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# Recommendations for Preliminary Legal Interactions

## 1. Scope

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

1.2 Face practitioners who receive notice of court related proceedings are the intended audience for this document.

## 2. Referenced Documents

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

FISWG Role-Based Training in Facial Comparison

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

FISWG Minimum Guidelines for Facial Image Comparison Documentation

FISWG Guide for Facial Comparison Training of Examiners to Competency

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<sup>1</sup> 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 FISWG Guide for Facial Comparison Awareness Training of Assessors
- 15 FISWG Minimum Training Criteria When Using Facial Recognition Systems

16 *2.2 Other Standards:*

17 OSAC 2022-S-001 Standard Guide for Image Comparison Opinions<sup>2</sup>

18 **3. Terminology**

19 *3.1 Definitions:*

20 *3.1.1 Face practitioner, n*—an individual who (1) applies scientific or technical  
21 practices to the recognition, collection, analysis, or interpretation of face evidence for  
22 criminal and civil law or regulatory issues; and (2) provides interpretations, or opinions  
23 with respect to face evidence.

24 *3.1.2 Legal practitioner, n*—an individual who is professionally qualified and  
25 licensed to practice law, including representing clients in legal matters and appearing in  
26 court.

27 *3.1.2.1 Discussion:* This may be for the prosecution or defense.

28 *3.2 Acronyms:*

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<sup>2</sup> 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>

29 3.2.1 *SOP, n*—Standard Operating Procedure

30 **4. Significance and Use**

31 4.1 Face practitioners may be contacted by legal practitioners for initial  
32 engagements with the legal system before formal legal action occurs.

33 4.2 Communication fosters growth, understanding, and responsible and ethical use  
34 of facial comparisons in the legal system.

35 4.3 Face practitioners shall inform legal practitioners on facial comparisons, their  
36 limitations, and results.

37 4.4 Face practitioners shall endeavor to be impartial, favoring neither prosecution  
38 nor defense.

39 4.5 Face practitioners shall be accurate, transparent, and truthful in their  
40 interactions and reporting.

41 **5. Procedure**

42 5.1 FISWG recommends that a face practitioner who receives notice of court related  
43 proceedings should collect and share relevant information. This information may include  
44 but is not limited to:

45 5.1.1 Practitioner's Role (e.g., Facial Recognition System (FRS) User, Facial  
46 Assessor, Facial Reviewer, or Facial Examiner). Role should be determined by the  
47 tasks performed by the practitioner, not the practitioner's job title.

48 5.1.2 If using an FRS, describe the process and limitations, to include designating  
49 automated and manual steps, FRS software information, database(s) searched, and  
50 additional information recorded in comparison notes.

51 5.1.3 Relevant standard operating procedures (SOPs) may be provided, including  
52 what can and cannot be done with output (e.g., report, investigative lead, candidate list).

53 5.2 Face practitioners should clearly state and speak about their role. (Example: An  
54 examiner who conducted an FRS search but did not compare the probe and candidate  
55 facial images will be limited to discussion on the FRS search portion of the case).

56 5.3 FISWG recommends that face practitioners prepare for courtroom testimony by  
57 having a full understanding of the following, including but not limited to:

58 5.3.1 Agency policies and procedures.

59 5.3.1.1 Face practitioners should be aware of agency policy and guidelines  
60 associated with Proprietary information.

61 5.3.2 Voir Dire questions.

62 5.3.3 Case notes and documentation content and requirements.

63 5.3.4 Courtroom layout, procedures, and etiquette.

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

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