



# GENERAL ORDER

<b>GO#:</b> 09-02		<b>New Subject:</b> _____
<b>EFFECTIVE:</b> DRAFT		<b>Amends:</b> _____
<b>EXPIRES:</b> _____	X	<b>Rescinds:</b> GO 07-09 Dated 09/11/07
<b>SUBJECT:</b> PHOTOGRAPHY AND VIDEOTAPING ON AMTRAK PROPERTY OG 950		

This directive has been modified to clarify Amtrak's Policy on Photography and Videography. Changes in **bold**.

- **Officers shall review the current policy in its entirety.**
- **Commanders will ensure that all members of their commands sign an acknowledgment of the General Order 09-02 on the Department Training Roster.**
- **Completed Department Training Rosters will be faxed to Operations Support at (215) 349-1314, no later than February 27, 2009.**
- **Supervisors will ensure that the directive is reviewed at Roll Calls for five (5) consecutive days and all shifts.**

## SECTION I Background.

**950.1** The current environment in the United States and around the world requires extraordinary diligence and vigilance to effectively detect, deter, and prevent acts of terrorism. Intelligence reports and studies of terrorist profiles warn us of overt and covert methodologies utilized by terrorists to survey (mark) potential targets for terrorist attacks. Surveillance strategies are multifaceted. They include casual walk-through of facilities and equipment to observe and record various activities among other characteristics. Sketching(s) or drawings of facilities, along with detailed note taking are indicators associated with target surveillance/markings.

Characteristics of target marking, according to terrorist profiles studies, also include photography and video recording activities. The photographing and video recording of trains, stations, and infrastructure locations (i.e., bridges, overhead electrification systems), is common around railroad operations.

We have formerly associated this kind of activity with rail fans, tourists, professional or amateur photographers, and the news media. However, in today's environment, it is not prudent to assume that the photographing and/or video recording of our stations, trains, passengers, and right-of ways are always innocent acts we can attribute to tourists or curiosity seekers. Instead, we must conduct an inquiry and/or investigation, **when necessary and appropriate**, to determine if these activities are innocent or an attempt to collect intelligence for illicit reasons.

## SECTION II Purpose.

**950.2** This policy is to provide guidance and instruction regarding actions to be taken in response to photographing and video recording of Amtrak property deemed suspicious by the observing/reporting person(s).

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**SECTION III Policy.**

- 950.3** It is the policy of Amtrak that the taking of photographs and/or videos is permissible within public access areas on Amtrak property.
- 950.4** In emergency and/or under special circumstances, i.e., declared Security Threat Levels and actions deemed suspicious by observing/reporting persons. Photographers and videographers may be approached and questioned to determine if further action is necessary.
- 950.5** Photography and video recording within restricted areas is prohibited, individuals found in a restricted area will be subject to investigation and possible arrest and seizure of photography and/or video recording equipment.

**SECTION IV Definitions.**

- 950.6 Commercial and Special Photography.** Photography that requires explicit authorization from Amtrak, it includes engagements for commercial gain or profit such as, television and movie films or commercials, advertisement photography or activities for documentary or educational purposes.
- 950.7 Public Area.** An area open to general public access and occupancy (station areas and platforms for ticketed passengers only) that is not otherwise posted or restricted by posted signs or locking devices. Signage, building design and physical barriers, i.e. fencing, bollards, etc., may also distinguish a public area from a restricted area.
- 950.8 Restricted Area.** A restricted area is any area not open to or occupied by the public, or is open to or occupied by the public on a limited basis. Signage, building design and physical barriers, i.e. fencing, bollards, etc., may also distinguish a restricted area from a public area.

Restricted areas include but are not limited to the following:

- .1 Platforms (ticketed passengers are exempt)
- .2 Crew and Employee Work Areas
- .3 Maintenance Facilities
- .4 Unoccupied Trains and Engines
- .5 Office Areas
- .6 Employee Elevators
- .7 Baggage/Delivery Areas
- .8 Commissaries
- .9 Right of Way and Track Areas
- .10 **In service train cars**

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**SECTION V                    Procedural Guidelines.**

**950.9      Suspicious Activity.** The following steps should be taken in response to observations and/or reports of suspicious activity regarding photographing and/or video recording on Amtrak Property.

- .1      Responding units will observe all conditions, events, and remarks. They will be alert for any signs of suspicious activity as they approach the scene.
- .2      Subject(s) will be approached and advised that an inquiry is being conducted for security reasons. The officer will obtain identification and the reason for the subject's presence in the area. Each officer conducting such an inquiry will radio pertinent information to the National Communications Center.

**When an officer decides an enforcement action may be necessary, such as ejection, detention, and/or an arrest, a supervisor must be contacted and respond to the scene for evaluation prior to taking such action. Notification will be made to the Watch Commander for all such enforcement incidents.**

**Note: Immediate enforcement action may not be appropriate in each case. Follow-up investigation should be considered when practical.**

- .3      **When approved by the supervisor,** any inquiries that lead to an ejection, detention, and/or an arrest will require the submission of appropriate reports.
- .4      Photography and/or video recording equipment will only be seized pursuant to an arrest, and only as evidence to support an appropriate charge (ex. individual arrested for trespassing has recordings or pictures from areas that demonstrate the trespass.
- .5      Officers may request that an individual consent to release of a recording, film or picture. Any consent must be knowing and voluntary. **Officers will at no time delete or request that photographs/video be deleted.**
- .6      Any seizure of photographic or video recording equipment, video tape, DVD, or film, etc., related to an arrest, must be reviewed and seizure approved by the duty supervisor and Watch Commander.
- .7      Nothing in this General Order limits or expands the statutory and constitutional authority of police officers to initiate and pursue investigations, perform a pat down or frisk based upon reasonable suspicion, and/or conduct searches based upon probable cause or any recognized exception to the probable cause requirement.

**SECTION VI                    Procedural Guidelines.**

**950.10** Individuals found in restricted areas without permission or authority will be subject to arrest and/or citation for trespassing. An arrest and/or citation situation will require the notification and response of the local supervisor, when available, for guidance and direction as necessary. In the absence of a local supervisor or Police manager, notify the NCC for further guidance from the Watch Commander.

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**950.11** Any equipment, including cameras and video recording devices, in possession of an individual arrested pursuant to photographing and video recording incidents will be handled in accordance with the Police Operations Directives (POD). Where the equipment will not be held as evidence, follow guidelines contained in POD 620.17. Where the equipment will be held as evidence, follow guidelines contained in POD 630.

**SECTION VII            Notifications.**

**950.12** The duty supervisor of the NCC or Watch Commander shall ensure that the Inspector, Counter-Terrorism and Intelligence is notified immediately of any incident related to this policy where a police officer conducts an inquiry or investigation, detains an individual, or makes an arrest.

**SECTION VIII           Exemptions.**

**950.13    Commercial and Special Photography.** Prior arrangements must be made with Amtrak's Real Estate Department at (215) 349-1612 for approval.

**950.14    News Photography.** While members of the news media are entitled to the same access for photography purposes as the general public, Amtrak recommends members of the news media present valid press credentials when they film (print and video photography) at Amtrak stations. The Media Relations Office, 202-906-3860, strongly encourages the news media to contact its Media Office in advance to facilitate and ensure appropriate access, particularly at major Amtrak stations. As a courtesy, Media Relations Representatives will frequently issue a letter or accompany news media in the Northeast, Chicago, and California regions.

**950.15    Ticketed Passengers on platforms may photograph or video record during the time they are preparing to board or immediately after alighting from a train. Equipment is limited to hand-held devices and must not require more than one minute to set up and complete and must be done in a reasonable and safe manner as determined by Amtrak.**

**950.16    Ticketed Passengers on board trains may take photos or video record on a train when it does not interfere with passengers or crew and in accordance with any directions given by Amtrak onboard train personnel.**

**950.17    Other photography or video recording not covered by corporate guidelines or policy requires advance approval from the area Amtrak Station Manager.**

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