

MUNICIPAL ORDER NO:__:2019

WHEREAS, the City of Morehead Board of City Council voted to enact policies and procedures of the Morehead Police Department by Municipal Order; and

WHEREAS, the Morehead Police Department desires to amend Policy #46, Missing, Recovered or Endangered Persons:

NOW, THEREFORE, BE IT ORDERED by the City of Morehead, Board of City Council that the Morehead Police Department's Standard Operating Policy #46, Missing, Recovered or Endangered Persons, a copy of which is attached hereto, is hereby approved. A complete copy of the policy shall be added to the Morehead Police Department's Policies and Procedures Manual retained on file in the City Clerk's office.

Adopted this ____ day of _____ 2019.

CITY OF MOREHEAD

Laura White-Brown, Mayor

Attested: _____
Crissy Cunningham, City Clerk

Morehead Police Department Standard Operating Procedures

Policy # 46	Related Policies:
MISSING, RECOVERED OR ENDANGERED PERSONS	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: KRS 16.175, KRS 39F.180, KRS 405.075, KRS 620.350	
KACP Standard: 30.5, 30.6, 30.7	
Date Implemented: 3/2014	Review Date: 3/2019

- I. **Purpose:** The purpose of this policy is to direct officers and supervisors with respect to procedures relating to missing or endangered persons as well as to the recovery of infants in regard to statutes governing such.
- II. **Policy:** It shall be the policy of this department to follow state and federal guidelines as well as the local emergency operations procedures in dealing with missing or endangered persons or recovered infants.
- III. **GOLDEN ALERT / ELDERLY MISSING:**

KRS 39f.180 Reports of search and rescue missions – Immediate search for lost, missing, or overdue person permitted.

 1. All 911 centers and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical service agencies, and emergency management agencies shall report the information required to be reported by administrative regulation, for all reports of persons missing, lost, or overdue, if a search for the lost person has lasted for more than two (2) hours to:
 - a. The local emergency management director; and
 - b. The local search and rescue coordinator for the jurisdiction which the person is reported missing.
 2.
 - a. Any search for a missing minor, as that term is defined in KRS 2.015, shall be reported to the Department of Kentucky State police by the person or organization to whom the missing minor is reported.
 - b. A search for a person who is known or reported to have an organic brain

disorder, including but not limited to Alzheimer's disease, shall immediately be reported as Golden Alert to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified subsection (1) of this section.

- c. The making of this report does not relieve the person or organization from the duty to make other notifications and reports required in this section.
3. Any Search and rescue mission which has lasted four (4) hours without the subject being located shall be immediately reported to the duty officer of the Division of Emergency Management by telephone or radio.
4. The results of each lost, missing, or overdue person report or search mission required to be reported under subsection (1) to (3) of this section shall be reported to the division and the local director on forms provided by the division and containing the information required by administrative regulation. The report shall be filed within twenty (20) days after:
 - a. The search and rescue mission is discontinued; or
 - b. The Victim has not been found and a decision is made to keep the case open or continue searching on limited basis, whichever occurs earlier.
5. Each agency required to notify a local emergency management director or the division of a report of a missing person, or a search mission pursuant to this section shall develop a written standard operating procedure for handling a reporting requests to search for missing, lost, or overdue persons. This standard operating procedure shall be a public record.
6. The contents of reports, information to be conveyed upon notification, and other matters relating to the administration of this section and the securing of information required hereby shall be specified by the division by administrative regulations.
7. There is no requirement in Kentucky to delay the search for or rescue of any lost missing, or overdue person. Any person who is reported lost, missing, or overdue, adult or child, may be searched for immediately by any emergency management, fire, law enforcement, emergency medical services, search and rescue, rescue squad, or other similar organization to which a missing or overdue person is reported. No public safety answering point, emergency dispatch center, or 911 center shall delay any call reporting a lost, overdue, or missing to the organization specified in the county search and rescue annex of the county emergency management plan as responsible for searching for lost, missing, or

overdue persons.

IV. SAFE INFANT ACT

KRS 405.075 Anonymity of parent who places newborn infant with emergency provider, police station, fire station, or hospital -- Transport to emergency room -- Implied consent to treatment -- Waiver by parent -- Short title.

1. As used in this section, "newborn infant" means an infant who is medically determined to be less than ~~seventy-two hours~~ thirty (30) days old.
2. A parent who places a newborn infant with an emergency medical services provider, police station, fire station, participating place of worship or hospital and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered the newborn infant under KRS Chapters 508 and 530.
3. Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.
4. By placing a newborn infant in the manner described in this section, the parent:
 - a. Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and
 - b. Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.
5. The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.
6. KRS 211.951, 216B.190, 311.6526, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

KRS 620.350 Abandoned newborn infant -- Emergency custody order -- No investigation of abandonment -- Placement in foster home -- Inquiry to ensure that infant is not missing child -- Involuntary termination of parental rights.

1. As used in this section, "newborn infant" means an infant who is medically determined to be less than ~~seventy-two hours~~ thirty (30) days old.

2. Upon notice from any emergency medical services provider or hospital staff that a newborn infant has been abandoned at a hospital, the cabinet shall immediately seek an order for emergency custody of the infant.
 - a. No child protective services investigation or assessment shall be initiated regarding the abandonment of an infant in accordance with KRS 405.075. The provisions of this subsection shall not apply when indicators of child physical abuse or child neglect are present.
 - b. Upon the infant's release from the hospital, the cabinet shall place the child in a foster home approved by the cabinet to provide concurrent planning placement services. As used in this paragraph, "concurrent planning placement services" means the foster family shall work with the cabinet on reunification with the birth family, if known, and shall seek to adopt the infant if reunification cannot be accomplished.
3. At the temporary removal hearing required by KRS 620.080, if the court places temporary custody with the cabinet, the custody order shall remain in effect for a minimum of thirty (30) days.
4. During the initial thirty (30) days of placement, the cabinet shall request assistance from law enforcement officials to investigate through the Missing Child Information Center established by KRS 17.450 and other national resources to ensure that the infant is not a missing child.
5. As soon as practicable following the thirty (30) day placement period, the cabinet shall file a petition in Circuit Court seeking the involuntary termination of parental rights of the unknown parents and authority to place the child for adoption in accordance with KRS Chapter 625.
6. If a claim of parental rights is made at any time prior to the court order issued under KRS 625.100, the Circuit Court may hold the action for involuntary termination of parental rights in abeyance for a period of time not to exceed ninety (90) days and immediately remand the case to the District Court.
 - a. If a case is remanded to District Court under this subsection, an adjudicatory hearing shall be conducted as required by KRS 620.100 within ten (10) days of the assertion of parental rights;
 - b. The District Court may order genetic testing to establish maternity or paternity at the expense of the claimant;
 - c. The cabinet shall conduct a child protective services investigation or assessment and home evaluation to develop recommendations for the District Court; and
 - d. Further proceedings shall be conducted in accordance with KRS Chapter 620; however, a newborn infant who has been placed in accordance with KRS 405.075 shall not be found to be a neglected child based on that act alone.

V. AMBER ALERT

KRS 16.175 Abduction of children -- Kentucky Amber alert system -- Department to operate in cooperation with other agencies.

1. The Department of Kentucky State Police, in cooperation with the Transportation Cabinet, the Division of Emergency Management, the Kentucky Broadcasters Association, and the Kentucky Press Association, shall operate a system to notify the public when a child has been abducted and the department determines that public notification might aid in the recovery of the child. The system shall be known as the Kentucky Amber alert system.
2. The system shall utilize existing resources, including but not limited to electronic highway signs, the emergency broadcast system, law enforcement communications systems, and local, regional, and statewide media providers.
3. No public alert using the system shall be issued unless the department, in consultation with the law enforcement agency in the jurisdiction in which the abduction of a minor occurred, has determined:
 - a. That the minor has actually been abducted or that all available evidence strongly indicates that the minor has been abducted;
 - b. That public notification is the most appropriate method of recovering the child in a safe and efficient manner; and
 - c. The geographic area in which the notification shall be made.
4. If it is determined by the department that public notification shall be initiated, the department shall notify the public and private agencies and organizations which will actually provide the notification and shall provide those organizations and agencies with the information which the department deems necessary.
5. All law enforcement agencies in the Commonwealth shall cooperate with the department in the provision and dissemination of information regarding any abducted minor.
6. No law enforcement agency, other than the department, shall activate the notification system specified in this section without the authority of the department.
7. The system shall be operated by all agencies of the Commonwealth within existing budgetary appropriations.