



ATF FIREARMS TRACES

FC No.: 723

Date: 10-21-14

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Administration

The ***Supervisor, Firearms Investigations Unit (FIU), Special Investigations Division***, will control the ATF tracing program and ***be the point of contact for the ATF and the eTrace Program***.

II. ATF Firearms Trace Request Form

- A. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) maintains extensive firearm disposition records which are made available to law enforcement agencies. The MCP 723, "ATF Firearms Trace Request Form", will be utilized by department personnel to obtain firearm transfer and ownership records. In many cases, these records will provide the investigating officer with a history of the firearm from the manufacturer through the ***purchaser***. This investigative resource may be a useful tool for identifying persons illegally possessing, transferring, or using firearms for criminal purposes.
- B. The MCP 723 must be completed on every firearm recovered, confiscated, or received by members of the department. Both sides of the form must be filled out. One form may be used for multiple firearms if:
 - 1. The person in possession is the same for all of the firearms, and
 - 2. The location of recovery is the same for all of the firearms.

III. ATF Request Categories and Procedures

- A. **Priority**
Urgent priority requests may be used in cases of murder, rape, robbery, kidnapping, and shooting of a police officer. Urgent priority requests are transmitted under the provisions indicated herein, via ***eTrace by FIU***.
 - 1. Urgent priority trace requests can be initiated when:
 - a. The results of the request are immediately essential to the continuation of an investigation, and
 - b. The ***FIU*** supervisor approves the use of the urgent priority request.
 - 2. The investigating officer will contact ***the on-call FIU investigator*** and provide the information required on the MCP 723.
 - 3. If accepted as an urgent priority, ATF will initiate the trace and return the requested information ***via email to the requesting FIU investigator***. At that time, the investigating officer will complete the entire MCP 723, noting on the MCP 723 that the request was made ***through the FIU*** and attach a copy of the MCP 723 to the firearm.

B. Routine Priority

Routine priority requests will be initiated by officers on all other recovered or confiscated firearms that come into their possession before being turned over to the property officer.

1. Officers will initiate an NCIC check and record the results of each recovered or confiscated firearm coming into their possession.
2. Officers will complete an MCP 723 with the appropriate items filled out as thoroughly as possible.
3. The original MCP 723 will be attached to the firearm(s) when it is entered as evidence at the unit level. A copy will be retained by the submitting officer as a suspense file copy until the completed trace is returned from ATF via the **FIU**.

IV. **MCP Responsibilities**

A. Property Officer Responsibilities

1. Property officers will not accept any firearm without an MCP 723 attached.
2. Property officers will transport the firearm within one week for test-fire and ballistic evidence system entry to the **Evidence Unit, and forward the MCP 723 to the FIU**.

B. Firearms **Investigations Unit (FIU)** Responsibilities

1. The **FIU** will maintain **records** of all MCP 723 forms submitted **via eTrace**.
2. All ATF responses will be returned to the **FIU** by the ATF.
3. The **FIU** will **enter** all routine **and** priority trace requests to the ATF **using eTrace** for processing.
4. The **FIU** will be responsible for forwarding a copy of all routine **and** priority ATF responses to the investigating officer if the officer is not assigned to the FIU.

V. **CALEA Standards: 84, 83**

VI. **Proponent Unit: Firearms Investigations Unit**

VII. **Cancellation:**

This directive cancels Function Code 723, effective date 07-22-04.

J. Thomas Manger
Chief of Police