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## **NCLA Asks Miami Court to Stop Coral Gables from Using ALPRs to Violate Drivers' Privacy Interests**

*Raul Mas Canosa v. City of Coral Gables, Florida, et al.*

**Washington, DC (June 2, 2021)** – Raul Mas Canosa, a resident of Coral Gables, Florida, was alarmed when he received 80 pages of documents from the city tracking his vehicle's movements using Automated License Plate Readers (ALPRs) installed around the city. Today the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, filed two motions for summary judgment asking a judge in Florida's 11th Judicial Circuit to rule against the [City of Coral Gables](#) and the [Florida Department of Law Enforcement](#) (FDLE) over their warrantless collection of personal data in violation of Mr. Mas Canosa's right to privacy under the constitutions of the State of Florida and the United States.

The images, captured over a 5-month period, show Mr. Mas Canosa going to the supermarket, to the dry cleaner, to doctors' appointments, to a meeting with a client, to a city commission meeting, and to various other locations across the city. There are 18 ALPR devices located at major intersections and other strategic points throughout Coral Gables. The locations form a perimeter around the city and were selected to encompass the most traffic possible so the system would maximize surveillance potential. These cameras take pictures of license plates 24 hours a day, seven days a week and then store that data for a period of three years. The information gathered by the ALPRs is searchable and available to 68 different law enforcement agencies, including the FBI.

The Supreme Court held in *Carpenter v. United States* that "an individual maintains a legitimate expectation of privacy in the record of his physical movements as captured through" digital surveillance. Coral Gables's ALPR system unlawfully aggregates data about Mr. Mas Canosa's movements over time and impermissibly shares that data with law enforcement without any particularized suspicion.

Constitutional limitations bind FDLE and ensure that the agency cannot bless unlawful intrusions of municipalities into the most private aspects of people's lives. FDLE's current [Guidelines](#) permit unconstitutional data gathering and dissemination to law enforcement. The collection and storage of over a hundred million data points from ALPRs constitute a search for Fourth Amendment purposes. But the Fourth Amendment forbids monitoring a person's public movements over time without a warrant. Furthermore, because the city shares that data with police without any requirement for particularized suspicion, the collection of data violates the warrant requirement.

FDLE is also bound by statutory limitations, which require that the agency engage in appropriate notice and comment rulemaking before issuing binding rules to protect the public's right to advocate for their own interests—particularly when those rules result in the kind of intrusive surveillance seen in this case. FDLE has not adhered to these constitutional and statutory limits, and the Circuit Court should therefore set aside FDLE's Guidelines as unlawful and terminate the city's use of ALPRs as unconstitutional.

**NCLA released the following statement:**

“The indiscriminate surveillance of law-abiding people by the City of Coral Gables is truly breathtaking. That FDLE Guidelines permit this is maddening. The police constantly monitor all drivers who enter the city limits, track their movements for years on end, and actively track innocent people just in case they might commit a crime. This police state is unlawful, and the Court must stop Coral Gables from violating every driver’s civil liberties immediately.”

— **Caleb Kruckenberg, Litigation Counsel, NCLA**

**For more information click [here](#) to visit the case page and view the video of Mr. Mas Canosa’s story.**

**ABOUT NCLA**

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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