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Former senator wanted to see prison investigation completed

By Andrew Benore | Jan 13, 2012



Augusta — David Trahan, who resigned Dec. 31 as a state senator, said he stayed in the Legislature as long as he could to protect people that reported possible criminal activities at the Maine State Prison. He wanted to be their advocate, and see the completion of an investigation into allegations of harassment and retaliation.

Trahan, of Waldoboro, talked about this case a few days after resigning from the Legislature. Trahan recently began working as the executive director of the Sportsman's Alliance of Maine.

About two years, a group of current and past employees of the Maine State Prison approached Trahan with a list of concerns about the prison. He said he did not cast judgments on the claims about conditions at the prison. That group later met with the director of the Office of Program Evaluation & Government Accountability, who handed off complaints to the state controller, Attorney General's Office and Government Oversight Committee.

"There were a number of investigations that were conducted, which included OPEGA, attorney general and state controller and a lot of the problems they brought forward were resolved and taken care of and fixed," Trahan said. "One of the investigations in particular involved Pamela Sampson, who later filed a case with the courts."

Trahan said Sampson, a former prison guard, and others came to him and "were concerned that they be protected for coming forward." Trahan said he believes people contacted him because he had discussed prison issues on Maine Public Radio.

A 2009 OPEGA report said the prison culture included "Intimidation of, and retaliation against, individuals attempting to raise concerns — or behaviors that staff perceive as intimidation or retaliation."

"For that reason I was sensitive to her concerns and concerns of the people involved," Trahan said.

Sampson's case was settled out of court (the state paid her \$66,000) and she cannot comment on it. But Trahan said there were "situations in the case that I thought put the state at risk if they weren't resolved."

In one court filing by Sampson, she states that she experienced retaliation from other officers including the popping/unlocking of prisoner doors by prison officers; hate mail; leaving confidential information about a prisoner on the door to her home; keying of her car in the prison parking lot; numerous phone hang ups inside the prison; a sergeant's failure to respond to her

calls while he was on duty; being constantly watched on prison cameras; and being called a rat.

Sampson alleged sexual harassment by other guards, and what she believed was an attempt to falsely implicate her in having unlawful sexual contact with prisoners.

Trahan said he went to the new attorney general, William Schneider, with an official request for an investigation.

"I was not in any way casting judgment on the individuals involved," Trahan said. "I didn't know one way or another if they were true. But they were so serious as to warrant some follow-up."

Trahan's letter dated Jan. 27, 2011, states: "I have been hearing of improper and troubling incidents involving staff at the Maine State Prison for some time now. Recently, I have reviewed several documents associated with Pamela Sampson's civil lawsuit against the state and Maine State Prison. That lawsuit was settled out of court in the fall of 2010, but I continue to have serious concerns that some MSP employees may have engaged in activities that would warrant civil or criminal penalties. Several of the individuals named in her case are still working at the prison in positions of authority. If the activities occurred as described in her suit, then it would seem the state is exposed to substantial risk from inappropriate and potentially illegal behavior on the part of these individuals, now and in the future."

Trahan said he wanted to protect the state, and the people involved; if warranted, an "accountability structure" could be put in place to make sure it didn't happen again.

But Trahan said this is a serious case that also involves investigators and high-level administrators.

His letter to the attorney general also said: "I do not want to direct or limit your work in any way; however I am very interested in determining whether MSP employees removed confidential inmate or personnel files from the prison, and/or offered incentives to inmates in exchange for making false charges against another employee."

The Attorney General's Office was asked if an investigation was launched based on Trahan's letter.

The Attorney General's Office "is in the process of reviewing information related to that letter," said Brenda KIELTY, special assistant to the attorney general, on Jan. 10.

Trahan said he was discussing this now to protect Sampson and others by making it public, and to have the press aware to follow up on the attorney general's investigation.

"I was hoping that the investigation would be done months and months ago," Trahan said. "But because of the serious nature of the accusations around retaliation, I was concerned that if I resigned as a state senator and I no longer protected this young lady, that that could have ramifications for her. That's why I hung on so long, in hopes that that would be resolved. Well it still hasn't been resolved. The investigation is ongoing."

Trahan said everyone he talked to seemed to know the prison employees involved in the case — legislators, ex-legislators, the former attorney general. He said he asked other legislators to "shepherd the issue" but all the people he approached knew somebody involved in the case.

"I was painted into a corner, having to make a decision whether to stay on board as long as I could and wait for the investigation to be done, and then resign," Trahan said.

He resigned effective Dec. 31 because of backlash from criticism from the Portland Press Herald and Kennebec Journal about staying on as a legislator while working as the executive director of the Sportsman's Alliance of Maine.

"But now I feel I have no choice but to say why," Trahan said.

He wanted the public to know he wasn't playing political games. Trahan said Sampson and others trusted him, and he wanted to use his position as a senator to protect them.

"Whether [Sampson] feels she was retaliated on or not, her personal feeling is she was," Trahan said. "So whether it happened or not I can't say. But for her personally it brings her a great deal of fear. And I just wanted to make sure that she was comfortable with everything that was happening with my transition out of the Legislature."

Trahan said he is confident that the Attorney General's Office will complete the investigation, and any necessary changes will be made.

"I do believe that this administration at the Maine State Prison is trying to resolve a lot of issues over there, cultural changes, and I believe they will take seriously any recommendations from the Attorney General's Office," Trahan said. "I feel the right things are being done. My real problem was not that I felt things were going in a positive direction. It was that there were so many people that knew so many others that were involved that it just became messy."

For example, Sen. Roger Katz, chairman of the Government Oversight Committee, is also a lawyer. "He's a great guy, done nothing wrong, but he is a legal counsel to one of the people," Trahan said, referring to an administrator at the prison.

"It really reinforced my thought process, which was I need to follow through with this as far as I can," Trahan said. "I wanted to keep my promise to [Sampson] to follow through with this to the end. Looking back, I don't regret it. There will be some people who say I should have resigned earlier. My constituents have always come first. And I'll live with the consequences of that."

The issue is now out of his hands; the attorney general has responsibility for it now, Trahan said. "I feel completely confident he will take care of this," Trahan said.

Trahan noted that he gave the Attorney General's Office a stack of information over a foot thick. "You can't cast judgment on anyone involved without an investigator with the professional knowledge to go through it to determine what's accurate and what isn't," Trahan said.

Judy Plummer of the Maine Department of Corrections said the state prison took seriously the concerns raised in the 2009 OPEGA report and has "taken steps and continues to address concerns in the report."

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