

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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JOSEPH A. FOSTER  
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ANN M. RICE  
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MEMORANDUM

TO: All Law Enforcement Personnel and County Attorneys  
FROM: Joseph A. Foster, Attorney General  
DATE: January 8, 2016  
RE: Polygraph Examinations of Sexual Assault/Sexual Abuse Victims

I have recently been made aware that certain law enforcement agencies are considering conducting polygraph examinations of sexual assault victims. To the extent this is occurring, it should stop. The use of polygraph examinations in sexual assault investigations is contrary to best practices and it will jeopardize New Hampshire's ability to receive federal grant funds under the Violence Against Women Act [VAWA].

Beginning in 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:

- **Polygraph Testing Prohibition:**  
States must certify that no later than three years of the date of enactment of this section (January 5, 2006) their laws, policies, or practices will ensure that no law enforcement officer, prosecutor, or other government official shall ask or require an adult, youth or child victim of a reported sex offense to submit to a polygraph examination as a condition for proceeding with investigation of the offense and that the refusal of a victim to submit to an exam shall not prevent the investigation, charging or prosecution of the offense.

In order for New Hampshire to continue receiving this nearly one million-dollar federal grant program the Department of Justice must certify that law enforcement is not engaging in the practice of polygraphing reported sexual assault victims. Loss of those 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, please contact Lynda Ruel at (603) 271-1237. Thank you for cooperation.