

DATA PRIVACY & GOVERNANCE HUB

The Supreme Court Examines the Constitutionality of Geofence Warrants

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Key Takeaways

- The Supreme Court heard oral arguments on the constitutionality of geofence warrants, which require companies to turn over information from devices tracked in the vicinity of a crime during the period of interest.
- Geofence warrants currently operate without established constitutional standards or limitations on scope and duration.
- Hundreds of innocent bystanders have their location data captured without knowledge or involvement in the crime.
- This case exposes tension between the efficiency and effectiveness of investigations and the risk of government surveillance of constitutionally protected activities.

What Happened

On April 27, the Supreme Court [heard](#) oral arguments on the constitutionality of geofence warrants, which allow law enforcement to access location data from all cell phones in a given area during a crime. This specific case involves Okello T Chatrue, who was convicted of committing a bank robbery in 2019 in a town close to Richmond, Virginia, after a detective used a geofence warrant to identify him through his location data.

The Court is [addressing](#) whether the use of this increasingly popular tool in investigations [violates](#) the Fourth Amendment protections against unreasonable searches. As the Justices grapple with applying traditional constitutional protections to modern-day, rapidly evolving technology, critics have argued that they collect data from uninvolved people, thereby

endangering their privacy rights.

Privacy and Governance Concerns

Geofence warrants [collect](#) the location history data from all users in the vicinity of a crime scene, including uninvolved bystanders. These warrants allow law enforcement to collect such information even when they do not have a specific suspect in mind, as in this case.

Officers were able to obtain Mr. Chatrie’s data from Google because he had the “location history” setting enabled, which is commonly used by features like Google Maps. This revealed that he was at or near the crime scene 10 minutes before the robbery and left soon after.

Location history is often enabled by default, and many users may not realize that the government has access to this information so easily. The Justice Department [argues](#) that no expectation of privacy exists, partly because users voluntarily shared data with Google. However, geofence warrants inevitably capture the location data of possibly hundreds of innocent people who happened to be in the area during a crime, exposing their movements without their knowledge or involvement in any wrongdoing.

Why It Matters / Policy Considerations

Currently, no safeguards or guidelines exist on geofence warrants. The Supreme Court’s oral arguments suggest that [the Court](#) may soon establish more specific standards that would limit the geographic scope and duration of the warrants. This case addresses the need for oversight mechanisms to prevent potential government abuse. Without clear legal frameworks, law enforcement can continue to use geofence warrants, possibly prioritizing investigative efficiency over citizens’ constitutional privacy rights.