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# Recommendations for Courtroom Preparation and Testimony

## 1. Scope

1.1 This document is intended for facial practitioners who have been called upon to testify in court and follows any preliminary legal interactions. This document is not intended to be legal guidance.

## 2. Referenced Documents

### 2.1 *FISWG Documents*<sup>1</sup>:

Guide for Facial Comparison Training of Examiners to Competency

Guide for Facial Comparison Training of Reviewers to Competency

Guide for Facial Comparison Awareness Training of Assessors

Minimum Training Criteria When Using Facial Recognition Systems

### 2.2 Other Standards

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

12 2022-09-22 SWGDE Introduction to Testimony in Digital and Multimedia Forensics  
13 (22-Q-00101.0)

### 14 3. Significance and Use

15 3.1 This document should be referenced by facial practitioners preparing for  
16 courtroom testimony. It provides a recommended list of preparatory actions and proper  
17 conduct while providing testimony.

### 18 4. Procedure

19 4.1 Courtroom testimony preparation is essential for ensuring that facial  
20 practitioners provide testimony that is accurate, credible, and professional.

21 4.2 Courtroom Preparation can include, but is not limited to:

22 4.2.1 Preliminary Legal Interactions

23 4.2.2 Voir Dire/Qualifying Questions

24 4.2.2.1 Curriculum Vitae/Resume

25 4.2.2.2 Relevant training/certifications

26 4.2.2.3 Professional Organizations

27 4.2.2.4 Previous Experience with courtroom testimony

28 4.2.3 Case Notes and Review

- 29 4.2.3.1 Role and Action Taken
- 30 4.2.3.2 Chain of Custody
- 31 4.2.3.3 Relevant Agency Policy and Regulations
- 32 4.2.3.4 Tools Used (FRS, image processing software, etc.)
- 33 4.2.4 Methodology
- 34 4.2.4.1 Opinion Scale and Scope
- 35 4.2.4.2 Peer Review Process
- 36 4.2.4.3 Limitations
- 37 4.2.5 Outputs
- 38 4.2.5.1 Reports
- 39 4.2.6 Courtroom Readiness (e.g., Mock Court, Testimony Practice, Courtroom
- 40 Etiquette and Procedures)
- 41 4.2.6.1 Expect leading, challenging, or repetitive questions
- 42 4.2.6.2 Courtroom Exhibits
- 43 4.2.6.3 Cross-Examination

44 4.3 Facial Practitioners provide valuable evidence in legal proceedings in the form  
45 of testimony. Expert witness requirements may vary based on jurisdiction and will be  
46 determined on case-by-case basis.

47 4.4 Facial practitioners testifying should follow these expectations:

48 4.4.1 Arrive on time and be prepared to wait

49 4.4.2 Provide truthful statements

50 4.4.3 Use professional conduct

51 4.4.3.1 Maintain decorum throughout courthouse (hallways, witness rooms, etc.)

52 4.4.3.2 Avoid discussing testimony with external parties

53 4.4.4 Demonstrate competence

54 4.4.5 Remain impartial

55 4.4.6 Expect leading, challenging, or repetitive questions

56 4.4.6.1 Maintain neutral, composed voice and demeanor

57 4.4.6.2 Avoid argumentative answers, in voice and body language

58 4.4.7 Provide concise, accurate answers

59 4.4.7.1 Use plain language when possible unless technical explanation is needed

60 4.4.7.2 Allow questions be fully asked

- 61 4.4.7.3 Allow time for objections before answering
- 62 4.4.7.4 Ask for clarification or repeating of questions as needed
- 63 4.4.7.5 Avoid over-explaining or providing additional information past what was
- 64 asked
- 65 4.4.7.6 Keep testimony within scope of knowledge
- 66 4.4.7.7 State “I don’t know” or “I don’t recall” when applicable
- 67 4.4.7.8 Direct answers to the Judge/jury
- 68 4.4.7.9 Use appropriate vocal tone and speed
- 69 4.4.7.10 Provide verbal answers, do not nod or gesture in lieu of an answer
- 70 4.4.7.11 Avoid speculation
- 71 4.4.7.12 Avoid lingo, explain abbreviations and acronyms
- 72 4.4.8 Request permission from Judge to refer to notes, approach exhibits, review
- 73 documents
- 74 4.5 Recommendations for post-testimony
- 75 4.5.1 Request feedback from counsel on testimony
- 76 4.5.2 De-brief with co-workers to share experience and knowledge, if shareable
- 77 4.5.3 Follow up on results on case

78 4.5.4 Be aware of case status and proprietary information before sharing

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

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