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## Practice Advisory

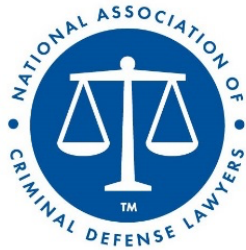
### ***Chatrie v. United States: What Defense Counsel Need to Know***

On June 29, 2026, the United States Supreme Court decided *Chatrie v. United States*, holding that the government’s use of a “geofence warrant” to obtain Google Location History data is a Fourth Amendment search. This advisory summarizes the decision and its potential implications, identifying new arguments the ruling opens up across a range of surveillance technologies. NACDL’s Fourth Amendment Center litigated *Chatrie* and is available to assist defense lawyers in applying it.

#### ***Chatrie v. United States***

*Chatrie* arose from the investigation of a bank robbery in Virginia. With no suspects, police obtained a novel “geofence warrant” directing Google to search the Location History of hundreds of millions of users so law enforcement could identify devices near the crime scene — a type of reverse warrant where police search first and identify a suspect later. The warrant proceeded in three steps, with the first step producing records for 19 devices, while the second and third steps allowed police to get additional data about those devices at investigators’ discretion.

In a 6-3 opinion authored by Justice Kagan, the Supreme Court held that people have a reasonable privacy interest in their location history data, and that police invade a cell-phone user’s Fourth Amendment rights when accessing that data, regardless of the duration of the search, and even though the data was stored by a third-party company in the cloud. The Court declined to resolve whether the warrant satisfied the probable cause and particularity requirements, or whether the good-faith exception applies, remanding those questions back to the Fourth Circuit. Justices Sotomayor and Jackson concurred to explained that they would have held the warrant unconstitutional; Justice Gorsuch concurred in the judgement and would have treated Location History as a user’s digital property.

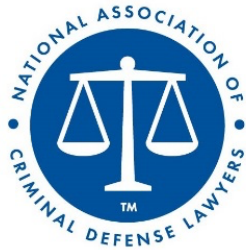


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## Key Takeaways

The *Chatrre* Court articulated significant Fourth Amendment principles that have implications well beyond geofence warrants and Location History data. Some key takeaways include:

- **No “grace-period” for short-term surveillance.** Accessing even small amounts of location data can be a search. The Court expanded its ruling in *Carpenter v. United States*, which held that a warrant was required to access 7 days or more of cell-site location information (CSLI). *Chatrre* erases the notion that short-term location surveillance is not a Fourth Amendment search, stating that “we have never understood Fourth Amendment protections as kicking in only once an intrusion ‘goes too far.’” As the Court explained, time-limited surveillance is no check on law enforcement when they can select the time and place from an all-encompassing “virtual panopticon.”
- **Third-party doctrine curtailed.** The Court did not apply the third-party doctrine, a rule from the 1970s that people do not have privacy in the phone numbers they dial or the checks they deposit because they voluntarily share them with the phone company and bank. As in *Carpenter*, the Court declined to extend this doctrine into the digital age, seeming to give it a “quiet burial.” Although Location History was an “opt-in” service, the Court recognized that “a cell-phone user is not be viewed as sharing private information with third parties ... just by doing the ordinary things cell-phone users do.”
- **Applies to other types of data.** The Court employed a two-part test to displace the third-party doctrine, considering: (1) the sensitivity of the data at issue, including whether a user “reasonably understands” it as their own, and (2) whether a user meaningfully intended to share it – “in the normal sense of wanting a third party to see or use it,” as opposed to processing by a tech company. The Court refused to go “app-by-app,” analogizing instead to other broad types of data that had not previously been recognized by the Court as private, including email, photos stored in the cloud, and calendar appointments.



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### ***Applying Chatrie***

*Chatrie*'s reasoning has broad implications for other types of digital searches. Some share obvious similarities, while others may require more explanation. First and foremost, counsel litigating issues involving cell-phone location data should affirmatively rely on *Chatrie*.

- **Tower dumps:** Like geofence warrants, they are digital dragnets that are profoundly lacking in probable cause and particularity – orders for data on every device that connected to specific cell towers over a relatively short period of time. By jettisoning the 7-day rule and likening CLSI to Location History, there is a strong argument that tower dumps are also Fourth Amendment searches despite their limited geography and duration.
- **Frankenwarrants:** An unconstitutional combination of geofence warrants and tower dumps. Also known as “area dumps” or “area searches,” these warrants attempt to conduct a geofence-like search using special types of CSLI data known as “Timing Advance” or “NELOS.” They do not rely on cell-phone usage, sweeping up many thousands of additional devices, without any “opt-in” from users.
- **Cell-site simulators, E911, real-time CSLI:** One of the major questions left open by *Carpenter* was whether a warrant is required for real-time CSLI data, often an issue when police use the E911 system to “ping” a cell phone in real-time or deploy a cell-site simulator (aka “Stingray”) to sweep an area and locate a device. Following *Chatrie*, accessing even small amounts of this data requires a proper warrant with probable cause and particularity.

Counsel litigating closely adjacent issues will be able to invoke *Chatrie* as well:

- **Automatic license plate readers (ALPRs):** *Chatrie* recognizes that short-term surveillance can be a search, implicating the use of ALPR camera networks, including any enhanced monitoring using device detection and object/person recognition. Since ALPR data can recreate the whole of a person’s past movements as CSLI data did in *Carpenter*, there is a strong argument to be made that ALPR data requires a warrant. It is hard to see how a person has a right to privacy in a private place, but not in their comings and goings from it.



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- **Keyword warrants:** Demands to reveal everyone who searched for something should require a valid warrant post-*Chatrie*. Although the Colorado Supreme Court ruled that Google searches are private, the Pennsylvania Supreme Court disagreed. Counsel should revisit any adverse rulings relying on a lack of privacy in internet searches.
- **AI chats:** A new form of reverse warrant, searching for people who queried certain topics or phrases. AI prompts are not materially different from keyword search queries. Both reveal the “privacies of life” and should be equally free from government intrusion.

Finally, *Chatrie* opens up new possibilities to counsel litigating modern call/messaging and banking records (i.e., the “ordinary things cell-phone users do,” especially if they involve location data or other sensitive information). It guards against the specter of reverse image or video search warrants for data stored in the cloud. It could restrict peer-to-peer network surveillance. And it could yelp limit access to equivalent information through private “data brokers.”

### ***Next Steps for Defense Lawyers***

Defense lawyers with geofence or similar cases pending on appeal should strongly consider alerting the court to supplemental authority per Fed. R. App. P. 28(j) or the state equivalent. If a motion to suppress is pending in the trial court, consider filing a supplemental brief according to local rules. If the trial court has already issued a decision, consider a motion to reconsider or reopen the proceedings. And if the issue has not yet been raised, consider asking for an extension to do so for good cause based on *Chatrie*. NACDL’s Fourth Amendment Center can provide sample language upon request at [4AC@nacdl.org](mailto:4AC@nacdl.org).

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