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United States Department of State
and the Broadcasting Board of Governors
Office of Inspector General

Middle East Regional Office

Status of the Secretary of State's Panel on Personal Protective Services in Iraq Report Recommendations

Report Number MERO-IQO-09-01, December 2008

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and the Broadcasting Board of Governors

Office of Inspector General

PREFACE

This report was prepared by the Office of Inspector General (OIG) pursuant to the Inspector General Act of 1978, as amended, Section 209 of the Foreign Service Act of 1980, the Arms Control and Disarmament Amendments Act of 1987, and the Department of State and Related Agencies Appropriations Act, FY 1996. It is one of a series of audit, inspection, investigative, and special reports prepared by OIG periodically as part of its oversight responsibility with respect to the Department of State and the Broadcasting Board of Governors to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of an assessment of the strengths and weaknesses of the office, post, or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The recommendations therein have been developed on the basis of the best knowledge available to the OIG, and have been discussed in draft with those responsible for implementation. It is my hope that these recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in black ink, appearing to read "H. W. Geisel".

Harold W. Geisel
Acting Inspector General

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INTRODUCTION

On September 16, 2007, private security contractors working for Blackwater USA conducted an armed convoy through the Nisoor Square neighborhood of Baghdad that resulted in the death of 17, and wounding of 24 Iraqi civilians. More than a year later, the facts are still under investigation, and the incident continues to bring focused attention to the actions of private security contractors operating in Iraq.

In October 2007, the Secretary of State's Panel on Personal Protective Services in Iraq (The Panel), composed of outside experts, was assembled to review the Department's security practices in Iraq following the Nisoor Square incident and to provide recommendations to strengthen the coordination, oversight, and accountability of Embassy Baghdad's security practices. This report examines the status of The Panel's recommendations and whether changes in operations enhanced the protection of U.S. mission personnel and furthered U.S. foreign policy objectives.

In making this assessment, the Office of Inspector General (OIG) visited Embassy Baghdad and sites throughout Iraq where private security contractors provide movement and personal protection for U.S. mission personnel, including Erbil, Kirkuk, Hillah, Tallil, and Basra. In addition, OIG examined Department reporting on the status of the recommendations and consulted with senior and operational-level officials in Management and the Bureau of Diplomatic Security (DS), Embassy Baghdad, Multi-National Force-Iraq (MNF-I), and the three security companies under contract with the Department to provide protective services in Iraq—Blackwater USA, DynCorp International, and Triple Canopy. The evaluation was conducted according to *Quality Standards for Inspections* issued by the President's Council on Integrity and Efficiency.

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OIG considers all comments received responsive to the intent of the recommendations.

BACKGROUND

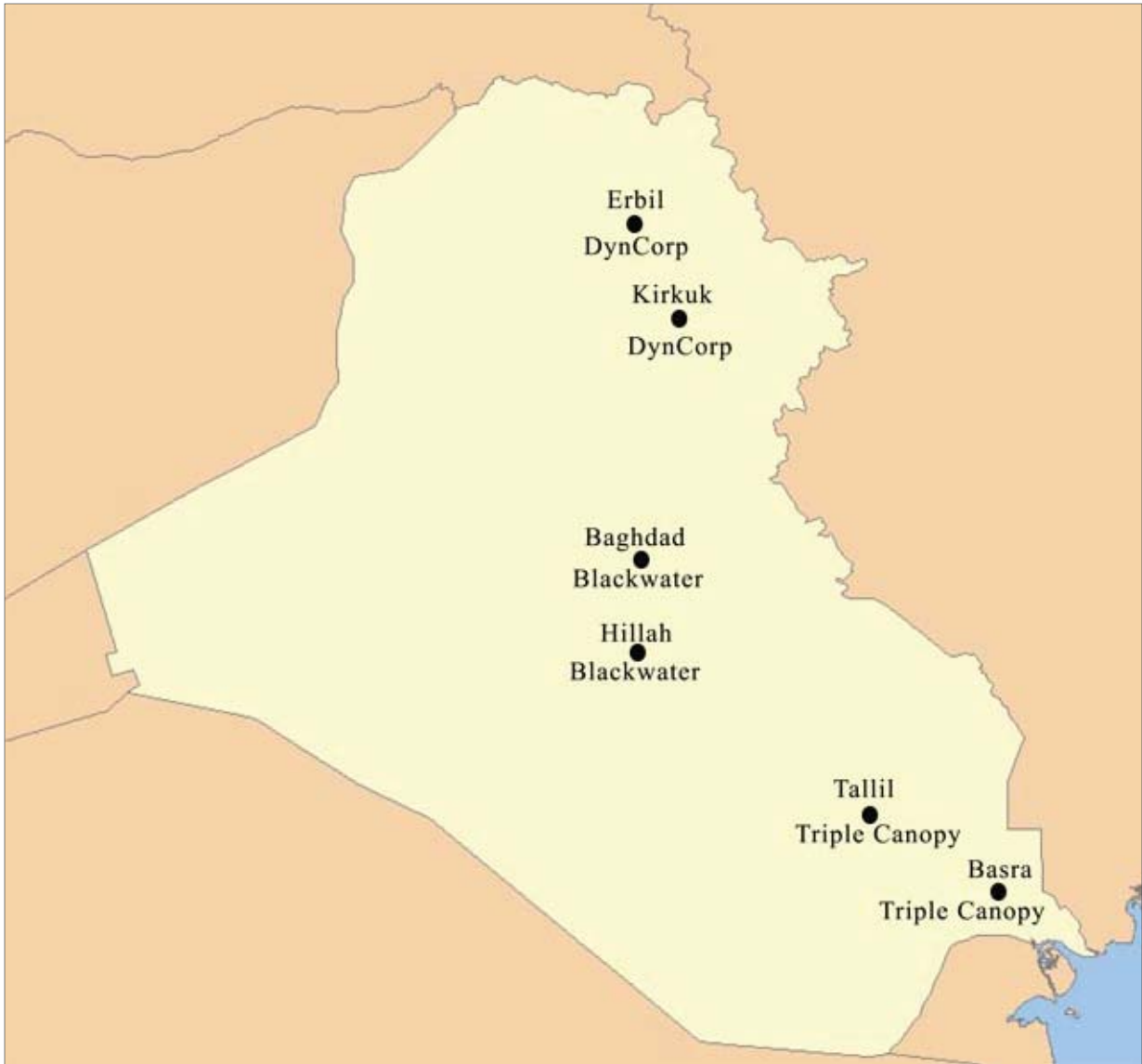
DS, the law enforcement and security bureau of the Department, has the primary responsibility for ensuring the safety and security of Department and other U.S. Government personnel operating under COM authority overseas. DS's nearly 1,500 special agents manage security programs designed to protect U.S. Government personnel, facilities, and classified information at 285 Department posts worldwide. Even with this sizeable manpower, the employment of private security contractors has become a vital and necessary tool for protecting U.S. personnel, buildings, and information overseas.

According to Department officials, after the bombing of the U.S. Embassy in Beirut in 1983, private security companies began competing for security contracts at U.S. overseas missions. Since then, DS has utilized private security contractors in diverse areas around the world, including for the protection of Haitian Government officials during the mid-1990s and larger efforts providing personal protective services in the former Yugoslavia, Bosnia-Herzegovina, Gaza and the West Bank, Afghanistan, and Iraq.

Department officials state that the use of private security contractors has allowed DS to rapidly expand its capacity to meet the growing need for protective services without the delay of recruiting and training full-time government employees. DS officials also assert that the use of contractor-provided services is less costly to the U.S. Government than attempting to increase its own protective force. The use of contract personnel allows the Department the flexibility to rapidly expand or reduce the level of security personnel deployed based on changing requirements.

In March 2000, the Department developed and awarded the first WPPS contract to DynCorp International to provide protective services in areas of the former Yugoslavia. This WPPS contract was subsequently used to provide protective services in the Palestinian Territories (July 2002) and Afghanistan (November 2002). In 2004, task orders under the WPPS contract were issued to provide for personal protective services in Iraq. In 2005, a new contract to replace the original WPPS contract (referred to as WPPS II) was awarded to Blackwater USA, DynCorp International, and Triple Canopy to provide protective services in three separate geographical areas in Iraq. (See fig.1)

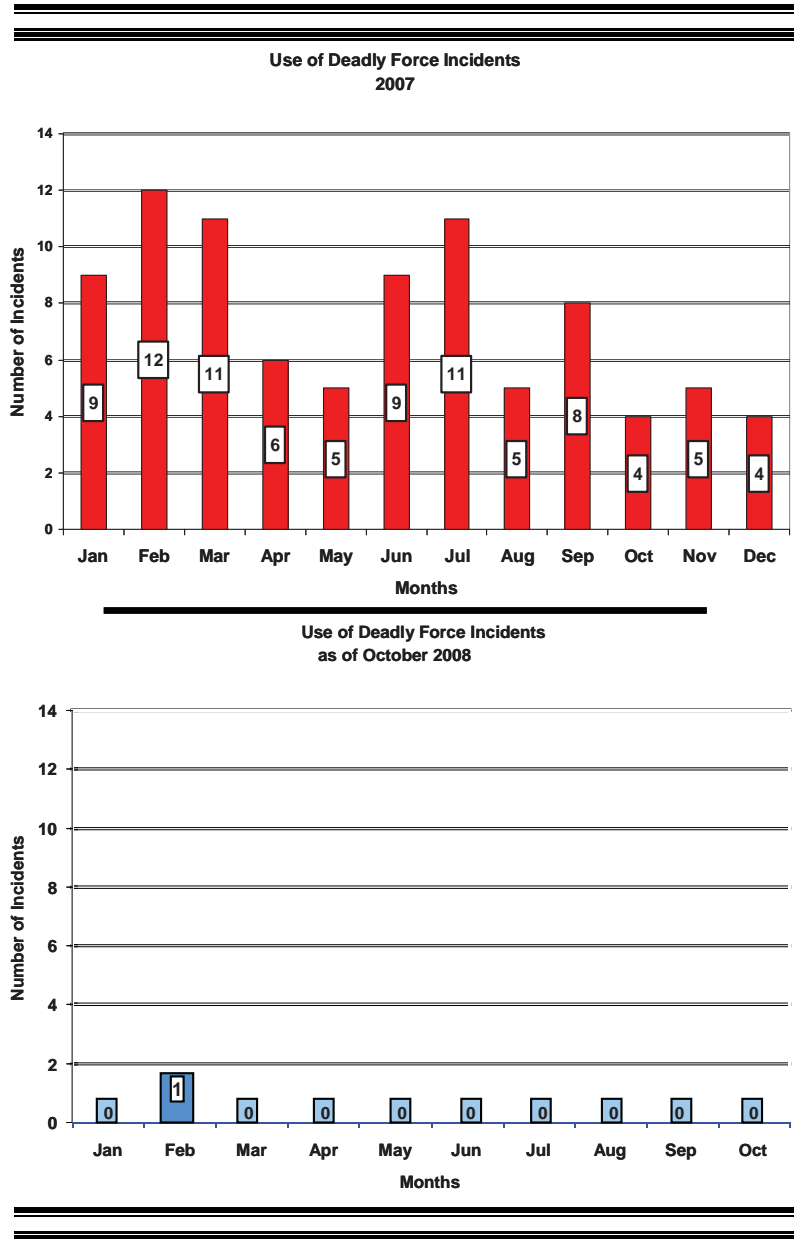
Figure 1: Iraq – Location of WPPS Private Security Contractors' Operations



Source: OIG analysis of Department data.

the newly constituted Embassy Joint Incident Review Board—charged with reviewing all incidents causing injury or death or other serious consequence— has not yet had cause to meet. Table 1 shows the number of deadly force incidents for the time periods before and after the September 2007 Nissor Square incident.

Table 1: Iraq – Use of Deadly Force Incidents, January 2007 - October 2008



Source: U.S. Embassy Baghdad, Regional Security Office

The Panel's stated primary purpose was to strengthen coordination, oversight, and accountability aspects of the Department's security programs and practices. However, according to senior Department and embassy officials, an unstated goal was to rein in the often overly aggressive actions of private security contractors toward Iraqi civilians while transporting COM personnel. A former senior embassy security officer described the security contractor environment in the years preceding the Nisoor Square incident as the "Wild West." Convoys sped through crowded urban streets, sometimes on the wrong side of the road, and threw water bottles and fruit and used gunfire to warn off civilians. According to knowledgeable officials in Iraq, including Iraqi nationals employed by the U.S. Government, these actions over time built up strong feelings of resentment.

The perceived failure to investigate and prosecute lethal incidents also created a backlash of anger by Iraqi citizens which undermined the U.S. mission. Embassy officials told the OIG team they believe the implementation of The Panel recommendations has resulted in a more professional security operation and are hopeful that, with the passage of time, they will be able to regain the confidence of the Iraqi public.

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SECRETARY OF STATE'S PANEL REPORT RECOMMENDATIONS, DEPARTMENT RESPONSE, AND OIG COMMENT AND ANALYSIS

The first Panel Report recommendation does not state a specific action the Department should undertake; instead it states that to restore confidence in the embassy personal security program, the “Coordination and Oversight” recommendations listed below should be implemented. The following eighteen Panel recommendations are listed in order and verbatim from the Panel Report. The State Department’s responses are as of October 8, 2008.

Panel Recommendation #2: The State Department should urgently engage with the Department of Justice (DOJ) and the Office of Management and Budget, and then with the Congress, to establish a clear legal basis for holding contractors accountable under U.S. law.

State Department’s Response:

- The Department’s Office of the Legal Adviser actively engaged with an interagency working group, led by the DOJ, to work with Congress on legislation clarifying the Military Extraterritorial Jurisdiction Act (MEJA) in order to hold U.S. Government private security contractors overseas accountable for offenses. Ultimately, these efforts proved unsuccessful.
- The Secretary of State wrote a letter to the Chairman of the Judiciary Committee urging legislation on this issue.
- The Department will continue to monitor the status of this legislation, and to advocate for its enactment.

OIG Comment and Analysis: OIG views the Department’s actions as a serious effort to resolve difficult legal/sovereignty issues. An interagency working group drafted legislation to expand the MEJA to hold private security contractors working overseas accountable for criminal offenses they commit in their official capacities. The Department’s Office of the Legal Adviser will stay engaged in this process until the legislation is passed. Full implementation of this recommendation will not be completed until a later date. This recommendation is open.

Panel Recommendation #3: The Department of State should work with the Department of Defense (DOD) to determine how to commence discussions with the Government of Iraq on a new regulatory framework for Personal Protective Services contractors.

State Department's Response: The Department and the Department of Defense have discussed plans for a new Iraqi regulatory framework. While draft legislation regarding PPS contractors has been discussed, the Government of Iraq has not implemented a new regulatory framework for PPS contractors. U.S. Embassy Baghdad, Multi-National Force–Iraq (MNF-I), and the Iraqi Ministry of Interior continue to negotiate a Status of Forces Agreement (SOFA) and a Strategic Framework Agreement, which may also impact PPS contractors to the U.S. Government.

OIG Comment and Analysis: With the United Nations mandate set to expire at the end of 2008, negotiations of a SOFA with the Government of Iraq were concluded and an agreement was signed. The SOFA is intended to clarify the terms under which the United States military is allowed to operate in Iraq and includes legal issues associated with individuals and property. The negotiations of a long-term security pact had slowed over Iraqi concerns the agreement will infringe upon Iraqi sovereignty, including civil and criminal jurisdiction over private security contractors. Relevant terms of the SOFA could be codified in new legislation that will replace the current legacy law of Coalition Provisional Authority Order No. 17 (revised). Embassy officials anticipate the new Iraqi law on armed security contractors will be passed by early 2009. Full implementation of this recommendation will not be completed until a later date. This recommendation is open.

Panel Recommendation #4: The requirement to expand security oversight requires an overall increase in DS's authorized staffing level. The Department of State should approach the Office of Management and Budget and request in the final appropriations action for fiscal year (FY) 2008, an increase of one hundred positions and the requisite salary and operating costs in order to provide the needed staffing in Iraq without stripping other missions of their security resources.

State Department's Response: The FY 2008 Supplemental Appropriations Act provides funding for the 4th quarter of FY 2008 and all of FY 2009. The positions have been regularized in the Department's FY 2010 budget request.

OIG Comment and Analysis: The Department has secured funding through FY 2009 for 100 new DS positions. These positions, with their associated costs, were regularized in the Department's FY 2010 budget request. Unlike Recommendation #6, this recommendation is not specific to Baghdad RSO staffing. These new positions were established to allow the DS to meet the worldwide staffing shortage cre-

Translators. OIG verified the deployment of Arabic language staff in Baghdad, Hillah, Tallil, and Basra and regionally-appropriate language staff in Erbil and Kirkuk. RSO agents and security contractor officials told OIG the addition of language-qualified staff has increased their effectiveness dealing with the Iraqi public and local police. This recommendation is closed.

Panel Recommendation #8: Additional training modules should be added under the WPPS contract to enhance the cultural awareness of assigned personnel, acquaint them with diplomatic structures and procedures, and familiarize them with MNF-I tactics, techniques, and procedures

State Department's Response: The WPPS contract was modified to require that all WPPS personnel complete the Iraq Cultural Awareness training program developed by the DS Training Center and the online "Working in an Embassy" course offered by the Foreign Service Institute.

OIG Comment and Analysis: The contract was modified to require cultural awareness training for personal security specialists in February 2008. The DS Training Center conducted WPPS contractor training in May 2008 and course CDs have been distributed to the security contractors. OIG verified that cultural awareness training is taking place at all sites. OIG also examined Program Management Reviews conducted on contractor training to confirm appropriate cultural awareness training was conducted. OIG verified training was conducted to familiarize security contractors with MNF-I tactics and procedures. This training included an overview of the military units operating in their area, as well as radio, movement, and emergency procedures. OIG interviewed personal protection security specialists in the field to confirm their training, education, and experience. OIG confirmed that security contractors have an appropriate level of understanding of embassy and U.S. military operations, and the cultural context within which they work. The reduced number of contractor incidents with Iraqi civilians is due in part to this training and the clear priority of respectful engagement set by the RSO and other embassy officials. This recommendation is closed.

Panel Recommendation #9: To tighten the ground rules for the use of deadly force and to ensure greater parallelism with USCENTCOM, rules on the use of force by contracted security in Iraq, the U.S. Mission Firearms Policy should be revised to specify, without limiting the inherent right to take action necessary for self-defense, if an authorized employee must fire his/her weapon, he/she must fire only aimed shots; fire with due regard for the safety of innocent bystanders; and make every effort to avoid civilian casualties.

State Department's Response: The Departments of State and Defense agreed upon common principles for the Rules for the Use of Force. The updated Mission Firearms Policy incorporating these revised Rules for the Use of Force was signed into effect by the Deputy Chief of Mission (DCM) on February 2, 2008.

OIG Comment and Analysis: OIG has reviewed the U.S. Mission Firearms Policy. It contains the language recommended by the Panel. Additionally, the DCM issued a directive, Policy Directives for Armed Private Security Contractors in Iraq, on May 18, 2008, establishing detailed guidelines for the use of force by private security contractors. Based upon OIG discussions with personal security specialists throughout Iraq, there is a clear awareness and understanding of the use of deadly force policy. This recommendation is closed.

Panel Recommendation #10: The RSO should be provided video and audio recording equipment for each security vehicle, audio recording equipment in the Tactical Operations Center (TOC) to record all radio transmissions; and computer enhancements to record all Blue Force Tracking data.

State Department's Response: To date (July 2008), video recording systems have been installed into 191 mission vehicles throughout Iraq. The remaining installations have been funded and are planned for completion by December 2008. Each protective mission now includes a vehicle with video recording capability. Protective vehicle camera installations have been institutionalized. All new vehicles are now being hard-wired for video recording capability in the assembly line process. The radio recording system in the Baghdad's TOC is operational, and all embassy radio transmissions are recorded. Post implemented long-term recording of all Blue Force Tracker data. Blue Force Tracker data is stored on external hard drives, expanding retention capabilities.

OIG Comment and Analysis: The contract was modified for each of the three contractors on February 11, 2008, to provide for installation of U.S. Government furnished video recording equipment into contractor furnished vehicles. Only nine contractor furnished vehicles are used operationally. All other vehicles are government furnished.

OIG conducted on-site verification of the installation of the cameras and Blue Force Tracker equipment on 108 of the 191 vehicles assigned to personnel protection missions in Baghdad, Erbil, Kirkuk, Hillah, Tallil, and Basra. At least one vehicle with a camera is assigned to each movement team conducting route, site clearance, and quick reaction force support. The benefit of the cameras and tracking systems is broader in scope than documenting shooting incidents. The Embassy has used mission tapes in researching reported incidents to confirm that vehicles cited by Iraqi

officials to be involved in traffic accidents were or were not physically present or involved.

The OIG team learned that post-production retrofitting of security vehicles with cameras, trackers, and communication equipment has not been conducted in a timely or efficient manner. OIG interviews with special agents and security contractors revealed the vehicles initially shipped from the United States lacked the required equipment and required in-country installation. Moreover, vendor shortages and delays in procuring mounting sets, antennas, and other hardware and equipment has resulted in slower than expected deployment of mission-ready security vehicles. Furthermore, the installation (and repair) of camera and communication equipment is slowed by a limited number of technically qualified installers. Full implementation of this recommendation will not be completed until a later date. This recommendation is open.

Panel Recommendation #11: The RSO should place a readable number (like a license plate) on the right rear door of each vehicle utilized, to enable anyone wishing to question its mode of operation to identify the unit to the RSO, which can then review the matter and take appropriate action.

State Department's Response: The intent of Recommendation 11 is to ensure that private security contractors can be easily identified, located, and held accountable for their actions should it be required. The technical systems and procedural measures implemented by the RSO place COM motorcades in full compliance with the intent of the recommendation.

Currently, COM motorcade movements are tracked and monitored real-time by State Department personnel utilizing Blue Force Tracker and Tapestry. COM motorcade radio communications are recorded and monitored by RSO personnel in the Baghdad TOC. Motorcade vehicles are equipped with video cameras that record and document motorcade movements and events. These technical measures combined with reporting requirements and established operational procedures allow for COM motorcades to be monitored and held accountable.

OIG Comment and Analysis: OIG discussed placing identifying markers on COM vehicles with Embassy Baghdad security officials and found their concerns against doing so were persuasive. Furthermore, the combination of assigning agents to accompany movements, installation of video and audio equipment on vehicles, and electronic and paper logs of all movements enables simple identification of any vehicle whose mode of operation is being questioned. This recommendation is closed.

Panel Recommendation #12: The RSO should establish a “Go Team” that would proceed as soon as possible to the scene of any weapons discharge to gather information and material and provide an analysis of what happened and why, and prepare a report. The Team would work with representatives of the appropriate Government of Iraq offices and the U.S. military unit responsible for the location.

State Department’s Response: The RSO established a dedicated “Go Team” referred to as the Force Investigation Unit (FIU) and reached an agreement with MNF-I for military security support for investigators as needed. The Go Team is currently staffed with three full-time DS Special Agents (including one Supervisory Special Agent) who can be augmented by an additional seven DS Special Agents assigned to the Investigations and Intelligence section. When the need arises this group is augmented by Special Agents from other sections of the RSO. Since January 2008, the Go Team has investigated 49 motor vehicle accidents and 52 escalations of force incidents involving Tier 1 and Tier 2 contractors—of those, 35 were pen flares and 13 were discharge of firearms incidents. In addition, two contract translators and one Arabic speaking senior police liaison officer have been hired, trained, and deployed to Iraq to support the FIU.

OIG Comment and Analysis: The Department awarded a contract to U.S. Investigations Services (USIS) to provide eight additional investigators and translators on June 1, 2008. OIG confirmed arrival of the team in Baghdad. Under the direction of a DS special agent, the investigators were to plan, coordinate, and conduct complex and sensitive investigations of incidents involving personnel and activities encompassed under COM authority. The contractor’s statement of work included investigating incident scenes, interviewing witnesses, collecting and analyzing evidence, analyzing incidents for compliance with policy, laws and regulations, and providing other investigative-related services as necessary.

The Department’s award of the USIS contract engendered considerable media coverage and congressional interest because the scope and purpose of the USIS contract appeared to require the contractor to perform work deemed inherently governmental functions.

On October 17, 2008, the Department announced the termination of USIS contract. According to the Department, the RSO Investigative Office is staffed with 10 DS special agents, three of whom are dedicated to the FIU full-time. In addition, DS special agents serving in other positions in Baghdad can be assigned to augment the FIU as needed. The RSO will continue to utilize two contract Arabic speakers and the Arabic speaking police liaison officer in supporting roles for the FIU. The Department stated the use of eight contract security specialists to serve as investigators to complement the FIU was a short-term, interim measure until the newly created DS special agent positions were filled. This recommendation is closed.

Panel Recommendation #13: An Embassy Joint Incident Review Board should be established to review all incidents involving the use of deadly force which are known or asserted to have caused injury or death or other serious consequences. The Board should be chaired by the Minister-Counselor for Political-Military affairs. Other members should include the RSO, another civilian embassy officer with a law enforcement background from an agency other than the Departments of State or Justice, and a military officer designated by MNF-I. The Board would hear from the A/RSO who was in the motorcade, review the statements provided by the security personnel involved, as well as any protectee(s), review the Go Team report, and then make a recommendation to the Ambassador on whether or not the use of force appears justified. If it does not feel that it was justified, the Department should be informed to notify the DOJ.

State Department's Response: The DCM approved an Action Memo establishing the framework and process for convening an Embassy Joint Incident Review Board. The Board has not yet had cause to meet.

OIG Comment and Analysis: OIG verified that Embassy Baghdad issued Private Security Contractors' Serious Incident Investigative Handbook on June 23, 2008, establishing policies and guidelines for the investigation of serious incidents involving Embassy Baghdad private security contractors in Iraq. OIG verified the issuance of an Action Memorandum establishing the parameters for the Embassy Joint Incident Review Board and the composition of the board. The DCM also confirmed that no incidents have occurred to assemble the review board. This recommendation is closed.

Panel Recommendation #14: The RSO and MNF-I should establish a permanent working group to develop commonly agreed operational procedures; establish a robust liaison element; exchange information; ensure optimal situational awareness; and ensure that any issues are discussed and quickly resolved.

In addition to the above, three specific items should be on the agenda for the first meeting:

- 14a. Ensuring that the planning, coordinating and routing information which currently flows from the RSO's (TOC) to MNF-I liaison elements located in the TOC and posted to the U.S. Military's Command Post of the Future (CPOF) system, is available electronically to all operating elements under MNF-I;
- 14b. Providing TOC Spot Reporting electronically to any subordinate military element that wishes to receive it directly;

Panel Recommendation #17: The Embassy should use the venue afforded by the Iraqi-U.S. Joint Commission to establish a working group to determine ways to move the licensing process forward in an open and transparent way.

State Department's Response: The DCM, embassy legal advisor, RSO, and MNF-I are involved in discussions with Iraqi officials concerning private security company licensing and registration processes. Currently the Iraqi licensing process involves the Ministries of Interior and Trade. Security company licenses must be renewed every six months. WPPS contractors Triple Canopy and DynCorp are currently licensed by the central government in Baghdad. Blackwater USA has submitted an application for a license, which is currently pending. Embassy and MNF-I officials have established working level relationships with the Ministry of Interior officials in charge of the licensing and registration process to discuss issues and ways to improve and better coordinate our respective private security contractor regulatory efforts.

OIG Comment and Analysis: The licensing of private security contractors is the subject of continuing discussions among U.S. and Iraqi Government officials. The Embassy has established a working group to move the licensing process forward. Embassy officials report increased openness and transparency through dialogue among Iraqi Government, embassy, and security contractor representatives. In support of licensing and oversight of armed contractors, the RSO established a contractor liaison position to coordinate with the MNF-I and the Iraqi Ministry of Interior, which is responsible for issuing licenses to private security contractors. The liaison official also meets with contractor representatives to insure they understand the licensing requirements and the rules of engagement for driving, the use of force, and incident reporting. The contractor liaison and RSO have conducted initial meetings with Iraqi officials to develop a structured format for regular communication.

In addition, OIG learned in Erbil and Kirkuk that the Kurdistan Regional Government separately requires all foreign contractors to be licensed to do business in the region: DynCorp International which operates in the northern region has obtained the necessary licenses. This recommendation is closed.

Panel Recommendation #18: The RSO should establish direct channels to senior Iraqi police and security officials in Baghdad and in any other city where Provincial Reconstruction Teams are located. This should be a major step towards providing information on incidents in a timely way so that they can be appropriately investigated.

State Department's Response: The RSO had multiple meetings with senior Iraqi officials at the National Police, Ministry of Interior, and Ministry of Defense

and developed working agreements on coordination, liaison, and mutually supportive engagement. RSO personnel serving at Regional Embassy Offices and Provincial Reconstruction Teams have also established relations with local Iraqi police and security officials.

OIG Comment and Analysis: OIG confirmed the embassy security officers had regular meetings with local Iraqi police commanders and officials within the Ministries of Interior and Defense in Baghdad. Outside of Baghdad, security officers told the OIG team they have frequent interaction with local police and security officials and believe they have developed good working relationships. In Erbil, for example, the senior security officer brokered an understanding between two competing police authorities which enabled continued movement of U.S. personnel in that region. This recommendation is closed.

Panel Recommendation #19: In order to be more responsive to Iraqi customs, the Embassy must actively seek out the families of those innocent Iraqi civilians killed or seriously injured, or those whose property has been damaged by Personal Protective Services personnel. The RSO "Go Team," assisted by the U.S. military unit responsible for the area in which an incident has occurred, should work with counterparts designated by the Government of Iraq to promptly offer appropriate condolences and compensation.

State Department's Response: As part of the investigative process, the RSO coordinates with MNF-I and the Government of Iraq to facilitate victim access to the Embassy Claims Program.

OIG Comment and Analysis: OIG views the Department's actions as a serious effort to address the politically sensitive issue of appropriate condolences and compensation to innocent Iraqi civilians harmed by private security contractor personnel. The RSO has worked closely with the DCM and other high-level embassy officials to speed-up Iraqi families' access to the Embassy's claims program. At the time of OIG team's fieldwork in August 2008, all filed claims were paid and direct contacts with affected Iraqi families were handled by the DCM or another high-level embassy official. This recommendation is closed.

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ABBREVIATIONS

A/RSO	Assistant Regional Security Officer
COM	Chief of Mission
CPOF	Command Post of the Future
DCM	Deputy Chief of Mission
Department	The Department of State
DOD	Department of Defense
DOJ	Department of Justice
DS	Bureau of Diplomatic Security
FBI	Federal Bureau of Investigation
FIU	Force Investigation Unit
FY	Fiscal Year
MEJA	Military Extraterritorial Jurisdiction Act
MERO	Middle East Regional Office, Office of Inspector General
MNF-I	Multi-National Force-Iraq
OIG	Office of Inspector General
Panel	Panel of Personal Services Protective Services in Iraq
RSO	Regional Security Office
SOFA	Status of Force Agreement
TOC	Tactical Operations Center
USIS	U.S. Investigations Services
WPPS	Worldwide Personal Protective Services

APPENDIX I – PURPOSE, SCOPE, AND METHODOLOGY

OIG's Middle East Regional Office (MERO) initiated this evaluation on June 17, 2008, (Project No. 08/3004) to determine the status of recommendations from the Secretary of State's Panel on Personal Protective Services in Iraq and whether changes in operations enhanced the protection of U.S. mission personnel and furthered U.S. foreign policy objectives.

To examine the progress made and the challenges faced by the Department, OIG analyzed the Department's matrix on implementation (Action on Recommendations of Report of the Secretary of State's Panel on Personal Protective Services in Iraq) and congressional testimony by senior officials from the Department. In addition, OIG reviewed relevant documents from the Bureaus of Near East Asia, Diplomatic Security, Management, and the Office of the Legal Adviser.

OIG consulted with the following officials to discuss the progress made to strengthen the coordination, oversight, and accountability of Embassy Baghdad's security practices:

- In Washington, DC, OIG met with the Under Secretary for Management and panel member Patrick Kennedy who provided background information on The Panel's overall objectives and the sought after effect of the various recommendations. Officials from the Bureau of DS provided technical information and status updates on personnel and hardware acquisitions. Finally, officials from the Bureau of Near East Asia and the Office of the Legal Adviser provided information on the progress of bilateral negotiations with the Government of Iraq and the legal status of private security contractors.
- In Iraq, OIG held extensive discussions with the senior RSO and special agents in Baghdad and the special agents assigned to the regional embassy offices in Erbil, Kirkuk, Hillah, Tallil, and Basra. OIG also discussed the impact of The Panel's recommendation with the special agents who accompany the protection details of COM personnel. OIG met with senior embassy officials, MNF-I personnel, and program managers from Blackwater USA, DynCorp International, and Triple Canopy. Finally, the OIG team visited the various operational sites where the security contractors are based and toured the tactical operations centers; inspected the installation of video and audio equipment in vehicles; and interviewed personal security specialists.

OIG conducted this evaluation from June to October 2008. OIG did not use computer-processed data to perform this evaluation. The evaluation was conducted according to Quality Standards for Inspections issued by the President's Council on Integrity and Efficiency.

The report was prepared under the direction of Richard "Nick" Arntson, assistant inspector general for MERO. The following staff members conducted the evaluation and/or contributed to the report: Patrick Dickriede, Erich Hart, Kristen Jenkinson, Katherine Klegin, Patrick McCracken, and Judith Morsy.

APPENDIX II - EMBASSY BAGHDAD COMMENTS

Embassy Comments on SecState Panel on Personal Protective Services in Iraq

Panel Recommendation 3

Embassy Comment: As of this writing, the Security Agreement, which does not confer immunity from judicial prosecution in Iraq for DOD contractors, has not yet been approved by the GOI, though such approval is expected within the next few days. There are currently two pieces of legislation pending in the Iraqi Council of Representatives (parliament) regarding licensing and regulation of contractors. Both laws would remove immunity for PSCs. The short law retains the licensing and registration scheme of CPA Memo 17, while the longer law introduces a cumbersome and possibly unworkable registration process. As written, these laws would supersede the provisions of CPA Order 17 with regards to security contractors only. They do not apply to contractors generally. We intend to ask, as needed, for a grace period before any new requirements come into effect if the new requirements are onerous.

Panel Recommendation 6

Embassy Comment: The reduced threat level in some areas should be taken into consideration when crafting the DS workforce plan. For example, Post does not think that an agent-in-charge should be automatically required in every motorcade in Erbil. The threat level is sufficiently low to merit conditions-based examination of each movement when deciding if an AIC should accompany each one, particularly in routine moves to secure sites within the city.

Panel Recommendation 10

Embassy Comment: Per the 12 FAM, Post obtains its armored vehicles through DS/PSP/DEAV. DS/PSP/DEAV has started the process that includes the installation of camera harnesses for newly acquired armored vehicles slated for Iraq. In fact, several “pre-installed” cars are currently inbound. However, Post will still require the capacity to install video systems in Iraq as there remain a significant number of vehicles acquired and in the shipping process that pre-date the decision to install harnesses prior to deployment.

Panel Recommendation 15

Embassy Comment: Post acknowledges communication difficulties in Iraq. These difficulties are due to a variety of factors, including geographical challenges, the security situation, evolving security requirements, and resource limitations. Post also acknowledges the lack of expertise in the use of military radio equipment. RSO and IRM are working together to eliminate and/or mitigate identified deficiencies through training and requesting funding for the procurement of necessary accessories that were not initially ordered.

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