

# ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2009-1

## RESTRICTIONS ON USE OF POLYGRAPH EXAMINATIONS

**WHEREAS**, the Violence Against Women and Department of Justice Reauthorization Act of 2005 ("Act") provides funding to support programs for victims of violence against women;

**WHEREAS**, this Act includes the STOP Violence Against Women Act (VAWA) Formula Grant Program that provides funding to states and other government units;

**WHEREAS**, applicants for the VAWA funding must certify compliance with the statutory requirements of the Act as required by 42 U.S.C. 3796gg-4, 3796gg-5 and 3796gg-8 and implemented at 28 CFR Part 90;

**WHEREAS**, 42 U.S.C. 3796gg-8 requires an applicant to certify that its laws, policies or practices will ensure that law enforcement shall not ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation of such an offense;

**WHEREAS**, it is necessary and appropriate to establish statewide policies and procedures for use by all law enforcement agencies to ensure the implementation of this restriction on the use of polygraph examinations or other truth telling devices in the investigation of sexual offenses;

**NOW, THEREFORE, I, ANNE MILGRAM**, Attorney General of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-92 et seq., do hereby DIRECT that all law enforcement agencies operating under the authority of the laws of the State of New Jersey shall adhere to the policies and procedures set forth below:

### 1. Law Enforcement Agencies

A. No law enforcement agency or officer in the State shall ask or require an adult, youth or child victim of an alleged sexual offense as defined in N.J.S.A. 2C 14-1 et seq. to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of an offense.

B. The refusal of a victim to submit to a polygraph examination or other truth telling device shall not prevent the investigation, charging or prosecution of an alleged sexual offense.

### 2. County Prosecutors

Each county prosecutor shall ensure that all law enforcement agencies and officers within the prosecutor's jurisdiction are aware of and comply with this Directive.

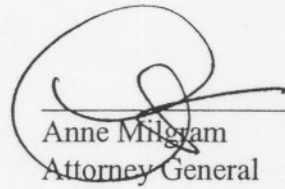
3. Questions

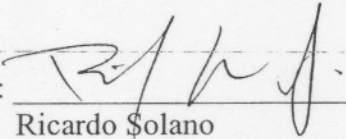
All questions concerning the interpretation, implementation or enforcement of this law directive shall be addressed to the Attorney General or her designee.

4. Effective Date

This Directive shall take effect immediately and shall remain in full force and effect unless and until repealed, modified or superseded by Order of the Attorney General.

Dated: 1/5/09

  
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Anne Milgram  
Attorney General

Attest:   
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Ricardo Solano  
First Assistant Attorney General