

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police.
(Amendment)

502 KAR 35:040. Reporting of missing children by law enforcement agencies.

RELATES TO: KRS 17.450, 17.460

STATUTORY AUTHORITY: KRS 15A.160 17.080, 17.450, 17.460

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.450 mandates that the Justice and Public Safety Cabinet shall establish a Kentucky Missing Child Information Center which shall serve as the central repository of and clearing house for information about Kentucky related missing children. KRS 17.460 mandates that the law enforcement agencies receiving notification of a missing child shall report information relating to that missing person to the Missing Child Information Center in a timely nature. This administrative regulation establishes procedures and time frames associated with the reporting of a missing child.

Section 1. Reporting to the Missing Child Information Center.

(1) A KSP Form 261, "Kentucky Missing Person's Report Form" shall be completed immediately by a law enforcement agency upon receiving notification from a parent or guardian that a child is missing. This form shall:

- (a) Be completed to the fullest extent possible by the law enforcement agency receiving the missing child report; and
- (b) The form shall be forwarded to the Missing Child Information Center no later than twenty-four (24) hours after notification was made.

(2) If possible, a current photograph will be obtained from the parent, guardian, or, if approved by the parent or guardian, from the school of the missing child.

Section 2. LINK/NCIC Entry.

(1) The law enforcement agency receiving the initial report of a missing child shall immediately enter into the Law Information Network of Kentucky "LINK" and the National Crime Information Center ("NCIC") computer criterion information related to the missing child.

(2) In the event that the reporting agency does not have direct terminal access to NCIC or is not participating in the regional LINK/NCIC Network, it shall be the responsibility of the reporting agency to enter criterion information through the nearest Kentucky State Police Post. Responsibility for the ongoing investigation of the missing child incident shall remain with the reporting agency and shall not automatically transfer to the Kentucky State Police post that entered the information on behalf of the reporting agency.

Section 3. As soon as possible, but no later than twenty-four (24) hours after the entry of missing child information, the investigating law enforcement agency shall notify law enforcement agencies having concurrent jurisdiction via electronic or telecommunicative means. Receiving agencies shall promptly notify agency duty personnel of all information relating to a missing child incident.

Section 4. The Kentucky Missing Person's Web site. The Kentucky Missing Child Information Center shall:

- (1) Maintain a public website for missing persons in Kentucky; and
- (2) Issue bulletins containing physical and situational descriptions, or photographs whenever possible, of missing children on the Kentucky Missing Person's Web site. Any bulletin that is issued shall contain the following information, at minimum:
 - (a) Reporting agency;
 - (b) Case number;

- (c) ORI;
- (d) Date missing;
- (e) Name;
- (f) Address;
- (g) Sex;
- (h) Race;
- (i) Date of birth;
- (j) Height;
- (k) Weight;
- (l) Hair color;
- (m) The most recent photograph providing an adequate likeness; and
- (n) Signature of parent or guardian.

(3) Bulletins will be provided through access to the public Kentucky Missing Person's Web site to all Kentucky law enforcement agencies as defined in 502 KAR 35:010(4) in addition to law enforcement agencies in geographical areas where there is reason to believe the missing child is proceeding to or in the process of being taken to.

Section 5. Cancellation of Missing Child Report.

- (1) It shall be the responsibility of the law enforcement agency that found or returned the missing child to append the existing LINK/NCIC message by placing a locator message on the entry.
- (2) It shall be the responsibility of the reporting agency upon notification and verification that the child has been found, to cancel missing child entries in LINK/NCIC.
- (3) The Kentucky Missing Child Information Center shall require information related to the location or recovery of the missing child to provide statistical information on missing children, as required by 502 KAR 35:050.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 11:00 a.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.