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June 29, 2026

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No Shortcut Around the Fourth Amendment: Supreme Court Holds Geofence Location Data Is a Search Under the Fourth Amendment

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On June 29, 2026, the Supreme Court explained how the Fourth Amendment applies to the use of a geofence warrant. In doing so, the Court was tasked with considering two questions: *whether the police conducted a “search” when they obtained the cell phone location data that led to Chatrie’s arrest*, and if so, *whether that search was reasonable given the features of the warrant they employed*. The Court addressed only the first question at issue, holding that **law enforcement conducted a Fourth Amendment search when they accessed Chatrie’s Google Location history data by way of the geofence warrant**. The Court reasoned that individuals have an expectation of privacy in cellphone records showing the location of their cellphones, and police intrude on that constitutionally protected interest when they demand the information, even though for only a limited time, and from a third-party tech company. As to the second question presented, the high court remanded the case to the United States Court of Appeals for the Fourth Circuit, to consider, *whether, given the warrant issued, the search here was reasonable, meaning that each of its steps was properly described with particularity and found to be supported by probable cause*.

The Fourth Amendment was designed to guard against general searches, but that protection is now being tested in the digital world, where law enforcement can begin an investigation not with a named suspect, but with a location, a time frame, and a request for cellphone location data. On June 29, 2026, the Supreme Court of the United States addressed that issue in *Chatrie v. United States*, 609 U.S. ____ (2026), a case involving a geofence warrant directed to Google after a bank robbery in Virginia. The warrant required Google to produce Location History data showing which cellphones were near the bank around the time of the robbery. At the end of the process described in the warrant, Google gave the police three names, leading the Federal Government to charge one of the individuals, petitioner Okello Chatrie, with committing the crime.

Summary of the Facts

Chatrie arose in the wake of a robbery committed in 2019 at the Call Federal Credit Union in Midlothian, Virginia. On the day of the incident, by the time law enforcement arrived on scene, the suspect fled westward, supposedly unarmed and carrying \$195,000 stolen from the bank’s

vault. When Detective Hylton arrived on the scene, he initiated witness interviews and undertook a review of the bank's security footage, however, these investigative techniques proved fruitless, as they failed to expose the suspect's identity. While the Detective managed to pursue two-potential leads, the results were underwhelming as they resulted in two dead-ends. With no other leads to pursue, nor any additional evidence to consider, the Detective dived deeper into the little evidence he had. Reflecting back on his earlier review of the Bank's security footage, he remembered that the suspect had carried a cell phone during the robbery. Recollection of this fact led the Detective to request and successfully obtain a geofence warrant from the County Circuit Court. The scope and subject-matter included within the warrant proposed a geofence that included the bank, and encompassing a 150-meter radius relative to the Bank's location.

The warrant also detailed the 3-step process law enforcement expected to use in attempting to obtain the location data from Google. First, Google provides anonymized Location History data for all devices within the geofence from 30 minutes before to 30 minutes after the robbery, with each device identified by a unique numerical code. At step one in this case, Google first provided 209 location data points from nineteen accounts that appeared within the geofence during the hour-long period. Second, law enforcement narrows the list of devices & accounts and sends it back to Google. Google shares additional anonymized location data for the selected devices, covering one hour before to one hour after the robbery. Here, Detective Hylton then requested Step Two information from nine accounts identified at Step One. Google responded by producing 680 data points from these accounts over the two-hour period. Finally, at Step Three, law enforcement would again attempt to shorten the list, and Google would provide the username and other identifying information for the requested accounts. At the last step, Detective Hylton requested the subscriber information for three accounts, which Google provided. One of these accounts belonged to the defendant, Chatrie.

Procedural Posture

A continued investigation into the defendant resulted in a federal grand jury charging Chatrie with robbery and related firearms offenses. When the case reached the District Court, Chatrie moved to suppress the information the police obtained from Google, arguing that the officers had acquired that data through a Fourth Amendment search, and the warrant allegedly authorizing that search was invalid. The District Court found that the geofence warrant "*plainly violates the rights enshrined in the Fourth Amendment*" but denied the motion based on the good-faith exception to the exclusionary rule. On appeal to the United States Court of Appeal for the Fourth Circuit, a divided panel of the Fourth Circuit affirmed on different reasoning, holding that no search occurred because Chatrie "*did not have a reasonable expectation of privacy in two hours' worth of Location History data voluntarily*

exposed to Google.” The Fourth Circuit granted rehearing en banc and affirmed in a one-sentence per curiam, with the court dividing on whether a Fourth Amendment search had occurred.

Supreme Court of the United States

The Supreme Court of the United States granted certiorari solely on the question whether the police violated the Fourth Amendment in obtaining Chatrue’s location data. The Supreme Court held that Police officers conducted a Fourth Amendment search when they acquired Chatrue’s location data from Google because an individual has a reasonable expectation of privacy in his cell-phone location information.

Fourth Amendment Framework

In reaching its holding, the Court relied heavily on *Carpenter v. United States*. *Carpenter* held that accessing cell-site location information (CSLI) constitutes a Fourth Amendment search because “*individuals have a reasonable expectation of privacy in the whole of their physical movements.*” There, the Court reasoned that CSLI provides a detailed and encyclopedic portrait of a person’s whereabouts, and, with that, an intimate window into a person’s life. Because people have their cell phones all the time, *Carpenter* explained, a cell phone “*tracks nearly exactly the movements of its owner,*” and thus faithfully follows him not only through “*public thoroughfares but into private residences, doctor’s offices, political headquarters, and other potentially revealing locales.*” The Court observed that the “*newfound tracking capacity*” that CSLI gives the police “*runs against everyone,*” not just those under investigation, and “*travels back in time,*” making possible a form of surveillance that would have been unknown prior to the digital age. *Carpenter* accordingly held that “*allowing government access to cell-site records contravenes*” expectations of privacy.

Using *Carpenter*, the Court concluded that the same privacy principles relied upon in *Carpenter* to find that law enforcement officers conducted a Fourth Amendment search when they accessed CSLI records, applied with equal, if not greater, force to the police’s accessing of Google Location History data. First, the Court explained that the Location History obtained in this case provides an even more fine-tuned picture of a person’s movements than the data obtained in *Carpenter*. The Court noted that location history data can pinpoint the location of a device within twenty meters rather than within sectors of one-eighth to four square miles like in *Carpenter*. Additionally, it records location data about every two minutes, and may even estimate elevation, potentially indicating which floor of a building a cellphone is on. Secondly, the Court emphasized that Location History “*allows police to reconstruct retrospectively, and with no real effort, people’s comings and goings in any area, enabling “tireless and absolute surveillance” of any number of people in any number of places.*” Finally, the Court concluded

that Location History is significantly more connected to the personal details and privacy interest of an individual, as compared to the CSLI data in *Carpenter*. The Court reasoned that “*Location History is more the cell-phone user’s own,*” and relied on the belief that, most cell-phone users have no awareness of CSLI records and would never try to retrieve them; whereas, by contrast, Google users regularly employ Location History as a personal journal. The Court went on to compare the resemblance of Location History and other private materials, such as, emails, documents, photographs, or calendars. Even if stored on Google’s servers, *a user reasonably views this as his own and expects it to be shielded from the “inquisitive eyes” of the government.*

The Court then addressed the Government’s argument which proposed that accessing only a short amount of cell-phone location information does not count as a Fourth Amendment search. Citing *United States v. Jones*, 565 U. S. 400, 415, the Supreme Court emphasized that even short-term monitoring can provide a wealth of detail about a person’s familial, political, professional, religious, and sexual associations. The Court refused to create a rule that would only allow Fourth Amendment protections to apply “*only once an intrusion “goes too far.”*” The Court wrote, “where the Fourth Amendment applies, it applies regardless of the quality or quantity of information the government obtains. That approach makes even more sense when, as with Location History, law enforcement officials can select the time-limited set of materials they want from an all-encompassing database.”

Furthermore, the Court considered the Government’s reliance on the third-party doctrine to argue that Chatrie lost any reasonable expectation of privacy because he authorized Google to store his location history data. The Court disagreed, explaining that *Carpenter* had previously refused to apply the third-party doctrine to CSLI because such data is fundamentally different than “*telephone numbers and bank records,*” traditionally covered under the third-party doctrine. In *Carpenter*, the Court found that the data obtained was “incomparably revealing” and was “not truly ‘shared’ as one normally understands the term” given that cell phones are indispensable to participation in modern society. Here, the Court reasoned that the same principles apply even more strongly to Google Location History. While similar to CSLI, the location history at issue in this case is even more revealing than CSLI and is “not truly shared” in the normal sense of wanting a third party to see or use it. Sharing such information with Google is incomparable to voluntarily turning information over to a third party because here, the data is generated through ordinary smartphone use and through Google services that users are repeatedly prompted to enable. Rejecting the Government’s argument that “generating Location History, unlike producing CSLI, is a voluntary choice,” the Court emphasized that this ignores how and why Google users turn on Location History. Google repeatedly prompts users to turn on the Location History service, often warning that a device may not function properly unless the location feature is enabled. However, Google does so while not clearly explaining nor disclosing how frequently users’ location

information would be recorded, how precise it would be, or how it may later be provided to the Government.

The Court emphasized its refusal to adopt an “app-by-app, feature-by-feature” method of granting Fourth Amendment protection, because this approach misapprehends the nature of modern cell-phone use. In the Court’s view, nearly every meaningful use of a smartphone requires some affirmative action beyond simply powering-on the device. The Government’s approach attempts to disconnect the activities people do on their cell phones from the mere act of carrying a turned-on cell phone (the thing that generates CSLI). Under this approach, only the location data generated from having a device powered-on and in-hand would receive Fourth Amendment protection, while treating the ordinary use of smartphone apps and services as voluntary disclosure to a third party. Rejecting this distinction, the Court explained that the point of carrying smartphones is to use what is on them, as *Carpenter* said, to use the apps and “services they provide.” Consequently, the Court concluded, that a cell-phone user is not to be viewed as sharing private information with third parties just by doing the ordinary things cell-phone users do, which then can be freely passed on to the government.

Briefly addressing the second prong of the Fourth Amendment analysis, the Court explained that its decision today, holding that a search did occur, does not resolve this case because the Fourth Amendment prohibits only searches that are “unreasonable.” Because the Fourth Circuit did not address the questions raised by the unusual warrant in this case, the United States Court of Appeals for the Fourth Circuit must now decide *whether, at each step of the search process, the warrant satisfied the Fourth Amendment’s requirements of particularity and probable cause.*

Key Takeaways

The Supreme Court’s decision in *Chatrue v. United States* confirms that obtaining a person’s Google Location History by way of a geofence warrant, constitutes a “search” within the meaning of the Fourth Amendment. The Court emphasized that Location History is extremely precise, especially revealing, and capable of revealing a person’s specific whereabouts in both public and private spaces. Importantly, the Court rejected the argument that Fourth Amendment protection is lost merely because the data covered only a short time period, or because the records were stored and produced by Google. For law enforcement, the *Chatrue* holding indicates that location history data obtained through a geofence warrant, must be treated as a Fourth Amendment search from the outset. The Supreme Court remanded the case to the United States Court of Appeals for the Fourth Circuit to consider the second prong of the Fourth Amendment application; *whether, given the warrant issued, the search here was reasonable, meaning that each of its steps was properly described with particularity and found to be supported by probable cause.*

Originally published at <https://dlglearningcenter.com/supreme-court-chatrle-v-united-states-fourth-amendment/>

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