

DO YOU FEEL

Tachograph fraud remains rampant, with some operators taking their chances on the tightrope. But DVSA, the police and technicians can make a difference, says Brian Tinham

Every year, some operators and/or their drivers work outside the law, most often by flouting drivers' hours rules and tampering with their tachographs in an attempt to hide evidence. Clearly, they know they are giving themselves an unfair advantage – that's why they do it. However, most also surely do so in the full knowledge that they are potentially putting themselves and other road users at risk.

That's not only due to the increased likelihood of drivers failing to react as quickly as they should, or, worse, falling asleep at the wheel due to tiredness or the drugs they use to keep going. It's also because vehicles will be exceeding their inspection and maintenance intervals as a result of unrecorded mileage – so compromising their roadworthiness and their operators' 'O' licence. Furthermore, if those vehicles are running under any kind of contract, vehicle owners and/or R&M providers are being defrauded out of parts and labour income as well as, ultimately, vehicle residuals.

That's why TISPOL, the European traffic police network body, regularly meets to review tachograph fraud and update enforcement officers' leaders throughout

member states. It's all about sharing intelligence, improving understanding of increasingly sophisticated tachograph interference tactics and how to combat them, and endeavouring to stay ahead of what are now deemed not only road traffic offences but also criminal activities (see panel).

Shaun McKeown, forensic vehicle examiner and North West representative for the police forces commercial vehicle enforcement group, attended June's TISPOL tacho meeting in Osnabrück, Germany, organised in association with the ECR (Euro Control Route), which works to unify policing policy across the EU. "Delegates came from the UK, Norway, Poland, Latvia, Holland, Hungary and Germany, with a goal of learning from each other's working practices, specifically taking account of emerging trends in tachograph fraud," he explains.

Intelligence gathering

The point: in the past, drivers might get round tachos simply by driving without their cards inserted, or removing fuses to disable them. Neither is difficult to detect today, particularly with digital tachos. But criminal methods are now more sophisticated, with equipment being controlled remotely, for example, by magnets, mobile phones or switches – including some discovered in vehicle key fobs. "So, much of the value of these meetings comes from sharing experience and developing methods for preventing fraud, but also improving detection – including through intelligence gathering," states McKeown.

The latter is key. It's all about being able to prove

Delegates at the Osnabrück TISPOL tacho meeting, organised with the ECR, which works to unify policing policy across the EU



LUCKY?


Illustration by James Fryer

that trucks apparently parked up, with no mileage recorded on their tachos, aren't quite what they seem. "With our methods, we can show that company 'x' made 'y' thousand pounds by running those trucks over 'z' miles illegally." But how? McKeown doesn't want to reveal too much, but says there's plenty of infrastructure around the UK and that police powers enable officers to examine every aspect of vehicle data to paint a detailed picture of truck movements.

However, he also says that workshops can play their part. "When trucks come in for repairs – particularly where a gearbox has failed – it's worth getting an events and fault-codes printout from the tachograph head," advises McKeown. "That will show you if there have been intervals when the tacho wasn't working properly. Then, if your truck has four-over-four ratios and it's not equipped to go into limp home mode, you might deduce that the driver probably caught the selector switch and it changed from eighth to, say, third – a move that would have been prevented had the tacho been functioning [since speed governance comes from the tacho sender]. That would have lit up the synchro and the gearbox would have seized."

The other point to watch for is excessive wear and tear, or components failing earlier than consistent with the mileage recorded. "If vehicles are regularly not serviced on time, because the mileage isn't being recorded, then you might have, say, a major service being done at 75,000 miles, instead of 50,000. So, again, look at the tacho events and faults, and see if there was an apparent power supply issue or a sender fault. It won't take long to build up a picture of what's happening and it might reveal serious fraud."

McKeown makes the point that this kind of fraud is easier to detect on trucks fitted with the latest

generation tachographs, since these receive secondary motion signals from the ABS, or similar. "Downloading the vehicle data and using the manufacturer's software or your diagnostic equipment, you'll quickly see motion data errors – information stored on the vehicle that conflicts with that on the tacho. You may also see unaccounted for faults with the brake management system and, again, there is then the possibility that the vehicle tacho has been tampered with." 

Much tougher sentences

Tachograph fraud is still a growing issue, probably driven by the vestiges of the economic recession and the scale of competition in the road freight sector. It is a fact that some hauliers – particularly those from continental Europe and especially those bringing in perishable goods – are sometimes prepared to gamble on not being caught.

Forensic vehicle examiner Shaun McKeown suggests that, for these operators, the relatively low fines for drivers' hours violations, compared with those for failing to deliver, fuel the practice. He also makes the point that inconsistencies in the penalties across Europe make the UK a target for such offences.

But it's no longer just about fines and points under the Transport Act 2000. Where tachograph misdemeanours can be proven, prosecutions are now being brought under the Fraud Act 2006. And that has two key implications: longer jail sentences and far bigger fines, with the judiciary also able to pursue revenues under the Proceeds of Crime Act 2002.

"We can read a lot of information at the roadside, just by going on to the dashboard menus," warns McKeown. "And remember, police officers have powers to take vehicles apart in the pursuit of evidence – how they have been operated, timings, distances covered, etc – linking that to fuel tickets, port tickets, motorway camera data, etc. We can and do bring fraudulent drivers and their companies to court in the interests of both road safety and fair play."