### NATIONAL RAILROAD PASSENGER CORPORATION

60 Massachusetts Avenue, NE, Washington, DC 20002

October 2, 2014

AMTRAK

Ms. Lee Rowland
Staff Attorney
American Civil Liberties
Union Foundation
125 Broad Street – 17<sup>th</sup> Floor
New York, NY 10004

Re: Freedom of Information Act Request Tracking Number: 14-FOI-00127

Dear Ms. Rowland:

Your May 2, 2014 request for information made under the Freedom of Information Act (FOIA) was received via email on May 2, 2014 and a duplicate was received via certified mail on May 6, 2014 by Amtrak's FOIA Office.

Your request seeks the records described below:

- 1. Policies, procedures, practices, agreements, or memoranda regarding the collection of data about Amtrak passengers ("passenger data'), including what types of data are collected, how long data is retained, when and how passenger data is accessed, and when data is purged;
- 2. Policies, procedures, practices, agreements, and memoranda governing the presence, notification, powers, chain of command, or jurisdiction of law enforcement on Amtrak train routes;
- 3. Policies, procedures, practices, agreements, and memoranda governing the sharing of passenger data with entities other than Amtrak, including but not limited to the Drug Enforcement Administration and other state, federal, or local law enforcement agencies;
- 4. Policies, procedures, practices, agreements, and memoranda regarding whether and how passenger data is shared with any law enforcement agency;
- 5. Policies, procedures, practices, agreements, and memoranda regarding the circumstances under which law enforcement may board Amtrak trains and what actions law enforcement agents are permitted to take on board;
- 6. Policies, procedures, practices, agreements, and memoranda regarding the training or protocols for law enforcement officers who board Amtrak trains, or for any Amtrak employee notifying or assisting law enforcement;



- 7. Policies, procedures, practices, agreements, and memoranda regarding the search of Amtrak passengers by law enforcement, including passengers who refuse to consent to a search by law enforcement;
- 8. Policies, procedures, practices, agreements, and memoranda regarding removal of passengers from Amtrak trains by law enforcement, including post-removal procedures for the continued travel of individuals found not to be carrying contraband;
- 9. Policies, procedures, practices, agreements, and memoranda regarding when law enforcement may seize cash from passengers on board or removed from Amtrak trains;
- 10. Policies, procedures, practices, agreements, and memoranda governing the division of cash or anything else of value taken from an individual on board or removed from an Amtrak train between Amtrak, the Drug Enforcement Administration, and any other federal, state, or local entity;
- 11. Policies, procedures, practices, agreements, and memoranda regarding complaints about or findings of violation of any policy related to search or seizure of Amtrak passengers and their possessions.

Per our June 27, 2014 telephone conversation, it was agreed that Amtrak would only provide the active Agreements.

A search was conducted and the enclosed records, which are described below, were determined to be responsive to your request:

- 1. Privacy Policy (from Amtrak.com website)
- 2. Amtrak Police Department Operations Guide 240
- 3. Memorandum of Understanding Between the Louisiana Department of Public Safety Services, Office of State Police (LSP) and Amtrak Police Department (APD)

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- 4. Service Standards for train service and OBS Employees (Chapter 3, Section 4) Law Enforcement and Firearms Issues
- 5. Guidelines for Amtrak Customer Service Employees Southwest Division Texas Reporting Suspicious Activity

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- 6. Customer Relations Statement of Policy (attached) Amtrak handles complaints through the Office of Customer Relations who can coordinate a response with internal Amtrak Departments involved in the complaint. If another law enforcement agency is a part of the complaint, the agency is contacted and information provided for review and investigation by that agency also. However, Amtrak would take steps to address the complaint.
- 7. Report Suspicious Behavior and Activity
  - a. Defining Suspicious Activity
  - b. Txt-a-tip APD11 (27311)
  - c. See Something? Say Something?
  - d. Amtrak Security and Crime Prevention Tips
- 8. Conditions of Carriage (from Amtrak.com website)
- 9. Office of Internal Affairs Policy

The FOIA Office conferred with APD in regards to the records sought in your request. As additional information and in order to convey a clearer understanding of APD's law enforcement policies and relationships with other law enforcement agencies, they provided the explanation below:

The Amtrak policy regarding outside agencies performing law enforcement duties on Amtrak property is that Amtrak generally supports law enforcement in the performance of official duties. In operating a national railroad system, Amtrak must rely on federal, state, local and railroad law enforcement agency partnerships in order to respond to police and first responder requests for service on a regular basis as the Amtrak Police Department does not have sufficient personnel to cover the 21,000 route service miles. These partner agencies respond to reports of crime committed on Amtrak property and trains, accidents involving trains, injuries to passengers and employees, can perform criminal investigations subject to their jurisdiction and are a force multiplier in the Amtrak Police Department's counter-terrorism efforts. To the extent authorized by law, Amtrak cooperates with law enforcement officials on such matters.

Amtrak can provide passenger information to these law enforcement agencies at times. Amtrak responds to requests for such information through subpoenas, coordinated investigations with Amtrak Police Department personnel, some of whom are assigned to task forces and in specific investigations involving the Amtrak Police Department and law enforcement agencies. Amtrak also encourages employees to report suspicious activity to the Amtrak Police Department or to call 911, when warranted.

Please be advised that certain records that may be responsive to this request did not originate with Amtrak and are not releasable under our authority. Your request and a copy of this correspondence, along with the records, have been referred to the U.S. Department of Justice — Drug Enforcement Administration for their action and direct reply to you. Their contact information is provided below:

Ms. Lee Rowland October 2, 2014 Page 4



Freedom of Information & Privacy Act Unit (SARF)
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152
(202) 307-7596 (hotline)
(202) 307-8556 (Fax)
Email: DEA.FOIA@usdoj.gov

If you have any questions regarding the processing of your request, please feel free to contact me at (202) 906-3741 or via e-mail at <a href="mailto:Hawkins@amtrak.com">Hawkins@amtrak.com</a>.

Sincerely,

Sharron Hawkins Lead FOIA Specialist

**Enclosures** 

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PRIVACY POLICY (FROM AMTRAK.COM WEBSITE)

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Updated: December 31, 2013

# Section 1 - Introduction

At Amtrak, we respect your privacy and value the trust and confidence you place in us. We are committed to safeguarding your privacy while you're using Amtrak.com; m.Amtrak.com; Amtrak applications for iPhone, Android, or Windows Phone; Amtrak.com/Whistie-Stop; or AmtrakGuestRewards.com (referred to individually as "Site" or collectively as "Sites"). This privacy policy (referred to on this page as the "Policy") describes our commitment to your privacy. By using a Site, you acknowledge that you understand and expressly agree to this Policy.

When you use a Site, we may collect information about your visit to the Site, your usage of the Site, and information that you provide. This Policy describes:

- What personal and other information we collect (Section 2).
- How your personal information is used (Section 3).
- With whom your personal information may be shared and Your California Privacy Rights (Section 4).
- What security precautions we implement to protect the loss, misuse or alteration of your personal information, including your credit card information (Section 5).
- How you can access, update, correct, or delete the personal information we collect from you (Section 6).
- What choices you have regarding the collection, use, and distribution of your personal information, including your ability to choose to receive promotional information by e-mail (Section 7).
- How you can contact us regarding this Policy and our privacy practices (Section 8).
- What special privacy practices and rules are in place regarding the Amtrak Guest Rewards program web site (Section 9).

Please note that this Policy only addresses Amtrak privacy practices concerning information we collect from one of the Sites, and not other sites, mobile applications, or other sources. This Policy does not apply to information that we may collect from any other source or from other Amtrak activities or programs.

Please carefully read this Policy before completing a User Profile on a Site and before enrolling in the Amtrak Guest Rewards program. If you also plan to enroll as a member in the Amtrak Guest Rewards program, please also carefully read Section 9 of this Policy, which contains special supplemental privacy practices and rules that apply to the personal information that you provide to us to become a member in the Amtrak Guest Rewards program.

# A Note About Changes to This Policy

Please note that this Policy may change without special notice to you. Please check back to review this Policy whenever you visit a Site as you will be deemed to have read, understood, received notice of, and agreed to any changes. This Policy supersedes all previous statements or policies concerning Amtrak's collection of personal information from a Site.

The date of the last update to this Policy is always indicated near the top of the page and any change in the date of this Policy since the last time you had visited a Site shall constitute notice to you that the Policy has changed since the last time you visited a Site. You may also see periodic statements displayed on a Site notifying you that our Policy has changed, especially in places where we collect personal information from you. The last update to this Policy shall also be its effective date.

# Section 2 — The Personal Information We Collect from You and How We Collect It

We collect personal information in several ways from several different parts of the Sites. The information we collect includes two basic kinds: (1) information that can identify you as a specific individual, such as your name, telephone number or e-mail address, and (2) information that we use only as data in the aggregate. We do not knowingly collect personal information from individuals under the age of 13.

We ask for and collect personal information in the following circumstances:

# 1. When you register and create a User Profile

When you register and create a User Profile, we ask for the following personal information:

- Name
- Addresses (home, billing)
- Telephone number
- E-mail address
- Favorite departure and arrival points (optional)
- Password
- Preferred passenger discount type
- AAA, NARP, Student Advantage, ISIC, Veterans Advantage membership numbers (optional)
- Amtrak Guest Rewards number (optional)
- Whether you want to receive e-mail updates

We store this information in your User Profile which allows us to provide you with better service when you make reservations. We are able to pre-populate information for you during the reservations booking process, so you will not have to re-enter it each time you book a reservation.

# 2. When you purchase tickets and make a reservation through a Site

We collect a certain amount of personal information about you (and, if necessary, your traveling companions) when you begin the reservation process and purchase tickets, whether you purchase tickets while logged in with a User Profile, or while not logged in (i.e., as a guest). We use this information to fulfill your booking requests. This information includes:

- Your name
- E-mail address
- Mailing address (If necessary)
- Billing åddress
- Telephone number
- Credit card type, number, expiration date, and security ID
- Travel and reservation information (departure and arrival points, dates of travel, train number, accommodations, names and number of travelers in your party, fares)
- Passenger discount types (if any)
- Ticket pick-up/delivery options
- Promotional codes used (if any)

If you use a Site to purchase tickets for more than one person, we also ask for the name of each person traveling so that we may issue a ticket in each passenger's correct name. We do not use these names of other passengers for any other purpose. We may also ask for your telephone number so that we can contact you in the event that there is a major scheduling change or cancellation of your train.

In addition, when you purchase tickets while logged in to a Site with a User Profile, we also save information about your canceled reservations, if any. Also, if you choose, we can save trip information regarding trips that you have researched, but have not yet booked. You also have the option to view a list of confirmed reservations you made online, as well as any canceled trips.

# 3. When you make purchases of Amtrak merchandise

We collect some personal information from you when you make purchases through our online store for the purpose of fulfilling your order. This information includes:

- Name
- Address

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- E-mail address
- Credit card type, number, expiration date
- Dollar amount purchased

### 4. When you enroll in the Amtrak Guest Rewards Program

When you become a member of the Amtrak Guest Rewards program, we collect the following information about you:

- Name
- E-mail address
- Primary address
- Telephone number
- Home station location

We also request other information, which you may optionally provide, including:

- Work phone
- Mobile phone
- · Company name
- Purpose of most travel
- Date of birth
- Gender
- Secondary address and location

# 5. When you request travel and promotional information

When you request information, such as brochures, timetables and gift catalogs, we collect information from you that is necessary to fulfill our service obligations to you. This information may include your name, address and telephone number.

### 6. When you contact us

If you contact Amtrak through a Site, such as through our 'Contact Us' page, we may keep a record of that correspondence which includes your e-mail address and any other information you provide to us in your correspondence, such as your Amtrak Guest Rewards member account information.

# 7. When you submit a story through the Amtrak Whistle Stop web site

When you submit a travel story for consideration for publishing on the Whistle Stop web site, we collect information:

- First Name
- Last Name
- Home Country
- E-mail Address
- Story Title
- Story Text

We also request additional information pertaining to the travel story, which you may optionally provide, including:

- City
- State
- Story Subtitle
- Routes

If a child under the age of 13 is mentioned in a given travel story, Amtrak will only use his or her first name.

In the event a travel story submission contains information relating to the quality of a customer's travel experience, the submission may be forwarded to Amtrak Customer Service for review.

8. When you browse and otherwise use a Site (Cookies)

Each time you visit a Site, we may collect some information automatically about your computer by means of a "cookie." A cookie is a small amount of data that is sent to your browser from a server and stored on your computer or mobile device until it expires or you delete it. You can always choose not to receive cookies by setting your browser's options to refuse to accept cookies. Amtrak, or any third parties on behalf of Amtrak, does not collect personally identifiable information about your online activities over time and across different websites when you use the Site. Accordingly, because Amtrak does not engage in the collection of such information, Amtrak does not respond to "do not track" signals or other mechanisms that provide consumers the ability to exercise choice regarding the collection of personally identifiable information about an individual consumer's online activities over time and across third-party Web sites or online services.

Generally, we use cookies to:

- Remind us of who you are and to access your account information (stored on our secure servers) to
  deliver to you a better and more personalized service. This temporary cookle is set when you begin the
  booking process or enter your login ID and password. This cookle is enabled only for the duration of your
  session.
- Estimate our audience size. Each browser accessing the site is given a unique cookie which is then used
  to determine the extent of repeat usage, usage by a registered user versus by an unregistered user, and
  to help target advertisements based on your interests and behavior.
- Measure and track certain traffic patterns, including information like the areas of the site you have visited, and your visiting patterns in the aggregate. We may use this information to better personalize the content, banners, and promotions that you and other users will see on a Site.
- Remind us of pages on the site you have browsed or train itinerary that you added to to your cart, so that
  we may provide a more personalized experience.
- For your convenience so that when you return to a Site, you are identified. It allows us to recognize you
  upon visiting a Site, prior to logging in. However, we do require you to log in before doing any
  redemption, purchase or profile edits.

In addition, we collect certain technical information from your computer or mobile device each time you request a page during a visit to a Site. This information is collected from your browser and may include your IP address, operating system and browser software (e.g., Internet Explorer or Safari), but this information is not shared outside of Amtrak.

9. When you use Amtrak mobile applications

Each time you access an Amtrak mobile application we collect some information automatically about your use of the application.

- Screens viewed and navigation through the application
- City level location
- Application version
- Passport Check-In stations
- Stations selected as favorites
- · Train Status search method
- We also collect information about the device used to run the application.
- · Operating system and version
- Device model
- Network service provider

Information collected about your usage and device is collected in the aggregate and can not be tied to a specific individual.



If an application has access to additional information on your phone, such as contacts or calendars, we do not automatically collect that information. This access is to allow you to interact with your information from within the Amtrak application.

## Section 3 - How We Use Your Personal Information

We use the information that you provide or that we otherwise collect while you're using the site in the following ways:

- · To process your ticket purchases.
- To keep track of your reservations, saved plans, canceled reservations, and travel preferences.
- To make your experience on the site more enjoyable and to provide you with offers and products that meet your particular interests.
- To help us refine site design and layout, improve site content, and compile demographic information about site visitors.
- To help us understand how customers use our site.
- To communicate with you in order to fulfill our service commitments.
- To notify you about special offers, promotions and site enhancements by e-mail, when you choose to receive them.
- When you shop online on our site: If you make an online purchase from the site, we use the information
  obtained during your visit, such as your credit card number and contact information, to process the order.
  To learn more about how we keep your credit card information secure, please refer to Section 5 of this
  Policy.
- While you are on our Site or via email, to deliver more relevant content to improve the customer experience.
- · To help identify and troubleshoot technical issues you may encounter
- To maintain application leaderboards.

# Section 4 — With Whom We Share Your Personal Information

# In General

We work with certain reputable independent contractors who perform certain tasks for us on a contract basis. These tasks and categories of contractors include storing and managing customer information and providing advice about and support for our products and services. By using these contractors, we can better offer you a variety of products and services. A partial list of the services we contract for includes the following:

- Amtrak Guest Rewards program management
- Amtrak e-mail services
- Customer data storage and processing
- Application development
- Order fulfillment
- Hotel reservations
- · Car rental reservations
- Travel insurance
- · Other transportation options
- Amtrak-sponsored market research studies

In addition to our contractors, we also have relationships with certain trustworthy business partners of another category who would like you to be provided with information about their various products and services that we believe would be of interest to you. We share your personal information with these business partners.

If you make a request for information about, subscribe to or make an online purchase of, goods or services offered by one of our business partners on a Site, you are giving us your express permission to share your

personal information with that business partner so that your request, subscription, or purchase can be fulfilled under that partner's own online privacy policies and practices. If you enter an Amtrak sweepstakes or contest, your personal information may be shared with the Amtrak business partners who are cosponsors of the sweepstakes or contest and who are likely to have different privacy policies and practices than Amtrak.

# Your California Privacy Rights

If you are a California consumer, upon your request (see Section 8 of this Policy entitled "Contacting Us Regarding This Policy"), we will disclose to you what personal information of yours was shared with what third party business partners within the immediately preceding calendar year (including disclosing to you our partners' names and addresses) if such information was used by our partners for their marketing purposes.

# **Data in the Aggregate**

We may disclose aggregated user statistics (for example, a statistic indicating that 45% of our users are female) to describe our services to prospective partners, advertisers, and other selected third parties, and for other lawful purposes.

# Reservation of Rights

We reserve the right to disclose personal information when we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against someone who may be violating this Policy or who may be causing injury to or interference with (either intentionally or unintentionally) Amtrak's rights or property, other Amtrak users or anyone else who could be harmed by such activities. We may disclose or access account information for administrative or other purposes that we deem necessary to maintain or improve our products, services or the operation of this site, for law enforcement purposes, or when we believe in good faith that the law requires it.

# Other Sites May Collect Information

Please also be aware that when you click on an advertisement on another site that is linked to Amtrak.com, or when you otherwise use web sites that link to the Amtrak.com site, your personal information may be collected by those sites. This Policy does not cover the privacy practices of any such other web sites, and we cannot accept responsibility or liability for the privacy practices of those other sites. Please refer to those sites' privacy policies for information about their practices.

# Special Note for Amtrak Guest Rewards Program Members

When you join the Amtrak Guest Rewards program, you agree to allow Amtrak to share with participating business partners of the Amtrak Guest Rewards program your personal information for the purpose of providing you with information and promotions. Please refer to Section 9 of this Policy to learn about how the Amtrak Guest Rewards program uses your personal information.

# Special Note for Customers of Other Carriers and Travel-Related Service Providers Using a Site for Reservation and Ticketing Services

Amtrak provides reservation and ticketing services for other carriers and travel-related service providers. By using a Site for reservation and/or ticketing for the products or services of another carrier or travel-related service provider, you expressly give permission to share your personal information with that carrier or service provider, who shall treat your personal information in accordance with its own privacy policies and practices. For information about the privacy policies and practices of another carrier or service provider, please contact that carrier or service provider directly.

# Section 5 — What Security Precautions We Have in Place to Protect the Loss, Misuse or Alteration of Your Personal Information

When you make reservations, place orders, or access account information from a Site, we use SSL ("Secure Sockets Layer") encryption technology to safeguard the confidentiality of your personal information and protect your credit card information as it travels over the Internet. Once we receive your credit card information, it is stored offline in our secure data center. We protect against unauthorized access all of the customer data we collect by means of firewalls and other security measures.

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Your User Profile Information and Amtrak Guest Rewards membership account information (should you enroll in the Amtrak Guest Rewards program) are password-protected. We recommend that you do not divulge your password to anyone. Also remember to sign out of your Amtrak account and close your browser window or the mobile application when you have finished. This is to ensure that others cannot access your personal information and correspondence if you share a computer or mobile device with someone else or are using a computer in a public place like a library or Internet "cafe."

When you give Amtrak personal information, that information may be sent electronically to servers outside and separate from Amtrak and outside of the state where you originally entered the information. In addition, that information may be used, stored and processed outside of Amtrak and outside of the state where you entered that information. Whenever we handle personal information as described above, regardless of where this occurs, we take steps to ensure that your personal information is treated securely.

Unfortunately, no data transmission over the Internet can be guaranteed to be absolutely secure. As a result, while we strive to protect your personal information, we cannot ensure or warrant the security of any information you transmit to Amtrak.com, and you do so at your own risk. Once we receive your transmission, we make our best effort to ensure its security on our systems. However, we cannot accept itability for disclosure of any personal information due to errors in transmission or unauthorized ads or errors and omissions of third parties.

# Section 6 — Our Policy on Allowing You to Access, Update, Correct or Delete Your Personal Information Collected

When you register and create a User Profile, you can choose not to receive information and offers by e-mail.

You may change your preferences regarding whether you want to receive mail or e-mail at any time by accessing and updating your User Profile. You may access your User Profile by clicking on the 'My User Profile' link in the left navigation bar on most pages of the Amtrak.com web site.

Within Amtrak for iPhone you may access your user profile by going to the Account/Trips section and tapping the My Account tab.

You may make changes to your Amtrak Guest Rewards program information by accessing your Amtrak Guest Rewards account information online at <a href="https://www.amtrakguestrewards.com">www.amtrakguestrewards.com</a> or, by contacting the Amtrak Guest Rewards Service Center at 1-800-307-5000. If you have processed a request to delete, correct or update any part of your User Profile or Amtrak Guest Rewards membership account, we will make every reasonable effort to see that your instructions to delete and/or make revisions are also communicated to and/or accessed by our contract service providers who may have received your personal information and that they too have either deleted and/or revised the information in accordance with your latest instructions. Changes made in either your User Profile or Amtrak Guest Rewards membership account will not be reflected in the other account until you make such changes.

Please note that our contract service providers require a reasonable amount of time to update, correct or delete the information in accordance with your instructions.

# Section 7 — Your Choices Regarding Collection, Use and Distribution of Your Personal Information, Including Your Ability to Choose Not to Receive Promotional Information by E-mail

We will send e-mail correspondence regarding Amtrak products and services to customers who have a User Profile and who have opted into the e-mail program.

We also may, from time to time, offer you the choice to receive promotional information about our trustworthy business partners by e-mail. If you do not want to receive such e-mail messages, you will have the opportunity to indicate your choice when such services are offered. You also may change your e-mail preferences at any time by accessing your User Profile or your Amtrak Guest Rewards program account information. If you have requested to receive e-mails from Amtrak but have not created a User Profile, you may opt out of those e-mails by clicking the opt-out link in the e-mails you receive from Amtrak.

# Section 8 — Contacting Us Regarding This Policy and Regarding Your California Privacy Rights

California Civil Code § 1798.83 entitles residents of California to request information concerning with which third parties Amtrak has shared personal information in the immediately preceding calendar year for those third parties' direct marketing purposes. California residents may submit one request per calendar year in the form of a report that details: (a) what types of information Amtrak shared, (b) with whom Amtrak shared such information and (c) the nature of the third parties' businesses.

If you have questions or concerns regarding this Policy, you may use the form on the 'Contact Us' page at the top of most pages on the Amtrak.com web site. Select California Privacy Rights from the drop-down menu on the page. Be certain to provide your complete mailing address on the form. You may access the 'Contact Us' page by clicking the link at the top of most pages on this site.

California residents may also submit their request for this report by mail to:

Amtrak Office of Customer Relations 60 Massachusetts Avenue, NE Washington, DC 20002 Attention: California Privacy Rights Request

# Section 9 — Special Privacy Practices and Rules for the Amtrak Guest Rewards Program

### Introduction

If you enroll as a member of the Amtrak Guest Rewards program, there are special supplemental privacy practices and rules that apply to the personal information that you provide. These special rules and privacy practices, which you understand and expressly agree to when you join the Amtrak Guest Rewards program, are presented below. Please note that these special rules and practices pertain only to the Amtrak Guest Rewards program. They do not apply to the personal information that you provide to us elsewhere at Amtrak.

In the event of any inconsistency between any portion of Section 9 and any other portion of this Policy, that portion of Section 9 that is inconsistent with any other portion of this Policy supercedes and governs over the inconsistent Policy term(s) with respect to the privacy rules and practices of the information collected under the program.

# Information Collection

When you become an Amtrak Guest Rewards member, we collect your name, e-mail address, primary address, telephone number and home station location. We may request other information which you may provide at your option. This optional information includes your company name and secondary address, work telephone number, mobile telephone number, purpose of most travel, date of birth and gender.

Amtrak may also receive personal information about you from participating business partners of the Amtrak Guest Rewards program.

Choices are available to you regarding the use and sharing of your personal information. By joining the Amtrak Guest Rewards program, you expressly give us your permission that the personal information that you have provided to us by joining the Amtrak Guest Rewards program may be accessed by or shared with our program's trustworthy business partners through our reputable contract service providers under that partner's own policies and practices.

In addition, you agree that we may update and/or revise database information that we currently have about you. You may also agree that we may send you by e-mail or mail information about the program, and other information, including information provided by our program's participating business partners. These practices are necessary to administer the program and its services. We will also inform you about special offers and promotions regarding products and services that may be of interest to you.

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When you enroll in the program, you may elect not to receive special information and offers by e-mail, mobile or mail. You may also at any time change your preferences regarding whether you want to receive e-mail, mobile or mail by accessing your membership account at AmtrakGuestRewards.com or by contacting the Amtrak Guest Rewards Program Service Center at 1-800-307-5000. Your preferences can be customized based on the type of communications you wish to receive from Amtrak Guest Rewards. You will find a convenient link to your account information on the Amtrak Guest Rewards Home Page at <a href="mailto:AmtrakGuestRewards.com">AmtrakGuestRewards.com</a>.

AMTRAK POLICE DEPARTMENT OPERATIONS GUIDE 240

POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Relationship with Other Agencies	Patrol Guide	09/28/2008	240

# SECTION I Background,

240.1 The Amtrak Police Department has primary responsibility for protecting the riders, employees, property, and interests of Amtrak. However, it depends upon assistance from a number of other police agencies who share jurisdiction with the Amtrak Police Department. To achieve our goals, a coordinated cooperative effort between the department and area police agencies is essential.

# SECTION II Policy.

240.2 It is the policy of the Amtrak Police Department to cooperate fully with area law enforcement agencies in carrying out the goals and objectives of our department. When other police agencies have taken appropriate action relative to crimes against Amtrak passengers, employees, property, or equipment, the Amtrak Police Department shall be supportive of those efforts.

# SECTION III Liaison with Other Agencies.

- 240.3 The Amtrak Police Department interfaces with other police and criminal justice agencies at the local, state, and federal levels through memberships on a variety of councils established to bring law enforcement executives together to discuss mutual problems and to plan joint activities. In most instances, a commanding officer or his designee represents the department in these groups. Due to the vast jurisdictional area in which this department operates, liaison with outside law enforcement agencies or councils or in meetings is handled on a district or reporting location basis.
- 240.4 Commanders will attend meetings or councils which are essential to the formulation of well-balanced inter-agency planning and coordination. Meetings and councils include local municipal court meetings; International Association of Chiefs of Police meetings, local crime prevention councils and problem-solving meetings with state and local police agencies.

## SECTION III Use of Social Service/Referral Agencies.

- Referrals. Persons involved in minor infractions (misdemeanor) of statutes and laws will be referred to the appropriate Social Service Agency in lieu of arrest/incarceration when practicable. There are a number of specialized private and public agencies which offer assistance with crisis management, welfare, counseling, and other social services that can provide valuable assistance to members of the department when dealing with difficult problems. These agencies have different procedures for obtaining their assistance. A list of 24-hour telephone numbers will be posted and made accessible at all reporting locations.
- Policy. It is the policy of the Amtrak Police Department that people who are in need of a social service will be referred to the appropriate and available agency. The Amtrak Police Department is committed to using public and private social service agencies when their assistance will be beneficial in resolving social problems. When violations of the law occur, it is the policy of the department that any actions taken will be consistent with local law. Diversion programs will be utilized where appropriate.
- 240.7 Diversion Programs. The department will participate in and encourage officers to become involved in programs instituted and coordinated by local social service agencies. These programs include: detoxification programs and mental health and drug-abuse programs. Participation in these programs could help control specific problems in the areas in which Amtrak operates.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		Patrol Guide 2-1 Relationship with Other Agencies Dated 06/01/04	1 of 2

POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Relationship with Other Agencies	Patrol Guide	09/28/2008	24/1
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- Social Service Listings. A list of social service agencies, both public and private, serving the Amtrak jurisdictional area will be posted in each reporting location of the department and posted by the commanding officer. Social service agencies may vary in the different areas in which we have jurisdiction, but lists of certain public agencies such as the Salvation Army, American Red Cross, and religious organizations should be available for use by the officer. The list will be updated as applicable.
- 240.9 Juvenile Referrals. Referrals of juveniles to other criminal justice agencies will be made in accordance with all applicable laws of the specific jurisdiction where such action is taken.
- 240.10 Liaison. Commanders will monitor the existence of any criminal justice agencies coordinating or regional transportation system management planning committees and will participate. Participation will be documented through memorandum to be retained in the liaison file.

SECTION IV Transportation of Police Officers or Agents on Amtrak Trains.

- Amtrak Police procedure requires officers or agents of other law enforcement agencies to purchase a ticket to ride an Amtrak train. All exceptions to this procedure (i.e., joint task force assignments, joint investigations, coordinated training programs, etc.) must be coordinated and cleared, in advance, through the Office of the Chief of Police. However, the department recognizes that in certain line-of-duty situations, officers or agents from other departments may require quick access to transportation on an Amtrak train.
- In these exigent circumstances, the Amtrak Police Department will render assistance when the officer or agent produces identification and states that he/she requires transportation on an Amtrak train in the line of duty.

Prior to seeking the cooperation of the conductor or other train personnel, and before the officer or agent boards an Amtrak train, the Amtrak police officer handling such a request will:

- Obtain an incident number from the National Communications Center.
- Notification to the Watch Commander for inclusion in the Watch Commander Report.
- Record the name, badge or shield number, and name of the agency.
- Record the train number and starting and ending point of the trip.

240.13 Refer to Patrol Gulde 610.34-36 (OG 610) for the Transportation of Prisoner while on Duty.

APPROVED REVISION DATE SUPERSEDES PAGE

John J. O'Connor, Chief of Police Patrol Guide 2-1 Relationship with Other Agencies Dated 06/01/04 2 of 2

# MEMORANDUM OF UNDERSTANDING

# Between the

LA Department of Public Safety and Corrections, Public Safety Services,
Office of State Police (LSP)
and

# Amtrak Police Department (APD)

This MOU is entered into by the Office of State Police and the Amtrak Police Department in order to establish and to set forth guidelines for the assignment of one (1) Amtrak Police Officer to the LSP- High Intensity Drug Trafficking Area (LSP HIDTA) group, which is supported by the Gulf Coast High Intensity Drug Trafficking Area program (GC-HIDTA) with funding and resources.

This agreement is made on this the \_\_\_ day of June, 2011 between the Louisiana Department of Public Safety and Corrections, Public Safety Services, Office of State Police, a political subdivision of the State of Louisiana, hereinafter called "LSP" and the Amtrak Police Department, hereinafter called "APD" under the following terms and conditions:

LSP has identified the APD as a potential partner in the pursuit of the goals of the LSP HITDA group. As such, APD has agreed to work with the LSP HIDTA group to perform the duties and activities outlined below:

- A) Disrupt the illicit drug traffic in the New Orleans area by immobilizing targeted violators and trafficking organizations;
- B) Gather and report intelligence data relating to trafficking in narcotics and dangerous drugs;
- C) Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the task force's activities will result in effective prosecution before the courts of the United States and the State of Louisiana.

To accomplish the objectives of the LSP HIDTA group, Amtrak agrees to detail one (1) experienced officer to the LSP HIDTA group for a period of not less than two years from the date of signing of this agreement. During this period of assignment, the Amtrak Officer will be under the direct supervision and control of LSP supervisory personnel

assigned to the task force. This MOU may be terminated by either party on 30 days advance written, notice.

The Amtrak Officer assigned to the group shall adhere to all LSP HIDTA policies and procedures, as well as any applicable policies of the GC-HIDTA program. These policies and procedures shall be made available to the officer prior to assignment to the LSP HIDTA group. Failure to adhere to LSP HIDTA or GC-HIDTA policies and procedures shall be grounds for dismissal from the group.

To accomplish the objectives of LSP HIDTA group, GC-HIDTA, by separate award to Amtrak through its fiscal agent, the Jefferson Parish Sheriff's Office, has agreed to provide necessary funds and equipment to support the activities outlined in this MOU. Support may include: office space; office supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training and other support items.

During the period of assignment to LSP HIDTA, Amtrak will remain responsible for establishing the salaries and benefits, including overtime, of the Amtrak Officer assigned to LSP HIDTA group and for making all payments due to the officer. GC-HIDTA will, subject to availability of funds, reimburse Amtrak for overtime payments made by it to the Amtrak officer assigned to the LSP HIDTA group according to the terms of a separate award from GC-HIDTA to APD through its fiscal agent, the Jefferson Parish Sheriff's Office. In no event will Amtrak charge any indirect cost rate to LSP HIDTA for the administration or implementation of this agreement.

Amtrak shall maintain on a current basis complete and accurate records and accounts of all obligations and expenditures of funds under this agreement in accordance with generally accepted accounting principles and instructions provided by GC-HIDTA to facilitate on-site inspection and auditing of such records and accounts.

Equitable sharing of forfeited assets, regardless if forfeited under federal or state laws, shall be done in accordance with Article 10 of the GC-HIDTA Standard Operating Procedures.

APD, its agents and assigns agree to conduct themselves in a professional manner and in accordance with GC-HIDTA and LSP HIDTA policies. LSP agrees to represent and indemnify APD officer(s) who are acting within the scope of their duties and responsibilities as a LSP-HIDTA task force officer upon review and approval of LSP. Any liability that falls outside the terms of this MOU will be the sole responsibility of the assigned APD police officer and Amtrak. The APD officer assigned to LSP HIDTA shall be commissioned by the Superintendent of LSP pursuant to La. R.S. 40:1379.1.

WITNESSES SIGNATURES:

LA STATE POLLEESIGNATURE:

By: Michael D. Edmonson, Superintendent

Sgt. Met R & BURNS	Date: 2014 7919 Independence Blvd. Baton Rouge, LA 70806 (225) 925-6118
WITNESSES SIGNATURES:	Amtrak Police Dept. SIGNATURE:
	By: Printed Name/l'itle
	Date:Address
	Telephone .

SERVICE STANDARDS FOR TRAIN SERVICE AND OBS EMPLOYEES, CHAPTER 1, SECTION 4

# Service Standards for Train Service & On-Board Service Employees

Effective 12:01am, April 30, 2014

Manual No. 8

Operations – Service Delivery



# Chapter 1 Section 4

Law Enforcement and Firearms Issues

# Introduction

Amtrak personnel must cooperate completely with any and all law enforcement agencies, and their agents, while such agents are acting in an official capacity.

# A. Transporting Prisoners

Amtrak will transport prisoners on-board trains only with private room accommodations of adequate size depending upon accommodations available and the number of persons involved. The transporting agency will provide two (2) escorts per prisoner. Amtrak does not assume responsibility for the security of prisoners. The transporting agency must notify the Amtrak Police Department of the transport before departure and provide all details so that an incident number can be assigned to the detail. Amtrak procedures will govern.

# **B.** Firearms and Weapons On-Board Trains

- 1. Law Enforcement Officers
  - a) It is Amtrak's policy that only qualified active law enforcement officers employed by a local, state, federal or railroad law enforcement agency on official business be permitted to carry handguns or small weapons (not exposed or needlessly displayed) aboard Amtrak trains.
  - b) A "qualified active law enforcement officer" is defined as an employee of a government agency or railroad who:
    - is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law.
    - has statutory powers of arrest.
    - · is authorized by the agency to carry a firearm
    - is not the subject of any disciplinary action by the agency.
    - meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.
    - is not under the influence of alcohol or other intexicating or hallucinatory drug or substance,
    - is not prohibited by federal law from possessing a firearm.
  - c) Under no circumstances is a non-law enforcement passenger or employee permitted to carry firearms or ammunition on-board Amtrak trains either on their persons or incarry-on baggage.



# 2. Firearms in Carry-On and Checked Baggage

- a) Firearms, ammunition and/or other weapons, whether or not packaged, are prohibited in carry-on baggage or on the person at all times, even if the person has a permit to carry a firearm or weapon. There are no exceptions, other than as stated in number 1 of this section.
- b) Firearms and ammunition are the only weapons permitted in checked baggage. (Refer to Chapter 4 "Baggage Handling")

# C. Firearms Discovered in Carry-On Baggage

When a firearm is reported or observed onboard a train in carry on baggage or carried on a person, the Conductor must take the following actions.

# 1. Threatening Situation

If there are immediate threats to the safety and security of passengers or trains crews, the Conductor must immediately contact the Host Railroad Train Dispatcher requesting police assistance. After the police have been notified, CNOC Operations Desk must also be contacted at (800) 424-0217. CNOC will notify the Amtrak Police Department (APD).

- a) The Conductor should be able to provide the following incident details to local police and CNOC so they know how to respond.
  - · Provide details of the incident.
  - Provide the exact time incident occurred.
  - Describe the passenger (e.g. gender, race, age, build, facial hair, glasses, clothing, hat or coat).
  - Provide the exact location of the train (e.g. station, mile post and city).
  - Provide the exact location of the passenger within the train or if the passenger is moving about the train (e.g. car number, location of the car in the train (i.e. 3rd car from the locomotive), seat or room location).
  - Any other exact details or circumstances which may assist police.
- b) The Conductor must make every effort to ensure the safety of passengers and the crew as the circumstances dictates. If safely possible, passengers and crew members should be moved away from the passenger with the firearm.

- The Conductor should <u>not</u> try to restrain or forcefully take the firearm from the passenger.
- d) Upon arrival of police at the designated location, the Conductor will need to assist police in navigating the train and locating the passenger.
  - The Conductorshould have the police enter the train from behind where the passenger is seated, so the passenger is not alerted.
  - The passenger must be removed from the train by the police.

# 2. Non-Threatening Situation

If the situation is non-threatening, the Conductor must contact CNOC Operations Desk at (800) 424-0217 to report the incident.

- a) The Conductor should be able to provide the following incident details to local police and CNOC so they know how to respond.
  - · Provide details of the incident.
  - Provide the exact time incident occurred.
  - Describe the passenger (e.g. gender, race, age, build, facial hair, glasses, clothing, hat or coat).
  - Provide the exact location of the train (e.g. station, mile post and city).
  - Provide the exact location of the passenger within the train or if the passenger is moving about the train (e.g. car number, location of the car in the train (i.e. 3rd car from the locomotive), seat or room location).
  - Any other exact details or circumstances which may assist police.
- b) CNOC will contact APD and brief them on the situation. APD will provide guidance as necessary or have officers respond.
- c) CNOC will arrange to have local police meet the train. CNOC will advise the Conductor of where the police will meet the train and any feedback from APD.
- d) Upon arrival of police at the designated location, the Conductor will need to assist police in navigating the train and locating the passenger.
  - The Conductor should have the police enter the train from behind where the passenger is seated, so the passenger is not alerted.
  - If local police do not check for additional weapons or ammunition in carry-on baggage or on person, ask police to perform this search.
  - If local police decide not to remove the

passenger because they do not foresee a threat, or state or local laws allow the possession of firearms, the Conductor must explain to local police Amtrak's Firearms Policy for carry-on baggage.

- The Conductor must request that the local police take possession of the firearm so the passenger may continue on their trip. Local police are under no obligation to take the firearm and may refuse this request.
- If the passenger is still in possession of the firearm, Amtrak is under no obligation to carry the passenger.
- If the decision is made not to carry the passenger, the passenger should be notified and escorted off the train while in the presence of the police.

# 3. Passenger Continuing Travel

The passenger may continue to travel if the following conditions occur. If the passenger becomes irate or demanding through this process, the Conductor should request the police remove the passenger from the train.

- a) Police have confirmed that the passenger is not a threat.
- b) Both CNOC and the Conductor agree that the passenger will be permitted to travel.
- c) The passenger has agreed to release the possession of the firearm to local police, Amtrak police or to have the firearm transported in a secure location on-board the train (as described in section D.3.d of this policy) to a designated APD location.
- d) The train has checked baggage service with a firearms locker or a secured checked baggage area. (e.g. trains equipped with Coach/Baggage Cars or Surfliner Cab/Coach-Baggage Cars where the firearm may be protected (no regional or commuter trains without Baggage Cars)).
- e) The Conductor has police confirm, with the passenger, if the firearm is loaded or unloaded.
  - The Conductor must not take possession of a loaded firearm.
  - If the firearm is loaded; the passenger must get off the train and unload the firearm in the presence of the police.
- f) The passenger must have a case (firearms case,

brief case, or small suitcase) which the firearm can be placed in which will be stored in the secured checked baggage area.

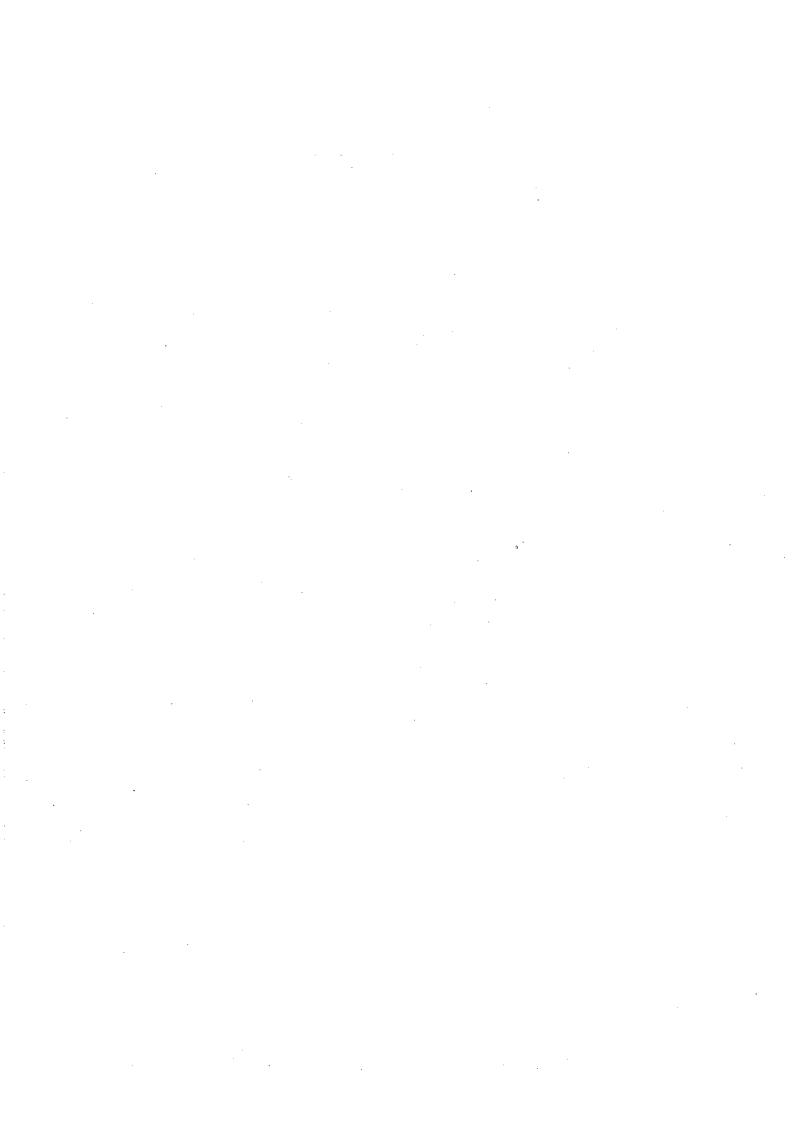
- If the firearm is not in a firearms case the firearm must be packed tightly to prevent movement within the case. The firearm will be considered contraband and not a checked baggage item.
- The use of the secured checked baggage area on the train is to provide safe and secure transportation of the firearm to a designated APD location.
- g) Any ammunition that is present must also be securely packed in the case storing the firearm but separated from the firearm.
  - If no space is available in the case storing the firearm, a separate case must be used for the ammunition.
  - Ammunition is not permitted in carry-on luggage.
- h) The Conductor will inform the passenger that the case(s) with the firearm (and ammunition) will travel to a designated station where the APD will take possession of the firearm (and ammunition). The APD will contact the passenger regarding the retrieval of the firearm and ammunition.
- i) The Conductor should request the local police to remain with the passenger until the case(s) containing the firearm (and ammunition) is locked into the secured checked baggage storage area.
- j) Once the firearm is secured, the Conductor will notify local police that the situation is under control.
- 4. Passenger Not Continuing Travel

If the conditions in section 3. "Passenger Continuing Travel" are not met, the Conductor must notify the passenger in the presence of the police that the passenger cannot travel on Amtrak and will need to find alternate transportation.

- 5. Passenger Incident Report (NRPC 3200)

  The Conductor must complete a "Passenger Incident Report" (NRPC 3200) anytime there is a report of a firearm in carry-on luggage.
  - a) The report must include the names and addresses of passengers and employees who witnessed the passenger with the firearm and a full statement

- of the Conductor and the facts surrounding the incident, including the details regarding the affected passengers or crew members.
- b) The report must also include the name(s) and badge number(s) of responding local police, contact information of local police and the incident or call number issued by local police.
- c) A copy of the "Passenger Incident Report"
  (NRPC 3200) must be faxed to CNOC at ATS
  734-2399 noting the date and time of transmission
  and to whom a copy of the report will be given.
- d) The "Passenger Incident Report" (NRPC 3200) is a three page form containing white, yellow and pink pages. The normal distribution of the form pages is as follows.
  - White goes to the supervisor as soon as possible, but no later than the end of Conductor's assignment. The supervisor will fax the form to CNOC.
  - · Yellow is the Conductor's copy.
  - Pink goes with the firearm (and ammunition)
    whether it is confiscated by local police or
    transported on an Amtrak train to a designated
    location for APD pick-up. If the firearm or
    ammunition is transported on Amtrak, the pink
    copy must be physically attached to the outside
    of the case.



SOUTWEST DIVISION GUIDANCE DOCUMENT

2008

# GUIDELINES FOR AMTRAK CUSTOMER SERVICE EMPLOYEES – SOUTHWEST DIVISION TEXAS – REPORTING SUSPICIOUS ACTIVITY

All Amtrak employees are expected to assist the Corporation in maintaining a safe and secure environment for passengers and fellow employees by being alert and aware of their surroundings. Today, security is everybody's business.

As noted in the Employee Security Handbook, one of the easiest and best ways to help out is to *report* suspicious and/or unusual activity to the Amtrak Police and Security Department by calling the 800 number, 1-800-331-0008. A member of the Police and Security Department will assist you and ensure that your report is reviewed and an appropriate law enforcement response initiated. If you believe that there is a likelihood of serious and imminent danger of bodily harm, you should call 911 and report it to the local police agency.

Ticket Agents may come into contact with passengers and travelers whose conduct is questionable. Some individuals can have characteristics that may or may not be indicative of criminal activity, such as illegal drug trafficking. When taken alone certain characteristics are not illegal per se, however, one or more may form the basis for suspicious criminal activity. These activities include, but are not limited to, the following:

- Evasive path through train station
- Carrying little or no luggage
- Last minute reservation
- Traveling by an unusual itinerary (multi-changes in reservations)
- Carrying an unusually large amount of currency
- Purchase of tickets in cash
- Purchase tickets immediately prior to boarding
- Unusual nervousness of traveler
- Unusual calmness or straight ahead stare
- Looking around while making telephone call(s)
- Position among passengers disembarking (ahead of, or lagging behind passengers)

If a ticket agent observes a number of these characteristics by a passenger or traveler, it is best to contact trained law enforcement personnel and notify these officers of your observations through the Police and Security Department 800 number: 1-800-331-0008.

If outside law enforcement agencies come to you and request Amtrak business information (ex. Manifest or Arrow PNR), you should contact the Amtrak Police and Security Department at the 800 number.



All employees need to be vigilant in their work areas and should work with the personnel of the Amtrak Police and Security Department by being the "eyes and ears" of the Corporation and by reporting suspicious or unusual activity or behavior. If you see something, say something to the Amtrak Police and Security Department.

**CUSTOMER RELATIONS STATEMENT OF POLICY** 

irthi The g Front line employees on trains, at stations or over the phone are trained to, whenever possible, resolve customer concerns when brought to their attention.

Customers with concerns that could not be resolved by the front line can contact Amtrak Customer Relations by one of these three contact methods.

Telephone: Call 1-800-USA-RAIL (800-772-7245) and ask for Customer Relations

We are available weekdays (except for holidays) from 7am to 10pm eastern time

email: Go to "Contact Us" on amtrak.com and follow instructions

Mail: Send to

**Amtrak Office of Customer Relations** 

60 Massachusetts Avenue NE

Washington, DC 20002

Customer Relations reviews each complaint on a case-by-case basis and makes every effort to resolve them to the customer's satisfaction.

# REPORT SUSPICIOUS BEHAVIOR AND ACTIVITY

### **Defining Suspicious Activity**

Be prepared to report anything that seems out of the ordinary. Suspicious activity may be defined as anyone:

- Quickly exiting an area after abandoning a package, backpack, or luggage
- Taking unusual photos of equipment, infrastructure, facilities, and secure areas
- Taking notes on operations, deliveries, services, and other activities
- Drawing diagrams of stations or facilities
- Expressing an unusual level of interest in operations, equipment, or personnel
- Appearing as an unfamiliar courier, repair personnel, utility crew, or other "trusted employees" who are in the wrong place
- Parked in a vehicle in an odd location, or parked too close to company assets

Report suspicious behavior and activity by calling the Amtrak Police Department at (800) 331-0008 or call 911



# REPORT SUSPICIOUS BEHAVIOR AND ACTIVITY

### **Defining Suspicious Behavior**

Criminals or terrorists often engage in surveillance before committing a crime or attack. Suspicious behavior may be defined as anyone:

- . In an unauthorized or restricted area
- On Amtrak property without proper ID, uniform, or safety gear
- Loitering, staring, or watching employees and customers
- · Continually pacing, or overly nervous
- Acting in a disorderly manner, alarming or disturbing others
- In a vehicle that is visibly overloaded or carrying suspicious Items, has altered plates or shows signs of forced entry

Report suspicious behavior and activity by calling the Amtrak Police Department at (800) 331-0008 or call 911





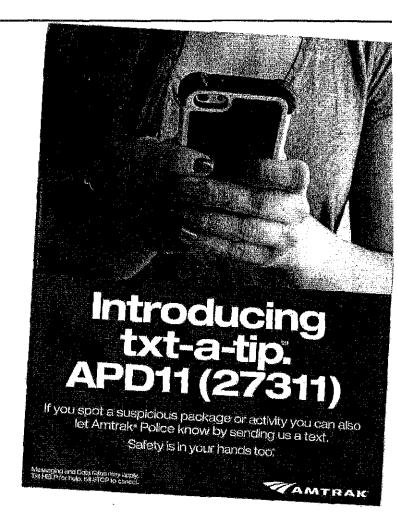
## Introducing txt-a-tip. APD11 (27311)

If you spot a suspicious package or activity you can also let Amtrak Police know by sending us a text. Safety is in your hands too:

Messaging and Data rates may apply.

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 Report in immediately to train or station versonnels
 Ambraka Police at 1880 (33) 0008, or call or b

Amtrak\* is doing its part to enhance the security of passengers at stations and on board trains, but we need your help as an extra set of eyes and ears on the alert for potential safety and security problems.

If you notice something suspicious or unusual, please report it at once to station personnel, a train conductor or the Amtrak Police at (800) 331-0008.

If you notice a suspicious package or bag, do not attempt to move it or even touch it.

If you notice a suspicious person, do not attempt to question or a confront the individual.

Instead, report your concerns immediately.

Be aware. Be responsible.

If you see something – please – say something.





#### **Amtrak® Security and Crime Prevention Tips**

Report suspicious activity or anything out of the ordinary to a station or crew member, call Amtrak Police at (\$60) 331-0000, text to APD 11 (27311), or call 911

#### AT STATIONS:

- Always keep your baggage and belongings in sight and never leave them unattended.
- Only use authorized Amtralt Red Cap service for assistance.
- Never accept a package or baggage from strangers. Carry handbags with the zipper or snap against your body and wallets in front or inside pockets.
- Never display large sums of money while in a crowd, and be careful of anyone watching your credit or debit card transactions.

#### On BOARD TRAINS:

- All baggage should be properly tagged. See the conductor for baggage tags if required.
- Place baggage on overhead racks or in designated storage areas. Do not place anything under seats.
- Keep all belongings with you at all times, especially valuable items.

#### Suspicious Activity

Suspicious activity is a combination of actions and behaviors that appear strange, inconsistent or out of the ordinary. Suspicion is based on where someone is and what they are doing, NOT on race, color, ethnicity, or gender.

#### WATCH FOR INDIVIDUALS WHO ARE:

- Trespassing on the railroad right-of-way, or in an unauthorized or restricted area.
- Loitering, staring or watching employees and customers. Expressing an unusual level of interest in operations, equipment, and personnel.
- Dressed inappropriately for the weather conditions, such as a bulky coat in summer.
- Acting extremely nervous or anxious.
- Restricting an individual's freedom of movement.
- Being coached on what to say to law enforcement or immigration officials.

#### Suspicious Packages

Not all lost and found items are suspicious, most are simply forgotten items. Suspicion is based upon type and location of the package. Any suspicious looking or unattended package, bag, container or luggage found in or near trains, stations, vehicles, or buildings should be immediately reported to the police.

#### LOOK FOR PACKAGES THAT ARE:

- Left or intentionally placed in an out-of-the way location.
- Abandoned by someone quickly leaving the area. Displaying visible wires, batteries, a clock or timer.
- Emitting an odor, mist or olly liquid.



Amtrak is a registered service mark of the National Rathroad Passenger Corporation.

. . CONDITIONS OF CARRIAGE (FROM AMTRAK.COM WEBSITE)

# PROMERNIAL COMPRESSOR STATEMENT OF THE STATEMENT OF TRANSPORTED

#### Charten of Partnerson

Updated December 6, 2012

A ticket shall be valid for carriage or refund one year after date of purchase, unless otherwise provided.

Reservations must be made when required, and tickets are not transferable. If you do not board your train as booked, your entire reservation is subject to cancellation. In order to ensure the quality of travel and safety and security of its passengers, Amtrak may refuse to carry passengers:

- · Who have not paid the applicable fare;
- Who present an Amtrak ticket purchased from an unauthorized third party. Amtrak tickets may only be sold or issued by Amtrak or an authorized travel agent/tour operator. Any ticket purchased from an unauthorized third party will be voided. The ticket holder will not be eligible for travel or for a refund.
- Whose conduct is objectionable (such as, but not limited to, being under the influence of alcohol or narcotics);
- · Whose personal hygiene makes them offensive;
- · Who pose a health, safety or security hazard to other passengers or employees;
- · Who refuse to comply with safety or security rules or with instructions of Amtrak personnel;
- Who would require Amtrak personnel to provide personal care services or otherwise do not meet the
  essential requirements for the receipt of Amtrak services; or
- Who refuse to consent to Amtrak security inspections of persons and/or baggage onboard Amtrak trains and/or at designated areas, such as train platforms and passenger boarding or waiting areas.
   Amtrak employees or other authorized carrier representatives may remove such a passenger from the train at any inhabited place, as necessary under the circumstances, for any of the above reasons.

POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	SOP	09/28/2008	570

#### SECTION I Purpose.

570.1 The department, cognizant of its responsibilities to the public and to its members, will process and investigate all complaints concerning employee misconduct.

#### SECTION II Office of Internal Affairs.

- The primary responsibility of the Office of Internal Affairs function is to respond to allegations of misconduct made against the Amtrak Police Department and its officers.
- The function of the Office of Internal Affairs will be assigned to the Inspector/Director who will report directly to the Chief of Police. The Office of Internal Affairs (OIA) will be responsible for recording, registering and controlling the investigation of complaints against officers; supervising and controlling the investigation of alleged misconduct; maintaining the confidentiality of the OIA investigations and records. The component will ensure that the integrity of the department is maintained through an internal system where objectivity, fairness and justice are assured by an intensive, impartial investigation and review process.

#### SECTION III Citizen Complaint Background.

The methods by which police agencies respond to and handle citizen complaints are important factors in the public's trust and confidence. Any police agency the size of this department, engaged in an active program of public safety and criminal law enforcement will inevitably raise public concerns about specific operations or individual officer actions. Also, concerns raised by the public are the result of a breakdown in communications between the police and the public and these can easily be resolved with an explanation. Other concerns are the result of honest mistakes by the department or an officer. However, in a few instances complaints result when individual police officers violate policy and procedure. Still other complaints occasionally arise because citizens are trying to protect themselves from the result of a police action, such as an arrest.

For the public to have confidence in the department there must be a clear procedure established for complaints to be received, investigated impartially and fairly resolved in the most positive and constructive manner possible.

The department has established the following policies, rules and procedures to underscore its commitment to objectively review citizen complaints and to handle them in a manner, which protects both the right of citizens to receive professional police service and the right of police officers to be protected from unwarranted harassment.

570.5 Office of Internal Affairs Brochure. The Department's Office of Internal Affairs Brochure will commit the department to the highest integrity. In addition, it will outline the procedures the public can follow in filing a complaint. These brochure will be Placed in areas accessible to and used by the public. OIA will replenish field locations as necessary.

#### SECTION IV Policy.

All citizens have the right to initiate a Complaint concerning police operations or behavior and to receive a fair, thorough and timely response. The process of complaint receipt, processing and investigation will be carried on in such a manner as to protect both the complainants and the member's rights.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	1 of 9

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POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	SOP	09/28/2008	570

All allegations of member misconduct and all reports or accusations made against members or the department sources, will be thoroughly investigated. The department is committed to objectivity, fairness and justice through an intensive, impartial investigation and a review of all complaints. Discipline, when deemed necessary, will be consistent with the nature of the offense.

#### SECTION V Definitions.

- 570.8 The following terms are used within this directive:
  - .1 Citizen. Any individual not a member of the Amtrak Police Department.
  - **.2 Complaint.** An allegation of misconduct made against a member of the department.
  - .3 Member. Any sworn or non-sworn permanent or temporary employee of the Amtrak Police Department.
  - .4 Tour Supervisor. A Police Officer, the rank of Sergeant or above, or the Senior Police Officer in locations without supervisory ranks, who is in charge of the shift.
  - .5 Formal Complaint. A written complaint, signed by the complainant.
  - **.6 Informal Complaint.** A verbal or unsigned written complaint or third party complaint.
  - .7 Sustained. The investigation disclosed sufficient evidence to clearly prove the allegation(s) made in the complaint.
  - **Exonerated.** The investigation of the incident disclosed that it did occur. However, the actions of the accused were justified, lawful, and proper.
  - .9 Not Sustained. The investigation failed to uncover sufficient evidence to clearly prove or disprove the allegation(s).
  - .10 Policy Failure. The allegation made is true. However, the action of the officer was consistent with department policy.
  - .11 Unfounded. The investigation indicates the alleged acts did not occur.

#### SECTION VI Rules.

- 570.9 The following rules will be adhered to by all members of the Amtrak Police Department:
  - .1 Investigation of Complaints. All complaints, formal and informal, received against the department or departmental employees will be investigated and documented.
  - .2 Filing of Complaint. Any member who is told by a citizen that he/she wishes to file a complaint will advise that citizen on how to file a complaint including information as to the police office, giving the address, telephone number, and/or directions.
  - .3 Advising Citizen of Outcome. Every citizen who files a formal complaint will be advised in writing as to the outcome of the complaint.

#### SECTION VII Procedures.

The following procedures will be followed in processing citizen complaints:

**570.10** Receipt of Complaints. The Chief has designated the rank of Sergeant and above to receive complaints from citizens.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	2 of 9

POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	- ↓SØP	09/28/2008	570

- .1 When a complainant advises that he/she wishes to file a complaint, the receiving person is to ask the complainant, in private, to describe the complaint.
- .2 The complainant is to be requested to complete a Complaint Against Police Report detailing what happened in the complainant's own words. If the Report is signed by the complainant, it then becomes the basis of the formal complaint.
- .3 The receiving person and/or appropriate chain of command is to make every reasonable effort to resolve non-criminal complaints at the lowest possible level without submission of a formal complaint, with the concurrence of the complainant.
- .4 If the citizen concurs with the efforts to resolve the matter informally, a report is completed to indicate the resolution of the complaint. An incident number will be assigned and police report completed in all cases regardless of formal or informal status.
- .5 If the citizen does not agree to resolve the matter informally, or does not concur with the action(s) taken, a formal investigation will be initiated in accordance with this directive.
- Formal complaints of a non-criminal nature will only be accepted from parties who have a firsthand knowledge of an allegation. Firsthand knowledge will mean that the person was either involved in the incident or was an eyewitness to the incident. Third party, non-criminal, complaints will be treated as informal complaints.
- .7 Upon completion of a formal complaint by a citizen, the Captain or designee will provide the citizen with a letter acknowledging the receipt of the complaint and will inform the complainant of the department's disposition within 30 days. If the investigation is extended past 30 days the complainant will be provided with a periodic verbal status report until final disposition. These verbal updates will be noted within the body of the incident report.
- .8 The receiving officer will submit the Complaint Against Police Report to the commanding officer by the end of the tour of duty.
- .9 Complainants may change an informal complaint to a formal complaint at any time during the investigation.
- .10 Complaints may be received in person, by telephone or mail and all will be assigned incident numbers. The commanding officer will acknowledge receipt of the formal complaint as per 7 above.
- .11 Letters of Complaint received by the department against department members will be investigated and assigned an incident number upon receipt.

#### 570.11 Notification of Complaints.

Serious Complaint. All complaints regarding dishonesty, criminal conduct, drug/alcohol use/abuse, or any other major incident involving an officer will immediately be reported to the Commanding Officer who will report the incident to the Officer of Professional Services who will make immediate notification to the Chief of Police.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	3 of 9

POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	SOP	09/28/2008	570

- .2 The department will maintain liaison with the prosecutorial staffs of competent jurisdiction, for advice and guidance, in the investigation of member's alleged criminal misconduct in conjunction with the Director of Police Legal Services.
- .3 Administrative Complaint. Complaints of an administrative nature against the department or one of its members will be reported to the Captain as soon as practical. The Captain will make necessary notification to his commander. The Chief of Police will be notified of all administrative complaints against the department, or its employees as soon as practical though normal channels.
- .4 Confidentiality. Notification process may be effected if those required to be notified are the subject of the complaint and/or such notification could jeopardize the investigation. In these cases the receiving officer will immediately notify the commanding officer of the officer involved and the Director of OIA.
- .5 Notification. The NCC will notify the Director of OIA via text page when an incident number is assigned. This notification will include location of investigation and investigator assigned.

#### 570.12 Investigation of Complaints.

- Assignments. The Director of the Office of Internal Affairs will review all complaints and determine the appropriate investigative steps to be taken. If the complaint is minor and non-criminal in nature, the officer's commanding officer will be assigned the complaint for investigation. If the complaint is major or criminal in nature (such as civil rights violation, criminal act, or brutality more serious than rudeness or verbal abuse) it will be assigned to OIA for investigation by the Chief of Police.
- .2 The department has established guidelines with regard to which categories of complaints will be handled and investigated by the OIA function. The criteria for determining the categories of complaints to be investigated include, but are not limited to, the following allegations of:
  - Corruption
  - Brutality
  - Use of excessive force
  - Violation of civil rights
  - Criminal misconduct
- .3 The Captain or designee may delegate the investigation to a line supervisor of a complaint based upon the following criteria
  - Alleged rudeness
  - Tardiness
  - Insubordination
- **570.13 Investigation Responsibilities.** The Officer assigned will investigate the complaint, collect reports, and make a recommendation to the appropriate commanding officer. The recommendation will contain the following information:

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	4 of 9



	A TOP S		
POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	SOP	09/28/2008	570

- 1. The statement containing the allegations made by the complainant.
- 2. The statement of the situation as described by the officer involved.
- 3. The description of the facts on which the complainant and officer agree.
- Description of the issues and allegations on which the complainant and officer disagree.
- 5. The statement of evidence, which supports each point of view.
- 6. The statement and conclusion of what occurred based upon the supervisor's analysis of the supporting evidence.
- 7. The recommendation for classification of the complaint into one of the following classifications: Sustained, exonerated, not sustained, unfounded or policy failure.
- **570.14 Employee Rights.** When a member is notified he/she has become the subject of an internal affairs investigation, the Director of OIA will ensure that the member is issued a written statement of the allegations and the members' rights and responsibilities.

#### SECTION VIII Member Requirements.

- Medical/Laboratory Examination. If so ordered by the Chief or a designee, a member may be required to submit to a medical or laboratory examination at the department's expense. This examination must be specifically directed and related to an OIA investigation being conducted. A member may also be required to be photographed, to participate in a lineup, and/or to submit a financial disclosure statement when the actions are material to a particular OIA investigation. Such submissions will only be conducted in a manner, which is consistent with applicable federal, state and case law, administrative decisions, and the collective bargaining agreement.
- 570.15 Detection of Deception. If necessary, when instruments for the detection of deception are used in any OIA investigation, these instruments will be used only by trained and certified personnel and in accordance with all applicable federal, state, case law and administrative decisions.
- **570.16 Written Report.** A member, when requested by an officer of higher rank, will be required to submit a written report concerning an alleged incident or matter being investigated wherein the officer may have been involved either as a participant or a witness.

#### SECTION IX Guidelines.

The process for investigation is as follows:

- All internal investigations will be completed within 30 days of initiation unless extenuating circumstances exist. Extension may be granted with the approval of the Chief of Police and the appropriate collective bargaining representative if applicable.
- All internal investigations will indicate whether or not he/she concurs with the recommendation. The commanding officer will then forward his/her recommendation to the Commanding Officer in Charge of the QIA. If the OIA does not believe the investigation is satisfactorily completed, he/she will reassign it for additional investigation before submitting the investigation results to the Chief of Police.
- 570.19 A decision on the complaint will be made by the appropriate commanding officer based on one of the following classifications: Sustained, Exonerated, Not Sustained, Policy Failure or Unfounded.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	5 of 9



POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	SOP	09/28/2008	570

- .1 If the complaint is SUSTAINED, disciplinary action as appropriate and consistent with the policy and procedures on progressive discipline as outlined may be initiated.
- .2 If an allegation is sustained (the allegation was true) but the action complained about was consistent with department policy, the allegation will be ruled POLICY FAILURE. The department will review the policy to determine what changes in its policies, procedures, rules or regulations need to be made so as to present clearer guidelines to personnel and prevent a reoccurrence of the type of action.
- .3 If the incident did occur, but the actions of the accused officer were justified, lawful and proper, the complaint will be EXONERATED.
- .4 If the investigation fails to uncover sufficient evidence to clearly prove or disprove the allegation(s), the complaint will be classified NOT SUSTAINED.
- .5 If the investigation finds the alleged acts did not occur, the complaint will be classified as UNFOUNDED.
- .6 The officer will be notified in writing of the disposition of the complaint by the commanding officer.
- .7 The appropriate commanding officer, or designee, will notify the complainant in writing by certified mail as to the results of the investigation.
- .8 The entire investigation package will be forwarded to the Director of the Office of Internal Affairs.

#### ECTION X: Formal Interview.

## 570.20 If the conduct of an investigation requires that an officer be brought in for a formal interview, the following procedures will apply:

- .1 Location of Interview. The interview will usually take place at the officer's reporting location and will be held at a reasonable hour, preferably when the officer is on duty, unless the exigencies of the investigation dictate otherwise. No officer will suffer loss of pay for time spent under interrogation.
- .2 Identification of All Persons Present. The officer will be informed of the rank, name and command of the officer in charge of the investigation, as well as the rank, name and command of the interviewing person and of all persons present during the interview.
- .3 Officer's Right to Information. The officer will be informed of the nature of the investigation before any interview commences, including the name of the complainant. The address of complainants and/or witnesses need not be disclosed. However, sufficient information to reasonably apprize the officer of the allegations should be provided. If it is known that the officer being interviewed is a witness, he/she should be so informed at the initial contact.
- Length. The interview should not be overly long. Reasonable breaks should be allowed. Mutually agreeable time periods should also be provided for personal necessities, meals, telephone calls and rest periods as are reasonably necessary.
- .5 Undue Language or Threats. Officers will not be subjected to any offensive language nor will he/she be threatened with transfer, dismissal or other disciplinary punishment. No promises of reward will be made as an inducement to answering questions.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	6 of 9

POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	∘ SOP	09/28/2008	570

- .6 Recording. The complete interview of the officer will be recorded mechanically or by a department stenographer. There will be no "off-the-record" questions. All recesses called during the questioning will be recorded.
- .7 Miranda Rights. If an officer is a suspect or the target of a criminal investigation, he/she will be so advised and given his/her Miranda rights prior to any questioning.
- .8 Counsel or Representative. The department will offer the opportunity for an officer, to consult with counsel or a union representative before being questioned concerning a serious violation of rules and procedures, provided the interview is not unduly delayed.
- .9 Counsel or representative, if available, may be present during the interview of an officer. Requests for an opportunity to consult with counsel in connection with minor violations such as absence from post, failure to respond, etc., will be denied unless sufficient reasons are advanced.
- .10 Disciplinary Action. The refusal by an officer to answer relevant questions or to submit a report with regard to administrative proceedings may result in disciplinary action.

#### SECTION XI Disciplinary Action.

- In the event of disciplinary action, a record will be placed in the officer's personnel file and the following procedures will apply:
   Grievance Procedures. An officer claiming violations of any provision of this
  - .1 Grievance Procedures. An officer claiming violations of any provision of this section may file a signed written grievance in accordance with established procedures.
  - .2 Compliance with Bargaining Agreement. All proceedings against an officer will be held in compliance with the collective bargaining agreement.

#### SECTION XII Relief from Duty.

- If any member is relieved from duty, the commanding officer or designee who relieved the member will submit written documentation to his/her commanding officer by the end of the tour of duty. The documentation will contain a report of the action taken and the reason why the action was necessary. Commanding officers may relieve any employee from duty for any infraction or violation of the policies, rules or procedures which would be conducive to holding the department up to ridicule or jeopardize the mission of the department which is to effectively provide police services. Infractions will include, but are not limited to:
  - .1 Reporting for duty in an unfit condition.
  - .2 Leaving assigned work location or refusal to work.
  - .3 Insubordination.
  - .4 Criminal offense committed while on or off duty.
  - .5 Falsifying any statement or record.
  - Abusing, destroying, damaging, stealing, misusing, or defacing property, tools or equipment of Amtrak or that of others.
- The officers will be instructed as to why he/she is being removed from duty and will be required to relinquish the duty weapon and credentials. The officer will be instructed to leave the property and not return until contacted by the department.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	7 of 9

POLICE DIRECTIVE - SUBJECT	CLASSIFICATION	DATE APPROVED	OG NUMBER
Office Of Internal Affairs	SOP	09/28/2008	570

#### SECTION XIII Files.

A complete file of records on the investigation of citizen complaints/internal investigation will be kept in the OIA office only. These files will contain supporting investigative information as well as notes taken during the investigation. These files will be treated as confidential investigative files and secured accordingly.

#### SECTION XIII Monitoring and Evaluation.

The system of citizen complaint processing will be monitored in the following manner:

- **570.25 Annual Summary.** The Chief or a designee will publish annually a summary of complaint statistics (Both citizen complaints and Office of Internal Affairs) indicating the following:
  - .1 Number of complaints
  - .2 Type of complaints
  - .3 Investigations results
  - .4 Final Classification of complaints

The annual summary will be available for review by the public and employees.

#### SECTION XV Case Review Program.

- In order to better monitor and modify the actions of police department personnel and to ensure that the mission, policies, and procedures of the department are followed, the Office of Internal Affairs will conduct reviews of employees' discipline records, all citizen or internal complaints, use of force incidents, and civil actions. Documents reviewed are those currently required by department procedures regarding officers' conduct and behavior. These reviews are intended to identify patterns of unacceptable conduct or activities that can be abated through early interdiction and assistance.
- Procedures. When a review has identified a pattern or behavioral concern, the Office of Internal Affairs Inspector will provide the information to the Captain of the division where the officer is assigned. The Captain will evaluate the information and coordinate a meeting with the officer.
- 570.28 Meeting. The Captain will meet with the officer to discuss the areas of concern and to ascertain if remedial action is necessary. The officer's immediate and second-level supervisor will be consulted in regard to the officer's behavior and at least one supervisor will be present at the meeting. The Inspector Office of Internal Affairs will be available as a resource to the Captain for the meeting or could be invited to participate in the meeting. The Captain will document the meeting, recommend a course of action, and submit through the chain of command for approval. Remedial action may include, but is not limited to, training, referral to the Employee Assistance Program or Peer Support Officers Program, or other remedial action.
- **Follow-Up.** The Captain will meet again with the officer, six (6) months after the initial contact, to determine if any other actions are necessary. The follow-up session will also be documented and forwarded to the Office of Internal Affairs.
- **570.30 Evaluation.** The Office of Internal Affairs will conduct an annual evaluation of the program to be submitted to the Chief of Police.

APPROVED	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police	and the second	SOP Office of Professional Services Dated 06/01/04	8 of 9

44 17 41

POLICE DIRECTIVE - SUBJECT			OG NUMBER	
Office Of Internal Affairs	SOP	09/28/2008	570	

SECTION XVI: Attachments:

A: Citizen's Brochure

B. Complaint Against Police Worksheet

APPROVED:	REVISION DATE	SUPERSEDES	PAGE
John J. O'Connor, Chief of Police		SOP Office of Professional Services Dated 06/01/04	9 of 9