

HQ, MNF-I
EMBASSY ANNEX, IRAQ
220815CDEC07
ROUTINE (72HRS)

(U) MNF-I FRAGO 07-428 [ARMED CONTRACTORS/DOD CIVILIANS AND PSCs]

(U) SUBJECT: OVERARCHING FRAGO FOR REQUIREMENTS, PROCEDURES, RESPONSIBILITIES FOR CONTROL, COORDINATION, MANAGEMENT AND OVERSIGHT OF ARMED CONTRACTORS/DOD CIVILIANS AND PRIVATE SECURITY COMPANIES (PSC)

(U) REFERENCES:

- A. (U) CPA Order Number 17 (Revised), Status of the Coalition Provisional Authority, MNF-Iraq, Certain Missions and Personnel in Iraq, 27 Jun 04
- B. (U) CPA Memorandum Number 17, Registration Requirements for Private Security Companies (PSC), 26 Jun 04
- C. (U) War Crimes Act of 1996, 18 USC §2441
- D. (U) Military Extraterritorial Jurisdiction Act (MEJA) of 2000 18 USC § 3261
- E. (U) National Defense Authorization Act (NDAA) for FY 2007, Pub. L. No. 109-364
- F. (U) DODI 5525.11, Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members and Former Service Members 24 September 2004.
- G. (U) DODI 3020.41, Contractor Personnel Authorized to Accompany the U.S. Armed Forces, 3 October 2005
- H. (U) USCENTCOM OPORD 05-01, Annex B, Appendix 8 to Annex C, Arming and Use of Force Policy, 10 August 2005.
- I. (U) USCENTCOM Message DTG 231600Z Dec 05, Subject: USCENTCOM Policy and Delegation of Authority for Personal Protection [and] Contract Security Service Arming of DoD Civilian Persons[s]
- J. (U) USCENTCOM Message DTG 070902Z Nov 06, Subject: Modification to USCENTCOM Civilian and Contractor Arming Policy and Delegation of Authority for Iraq and Afghanistan
- K. (U) USCENTCOM SJA Information Paper, Required Information to Process Requests to Arm DoD Civilians and Contractors in Iraq and Afghanistan, 23 Dec 05
- L. (U) DoD Office of General Counsel Memorandum for SJA, USCENTCOM, SUBJECT: Request to Contract for Private Security Companies in Iraq, 10 Jan 06
- M. (U) AR 715-9, Contractors Accompanying the Force, 29 Oct 99
- N. (U) FM 3-100.21, Contractors on the Battlefield, 23 Jan 03
- O. (U) MNF-I Framework OPORD, 01 May 06
- P. (U) MNF-I CG Memorandum, Subject: Delegation of Authority to Approve Arming Requests for DoD Civilian/Contractor Personnel and the Acquisition of Private Security Companies (PSC), 18 Feb 06
- Q. (U) MNF-I SJA Information Paper, Subject: Permissible Use of Private Security Companies (PSC), 15 Jan 06

- R. (U) MNF-I FRAGO 05-231, Reporting and Investigating Incidents Involving Contractors Firing Weapons, 11 Aug 05
- S. (U) MOD 1 to MNF-I FRAGO 05-231, Reporting and Investigating Incidents Involving Contractors Firing Weapons, 18 Jan 06
- T. (U) MNF-I FRAGO 06-310, Civilian Arming, 13 Jun 06
- U. (U) MNF-I FRAGO 06-391, Private Security Company Weapon Storage and Registration in the International Zone, 31 Jul 06
- V. (U) MOD 1 to MNF-I FRAGO 06-481, MNF-I Escalation of Force Policies and TTPs Strategic Directive, 4 Mar 07
- W. (U) MNF-I FRAGO 05-108, Operationalize the RROC, 16 May 05
- X. (U) MNF-I FRAGO 07-308, Resumption of Regional Security Office Personal Security Detachment (PSD) Operations, 24 Sep 07
- Y. (U) MNC-I FRAGO 158 to MNC-I OPORD 07-01, 25 Jul 07 (Task 7- Civilian Arming)
- Z. (U) MNC-I FRAGO 280, Policy and Guidance Regarding Escalation of Force (EOF), 31 Jul 06
- AA. (U) DEPSECDEF Memorandum, SUBJECT: Management of DoD Contractors and Contractor Personnel Accompanying U.S. Armed Forces in Contingency Operations Outside the United States, 25 Sep 07
- BB. (U) CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force, July 06
- CC. (U) MNF-I, US Embassy Memorandum Of Agreement, Date 05 December 2007
- (U) TIME ZONE USED THROUGHOUT THIS ORDER: Charlie

1. (U) **SITUATION. Change.**

1.A. (U) Operations in Iraq require Private Security Companies (PSCs) to fulfill a variety of important security functions for the Department of Defense, Department of State, and other entities operating in the Iraq Theater of Operations (ITO). This includes the protection of fixed facilities, mobile convoys, assets, and personnel.

1.B. (U) Command oversight at all levels is critical to ensuring PSCs as well as civilians armed for personal protection, are adhering to issued guidance, policies and processes. Additionally, it is vital that clear lines of command responsibility exist for proper oversight, management and accountability of these personnel, and that clear lines of communication exist to insure information flow is timely and accurate.

1.C. (U) This FRAGO includes enhanced coordination and communication procedures between MNF-I and US Embassy Baghdad for movement of PSCs within the MNF-I battle space, incident reporting and management, as well as investigative procedures in the event that a serious incident occurs. MNF-I will ensure the movements of all USG PSC convoys are properly coordinated with the battlespace owners.

1.D. (U) This FRAGO consolidates several MNF-I FRAGOs that address management and oversight procedures for DoD Armed Contractors/Civilians and PSCs. It also addresses identified shortcomings in current guidance and serves to strengthen coordination, oversight, and accountability at all command and staff levels throughout MNF-I.

1.E. (U) This FRAGO incorporates guidance set forth in USCENTCOM Message DTG 070902Z Nov 06, Subject: Modification to USCENTCOM Civilian and Contractor Arming Policy and Delegation of Authority for Iraq and Afghanistan; MNF-I FRAGO 07-308 [RESUMPTION OF REGIONAL SECURITY OFFICER PERSONAL SECURITY DETACHMENT (PSD) OPERATIONS], 24 Sep 07 and MNC-I FRAGO 158 to MNC-I OPORD 07-01, 25 Jul 07 (Task 7- Civilian Arming). This FRAGO also addresses concerns outlined in the DEPSECDEF Memorandum, SUBJECT: Management of DoD Contractors and Contractor Personnel Accompanying U.S. Armed Forces in Contingency Operations Outside the United States, 25 Sep 07.

1.F. (U) This FRAGO contains mandatory guidance for Armed DoD Contractors, DoD Civilians and PSCs operating under DoD contract. Companies that are operating within the ITO that are not currently under contract with the Department of Defense are highly encouraged to adhere to the following policies and guidance contained in this FRAGO.

2. (U) **MISSION.** No Change.

3. (U) **EXECUTION.** **Change.**

3.A. (U) **COMMANDER'S INTENT.** No Change.

3.B. (U) **CONCEPT OF OPERATIONS.** **Change.**

3.B.1. (U) The purpose of this FRAGO is to improve control, management, policy, oversight and battle space coordination of PSCs by consolidating all current and relevant guidance, as well as incorporating new procedures, into a single-source, overarching, MNF-I FRAGO. The end state is a common set of rules, regulations and requirements that govern Armed DoD Contractors/Civilians and PSCs operating in the ITO to ensure PSC operations are standardized and consistent at all levels, and to ensure contractors are held accountable for the actions of their personnel.

3.B.2. (U) This FRAGO consists of annexes that focus on key areas of importance of the control, management, oversight and accountability of Armed DoD Contractors/Civilians and PSCs operating in the ITO as follows:

3.B.2.A. (U) Annex A - Arming of DoD Civilians/Contracted Employees and Private Security Company Requirements, Oversight Procedures and Responsibilities. This annex identifies required items that must be included in DoD contracts with civilian contracting agencies and ensures that MNF-I policy is reflected in DoD contracts.

3.B.2.B. (U) Annex B - Armed DoD Contractors/Civilians and PSC Arming Requirements, Procedures and Responsibilities. This annex is intended to provide guidance for the arming of Contractors/DoD Civilians and PSC arming requirements in Iraq. The procedures established in Annex B require that the individuals and PSCs approved for arming are properly certified with their weapons and properly trained in the permissible use of their weapons. Annex B also outlines stringent documentation standards for arming requests that must be met prior to authorization.

3.B.2.C. (U) Annex C - Armed DoD Contractors/Civilians and PSC Rules for the Use of Force (RUF) and Graduated Force Response procedures. Annex C provides guidance for DoD Contractors/Civilians and PSCs to aid in their decision making process for use of force situations. Armed contractors need to understand that their inappropriate use of the Graduated Force Response procedures could have a direct affect on the reputation of the U.S. Government and other Coalition nations.

3.B.2.D. (U) Annex D – Serious Incident Reporting Requirements, Procedures and Responsibilities. This annex consolidates and clarifies the requirements, procedures and responsibilities for reporting serious incidents including, but not limited to all weapons discharge incidents involving DoD Civilians, PSCs, and DoD Contractors who have armed employees or who carry weapons solely for their personal protection.

3.B.2.E. (U) Annex E – Serious Incident Investigation Requirements, Procedures and Responsibilities. This Annex consolidates and clarifies the requirements, procedures and responsibilities for investigating serious incidents including, but not limited to Graduated Force Response incidents involving DoD civilians, PSCs, and DoD Contractors who have armed employees, who carry weapons solely for their personal protection.

3.C. (U) **TASKS TO SUBORDINATE UNITS AND STAFF. Change.**

3.C.1. (U) **MNF-I STAFF DIRECTORATES.**

3.C.1.A. (U) **STRATOPS. (Lead).**

3.C.1.A.1. (U) Lead agency for MNF-I support, participation, and overall coordination of the MNF-I effort.

3.C.1.A.2. (U) Develop policy for the management and oversight of Armed Contractors, Armed DoD Civilians, and PSCs as outlined in Annexes A through E of this FRAGO.

3.C.1.A.3. (U) Provide oversight and policy development for Armed Contractors/DoD Civilians and PSCs operating in the ITO.

3.C.1.A.4. (U) Conduct coordination between MNF-I, the USM-I, GoI, individual PSCs, and other entities with PSCs operating in the ITO as required.

3.C.1.A.5. (U) Co-chair, with the RSO, a Joint Incident Review Board on a quarterly basis to determine trends, and identify recommendations for improvements in PSC operations.

3.C.1.A.6. (U) Report the findings and minutes of the Joint Incident Review Board to MNF-I DCS STRATOPS.

3.C.1.A.7. (U) Provide a single point of contact for RFIs for releasable information concerning Armed Contractors, Armed DoD Civilians, and PSCs.

3.C.1.A.8. (U) Ensure the Requiring Activity properly completes their investigations on all serious incidents.

3.C.1.A.9. (U) Maintain a copy of all serious incident investigation final reports, for use in developing lessons learned and in providing reports to higher headquarters.

3.C.1.A.10. (U) Continue to use the PSD Incident Execution Matrix (Annex D Appendix 3) and make adjustments as required.

3.C.2. (U) **ALL MSCs.**

3.C.2.A. (U) Adhere to and implement policy for the management and oversight of Armed Contractors, Armed DoD Civilians, and PSCs as outlined in Annexes A through E of this FRAGO.

3.C.2.B. (U) Provide copies of all serious incident investigation final reports to the CPOD.

3.C.3. (U) **MNC-I.**

3.C.3.A. (U) Establish Contractor Operations Cells (CONOCs) ICW GRD at appropriate levels. Ensure the CONOC provides battlefield coordination, control of PSC movement throughout the ITO, and expedient reporting of incidents involving PSCs.

3.C.3.B. (U) Continue to provide a liaison officer to the RSO TOC for coordination concerning U.S. Embassy movements, QRF, MEDEVAC, and/or Intelligence, Surveillance, and Reconnaissance (ISR) support and for convoy closure reports.

3.C.3.C. (U) BPT receive one LNO from the RSO U.S. Embassy to coordinate, plan and monitor all U.S. Embassy Baghdad PSD movements outside of CF operating bases.

3.C.3.D. (U) Limit distribution of Chief of Mission (COM) personnel movements, or other movements as designated by U.S. Embassy Baghdad, to only U.S. personnel with a need to know, and coordinate with RSO to ensure such information is compartmentalized.

3.C.3.E. (U) Review all DOS PSD movements and provide recommendations to the RSO TOC or CONOC, as appropriate, as to whether the movement should be altered or canceled based on the threat levels along selected routes or disposition of Coalition Forces.

3.C.3.F (U) Review all DOD PSD movements and direct cancellation or alteration based on the threat levels along selected routes or disposition of Coalition Forces.

3.C.3.G. (U) Provide QRF and MEDEVAC support to PSCs as available.

3.C.3.G.1. (U) When an MNC-I QRF is activated, BPT assume command of the scene upon arrival with a positive radio or visual handoff from the PSD. The immediate purpose of the QRF is normally to support the safe extraction of the USG PSD.

3.C.3.G.2. (U) BPT secure the scene where a serious incident occurs, to the extent that the security situation permits, IOT identify injured, fatalities, property damage and to preserve the ability to collect evidence.

3.C.3.H. (U) BPT assist U.S. Embassy Baghdad representative personnel conducting the investigation to revisit the scene of a serious incident in order for them to conduct an investigation and interview witnesses.

3.C.3.I. (U) BPT assist U.S. Embassy Baghdad and other USG entities with their distribution of timely and appropriate condolence payments.

3.C.3.J. (U) Prepare and update, as needed, a LOAC training package for use in required training of Armed Contractors, Armed DoD Civilians and private security companies.

3.C.3.K. (U) Prepare and update, as needed, a RUF training package for use in required training of Armed Contractors, Armed DoD Civilians and private security companies. This training package should include, at a minimum, the current rules for the use of force applicable to Armed Contractors, Armed DoD Civilians and PSCs, and current Graduated Force Response procedures employed throughout the ITO.

3.C.4. (U) **GRD.**

3.C.4.A. (U) Facilitate the establishment of MNF-I Contractor Policy Oversight Division (CPOD) and MNC-I CONOCs.

3.C.4.B. (U) BPT transfer authority and responsibility for battlefield coordination of DoD PSCs, to include reporting of incidents, oversight, and movement throughout the ITO from the NROC to MNC-I upon the establishment of the CONOC.

3.C.4.C. (U) Provide MNC-I notification of PSC logistics movements throughout the ITO.

3.C.5. (U) **JCC-I/A**

3.C.5.A. (U) BPT assist MNF-I CPOD with contract data and vendor points of contact on request.

3.C.5.B. (U) Ensure all DoD contracts with performance in Iraq contain the civilian arming requirements IAW Annex A of this FRAGO.

3.C.5.C. (U) Ensure the rapid transfer of requested information ISO MNF-I CPOD investigations concerning contractor incidents and incident reporting.

3.D. (U) **COORDINATING INSTRUCTIONS. Change.**

3.D.1. (U) **US Embassy Baghdad.** Request adherence and implementation of policy for the management and oversight of Armed Contractors, Armed DoD Civilians and PSCs IAW Department of Defense, Department of State Memorandum Of Agreement, Dated 05 December 2007.

3.D.2. (U) **PRIVATE SECURITY COMPANIES AND CONTRACTORS (with armed employees).**

3.D.2.A. (U) Request ground and air movement approval throughout the ITO with the appropriate movement coordination cell: RSO TOC, MNC-I CONOC OR LMCC.

3.D.2.B. (U)

(b)(2)

(b)(2)

3.D.2.C. (U) Ensure that all convoys establish and maintain communication with their TOC.

3.D.2.D. (U) Ensure that all TOCs establish and maintain communication with the appropriate movement coordination cell: RSO TOC, MNC-I/MND CONOCs or LMCC.

3.D.2.E. (U) BPT to adopt a standardized method for direct communications with responding QRF and MEDEVAC teams.

3.D.2.F. (U) Ensure all subcontracted companies adhere to the policies and procedures contained in Annexes A – F.

3.D.2.G. (U) PSC are required to notify the CONOC of an incident by hitting the emergency transponder when a reportable incident occurs.

3.D.3. (U) MNF-I units that receive contracted security contractor services will ensure this FRAGO is forwarded to their supporting security contract contracting officer to incorporate guidance outlined in Annex A of this FRAGO. Contracting Officer Representatives (COR) will ensure that personal security contractors are aware of and comply with their reporting responsibilities.

3.D.4. (U) To ensure that contractors comply with these policies consistently, the following contract provision is required in all future MNF-I contracts and existing MNF-I contracts that do not already have such provisions, and shall require flow down to sub-contractors, at any tier: "All Contractors in the Multi-National Force-Iraq (MNF-I) theater of operations shall comply with and shall ensure that their personnel supporting MNF-I forces are familiar with and comply with all applicable orders, directives, and instructions issued by the MNF-I Commander relating to force protection and safety".

3.D.5. (U) MNF-I contracting officers shall incorporate provisions in Annex A of this FRAGO into future MNF-I contracts, and negotiate into existing MNF-I contracts that do not already have such provisions, requirements for contractors to comply with all MNF-I Commander orders, directives, and instructions relating to the use of force. Failure to comply with reporting requirements, to conduct internal inquiries and investigations, and to fully cooperate with MNF-I investigations seriously impedes the public's confidence in the Iraqi Government's ability to provide law

enforcement, safety and security, and poses a risk to Iraqi civilians and coalition members. This situation must not occur or be permitted to occur.

3.D.6. (U) This FRAGO contains enduring guidance and will be included in future drafts of the OPOD.

3.D.7. (U) This FRAGO supersedes MNF-I FRAGO 05-108, Operationalize the RROC, 16 May 05, MNF-I FRAGO 05-231 with MOD 1 [REPORTING AND INVESTIGATING INCIDENTS INVOLVING CONTRACTORS FIRING WEAPONS], 18 Jan 06 and MNF-I FRAGO 06-310 [CIVILIAN ARMING], 13 Jun 06.

3.D.8. (U) POC is Col (b)(3)(b)(6) USA, STRATOPS, Contractor Policy Oversight Division, SIPR: (b)(2) DSN: (b)(26)

4. (U) **SERVICE SUPPORT.** No Change.

5. (U) **COMMAND AND SIGNAL.** No Change.

ACKNOWLEDGE:

PETRAEUS
GEN

OFFICIAL:

MG BARBERO
DCS STRATOPS

ATTACHMENTS:

ANNEX A: (U) Arming of DoD Civilians/Contracted Employees and Private Security Company Requirements, Oversight Procedures and Responsibilities

ANNEX B: (U) Armed DoD Civilians/Contracted Employees and Private Security Company Requirements, Procedures and Responsibilities

ANNEX C: (U) Armed DoD Civilians, DoD Contractors and PSC Rules for the Use of Force (RUF) and Graduated Force Procedures

ANNEX D: (U) Armed DoD Civilians, DoD Contractor and PSC Serious Incident Reporting Requirements, Procedures, and Responsibilities

ANNEX E: (U) Armed DoD Civilians, DoD Contractor and PSC Serious Incident Investigation Requirements, Procedures and Responsibilities

ANNEX F: (U) Acronyms