



L'Italien Investigative Services

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November 18, 2021

Chief of Police, Erik Blake
Oak Bluffs Police Department
2 Oak Bluffs Avenue
Oak Bluffs, MA 02557

Subject: Independent investigation
Missing M4 patrol rifle
Bushmaster Model XM15-E2S M-4 (Serial #L470289)

Executive Summary:

On Friday, October 29, 2021 I received a call from Chief of Police, Erik Blake of the Oak Bluffs Police Department. The purpose of the call was to discuss a matter of a missing M4 patrol rifle from the inventory of the Oak Bluffs Police Department. The patrol rifle was found to be missing when a Lieutenant from the department retired and a review of firearms records revealed the missing rifle. Chief Blake requested that I conduct an independent investigation regarding this matter. During a follow up call on Monday, November 1, 2021 it was agreed I would provide investigative services regarding this matter for the town of Oak Bluffs.

Background:

Sergeant Michael Marchard is a sixteen (16) year veteran of the Oak Bluffs Police Department. According to inter-departmental records he was issued a Bushmaster Model XM15-E2S M-4 patrol rifle (serial #L470289) on December 3, 2016. At the time of the rifle issuance he was the school resource officer (SRO) for the police department and was assigned to a 2011 Ford Crown Victoria unmarked cruiser. He was the only officer assigned to the cruiser and he took it home during off duty hours. The Crown Victoria had a Tuf-Loc trunk vault where the patrol rifle was stored.

Sergeant Marchard was also issued a Baretta Model 1201 FP shotgun (serial #A10729L). According to inter-department records he was issued this weapon on July 16, 2014. This weapon was also stored in the Tuf-Loc trunk vault of the 2011 Crown Victoria. According to the same inter-departmental records the shotgun was turned in and was secured in the “lieutenant’s office” on December 21, 2018. The timeframe of December 2018 is when Sergeant Marchard was issued a new police cruiser which did not have a trunk vault to secure a shotgun or patrol rifle.

Lieutenant Timothy Williamson retired from the Oak Bluffs Police Department on October 1, 2021 after nearly twenty-five (25) years of service. He was promoted to the rank of Lieutenant in the early 2000’s and was designated the second-in-command of the department. One of his responsibilities was that of “authorized weapons supervisor” in accordance with department policy. Lieutenant Williamson created and managed a handwritten journal which was used to track the “status” of each service weapon which was the property of the Oak Bluffs Police Department.

The firearms journal recorded the specifics of each weapon (ie. make, model, serial number) as well as dates and comments with each change of status for each weapon. Each weapon had a designated page and Lieutenant Williamson would provide his signature when there was any change of assignment or location of the department weapons. Lieutenant Williamson also saved the information from the ledger on a Microsoft Word document which he updated each time there was a change of status to a weapon.

On October 1, 2021 Lieutenant Williamson retired from service. Upon Williamson’s retirement Sergeant Marchard took over some of the duties previously held by Williamson. At some point in October 2021 while reviewing the firearms ledger Sergeant Marchard discovered that the records indicate he was still in possession of the Bushmaster patrol rifle. Sergeant Marchant disputes that he still possesses the patrol rifle and notified Chief Blake of the discrepancy. On or about October 25, 2021 it was determined that the Bushmaster Model XM15-E2S M-4 patrol rifle (serial #L470289) could not be accounted for.

Independent investigation:

On the dates of November 2, 2021 and November 8, 2021 I traveled to Martha’s Vineyard to conduct an independent investigation on this matter. During the investigation I met with Chief Blake as well as Sergeant Nicholas Curelli who had been designated as the internal investigator for this matter. Sergeant Curelli provided me with an overview of the steps that had been taken to find the weapon and we inspected

the 2011 Crown Victoria which had been previously assigned to Sergeant Marchand. We also spoke to the owner of Goodale's pit on Edgartown Road. I reviewed the internal memorandums written by Retired Lieutenant Williamson, Sergeant Marchand and Sergeant Curelli. I also reviewed the department weapons journal, maintenance records for the 2011 Crown Victoria and conducted an independent audit of the Bushmaster patrol rifles at the Oak Bluffs Police Department including the one assigned to Chief Blake. I also interviewed the following personnel;

- Retired Lieutenant Timothy Williamson
- Sergeant Michael Marchand
- Sergeant Daniel Cassidy (via Zoom)
- Former Officer James Morse

Findings:

I have carefully reviewed and considered all the available documentation and information I received regarding the Bushmaster Model XM15-E2S M-4 Patrol rifle (Serial #L470289) which is missing. I have also reviewed and considered the formal statements made by Retired Lieutenant Timothy Williamson and Sergeant Michael Marchand during their interviews on November 8, 2021.

Regarding the complaint that Sergeant Michael Marchand violated Oak Bluffs Police Department General Order #2002-0153 (Use of Deadly Force), Section 4 (Security and Maintenance of Firearms) which reads "*officers shall take a reasonable precaution to insure that weapons issued to them are **protected from loss, misuse, or theft***". This complaint is **SUSTAINED**.

Regarding the complaint that Sergeant Michael Marchand violated Oak Bluffs Police Department General Order #2005-1101 (M-4 Patrol Rifle), Section 7 (Cleaning, Servicing and Inspection of the Patrol Rifle) which reads "*It is the duty of every officer assigned to patrol cars equipped with patrol rifle to keep them clean and in good working condition. As part of an officer's **daily cruiser inventory** he or she should ensure that a weapon is in the rack with a 30 round magazine inserted in the well and check that the spare 30 round magazine is in the glove box*". This complaint is **SUSTAINED**.

Copies of General Orders #2002-0513 and #2005-1101 are attached hereto as **EXHIBIT #9**.

Analysis: During his interview Sergeant Marchand provided much speculation of what could have occurred to the M-4 patrol rifle. He cited poor record keeping practices, lack of weapons inspections by the armorer, security lapses at the police department and the presence of an officer who was terminated from the department during the timeframe Sergeant Marchand could say with certainty he last had the M-4 patrol rifle.

Sergeant Marchand argued that the timeframe recorded in the weapons journal for his issuance of a M-4 patrol rifle (December 3, 2016) was not accurate because it was a Saturday and he doesn't work weekends. This date was in fact a Saturday. As noted earlier in this report the rifle training at Goodale's pit is conducted on weekends because it is the only time the pit is available. Additionally, Oak Bluffs Police Department payroll records indicate that Lieutenant Williamson worked an overtime shift that day and would have been on duty to make the weapons journal entry for the patrol rifle.

Regardless of his assertion that he didn't receive the weapon on December 3, 2016, Sergeant Marchand did acknowledge he had been issued a M-4 patrol rifle and it was stored in the trunk vault of the Crown Victoria that was issued to him when he was the school resource officer.

Sergeant Marchand also acknowledged he was issued a shotgun and stated it was turned in when he was issued a new cruiser during the timeframe of December 2018. He could not say with certainty that he remembers handing the shotgun directly to Lieutenant Williamson when he turned it in. He insists that he would have turned in the M-4 patrol rifle at the same time he turned in the shotgun because the new cruiser did not have a vault to secure the weapons.

Lieutenant Williamson's reaction was that of disbelief when he learned that Sergeant Marchand didn't have the patrol rifle. Williamson was upset that Marchand didn't have a patrol rifle as the senior sergeant on dayshift and wouldn't have been able to respond with a patrol rifle in the event of an active shooter situation. Lieutenant Williamson never thought to ask Marchand about the patrol rifle because he expected him to have it.

Although Sergeant Marchand cites poor record keeping, the only weapon for the department that is currently missing is the Bushmaster M-4 Patrol Rifle (Serial #L470289). The Beretta Model 1201 FP Shotgun (Serial #A10729L) is accounted for within the weapon inventory as are all the other Bushmaster Patrol Rifles owned by the Oak Bluffs Police Department. During his interview, Lieutenant Williamson stated there has never been a missing weapon during the many years he was assigned the authorized weapons officer.

Regarding Sergeant Marchard's assertion of the security lapses and presence of an officer who was terminated, there is no information or evidence which would indicate or lend credence to his speculation that anybody unlawfully entered the locked weapons closet in the lieutenant's office or the department vault and stole the M-4 patrol rifle.

Ultimately, it is Sergeant Marchand who is responsible for the security of the weapons issued to him. He can only say with certainty that he last remembers having the M-4 Patrol rifle in his possession during firearms qualification which was most likely Saturday, October 14, 2018. He acknowledges that he turned in the Crown Victoria during the timeframe of December 2018 which means he did not conduct the daily inspections of the patrol rifle in the intervening time.

Recommendations:

It is recommended that the Oak Bluffs Police Department establish a better record keeping process for the weapons owned by the department. These records should document each and every move or change of custody for each weapon. The records should also reflect if a weapon is brought off island for any type of firearms training or recruit training.

Rather than a handwritten journal and Microsoft Word document, the department should utilize some form of a records management system for the record keeping of weapons. There should also be a policy in place in which both the authorized weapons officer and the individual officer being issued or utilizing a weapon should provide their signatures with a date indicating when it was issued and when it was returned.

General Order #2002-0513 requires the inspection of all weapons by the department armorer on an annual basis. The compliance log of inspections maintained by the department revealed that all handguns, tactical weapons and patrol rifles assigned to line cruisers are inspected and cleaned and serial numbers are verified on an annual basis. The only two weapons that didn't meet the standard of this policy were the patrol rifles assigned to Sergeant Marchand and Chief Blake. As indicated in this report, I independently verified the presence of the Bushmaster patrol rifle (Serial #LBM50045) which was secured in the trunk vault of Chief Blake's cruiser. Moving forward the armorer should ensure Chief Blake's patrol rifle is inspected in accordance with department policy.

It is my recommendation that this case be closed pending any new information that would merit further investigation.

Respectfully Submitted,

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