

***JAJM REDACTION GUIDE FOR FILINGS  
AND COURT RECORDS  
IN COMPLIANCE WITH  
ARTICLE 140a, UCMJ***

**9 February 2026**

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## OVERVIEW

**Public access to dockets, filings, and court records.** Article 140a, UCMJ, requires the Department of Defense (DoD) to facilitate public access to certain docket information, filings, and court records (interchangeably referred to as court documents), taking into consideration restrictions appropriate to judicial proceedings and military records. On 17 December 2018, the DoD General Counsel issued uniform standards regarding public access to military justice information and mandated that certain docket information, filings, and court records be made available to the public on a website.<sup>1</sup> On 9 January 2025, the DoD General Counsel reissued these standards in the DoD *Military Justice Case Management, Data Collection, and Accessibility Standards* memorandum (DoD Article 140a Guidance). The 9 January 2025 DoD Article 140a Guidance cancelled the previous standards dated 17 December 2023. The reissued guidance specifically permits additional public access to filings and court records in specific cases to include: 1) public access to court records and filings prior to certification of the record of trial; 2) public access to court records and filings from a court-martial in which there were no findings of guilty; and 3) public access to items not made publicly accessible under other provisions of the DoD Article 140a Guidance. MAJCOMs or FLDCOMs who receive a request for any such court records and filings, or who recommend release of any such court records and filings on their own initiative, shall comply with the requirements of paragraph six, below and DAFI 51-201, *Administration of Military Justice*, Chapt 34, Requests and Release of Information.

The authority for the Judge Advocate General of the Air Force to implement Article 140a, UCMJ, and the DoD Article 140a Guidance is provided through DAFPD 51-2, *Military Justice and Other Criminal Proceedings*, paras. 3.4.1 and 3.4.2, and DAFI 51-201, para. 1.5. Practitioners shall comply with the requirements of this Guide (DAF policy), which provides standards and training for individuals redacting and reviewing these documents to ensure compliance with Article 140a, UCMJ, the DoD Article 140a Guidance, and the Privacy Act. See DAFI 51-201, *Administration of Military Justice*, Section 34D. These requirements apply to general courts-martial (GCMs) and special courts-martial (SpCMs) in which charges are ***preferred on or after 23 December 2020***. See DAFI 51-201, para 34.12.

The guidance and policy contained herein is designed to help practitioners successfully navigate between the requirements of Article 140a, UCMJ and the Privacy Act, it is not intended to give rise to any additional rights or remedies.

With respect to redaction, practitioners should understand information not releasable under Article 140a, UCMJ, and the DoD Article 140a Guidance may still be releasable under a Freedom of Information Act request; such processes are distinct from the requirements under this Guide. Moreover, this Guide normally prescribes more stringent redaction requirements for pertinent Article 140a documents than is required for documents submitted to trial courts.

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<sup>1</sup> DoD 0006 is the applicable System of Records Notice (SORN) that permits public release of legal information and filings as a routine use (10 USC § 552a(b)(3)) in accordance with the DoD Article 140a Guidance. It can be found at <https://www.federalregister.gov/documents/2021/05/25/2021-10367/privacy-act-of-1974-system-of-records>.

Effective 23 December 2020, the Air Force Trial Judiciary (JAT) will create two case folders for each referred GCM or SpCM on SharePoint. The first case folder is for JAT purposes and is created in accordance with the *Uniform Rules of Practice Before Department of the Air Force Courts-Martial (Uniform Rules of Practice)*, Rule 2.7.(F). The second case folder is for Article 140a, UCMJ, compliance (the JAJ 140a Compliant Portal site). It is located at:

<https://usaf.dps.mil/sites/AFJAGC/afja/jat/efiling/140a%20Compliant%20Filings/SitePages/Home.aspx>.

Pertinent GCM and SpCM (not summary court-martial) filings and court records identified below and redacted in accordance with this Guide will be placed in the case folder on the JAJ 140a Compliant Portal on SharePoint. As soon as practicable after certification of the record of trial (ROT), the installation staff judge advocate (SJA) or designee will notify the Major Command (MAJCOM) or Field Command (FLDCOM) SJA, or designee, that the properly redacted court-martial filings and court records are ready for public viewing. An appointed and trained MAJCOM or FLDCOM SJA or designee will spot-check the documents to ensure compliance with this Guide and then publicly post them to the Public WebDocs site (which is hosted by the Information Services Directorate, JAS). The SJA or designed will save the documents to a folder named after the Disciplinary Case Management System-Automated Military Justice Analysis and Management System (DCMS-AMJAMS) subcase ID number.

**Absent extraordinary circumstances, public posting must occur no later than 45 calendar days after certification of the record of trial (DoD Article 140a Guidance, para. IV.E.2).**

Once publicly posted, the SJA or designee will delete the 140a case file on the JAJ 140a Compliant SharePoint site. The JAS Public WebDocs site is hyperlinked to the Department of the Air Force Public Docket site by the DCMS-AMJAMS Subcase ID number. The hyperlink allows visitors to the Public Docket to access the documents on the JAS Public WebDocs site (unless the case resulted in a full acquittal). A PowerPoint slideshow describing the command-level posting process (along with screen shots) for the JAS Public WebDocs site is available on the *Virtual Military Justice Deskbook*.

Absent extraordinary circumstances, United States Air Force Court of Criminal Appeals (AFCCA) filings and records will be made available on a publicly available site **no later than 45 calendar days after the AFCCA decision (DoD Article 140 Guidance, para. IV.E.2).**

## 1. RESPONSIBILITIES.

- a. The Air Force Military Justice and Discipline Directorate (JAJ) has ultimate oversight of all trial-level content posted to the JAS Public WebDocs site and the JAJ 140a Compliant Portal. This includes making the posted content auditable and inspectable to ensure compliance with this Guide (and DAFI 51-201).
- b. The Air Force Military Justice Law and Policy Division (JAJM) is responsible for publishing this Guide and related policy to the field. JAJM is also responsible for coordinating with JAS and other stakeholders to ensure the JAS Public WebDocs site complies with statutory requirements and DoD guidance pertaining to Article 140a, UCMJ. Finally, JAJM is the sole release authority for court records and filings made publicly accessible pursuant to paragraph IV.F.1 of the DoD Article 140a Guidance dated 17 January 2023.
- c. JAT is responsible for creating the initial case folder on the JAJ 140a Compliant Portal on SharePoint in concert with the creation of the initial case folder on the JAT E-Filing site once it is notified by the installation that a GCM or SpCM has been referred.
- d. The AFCCA is responsible for rejecting noncompliant appellate level filings and loading compliant filings, orders, and opinions onto a public-facing website.
- e. JAS is responsible for procuring and/or developing the pertinent technology platform and hosting a public-facing website for both trial-level and AFCCA filings and court records. JAS is also responsible for procuring and/or developing and managing the technology platform and hosting the public dockets for both the trial courts and the AFCCA. JAS shall also advise on information assurance requirements and training and maintain copies of designation letters and forms submitted annually by the MAJCOMs and FLDCOMs.
- f. The Air Force Judge Advocate General's School (AFJAGS) is responsible for training JAG Corps personnel on relevant trial-level redaction requirements under this Guide. AFJAGS has and will continue to integrate Article 140a training into its curriculum to educate attorneys, paralegals, and civilian practitioners on the requirement.
- g. Training is not limited to AFJAGS. Installation SJAs, the AFCCA Clerk of Court, the Lead Special Trial Counsel (OSTC), the Chief of the Government Trial and Appellate Counsel Division (JAJG), and the Chief of the Trial Defense Division (JAJD) shall ensure practitioners are trained in the redaction of filings and court records prior to performing redactions required under this Guide. JAT will train military judges on their requirements during the annual Military Judges Course.

- h. MAJCOM and FLDCOM SJAs<sup>2</sup> are responsible for:
1. Posting the required trial-level filings and court records submitted by subordinate base legal offices to the JAS Public WebDocs site. Prior to publication, the MAJCOM or FLDCOM SJA or designee will spot-check the filings and court records to ensure they are properly redacted in accordance with this Guide. Any designee must come from the designator's office (i.e., MAJCOM or FLDCOM level).
  2. Ensuring that anyone (to include themselves) posting the required filings and court records to the public site:
    - i. Is designated in writing utilizing the DD Form 2875, *System Authorization Access Request*.
    - ii. Is separately designated in writing as being required to adhere to this Guide and as having completed relevant annual training to include the OPSEC Fundamentals Course and DAF Identity Management Course in accordance with DAFI 35-101, *Public Affairs Operations*, para 1.13.5.10 and AFI 10-701, *Operations Security (OPSEC)*, Table 4.1, as well as Privacy Act Training, which is available on myLearning. Training should be completed upon appointment (if not done previously) and annually thereafter. A copy of the DD Form 2875, the designation letter, and evidence of the training (e.g., the training certificates) shall be provided to JAS each December. A sample template of the designation letter is attached to this Guide as Attachment 3.
  3. Ensuring the process for posting the required trial-level filings and court records is examined/audited no less than each year to comply with this Guide. The examination/audit assists JAS in maintaining DoD operability of its systems. The examination/audit should ensure both the processes and documents comply with this Guide and prevent the publication of personally identifiable information (PII). It is preferable that the examination/audit is done by someone other than the individual posting the filings and court records. The individual conducting the examination/audit shall provide a certification memorandum to JAS each December documenting the review.
  4. Ensuring the individual who is posting from the JAJ 140a Compliant Portal to the JAS Public WebDocs site keeps a log of what was posted, when it was posted, and by whom.
  5. Ensuring that once the documents are posted, the individual posting the documents deletes the SharePoint case folder from the JAJ 140a Compliant Portal.

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<sup>2</sup> The Article 140a, UCMJ, requirements also apply to DRU and FOA SJAs with a military justice mission.

6. Ensuring that requests and recommendations for additional public access under paragraph IV.F of the DoD Article 140a Guidance are immediately forwarded to JAJM, in accordance with the procedures in paragraph six, below.
- i. SJAs for the office responsible for the case’s DCMS-AMJAMS inputs are responsible for:
    1. Ensuring pertinent filings and court records at the trial level are redacted in accordance with this Guide and then posted to the JAJ 140a Compliant Portal at the same time the JAT compliant versions are filed on the JAT E-Filing site.<sup>3</sup>
    2. Upon certification of the ROT, ensuring the pertinent filings and court records are spot-checked for proper redactions and then posted to the JAJ 140a Compliant Portal.
    3. Ensuring the MAJCOM or FLDCOM SJA or designee is notified that pertinent, redacted filings and court records on the JAJ 140a Compliant Portal are ready for review and public posting. The SJA or designee should provide both the name of the case and the DCMS-AMJAMS Subcase ID number to assist the command representative in tracking the case.
    4. Ensuring the data feeding the public trial docket is timely, current, and accurate.
    5. Ensuring that requests and recommendations for additional public access under paragraph IV.F of the DoD Article 140a Guidance are immediately forwarded to the superior MAJCOM/FLDCOM, who will then forward to JAJM, in accordance with the procedures in paragraph six, below.
  - j. The installation SJA, counsel (to include military defense counsel and victims’ counsel (VC)), or judge responsible for generating the pertinent filing or court record at the trial level is responsible for ensuring a version of the document is produced that is redacted and named in accordance with the requirements of this Guide and then posted to the JAJ 140a Compliant Portal.
  - k. Practitioners should keep in mind that Article 140a, UCMJ, requirements are separate and distinct from JAT requirements. Documents submitted to the JAJ 140a Compliant Portal may be different (different redactions, limited documents, no attachments) than documents filed on the JAT E-Filing site. The two sites do not automatically populate one another.
  - l. Military defense counsel and VC shall ensure any pertinent filing or court record submitted by civilian counsel complies with the requirements of this Guide and is

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<sup>3</sup> SJAs should consider using the record of trials exhibit lists maintained by the pertinent court reporter.

properly submitted to the JAJ 140a Compliant Portal. If a civilian counsel submits noncompliant documents, military defense counsel or VC, as applicable, shall substitute compliant documents.

**2. DEFINITIONS.** The following definitions are provided.

- a. Docket.** Includes information concerning each referred (GCM or SpCM) case docketed with a trial court and each case docketed with the AFCCA for appellate review. The trial court docket includes the name of the case, the location of the hearing, the type of hearing, the military judge presiding over the hearing, and the detailed counsel and trial judge.

The SJA of the legal office responsible for maintaining the case in AMJAMS shall ensure the trial docket information is timely, current, and accurate. The AFCCA docket includes a list of all cases pending before the court, to include the ACM number, date of docketing, and panel assignment. Oral arguments are docketed by case name followed by the date, time, and location of the oral argument. The AFCCA is responsible for ensuring the AFCCA docket is accurate and current.

- b. Filings.** Consists exclusively of all motions, notices, petitions, and requests submitted to a trial court for a referred case, including those filed under Article 30a, and all filings (such as motions, responses to motions, notices, petitions, assignments of error, answers, replies, and other briefs) submitted to the AFCCA, all of which are subject to redaction consistent with the requirements of this Guide.

- 1. **Motions.** Includes all motions and responses filed with the trial or appellate court, but does not include the supporting evidence, enclosures, and/or attachments (e.g., witness statements, OSI investigatory reports, photographs). “Motions” also do not include any motions submitted in conjunction with the Article 32 preliminary hearing. Do not include filings, records, or rulings regarding MRE 412, MRE 513, or RCM 706.

- 2. **Notices.** Consists exclusively of notices provided to the trial or appellate court. A notice under "filings" does not include notices submitted between counsel or notices submitted in conjunction with the Article 32 preliminary hearing. Notices include, but are not limited to, the following:

- a. Notice of appearance of military and/or civilian defense counsel or victims’ counsel
- b. Notice of pleas and forum
- c. Notice of pretrial agreement or plea agreement (but not the agreement itself)
- d. Notice of request for alternative disposition
- e. Notice of motions
- f. Notice of proposed *voir dire*
- g. Government notice of appeal
- h. Notice of compliance or status of compliance

- i. Petitions/applications for writs

Do not include motions or rulings regarding MRE 412, MRE 513, or RCM 706.

3. **Requests submitted by counsel to the trial court.** A request under “filings” does not include requests submitted to the trial court to address logistics (e.g., requests for R.C.M. 802 conferences), informal email requests, or requests submitted in conjunction with the Article 32 preliminary hearing. Requests submitted by counsel to the trial court include, but are not limited to:
  - a. Requests for relief from subpoena or other process (R.C.M. 309)
  - b. Requests submitted with Article 30a pre-referral hearings
  - c. Requests for forum composition (R.C.M. 503, 903)
  - d. Request for deposition (R.C.M. 702)
  - e. Request for conferences or hearings (R.C.M. 802, 905)
  - f. Request for closed court-martial proceedings (R.C.M. 806)
  - g. Request to issue or amend protective orders (R.C.M. 701; M.R.E. 505, 506)
  - h. Requests for instructions (but not the instructions themselves) (R.C.M. 920, 1005)
  - i. Requests for special findings (but not the special findings themselves) (R.C.M. 918)

Do not include filings, rulings, or records regarding MRE 412, MRE 513, or RCM 706.

**c. Court Records.** Consists exclusively of the following items, all of which are subject to redaction:

1. Charge sheet
2. Convening order(s) Note: Remember to redact all members’ names (5 U.S.C. § 552(b)(6) and (b)(7)), including excused members, impaneled members, and alternate members. The rank of service members must remain unredacted.
4. Written court rulings. A court ruling that is a written determination by a military judge on an interlocutory question and all questions of law raised during the court-martial, after charges have been referred. Questions of law and interlocutory questions include all issues which arise during trial other than the findings of guilty or not guilty, sentence, and substantial administrative matters. (See R.C.M. 801(e)). “Ruling” does not include trial management (scheduling) orders, protective orders and seals, subpoenas, warrants (to include warrants of attachment), court notices (e.g., contempt notices), special findings, or instructions. Do not include motions or rulings regarding MRE 412, MRE 513, or RCM 706.
3. Statement of Trial Results
4. Convening Authority’s Decision on Action (when granted)
5. Entry of Judgment
6. Appellate Court Orders and Opinions

Court records do not include the Article 32 Preliminary Hearing report, or any recording, transcript, or record of proceeding from any other hearing, deposition, or trial court session.

**d. AFCCA Court Records and Filings.** The following AFCCA appellate court records and filings shall be made accessible to the public:

1. All motions, responses to motions, notices, petitions, assignments of error, answers, replies, and other briefs (such as amicus curiae briefs) submitted by appellate counsel or other interested parties to the AFCCA. Supporting evidence and attachments shall not be made publicly accessible.
2. Court orders and opinions issued by the AFCCA to include orders issued by stamping, “GRANTED,” “DENIED,” or “MOOT,” on the filing

**e. Format of court records and filings, and naming convention.** Court records and filings generated by the legal office, counsel, trial judge, or appellate court will be generated in PDF format to eliminate metadata which may contain information required to be redacted in accordance with this Guide.

Naming Convention at the Trial Level for the JAJ 140a Compliant Portal: To ensure uniformity and accuracy in posting to the correct site, each pertinent 140a document at the trial level must follow a specific naming convention.

The naming convention for the JAJ 140a Compliant Portal will begin with the word “Redacted” followed by a hyphen, then the case name, followed by a hyphen, the name of the document, followed by a hyphen, and then the calendar year the document was submitted. If there are two documents with the same naming convention, the name of the document shall include a sequential number: 1, 2, 3... An example of the naming convention is as follows:

“Redacted-USvLastNameAccused-DocumentTitle2-YearsSubmitted.pdf”

SJAs reviewing documents after the ROT is certified should ensure all of them are named properly.

Naming Convention at the Appellate Level: Each pertinent document at the appellate level must follow the rules provided in the AFCCA *Rules of Practice and Procedure*.

**3. DOCUMENTS NOT PUBLICLY ACCESSIBLE UNDER ARTICLE 140a, UCMJ.** The following documents shall not ordinarily be made publicly accessible under Article 140a, UCMJ, unless released by JAJM pursuant to para. IV.F.1.c of the DoD Article 140a Guidance. MAJCOMs or FLDCOMs who receive a request for or recommend release of any item in this paragraph shall comply with the procedures in paragraph six, below.

a. Article 32 Preliminary Hearing Report

- b. Article 34 Pretrial Advice to the Convening Authority
- c. Prosecution Exhibits
- d. Defense Exhibits
- e. Court Exhibits (e.g., victim impact statements)
- f. Evidence or attachments submitted in support of motions, notices, requests, assignments of error, answers, reply briefs, and petitions
- g. A recording of any trial court session
- h. The transcript of any proceedings
- i. Court member datasheets and questionnaires (if any)
- j. The following court orders:
  - 1. Trial management orders (scheduling orders)
  - 2. Protective orders and sealing orders (to include accompanied filing or the protected and sealed information)
  - 3. Subpoenas
  - 4. Warrants
  - 5. Non-substantive pretrial orders
- k. Contempt findings/orders
- l. Special findings
- m. Findings instructions or sentencing instructions
- n. Plea agreements or stipulations of fact
- o. Stipulations of expected testimony
- p. Law enforcement investigation reports or records
- q. Medical or mental health records
- r. Controlled test materials or similar controlled documents
- s. Safety investigation materials
- t. Filings, records, or rulings regarding MRE 412, MRE 513, or RCM 706.
- u. Filings or orders relating to evidence of uncharged misconduct deemed irrelevant or inadmissible by a military judge under M.R.E. 404(b), 608, or 609
- v. Filings, rulings, or records relating to privileged material deemed inadmissible by a military judge under Section V of the M.R.E.

**4. CASES RESULTING IN ACQUITTAL OR SIMILAR OUTCOME.**

- a. Full Acquittal: Court records and filings in cases disposed of by **full** acquittal or action other than court-martial are generally **not** made publicly accessible, unless released by JAJM pursuant to para. IV.F.1.b of the DoD Article 140a Guidance (see paragraph six below). When charges against an accused are disposed of by an action other than court-martial, or when a court-martial results in a full acquittal, due consideration must be given to the likelihood that the accused may have increased privacy interests in the protection of information contained in military justice documents or records. *See ACLU v. Dep't of Justice*, 750 F.3d 927, 933 (D.C. Cir. 2014).
- b. While such cases are generally not made publicly accessible, disclosure of such cases can

depend on the notoriety of the case and/or notoriety of the accused.<sup>4</sup>

- c. MAJCOMs or FLDCOMs who receive a request for or recommend release of any court record or filing in cases resulting in a full acquittal or similar outcome shall follow the procedures in paragraph six, below.

**5. CASES WITH MIXED FINDINGS.** Cases resulting in mixed findings are generally publicly accessible for purposes of Article 140a, UCMJ and should be treated as cases with guilty findings. Unlike releases under the Freedom of Information Act (10 USC § 552) exception to the Privacy Act (10 USC § 552a(b)(2)), releases under Article 140a, UCMJ are sometimes broader because they fall under the routine use exception to the Privacy Act (10 USC § 552(3)).

**6. ADDITIONAL PUBLIC ACCESS IN SPECIFIC CASES.**

- a. Installations sometimes receive requests from non-parties for the release of information on pending cases, such requests are frequently from media outlets. The determination of whether a release of information is permissible includes an assessment of the type and details of information to be released and its source, the type of proceeding, and the stage of proceeding.<sup>5</sup> Practitioners must carefully evaluate each request to avoid influencing the course of a criminal proceedings and to avoid violating the Privacy Act.
- b. In most cases, installations serve as the release authority for documents from pending courts-martial; JAJM is the release authority once the case record has transferred to JAJM. The decision of whether or not to release court-martial documents for a pending case must take into account the prospect of an acquittal. A court-martial that results in an acquittal or dismissal triggers an elevated expectation of privacy for an accused.<sup>6</sup> Decision-makers at the installation level do not want to prematurely release documents only to find a case results in a finding of not guilty. Questions on what to release and when to release it, if at all, requires adherence to the requirements of DAFI 51-201, *supra*, Chapt 34 and paragraph 6c, *infra*.
- c. Article 140a, UCMJ always provided for the release of certain documents after a trial had concluded, but in 2023 DoD expanded its implementing provisions to allow for earlier release in certain limited circumstances. The expansion of Article 140a, UCMJ provided

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<sup>4</sup> Some cases may require a balancing test to determine whether public accessibility would constitute an unwarranted invasion of personal privacy. An unwarranted invasion of personal privacy exists when an individual's privacy interests outweigh the public's interest in disclosure of the information. See *Chang v. Dep't of the Navy*, 314 F. Supp. 2d 35 (D.D.C. 2004); *Schmidt v. Dep't of the Air Force*, 2007 U.S. Dist. LEXIS 69584 (C.D. Ill. 2007). The public's interest is defined by the degree to which disclosure sheds light on the performance of an agency's statutory function. *Dep't of Justice v. Reporters Comm.*, 489 U.S. 749, 773 (1989). This can include information about how the government holds its employees accountable. See *Schmidt* at \*32.

<sup>5</sup> DAFI 51-201, *supra*, at para 34.1.

<sup>6</sup> When charges against an accused are disposed of by an action other than court-martial, or when a court-martial results in a full acquittal, due consideration must be given to the likelihood that the accused may have increased privacy interests in the protection of information contained in military justice documents or records. See *ACLU v. Dep't of Justice*, 750 F.3d 927, 933 (D.C. Cir. 2014). See section 4, *supra*.

an additional mechanism whereby documents may get released on a pending court-martial; however, when Article 140a is invoked for early release, JAJM is the sole release authority (not the installation).

- d. JAJM is the sole release authority for court records and filings made publicly accessible pursuant to paragraph IV.E. of the DoD Article 140a Guidance dated 9 January 2025. MAJCOMs or FLDCOMs who receive a request for: 1) filings and court documents prior to 45 calendar days after the certification of the record of trial; 2) filings and court documents from courts-martial in which there were no findings of guilty; or 3) items not made publicly accessible under other provisions of this Guide. Installations shall immediately forward such requests to JAJM with a recommendation concerning their release. Additionally, the MAJCOM or FLDCOM shall forward to JAJM the filings and court documents which would be responsive to the request. Recommendations concerning release should contain an analysis of the factors in paragraph IV.E. of the DoD Article 140a Guidance. Practitioners are reminded, these release provisions are intended apply when release is sought through Article 140a, UCMJ, they are not intended to supercede the provisions of DAFI 51-201, Chapt 34 when release is pursued under a different authority.
  
- e. MAJCOMs and FLDCOMs may also recommend release of filings and court documents in accordance with paragraph IV.E. of the DoD Article 140a Guidance upon their own initiative. In this instance, MAJCOMs and FLDCOMs shall immediately forward such recommendations to JAJM and include an analysis of the factors in paragraph IV.F.3 of the DoD Article 140a Guidance. Additionally, the MAJCOM or FLDCOM shall forward to JAJM the filings and court documents which would be responsive to the request.
  
- f. The non-exhaustive factors to consider pursuant to paragraph IV.F.3 of the DoD Article 140 Guidance include:
  - 1. Offenses involving property damage or loss greater than \$2 million;
  - 2. Offenses punishable by death with at least one aggravating factor as defined in RCM 1004;
  - 3. Offenses resulting in death;
  - 4. Grave breaches or serious crimes under the Law of Armed Conflict;
  - 5. A proceeding involving an accused who is a general or flag officer or serving in a command billet in the grade of E-9 or O-5 or above;
  - 6. Other cases of potential high public interest.

**7. PROTECTIVE COURT ORDERS.** A trial judge, the AFCCA, preliminary hearing officer, or a convening authority may make a determination on any request for a protective order to prevent the public disclosure of a filing or court record that contains classified documents, privileged documents, controlled documents, documents filed under seal, and other documents that merit protection by an order.

**8. REDACTIONS.** Once it is determined that a document is releasable in accordance with this Guide, certain types of redactions must be made before release. Public access to dockets, filings,

and court records is also tempered by privacy safeguards associated with personally identifiable information (PII). Those privacy safeguards also extend to Privacy Act protections for information that the Federal government collects on United States citizens (5 U.S.C. § 552a(a)(2)). To ensure fidelity with the transparency goals of Article 140a, UCMJ, and DoD policy while balancing privacy considerations, practitioners shall minimize the use of PII to the extent practicable and comply with the following requirements:

The following information shall be redacted from all filings and court records publicly released under Article 140a, UCMJ, except as otherwise provided below:

- a. Names of minors. If an identifier is necessary (e.g., in appellate court decisions), use initials.
- b. Name, rank, unit, or duty title of any crime victim. If an identifier is necessary, use initials. If rank or duty title is necessary, minimize uses to the extent practicable.
- c. Name, rank, unit, or duty title of all law enforcement agents. If an identifier is necessary, use initials. If the rank or duty title is necessary, minimize use to the extent practicable.
- d. Names (but not ranks) of court-martial support personnel (including the court-reporter and bailiff), witnesses, and other third parties with the following caveats:
  1. Do not redact the names of the trial judge, appellate judge, appellate counsel, trial counsel, defense counsel, counsel of persons of limited standing, or the convening authority
  2. Do not redact the names of individuals in the grade of O-7 or higher unless they are named victims
- e. Social Security (or foreign equivalent), DoD identification numbers, and service-specific employee identification numbers including those embedded in digital signatures.
- f. Home addresses or personally identifiable geolocation data, to include that which is contained within metadata. If a home address is necessary, use only the city and state.
- g. Telephone numbers. If a telephone number is necessary, use only the last four digits.
- h. E-mail addresses and internet protocol (IP) addresses, to include IP-based file paths. If the email address or IP address is necessary, minimize the use of identifying information including the Internet provider.
- i. User names, passwords, and social media nicknames
- j. Dates of birth. If an individual's age is necessary, use, "under the age of \_\_," or words to that effect to accurately capture the nature of the offense. If the date of birth itself is particularly necessary, use the year, unless the birth month itself is also necessary.
- k. Matters ordered sealed by a military judge
- l. Financial account numbers or other personal financial identifiers (e.g., money transfer application usernames)
- m. Taxpayer identification numbers
- n. M.R.E. 404(b), 608, or 609 evidence or uncharged misconduct deemed irrelevant or inadmissible by a military judge
- o. Evidence related to a victim's or witness's ancillary misconduct deemed irrelevant or inadmissible by a military judge

- p. The name of any unit and any other identifying information, if the person is attached to a unit overseas, a deployable unit (ship), or a special operations unit (5 U.S.C. § 552(b)(3), (b)(6), (b)(7))
- q. “Wet” (manual) and digital signatures of all personnel (5 U.S.C. § 552(b)(6))
- r. All panel members’ names (5 U.S.C. § 552(b)(6) and (b)(7)), including excused members, impaneled members, and alternate members. The rank of service members must remain unredacted.
- s. Information that could identify a confidential source (5 U.S.C. § 552(b)(7)(D))
- t. Information that would reveal non-obvious law enforcement techniques and procedures or guidelines for law enforcement investigations or prosecutions (5 U.S.C. § 552(b)(7)(E))
- u. Information that could identify a confidential source or undercover law enforcement officer or operation.
- v. Information concerning a person’s medical or mental health condition, diagnosis, or treatment not admitted at trial.
- w. Classified information.
- x. Sensitive unclassified national defense information including, but limited to, the following:
  - 1. Technical data with military or space applications as described in 10 U.S.C. § 130(a).
  - 2. Confidential, sensitive information received from foreign governments as described in 10 U.S.C. § 130c.
  - 3. Special nuclear weapons information.
  - 4. Photographs of vital military and naval installations and equipment.
  - 5. Intelligence sources and methods.
- y. Information protected from disclosure by the military judge as privileged. Specific privileged information protected from release includes, but is not necessarily limited to:
  - 1. Deliberative Process Privilege
  - 2. Attorney-Client Privilege
  - 3. Attorney Work Product Privilege
  - 4. Government Trade Secret Privilege
  - 5. Safety Investigation Privilege
  - 6. Presidential Communications Privilege
- z. As noted above, do not release filings, rulings, or records regarding MRE 412, MRE 513, or RCM 706.

As discussed above, the redacted, releasable version of all filings and court records will not include the document’s supporting evidence, enclosures, and/or attachments (e.g., witness statements, OSI reports of investigation, photographs).

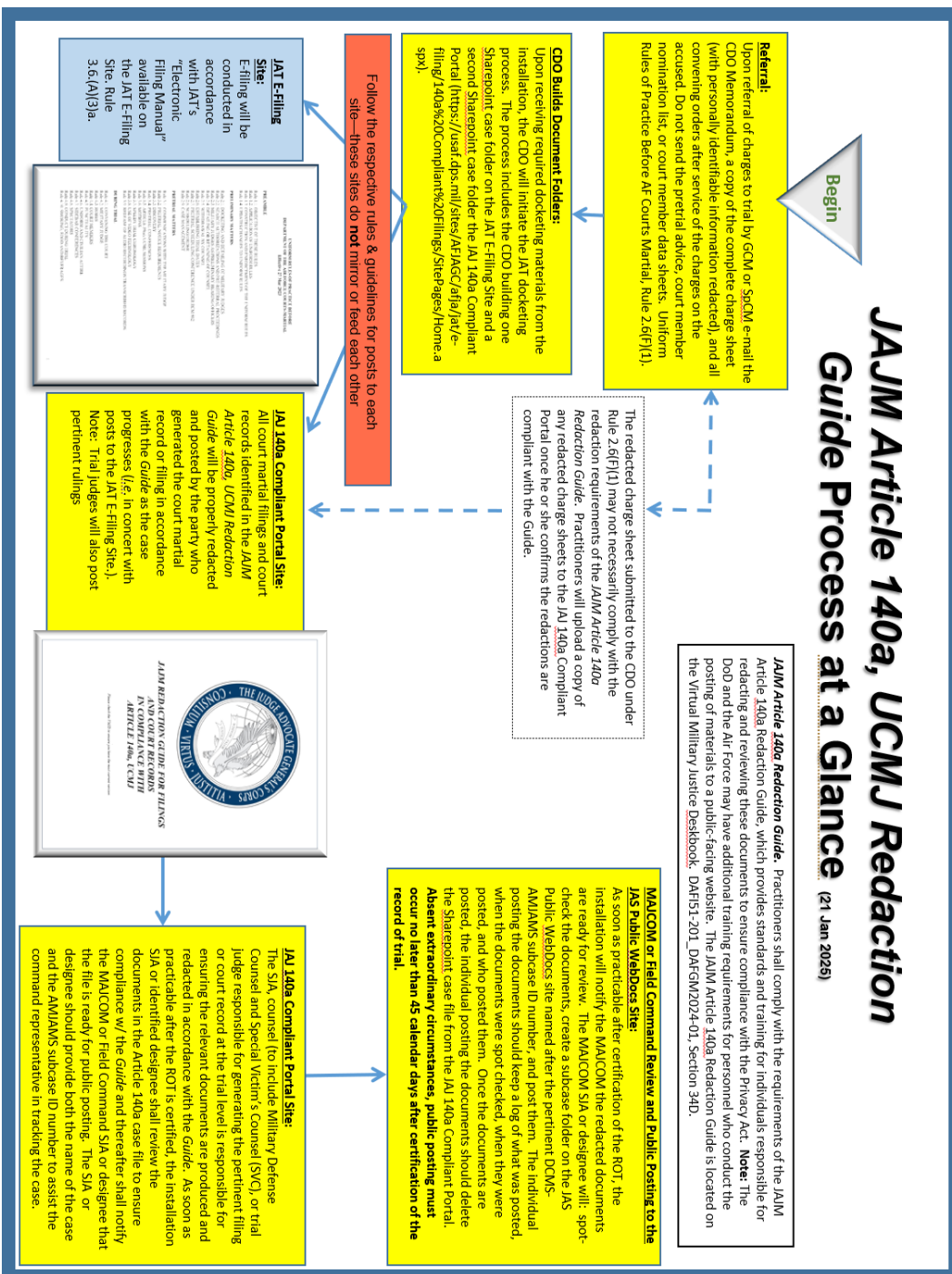
## 9. PROCESS

- a. The process begins when the base notifies the Central Docketing Office of a referred GCM or SpCM in accordance with the *Uniform Rules of Practice Before Department of the Air Force Courts-Martial*, Rule 2.7.
- b. The CDO will then create case-specific electronic folders on two different SharePoint Sites: one on the JAT E-Filing SharePoint site and one on the JAJ 140a Compliant Portal SharePoint site. The JAJ 140a Compliant Portal will reflect the name of the case, pertinent MAJCOM/FLDCOM, and the installation. Judges and counsel must be aware of which site requires which documents.
  1. Filings on the JAT E-Filing SharePoint Site must comply with the *Uniform Rules of Practice*.
  2. Filings on the JAJ 140a Compliant Portal must comply with this Guide; it is a designated location for Article 140a, UCMJ, public document compliance and it will contain **redacted** filings and **redacted** court records without attachments as discussed in this Guide.
  3. Documents filed on the JAJ 140a Compliant Portal are not necessarily served on the judge, so practitioners need to ensure relevant copies are filed on the appropriate site and redacted when required by the *Uniform Rules of Practice* or this Guide.
- c. The legal office is responsible for populating the relevant installation electronic folder on the JAJ 140a Compliant Portal with a copy of the redacted charge sheet and a redacted copy of all convening orders after service of the charges on the accused. (Do not populate the site with the pretrial advice, the court member nomination list, or court member data sheets). Remember to use the naming convention described above when saving/uploading a file so subsequent reviewers know the type of file they are reviewing. To the extent practicable, practitioners will populate the electronic folder as the case progresses. There are some documents that will not be ready for redaction until later in the court-martial process (e.g., the Entry of Judgment).
- d. All filings and court records identified in this Guide for release will be properly redacted and posted by the party who generated the court-martial record or filing as the case progresses (i.e., in concert with posts to the JAT E-Filing site). Note: Trial judges will also post pertinent rulings.
- e. As soon as practicable after certification of the ROT, the SJA of the installation legal office or designee, will review the pertinent JAJ 140a Compliant Portal folder to ensure all required filings and court records are assembled therein and will also ensure the documents were properly redacted and named in accordance with this Guide. The SJA or designee, will obtain any missing documents and correct inaccurate redactions.

- f. Once the SJA or designee ensures all the properly redacted filings and court records for the pertinent JAJ 140a Compliant Portal folder are contained in the file, he/she will notify the MAJCOM or FLDCOM SJA, or designee, that the case folder is complete and ready for review and then public posting. The SJA or designee should provide both the name of the case and the DCMS-AMJAMS subcase ID number to assist the command representative in tracking the case.
- g. The MAJCOM or FLDCOM SJA or designee, will review the pertinent electronic folder on the JAJ 140a Compliant Portal and ensure all the documents are complete (and there are no attachments) and, following a spot check, properly redacted in accordance with this Guide. The files in the electronic folder will then be saved and uploaded to the JAS Public WebDocs site. The SJA or designed will save the documents to a folder named after the DCMS-AMJAMS subcase ID number. **Absent extraordinary circumstances, the documents will be publicly posted no later than 45 calendar days after the certification of the record of trial.** Once the documents from the JAJ 140a Compliant Portal are saved, the folder and its contents must be deleted (due to space limitations on SharePoint) by the MAJCOM or FLDCOM SJA or designee. The MAJCOM or FLDCOM legal office should consider keeping a copy of the files that are posted to the public site.
- h. The JAS Public WebDocs site is hyperlinked to the Department of the Air Force Public Docket site by the DCMS-AMJAMS subcase ID number (do not use the master case number which prevents the folder and its contents from displaying properly on the Public Docket). A PowerPoint slideshow describing the command level posting process to the Public WebDocs Site is available on the *Virtual Military Justice Deskbook*.

APPENDIX


Attachment 1: JAJM Article 140a, UCMJ Redaction Guide Process at a Glance Flowchart (also available on VMJD)



**Attachment 2: PDF Redaction Sample**  
(Mixed Findings w/ Victim's Name, SSN, and CUI/FOUO marking)

Redaction Tool Properties





Appearance General

Redacted Area Fill Color:   Use Overlay Text

Overlay Text

Font\*:  Font Size\*:

Auto-Size text to fit redaction region  Repeat Overlay Text

Text Alignment:    Font Color: 



Custom Text:

Redaction Code:

Code Sets: Code Entries:

U.S. FOIA	(b) (1) (A)
U.S. Privacy Act	(b) (1) (B)
	(b) (2)
	(b) (3) (A)
	(b) (3) (B)
	...

Redaction Mark Appearance

Outline Color:  Fill Color: 

Fill Opacity:

Locked

Select, "Redact a PDF" from your "Adobe All Tools." Next, select, "Set Properties." Under "Redaction Tool Properties," ensure your fields are marked similar to this example. Unlike a FOIA redaction, you won't need, "Code Sets" or "Codes Entries." Select, "OK."

POST-SENT\_Fig A9.2D\_Post-Sentencing Sample\_Unitary Sentencing\_SAMPLE\_20200604.pdf - Adobe Acrobat Pro DC

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Redact

**STATEMENT OF TRIAL RESULTS  
IN THE CASE OF  
*United States v. TSgt John J. Smith***

**Date:** 16 December 2019      **Sentence/Acquittal Date:** 16 December 2019  
**Name of Accused:** John J. Smith      **Grade:** E-6      **SSN:** 23-45-6789  
**Organization:** 436th Maintenance Squadron, Dover AFB, DE (AMC)  
**Convening Command:** 436th Airlift Wing, Dover AFB, DE (AMC)  
**Court-Martial Type:** Special Court-Martial  
**Sentencing Forum:** Members      **Enlisted Members:** Yes

**Summary of charge(s), specification(s), pleas, and findings:**

Charge(s)	Arraigned Offenses	Pleas	Findings
CHARGE I	Art. 112a	G	G
Spec 1: 112AA3	Did, at or near Dover AFB, Delaware, on or about 2 January 2019, wrongfully possess less than 30 grams of marijuana, a Schedule I controlled substance.	G	G
Spec 2: 112AA3	Did, at or near Dover AFB, Delaware, on divers occasions (amended after arraignment to delete the words "on divers occasions"), between on or about 2 February 2019 and on or about 3 March 2019, wrongfully use (amended after arraignment to delete the word "use" and replace with "possess") less than 30 grams of marijuana, a Schedule I controlled substance.	G	G
Spec 3: 112AA3	Did at or near Dover AFB, Delaware, on or about 4 April 2019, wrongfully use less than 30 grams of marijuana, a Schedule I controlled substance.	NG	NG, but G of the LIO of Art. 112a wrongful possession
CHARGE II	Art. 128	NG	G
Spec 1:	Did, at or near Dover AFB, Delaware, on or about 8 February 2019, assault <b>Jary K. Smith</b> by striking at her with his hands.	None Entered	Withdrawn and Dismissed (without prejudice)
Spec 2: 128-B	Did, at or near Dover AFB, Delaware, on or about 10 March 2019 unlawfully strike <b>Jary K. Smith</b> on the face with his fist.	NG	G, except the word "fist" and substituting therefor the word "hand." Of the excepted word, NG.

The information herein is FOR OFFICIAL USE ONLY (FOUO) and must be protected under the Freedom of Information Act (5 U.S.C. 552) and/or the Privacy Act of 1974 (5 U.S.C. 552a). Unauthorized disclosure or misuse of the PERSONAL INFORMATION may result in disciplinary action, criminal, and/or civil penalties.

Under the Tools tab, select the Redact button



POST-SENT\_Fig A9.2D\_Post-Sentencing Sample\_Unity Sentencing\_SAMPLE\_20200604

File Edit View Sign Window Help

Home Tools POST-SENT\_Fig A9... x

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Redact Redact Text & Images Sanitize Document Apply Close

### STATEMENT OF TRIAL RESULTS IN THE CASE OF *United States v. TSgt John J. Smith*

**Date:** 16 December 2019      **Sentence/Acquittal Date:** 16 December 2019

**Name of Accused:** John J. Smith      **Grade:** E-6      **SSN:** [REDACTED]

**Organization:** 436th Maintenance Squadron, Dover AFB, DE (AMC)

**Convening Command:** 436th Airlift Wing, Dover AFB, DE (AMC)

**Court-Martial Type:** Special Court-Martial

**Sentencing Forum:** Members      **Enlisted Members:** Yes

**Summary of charge(s), specification(s), pleas, and findings:**

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CHARGE II	Art. 128	NG	G
Spec 1:	Did, at or near Dover AFB, Delaware, on or about 8 February 2019, assault [REDACTED] by striking at her with his hands.	None Entered	Withdrawn and Dismissed (without prejudice)
Spec 2: 128-B	Did, at or near Dover AFB, Delaware, on or about 10 March 2019 unlawfully strike [REDACTED] on the face with his fist.	NG	G, except the word "fist" and substituting therefor the word "hand." Of the excepted word, NG

[REDACTED]

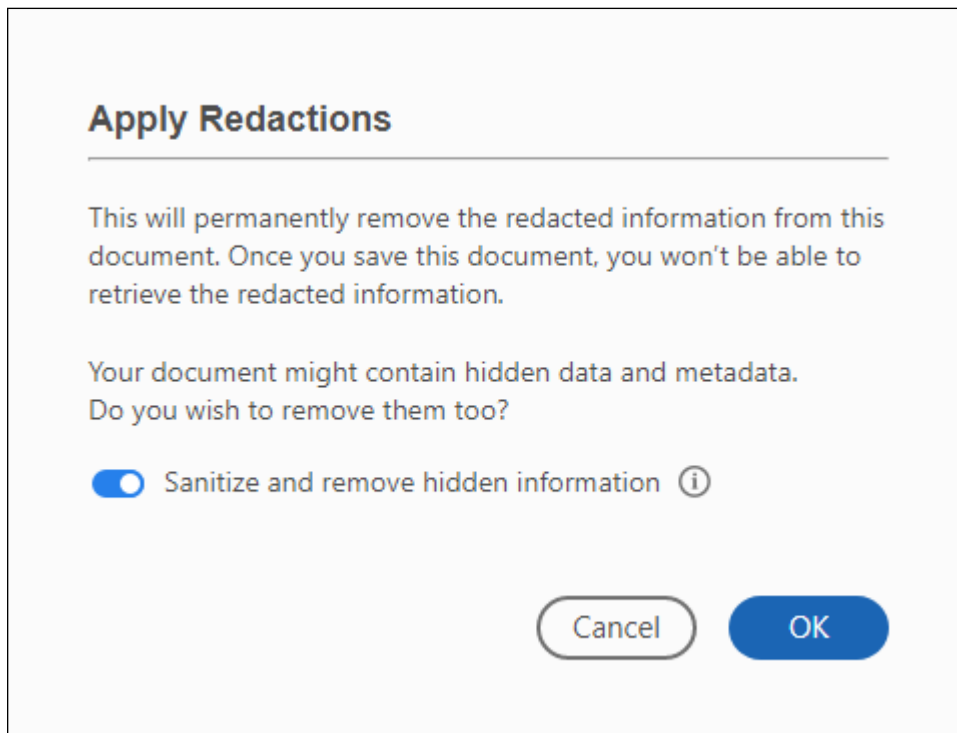
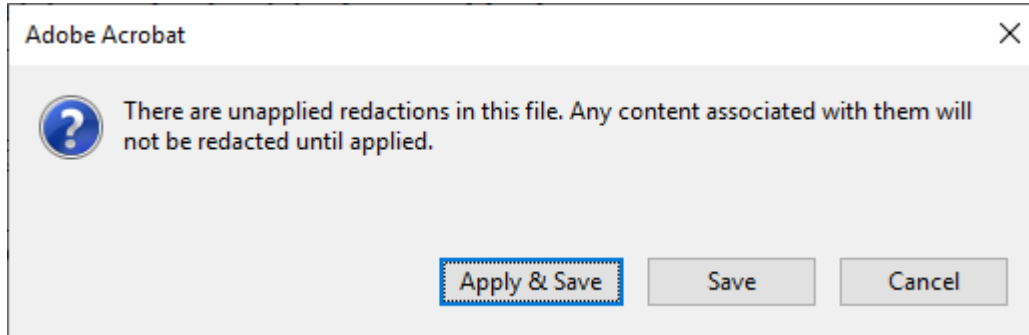
[REDACTED]

[REDACTED]

Select the down arrow next to Redact Text & Images. Mark all the information you wish to remove by drawing a box around the information.

Mark any information you wish to line through, by selecting, "Strike Through Text" in the tool bar or select, "Cross Out" to add lines across each line of your text.

To save, select Apply & Save and ok. Name the file IAW with the Guide instructions.



**Attachment 3: Certification Template**

(Email to JAS: [udg\\_afloa\\_jas-infoassurance@us.af.mil](mailto:udg_afloa_jas-infoassurance@us.af.mil))

**Certification Template—Provide to JAS each December**

(DATE)

MEMORANDUM FOR (Designee who may post documents)

FROM: MAJCOM OR FLDCOM SJA

SUBJECT: Annual 140a, UCMJ Posting Certification

You are hereby authorized to post certain properly redacted trial court records and filings to the JAS public-facing website pursuant to Article 140a, UCMJ. Your appointment is made in an effort to meet the requirements of Article 140a, UCMJ, and the Department of Defense General Counsel’s requirement to make certain filings and court records available to the public, while also comporting with the information assurance controls managed by The National Institute of Standards and Technology (NIST) Special Publication 800-53, Appendix III to OMB Circular No. A-130, the DoD 8510.01 Risk Management Framework, and AFI 17-101 *Risk Management Framework (RMF) for Air Force Information Technology (IT)*. Your appointment is further memorialized via the attached *System Authorization Access Request*, DD Form 2875.

Consistent with your appointment, you are required to adhere to the *JAJM Redaction Guide for Filings and Court Records in Compliance with Article 140a, UCMJ*. Such requirements include spot-checking redacted documents provided by practitioners and documenting when your spot-checking occurred and when court records and filings are uploaded to the JAS platform.

You must also complete certain annual training, to include Operations Security (OPSEC) training in accordance with DAFI 35-101, *Public Affairs Operations*, para 1.13.5.10, and AFI 10-701, *Operations Security (OPSEC)*, Table 4.1, as well as Privacy Act Training, which is available on myLearning. A copy of this designation letter and evidence of the training (e.g., any training certificate) shall be provided to JAS each December.

NAME, Rank, USAF/USSF  
Staff Judge Advocate

Attachment:  
DD Form 2875

cc:  
JAS ([udg\\_afloa\\_jas-infoassurance@us.af.mil](mailto:udg_afloa_jas-infoassurance@us.af.mil))