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## Hallowell reprimands police chief after misconduct probe

The city isn't punishing Chief Eric Nason, who was accused of sexually assaulting an officer last year, but says he has tarnished the department's reputation.

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Nason

**HALLOWELL — A city investigation into Police Chief Eric Nason ended Tuesday when he received a letter of reprimand for “personal conduct and lack of judgment” more than a year after being accused of sexually assaulting a female officer under his command.**

The letter, from City Manager Michael Starn, carries no penalty, which was criticized by the female officer’s attorney. However, the letter illuminates Hallowell’s recent investigation into two sexual misconduct claims against Nason while laying bare the city manager’s concern that the episodes have tarnished the police force’s reputation.

“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,” Starn wrote.

Nason and his attorney, Walter McKee, did not respond immediately to requests for comment.

Starn cites Nason for “unsuitable personal conduct” in both cases, saying Nason undermined public confidence in the department by having a sexual relationship with the 22-year-old female officer who made the rape allegation against him in June 2013. The two had been drinking at Nason’s camp in West Gardiner.

That claim and the subsequent Maine State Police investigation were revealed in a story published in June in the Kennebec Journal. Nason wasn’t charged when the case was closed in October, and the city didn’t start investigating Nason until after the newspaper’s story.

In the letter, Starn told Nason that the state police report “does not exonerate your poor judgment and improper personal conduct” in the officer’s case, “including poorly thought-out decisions relative to alcohol consumption and sexual activity.”

In July, a 43-year-old Rome woman went to the city after reading the newspaper story, saying when she dated Nason in 1997, he took a pornographic picture of her as she slept.

The Kennebec Journal isn’t identifying the female officer or the Rome woman because they are alleged victims of sex crimes.

Starn’s reprimand letter says Nason told a private investigator hired by the city that he saw — but didn’t take — the picture when the woman brought it to him.

But Starn’s letter said the picture, which the woman destroyed, was real and was taken in Nason’s home, though the city manager didn’t explicitly say the chief took it. Starn said even if Nason didn’t take the photo, he should have referred the woman to law enforcement, since photographing someone in private without consent is a crime. Nason, who was deputy police chief at the time, “had a professional obligation to undertake investigation of crimes” reported to him, Starn wrote.

“I agree with statements made by her and others interviewed by the city’s investigator when they describe the incident as humiliating and degrading,” Starn wrote.

Darrick Banda, the female officer’s attorney, said the letter showed that Nason should be fired after making “one bad decision after another.” He said his client is considering her legal options against the city and against Nason individually.

“Given the findings in the letter, I think it falls far from the mark,” he said. “I think confidence in him as the Hallowell police chief has already been compromised to the point that it’s irreparable.”

The officer and Nason have admitted, through attorneys, a past sexual relationship, but Nason has said the encounter that drew the rape allegation was a consensual incident. The officer has maintained that she was too drunk to consent, and the two still work together.

In July, Kennebec County District Attorney Maeghan Maloney gave the city the police records in the officer’s case. Hallowell used that, along with a private investigator’s report in the older case involving the photo, to investigate Nason.

Both reports have been shielded from public view, however. On Friday, a judge rejected the Kennebec Journal’s appeal to access the Maine State Police report of the rape allegation after the state rejected repeated newspaper requests for it. The city of Hallowell can’t release its report on the older claim under Maine law.

Starn previously said he knew Nason was being investigated by state police because of an allegation that he had assaulted the officer sexually in June 2013; but after talking with Hallowell police, the city manager determined “whatever activities took place were done off-duty between consenting adults” and left both on the job. The female officer was promoted from a reserve officer to full time that October, just before the state police investigation was closed.

On Tuesday, Starn said he thought he didn’t have enough information to discipline Nason at that time, since he hadn’t seen the state police report then. Starn and city councilors requested the report after the Kennebec Journal story on the allegations.

Nason’s alleged conduct raised policy questions for Hallowell city councilors. Since June, they have been mulling changes to city employment policy, which doesn’t prohibit or otherwise regulate relationships between supervisors and employees.

Starn acknowledges in his letter that the city doesn’t have a policy expressly prohibiting “personal consensual relationships of a sexual nature between junior and supervisory employees of the police department,” but says Nason’s professional working relationship with the officer “was compromised by the personal relationship choice that you made.”

Starn said he's not taking other actions against Nason, who has been chief since 2005 and in the department for more than 25 years. However, the letter said the findings could affect his job status in January when he comes up for re-appointment, which is made by the manager and approved by the council.

The letter also cautions Nason against future conduct "that reflects a similar lack of judgment expected of someone in your position" and warns he could be fired if that happens.

However, Both Starn and Mayor Mark Walker said they have no stance yet on Nason's future status, even though Starn's letter told Nason that his "poor choices" have harmed the department's reputation, making it hard to attract and keep good police officers.

The Rome woman wants Nason to lose his job, but she said the city admitted that she was telling the truth.

"I felt vindicated today," she said Tuesday in response to the reprimand letter. "I thought they owned part of it, not that I know what they're going to do with it."

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