



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, NATIONAL TRAINING CENTER AND FORT IRWIN  
FORT IRWIN, CA 92310-5000

AFZJ-CG

23 MAY R

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: NTC Policy Letter 12, Criminal Organization Activities

1. PURPOSE: To set forth the policy and procedures relating to command responsibilities concerning criminal gang activity and Service Members' association with criminal gangs.

2. APPLICABILITY: This policy applies to all Service Members assigned to, attached to, or under the operational, administrative, or tactical control of the National Training Center and Fort Irwin.

3. REFERENCES:

a. *National Defense Authorization Act of 2008*, § 544, Prohibition Against Members of the Armed Forces Participating in Criminal Street Gangs, Pub. L. no 110-181, 122 Stat. 3 (2008).

b. Department of Defense Instruction 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces* (Change 1, 2012).

c. Army Regulation 600-20, *Army Command Policy*, Rapid Action Revision (RAR) (4 Aug 2011).

4. DEFINITIONS:

a. A "criminal gang" means an ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its activities the commission of one or more criminal acts, having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. A criminal gang may, but need not be an extremist organization.

b. Active participation includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting online); or otherwise engaging in activities in furtherance of the objective of such criminal gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service.

5. PUNITIVE PROVISIONS: This Policy Memorandum constitutes a lawful general order by the Commander, National Training Center and Fort Irwin. Violation of the prohibitions in

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paragraph 7 of this policy include the full range of statutory and regulatory sanctions, both criminal (UCMJ), and administrative. These prohibitions are punitive in nature.

6. GUIDING PRINCIPALS FOR COMMANDERS:

a. Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values, which results in proper conduct and prompt obedience to lawful military authority. No commander should ignore conduct that, if allowed to proceed unchecked, would destroy the effectiveness of his or her unit.

b. A Service Member's right to freedom of expression and assembly should be preserved to the maximum extent possible in accordance with the first amendment of the U.S. Constitution and the statutory provisions set forth in the punitive articles of the Uniformed Code of Military Justice, and consistent with good order and discipline and national security.

c. The proper balancing of these interests depends largely upon the calm and prudent judgment of the responsible commander.

d. Commanders must take positive actions to educate military personnel, putting them on notice of the potential adverse effects that association with criminal gangs may have upon good order and discipline in the unit and upon the military service.

e. Commanders will advise members of their command that criminal gangs are inconsistent with the Army's mission and the Army Values. They will advise military personnel that participation in criminal gangs or activities may result in non-judicial, judicial, or adverse administrative action being taken against them.

f. Commanders shall ensure that the policy and procedures found in this Policy Memorandum are included in unit in-processing, professional development training, commander training, and other appropriate training programs.

g. The functions of command include vigilance about the existence of gang related activities; the active use of investigative authority; and the use of administrative powers such as counseling, reprimands, orders, and performance evaluations to deter such activities. Commanders have the authority to employ the full range of administrative and disciplinary actions, including administrative separation or appropriate criminal action, against military personnel who engage in activity prohibited in paragraph 7 below.

7. POLICY:

a. Service Members will not actively advocate, associate with, or participate in groups that advance, encourage, or advocate the use of force, violence, or criminal activity.

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b. Service Members will reject active participation in criminal gangs and in other organizations that advocate criminal doctrine, ideology, or causes; advocate the use of force, violence, or criminal activity; or otherwise engage in efforts to deprive individuals of their property, safety, and civil rights.

c. Service Members are prohibited from taking any of the following actions in support of criminal gangs or activities:

(1) Participating in public demonstrations or rallies or attending a meeting or activity with the knowledge that the demonstration or rally, meeting, or activity involves a criminal gang when on duty, when in uniform, when in a foreign country (whether on or off duty or in or out of uniform), when it constitutes a breach of law and order, when it is likely to result in violence, or when in violation of off limits sanctions or a commanding officer's orders.

(2) Fundraising activities.

(3) Recruiting members or training members.

(4) Creating, organizing, or taking a visible leadership role in such an organization or activity.

(5) Distributing literature on or off a military installation, including the internet, when the primary purpose and content of which concerns advocacy or support of criminal gang causes, organizations, or activities and the literature presents a clear danger to the unit cohesion, discipline, or morale of armed forces personnel, or the distribution would materially interfere with the accomplishment of a military mission.

(6) Committing any intentional act, including conduct or speech, when on duty, when in uniform, at any time when on a military installation, when utilizing a government communications system, or when communicating with another member of the Armed Forces, which is motivated, in whole or in part, to the furtherance of a criminal gang related objective that places a person having such status in reasonable apprehension of bodily harm, or reasonably interferes with efficient performance of military duties, or the maintenance of good order and discipline.

(7) Wearing criminal gang colors or clothing or acquiring, while in the U.S. Armed Forces, tattoos or body markings with the knowledge that such colors, clothing, tattoos, or body markings are associated with criminal gangs or organizations.

d. The Staff Judge Advocate and the Criminal Investigation Division shall coordinate with local and/or federal authorities to ensure that the appropriate agencies are notified in all instances involving Service Members that have engaged in gang related activity and have subsequently been discharged from the service.

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8. Point of contact for this policy is the Fort Irwin Office of the Staff Judge Advocate at 380-3001.

A handwritten signature in black ink, appearing to read "Terry Ferrell", written in a cursive style.

TERRY FERRELL  
Brigadier General, USA  
Commanding

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