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August 12, 2021

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

I write to you today, gravely concerned about the U.S. Department of Justice Office of the Inspector General (OIG) Memorandum issued on August 2, 2021, regarding the Notification of Concerns regarding Use of Photographs of FBI Employees for Online Undercover Operations. In the memo, the Inspector General outlined their investigation into an FBI Special Agent who was allegedly in an inappropriate relationship with an FBI support staff member. Throughout this relationship, the special agent asked the support staff member to provide him with “provocative pictures” of herself. Although this investigation began centered around one relationship, it is clear that there were more agents engaging in these actions.

It is my understanding that special agents were using photographs of young female support staff to pose as minor children or sex workers as bait while investigating sexual predators on various social media websites. It is unclear how many women have been affected by these actions. The special agents who disseminated these pictures on the internet did not document which employees' pictures were used, where the pictures were used, or when they were used in the course of their investigations. Further, and most concerning, there was no consent obtained from any of the women in the pictures, and female colleagues were instructed not to tell anyone else about it.

Due to the reckless actions of these special agents and the indifference of the FBI, there is no way of knowing how many times these images have been downloaded, copied, or further shared across the internet. These careless actions were crimes and have placed these women in danger of being victimized for years to come.

Previously, it is my understanding that the FBI has used fake photos, filters, and undercover agents to provide photographs to catch predators. Despite this practice, the FBI has no existing policy concerning the use of photographs of FBI employees who are not certified undercover employees (UCE) or certified online covert employees (OCE). However, there is an FBI undercover policy stating that “[s]upport personnel will not be used in undercover roles unless absolutely necessary” and “personally authorized” by the Special Agent in Charge.

The OIG offered two recommendations to address the concerns found during their investigation. First, they recommended creating a policy concerning the use of photographs of FBI employees who are not UCE or OCE for online undercover operations. Second, if the policy created in the first recommendation

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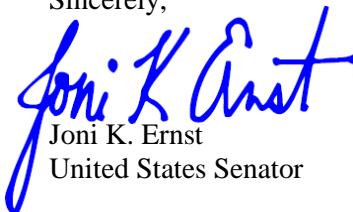
states that photographs of FBI employees who are not certified undercover can be used, there must be guidelines followed and documentation created surrounding the use of these photographs.

The Federal Bureau of Investigation has endangered the women who have chosen to serve under them by not addressing this before it became a problem. In light of this report, and for Congress to exercise its legislative and oversight authority, I ask you to respond to the questions below with urgency.

1. When was the FBI made aware of the issue of special agents using female support staffs' pictures during investigations of online predators?
2. How many special agents were found to have committed such actions? Is it possible there are more you are unaware of?
3. Can you please detail the actions taken against the special agents who have disseminated their female coworkers' pictures online without their consent?
4. What resources are being given to these young women and what are you doing to remove their pictures from social media sites?
5. Can you please give an example of when pictures of FBI employees not certified undercover have been used and mandated by the Special Agent in Charge under the existing policy?
6. Can you please give an example of when pictures of support personnel might need to be utilized?
7. Please send, in specific detail, exactly what steps you are taking to follow the OIG's recommendations and by which date you plan to see these new policies implemented and all staff trained on them. Please be ready to brief Congress in person on this question.

Thank you for your prompt attention to this matter.

Sincerely,



Joni K. Ernst
United States Senator