



DoD INSTRUCTION 3020.50

PRIVATE SECURITY CONTRACTORS OPERATING IN CONTINGENCY OPERATIONS, HUMANITARIAN OR PEACE OPERATIONS, OR OTHER MILITARY OPERATIONS OR EXERCISES

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Approved by:	William A. LaPlante, Under Secretary of Defense for Acquisition and Sustainment

Purpose: In accordance with the authority in DoD Directive (DoDD) 5135.02 and pursuant to Sections 861, 862, and 864 of Public Law 110-181, this issuance establishes policy, assigns responsibilities, and provides procedures for:

- The selection, accountability, training, equipping, and conduct of personnel performing private security functions under a covered contract in support of contingency operations, humanitarian or peace operations, or other military operations or exercises.
- Incident reporting, use of and accountability for equipment, rules for the use of force, and a process for administrative action or the removal, as appropriate, of private security contractors (PSCs) and PSC personnel.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands (CCMDs), the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. This issuance does not apply to:

(1) Contracts entered into by elements of the intelligence community in support of intelligence activities.

(2) A nonprofit nongovernmental organization receiving grants or cooperative agreements for activities conducted within an area of other significant military operations if the Secretary of Defense and the Secretary of State agree that such organization may be exempted.

(a) The Secretary of Defense and the Secretary of State may agree to grant an exemption on an organization-by-organization or area-by-area basis.

(b) Such an exemption may not be granted with respect to an area of combat operations.

1.2. POLICY.

It is DoD policy that:

a. Security is necessary for the protection of resources (e.g., people, information, equipment, supplies, or facilities) or operations in an uncontrolled, unpredictable, unstable, high risk, or hostile environment outside the United States. The DoD may contract for protective services that are not inherently governmental or otherwise exempted from private sector performance.

b. DoD Components will select and use PSCs in accordance with all existing total force statutes, regulations, and policies, including Section 2465(a) of Title 10, United States Code, DoD Instruction (DoDI) 1100.22, and the Office of Federal Procurement Policy Letter 11-01, or any successor guidance, as well as all other applicable statutes, regulations, and policies.

c. The DoD and the DOS will coordinate on the qualifications and appropriate use, training, equipping, and conduct of PSC personnel in accordance with the requirements of this issuance and any memoranda of agreement implementing Sections 861 and 862 of Public Law 110-181.

SECTION 2: RESPONSIBILITIES

2.1. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS.

Under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Sustainment, through the Assistant Secretary of Defense for Sustainment, the Deputy Assistant Secretary of Defense for Logistics develops policies and procedures for registering, processing, and accounting of PSC personnel in areas of contingency operations, humanitarian or peace operations, or other military operations or exercises.

2.2. PRINCIPAL DIRECTOR, DEFENSE PRICING AND CONTRACTING.

Under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Sustainment, through Assistant Secretary of Defense for Acquisition, the Principal Director, Defense Pricing and Contracting, ensures that the Defense Federal Acquisition Regulation Supplement (DFARS) and, when appropriate, in consultation with the other members of the Federal Acquisition Regulation (FAR) council, the FAR provides appropriate guidance and publishes contracting requirements pursuant to this issuance and Section 862 of Public Law 110-181.

2.3. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

The Under Secretary of Defense for Personnel and Readiness:

- a. Provides DoD-wide policies on the total force manpower mix and labor sourcing, consistent with U.S. law, the FAR, the DFARS, and other applicable Federal policy documents, especially with respect to contracted services and restrictions on functions that contractors may and may not perform.
- b. Ensures that policies specifically address circumstances where use of PSCs would be inherently governmental or where Combatant Commanders (CCDRs) with a geographic area of responsibility (AOR) would need to assess where performance of one or more functions by PSCs or total reliance on PSCs would constitute an unacceptable risk.

2.4. DOD COMPONENT HEADS.

The DoD Component heads:

- a. Ensure that all private security-related requirement documents are in compliance with the procedures listed in Section 3 and the guidance and procedures issued by the CCDR with responsibility for the applicable geographic AOR.

b. Ensure private security-related solicitations and contracts contain the appropriate clauses from the applicable FAR and DFARS clauses and include mission-specific requirements, as appropriate.

c. Through contracting officers, ensure that PSCs' personnel hiring documents include the requirement that PSC personnel acknowledge that they understand and are obliged to comply with the terms and conditions of their covered contracts.

d. In coordination with the appropriate requiring activity (or activities), ensure the head of the contracting activity responsible for each covered contract takes appropriate steps to assign sufficient oversight personnel to the contract to verify that the contractor responsible for performing private security functions complies with the requirements of this issuance. Ensure that the contracting officer coordinates with the requiring activity to nominate and appoint a qualified contracting officer's representative or other multiple or alternative contracting officer's representatives in accordance with DoDI 5000.72.

2.5. CJCS.

In addition to the responsibilities in Paragraph 2.4., the CJCS ensures that joint doctrine is consistent with the principles established by DoDDs 3020.49 and 5210.56, DoDIs 1100.22 and 3020.41, and this issuance.

2.6. CCDRS WITH GEOGRAPHIC AORS.

In addition to the responsibilities in Paragraph 2.4., CCDRs with geographic AORs in which contingency operations, humanitarian or peace operations, or other military operations or exercise are occurring, and within which PSCs and PSC personnel perform under covered contracts:

a. Provide guidance and procedures as necessary for the selection, training, accountability, and equipping of such PSC personnel and the conduct of PSCs and PSC personnel within their respective AORs. Guidance and procedures must be consistent with DoDD 3020.49, DoDIs 1100.22 and 3020.41, this issuance, Subpart 25.302 of the FAR, and Section 225.302-6 of the DFARS. Sub-unified commanders or subordinate joint forces commanders (JFCs) will implement supporting guidance and procedures appropriate to their mission and operational requirements.

b. Identify the individual training and qualification standards for PSC operations in their respective AORs that meet, at a minimum, one of the Military Departments' established standards. CCDRs with geographic AORs may identify additional or higher standards based on specific mission or operational requirements.

c. Within his or her command, designate a sub-unified commander or JFC with the responsibility to develop and issue implementing procedures as warranted by the situation, operation, and environment, in consultation with the relevant chief of mission (COM) in designated areas of combat operations or other significant military operations.

d. Issue written authorization to the PSC identifying the individual PSC personnel who are authorized to be armed. Include rules for the use of force with the written authorization, if not previously provided. Establish rules for the use of force that conform to the guidance in DoDD 5210.56, DoDI 1100.22, and CJCS Instruction 3121.01B. Control offerors' and contractors' access to the Rules for the Use of Force in accordance with the terms of Part 52.204-2 of the FAR 52.204-2 and Part 252.204-7000 of the DFARS.

e. Ensure that the procedures, orders, directives, and instructions prescribed in Section 3 are available in a single location (e.g., an internet website, consistent with security considerations and requirements).

f. Establish weapons accountability procedures to be completed before weapons are authorized to be carried by PSC personnel.

SECTION 3: PROCEDURES

3.1. CCMD GUIDANCE AND PROCEDURES.

Each CCDR with a geographic AOR develops and publishes guidance and procedures for PSCs and PSC personnel operating during a contingency operation, humanitarian or peace operation, or other military operation or exercise within their respective AOR. Each CCDR with a geographic AOR will:

a. Ensure guidance with procedures, including procedures for determining if the use of PSCs would be appropriate, and ensure that the decision to use PSCs is made in accordance with all applicable laws, regulations, and policies as well as total force manpower best practices, including, but not limited to:

- (1) Section 2465(a) of Title 10, United States Code.
- (2) Part 7.5 of the FAR.
- (3) Office of Federal Procurement Policy Letter 11-01.
- (4) DoDI 1100.22.
- (5) Applicable Military Department publications.

b. Ensure that PSCs are not being used for:

- (1) Combat;
- (2) Command of military forces, including the leadership of military personnel who are members of the combat, combat support, or combat service support role;
- (3) Security operations performed in direct support of combat as part of a larger integrated combat force, or performed in environments where there is significant potential for the security operations to evolve into combat; or
- (4) Interrogation of detainees.

c. Require that PSCs being used to perform security functions, or other functions closely associated with inherently governmental functions, have sufficient government oversight to prevent those functions from becoming inherently governmental through the manner in which they are performed.

d. Establish procedures that are consistent with applicable laws; this issuance; applicable Military Department publications; other applicable DoD issuances, including DoDDs 5210.56, 3020.49, 2311.01E, DoDI 3020.41, and DoD 5200.08-R; Subpart 25-302 of the FAR; Section 225.302-6 of the DFARS; and CJCS Instruction 3121.01B.

e. Designate the organization responsible for managing:

(1) PSC verification that PSC personnel whose performance requires that they carry weapons meet all the legal, training, and qualification requirements for authorization to carry a weapon in accordance with U.S. and other applicable national laws or agreements, DoD and Military Department policies, and the applicable contract's terms and conditions.

(2) Registration, processing, accounting for, and keeping appropriate records of PSCs and PSC personnel in accordance with DoDI 3020.41.

(3) PSC verification of all processes for authorizing and accounting for weapons carried or available for use by PSC personnel.

f. Specifically identify a designee, at a grade no lower than the general officer or flag officer level, as the arming authority for all PSC personnel performing under a covered contract within the AOR.

g. Identify the requirements for:

(1) The arming authority's staff judge advocate to review arming requests on a case-by-case basis to ensure there is a legal basis for approval.

(2) A review of all requests to arm PSC personnel who are not performing under a DoD contract in accordance with Paragraphs 3.3.a. and 3.3.b.

(3) Documentation and submission of requests for permission to arm PSC personnel, including:

(a) A description of where PSC personnel will operate, the anticipated threat, and what property or personnel such PSC personnel are intended to protect, if any.

(b) A description of how the movement of PSC personnel will be coordinated through areas of increased risk or planned or ongoing military operations, including how PSC personnel will be rapidly identified by military personnel.

(c) A communication plan, including a description of how relevant threat information will be shared between PSC personnel, Military Services, and coalition forces and how appropriate assistance will be provided to PSC personnel who become engaged in hostile fire situations.

(d) Documentation of individual PSC personnel training, covering:

1. Weapons familiarization and qualification.

2. Rules for the use of force. Training will include limits on the use of force, including whether defense of others is consistent with any applicable host nation status-of-forces agreements or local law.

3. The distinction between the rules of engagement applicable to military forces and the prescribed rules for the use of force that control the use of weapons by PSC personnel.

4. The Law of War.

(e) Signed verification from the PSC that individual PSC personnel are not prohibited under U.S. law to possess firearms; with documentation that the PSC has completed background investigations of its PSC personnel that are sufficient to support its verification.

(f) Written acknowledgment by the PSC and individual PSC personnel that:

1. Inappropriate use of force by contractor personnel authorized to accompany military personnel may subject such personnel to U.S. or host nation prosecution and civil liability.

2. Proof of authorization to be armed must be carried by each armed PSC personnel.

3. PSC personnel may possess only USG-issued or approved weapons and ammunition for which they have been qualified in accordance with Paragraph 3.1.g. of this section.

4. PSC personnel were briefed and understand the limitations on the use of force.

5. Authorization to possess weapons and ammunition may be revoked for non-compliance with established rules for the use of force.

6. PSC personnel will not be under the influence of alcohol, or any other intoxicating or hallucinatory drug or substance that would impair their judgment, while armed.

(4) Registration and identification in the common database Synchronized Pre-Deployment and Operational Tracker (or its successor database) of PSC personnel, weapons, armored vehicles, helicopters, and other vehicles operated by PSC personnel.

(5) Reporting alleged criminal activity or other incidents involving PSCs or PSC personnel in accordance with DoDD 2311.01E. Reporting will include all incidents involving:

(a) A weapon that is discharged by PSC personnel in the performance of private security functions.

(b) PSC personnel who are killed or injured in the performance of their duties.

(c) Any person who is killed or injured as a result of conduct by a PSC or PSC personnel.

(d) Property that is destroyed as a result of conduct by a PSC or PSC personnel.

(e) Any PSC personnel in the performance of security functions who have come under attack, including in cases where a weapon is discharged against such personnel or if such personnel believe a weapon was so discharged.

(f) Active, non-lethal countermeasures that are employed by PSC personnel.

(g) Criminal activity allegedly committed by PSC personnel, as well as any investigatory or judicial outcomes related thereto.

(6) The independent review and, if necessary, investigation of incidents reported in accordance with Paragraph 3.1.g.(5) and incidents of any alleged misconduct by PSC personnel.

(7) Identification of criminal jurisdiction and responsibilities for investigating incidents and taking action where conduct of PSCs or PSC personnel are in question. This must include a recognition of investigative jurisdiction and coordination, as appropriate, for joint investigations with other U.S. Government (USG) agencies, host nation, or third country agencies.

(8) A mechanism by which a CCDR may, through the contracting officer, request an action by which PSC personnel who are noncompliant with contract requirements are removed from the AOR.

(9) Interagency coordination of a mechanism by which, in areas of combat operations, the contracting officer may initiate administrative penalties or removal, as appropriate, of PSC personnel who are not performing under a DoD contract who fail to comply with the terms and conditions of the applicable contract, as they relate to this issuance.

(10) Implementation of the training requirements in Paragraph 3.1.h.(4).

h. Establish procedures for:

(1) Matters relating to authorized equipment, force protection, security, health, safety, and relations and interaction with local nationals in accordance with DoDI 3020.41 and this issuance.

(2) Requirements for the PSC and its personnel to comply with orders, directives, and instructions issued by the applicable CCDR relating to matters described in Paragraph 3.1.h.(1), as well as this issuance.

(3) Assessing compliance with DoD-approved business and operational standards for private security functions described in the Management System for Quality of Private Security Company Operations – Requirements with Guidance or the Management System Private Security Operations – Requirements with Guidance for Use, as appropriate, pursuant to Section 833 of Public Law 111-383.

(4) Pre-deployment training requirements addressing, at a minimum, the identification of resources and assistance available to PSC personnel as well as country information, cultural training, and guidance on working with local nationals and military personnel.

(5) Rules for the use of force and graduated force procedures.

(6) Requirements for the PSC and PSC personnel to cooperate with any investigation conducted by the DoD pursuant to Paragraph 3.1.g.(7) by providing access to the PSC's employees and relevant information in the PSC's possession (including in any of the PSC's employees' possession) regarding the incident concerned.

(7) Requirements and procedures for the direction, control, and maintenance of communications with regard to the movement and coordination of PSCs and PSC personnel, including specifying interoperability requirements. These include coordinating with the COM, as necessary, private security operations outside secure bases, and U.S. diplomatic properties, including movement control procedures for all contractor personnel, including PSC personnel.

3.2. SUBORDINATE GUIDANCE AND PROCEDURES.

In areas of other significant military operations, a sub-unified commander or JFC, in coordination with the relevant COM, will issue guidance and procedures implementing the CCMD publications specified in this section consistent with the situation and operating environment.

3.3. CONSULTATION AND COORDINATION.

The relevant COM and the CCDR with responsibility for the applicable geographic AOR, sub-unified commander, or JFC will make every effort to consult and coordinate responses to common threats and common concerns related to oversight of the conduct of USG-funded PSCs and PSC personnel.

a. The relevant COM is responsible for developing and issuing implementing instructions for PSCs and PSC personnel not performing on DoD contracts in a designated area of combat operations or other significant military operations.

b. The COM may engage with contracting authorities (head of contracting activity or contracting officers) to include requirements for PSCs and PSC personnel that are not performing under contracts with the DoD to follow the guidance and procedures developed by the CCDR with responsibility for the applicable geographic AOR or sub-unified commander or subordinate JFC.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
AOR	area of responsibility
CCDR	Combatant Commander
CCMD	Combatant Command
CJCS	Chairman of the Joint Chiefs of Staff
COM	chief of mission
DFARS	Defense Federal Acquisition Regulation Supplement
DoDI	DoD instruction
DoDD	DoD directive
DOS	Department of State
FAR	Federal Acquisition Regulation
JFC	joint force commander
PSC	private security contractor
USG	U.S. Government

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
arming authority	The CCDR with responsibility for the applicable geographic area concerned or a person or persons designated by that commander who can authorize the arming of DoD contractor personnel under their authority or supervision for security functions or to permit the carrying of firearms for personal protection in support of operations outside of the United States.
area of combat operations	An area of operations designated as such by the Secretary of Defense, when enhanced coordination of PSCs working for USG agencies is required.
contingency operation	Pursuant to Section 101(a)(13)(a) of Title 10, United States Code, a military operation that is designated by the Secretary of Defense as a

TERM	DEFINITION
	contingency operation, or that becomes a contingency operation as a matter of law in accordance with Section 101(a)(13)(b) of Title 10, United States Code.
contractor	With respect to covered contract, the contractor or subcontractor carrying out the covered contract.
covered contract	<p>A DoD contract for performance of services or delivery of supplies in an area of contingency operations, humanitarian or peace operations, or other military operations or exercises, outside the United States or non-DoD Federal agency contract for performance of services or delivery of supplies in an area of combat operations or other significant military operations, as designated by the Secretary of Defense. A covered contract may:</p> <ul style="list-style-type: none">Include, a subcontract at any tier under such a contract.Include, a task order or delivery order issued under such a contract or subcontract.Exclude temporary arrangements entered into by non-DoD contractors for the performance of private security functions by individual indigenous personnel not affiliated with a local or expatriate security.
graduated force	An escalating series of actions an individual can take to resolve a situation. It includes less lethal force (e.g., voice commands; empty hand control; pepper spray, baton, TASER [®] ; other less lethal weapons) and deadly force.
Law of War	The treaties and customary international law binding on the United States that regulate: the resort to armed force; the conduct of hostilities and the protection of war victims in international and non-international armed conflict; belligerent occupation; and the relationships between belligerent, neutral, and non-belligerent States. Sometimes also called the “law of armed conflict” or “international humanitarian law.” The law of war is specifically intended to address the circumstances of armed conflict. Consult the DoD Law of War Manual for an authoritative statement on the law of war.
local national	An individual who is a permanent resident of the nation in which the United States is conducting operations.
non-lethal countermeasure	A weapon, device, or munition that is explicitly designed and primarily employed to incapacitate personnel or materiel immediately, while minimizing fatalities, permanent injury to personnel, and undesired damage to property in the target area or

TERM	DEFINITION
	environment. Includes laser optical distractors, acoustic hailing devices, electro-muscular disruption devices, blunt-trauma devices like rubber balls and sponge grenades, and a variety of other riot control agents and delivery systems.
other significant military operations	Activities, other than combat operations, as part of an overseas contingency operation that are carried out by the Military Services in an uncontrolled or unpredictable high-threat environment where personnel performing security functions may be called upon to use deadly force.
private security functions	Activities engaged in by a contractor under a covered contract: Guarding personnel, facilities, designated sites, or property of a Federal agency, the contractor or subcontractor, or a third party. Any other activity for which personnel are required to carry weapons in the performance of their duties in accordance with the terms of their contract. DoDI 3020.41 prescribes policies related to personnel allowed to carry weapons for self-defense. Contractors, including those performing private security functions, are not authorized to perform inherently governmental functions. In this regard, armed contractors are limited in the use of force to a defensive response to hostile acts or demonstrated hostile intent.
PSC	A company contracted by the USG to perform private security functions under a covered contract.
PSC personnel	Any individual performing private security functions under a covered contract.
rules for the use of force	Policies and procedures governing the conditions and circumstances for the use of lethal and less than lethal force.
Synchronized Pre-Deployment and Operational Tracker	A common joint database used to maintain contractor visibility and accountability in applicable operations.
total force	The organizations, units, and individuals that comprise the DoD's resources for implementing the National Security Strategy. It includes the DoD Active and Reserve Component military personnel, DoD civilian personnel (including foreign national direct-hires, as well as non-appropriated fund employees), contracted support, and host nation support personnel.

REFERENCES

- American National Standards Institute, Private Security Company 1-2012 (R2017),
“Management System for Quality of Private Security Company Operations – Requirements
with Guidance,” March 5, 2012
- Chairman of the Joint Chief of Staff Instruction 3121.01B, “Standing Rules of
Engagement/Standing Rules for the Use of Force for U.S. Forces,” June 13, 2005, as
amended
- Defense Federal Acquisition Regulation Supplement, current edition
- Department of Defense Law of War Manual, June 2015, as amended
- DoD 5200.08-R, “Physical Security Program,” April 9, 2007, as amended
- DoD Directive 2311.01E, “DoD Law of War Program,” July 2, 2020
- DoD Directive 3020.49, “Program Management for the Planning and Execution of Operational
Contract Support,” August 14, 2020, as amended
- DoD Directive 5135.02, “Under Secretary of Defense for Acquisition and Sustainment,”
July 15, 2020
- DoD Directive 5210.56, “Arming and the Use of Force,” November 18, 2016
- DoD Instruction 1100.22, “Policy and Procedures for Determining Workforce Mix,”
April 12, 2010, as amended
- DoD Instruction 3020.41, “Operational Contract Support (OCS),” December 20, 2011, as
amended
- DoD Instruction 5000.72, “DoD Standard for Contracting Officer's Representative (COR)
Certification,” November 6, 2020
- Federal Acquisition Regulation, current edition
- International Organization for Standardization 18788, “Management Systems for Private
Security Operations – Requirements with Guidance for Use,” September 2015
- National Security Strategy of the United States of America, current edition
- Office of Federal Procurement Policy Letter 11-01, “Performance of Inherently Governmental
and Critical Functions,” September 12, 2011
- Public Law 110-181, “National Defense Authorization Act of Fiscal Year 2008,”
January 28, 2008, as amended
- Public Law 111-383, “Ike Skelton National Defense Authorization Act for Fiscal Year 2011,”
January 7, 2011
- United States Code, Title 10