

Exhibit

D

STATEMENT BY: Detective Kathleen M. Kimball
New Hampshire State Police

On Monday, July 12th, 1999, I was a student in the ninth week of training at the Texas Department of Public Safety Polygraph School in Austin, Texas. The class instructor for that day, as well as the next two (2) days, was Mr. Eric Holden:

On Monday, the 12th, just prior to the end of the class day (1700 hours), Mr. Holden was presenting information regarding the differences between neurotic behavior, character disorders and psychotic behavior relative to polygraph testing. During the discussion of psychotic behavior, Mr. Holden changed the subject and began talking about sexual contact between a parent and child. He made the distinction between general parental care-taking during bathing, cleaning, and changing that was intentional and that which was accidental. He then walked towards me, where I was seated at my end of the table, and told the class that this type of touching was different than, "If I intentionally grabbed Kathy's breast."

I was quite surprised by this use of me as an example and I was embarrassed. Since some members of the class were laughing with Mr. Holden, I told him, "You better make it good, because it will be the only chance you ever get." Mr. Holden walked to the center of the classroom, sat on the stool located there and laughingly told me, "But you've never felt me grab your breast. You might like it."

Mr. Holden continued to instruct the class on sex related issues. After a few minutes, he again returned to using me as an example. He talked about intentionally "grabbing my breast, messaging my breast, sucking my breast and putting his finger in my vagina".

I became increasingly uncomfortable, embarrassed, humiliated, shocked and angry as he listed each action. As soon as he finished his statements, I told him, "I've been a good sport, but you just crossed the line." No attempt to apologize was made by Mr. Holden and class ended shortly thereafter.

I had no contact with Mr. Holden until the following morning, Tuesday, July 13th when I arrived at the classroom. Throughout the course of the day, no direct statements were made to me by Mr. Holden about him touching me or doing anything to my body. However, at one point, he looked at me from his position on the stool in the front of the classroom and said, "Well, no one has made a complaint against me before." My response to him was, "Yet." He simply laughed.

Following the end of the class day, I again had no contact with Mr. Holden until my arrival at the classroom on Wednesday, July 14th.

Kathy

page 1 of 2

During the afternoon session, I left the classroom for a very brief time in order to answer the telephone at the end of the hallway. Upon my return to the classroom, Mr. Holden was walking towards me at the door. He quietly inquired if everything was alright and I advised him that everything was fine. As I attempted to return to my seat, Mr. Holden physically placed himself in a way that nearly blocked my path and thus put himself in very close proximity to me. As I tried to move by him, he placed his right hand behind my left shoulder and "guided me" to my seat. As he was doing this, he continued to address the class.

Immediately upon having Mr. Holden touch me, I became quite angry. However, I did not say anything that would disrupt the class, especially because I believed that he did this in such a manner so that no one else in the room even knew he placed a hand on me.

A short time later, Mr. Holden again positioned himself right next to my seat. I observed him lift his right hand towards me and he simultaneously stated, "Kathy, I'm going to touch your shoulder, not your breast." Since I firmly believed that he might try to slide his hand down from my shoulder to my chest, I said in a voice meant only for him to hear, "If you move your hand, I'll break your arm." He laughed and asked me to repeat what I said. In a louder voice, I repeated what I had said. Again he laughed. I then attempted to move away from his touch. However, he followed my movement, maintained contact with my shoulder and continued to make his point to the class. Eventually Mr. Holden released his hold and moved away from me.

At the conclusion of the class day, I gathered my belongings and attempted to leave the building. Mr. Holden was saying good-bye and shaking hands with various members of the class. However, I had absolutely no desire to shake his hand and I had nothing to say to him. Before I could leave the building, Mr. Holden approached me and put out his hand to shake mine. As he did so, he stated, "Thanks for being such a good sport." I responded by saying, "I think you enjoyed it too much though." He laughed and said, "You're right. I enjoyed the hell out of it." This was the only exchange between Mr. Holden and myself that occurred in the presence of School Director, Lt. Gordon Moore.

As a result of being singled out among my classmates and feeling embarrassed and humiliated in front of them, I met on two different occasions with Lt. Moore in order to discuss the various incidents and statements made to me by Mr. Holden. I further advised Lt. Moore that I did, in fact, want to make a complaint against Mr. Holden for sexual harassment in order to hold him accountable for his behavior towards me and to prevent any such similar behavior towards other females in the future.

Kathleen M. Kimball
Kathleen M. Kimball
New Hampshire State Police
July 20, 1999

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD. - BOX 4087 - AUSTIN, TEXAS 78773-0001
CRIMINAL LAW ENFORCEMENT DIVISION
POLYGRAPH SERVICE
P. O. BOX 4087
AUSTIN, TEXAS 78773-0488
612/484-6707



DUGLEY M. THOMAS
DIRECTOR
THOMAS L. DAVIS, JR.
ASST. DIRECTOR



COMMISSIONER
JAMES A. FRANCE, JR.
CHIEF OF POLICE
ROBERT E. WOLF
W. COLLEEN MURPHY
COMMISSIONER

August 30, 1999

Kathleen Kimball
25 Beaver Dam Road
Antrim, NH 03440

Dear Ms. Kimball,

The investigation of your sexual harassment complaint has been completed. Your complaint has been sustained as valid and Mr. Holden has been notified as to the outcome of the investigation.

The decision of the Texas Department of Public Safety is that Mr. Holden will no longer be utilized as an instructor by or for the Department. Chief Scott has notified our Training Academy of this decision.

We apologize for any embarrassment the instructor caused and thank you for having the courage to come forward.

Sincerely,

Michael C. Gougler
Michael C. Gougler

distributed memo
7-23-99

CLE-102

file
MC

Texas Department of Public Safety

Interoffice Memorandum

Date: 07-23-99

To: Mark Warren, Assistant Commander, Training
From: Mike Scott, Chief, CLE
Subject: Future use of instructor

The purpose of this memorandum is to inform you that Mr. Eric Holden has been permanently prohibited from instructing in any Department sponsored training or instructional program. This action is necessitated due to inappropriate conduct and remarks by Holden during a recent Polygraph school.

Mr. Holden is not a Department employee nor is he affiliated with any law enforcement agency. He is an independent instructor who specializes in sex offender polygraph examinations.

I have addressed this matter with the Director and he has approved this action. Please take the necessary steps to notify your staff of this decision as soon as possible.

Cc: Captain Mike Gougler, Polygraph Service