

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**


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LAW ENFORCEMENT MEMORANDUM

TO: All New Hampshire Law Enforcement Agencies
FROM: John M. Formella, Attorney General 
DATE: March 28, 2023
RE: Polygraph Examinations of Sexual Assault/Sexual Abuse Victims

I am issuing this memo as a reminder to all New Hampshire law enforcement professionals that conducting polygraph examinations of sexual assault/abuse victims in sexual assault/abuse investigations is contrary to our best practices and will jeopardize New Hampshire's ability to receive federal grant funds under the Violence Against Women Act [VAWA].

Since 2006, VAWA has included a mandate that strictly prohibits the polygraph examination of any adult, youth, or child victim of a reported sex offense, as follows:

The polygraph testing prohibition at 42 U.S.C. 3796gg-8 requires states to certify that their laws, policies, or practices "will ensure that no law enforcement officer, prosecuting officer, or other governmental official shall ask an adult, youth, or child victim of an alleged sex offense...to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation for such an offense".

In order for New Hampshire to continue receiving this significant federal grant program funding, the Department of Justice must certify that law enforcement is not engaging in the practice of polygraphing reported sexual assault victims. VAWA funding has been reduced over the years, and we as a State do not want to jeopardize this crucial funding. Loss of these funds would result in the reduction or elimination of critical services, including domestic violence/sexual assault prosecutors, dedicated domestic violence police officers, crisis center services, sexual assault nurse examiner services, and the annual statewide domestic/sexual violence conference.

Please share this with your staff, and if you have any questions or concerns during an investigation, please contact your local County Attorney and/or Lynda Ruel at (603) 271-1237. Thank you for cooperation.

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