



PUERTO RICO STATE GUARD DIRECTIVE

PRSG-G2
DISTRIBUTION: A

PRSGD 23-100
15 October 2023

BACKGROUND SECURITY CHECK PROCESS

References: See Enclosure A.

1. PURPOSE: To prescribe policy and procedure addressing command's criminal background check concept and requirements. This directive/policy is instrumental to ascertain that only applicants and service members that meet the membership eligibility criteria are accepted or remain in the Puerto Rico State Guard Command (PRSG).

2. AUTHORITY: Puerto Rico Military Code Century XXI, Law Number 88 of August 8 of 2023.

3. APPLICABILITY AND SCOPE: This directive/policy applies to all PRSG applicants, active service members assigned/attached to, working, training, or otherwise participating in the Puerto Rico State Guard Command.

4. DEFINITIONS: NA

5. DIRECTIVE/POLICY:

a. Article 4.02 of the Puerto Rico Military Code Century XXI, Law 88 of August 8 of 2023 authorizes the Adjutant General of Puerto Rico to promulgate rules and regulations, not inconsistent with the provisions of this Chapter, with respect to age, enlistment, organization, administration, equipment, sustainment, training, and discipline requirements of said forces; Said rules and regulations must be in accordance with the laws of Puerto Rico applicable to the Military Forces of Puerto Rico.

b. PRSG Regulation 600-10, Personnel and Administrative Procedures, was enacted by the Adjutant General of Puerto Rico and became effective on April 1, 2023. Chapter 2 establishes the requirement of a criminal background check to be eligible for membership in the Puerto Rico State Guard.

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c. Section 2-3 of PRSG Regulation 600-10 details the criminal background history requirements for PRSG service members. It states that an applicant who has been convicted by a civilian or military court will be ineligible until their record has been reviewed and approved by the PRSG Staff Judge Advocate (SJA). Any applicant who has a felony or class A or B misdemeanor charges pending against them may not join the PRSG until all charges have been dismissed or cleared. Applicants with a history of misdemeanor convictions will be reviewed on a case-by-case basis by the SJA.

d. To complete the criminal background check required herein, the applicant or service member will fill out a DD Form 369 for processing by the G2 Section. Any criminal background check that results in a finding will be submitted via Memorandum to the SJA Section for review and disposition.

e. Any active service member who is denied entry access or permanency at any state or federal military facility or installation because of a criminal background history check positive finding, is impeded to maintain membership with the PRSG due to the prohibition established since essential PRSG operations, training, and activities are predominantly performed at such military locations.

f. The applicant or service member will be the person solely responsible for clearing and solving any issues with the agency that issued the criminal history background record.

g. In case the service member is subject to discharge for failure to approve the criminal background check, sections 7-4 and 7-5 of PRSG Regulation 600-10, as applicable, will be followed.

h. Service members with a positive finding of criminal history event will be placed in inactive duty status at a control group established by the G1 until clear or solve the issue affecting his/her background a final determination is made.

5. RESPONSIBILITIES:

a. The PRSG G1 will provide PRSG applicants with DD Form 369 to be filled out. The PRSG G1 will require from active service members a new DD Form 369 during Soldier Readiness Program (SRP) or when required by the G1. DD Form 369 will be forwarded to the PRSG G2 for processing.

b. The PRSG G2 will process a criminal background check on the applicant or service member. The criminal background check will include local, state, and federal criminal history record systems inquiries. Additionally, all non-U.S.

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citizens processing will require a favorable completion of a NIAC, which includes the Federal Bureau of Investigation Foreign Terrorist Tracking Task Force check. A criminal background check with a positive result will be referred by the G2 via memorandum to the SJA section for review and disposition.

c. The PRSG SJA counsel assigned to the case will receive and review the criminal background check that has resulted in a positive finding of a criminal history record and proceed IAW PRSG Regulation 600-10 and this policy. In a background history check extraordinary situation case not addressed in PRSG Regulation 600-10 or this Policy, AR 601-210 relevant sections may be consulted for supplementation when said AR 601-210 guidance is consistent with PRSG rules, regulations, and policies. The PRSG SJA counsel has the discretion to concede a maximum of sixty (60) calendar days to the service member to clear or solve the issue affecting his/her background. The service member may apply to the SJA for a ninety (30) calendar days extension in exceptional cases. If no action is taken by the service member to clear or solve the issue within the allotted time frame, Administrative Discharge procedures will be followed.

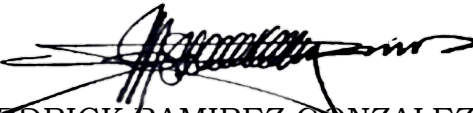
6. INFORMATION REQUIREMENT: NA

7. RELEASABILITY: Unlimited.

8. EFFECTIVE DATE: This directive will expire 2 years from the effective date of publication unless sooner rescinded or superseded.

9. POINT OF CONTACT: The point of contact of this directive/policy is the PRSG G2, Intelligence Officer of the Puerto Rico State Guard Command at (787)-731-3633 Ext.1464.

Enclosure1: Reference



EDRICK RAMIREZ GONZALEZ
Brigadier General, PRSG
Commanding General

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References:

1. Military Code of Puerto Rico, Law Number 88 of August 8 of 2023.
2. Commander's Legal Handbook Pub 27-8.
3. PRSG Regulation 600-10, Personnel and Administrative Procedures.
4. AR 601-210 Regular Army and Reserve Components Enlistment Program.

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