

# THE RUTHERFORD INSTITUTE

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September 10, 2020

First Sergeant David L. Ostwinkle, FOIA Officer  
Virginia State Police  
P.O. Box 27472  
Richmond, VA 23261  
E-mail: FOIA@VSP.VIRGINIA.GOV

**Re: Freedom of Information Act Request / Code of Virginia §§ 2.2-3700 et seq.**

Dear Sergeant Ostwinkle:

The Rutherford Institute, a non-profit civil liberties organization, hereby makes the following request pursuant to the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 et seq., for records, documents, and other information, regardless of format, relating to the Virginia State Police flyovers and aerial surveillance of property located in central Virginia.

This FOIA request seeks the following records relating to the above-referenced flyovers and aerial surveillance:

- (1) The specific dates and times of all Virginia State Police flyovers and aerial surveillance of private property within the Counties of Albemarle, Fluvanna, Greene, Louisa, Madison and Orange, Virginia since July 1, 2020;
- (2) The precise locations of all Virginia State Police flyovers and aerial surveillance of private property within the Counties of Albemarle, Fluvanna, Greene, Louisa, Madison and Orange, since July 1, 2020;
- (3) Copies of any and all Virginia State Police policies regarding such flyovers and aerial surveillance, including manuals, power points, training materials, memos, and/or any documents containing or conveying such policies;
- (4) A list of all equipment installed or carried upon any and all aircraft used in such flyovers and aerial surveillance, specifically in regards to visualization, including high-resolution or telescopic cameras or visual enhancement devices;

(5) A comprehensive list of all aircraft used during the above-referenced flyovers and aerial surveillance, including the type of aircraft and specific makes and models;

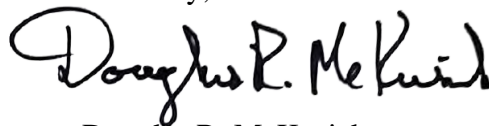
(6) A comprehensive list of any and all state or federal government agencies involved in the above-referenced flyovers and aerial surveillance, excepting the Virginia State Police;

(7) A list of the specific purpose of each flyover and aerial surveillance taking place since July 1, 2020, including whether or not the flight was accurately characterized as a surveillance endeavor, who or what was being surveilled, and whether the surveillance was the result of information obtained by law enforcement of suspected criminal activity at the subject property; and

(8) The statutes, regulations or policies that are relied upon as the basis for conducting such flyovers or aerial surveillance.

The Rutherford Institute hereby requests the information and records set forth in more detail above. Pursuant to the Virginia Freedom of Information Act, a response to this request is expected within 5 days of its receipt. Communications regarding this request can be made by telephone at (434) 978-3888, or by electronic mail to [legal@rutherford.org](mailto:legal@rutherford.org). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Douglas R. McKusick". The signature is written in a cursive, flowing style.

Douglas R. McKusick  
Senior Staff Attorney