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# Standard Practice for the Generation and Use of Facial Comparison Results as Investigative Leads

## 1. Scope

1.1 This document provides standard practice on the generation, and use of investigative lead generated from a facial comparison.

1.2 For the purpose of this document, investigative leads refer to leads generated from a facial comparison.

1.3 Other protocols, policies, or procedures established by governing bodies (e.g., agency or legal authorities) are outside the scope of this document; however, they should be taken into account when utilizing investigative leads.

## 2. Referenced Documents

### 2.1 *FISWG Standards:*

- Minimum Training Criteria When Using Facial Recognition Systems
- Guide for Facial Comparison Training of Reviewers to Competency
- Principles for Responsible Use of Facial Recognition Technology
- Role-Based Training in Facial Comparison

15 **3. Terminology**

16 3.1 *Definitions:*

17 3.1.1 *Facial image comparison, n*— a manual process to identify similarities or  
18 dissimilarities between two (or more) facial images or facial image(s) and a live subject  
19 for the purpose of determining if they represent the same person or different person.

20 3.2 *Investigative Lead, n*—a result from a facial comparison

21 3.2.1 Discussion: This type of facial comparison typically originates from a Facial  
22 Recognition search conducted by a law enforcement agency.

23 3.2.2 *Investigative Lead Report, n*—a document whose intent it is to provide  
24 information to operational personnel to assist them with meeting their objective.

25 3.3 *Acronym:*

26 3.3.1 *FRS, n*—Facial Recognition System

27 **4. Summary of Practice**

28 4.1 The use of facial recognition systems (FRS) and facial image comparisons can  
29 be indispensable tools supporting investigations, operations, and intelligence activities,  
30 which can result in an investigative lead.

31 4.2 The use of facial recognition systems necessitates proper training (see FISWG  
32 Minimum Training Criteria When Using Facial Recognition Systems and FISWG Guide  
33 for Facial Comparison Training of Reviewers to Competency).

34 4.3 Investigative leads, in conjunction with further investigation, can be valuable for  
35 effectively allocating resources, narrowing down individuals for further investigations,  
36 and providing additional evidence to strengthen a case. Alternatively, investigative leads  
37 can help exclude individuals.

38 4.4 Investigative lead reports have sometimes been improperly managed and  
39 treated as positive identification of a subject without the benefit of corroborating  
40 investigative steps or supporting information. Such improper handling may result in  
41 misidentification, wrongful arrest, and a loss of confidence in the investigative process.

## 42 **5. Significance and Use**

43 5.1 This document focuses on the appropriate use of investigative leads for law  
44 enforcement purposes.

45 5.2 The facial recognition search is intended to assist in an investigation. Searching  
46 images in a facial recognition system should be conducted for an authorized, criminal  
47 justice-related purpose. Results produced by an FRS do not confirm identity but  
48 suggest potential candidates for further investigation. The candidates shall be reviewed  
49 by trained facial practitioners using morphological analysis which may result in an  
50 investigative lead.

51 5.3 An investigative lead can further an investigation by assisting in the identification  
52 of an individual, who may be the subject, witness, or victim of a crime; a missing or  
53 deceased person; or other person(s) in an investigation. Investigative leads are not  
54 positive identification.

55 5.4 Law enforcement personnel, or those acting on their behalf shall use  
56 investigative leads in accordance with agency-specific standard operating procedures  
57 that align with best practices, privacy considerations, and legislative requirements.

## 58 **6. Investigative Leads**

59 **6.1 Investigative leads shall be handled with caution, are not positive**  
60 **identification, and do not constitute proof of guilt.**

61 6.2 Investigative leads can be generated from a facial comparison, which may  
62 originate from an FRS.

63 6.3 Investigative leads may be communicated through various means including, but  
64 not limited to, verbal reports or written documentation.

65 6.4 Regardless of the method of communication, appropriate follow-up actions and  
66 investigative procedures shall be conducted to evaluate and address the investigative  
67 lead. Examples of investigative activities are provided in Appendix 2.

68 6.5 Agencies should establish policies that follow relevant ethical and legal  
69 standards for the use of investigative leads.

70 6.5.1 Policies should address proper procedures for developing and documenting  
71 facial comparison leads, corroboration before initiating legal action, maintaining the  
72 chain of custody, and investing in both technology and personnel training.

## 73 **7. Investigative Lead Reports**

74 7.1 Investigative lead reports are documents whose intent it is to provide  
75 information to operational personnel to assist them with meeting their objective.  
76 Reports may be in any written form, such as an email or formal report.

77 **7.2 Investigative lead reports shall be handled with caution, are not positive**  
78 **identification, and do not constitute proof of guilt.**

79 7.3 Additional investigative steps shall be conducted by the receiver of the  
80 investigative lead report. Examples of additional steps can be found in Appendix 2.

81 7.4 All investigative lead reports shall include a disclaimer outlining the intended use  
82 and limitations. Recipients of any investigative lead report shall understand the  
83 limitations of the report and how to use the report within the investigation. An example  
84 of a facial investigative lead disclaimer can be found in Appendix X1.

## 85 **8. Use of Investigative Leads or Investigative Lead Reports**

86 8.1 Potential legal implications<sup>1</sup> <sup>2</sup>surrounding the use of investigative lead reports  
87 shall be considered to avoid harm to the public.

88 8.2 Upon receiving an investigative lead or an investigative lead report, an  
89 investigator, detective, or analyst **SHALL**:

90 8.2.1 Comply with the disclaimer on the investigative lead report.

91 8.2.2 Refer to it as a “lead only” during verbal, written, and electronic  
92 communications.

93 8.2.3 Correct the language of other investigators who describe the investigative lead  
94 as a “hit”, “match”, or “identification”.

95 8.2.4 Compare the investigative lead to the results of other available evidence  
96 including, but not limited to, forensics and biographical information.

97 8.2.5 Perform additional investigative activities for vetting leads when applicable.  
98 Examples are presented in Appendix X2.

99 8.3 Upon receiving an investigative lead or an investigative lead report, an  
100 investigator, detective, or analyst **SHALL NOT**:

101 8.3.1 Forward or share the investigative lead with other agencies, investigators, or  
102 courts without including the complete investigative lead report disclaimer.

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<sup>1</sup> Robert Julian-Borchak Williams vs City of Detroit, et al (<https://www.aclu.org/cases/williams-v-city-of-detroit-face-recognition-false-arrest?document=Settlement-Agreement>)

<sup>2</sup> Nijeer Parks vs McCormac (<https://www.aclu.org/cases/parks-v-mccormac?document=Amicus-Brief>)

103 8.3.2 Arrest an individual based solely on the investigative lead.

104 8.3.3 Refer to the investigative lead as a “hit”, “match”, or “identification” during  
105 verbal, written, or email communications.

106 8.3.4 Share the investigative lead or personally identifiable information publicly  
107 without lawful authority.

108 8.3.5 Confirm the identity of an investigative lead *solely* by placing the image in a  
109 photo lineup. Further details are presented in Appendix X2.

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FISWG documents can be found at: [www.fiswg.org](http://www.fiswg.org)

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**APPENDIX**

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**(Nonmandatory Information)**

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**X1. EXAMPLE OF A FACIAL INVESTIGATIVE LEAD DISCLAIMER**

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**X1.1** This facial image comparison result is not a positive identification. This is an

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investigative lead only. Any possible connection or involvement with any subject must

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be determined through further investigation. Further dissemination of this investigative

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lead needs to follow applicable policies and laws.

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## **X2. EXAMPLES OF ADDITIONAL INVESTIGATIVE ACTIVITIES**

**X2.1** This list is not exhaustive, and depending on the nature of the case, additional investigative means may be appropriate. Likewise, it may not be necessary to perform all listed activities, particularly in circumstances where delay could compromise officer or public safety.

X2.1.1 Incarceration Status – Verify the subject was not incarcerated at the date and time of the crime.

X2.1.1.1 Search local, state, and federal incarceration databases.

X2.1.2 Public Records Search – Use public records and commercial data services to check for:

X2.1.2.1 Possibility of a twin or similar-looking individual.

X2.1.2.2 Past confusion involving mistaken identity.

X2.1.2.3 Known aliases or identity overlaps

X2.1.2.4 Deceased

140 X2.1.3 Open-Source / Social Media Search – Search for potential alibi evidence or  
141 potentially incriminating content. Use geolocation, reverse image search, and metadata  
142 tools when applicable.

143 X2.1.3.1 Photos, messages, or check-ins from alternate locations at the time of the  
144 crime.

145 X2.1.3.2 Images showing the subject wearing clothing matching the probe image.

146 X2.1.3.3 Posts or comments referencing the crime.

147 X2.1.3.4 Photos depicting proceeds from the crime, e.g., stolen property, case.

148 X2.1.4 Vehicles – Identify vehicles linked to the subject and analyze movement  
149 history.

150 X2.1.4.1 Check motor vehicle authority records, registrations, tickets, arrests, and  
151 accident reports.

152 X2.1.4.2 License plate reader (LPR) data near the crime scene.

153 X2.1.4.3 Toll transponder history.

154 X2.1.4.4 Rental or borrowed vehicle access during the incident.

155 X2.1.5 Known Address(es) – Map all known residential addresses. Determine  
156 relationship to crime location:

157 X2.1.5.1 Does the subject reside nearby?

158 X2.1.5.2 Any documented ties to the area (e.g., relatives, romantic partners,  
159 associates)

160 X2.1.5.3 History of arrests, stops, or frequent visits to the area.

161 X2.1.5.4 Cell site or GPS data placing subject in or out of the area (if legally  
162 obtained)?

163 X2.1.6 Arrest History – Review the subject’s criminal history:

164 X2.1.6.1 Does it match the type of crime under investigation (*modus operandi*)?

165 X2.1.6.2 Pattern of escalation?

166 X2.1.6.3 Known co-offenders connected to this crime?

167 X2.1.7 Forensic / Biometric Evidence – Confirm whether biometric evidence supports  
168 or contradicts identity. If results contradict the identification, immediately notify the  
169 supervisor and the prosecutor. Request expedited forensic processing if delays affect  
170 case integrity.

171 X2.1.7.1 Fingerprints or DNA

172 X2.1.8 Photo Line-up - Photo line-ups shall only be conducted as part of a broader  
173 investigative process. Proper procedures for conducting photo line ups are out of the  
174 scope of this document. Some additional references for utilizing photo line-ups can be  
175 found at the International Association of Chiefs of Police (IACP)

176 (<https://www.theiacp.org/sites/default/files/2018-08/EyewitnessIDPolicy2016.pdf>) and

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177 the US Department of Justice (DOJ) Office of Justice programs  
178 (<https://www.ojp.gov/ncjrs/virtual-library/abstracts/correct-way-conduct-lineups>).

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