

## OPERATIONAL POLICY 12 CARGO SEAL GUIDELINES

The information contained in this document is intended to provide guidelines on suggested policy and practices for the removal and replacement of cargo seals on commercial motor vehicles. Adoption of these guidelines, or any portion thereof, by member jurisdictions are strictly voluntary.

### **Statutory Authority**

Law enforcement agencies must ensure that they have the statutory authority to break seals and open vehicles before conducting these activities.

It is best that any enabling legislation be vague enough to incorporate any security device, but any statute that specifically references cargo seals should also address locks.

It is important to ensure that enforcement personnel (inspectors) incorporate the inspection of the cargo area in their routine inspection activities for all commercial motor vehicles. Some courts have overturned contraband confiscations and convictions where officers did not routinely inspect the cargo area, but only did so on certain occasions when certain indicators were present.

Agencies that choose to break seals and/or locks must have a written policy that incorporates all the provisions of these guidelines. Agencies are to ensure that seals are only removed during the course of a North American Standard Inspection conducted by CVSA-certified inspectors while carrying out their lawful duties.

### **Replacement Seals**

Any seal used by a law enforcement agency as a replacement seal should:

- **Be compliant with the ISO 17712 Standard.** (Note: agencies purchasing seals should request a copy of the certification to the ISO 17712 Standard from the manufacturer to ensure that the manufacturer actually meets the standard.)
- Have a unique identification number stamped or embossed on each seal (make sure seal numbers are not duplicated).
- Be designed and constructed to prevent removal or undoing without breaking, or tampering without leaving clear visible evidence.
- Not be reusable.

All law enforcement agencies issuing replacement seals should ensure the security and accountability of cargo seals by establishing a tracking system for all seals issued to inspectors. Tracking information should include the inspector's name, badge number, seal serial number(s), the date the seals are assigned to the inspector, and the inspector's signature of acceptance.

## **Opening the Cargo Area and Officer Safety**

Inspectors are reminded to use caution upon opening a trailer with unknown contents, or if hazardous materials are identified or suspected to be in the vehicle. Loose freight or toxic liquids or gases may suddenly be released when the doors are opened. Generally speaking, officers should require the driver to open the doors.

Prior to opening the doors to a cargo area, the inspector should review the shipping papers to determine the identity of the expected contents.

Upon entering the cargo area, inspectors are reminded that the oxygen content in a van trailer, even with the doors open, can quickly be displaced or reduced by various chemicals. In addition and whenever possible, inspectors should always have a back up officer on scene before entering the cargo area to prevent an inspector from getting trapped in a cargo area.

Every attempt should be made to have the driver voluntarily open the cargo area. Whenever possible, inspectors should contact the driver's company if the driver refuses to open it. Often company officials will direct the driver to open the cargo area.

In the event a trailer is locked and the driver does not have a key, the driver shall be given a reasonable amount of time to arrange to have a key delivered. Be sure to document that the driver was asked if he/she has a key and their response. If the driver is unable to arrange to have the lock opened, the lock shall be removed by the officer and replaced with a seal provided by the agency. Inspectors should be equipped with the necessary tools to remove locks safely.

Inspectors should inspect existing seals very carefully to determine if the seal has already been broken. Broken seals may indicate contraband in the vehicle or that the vehicle has been subject to cargo theft.

Inspectors with in-car video cameras should make every attempt to video the opening, inspection, and resealing of the cargo area. Have the driver serve as a witness to the breaking and the resealing of the cargo area whenever possible. Also, instruct the driver to notify the motor carrier that the seal of the cargo area has been broken and resealed. If in-car video is not available other means of audio/visual documentation should be used if possible.

When violations exist that preclude the immediate resealing of the trailer (e.g. cargo securement) and the inspector does not expect to be present once the repair(s) are completed, the inspector who broke the seal should document this information on the appropriate documents as discussed below. Do not give the driver a replacement seal to affix later.

Inspectors should not apply a replacement seal to a vehicle that did not have a seal when stopped.

Every effort should be made to attach the replacement seal in the same manner and location as the original (broken) seal.

### **Documentation of Entry and Seal Replacement**

Inspectors should document the opening of any trailer, including unsealed trailers, whether opened voluntarily by the driver or opened by the inspector. Anytime a cargo area is opened, a driver/vehicle inspection report shall be completed.

There are a number of options to provide documentation to the driver/motor carrier and the consignee. At a minimum the documentation should include:

- The inspector's name, badge number, signature, work site telephone number, and agency
- The identification number of the replacement seal
- The driver/vehicle inspection report number
- The date and time the seal was broken/replaced
- Disposition of the old (broken) seal
- A notation as to whether anything was removed
- Reason for breaking the seal or lock

### **Options for Documentation**

1. Amended roadside inspection reporting programs to include a pop-up box with the information listed above that can be printed as part of the driver/vehicle inspection report. This option would require a second copy of the inspection report to be printed for the consignee, since usually the driver is not present when the cargo is off-loaded.
2. Handwrite required information on the printed driver/vehicle inspection report and on the shipper bill of lading. (Note: this option does not provide the law enforcement agency with any documentation that the cargo area was opened and resealed.)
3. Document on a jurisdiction issued form, with a copy for the inspector, the driver, and one left in the cargo area for the consignee.
4. Document the breaking and replacement sealing on the shipping papers or other documentation as requested by the driver or carrier.

### **Disposition of Broken Seals**

Except in situations where contraband has been discovered, broken seals should be returned to the driver or left with the cargo in accordance with an agency's policy. In the case of intermodal shipments or loads in international commerce, the broken seal should

be placed immediately inside the cargo door of the freight container. In situations where contraband has been discovered the broken seal should be retained as evidence and processed in accordance with the affected agency's policy.

### **Exceptional Vehicles**

Absent a life-threatening emergency, cargo seals or locks should not be removed from vehicles belonging to, or under contract with the following agencies:

- Postal Service
- Department of Defense
- Department of Treasury
- Armored Car Couriers

If the lading involves a seal of other Government shipments, contact should be made with the agency involved prior to removal of the seal or lock.

### **ISO 17712 and C-TPAT**

Some motor carriers and shippers only use ISO Standard No. 17712 seals. Law enforcement agencies that break seals should be aware of this issue, as some consignees may reject loads that have been resealed with a non-ISO 17712 seal, even if all procedures are adhered to. It is therefore imperative that only ISO 17712 standard seals be used to reseat a cargo area.

“Customs – Trade Partnership Against Terrorism,” or C-TPAT, is an outreach effort of U.S. Customs and Border Patrol ([http://www.cbp.gov/xp/cgov/import/commercial\\_enforcement/ctpat/](http://www.cbp.gov/xp/cgov/import/commercial_enforcement/ctpat/)) to the international shipping industry to increase border security. Through this effort, U.S. Customs is asking businesses to ensure the integrity of their security practices and to communicate their security guidelines to business partners in the supply chains. Pursuant to the provisions of the Safe Ports Act, all shipments entering the United States as of October 15, 2008 will be required to be sealed with ISO 17712 high security seals.

Remember, C-TPAT members may reject loads that have been resealed by a law enforcement agency using a seal that is not ISO 17712 compliant.

### **Radioactive Shipments**

Shipments of Highway Route Controlled Quantity (HRCQ) of radioactive material (Class 7) entering the United States are required to undergo a point-of-origin inspection per Part 385, subpart E of Title 49 Code of Federal Regulations. The Level VI inspection necessitates the opening of the shipping container which may require the breaking of any lock or seal present.

Acceptance of the shipment at the point of destination requires that the shipment arrive sealed with a special metal bolt type of seal. Since most enforcement agencies will not be able to supply the metal bolt seal, it will be incumbent upon the carrier/driver to provide the metal bolt seal for resealing the container at the conclusion of the Level VI inspection.

Documentation procedures outlined in this policy should be used when breaking a lock or seal during a Level VI inspection.

### **Disclaimer**

The information contained in this document is intended to serve as “best practices” guidance only. Where applicable, inspectors should always comply with the policies of their agency and/or local prosecuting attorney.

### **Additional Resources**

Additional guidance may be obtained from the following:

- United State Department of Defense / Department of Homeland Security User’s Guide on Security Seals for Domestic Cargo
- American Trucking Associations September 2007 briefing on Trailer/Container Sealing Policies