



L'Italien Investigative Services

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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)

Assignment of investigation:

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. A letter of agreement was signed to formalize the agreement and a copy of the letter is attached hereto as **EXHIBIT #1**.

The **investigative directive** was to conduct a review of all available Oak Bluffs Police Department records associated the missing patrol rifle. I would interview the officer who was last assigned to the rifle as well as the officer who had been designated by policy as the authorized weapons supervisor. Finally, I would review the department's general orders to determine if there were any violation of general orders regarding this matter.

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. Since it was reported that Sergeant Marchard does not possess the Bushmaster patrol rifle various steps have been taken to locate the rifle including the following;

- There has been a search of the entire police department building and fleet (all police vehicles) including the 2011 Crown Victoria previously assigned to Sergeant Marchard
- There has been an inventory of all weapons in the department's vault
- There has been an inventory of the TRT (Tactical response team) weapons
- Interstate Arms, the vendor the department uses for firearms purchasing and trade-ins has been contacted and they do not have the weapon
- Each police department on Martha's Vineyard including the Sheriff's department has been contacted and have checked their weapon inventories in the event there was a mix up of weapons at training
- Off island police academies have been contacted in the event there was a mix up of weapons during recruit training for new officers
- Chief Blake sent an internal memo (by e-mail) to all officers requesting they check their lockers at the station and to inform him if they had any information or knowledge about the missing M-4 patrol rifle.

Oak Bluffs Police Department records:

On Tuesday, November 2, 2021 I traveled to the Island of Martha's Vineyard and met with Chief Erik Blake at the Oak Bluffs Police Department. Chief Blake informed me of the steps that have been taken to locate the Bushmaster patrol rifle. He also provided me with the following documentation which is attached as **EXHIBIT #2**;

- Interoffice memorandum, written by Sergeant Michael Marchand, dated October 27, 2021 with the subject line "Missing M-4".
- Interoffice memorandum, written by Sergeant Nicholas Curelli, dated October 28, 2021 with the subject line "Missing M4 rifle (S/N L470289)".
- Interoffice memorandum, written by Retired Lieutenant Timothy Williamson, dated October 28, 2021 with the subject line "missing firearm".
- Copy of the firearms journal page (page 61) which reflect the records for the Bushmaster Model XM15-E2S M-4 (Serial number L470289).
- Copy of the firearms journal page (page 1) which reflect the records for the Beretta Model 1201 FP shotgun (Serial number A10729L).

- Document entitled “Oak Bluffs Police Department Master Firearms List 2021, updated September 30, 2021. (3 pages).

On November 2, 2021 I met with Sergeant Nicholas Curelli who had been designated by Chief Blake as the lead investigator for the department. Sergeant Curelli provided me with an overview of the steps he had taken and the persons he had spoken to in his efforts to locate the Bushmaster patrol rifle. At approximately 2:15 PM I went with Sergeant Curelli to the DPW barn on County Road where the 2011 Crown Victoria was being stored. We inspected the trunk area of the vehicle and I took photographs of the Tuf-Loc trunk vault. There was no evidence of damage to the vault lock or frame. A copy of the photographs are attached hereto as **EXHIBIT #3**.

On Tuesday, November 2, 2021 at approximately 2:45 PM I went with Sergeant Curelli to Goodale Construction Company (164 Edgartown Road, Oak Bluffs). This property has a large sand pit area and the owner allows the police departments on the island to conduct patrol rifle training in the sand pit. Upon arrival we spoke to Mr. Peter Goodale, the owner of the property. Mr. Goodale informed us he was unaware of any occasion when an unsecured rifle had been located on his property following the use of his pit area for police training.

On Monday, November 8, 2021 I returned to the island of Martha’s Vineyard. At approximately 9:00 AM I met with Chief Blake. While in the company of Chief Blake he unlocked the trunk vault of his cruiser so I could verify the serial number of the Bushmaster patrol rifle he is assigned to. I verified the serial number of the Bushmaster M-4 patrol rifle secured in the vault of his cruiser is LBM50045. This is accurate according to the Master Firearms List 2021.

Upon arrival at the police station I conducted an inventory of the Bushmaster M-4 patrol rifles which are secured in the station vault adjacent to the sergeants office. I learned that the only officers who have access to the vault are the four (4) sergeants and Lieutenant Williamson prior to his retirement. Sergeant Daniel Cassidy gave me access to the vault and I independently verified the presence of the Bushmaster M-4 patrol rifles. There were six (6) Bushmaster M-4 patrol rifles in rifle cases present. This is accurate according to the Master Firearms List 2021. The serial numbers for the Bushmaster M-4 patrol rifles in the vault were;

- L376750
- L537068
- BFI449314
- L376987

- BFI564789
- BFI550949

Interview of Retired Lieutenant Timothy Williamson:

On Monday, November 8, 2021 at 10:18 AM I interviewed retired **Lieutenant Timothy Williamson** at the Oak Bluffs Police Department. Lieutenant Williamson retired from service on October 1, 2021 after twenty-five (25) years of service with the Oak Bluffs Police Department. He served in the ranks of police officer, sergeant and lieutenant during his career and held the rank of lieutenant for approximately eighteen (18) years prior to his retirement. As lieutenant he was designated as “second-in-command” of the police department.

During the interview Lieutenant Williamson acknowledged he was the “authorized weapons supervisor” for the department. He described and explained the purpose of a ledger book he purchased and used to track the status of each weapon owned by the Oak Bluffs Police Department. He stated he began the process of tracking the weapons when he was first promoted to lieutenant. Each weapon had an assigned page which included the make, model and serial number of the weapon being tracked. He designed the journal with columns which tracked the date and status of each weapon along with any “comment” associated with the date. The last column on the right side of each page was a signature spot which Lieutenant Williamson signed every time he recorded a status change to the weapons.

Lieutenant Williamson continued that the ledger was for the purpose of keeping track of each weapon at any given time. He added that even if the department no longer possessed the weapon (in the event of a trade-in) he would keep the record for the weapon in the journal book. He would write the date it was traded, make a comment of where the weapon went (ie. traded to Interstate Arms) and he would draw a red “X” through the page indicating it was no longer owned by the department.

Lieutenant Williamson stated that in addition to the handwritten journal he also kept a Microsoft Word document which tracked the department weapons. The title of the document was “Oak Bluffs Police Department master firearms list”. He stated he would update the document every time there was a change to custody of a weapon. If it was turned into him or issued to an officer he would update the Word document and change the date at the beginning and end of the document. He would then print out a copy of the updated version and place it into the firearms journal. I asked Lieutenant Williamson if he saved a copy of the previous version of the document each time he made a change to a weapons status. He acknowledged that he did **not** keep a copy of

the previous version(s), he would simply change the date on the first and last page of the document and save the updates.

We next discussed the two “long guns” which had been issued to Sergeant Michael Marchand. The first weapon we discussed was the Bushmaster M-4 patrol rifle (Serial #L470289). The records kept by Lieutenant Williamson for the M-4 were on page sixty-one (61) of the firearms journal. He referenced the page in question. He acknowledged the writing on the page was his handwriting and it was his signature in the column on the right side of the page. While reading from the page he repeated the make, model and serial number of the M-4. He then outlined three “status dates” for the M-4. The dates and status were;

March 19, 2008 – Status “in service” – Comment “Sergeant’s SUV”

November 10, 2014 – Status “secured” – Comment “LT. Office”

December 3, 2016 – Status “In service” – Comment “Issued to Sgt. Marchand”

I asked if he has a specific memory of issuing this rifle to Sergeant Marchand. When I asked this he replied “*I wouldn’t be able to remember, but my ledger says I issued it to him. I can only assume that I gave him a rifle*”.

We next discussed the records for the Beretta Model 1201 FP Shotgun (Serial #A10729L) that had been issued to Sergeant Michael Marchand. The records kept by Lieutenant Williamson for the shotgun were on page one (1) of the journal. He referenced the page in question. He acknowledged the writing on the page was his handwriting and it was his signature in the column on the right side of the page. While reading from the page he repeated the make, model and serial number of the shotgun. He then outlined five “status dates” for the shotgun. The dates and status were;

January 13, 2006 – Status “Locker” – Comment “Ready for deployment”

June 1, 2006 – Status “In service” – Comment “Lieutenant’s unmarked”

July 16, 2014 – Status “In service” – Comment “Sgt. Unmarked SRO Marchand”

December 21, 2018 – Status “Secured” – Comment “LT Office”

September 23, 2021 – Status “Secured” – Comment “Vault”

I asked Lieutenant Williamson if he had a specific memory of Sergeant Marchand turning in the shotgun on December 21, 2018 and he answered “no, I don’t”. During the interview I asked Lieutenant Williamson where specifically a weapon would be secured if the firearms journal indicated the lieutenant’s office. He stated there is a closet in the lieutenant’s office where the weapons were stored. He stated he is the only person who had a key to this closet and that the key remained with him at all times. He acknowledged that a “master key” could unlock the door to the office but not to the closet where the weapons were secured. I asked specifically about the date of September 23, 2021 when the shotgun was secured in the “vault” and he stated it was placed there as his retirement date was approaching. In closing I asked Lieutenant Williamson if there had ever been a missing firearm from the department inventory while he was assigned as the “authorized weapons supervisor” and he answered “no”.

My interview with Lieutenant Williamson concluded at approximately 10:39 AM. The interview was recorded and later transcribed. A copy of the interview transcript is attached hereto as **EXHIBIT #4**.

Interview of Sergeant Michael Marchand:

On Monday, November 8, 2021 at approximately 12:05 PM I interviewed **Sergeant Michael Marchand** at the Oak Bluffs Police Department. Present during the entirety of the interview was Attorney John Becker who was representing Sergeant Marchand. When we first greeted each other I provided Sergeant Marchand with copies of Oak Bluffs Police Department general orders that would be discussed during the interview. I also provided him with copies of pages one (1) and sixty-one (61) from the firearms journal. The purpose of me providing him with this material was to reasonably apprise him of the matters we would discuss. I stepped out of the room and allowed Sergeant Marchand to view the documents and speak privately with Attorney Becker. After a few minutes Sergeant Marchand informed me he was ready to proceed.

Sergeant Michael Marchand has been a police officer for approximately twenty-five years. He began his career as a police officer in the town of Tisbury where he worked for approximately ten (10) years. He transferred to the Oak Bluffs Police Department in 2005 and was promoted to the rank of sergeant in 2007. When first promoted to sergeant he was a patrol supervisor. His role currently entails various administrative tasks and he functioned as the school resource officer (SRO) for three school years at the Oak Bluffs High School. He stated the school years he was the SRO was for the years “’14-’15, “’15-’16 and ’16-’17”.

During the interview we reviewed the following Oak Bluffs Police Department general orders and Sergeant Marchand acknowledged he is familiar with each;

- General Order #2020-0513, Use of deadly force (specifically the security and maintenance of firearms)
- General Order #2020-0153, Agency property
- General Order #2005-1101, M-4 Patrol rifles

We next discussed the department firearms journal page associated with the Beretta 1201 FP shotgun (Serial #A10729L) which had been issued to him on July 16, 2014. The line referencing the transfer to him is written "Sgt. Unmarked SRO Marchand". He acknowledged he was assigned to the 2011 Crown Victoria as a "take home" cruiser during the time he was assigned to be the SRO. Although he could not specifically confirm the date in the ledger he agreed that the timeframe of receiving the cruiser and shotgun was accurate.

I asked about the timeframe in which he turned in the 2011 Crown Victoria and was issued a new cruiser. He stressed that he couldn't give a date with certainty but acknowledged he drove the Crown Victoria for a time after the completion of his SRO assignment (June 2017) and December 21, 2018 probably would have been the timeframe it was turned in. Although he couldn't remember the specific date he remembered *"transitioning all of my belongings from one car to the other car, with the exception of the guns, because I did not have a vault, there was no shotgun rack in there, and there's no vault in there, so there was no way to secure those firearms safely in that vehicle"*.

Sergeant Marchand acknowledged having both the shotgun and M-4 rifle while assigned the Crown Victoria. I asked what happened to both weapons after he was assigned to a new cruiser. He replied *"I don't have a specific memory of them. I do remember that they were turned in. One of them hit the inventory, and apparently one didn't"*. I asked what happened to the Crown Victoria when he was assigned to a new cruiser. He was aware that it eventually was taken out of service and brought to the town barn but he couldn't say when it was taken out of service, how it got to the town barn or if other officers had used it prior to it going to the town barn. He did remember that it was later put back in service and issued to Sergeant Steve Conley.

We next reviewed the department firearms journal page associated with the Bushmaster M-4 patrol rifle (Serial #L470289). We reviewed the dates associated with the patrol rifle. When I asked about the line which indicated it was issued to him on December 3, 2016 he asserted that the date was surely inaccurate. He stated the date was a Saturday and was his wedding anniversary. He continued that he didn't work on

Saturdays and wouldn't have come into work for training or overtime on his wedding anniversary. He continued that during [REDACTED]. He asserted that it didn't make sense he would be issued a patrol rifle during the time he was going through [REDACTED].

During the next part of the interview Sergeant Marchand pointed out various topics which he asserted would put into question what may have occurred to the M-4 patrol rifle. He pointed out that [REDACTED] other officers filled in for him at his SRO assignment. When they filled in for him they used the Crown Victoria. He pointed to poor records keeping as well as security lapses in the police department. He also stated there was a detective under investigation during the fall of 2018 who had an office adjacent to the lieutenant's office. He stated the former detective was terminated from the department during the same timeframe.

I asked Sergeant Marchand specifically if he can recall the last time he remembered having possession of the patrol rifle. He stated that his last memory of possessing the rifle was during a range training day. He could not say with certainty the date of the training nor could he remember the weather that day but remembered it was at "Goodale's pit". He was certain it was his issued rifle because it was a daytime shoot and it was target based training, not scenario based. He also remembered he was still assigned to the Crown Victoria on the day of that training. I asked if he specifically remembered other officers at the training and he stated he did not.

I again asked if he has a specific memory of turning in both the shotgun and patrol rifle directly to Lieutenant Williamson when he was issued a new cruiser. He stated he can not say with certainty that he remembers the weapons being turned in directly to Williamson.

I asked what steps he's taken to try and locate the patrol rifle since he realized it was missing. He pointed out he was the officer that first noticed the discrepancy in the firearms journal and that he spoke directly to Lieutenant Williamson about it. He checked various locations within the police department and could not find the rifle. He also reported it to Chief Blake and was told to stand down on being involved in attempting to locate the weapon. He continued that he has checked his home and also spoke to [REDACTED] about whether he had taken the weapon. He stated that [REDACTED] denied taking the patrol rifle or having any knowledge of where it is now.

I asked if he ever took the M-4 patrol rifle off island for any reason and he answered "no". I asked if he ever took the patrol rifle to an off island training range for qualification and he answered "no". I asked if he ever took the Crown Victoria off island for any reason and he answered "no". I asked what he would do with the shotgun and patrol rifle if the Crown Victoria was taken in for service with the island mechanic. He

stated he would have taken them out of the cruiser and put them into the “*blue lockers*” in the building while the cruiser was being worked on.

After completing the questions I had for Sergeant Marchand, Attorney Becker requested to ask some clarifying questions. At that point Sergeant Marchand requested a short break and the recorder was turned off at approximately 12:56 PM.

At approximately 1:00 PM we went back on record and Attorney Becker asked his clarifying questions. Under questioning by Attorney Becker, Sergeant Marchand asserted that the department does not complete annual audits of firearms and the armorer does not complete an armorer check of all weapons. He also reiterated security lapses including the trunk vault safes which all have the same combination which are a default code. He pointed out the poor record keeping of department firearms and stated there is no documentation when the rifles are taken off island by officers during their recruit training. He also stated with certainty that had there ever been an occasion when he went into the trunk vault of the Crown Victoria and there was only one rifle present (shotgun and patrol rifle) he would have noticed immediately and reported it to the department.

The interview with Sergeant Marchand concluded at approximately 1:20 PM. The interview was recorded and later transcribed. A copy of the interview transcript is attached hereto as **EXHIBIT #5**.

October 14, 2018 Firearms training:

Following Sergeant Marchand’s interview there was a review of firearms training records to determine when the last time he qualified with the M-4 rifle. A review of the records revealed that Sergeant Marchand qualified at “Goodale’s pit” on Sunday, October 14, 2018. Sergeant Daniel Cassidy was the lead instructor that day. A review of the scores for the day revealed that Sergeant Marchand recorded a 100% on his M-4 rifle qualification. This is consistent with his memory of having a very good score on the day he last remembers with certainty that he had the M-4 rifle in his possession.

Sergeant Cassidy prepared a report outlining the training day. The report is four (4) pages in length and has an executive summary, exercise objectives section, key elements of exercise/incident section, a detailed report section, a list of personnel/participants and an analysis of incident/exercise. A copy of Sergeant Cassidy’s report is attached hereto as **EXHIBIT #6**.

On Tuesday, November 16, 2021 at 12:00 PM I participated in a Zoom meeting with **Sergeant Daniel Cassidy**. The purpose of this Zoom meeting was to discuss the firearms training day from October 14, 2018. Although Sergeant Cassidy didn’t have his

report in front of him, he stated he was familiar with the report and had reviewed it. He stated the training occurred on a Saturday and that the actual firing of the weapons occurred at "Goodale's pit". He continued that live fire at Goodale's only occurred on weekends because it was the only time the pit was available for use.

Sergeant Cassidy stated that Officer Harlow was overseeing the rifle training station that day. Upon conclusion of the training each individual officer would have been responsible for the cleaning of his/her weapon and the cleaning would have taken place back at the police station. Sergeant Cassidy further stated that all range equipment (ie. weapons, magazines, targets) would have been accounted for at the conclusion of the training and nothing would have been left behind. Had there been any unusual occurrence during the training it would have been noted in the report.

Interview of Mr. James Morse:

On Tuesday, November 11, 2021 at 2:00 PM I interviewed **Mr. James Morse** at his office in Falmouth. Earlier in the afternoon I had left him a voicemail and he returned my call and invited me to meet him at his office. Mr. Morse was previously an Oak Bluffs police officer and was terminated from his position with the Oak Bluffs Police Department during November of 2018.

When I arrived at his office I introduced myself and informed him I was investigating a missing M-4 patrol rifle from the Oak Bluffs Police Department. I also informed that he was listed as a firearms instructor on a training report from October 14, 2018. Mr. Morse had a very good memory of how firearms qualification days were run during his time at the Oak Bluffs Police Department. He explained that daytime training with patrol rifles was usually target based and that night-time training was scenario based. He continued that at the conclusion of training there was always an inventory of firearms and equipment to ensure nothing was left behind. He recalled an occasion when a magazine was left behind at training and he stated it was noted in the after action report for the training. He was certain that if a rifle had been left behind it would have been noted in Sergeant Cassidy's report.

Our meeting lasted approximately ten (10) minutes and he stated he has no knowledge of where the missing patrol rifle may be. During the meeting Mr. Morse was polite and engaging and we did not discuss the reason he was terminated from the Oak Bluffs Police Department. He stated I could reach out to him again if I had any further questions. A few minutes after leaving the meeting Mr. Morse called my cell phone. He asked me for the exact training date from October 2018 and when I told him it was October 14, 2018 he stated he had already been placed on administrative leave and that even though the training report reflects he was present he insisted he was not.

A further review of Sergeant Cassidy's report indicates that Morse was only listed on the front cover page of the report from October 14, 2018. A review of the "detailed

report section” reveals the training was conducted by Sergeant Steven Conley, Officer Seth Harlow and I (Sergeant Cassidy). A review of the personnel records for Mr. Morse revealed he had been placed on administrative leave on October 11, 2018 and he did not return to duty prior to being terminated. A copy of Morse’s administrative leave order is attached hereto as **EXHIBIT #7**.

Maintenance records for the 2011 Crown Victoria:

During the investigation Chief Blake provided me with available maintenance and repair records for the 2011 Crown Victoria that was assigned to Sergeant Marchand during his assignment as the school resource officer. The maintenance records from J.deB’s Garage, Inc, formerly of Oak Bluffs are attached as **EXHIBIT #8**.

The maintenance records reveal the 2011 Crown Victoria was changed from a marked cruiser to an unmarked on August 20, 2015. There are records from J.deB’s garage indicating the vehicle received maintenance, service or repair work on ten (10) occasions between August 20, 2015 and May 3, 2019. The May 3, 2019 maintenance and repair date is consistent with the timeframe on which the cruiser was put back in service and issued to Sergeant Steven Conley. Sergeant Conley has informed Chief Blake that there was **not** a patrol rifle in the trunk vault of the Crown Victoria when it was issued to him.

According to Sergeant Marchand he was assigned to a new cruiser during the timeframe of December 2018 and the Crown Victoria was taken out of service and brought to the town barn. Sergeant Marchand asserted during his interview that each time the cruiser went to J.deB’s Garage for extensive service or repair he would take the shotgun and rifle out of the trunk vault and secure both in one of the “blue lockers” at the police department.

During the investigation Mr. Joseph deBettencourt, the owner of J.deB’s Garage was interviewed regarding the missing patrol rifle. Mr. deBettencourt stated he never entered the trunk vault of the Crown Victoria nor did he ever observe an unsecured weapon in the vehicle during any of the times it was serviced.

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 Marchand'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 a 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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Licensed Private Investigator

