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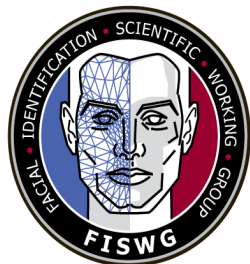
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Recommendations for Legal Communications and Court Preparation

1 1. Scope

2 1.1 This guide provides recommendations for communications between face
3 practitioners and the legal community. Face practitioners hold responsibility for
4 explaining how their work and opinions are presented.

5 1.2 The intended audience for this document is face practitioners who may be
6 called upon to assist with court proceedings.

7 2. Referenced Documents

8 2.1 FISWG Standards¹:

9 FISWG Role-Based Training in Facial Comparison

10 FISWG Guideline for the Use of ACE-V Methodology in One-to-One Examinations

11 FISWG Minimum Guidelines for Facial Image Comparison Documentation

12 FISWG Guide for Facial Comparison Training of Examiners to Competency

¹ Available from Facial Identification Scientific Working Group (FISWG), <http://www.fiswg.org/documents>.

13 FISWG Guide for Facial Comparison Training of Reviewers to Competency

14 2.2 Other Standards:

15 OSAC 2022-S-001 Standard Guide for Image Comparison Opinions²

16 **3. Terminology**

17 3.1 *Face Practitioner, n*—An individual who (1) applies scientific or technical
18 practices to the recognition, collection, analysis, or interpretation of face evidence for
19 criminal and civil law or regulatory issues; and (2) provides interpretations, or
20 opinions with respect to face evidence.

21 **4. Significance and Use**

22 4.1 Face practitioners hold responsibility for educating legal practitioners on the use
23 of face practices and outputs. Communication fosters growth, understanding, and
24 responsible and ethical use of facial recognition in the legal system.

25 4.2 Face practitioners shall be impartial, favoring neither the prosecution nor
26 defense.

27 4.3 Transparency of purpose, policy, and procedures is a priority.

² Available from the NIST Organization of Scientific Area Committees for Forensic Science (OSAC) at <https://www.nist.gov/organization-scientific-area-committees-forensic-science/osac-registry>

28 4.4 This document should be referenced as an initial step to assist with court
29 proceedings.

30 5. Procedure

31 5.1 FISWG recommends a face practitioner who receives notice of court related
32 proceedings to collect, communicate, or share relevant information. This information
33 may include but is not limited to:

34 5.1.1 Practitioner's Role (FRS User, Assessor, Reviewer, Examiner)

35 5.1.1.1 Role should be determined by the tasks performed by the practitioner, not
36 the practitioner's job title.

37 5.1.2 If using facial recognition, clearly state steps completed by the human versus
38 Facial Recognition System (FRS) and whether a human reviewed the gallery/candidate
39 list. If using FRS, list the algorithm version and gallery searched.

40 5.1.3 Standard Operating Procedures (SOPs) may be provided for the task,
41 including what can and cannot be done with output (e.g., report, investigative lead,
42 candidate list).

43 5.1.4 FISWG recommends that face practitioners prepare for courtroom testimony
44 by having a full understanding of the following, including but not limited to:

45 5.1.4.1 Agency policies and procedures.

46 5.1.4.2 Review casework, if applicable, including communication (verbal or written),
47 with the recipient of the investigative lead or report.

48 5.1.4.3 Voir Dire questions. See APPENDIX X1.

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APPENDIX

(Nonmandatory Information)

X1. SAMPLE VOIR DIRE QUESTIONS

X1.1 Witness Qualifications

X1.1.1 Experience

X1.2 Training

X1.2.1 Formal Education

X1.2.2 Specialized Courses

X1.2.3 Books and publications studied

X1.2.4 Mentorship received

X1.3 Official recognition of experience

X1.3.1 Certification

X1.3.2 Training/mentoring instructed

X1.3.3 Professional papers published

X1.3.4 Lectures presented

X1.3.5 Professional organizations

X1.3.6 Memberships

X1.3.7 Committee/Board activities

X1.3.8 Meetings/Conferences attended

X1.3.9 Previous testimony

X1.4 Explanation of the science supporting Facial Identification

- 79 X1.4.1 Factors in use of face as a means of identification
- 80 X1.4.2 History of face comparisons
- 81 X1.4.3 Simple explanation of automated facial recognition systems
- 82 X1.4.4 Face comparison methods

83 **X1.5 Origin and Chain of Custody of Evidence**

- 84 X1.5.1 Introduce questioned (probe) image(s)
- 85 X1.5.2 Introduce known (gallery) image(s)

86 **X1.6 Examination Process**

- 87 X1.6.1 Present charted enlargement(s)
- 88 X1.6.2 Explain Facial Features Compared
- 89 X1.6.3 Explain the correlation observed for features compared

90 **X1.7 Other topics as applicable**

91 **X1.8 Offer Opinion**

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