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## United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

November 9, 2021

The Honorable Christopher A. Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Ave., N.W.  
Washington, D.C. 20535

Dear Director Wray:

I write to request information regarding the Federal Bureau of Investigation's (FBI) reported use of surveillance aircraft during protests and unrest, and its preservation procedures of footage from those aircraft.

According to reports, the FBI has used surveillance aircraft to monitor protests and potential unrest, including protests in Ferguson, Missouri in 2014 and protests in Baltimore, Maryland in 2015.<sup>1</sup> It also appears that the FBI used at least one surveillance aircraft to capture footage of the unrest in Kenosha, Wisconsin in August 2020.<sup>2</sup> Recent reporting has highlighted the use of footage from the FBI's surveillance aircraft in a criminal prosecution, and raised questions about the FBI's record-keeping practices surrounding the captured footage.<sup>3</sup>

Given the FBI's apparent use of surveillance aircraft during protests and unrest throughout the country, it is unclear how the FBI monitors those situations, how it preserves the footage from those aircraft, how it uses that footage, and whether the footage is captured at different quality levels. To better understand the FBI's use of surveillance aircraft, please provide the following information:

1. How the FBI determines where and when to use surveillance aircraft to monitor a protest or potential unrest;
2. A list of FBI officials responsible for monitoring the footage from the surveillance aircraft(s);
3. How the FBI shares footage from surveillance aircraft with local law enforcement;

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<sup>1</sup> Todd Richmond, *EXPLAINER: Rittenhouse plane part of widespread surveillance*, Associated Press, Nov. 3, 2021, <https://www.sandiegouniontribune.com/news/nation-world/story/2021-11-03/explainer-rittenhouse-plane-part-of-widespread-surveillance>.

<sup>2</sup> *Id.*

<sup>3</sup> *Prosecution's first 3 witnesses testify in Kyle Rittenhouse trial*, WISN, Nov. 3, 2021, <https://www.wisn.com/article/kyle-rittenhouse-trial-day-2-opening-statements-kenosha-wisconsin/38124948#>.

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4. The actions, if any, the FBI takes if its surveillance aircraft capture a crime occurring;
5. How the FBI determines how many surveillance aircraft it deploys during a protest or potential unrest;
6. The number of surveillance aircraft the FBI used in Kenosha, Wisconsin on each day from August 23, 2020 – September 2, 2020;
7. Whether FBI surveillance aircraft capture footage at different video quality levels; and
8. How the FBI preserves the footage captured from its surveillance aircraft.

Please provide this information as soon as possible but no later than 5:00 p.m. on November 23, 2021. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations

cc: The Honorable Michael E. Horowitz  
Inspector General  
Department of Justice