

UNITED STATES SUPREME COURT DECISION CONCERNING “GEO-FENCE” SEARCH WARRANTS

CHATRIE v. UNITED STATES certiorari to **United States Supreme Court; No. 25–112**; Argued April 27, 2026—Decided June 29, 2026; 609 U.S. ____ (2026)

On May 20, 2019, a man robbed a credit union in Midlothian, Virginia. Local police officers learned that the robber had approached the credit union while appearing to talk on a cell phone, but they could not find out anything more, and the robber remained at large. On June 14, the police officers applied to a Virginia magistrate for a geofence warrant directed to Google, which would require Google to hand over data about the cell phones located within a 150-meter radius of the credit union, to wit: a “geofence” around the area of the credit union near the time of the crime. The application described the cell-phone location data Google collects through a service called Location History, which updates a user’s cell phone location every two minutes or so. The application indicated that cell-phone location data could help identify the robber, any accomplices, and witnesses. The search warrant described a three-step process that the police would follow. Step one: Google would produce anonymized location data for all cell phones within the geofence 30 minutes before to 30 minutes after the robbery. Step two: officers would attempt to narrow the list, and Google would provide anonymized data for that narrowed list that would include cell-phone locations both inside and outside the geofence during a two-hour period surrounding the robbery. Step three: officers would further narrow the list, and Google would turn over identifying information, to include names and phone numbers, for users on the final list.

The magistrate issued the search warrant consistent with the above indicated process. Google ultimately produced three cell-phone users’ identifying information, including petitioner Okello Chatrie, whose location data showed that he entered the geofence about ten minutes before the robbery and headed toward a residential area immediately after leaving the area of the credit union. Police used this information and other investigative police work to present their case to a federal grand jury which charged Chatrie with robbery and related firearms offenses. Chatrie moved to suppress the information the police obtained from Google based on his view that officers had acquired that data through a Fourth Amendment search using a search warrant that was improper or invalid. The District Court found that the geofence warrant violated the Fourth Amendment, but denied the motion based on the “good-faith” exception to the exclusionary rule. 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 decision, with the court dividing evenly on whether a Fourth Amendment search had even occurred. The United State Supreme Court granted certiorari solely on the question of whether the police violated the Fourth Amendment in obtaining Chatrie’s location data.

The United States Supreme Court found that the police conducted a Fourth Amendment search when they acquired Chatrie's location data from Google, because an individual has a "reasonable expectation of privacy" in his cell-phone location information. In the Chatrie case the Supreme Court did not decide whether the search was lawful, but it did decide that a Fourth Amendment type search occurred which would require a search warrant or valid exception to the Fourth Amendment. The Court remanded the case to see if the particular search warrant (and search methodology using multi-step authorization), as utilized in Chatrie, was valid.

CONCLUSION:

It is now evident that, absent an appropriate exception such as consent or exigency, a valid search warrant based upon probable cause, which meets specificity and particularity requirements, will be needed for cell-phone location data (including geofence type data) and similar data from other Providers and technologies (whether historical or real time).

In Chatrie, the United States Supreme Court rejected the Government's argument that accessing a small amount of location data over a short period of time (brief window) should not implicate the Fourth Amendment. The Court determined that if the Fourth Amendment is implicated, it applies regardless of the quantity of data sought or brevity of the time involved.

The Court also rejected the notion that when the cell-phone user exposed his data to "third party", Google, he forfeited his privacy interests and authorized the "third party" to share his data with the government.

Additionally, the so called "good faith" exception to a warrant was dubious in the Chatrie context as Carpenter v. United States, 585 U. S. 296 (2018) had already established that accessing historical cell phone records constituted a Fourth Amendment search. The "good faith" argument might again be advanced upon remand, but the further Chatrie determination that the Fourth Amendment was implicated would likely overcome such a theory.

The exact type of search warrant needed for geofence type requests was not clearly stated in Chatrie. The multi-step style search warrant used in Chatrie tries to address some of the issues associated with using a search warrant to gather large amounts of data that is not initially focused, followed by further attempts to more precisely define smaller subsets of relevant data in order to concentrate on a relevant target. On remand the lower court may provide further guidance on what is needed and appropriate for a geofence type search warrant. This is an area of jurisprudence that is evolving.

It should be noted that Google no longer has geofence data available, but the geofence concept and Fourth Amendment concerns still apply when seeking such data in a similar way from other Providers with different technologies.

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Officers should consult with their agency legal advisors to confirm the interpretation provided in this Update and to determine to what extent the case discussed will affect their activities.