



Highlights of [GAO-08-966](#), a report to Congressional Committees

Why GAO Did This Study

The U.S. government relies extensively on private security contractors (PSC) for a variety of security services. However, incidents involving PSCs have raised concerns about oversight and legal accountability. Under the authority of the Comptroller General and in response to continuing congressional interest, GAO performed this review to examine the extent to which the Department of Defense (DOD) and Department of State have strengthened (1) oversight and (2) coordination of private security contractors in Iraq. GAO is also providing information on the legal framework used to hold private security contractor employees legally accountable for their actions in Iraq. GAO reviewed DOD and State Department policies and guidance, and their memorandum of agreement on PSCs; observed operations in Iraq and met with DOD officials there and in the U.S.; and met with officials from the Departments of Justice and State, and private security contractors.

What GAO Recommends

GAO recommends that DOD develop a strategy to sustain the increase in its oversight personnel in Iraq. Further, GAO made two recommendations that DOD update current training being provided to military units deploying to Iraq. DOD concurred with these recommendations. However, State disagreed with some of GAO's comments regarding the status of the implementations of the recommendations made by the panel.

To view the full product, including the scope and methodology, click on [GAO-08-966](#). For more information, contact William Solis, (202) 512-8365 or solisw@gao.gov.

REBUILDING IRAQ

DOD and State Department Have Improved Oversight and Coordination of Private Security Contractors in Iraq, but Further Actions Are Needed to Sustain Improvements

What GAO Found

Both DOD and the State Department have taken steps to strengthen oversight of private security contractors in Iraq since September 2007. However, staffing and training challenges remain for DOD. DOD has increased the number of personnel in Iraq assigned to provide oversight for DOD's PSCs but has not developed plans or a strategy to sustain this increase. An Army-commissioned report has specifically raised concerns about the lack of personnel available to provide sufficient contracting support to either expeditionary or peacetime missions. In the short term, DOD has increased the number of oversight personnel in Iraq by shifting existing oversight personnel from other locations into Iraq. However, without developing and implementing a strategy for providing and sustaining an increased number of personnel dedicated to oversight of PSCs, it is not clear whether DOD can sustain this increase because of the limited number of oversight personnel in the workforce. Moreover, while DOD has provided some training on PSCs for units deploying, the training has not been updated to reflect the changes made by DOD since September 2007 to increase oversight. As a result, military units may be unaware of their expanded oversight and investigative responsibilities. The State Department has implemented 11 of 18 actions recommended in October 2007 by a panel tasked by the Secretary of State with reviewing that agency's use of private security contractors in Iraq. For example, the State Department has increased the number of diplomatic security personnel stationed in Iraq to provide oversight of contractor activities and has requested and received funding to hire and train 100 additional agents to replace those who were transferred from other State Department programs in the United States to Iraq. According to State Department officials, the additional personnel will help sustain the increased number of agents in Iraq. In addition, as of June 2008, the State Department has equipped 140 of its security vehicles with video recording equipment and plans to equip an additional 93 vehicles.

Coordination among DOD, the State Department, and the government of Iraq has significantly improved since September 2007. The State Department coordinates its PSC movements with DOD through liaison officers, and by providing a daily briefing to Multi-National Forces-Iraq (MNF-I) on upcoming PSC activities. MNF-I's Armed Contractor Oversight Division facilitates coordination for PSC matters among DOD, State Department, the government of Iraq, and the PSC community. Further, DOD and the State Department signed a memorandum of agreement detailing coordination activities to be undertaken.

Various laws hold PSC employees accountable for their actions in Iraq, including U.S. criminal laws that may be applied extraterritorially, the Military Extraterritorial Jurisdiction Act, and the Uniform Code of Military Justice. The applicability of these laws depends on the circumstances—e.g., the nature and location of the alleged crime and the nationality of the accused—of any specific incident. The legal framework for holding PSCs accountable also includes Iraqi and international law and contract provisions.