

	POLICY & PROCEDURE	SERIES # 513	PAGE 1 OF 2
	REPORTING CONFISCATED FIREARMS		EFFECTIVE DATE 02/28/17
			OVERSIGHT Investigations
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P #513 dated 10/17/13.		

I. PURPOSE:

The purpose of this policy is to establish procedures to be followed when confiscating firearms to ensure compliance with the Virginia Firearms Clearinghouse Act and Virginia State Police submission requirements.

II. POLICY:

It is the policy of the Hampton Police Division that all firearms seized, forfeited, found, or otherwise coming into the possession of a member of this Division, in a job related capacity, are reported to the State Police Criminal Firearms Clearinghouse according to Virginia State Code through the ATF's eTrace program in compliance with Virginia State Police Requirements.

III. DEFINITION:

Section 52-25.1 of the Virginia State Code became effective on July 1, 1993. This law, entitled Reporting of Confiscated Firearms, requires that all firearms seized, forfeited, found, or otherwise coming into the possession of any state or local law enforcement agency of the Commonwealth, which are believed to have been used in the commission of a crime, be reported to the State Police Criminal Firearms Clearinghouse.

IV. PROCEDURE:

A. The officer taking custody of the firearm(s) must do the following:

1. Conduct a VCIN/NCIC stolen gun inquiry through the Information Center on the firearm. If the weapon returns as stolen, Information will process the VCIN Hit as required.
 - a. If the weapon is determined to be stolen from Hampton, and addendum must be completed to the original IBR detailing the recovery of the weapon.
 - b. If the weapon is determined to be stolen from another jurisdiction, a new IBR will be generated for Recovery of

APPROVED:
CHIEF OF POLICE



Stolen Property from Other Jurisdiction (99S). The reporting jurisdiction will be listed as the victim and the owner as an Other Involved Name.

2. Go to **ATF eTrace** at <https://www.atfonline.gov/etrace> . Each officer in the Division has been assigned an ETRACE account.
3. Run a Trace and retrieve it:
 - a. Login using with user name and password
 - b. Click on “create a search request
 - c. Insert the specified information in the white blocks
 - d. Click next on the bottom line (if any information has been improperly filled out an error message in red that indicates what needs to be corrected.)
 - e. Once the Officer has completed all the necessary pages, they must click submit.
 - f. If the trace is on a new gun, they will typically get an immediate response. The older the gun, the longer the trace takes: some more complicated traces, or where information is not provided or missing may take up to one week or more.
 - g. Officers can check the status of their trace by clicking on Home: My Trace Requests. This will provide you a list of the Officer’s traces.
 - h. The Officer can tell what the status of the trace is by looking in the far left column under status.
 - i. If the trace status box indicates **completed**, click on the “printer friendly version” option at the top of the report and send it to Records as a supplement to be added to the initial report.
 - j. Officers should log on periodically to check their pending traces in case there is a return that would require follow-up by the officer.
4. All recovered firearms will be taken to Property and Evidence and submitted to NIBIN in accordance with Policy and Procedure #610.

