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The Fourth Amendment's Future Hasn't Been Written Yet: Supreme Court Holds Police Access to Google Location History Is a Fourth Amendment Search

***Chatrie v. United States, 609 U.S. ___* (June 29, 2026)**

In *Chatrie v. United States*, No. 25-112, the U.S. Supreme Court continued its recent examination of how the Fourth Amendment's protection against unreasonable searches applies to modern digital technology. In *Carpenter v. United States*, 585 U.S. 296 (2018), the Supreme Court held that law enforcement conducts a search protected by the Fourth Amendment when it accesses historical cell-site location information. *Chatrie* extended *Carpenter*'s reasoning to Google Location History (now called Timeline) data, holding that police conduct a search when they obtain that data from a third-party technology company, even for a limited time. The court applied that holding in the context of a "geofence" warrant — one used to obtain information about cell phones located in a particular area at a particular time — but declined to decide whether each step of the warrant satisfied the Fourth Amendment's particularity and probable-cause requirements.

Background

The case arose from a 2019 robbery of a credit union. Witnesses and surveillance footage could not identify the robber, but the evidence showed that he approached from the direction of a nearby church while appearing to talk on a cell phone. Local police, seeking to identify the robber, possible accomplices, or other witnesses, sought a geofence warrant directed to Google.

The warrant used a three-step process. First, it instructed Google to produce anonymized location history data for all cell phones within

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the geofence — a 150-meter radius around the credit union — during the one-hour period surrounding the robbery. At step two, officers would compare that location history data against other evidence and ask Google for additional anonymized data showing selected users' movements inside and outside the geofence during a two-hour period. At step three, officers would narrow the list further, and Google would provide identifying information for the remaining users. The process ultimately led Google to identify three users, including Chatrie, whose location history showed that he entered the geofenced area about 10 minutes before the robbery and headed toward a residential area after leaving the bank.

Chatrie moved to suppress the information obtained from Google. He argued that the process used to acquire the information constituted a search and that the warrant violated his Fourth Amendment rights. The district court agreed that the warrant "plainly violate[d] the rights enshrined in [the Fourth] Amendment," but denied suppression under the good-faith exception to the exclusionary rule. A divided U.S. Court of Appeals for the Fourth Circuit panel affirmed on different grounds, holding that no search occurred because Chatrie lacked a reasonable expectation of privacy in two hours of location history data voluntarily exposed to Google. The Fourth Circuit granted rehearing en banc and affirmed by an equally divided court. The court split 7-7 on whether a search occurred. The judges were also divided over whether, if there was a search, it was supported by a valid warrant or the good-faith exception applied.

Supreme Court's Ruling

The Supreme Court granted certiorari, vacated, and remanded. Justice Kagan, joined by Chief Justice Roberts and Justices Sotomayor, Kavanaugh, and Jackson, concluded that "the police conducted a search when they gained access to Location History data." She reasoned that, compared to the cell-site location information protected by *Carpenter*, location history records were "far more precise," pinpointing a phone's location within around 20 meters. (Location history can also estimate the device's elevation, revealing which floor of a building the phone is on.) Google recorded

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the phone's location every two minutes or so — more frequently than cell-site data — so it can enable the same kind of "tireless and absolute surveillance" of many people in many places that concerned the Supreme Court in *Carpenter*.

The Supreme Court rejected the government's two efforts to limit *Carpenter*'s reach. First, the government suggested that the two hours of location history it collected was too short a period to qualify as a search. Justice Kagan acknowledged that *Carpenter* had reserved whether the government may obtain location data for a more limited period free from Fourth Amendment scrutiny. But the *Chatrie* court rejected the government's proposed time-based limit, explaining that "even short-term monitoring" can reveal sensitive familial, political, professional, religious, and sexual associations, and that the Fourth Amendment applies regardless of "the quality or quantity of information" obtained. The Supreme Court also reasoned that, when the government can select a time-limited slice from an all-encompassing database, the short duration of the request does little to address concerns about "too permeating police surveillance."

The government next argued that the third-party doctrine precluded Chatrie from invoking the Fourth Amendment's protections because he had authorized Google to collect, retain, and use his location information. The Supreme Court disagreed, reasoning that location history is not "truly shared" with Google in the ordinary sense of wanting a third party to see or use it. Exposure to Google is instead the automatic consequence of using ordinary smartphone services. The court therefore treated Location History as akin to emails, documents, photographs, and calendars that a user may reasonably regard as private even when stored on cloud servers.

Having ruled that the government engaged in a search, the Supreme Court did not decide whether the geofence warrant used in Chatrie's case was reasonable. On remand, the Fourth Circuit must decide whether each stage of the multi-step warrant satisfied the requirements of particularity and probable cause, including whether the warrant gave officers too much discretion at steps two and three.

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Justice Jackson, joined by Justice Sotomayor, concurred. She agreed that accessing Chatrie's location history was a search, but would have gone further and held that the search violated the Fourth Amendment, at least at steps two and three, because the warrant neither required nor meaningfully cabined the officers' narrowing decisions before they obtained broader location data and identifying information. Justice Gorsuch concurred in the judgment, agreeing that the government's examination of location history was a search but arguing that the court should replace the longstanding "reasonable expectation of privacy" test with a property-based approach under which Chatrie's location history was one of his protected "effects."

Justice Alito, joined in part by Justices Thomas and Barrett, dissented. He argued that the Supreme Court should have dismissed the writ of certiorari as improvidently granted, given changes to Google's approach to storing location history, or alternatively affirmed because the good-faith exception independently supported admission of the evidence. On the merits, Justice Alito contended that the majority significantly extended *Carpenter* by requiring police to obtain a warrant whenever they access cell-phone location information from a third party, regardless of the duration of the request, the sensitivity of the location, or the voluntary nature of the user's disclosure. Justice Barrett separately dissented, stating that she had "no quarrel" with *Carpenter* but agreeing with Justice Alito that Chatrie had no reasonable expectation of privacy in data about public movements that he voluntarily disclosed to Google.

Key Takeaways

- **The "reasonable expectation of privacy" test still governs.** *Chatrie* reaffirms that the "reasonable expectation of privacy" framework of *Katz v. United States*, 389 U.S. 347 (1967), continues to govern Fourth Amendment questions involving evolving technologies. In recent years, commentators and some justices have argued that *Katz* should be curtailed or rejected. Justice Gorsuch's concurrence explicitly declined to apply *Katz*, instead arguing that Chatrie's location history was

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"his personal property." But the majority expressly rejected the view that Fourth Amendment protection depends solely on property rights.

- **The decision settles that accessing location history is a "search," but not whether it is "reasonable."** The Supreme Court held that police conduct a Fourth Amendment search when they access Google data on location history, but it expressly left unresolved whether the geofence warrant in this case was reasonable. On remand, the Fourth Circuit must decide whether each step of the warrant satisfies probable cause and particularity. The decision therefore does not prohibit geofence warrants — or other location-data warrants — outright. In future cases, prosecutors and defense attorneys will continue to litigate whether the terms of a geofence or location-data warrant are sufficiently justified and particularized.
- **Good faith will remain a recurring issue in cases involving evolving technologies and developing law.** The Supreme Court also left it to the Fourth Circuit to consider whether the good-faith exception to the exclusionary rule allows admission of location history evidence in Chatrie's case. That issue is significant for cases involving new investigative tools because officers often act under warrants issued before appellate courts have clarified the constitutional limits of the technology. In addition to arguing that searches are not objectively reasonable, practitioners should press courts to decide constitutional issues even when the government invokes good faith because resolving the Fourth Amendment issue can guide future action by law enforcement officers and magistrates.
- **Expect broader fights over digital records.** Although the majority framed its holding around cell-phone location information, its reasoning may influence future disputes over other categories of digital data stored by technology companies, whether on cell phones or otherwise. The majority analogized location history to emails, documents, photographs, and calendars stored on cloud servers, reasoning that users may still reasonably understand those

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materials as their own. The dissent seized on that point, warning that the decision may blur the line between protected cell-phone location information and other third-party digital records, including purchase histories, search histories, and payment logs. That disagreement is likely to shape future litigation over whether *Carpenter* and *Chatrie* remain limited to location-data cases or become building blocks for broader digital-privacy protections.

- **Providers of digital services should evaluate how they collect and store users' data.** In July 2025 — after the geofence warrant issued in this case — Google changed its practices so that it no longer stores users' location history information on its servers. Google represented in its amicus brief that, as a result, it cannot provide the information requested by geofence warrants of the type it received in *Chatrie*. Other digital service providers should consider whether their data-minimization, retention, storage, transparency, and law-enforcement response practices reduce unnecessary exposure of users' private information, including in response to search warrants and data-security incidents.

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