



# ***Module 22***

## ***Detecting Falsified Logs***



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### Things to think about ...

In the previous modules, we identified the importance of daily logs. The logs provide a record of driver activities and are critical for determining whether drivers are operating in compliance with the *Federal Commercial Vehicle Drivers Hours of Service Regulations*.

However, because of the limits and requirements in the Regulations, some drivers may attempt to sidestep the Regulations to gain more time behind the wheel. Drivers may falsify the daily log by driving while recording off-duty or sleeper berth time, or failing to accurately record on-duty or driving time. However, it is the inspector's job to scrutinize daily logs and ensure that fatigued drivers are not jeopardizing highway safety.

How can inspectors detect falsified logbooks?

## What will I learn in this module?

- Detecting falsified logbooks



## Why do drivers falsify their logbooks?

Statistics indicate that many drivers falsify their daily logs for the following reasons:

- **Money**

Money is a major motivator as long as the penalties for falsification are less than the financial gains.

  - 1) Drivers are usually paid by the mile. Therefore, the more kilometres driven in a given day, the more money the driver makes.
  - 2) The driver may not be paid for loading or unloading time. However, these hours count towards the driver's on-duty and work shift limits that can affect the amount of money that a driver can earn.
  - 3) Payments of vehicles and insurance premiums must be paid. A truck that is sitting idle is not making any money.
  - 4) Financial rewards for a driver who falsifies a log can reach as high as \$500 per week. Some employers will give unofficial, undocumented approval for higher productivity or for good service to a client.

- **Family**

Family situations that want or need attention create a great deal of pressure on a driver to spend more time at home. Many times drivers stay at home until the last possible minute before beginning their trip. To make up for lost time, they may exceed Regulation limits.

Holidays are also important to drivers and their families so a driver may try to extend "on duty" time so that the driver can make it home for the holidays.

- **Shipper**

A shipper maximizes profits by getting the product from the loading dock to the customer in the shortest amount of time. There is always some pressure from the shipper that is passed on to the carrier and then to the driver.

The shipper can also add extra pressure when the shipper does not plan far enough into the future and the product must make it to market right away.

- **Carrier**  
The carrier's dispatcher sometimes makes unreasonable demands on the driver. When the driver picks up the load, the dispatcher may ask if the driver can deliver the load within a certain period of time. The dispatcher should ask the driver if the driver has driving hours available to make the delivery legally in that time frame however, that inquiry rarely occurs.
- **The Body Clock**  
As discussed in Module 1, each individual has his / her own biological clock with its own rest requirements. A driver may feel rested and start driving before the driver has had sufficient off-duty time. However, chronically fatigued drivers make poor decisions about the extent of their fatigue and downplay the risk.



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## How do drivers falsify daily logs?

Drivers usually falsify their daily logs using one of the following methods:

- Compression
- Dropped Trip
- Ghost Driver
- Failing to Record On-Duty Time
- Driving While Recording Off-Duty or Sleeper Berth Time

### ***Compression***

A driver who claims to have driven a distance in less time than it would normally take to drive that distance is compressing time. A driver who claims to have driven fewer miles than the actual mileage from one point to another is compressing distance. Both are compression falsifications.

For example, the distance from Winnipeg, MB to Edmonton, AB is 1,315 kilometres. The trip should take a driver approximately 12.1 hours. If the driver's daily log shows that distance was driven in 10 hours, the driver is compressing time. If the driver claims that the distance from Toronto to Edmonton is only 1,000 kilometres, then the driver is compressing distance.



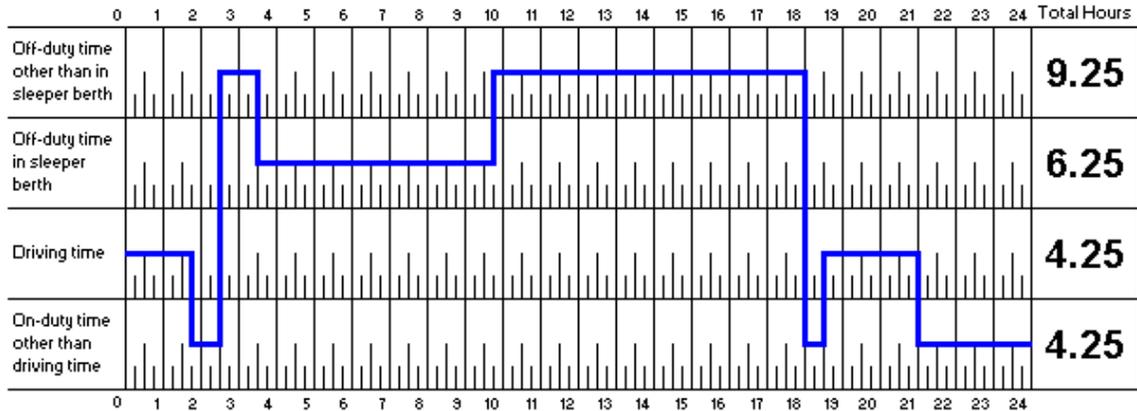
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### Dropped Trip

When a driver fails to show a delivery or pick up that is off the main route of the remainder of the trip, the driver has dropped a trip. A dropped trip also occurs when a driver fails to log a trip by showing off-duty status for the duration of the trip.

Example #1:



This driver appears to have been off-duty from 2:30 am – 6:00 pm. However, at 9:00 pm he stops at a Vehicle Inspection Station. An inspector discovers two shipping documents that indicate that the driver was making deliveries during the time the driver was “off-duty”. This is an example of a dropped trip.

### Ghost Driver

A ghost driver is a co-driver who does not exist. The lead driver’s and ghost driver’s logbooks together make a valid trip, but the only real driver shows himself or herself in the sleeper berth when the “ghost” co-driver is driving.

If an officer stops a commercial vehicle and there is no evidence of a co-driver, it is most likely that the lead driver drove during the sleeper berth time and only took short naps. Unless a co-driver can be found, the officer has a good case for a ghost driver falsification.

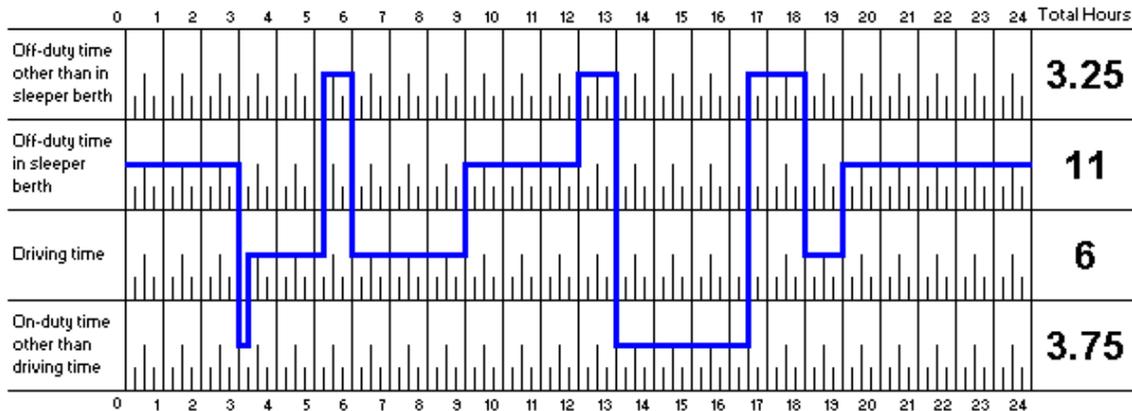




### Failing to Record On-Duty Time

A driver may fail to record on-duty time, other than driving time or may shorten the amount of driving time. Fuel stops, time spent loading or unloading, and time spent at roadside inspections are a few of the activities a driver may use to shorten on-duty time to almost nothing.

Example #2:



Remarks:

- 12:00 AM Sleeper berth
- 3:00 AM On-duty: Lethbridge, AB load
- 3:15 AM Driving
- 5:15 AM Off-duty: Calgary, AB flat tire repair
- 6:00 AM Driving
- 9:00 AM Sleeper Berth: Edmonton, AB
- 12:00 PM Off-duty: Edmonton, AB fuel
- 1:00 PM On-duty
- 4:30 PM Off-duty: Valleyview, AB Roadside inspection, fix OOS items
- 6:00 PM Driving
- 7:00 PM Sleeper Berth: Grande Prairie, AB

The driver failed to record the following properly:

- Disabled vehicle and repair – recorded as off-duty but should be on-duty time, other than driving time
- Fuel stop – recorded as off-duty but should be on-duty time, other than driving time
- Roadside inspection and out-of-service (OOS) repairs – recorded as off-duty but should be on-duty time, other than driving time

### ***Driving While Recording Off-Duty or Sleeper Berth Time***

This type of falsification typically occurs during a two- or four-hour increment of sleeper berth or off-duty time in which the driver is actually driving.



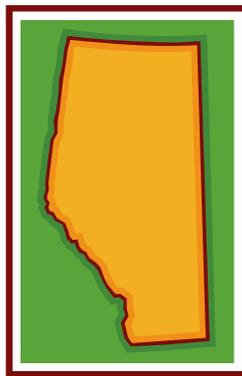
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A driver may also “back up” the daily log. In this situation, the driver stays at home a day longer than the driver should before starting a trip. The driver then “backs up” the log to show that the trip was started a day sooner. This is a variation of driving during off-duty time.

## How should an inspector conduct a driver interview?

The first step in detecting a falsified logbook is to conduct a driver interview. When an inspector begins to interview a driver, two important considerations are the following:

- Know the territory
- Use a systematic interview procedure



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### ***Know the Territory***

Knowing the territory allows the inspector to ask the driver friendly, but pointed questions and helps the inspector evaluate the time and distances recorded in the logbook.

An inspector needs to know the following about the territory:

- How long does it take to drive to an inspection location from the various urban areas that the driver would pass through to get there?
- Approximately how many kilometres is it from these cities?
- What are the road surfaces like and what is likely to be the driver's average speed?
- What is the weather like on the route the driver drove?
- Where are the logical places for refueling, stopping to eat, toll stations, etc.?



- At what places along the way might a driver indicate a multi-day layover? Are there places where drivers would not stay?
- Where do the trucks that come through the area usually load and unload?

For example, an inspector doing driver inspections in Alberta might want to know the following about the territory:

- What is the mileage from Grande Prairie, AB, to Calgary, AB, to Lethbridge, AB, etc.?
- If a driver is driving from Medicine Hat to Calgary, what route option did a driver choose? Did the driver use the Lethbridge route and reach Calgary from the south, or did the driver go straight up on the Trans-Canada Highway, and reach Calgary from the east?
- Is there anything to do in Camrose, AB for a two-day weekend? Although Camrose has places to stay, would a driver actually spend a weekend there?
- If a driver refueled at Road King, is it the Road King in Edmonton or Calgary? Is it possible for the driver to make the drive from the fuel stops to the inspector's location in the time shown on the daily log?

The PC Miler program, available to all inspectors, can assist in determining the answers to the above questions.

### ***Systematic Interview Procedure***

Using a systematic procedure when doing a driver interview produces good results most of the time. Some of the advantages of using a systematic interview procedure are the following:

- It prevents the person from overlooking small, but important, details
- It supports the enforcement action and stands up better in court
- It helps both drivers and carriers to know what to expect when drivers are stopped (Drivers will be less likely to question your requests)
- It ensures that each driver interview is performed thoroughly



There are six steps in the Systematic Interview Procedure for interviewing a driver.

Step	Procedure
1) Greet the driver	<ul style="list-style-type: none"><li>- How you greet the driver sets the tone for the interview. If you are abrasive or rude to the driver, you will receive no help from the driver.</li><li>- Be yourself, "Hi, how's it going today?"</li><li>- Remember that body language conveys a significant part of the message. If you approach a driver in a stiff, stern manner with your hands on a baton or the spray, expect the driver to be edgy and wary. You are there to assist the driver. If you take a strict enforcement approach, the driver will not assist you during the interview.</li></ul>
2) Engage in small talk and establish rapport	<ul style="list-style-type: none"><li>- Start small talk while initially checking the driver's documents. This helps to relax the driver and can lead to more details about the trip. Any type of question that will get the driver chatting as to his / her previous whereabouts is valuable.</li><li>- Ask questions such as the following:<ul style="list-style-type: none"><li>• So, how was your weekend? Did you go anywhere?</li><li>• Been working hard?</li><li>• So, how were the roads on your last trip? I understand there is some construction.</li></ul></li></ul>
3) Listen to what the driver says	<ul style="list-style-type: none"><li>- Be a willing and open listener. Patience pays big dividends. Wait for an answer after you ask a question. Don't cheat yourself out of valuable information by interrupting with another question.</li><li>- Take an extended pause to obtain more information. Many people will provide more information if they think it is expected. Remember, the more the driver talks, the more information you will obtain.</li><li>- Take notes about significant details</li></ul>



Step	Procedure
4) Do a visual inspection of the cab	<ul style="list-style-type: none"><li>- While establishing rapport and making small talk, visually inspect the cab looking for things such as:<ul style="list-style-type: none"><li>• Co-driver or another person on board</li><li>• Trip envelope in sight</li><li>• Evidence of a briefcase, loose receipts, a trash bag, etc.</li><li>• Evidence of alcoholic beverages or drug paraphernalia</li><li>• Evidence of an on-board recording device</li><li>• General condition of the cab</li></ul></li><li>- Begin to ask probing questions such as:<ul style="list-style-type: none"><li>• When did you last...get fuel...eat...stop for a rest?</li><li>• Where are you coming from?</li><li>• Where are you going?</li><li>• Where did you load?</li><li>• What time did you come through?</li></ul></li></ul>
5) Obtain the basic documents	<ul style="list-style-type: none"><li>- Maintain a casual attitude and pleasant environment as you obtain documents and begin to review them. Collect as many of the documents listed below as possible:<ul style="list-style-type: none"><li>• Trip envelope</li><li>• Fuel receipts</li><li>• Motel or lodging receipts</li><li>• Meal receipts or cash register receipts for snacks, cigarettes, etc.</li><li>• Shipping papers</li><li>• Weight or scale tickets</li><li>• Freight bills and bills of lading</li><li>• Trip permits</li><li>• Delivery receipts</li><li>• Anything else that has time, date and location</li></ul></li><li>- Keep all documents together. Log the details in your mind (or on a notepad).</li></ul>



Step	Procedure
6) Obtain the logbook	<p data-bbox="537 352 1365 495">- You must have the logbook if you are going to check the existence of a false log. What if the driver states that there is no logbook? The driver may give you one of several reasons for not having a logbook:</p> <ol data-bbox="573 531 1365 709" style="list-style-type: none"><li>1) The driver is not required to keep a logbook because the driver meets all of the requirements for the 160-kilometre radius exemption (refer to Module 18). You can determine if the driver meets the exemption by asking a few straightforward questions such as:<ul data-bbox="618 745 1382 1031" style="list-style-type: none"><li>• “How does the company keep track of your time?” The driver should mention a record of duty status or some other systematic timekeeping method.</li><li>• “What time did you report to work and what time will you be released from work?” The driver must return to the home terminal each day to start a minimum of 8 consecutive hours of off-duty time.</li></ul></li></ol> <p data-bbox="618 1066 1382 1171">If the driver does not meet all the exemption criteria, a driver must complete a daily log for that day (refer to Module 18).</p> <ol data-bbox="573 1207 1365 1633" style="list-style-type: none"><li>2) The driver mailed the logbook to the carrier and has not started the new logbook today. Remember that drivers must have copies of the previous 14 days of daily logs in their possession.</li><li>3) The driver left the logbook at the last truck stop. This is a common excuse.</li><li>4) The driver lost the logbook. This excuse is usually an indication that the driver has not kept the logbook current or that the driver is currently in violation of a daily, work shift or cycle limit.</li></ol>



## How can an inspector detect a falsified logbook?

Once the inspector obtains the logbook from the driver, the inspector needs to examine the logbook for the following indicators:

- Physical Indicators
- Obvious Indicators

Physical Indicator	Potential Falsification
Examine the condition of the logbook	Is the logbook new? Does it look like the driver uses it on a regular daily basis? A new logbook, especially in the middle of the month, might indicate that the driver may be fabricating information.
Inspect for missing pages	Missing pages may indicate that the driver does not want the inspector to see previous hours of service violations.
Check for loose pages in the logbook	The loose pages may be an attempt to replace pages that could indicate an hours of service violation, either current or previous.
Check for originals in the logbook	The driver is required to possess a copy of the daily logs for the preceding 14 days. The driver must return the original daily logs to the carrier within 20 days. Most drivers submit these records weekly in order to get paid. If the driver possesses records dating from before this time, it may indicate an attempt to cover trips that the driver did not complete legally. After reaching the destination, the driver might go back and make the logbook look good (i.e., cover up previous violations). This technique is a way to bank hours and use them strategically when needed.



Obvious Indicator	Potential Falsification
Check for currency	<ul style="list-style-type: none"><li>• See if the driver has kept the logbook current to the last change of duty status. Sometimes a driver may attempt to “bank” hours by not keeping the logbook current. If no one checks, a driver can drop a trip or compress a trip in time / distance. Typically, the driver who attempts to “bank” hours will be at least 24 hours behind. This does not mean that every log that is not current to the last change of duty status is an indication of “banking” or other falsification, but it should be viewed by the inspector as an indication of the need to look further.</li></ul>
Check entries for reasonableness	<ul style="list-style-type: none"><li>• Has the driver properly logged fuel stops as on-duty, other than driving time? How frequently does the driver log fuel stops? How much time does a driver log for a fuel stop? (Check the fuel tanks. A truck should travel about 1,000 kilometres between fuel stops.)</li><li>• Has the driver logged loading and unloading time correctly as on-duty, other than driving time? Is the amount of time allocated reasonable for the type of load the truck is carrying?<ul style="list-style-type: none"><li>- Tarping a B-train, depending on the weather conditions: 2 - 4 hours</li><li>- Loading a car carrier with 8 cars: 1 - 2 hours</li><li>- Unloading a chip truck: 0.5 - 1.5 hours</li></ul></li><li>• Does the logbook show the driver in the sleeper berth for long periods of time? Would anyone spend this much time in a sleeper berth?</li><li>• Does the logbook show that the driver spent a long period of time-off duty in a remote, out-of-the-way location? Would any driver spend this much time at this location?</li><li>• Has the driver shown excessive days off-duty? Assuming this driver is employed full time, could a driver afford to have this much time off and still make a living driving a truck?</li></ul> <p>If any answer seems unreasonable or suspicious, further investigation may reveal a falsified logbook.</p>



Obvious Indicator	Potential Falsification
Look for obvious violations of the Hours of Service rules	<ul style="list-style-type: none"><li>• A driver may not conceal all hours of service violations. A trained and / or experienced person can easily detect violations of the daily, work shift, and cycle rules.</li></ul>
Observe time and distance	<ul style="list-style-type: none"><li>• If an inspector knows the territory, the inspector can look at a log and determine fairly accurately the amount of time it would take to travel from a recent location to an inspection site. Knowing the distance across a bordering province is also helpful.</li><li>• If an entry raises suspicion, make a note of it. Later, after checking other supporting documentation, the inspector may want to check the mileage shown in the log against the miles documented in an Atlas, PC Miler, or other computerized maps.</li></ul>
Compare driver and co-driver logs	<ul style="list-style-type: none"><li>• Review the logbook of any co-driver, if present. Compare the logs for times and locations. One driver's off-duty documentation while the vehicle is in-transit could be an attempt to hide hours of service.</li><li>• Compare the co-driver's log with the lead driver's log for discrepancies, such as the following:<ul style="list-style-type: none"><li>- Accuracy according to the lead driver's log</li><li>- Coinciding sleeper-berth times. Two drivers would rarely share the sleeper berth (Check for sleeper berth bunks).</li><li>- Discrepancies between actual occurrences versus log entries. For example, was the co-driver in the passenger seat at the time of the stop but logging sleeper-berth time?</li><li>- Discrepancies between the logs. For example, if, during loading and unloading times logged by both drivers, the logs indicate that the two drivers were off-duty at the same time, who signed off on the merchandise count?</li></ul></li></ul>

## What supporting documentation can an inspector use to verify a logbook?

In addition to the logbook and information gathered from the driver interview, an inspector needs to review supporting documentation to determine if the driver is maintaining the logbook accurately (refer to Module 21 regarding inspections and authority).

This part of the inspection is pure detective work. The inspector needs to be satisfied that the driver and the truck were where the logbook says they were. Useful documentation includes:

- Trip envelope
- Fuel receipts
- Shipping papers
- Meal receipts
- Toll receipts
- Warning notices
- Violation tickets
- Special permits
- Weight tickets
- Driver / vehicle inspection reports
- Tach card
- Other time-dated materials



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## ***Trip Envelope***

The trip envelope is usually a large yellow or white envelope, sometimes with information written on the outside. The trip envelope contains receipts relating to the driver's current trip. One of the easiest methods for obtaining the trip envelope is to ask the driver:

- "Where did you last stop for fuel?"
- "Do you have a copy of the fuel receipt?"
- When the driver reaches into the trip envelope to retrieve this information simply ask:

"Is that your trip envelope?" "Why don't you just let me see that?"

All the pertinent information for this trip should now be at your disposal. Once you have the trip envelope, review the outside for the following:

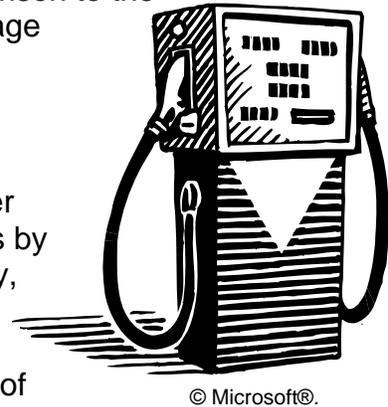
- Trip start date
- City and Province / State where the driver fueled
- Date of fueling
- Pickup and delivery dates
- Distance traveled in each province or state
- Miscellaneous expenditures (i.e., motel, meals, repair, wash-out)
- Bill of lading numbers, compared to the number of deliveries recorded
- Co-driver noted

## ***Fuel Receipts***

The trip envelope will include fuel receipts showing locations and, possibly, dates and times (note that time information is not on all fuel receipts). Compare the fuel receipts with the log for the following:

- Date and time of fueling
- City and province where fueling took place
- Signature of the driver or a co-driver. If the driver's log shows that there is a co-driver, the co-driver's signature should be on some of the documents.
- How often the driver fuels the truck, in comparison to the kilometres shown on the log. Most units average 1,000 kilometres with full fuel tanks.
- Fuel mileage

The driver's log must show fueling time as on-duty, other than driving time. Some drivers will falsify their logbooks by recording fueling time as off-duty time instead of on-duty, other than driving time. By doing this, the driver saves at least 15 minutes of on-duty time. Over a period of 7 days, many hours can be "saved," but this is a violation of the Regulations.



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## ***Shipping Papers and Bills of Lading***

Shipping documents are extremely helpful when checking a logbook. If the bill of lading shows that a driver picked up a load on a specific day however, the logbook shows that the driver was off-duty, this is evidence of a falsified log. A logbook that indicates the driver is two days into a current trip before picking up the first load is also probably false.

Many bills of lading for produce have dates and times stamped on them, revealing the time the loading was completed. Time-sensitive loads may also be indicated in some manner. Hours of service violations are common with time-sensitive loads.



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Compare the bill of lading or shipping paper with the log. Note the following:

- Date(s) of loading and unloading
- Loading and unloading times, in and out
- Type of commodity (some freight requires more time than others to load or unload). Check that the driver recorded the time as on-duty, other than driving. If a helper loaded or unloaded the freight, ask for a lumper receipt.
- “Time-sensitive” load. The driver is required to deliver this load on time.

### ***Meal Receipts***

Most drivers whose trips involve more than one day will have to stop for meals. They may possess receipts for these meals. Meal receipts may be in the trip envelope or you may notice them in the driver’s wallet when you ask for the operator’s license. These receipts may list times, dates and locations - information that can be helpful in determining the accuracy of the log.



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### ***Toll Receipts***

Toll receipts may also include time, date and location information. If you obtain a toll receipt that lists a time and date but no location, question the driver about the location. Consulting other sources that identify the location of toll stations, such as a motor carrier road atlas, may be helpful. B.C. has the Coquihalla toll road and Nova Scotia, Ontario and Quebec also have toll roads. Also, be aware that not all toll receipts contain accurate time and date information.

## ***Warning and Violation Tickets***

An inspector can usually find the time and date of a violation notice or a warning on the form, making it an excellent source of log verification. However, violations received within the last day or two prior to the inspection are generally too recent to have been entered into the enforcement agency's computer system. Therefore, you will have to ask the driver for the information regarding the violation.

## ***Special Permits***

Some carriers instruct drivers to keep all permits and licences in their permit books so that they are available at the scales. These permit books often contain a wealth of both recent and obsolete records. Trip reports and overweight permits, for example, usually have a date, location and time on them.

Compare permits with the logbook to obtain the following information:

- Date and time the permit was purchased
- Period of time for which the permit is valid
- Location where the permit was purchased
- Special notations on the permit

## ***Weight Tickets***

Since most carriers hold drivers responsible for overweight tickets, drivers are encouraged to check the axle weights and redistribute the load whenever it is overweight. Truck stop and feed mill scales usually provide a receipt with a time and date stamp. A driver should record at least 15 minutes of on-duty, other than driving time for this activity.



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## ***Driver / Vehicle Inspection Reports***

Since drivers generally view multiple inspections as lost time, they may tell you that they just had an inspection in the previous jurisdiction or at a weigh scale. CVSA decals are a good indication of an inspection, but unfortunately, not all inspections result in a sticker.

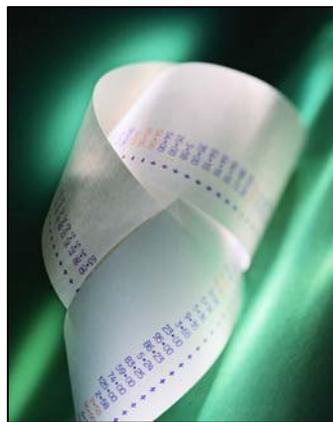
Review inspection reports to obtain the following information:

- Date and time of inspection
- Inspection location
- Whether the driver was put “out-of-service”
- Violations discovered and repair time required

The log should show the inspection as well as any repair time as on-duty time, other than driving time.

## ***Other Timed and Dated Materials***

Cash register receipts from hardware stores and convenience stores have the time and date printed on them. Most of the times and dates on these receipts are accurate, but occasionally errors occur. During the inspection, be alert for receipts that the driver needs for reimbursement. The driver may carry these receipts or they may be in the truck.



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## What outside resources can an inspector use to verify a logbook?

After examining and comparing the supporting documents with the driver's logbook, an inspector may want to verify the entries in the logbook with sources other than the driver. The inspector can phone the people and places where the driver has been in contact.

### ***Company / Dispatcher***

If you phone a company or dispatcher, identify yourself and your agency. The amount and content of information you volunteer from this point on will depend on the person you have called.

- If a driver's log shows consecutive days off-duty, inquire when the driver was dispatched. Dispatchers usually have a dispatch log to reference this information. Inquire about one specific day rather than all the days shown as off-duty.
- If a driver's logbook shows a co-driver, ask the dispatcher the name of the co-driver.
- Ask the company or dispatcher to fax the documents (such as a dispatch record). The Regulations specify that a motor carrier must immediately make available for inspection any supporting documents or relevant records, so most dispatchers will cooperate.

Some companies and dispatchers may be reluctant to give you any information if you advise them that you suspect a falsified log. When talking to a company or dispatcher, it is best to keep your remarks brief such as the following:

Hello, my name is \_\_\_\_\_ (your name) \_\_\_\_\_

Where was your driver on \_\_\_\_\_ (a specific date) \_\_\_\_\_?

Was he / she driving solo or as part of a team?

Who is / was the co-driver?

Do you keep a dispatch record?

Would it be possible for you to fax it to me?



## ***Shipper***

Personnel at the loading dock or a security guard shack may be able to answer some or all of your questions.

- Inquire about the date and time the freight was loaded. You may also ask if the driver was in attendance while it was being loaded (on duty, other than driving time).
- Ask for the unit number of the vehicle on which the shipment was loaded. It may also be beneficial to know the amount of product that was loaded so you can estimate how long it took.
- Ask about the driver's arrival and departure times. Some companies keep written records of this, while others may only be able to give you a mental recollection of times. Although it may not be totally accurate, even a mental recollection will give you a reasonable time frame for the driver's activities.
- Ask if the shipper can fax written records, if they are available.

Shippers are usually co-operative in answering an inspector's questions. There is seldom a need to elaborate on the reason for the call. The call is similar to the call placed to a carrier:

Hello, my name is \_\_\_\_\_ (your name) \_\_\_\_\_.

What day was this load/truck loaded / unloaded?

Do you recall or know what time the truck was loaded / unloaded?

Did the driver help to load / unload the truck?

Was the driver in attendance while the truck was being loaded or unloaded?

What is the plate or unit number of the vehicle onto / from which the shipment was loaded / unloaded?

Do you know what time the driver arrived at (departed from) your facility?

Are there any written records for any of the information you've given me?

Would it be possible for you to fax those to me?

### ***Port of Entry or Other Law Enforcement Agencies***

These agencies may be able to give you information such as times and dates of observation, locations, weighting information, trip permits, and inspections. If you are calling a port of entry or other law enforcement agency, you may want to elaborate on the purpose of the call. Most agencies are willing to give you as much information as they can.

If you know from the evidence, such as a ticket or inspection report, that the driver had contact with a specific officer, you may wish to contact that particular officer so you can discuss specific information on the document.

It is always helpful when any of the sources can fax documents to you. If, however, you do not have access to a fax machine or the agency is unable or unwilling to fax the documents, take written notes of your telephone conversation. Include the name of the person you talked to, the person's business telephone number, the date and time of your call, and the information that person provided.



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## How should an inspector confront a driver who has falsified a logbook?

If an inspector detects a falsified logbook, the inspector must confront the driver. However, confronting a driver with a false logbook can be difficult. However, if you established good rapport with the driver and your approach is straightforward, the inspection can result in a satisfactory conclusion.

If you conclude that the driver falsified the logbook:

- Make a direct statement to the driver about your suspicions.
- List the evidence and ask for an explanation. Point out discrepancies between the timed / dated documents and receipts, and the logbook entries. Confront the driver about mileage and time traveled if this is an area of concern. Question more closely about off-duty times that appear inaccurate.
- Try to keep the interview as friendly for as long as possible, focusing the discussion on the discrepancies in the documents. Avoid putting the driver on the defensive. Avoid personal accusations such as “You’re a liar!” or “You falsified this log!” Stick to the discrepancies in the documentation such as “The receipts say this . . . and your log says this.”
- Some inspectors use the following techniques effectively:

“Buddy, help me out here, please. I’m having a hard time following your trip from your book. Am I right in thinking you drove six hours then took a three-hour rest break, then drove six more hours?”

“Am I correct here? Maybe you can help me with this. You see we have a receipt from the Quickee Mart with a time stamp of 9 a.m. yet, in your log, you show a sleeper berth in another town at that time. Help me figure this out will you?”

In the face of this evidence, most drivers will admit to the falsification. If the driver is co-operative, the inspector can get the correct story, check for duplicate logbooks, compare duplicate log pages, etc. If the driver is not co-operative, the inspector may never know the “truth.”

It is important to note that any evidence gathered in a "confession" without the driver being read his / her Charter of Rights and warning would be subject to a voir dire at trial. The voir dire determines if a charter violation has occurred and the admissibility of this evidence.

In either situation, an inspector can place a driver out-of-service or prohibit a driver from driving for a falsified log. If a driver does not produce a valid log, the driver cannot drive until the driver produces a valid log. Also, note that an inspector can charge a driver for a falsified log, even if the log is not signed by the driver. In Module 23, we examine Enforcement Action for falsified logs and other Regulation violations.



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## Module Self-Check Questions

If you can answer the following questions, you are ready to move to the next module. If you can't answer the questions, please review the module again before continuing.

- 1) While doing commercial vehicle inspections at Red Deer, AB, at 23:30 on August 9, an officer stops a vehicle being operated by driver Dan Green. Mr. Green's logbook is not current. His last entry was yesterday, August 8, at 11:45 in Fort Macleod, AB. Mr. Green's home terminal is in Lethbridge, AB so he uses Alberta local time for all entries in his daily log.

Officer: "Where did you put fuel on last?"

Dan: "Fort McMurray."

Officer: "Do you have a copy of the fuel receipt?"

Dan reaches into a manila envelope to retrieve the fuel receipt.

Officer: "Is that your trip packet?"

Dan: "Yes."

Officer: "Would it be OK if I took a look through the packet?"

The officer removes the packet from the vehicle and determines that there is no cash in the envelope.

After noting the last entry in the logbook, the officer returns the log to the driver with instructions to make it current to the time of this stop. The driver then returns to his vehicle to make his log current. He returns in about 15 minutes with the updated logbook displayed on the following pages.

In the trip packet, the officer finds two documents: a shipping order and a meal receipt.

Review the following daily logs and determine if Mr. Green has falsified his logbook. Describe the process you used to make your determination.

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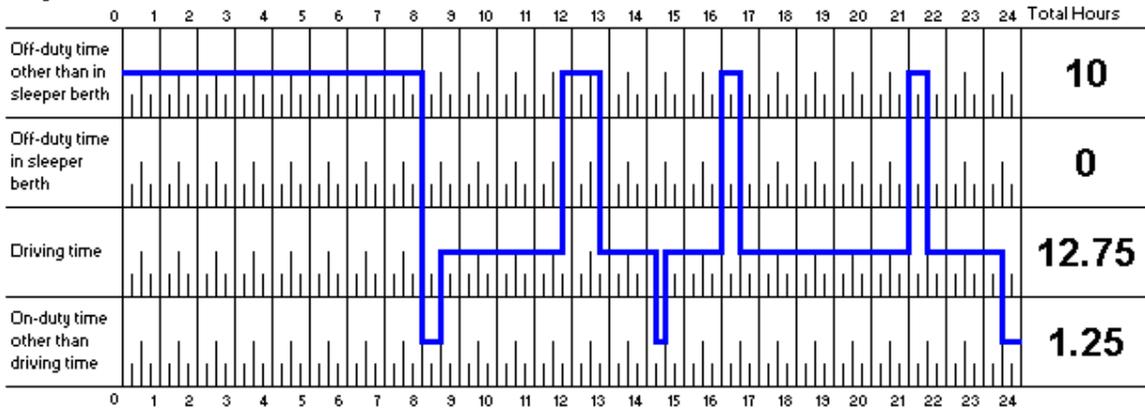
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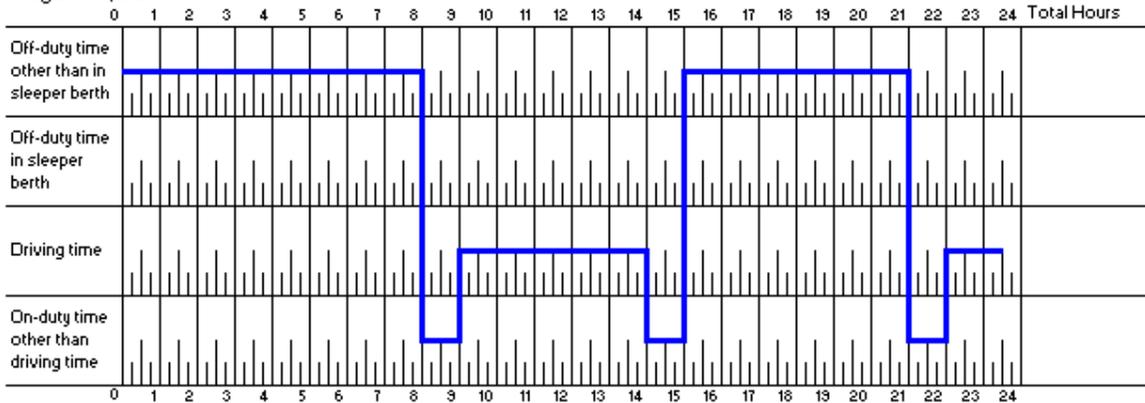
If you determine that Mr. Green has falsified his logbook, identify the methods that he used to falsify his log.

August 8, 2007



- Remarks:
- 12:00 AM Off-Duty: Cranbrook, BC
  - 8:00 AM On-Duty: Load
  - 8:30 AM Driving
  - 11:45 AM Off-Duty: Fort Macleod, AB
  - 12:45 PM Driving
  - 2:15 PM On-Duty: Calgary, AB fuel
  - 2:30 PM Drive
  - 4:00 PM Off-Duty: Red Deer, AB
  - 4:30 PM Drive
  - 9:00 PM Off-Duty: Bregnat, AB
  - 9:30 PM Drive
  - 11:30 PM On-Duty: Fort McMurray, AB

August 9, 2007



- Remarks:
- 12:00 AM Off-Duty: Fort McMurray, AB
  - 8:00 AM On-Duty: Load and fuel
  - 9:00 AM Drive
  - 2:00 PM On-Duty: Edmonton Unload
  - 3:00 PM Off-Duty
  - 9:00 PM On-Duty: Load
  - 10:00 PM Drive

↑  
 Inspection  
 at 23:30



ABC Family Restaurant  
 Highway #16  
 Lloydminster, AB

Food                                 \$8.75  
 GST (6 %)                            \$0.53  
 Total                                    \$9.28

THANK YOU

08/09/07 18:30

Smith Brothers Lumber Ltd. Box 456 Edmonton, AB 780-456-7890	INVOICE #GVH9758  DATE: August 9, 2007
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Sold to:

Wilson Lumber  
 345 – 9 Street North  
 Lloydminster, AB

Quantity	Description	Weight	Cost
2 lifts	2 x 4 x 8 studs		
2 lifts	2 x 4 x 12		
2 lifts	2 x 10 x 16		
2 lifts	4 x 4 x 10		
3 lifts	1 x 12 x 14		

Gross weight	39420	15:30 07-08-09
Tare weight	11760	
Payload	27660	

Shipper ASW

Driver B Green

## Answers to Module Self-Check Questions

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Dan: "Yes."

Officer: "Would it be OK if I took a look through the packet?"

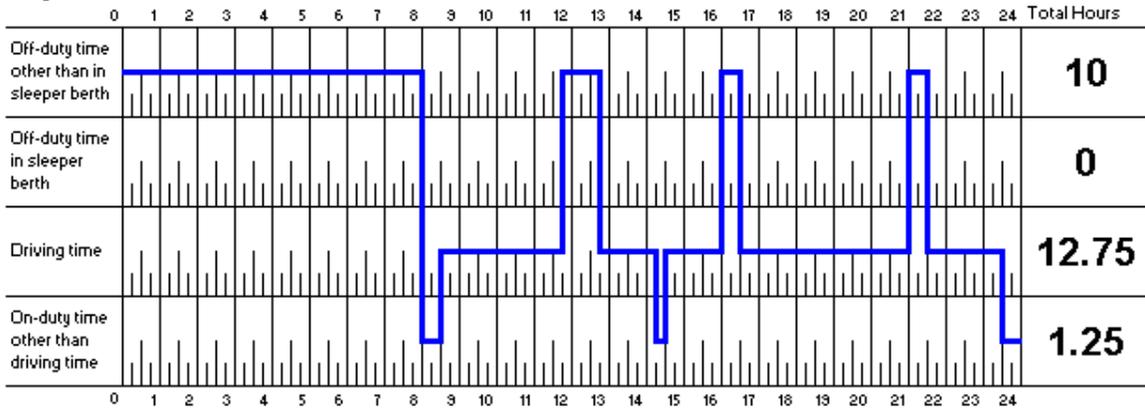
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In the trip packet, the officer finds two documents, a shipping order and a meal receipt.

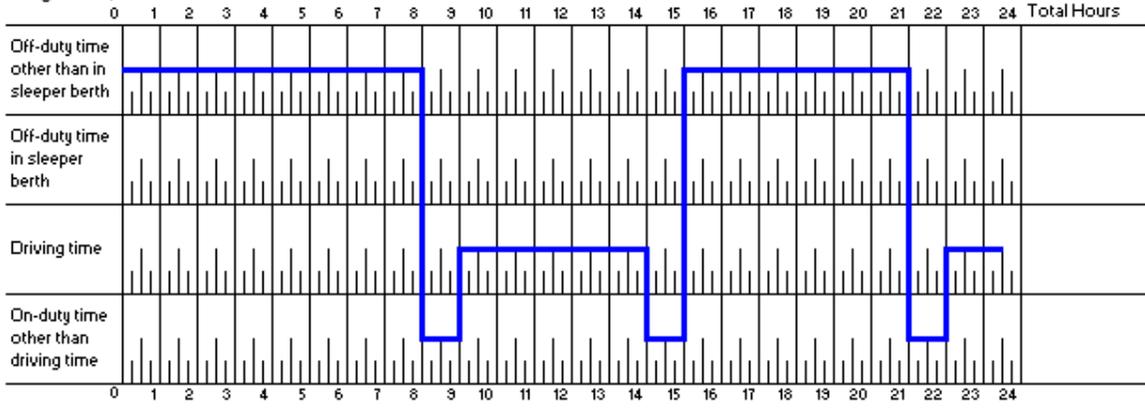


August 8, 2007



- Remarks:
- 12:00 AM Off-Duty: Cranbrook, BC
  - 8:00 AM On-Duty: Load
  - 8:30 AM Driving
  - 11:45 AM Off-Duty: Fort Macleod, AB
  - 12:45 PM Driving
  - 2:15 PM On-Duty: Calgary, AB fuel
  - 2:30 PM Drive
  - 4:00 PM Off-Duty: Red Deer, AB
  - 4:30 PM Drive
  - 9:00 PM Off-Duty: Bregnat, AB
  - 9:30 PM Drive
  - 11:30 PM On-Duty: Fort McMurray, AB

August 9, 2007



- Remarks:
- 12:00 AM Off-Duty: Fort McMurray, AB
  - 8:00 AM On-Duty: Load and fuel
  - 9:00 AM Drive
  - 2:00 PM On-Duty: Edmonton Unload
  - 3:00 PM Off-Duty
  - 9:00 PM On-Duty: Load
  - 10:00 PM Drive

↑  
Inspection  
at 23:30



ABC Family Restaurant  
 Highway #16  
 Lloydminster, AB

Food                                 \$8.75  
 GST (6 %)                            \$0.53  
 Total                                    \$9.28

THANK YOU

08/09/07 18:30

Smith Brothers Lumber Ltd. Box 456 Edmonton, AB 780-456-7890	INVOICE #GVH9758  DATE: August 9, 2007
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Sold to:

Wilson Lumber  
 345 – 9 Street North  
 Lloydminster, AB

Quantity	Description	Weight	Cost
2 lifts	2 x 4 x 8 studs		
2 lifts	2 x 4 x 12		
2 lifts	2 x 10 x 16		
2 lifts	4 x 4 x 10		
3 lifts	1 x 12 x 14		

Gross weight	39420	15:30 07-08-09
Tare weight	11760	
Payload	27660	

Shipper ASW

Driver B Green



Review the following daily logs and determine if Mr. Green has falsified his logbook. Describe the process you used to make your determination.

- Mr. Green has falsified his logbook
- Meal receipt dated August 9, 2007 and Shipping Order dated August 9, 2007 indicate that Mr. Green made a delivery to Lloydminster
- Logbook shows that Mr. Green was off-duty from 3:00 – 9:00 pm on August 9, 2007 and does not show any trip to Lloydminster

If you determine that Mr. Green has falsified his logbook, identify the methods that he used to falsify his log.

- Dropped trip
- Driving during off-duty time