

ARES Prohibited Practices

This information is intended to provide Amateur Radio operators guidance for what actions are not appropriate when assisting in various activities.

Basic Guidelines

The basic principle to remember is that you are functioning with no more authority than a private citizen. The exception is if you are acting under specific directions issued by someone with appropriate authority to request a very specific action on your part.

Activities that Amateurs will never receive authority to do:

- Exceed the speed limit, or violate any other traffic law.
- Trespass on private property

Activities that are not permitted without the permission of the local authorities with jurisdiction:

- Pass through established barricades or roadblocks
- Inappropriate use of flashing/rotating lights
- Blocking, directing, or otherwise impeding traffic or people

Authorization for Specific Activities

It is important to understand which agencies have authority to grant any special permission for actions that Amateur Radio operators may be asked to perform. As a general rule, the authority originates from the government of the incorporated city in which that activity is taking place. If outside an incorporated area, then the Polk County Government has authority. In practice, the local fire departments or the local police (or Sheriff if outside a city) are the agencies that we need to satisfy. Polk County Emergency Management typically operates in a support role and cannot grant authority for any action not authorized by the local city or county with jurisdiction.

Questions and Answers

The following Question and Answer example scenarios will help clarify those actions that are not appropriate:

Question: A road has been blocked with barricades. May I drive around barricades to assess the situation?

Answer: Not unless you have received authorization from an appropriate authority. The road may be blocked because the area is dangerous, such as an unsafe bridge or a hazardous materials release. Report your observations as best you can from a position outside the barricades. Remember, becoming a victim is not helpful.

Question: A deputy has requested that I block a road that is deemed impassible due to flooding until barricades can be erected. What authority do I have to prevent cars from passing?

Answer: You can attempt to stop cars and advise them of the deputy's request. As this action may be later questioned, we recommend that you write down the car or badge number of the officer that requested you to perform this function. However, if the motorist insists on proceeding, you have no legal authority to physically prevent them from proceeding. You are not a certified law enforcement officer, and have no legal basis to require compliance, even if an officer requested a specific action.

Question: Can I use flashing yellow lights like those storm spotters I see on TV?

Answer: Sorry. I can't speak for what is accepted practice on the back roads of Kansas. I can tell you that this is not an acceptable practice in Polk County.

Question: Can I use flashing lights to warn others that I am parked on the side of the road for Storm Watch?

Answer: If you think you need more than normal hazard flashers to warn others of your location, the place you picked is unnecessarily hazardous to both yourself and other motorists. Find a different place, such as a parking lot or other public place out of traffic.

Question: What if a Deputy or Firefighter questions the appropriateness of what I am doing?

Answer: Advise him of the person of authority (that has jurisdiction) that requested you to perform the behavior being questioned. If you have not received specific authority, you are on your own. Do NOT try to use an excuse that you are an Amateur Radio operator, you are affiliated with ARES, or even worse, that you are working as a volunteer for Emergency Management. This includes Storm Watch scenarios. None of these associations grant any authority to do anything beyond what is expected behavior of the general public. You will only damage the reputation of others if you imply that these organizations somehow endorsed the activity being questioned. Based on past experience, ARES leadership will eventually hear about any inappropriate behavior.

Question: I've seen an Amateur Radio operator that is quite active in ARES exceed these guidelines. Shouldn't they lead by example?

Answer: These guidelines should apply to all people responding as Amateur Radio operators assisting in an ARES response. However, many of the more active Amateurs that respond to an emergency also have formal relationships with other organizations such as Fire Departments, Red Cross, Emergency Management, Civil Air Patrol, or a Medical Response team. They are most likely performing an activity for one of these organizations and are operating under guidelines appropriate for their particular organization. For example: Firefighters routinely direct traffic around an accident, Red Cross volunteers pass roadblocks to assist victims or perform damage assessment, and medical teams are allowed into otherwise restricted areas to assist victims. If you are curious, feel free to ask the Amateur about their activity and affiliation at a later time.

Exceptions in Emergency Situations:

There may be conditions you encounter where your action is justified to prevent almost certain injury to people or immediate damage to property. Again, consider what action would be an appropriate response by the general public. Consider how your actions will be justified several months after the incident in a court of law. For example, if a bridge is washed out or an injured person is in the middle of the road, then your action to prevent motorists from passing will be justified, as it is an attempt to prevent almost certain injury. However, if there is only water over a road, then you will be judged as not having sufficient authority to prevent anyone from getting access to their threatened home. Remember that your actions will be judged from the viewpoint that you are a common citizen.