Disclaimer:

As a condition to the use of this document and the information contained herein, the Facial Identification Scientific Working Group (FISWG) requests notification by e-mail before or contemporaneously to the introduction of this document, or any portion thereof, as a marked exhibit offered for or moved into evidence in any judicial, administrative, legislative, or adjudicatory hearing or other proceeding (including discovery proceedings) in the United States or any foreign country. Such notification shall include: 1) the formal name of the proceeding, including docket number or similar identifier; 2) the name and location of the body conducting the hearing or proceeding; and 3) the name, mailing address (if available) and contact information of the party offering or moving the document into evidence. Subsequent to the use of this document in a formal proceeding, it is requested that FISWG be notified as to its use and the outcome of the proceeding. Notifications should be sent to: chair@fiswg.org

Redistribution Policy:

FISWG grants permission for redistribution and use of all publicly posted documents created by FISWG, provided that the following conditions are met:

Redistributions of documents, or parts of documents, must retain the FISWG cover page containing the disclaimer.

Neither the name of FISWG, nor the names of its contributors, may be used to endorse or promote products derived from its documents.

Any reference or quote from a FISWG document must include the version number (or creation date) of the document and mention if the document is in a draft status.
1. Scope

1.1 The purpose of this document is to provide guidance for the use of investigative leads resulting from facial comparisons, including comparisons involving Facial Recognition System (FRS) searches. It identifies procedures with the goals of ensuring rigorous review, fair operations, and operator accountability while leveraging valuable forensic processes.

1.2 This document does not supersede any organizational policies and procedures.

2. Referenced Documents

2.1 ASTM Standards:

E2916-13 Standard Terminology for Digital and Multimedia Evidence Examination

2.2 FISWG Standards:

FISWG Glossary

FISWG Minimum Guidelines for Facial Image Comparison Documentation

---

1 For referenced ASTM standards, visit www.nist.gov/osac/astm-launch-code, or the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For Annual Book of ASTM Standards volume information, refer to the standard’s Document Summary page on the ASTM website.

2 For referenced FISWG documents, visit www.fiswg.org

FISWG Guide for Use of Facial Comparison Investigative Leads
3. Terminology

3.1 Investigative Lead - information which may help identify a person of interest

3.2 Facial Comparison Investigative Lead - information from a one-to-one comparison or FRS search which may help identify a person of interest

4. Summary of Practice

4.1 This document provides guidelines for anyone tasked with vetting investigative leads provided by a facial comparison or FRS search result.

4.2 The intended audience of this document is producers and recipients of facial comparison investigative leads, with or without the use of a FRS.

5. Significance and Use

5.1 Facial comparison investigative leads are not positive identifications.

5.2 Agencies conducting facial comparisons should include a disclaimer based on their policies and procedures regarding facial comparison investigative lead communications. (Example disclaimer provided in Appendix.)

5.3 Investigative leads should be used in conjunction with additional information. Not all investigative leads are weighted equally. Therefore, common investigative steps should be used to appropriately vet the lead.

---

3 OSAC 2022-S-0001 Standard Guide for Image Comparison Opinions

FISWG Guide for Use of Facial Comparison Investigative Leads

This document includes a cover page with the FISWG disclaimer.
5.4 The receiving agency's policy and laws govern the investigative process.

5.4.1 Best practices for developing or vetting facial comparison investigative leads.

5.4.2 The requirements for a search warrant.

5.4.3 Reasonable suspicion for detention or probable cause for arrest.

5.5 Upon receiving a facial comparison investigative lead, the investigator SHALL:

5.5.1 Include the lead in casework documentation for transparency.

5.5.2 Compare the lead to the results of other available evidence including forensics.

5.5.3 Perform additional investigative activities typical for vetting leads when applicable.

5.6 Upon receiving a facial comparison investigative lead, the investigator SHALL NOT:

5.6.1 Arrest an individual based solely on a facial comparison investigative lead.

5.6.2 Use the lead image in a photo lineup without vetting the lead through additional investigative steps.

5.6.3 Share the lead or personally identifiable information publicly without lawful authority.

5.6.4 Share the lead with other agencies, investigators, or courts without including the complete disclaimer.

5.7 See Table 1 in Appendix for Example Optional Insert for Investigative Lead Reports including investigator Shall/Shall Nots.
Appendix

Nonmandatory Information

X1. Example of facial investigative lead disclaimer.

X1.1 This facial image comparison is not a positive identification. This is an investigative lead only. Any possible connection or involvement of any subject must be determined through further investigation. Further dissemination of this investigative lead needs to follow applicable policies and laws.

X2. Table 1- Example optional insert for investigative lead reports.

Upon Receiving a facial comparison investigative lead, the investigator

<table>
<thead>
<tr>
<th>SHALL:</th>
<th>SHALL NOT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Include the lead in casework documentation for transparency</td>
<td>-Arrest an individual based solely on a facial comparison investigative lead</td>
</tr>
<tr>
<td>-Compare the lead to the results of other available evidence, including forensics</td>
<td>-Use the lead image in a photo lineup without vetting the lead through additional investigative steps</td>
</tr>
<tr>
<td>-Perform additional investigative activities typical for vetting leads when applicable</td>
<td>-Share the lead or personally identifiable information publicly without lawful authority</td>
</tr>
<tr>
<td></td>
<td>-Share the lead with other agencies, investigators, or courts without including the complete disclaimer</td>
</tr>
</tbody>
</table>

FISWG documents can be found at: www.fiswg.org