

 <b>DynCorp</b> INTERNATIONAL	Title: <b>DI Rules for the Use of Force (RUF)          for DI Programs in Iraq</b>			Number: <b>DI-3001</b>
	Unit Issuing: <b>Government Services</b>	Approved by: <b>Bob          Rosenkranz</b>	Effective Date: <b>08/13/07</b>	Revision Date:

## I. PURPOSE

- A. To set forth Rules for the Use of Force (RUF) for all DI employees assigned to work in Iraq.

## II. ORGANIZATIONAL UNITS AFFECTED

- A. All elements of DI in Iraq to include corporate offices such as the Vice President Iraq Operations office, MTSS contracts and the WPPS and CIVPOL programs in Iraq, including Personnel Security Details, International Police Advisors (IPAs), static and roving security personnel and all other DI employees who are armed.
  - 1. In the event that subcontractors who may reasonably be required to use force in the performance of their duties are employed, the subcontract will contain a provision requiring the subcontractor to follow the requirements of this policy.
- B. DI employees who are assigned to work with U.S. military units in Iraq will follow these RUF and not the U.S. military Rules of Engagement (ROE). If an employee becomes aware of any conflict between the DI RUF and the military ROE that impact mission accomplishment or the safety and security of either DI employees or military personal, those issues must be immediately forwarded to the Program Manager (PM) who will coordinate the issue with the cognizant Division President and the General Counsel for resolution. Under no circumstances will any DI employee participate in U.S. or Multi-National Forces combat operations except in self defense of themselves or other authorized persons, as those persons are defined below; all employees are strictly limited to the use of force for self defense purposes only.

## III. RESPONSIBILITIES

- A. All DI employees in Iraq will adhere to the policies and procedures of these RUF.
- B. The CIVPOL Deputy Program Manager (DPM) or Contingent Commander, the WPPS Project Manager, the VPIO, or the equivalent for other programs in Iraq, as appropriate, shall ensure that all employees who may be issued any type of weapon or who

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for any other reason may reasonably be foreseen to be required to use force in the course of their duties receive training on these RUF and to correctly apply the RUF in the situations they are most likely to encounter. They shall also ensure that all program personnel are trained on all reporting and records retention requirements and that every employee completes the attached employee certification (Form DI 3001A) attesting to their training on and agreement to adhere to these RUF. No employee is authorized to carry a weapon before complying with the requirements of this paragraph.

- C. Any use of deadly force by a DI employee must be reported as soon as possible via a Serious Incident Report (SIR) in accordance with the procedures established by the GS Division President. Program management is also responsible for complying with all customer reporting requirements regarding the use of force. Care must be exercised in preparing this initial report, in the preserving of evidence and to not report speculative or otherwise incorrect information.
- D. Any use of deadly force by a DI employee shall be reviewed by the DI employee's supervisor and forwarded to the PM to determine whether a more thorough investigation should be conducted by the company. In such cases the customer may also determine that they will conduct an investigation, but such a customer decision does not eliminate the need for DI to conduct its own investigation. In the event of multiple investigative efforts care must be exercised to de-conflict those efforts. Customer requests to interview employees must be brought to the attention of the Law Department before the interviews will be permitted.
- E. Any use of non-lethal force by a DI employee and any violations of the prohibited activities in Section V. of this policy must be reported to the DPM or Contingent Commander, Project Manager, VPIO or their equivalent, as appropriate, who shall determine whether a SIR or other further reporting of the incident is appropriate.
- F. All reporting requirements must be completed as soon as possible, but in no event shall a report be delayed more than 24 hours. If for some reason a report is delayed beyond 24 hours the first report of the incident shall also contain an explanation for the delay.

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#### IV. PROCEDURES

- A. The use of any type of force must be necessary and reasonable under all of the circumstances. (See the discussion below on use of deadly force for a discussion on necessity and reasonableness.)
1. Employees will use graduated force where possible. The following is the graduated scale to use if its use will not unnecessarily endanger you or others
    - a) SHOUT: verbal warning to HALT
    - b) SHOVE: physical restraint, block access, or detain
    - c) SHOW: your weapon and demonstrate intent to use it
    - d) SHOOT: to remove the threat only when necessary (following the procedures outlined below for the use of deadly force)
- B. Civilians must always be treated with dignity and respect.
1. Make every effort to avoid civilian casualties.
  2. You may stop, detain and search civilian persons if required for self-defense (detaining civilians in order to effect an arrest is not authorized for DI employees in Iraq).
  3. Civilians will ALWAYS be treated humanely.
  4. Detained civilians will be turned over to the Iraqi police or coalition forces, or released, as soon as possible.
    - a) Civilians will only be detained by DI employees or DI subcontractor employees if detention is necessary to neutralize a security threat to the area or personnel being defended and there is no authorized Iraqi police or coalition force personnel present to affect the detention.

#### V. PROCEDURES FOR THE USE OF DEADLY FORCE

- A. Principles on the Use of Deadly Force

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1. Deadly force is any force that is likely or can reasonably be expected to cause death or serious bodily injury. Deadly force includes, but is not limited to, any use of a firearm. Force that is not likely to cause death or serious bodily injury but nonetheless does result in death or serious bodily injury is not considered to be the use of deadly force.
2. DI recognizes and respects the paramount value of all human life. Consistent with this principle is the commitment to take all reasonable steps to prevent the need to use deadly force. The first of two bedrock principles of these RUF regarding the use of deadly force is necessity. The necessity to use deadly force arises when all other available means of preventing imminent and grave danger to a specific individual or other person have failed or would likely fail. However, an employee is not required to place himself or herself, another DI employee, other coalition and friendly forces or the public in unreasonable danger or death or serious injury before using deadly force.
3. The use of deadly force is reasonable when the employee reasonably believes, under all of the facts and circumstances known to the employee at that time, that the person at whom the use of force is directed presents an imminent threat that could result in death or serious bodily injury to the employee or another person.
  - a.) Use of force by DI employees up to and including deadly force in defense of another person by is authorized on behalf of all U.S. persons and all coalition and Iraqi forces and police.
4. The use of deadly force is authorized when it becomes reasonably necessary. In such cases DI personnel must also be aware of the risk that the use of such force poses to uninvolved persons and to the extent practical, limit or mitigate that risk. However, the presence of uninvolved persons does not in and of itself preclude the use of deadly force.
5. The use of deadly force must be objectively necessary and reasonable under all the circumstances known to the individual at the time. "Necessity" encompasses many factors, such as the likelihood that the subject will use deadly force on the employee

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or others if such force is not used by the employee; the employee's knowledge of the capabilities of the threatening party or situation; the presence of other persons who may be at risk if force is not used; and the nature and the severity of the subject's conduct or the danger posed. "Reasonableness" of a belief or decision must be viewed from the perspective of the individual on the scene who may often be forced to make split second decisions under circumstances that are tense, unpredictable and rapidly evolving. Reasonableness and necessity are not to be viewed from the calm vantage point of hindsight.

6. Whenever a situation occurs in which deadly force is deemed necessary, those DI personnel involved should, where feasible, attempt to move to a secure location, such as a military compound or housing compound, in order to minimize the necessity of having to use deadly force.
7. When an employee is involved in a use of deadly force incident it shall be the supervisor's responsibility to ensure that the following measures are adhered to.
  - a) The supervisor shall immediately (as circumstances allow) take possession of the employee's weapon and turn such weapon into the armory where the weapon will be secured as evidence. It shall be the responsibility of the employee's supervisor to insure that the employee is issued a replacement weapon if and when that action is appropriate.
  - b) Employees who discharge a weapon resulting in the death or injury of another person will be placed, as circumstances dictate, on administrative leave or reassigned other duties until the investigation is complete. Program management will consult with the SBU HR to determine on a case by case basis whether administrative leave is with or without pay.
  - c) The on duty supervisor will identify all witnesses, including full names and how to contact them at a later time, to the incident and begin the initial investigation into the circumstances surrounding the incident. The supervisor will inform the CIVPOL Security Manager or PSD Commander,

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WPPS Project Manager, VPIO or equivalent, as applicable, of the incident relaying all circumstances known at the time.

- d) In all cases where any person has been injured or killed as a result of the use of force by an employee, the involved employee will be offered the opportunity to undergo a debriefing by a qualified practicing psychologist as soon as practicable.

## VI. SPECIAL PROCEDURES FOR CONVOYS AND VEHICLE THREATS TO COMPOUNDS

- A. One of the greatest threats in Iraq is the vehicle borne improvised explosive device (VBIED) being used to attack our convoys and secured compounds. Shooting at a vehicle is authorized if it constitutes the appropriate level of force to mitigate the threat. However, before shooting at a vehicle is authorized, the totality of the circumstances surrounding the situation must be taken into account. These circumstances include current threat information (especially that pertaining to VBIEDs), number and nature of occupants of the vehicle, the riding dynamics of the vehicle, time of day and current location.
- B. Warning shots are not authorized in Iraq as the danger of inadvertently hitting non-involved persons is too great. (Warning shots are defined as shooting into the air or ground in order to attract attention. Shots into a vehicle's grill/engine compartment are specifically aimed shots at a designated target which poses an imminent threat and are not considered to be warning shots for purposes of this policy.)
- C. When you identify what may be a VBIED threat to a CIVPOL compound or to one of our convoys the following steps will be employed.
1. The vehicle that presents the threat will be specifically identified, preferably when it is no closer than 100 meters away, and everything possible will be done to warn the driver of the threat he is creating before employing deadly force. These actions must include the following steps in an escalation of force 1) If in a convoy situation, the follow vehicle will position itself to screen

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the remainder of the convoy and the motorcade will have bright visible warning lights 2) English and Arabic stay back warning signs will be affixed to vehicles and at entrances to compounds 3) hand signals and verbal warnings are used and 4) high powered warning lights such as flash lights or strobe lights are directed at the driver. Certain of the above steps may be omitted if the dire necessity of the situation dictates.

2. If all the above warnings fail and the vehicle still presents a threat, or there is insufficient time in which to employ the above escalation of force steps before the vehicle poses an unacceptable risk, which is usually measured, depending upon the circumstances, as being within 40 meters of the convoy or installation, then show your intent to use lethal force by pointing your weapon to show the driver of the approaching vehicle your intent to use it if necessary.
3. If the driver still does not stop or is so close before being identified that there is no time available to employ any of the above listed steps, then shoot well aimed individual shots at the vehicle to disable it. Usually the only practical available target is in which to disable the vehicle is the front grill and into the engine block however, if other options are available, such as shooting the tires, then that option is also permitted. This is done to prevent loss of human life. Repeat this if necessary to stop the vehicle. It is within the employee's best judgment to determine the fewest possible number of shots necessary to achieve the desired security effect.
4. If the above actions do not cause the driver to cease being a threat, shoot individual well aimed shots through the windshield. It is within the employee's best judgment to determine the fewest possible number of shots necessary in order to achieve the desired security effect.
5. Summary of escalation of force requirements (as circumstances permit):
  - a. if in a convoy: motorcade will have visible warning lights; position follow vehicle to screen convoy;
  - b. use of highly visible warning signs in English and Arabic;
  - c. use of hand signals and verbal warnings;

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- d. high powered flash or strobe lights;
- e. demonstrate intent to use weapon;
- f. shoot to disable vehicle;
- g. shoot through windshield/at driver.

## VII. ADDITIONAL WEAPONS POLICIES

- A. Only those personnel who have been certified by qualified trainers at the Crucible provided training in Fredericksburg, Virginia or other DI authorized facility, or through an authorized course in Iraq will be issued a weapon by DI. The standards for such qualification shall be issued separately by the General Manger of the Law Enforcement and Security Strategic Business Unit.
- B. The following activities are specifically prohibited while armed. For purposes of this section “armed” includes carrying a firearm on his/her person, in a carrying case or in his/her baggage.
  1. Careless or irresponsible behavior.
  2. Careless or unnecessary display of a firearm in public.
  3. Dry-firing or practicing quick draws other than during properly authorized training or qualification practice.
  4. Threatening a person or making an unwarranted reference to being armed in any situation not directly related to official duties or authorized training.
  5. Consumption of any alcoholic beverage while armed (to include when arms are stored in the same building where alcohol is being consumed), within six hours prior to being armed, or at any time prior to being armed sufficient to impair an employee’s judgment or ability to perform his or her duties. (Note: This is in addition to the DI policy prohibiting consumption of alcohol within Iraq.)
  6. Use of any medications or drugs that may impair an employee’s judgment or ability while on duty.

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7. Possessing, carrying or using a weapon of any type including any firearm, ammunition or related equipment not specifically issued or approved by DI and the customer.
  8. Possessing, carrying or using a modified firearm not previously approved by DI and the customer. Any modifications to a weapon must be approved in writing in advance by the customer and the DI PM and if approved, those modifications must be performed by the program's certified armorer.
  9. Storing weapons, including ammunition, in a manner other than as prescribed by program management for the specific location (storage requirements will vary from location to location).
- C. The following weapons are authorized for use in Iraq provided they are issued to the DI employee from the appropriate DI armory:
1. Due to the different requirements of the contracts, individual PMs shall issue a list of approved weapons including, if applicable, any special or crew served weapons that are authorized for use for that contract. In the event special or crew served weapons are authorized, appropriate additional policy guidance on the use of those weapons must be included in the document authorizing their use. The list, and additional guidance if applicable, shall be approved by the cognizant Division President and the General Counsel before being promulgated.

VIII. ATTACHMENT:

Form DI 3001A, Employee Rules for the Use of Force Certification

	<b>DynCorp International Policy Statement</b>	<b>DI Rules for the Use of Force (RUF) for DI Programs in Iraq</b>		Number:  <b>DI-3001</b>
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Employee Rules for the Use of Force Certification

I, \_\_\_\_\_, employee ID number \_\_\_\_\_, assigned to the DI Iraq \_\_\_\_\_ program/office as of the date below, hereby certify that:

1. I have received a copy of and have read the DI Rules for the Use of Force (RUF) for Iraq dated \_\_\_\_\_, to include the list of authorized weapons and, if applicable, the authorized use of any special or crew served weapons;
2. I have received training on the meaning of and understand the RUF, including the reporting requirements;
3. I agree to comply with the RUF and will immediately report through my supervisor all instances of which I become aware in which the RUF appear to not have been followed; and
4. I acknowledge that any failure to fully comply with the RUF may result in disciplinary action up to and including termination, without the necessity of my receiving any prior warning or second chance.

\_\_\_\_\_  
Signature of employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of employee

Program Manager Certification

I, the undersigned Program Manager (or authorized designee) certify that the above named employee successfully completed the RUF training described above.

\_\_\_\_\_  
Signature of PM or designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of PM or designee