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March 6, 2026

The Hon. Paul Suttell
Chief Justice
Rhode Island Supreme Court
250 Benefit Street
Providence, RI 02903

Dear Chief Justice Suttell:

We received an inquiry today from *Providence Journal* reporter Katie Mulvaney, who apprised us that the court is currently piloting a facial recognition program at the state's courthouses for purposes of monitoring potential threats at these facilities. We also understand that the court is preparing a policy that will provide details and standards on the use of the technology.

Not surprisingly, the ACLU of RI is deeply concerned to learn of this initiative. While the policy that is being drafted may answer some of the questions we have about the installation of this system, it is of great concern that it appears the technology has already been implemented prior to completion of the policy.

The use of facial recognition software by the government raises obvious and deep privacy concerns. We certainly understand the legitimate and important security issues in protecting people utilizing the state's courthouses, but facial recognition technology raises a host of independent concerns not present with many other types of security arrangements.

The problem of false positives, particularly on people of color, has been well documented. But there are many more concerns that use of this technology presents. More broadly, we do not know what databases the court is using that include the faces that the software is designed to alert on. We do not know what criteria are being used to include people in this database, nor whether or how one can get themselves removed from it. We do not know if the faces being scanned are themselves going into a database or are otherwise capable of being shared or used for this or other purposes in the future. We additionally do not know how long biometric data generated by this program will be retained, how information will be purged, and how access will be governed.

It is worth noting that perhaps the most prominent and recent public threat to court security occurred in January when masked and armed Immigration and Customs Enforcement (ICE) agents burst into the Garrahy courthouse in order to detain an individual who had entered the building. Not only would facial recognition software be useless in a situation like that, we also feel fairly confident that ICE agents are not the people populating the database that the software will be matching for potential threats.

Indeed, despite whatever measures may be in place to limit access to the software, we can easily envision the federal government, including ICE, demanding access to information generated by the technology, and it is even very possible that the databases being used for matching purposes are shared with the federal government.

Even if concerns about federal access are overblown, use of facial recognition technology in these locations can only create more fear in the immigrant community about accessing the courthouse, a fear that is already understandable, legitimate, and palpable. While the court has commendably made efforts to allow for remote judicial proceedings in some instances, there remain many proceedings where members of the immigrant community must physically attend. The good intentions behind the state judiciary's implementation of a system like this are, unfortunately, unlikely to assuage the fears the immigrant community presently has in making use of the court system.

It is precisely this type of surveillance technology that has made ICE and other federal agencies so fearsome and capable of widespread intimidation of not only immigrants, but of critics of ICE as well. It has also long been our experience that invasive technology of this sort, even if initiated for a narrow and specific purpose, ultimately ends up getting used in broader and even more disturbing ways.

We therefore respectfully urge the court to reconsider and reverse its plan to make use of facial recognition technology in the courthouses. At a minimum, for the immediate present, we ask that the court immediately halt the pilot program until a policy is completed and made public, and the court has had an opportunity to obtain public input on this plan, including input from attorneys and others who regularly use the courthouse. Extremely important public policy issues are raised by this technology, and they deserve public debate before, not after, the fact.

I'm sure you can understand the critical civil liberties concerns prompting this letter and these requests, and I hope that you will give them your serious consideration. I would appreciate hearing back from you about this at the earliest opportunity. Thank you in advance for your prompt attention to this.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive, flowing style.

Steven Brown
Executive Director

cc: Tamera Rocha
Julie Hamil