

# CITY OF HALLOWELL

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MICHAEL L. STARN, CITY MANAGER

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## LETTER OF REPRIMAND

TO: Police Chief Eric Nason  
FROM: City Manager Michael L. Starn  
DATE: September 15, 2014

Article 15, Section 1 of the City of Hallowell Personnel Policy allows for disciplinary action, "Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct at any time falls below a suitable level".

After thorough information gathering and research, I have concluded that two incidents which occurred during your employment with the City of Hallowell Police Department are examples of unsuitable personal conduct under Article 15, Section 1 of the current Personnel Policy, and under prior personnel policies in force at the time of the earlier of the two incidents. A description and explanation of these incidents follow:

██████████  
In 2013, you chose to become involved in a consensual sexual relationship with Reserve Officer ██████████. Officer ██████████ was an officer under your command seeking a career in law enforcement with the Hallowell Police Department.

Although the City of Hallowell's Personnel Policy does not expressly prohibit personal consensual relationships of a sexual nature between junior and supervisory employees of the Police Department, your professional working relationship with Officer ██████████ was compromised by the personal relationship choice that you made. Even though you have stated that this relationship was carried on outside of work and that you remained professional and unbiased in your working relationship with Officer ██████████, your decision to enter into a personal consensual relationship of a sexual nature with a subordinate within the department that you head as Police Chief exposed the City of Hallowell and the Police Department to a public perception of favoritism, and created the possibility of an unlawful employment practices claim against the City in the event of any adverse personnel decision affecting Officer ██████████.

Public perceptions of bias arising out of your personal relationship choices can also have an adverse effect on public confidence in the professionalism and integrity of the Hallowell Police Department, to the City's detriment. Further, poor choices of this type also erode your personal reputation within the Police Department and the larger law enforcement community, negatively affecting the City's ability to attract and maintain qualified police officers.

In June 2013, your personal relationship with Officer [REDACTED] resulted in an allegation by Officer [REDACTED] that you sexually assaulted her during a visit by Officer [REDACTED] to your camp property in West Gardiner. An investigation of Officer [REDACTED] complaint by the Maine State Police resulted in a decision by the Kennebec County District Attorney not to file criminal charges. However, the State Police report does not exonerate your poor judgment and improper personal conduct, including poorly thought-out decisions relative to alcohol consumption and sexual activity, even though the conduct occurred during non-work time. When information concerning Officer [REDACTED] allegation later became the subject of local press reports, the City of Hallowell and its Police Department were cast in a distinctly negative light. As Police Chief, one of your responsibilities is to maintain a high level of public confidence in the professionalism and integrity of the Hallowell Police Department. In this instance however, your personal relationship choices have contributed to the undermining of public confidence in the Department.

[REDACTED]

On June 19, 2014, as a result of publicity concerning Officer [REDACTED] allegations, a complaint was filed with the City of Hallowell by [REDACTED] alleging that you were involved in a sexually-degrading photo of her taken during the late 1990s. Ms. [REDACTED] complaint alleges that the photograph was taken in the bedroom of your Hallowell residence, at a time when she was asleep and unaware that it was being taken, and that she first learned of the photo when she discovered it at your Hallowell residence in late 1997. Ms. [REDACTED] statement to the City's investigator indicates that she confronted you concerning the photo. In your statement to the City's investigator, you confirm that Ms. [REDACTED] showed you a photo [REDACTED]. Further, you say that you do not recall taking this photograph or any other of a naked woman. Three other individuals interviewed by the City's investigator confirm that they were shown a photo by Ms. [REDACTED] that was similar to what she describes in her complaint.

From the witness statements contained in the investigator's report, I have concluded that there is credible substantiation that a lewd picture was taken of an unconscious [REDACTED] [REDACTED] with whom you were having a relationship at the time, at your residence in Hallowell, some time prior to late 1997.

Bringing this incident to the City in the form of a complaint has clearly been emotionally difficult for Ms. [REDACTED]. I agree with statements made by her and others interviewed by the City's investigator when they describe the incident as humiliating and degrading.


Due to the length of time that has elapsed since this incident and conflicts between statements taken from different witnesses concerning particular details of the incident, I am unable to reach a final conclusion concerning your personal role in taking or producing the photograph.

However, as a member of the Hallowell Police Department and Deputy Police Chief at the time, you had a professional obligation to undertake investigation of crimes reported to you occurring within the City of Hallowell. Title 17-A M.R.S. section 511(1)(B) makes it a class D crime to photograph someone in a private place without that person's consent. Ms. [REDACTED] complaint about the photograph clearly fell within the scope of section 511(1)(B). Even if you had no personal involvement in taking or producing the photograph, it was your duty as a Hallowell police officer to take Ms. [REDACTED] complaint and open a police investigation of this matter; or at the very minimum, to refer Ms. [REDACTED] to another officer or law enforcement agency for this purpose. After you failed to fulfill your obligation to investigate Ms. [REDACTED] complaint or refer her to someone who would, Ms. [REDACTED] destroyed the photo concerned; the criminal statute of limitations expired; Ms. [REDACTED] continued to struggle emotionally with this incident for years; and the incident has only recently been brought to light, in a public manner, to the discredit of the City.

Your personal conduct and decision-making in regard to both of these incidents falls well below the standard of judgment and professionalism expected of you as a law enforcement officer and Police Chief.

In considering the appropriate level of discipline to be imposed under the City's personnel policies (current and past), I have taken into account the seriousness of these incidents and their consequent impact on the City, the Police Department, and on the individuals involved. I have also given due weight to your overall record during 26 years of service with the Hallowell Police Department which, with the exception of these incidents, to my knowledge has been commendable and often exemplary. Taking all of these factors into account, it is my decision that you are hereby reprimanded for your personal conduct and lack of judgment as described in this letter. You are also formally cautioned against engaging in any similar conduct in the future or other conduct that reflects a similar lack of judgment expected of someone in your position; engaging in such conduct could result in additional disciplinary action, including immediate termination. This letter of reprimand will be retained as permanent record in your City of Hallowell personnel file, and may be taken into consideration by me or the City Council in regard to future re-appointment or ratification as Police Chief.

This letter of reprimand constitutes a record of final disciplinary action under Title 30-A M.R.S. section 2702(1)(B)(5) and as such is a public record under Maine's Freedom of Access law.

  
Michael L. Starn