year-on-year increase in ATM fraud. Our industry faces a range of types of attack from criminals, who are looking to steal card data for counterfeit cards as well as cash. As examples of these crimes, we face physical attacks, card skimming & PIN compromise attacks and use of malware to gain access to card data or to commit fraud with cash-outs.

Over the years, the industry has hardened targets with substantial investments in protective technologies from anti-skimming devices, banknote staining systems and surveillance cameras to encryption and fraud detection systems. The industry has also developed a whole library of security best practices for our members, whilst regularly providing fraud alerts. In addition, we work, wherever possible, with law enforcement and intelligence agencies to jointly combat a range of attack methods.

ATM networks in consumer economies across the world should be viewed as part of a country's fundamental infrastructure and sentences for ATM crimes should be seen in this light as highly disruptive to the economy and to the daily lives of citizens.

It is vital to maintain access to financial services for all demographic groups in society, including lower economic strata, while, at the same time, ensuring that consumers can carry out their financial transactions without undue fear of fraud.

### **Rationale for Joint Position Calling for Stronger Sentences for ATM crimes**

ATM crimes disrupt the work of banks and independent ATM operators, the lives of consumers and the circulation of cash in the retail sector and in the wider economy. It's time to clamp down more effectively on ATM criminals and fraudsters to ensure there is enough of a deterrent.

In the light of an ongoing increase in gas and hard explosive attacks against ATMs in several markets, which substantially increase risks of collateral damage and injury, the need for firmer penalties for ATM crimes only intensifies<sup>1</sup>. We recommend a heightened legal response to violent ATM attacks.

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<sup>1</sup> For example, more than 1000 explosive attacks were reported per annum in 2017 and 2018 in Europe alone.

In addition, ATM crime can often be perpetrated by Organized Crime Groups (OCGs) operating across borders, for example in the cases of ATM card skimming happening across country borders. This is well-known by such bodies as the European Crime Prevention Network (EUCPN) and Europol. But when law enforcement and the courts do not give these ATM offences the serious attention they deserve, OCGs will see this as “easy money” for them.

Given that ATM networks are part of a country’s fundamental infrastructure, vital to the functioning of any modern economy, ATMIA and the ATM Security Association believe that comparatively tougher sentences are required in most countries across the world for convictions in the cases of ATM crimes.

A firmer legal response would remind the criminal fraternity, including OCGs, that attacks on ATMs are not going to be tolerated.