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Law



# THE ARTICLE 6 INSPECTION SYSTEM

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This instruction implements Air Force Policy Directive (AFPD) 51-1, The Air Force Judge Advocate General's Corps. It defines and establishes the Article 6 Inspection System used by The Judge Advocate General (TJAG) and the Judge Advocate General's Corps Inspections and Standardization Directorate (AF/JAI) to fulfill TJAG's statutory responsibilities under Title 10 United States Code Section 806. Unless specifically exempted herein, this instruction applies to all Regular Air Force members and civilian personnel assigned to active duty Air Force installation-level legal offices, Numbered Air Force or Servicing General Court-Martial Convening Authority legal office equivalents, and Major Command (MAJCOM) legal offices, and members of the Air Force Reserve (AFR) who are attached to the same. Where applicable, this AFI identifies Air National Guard (ANG) and AFR inspection responsibilities. This AFI may be supplemented at any level, but all supplements that directly implement this publication must be routed to AF/JAI for coordination prior to certification and approval. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, Management of Records, and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the Office of Primary Responsibility using the Air Force Form 847, Recommendation for Change of Publication; route Air Force Forms 847 from the field through the appropriate functional chain. The authorities to waive wing/unit level requirements in this publication are identified with a Tier number ("T-0, T-1, T-2, T-3") following the compliance statement. See AFI 33-360, Publications and Forms Management, for a description of the authorities associated with the Tier numbers. Submit

requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor's commander for non-tiered compliance items.

## SUMMARY OF CHANGES

This document has been revised and reorganized for clarity. Changes include differentiating between TJAG Article 6 Inspections and AF/JAI Article 6 Inspections, replacing references to "TJAG Special Interest Areas" with "TJAG Strategic Alignment Areas," and removing redundant text.

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#### Chapter 1

## THE ARTICLE 6 INSPECTION SYSTEM

#### 1.1. Overview.

1.1.1. Title 10 United States Code (U.S.C.) Section (§) 806(a), commonly referred to as "Article 6, UCMJ," specifically tasks TJAG with making frequent inspections in the field. (**T-0**) At the same time, 10 USC § 8037(c)(2), creates the requirement for TJAG to "direct the officers of the Air Force designated as judge advocates in the performance of their duties." (**T-0**) While the primary purpose of Article 6 Inspections is to ensure the Air Force military justice system is administered properly, supports good order, morale, and discipline, and operates free from unlawful command influence, Article 6 Inspections serve a concurrent purpose of allowing TJAG to ensure judge advocates are consistently providing high quality legal services to commanders, personnel, and organizations throughout the Air Force, in accordance with his or her directions.

1.1.2. Article 6 Inspections are neither part of nor integrated into any other official inspection. Article 6 Inspections are conducted under the authority of TJAG and serve a separate and distinct purpose from inspections conducted pursuant to AFI 90-201, *The Air Force Inspection System*, or other inspection authorities.

1.1.3. In fulfilling this statutory responsibility, TJAG may personally perform an Article 6 Inspection or he or she may appoint the Deputy Judge Advocate General (DJAG) or another senior leader within the Air Force Judge Advocate General's Corps to perform the inspection on his or her behalf.

1.1.4. Article 6 Inspections are scheduled at the sole discretion of TJAG and TJAG may direct an Article 6 Inspection at any time. The Office of The Air Force Judge Advocate General (AF/JA) will coordinate all TJAG Article 6 Inspections with the respective MAJCOM legal offices and the appropriate MAJCOM IG Gatekeeper. AF/JAI will coordinate all AF/JAI Article 6 Inspections it conducts on TJAG's behalf with the appropriate MAJCOM IG Gatekeeper. Whenever possible, AF/JAI, when conducting an AF/JAI Article 6 Inspection on TJAG's behalf, will synchronize their inspection with a scheduled MAJCOM Inspector General (IG) Unit Effectiveness Inspection Capstone Event. While Gatekeepers do not have the authority to approve/disapprove Article 6 Inspections, they have the most comprehensive view of unit activities and can facilitate optimum scheduling. For further information on the role of a Gatekeeper, see AFI 90-201.

1.1.5. To further support TJAG's fulfillment of these statutory responsibilities, TJAG has authorized AF/JAI to conduct inspections of Air Force legal offices. As discussed in greater detail below, AF/JAI inspections focus heavily on assessing an office's compliance with inspection checklist items through document review and personnel interviews. Social gatherings for the purpose of "hosting" inspection team members are prohibited. While AF/JAI exercises TJAG's authority in conducting its inspections, provides its inspection results to TJAG, and offers him or her inspection outbriefs, AF/JAI inspections are not otherwise "linked" to a subsequent TJAG Article 6 Inspection.

**1.2.** Article 6 Inspection System Objectives. TJAG's statutory responsibilities to conduct frequent inspections in the field and direct the activities of judge advocates ensure that:

1.2.1. Legal offices comply with all legal, statutory, regulatory, and policy requirements.

1.2.2. The military justice system is administered properly, effectively, and fairly, with a specific emphasis on maintaining a justice process free from unlawful command influence.

1.2.3. The quality of legal services remains consistent, and the delivery of legal services is standardized across the Air Force Judge Advocate General's Corps.

1.2.4. Commanders at all levels are afforded an opportunity to communicate directly with TJAG regarding the administration of military justice, as well as the effectiveness with which legal services are being provided to support the Air Force and installation missions.

1.2.5. Air Force Judge Advocate General's Corps leadership understands the Air Force operational climate and can effectively advocate command issues requiring changes to laws, Department of Defense (DoD) and Air Force instructions and policies, or other directives, to better support command prerogatives and mission objectives.

1.2.6. TJAG is able to evaluate legal professionals in the field, providing an opportunity for personal discussion about issues affecting Air Force Judge Advocate General's Corps' members and their families, and facilitating TJAG's ability to make informed decisions about their professional development and overall force development within the Air Force Judge Advocate General's Corps.

1.2.7. TJAG and senior leadership observe firsthand the challenges facing Staff Judge Advocates, their staffs, and their commands.

1.2.8. Legal offices and Air Force legal professionals receive timely feedback and guidance directly from TJAG.

1.2.9. Innovative legal programs are showcased, best practices identified, and ideas and concerns appropriately addressed, thereby enabling the cross-flow of useful information Air Force and Judge Advocate General's Corps-wide.

1.2.10. TJAG is able to evaluate legal office relationships with critical mission partners, including but not limited to security forces investigators, Air Force Office of Special Investigations, and the Sexual Assault Response Coordinator.

# **1.3. ROLES AND RESPONSIBILITIES.**

1.3.1. DJAG will:

1.3.1.1. Carry out the responsibilities and administrative duties of the Office of The Judge Advocate General as directed by TJAG.

1.3.1.2. Conduct TJAG Article 6 Inspections of Air Force legal offices, when so directed by TJAG.

1.3.2. The Mobilization Assistant to TJAG and the ANG Assistant to TJAG will:

1.3.2.1. Conduct Article 6 Inspections of Air Force installation-level ANG and Reserve component legal offices, when required.

1.3.2.2. Appoint Air Force Judge Advocate General's Corps Reserve members to serve as Article 6 inspectors.

1.3.3. AF/JA will:

1.3.3.1. Exercise management oversight of the TJAG Article 6 Inspection System.

1.3.3.2. Provide appropriate updates to AF/JAI on changes in requirements concerning Article 6 Inspections.

1.3.3.3. Ensure MAJCOM Staff Judge Advocates coordinate TJAG Article 6 Inspections through the MAJCOM IG Gatekeeper.

1.3.4. AF/JA Directors and Air Force Legal Operations Agency Directors will:

1.3.4.1. Appoint primary and alternate Management Internal Control Toolset Functional Area Managers, as required.

1.3.4.2. Monitor, through the Management Internal Control Toolset, self-assessment compliance and provide inputs to TJAG, or his or her designee, as part of the Article 6 Inspection system.

1.3.4.3. Accompany TJAG, or his or her designee, on TJAG Article 6 Inspections when requested.

1.3.5. AF/JAI will:

1.3.5.1. Support TJAG in satisfying his or her Article 6, UCMJ, inspection responsibilities.

1.3.5.2. Manage the AF/JAI Article 6 Inspection System consistent with TJAG's direction and this instruction.

1.3.5.3. Establish AF/JAI Article 6 Inspection guidance, policy, and requirements under the direction and with the approval of TJAG.

1.3.5.4. Develop, maintain, and update this instruction and Article 6 Inspection Checklists.

1.3.5.5. Act as primary point of contact, on behalf of TJAG, between AF/JA and SAF/IG in regards to all Air Force Inspection System matters, update JA items on AFI 90-201, Attachment 3, and provide AF/JA functional oversight of the Management Internal Control Toolset.

1.3.5.6. Attend MAJCOM IG Gatekeepers inspection scheduling conferences to synchronize, where appropriate, AF/JAI Article 6 Inspections with the various IG Unit Effectiveness Inspection Capstone Events.

1.3.5.7. Coordinate with the appropriate MAJCOM IG Gatekeepers and communicate with the MAJCOM Staff Judge Advocate points of contact to facilitate synchronization of AF/JAI Article 6 Inspections with IG Unit Effectiveness Inspection Capstone Events.

1.3.5.8. Lead AF/JAI Article 6 Inspection teams and train designated Article 6 inspectors.

1.3.5.9. Finalize a comprehensive AF/JAI Article 6 Inspection report documenting the performance of each legal office during its Article 6 inspection. Use the report to identify issues with the inspected offices and brief TJAG on findings.

1.3.5.10. Notify the MAJCOM Staff Judge Advocate and MAJCOM judge advocate point of contact of deficiencies identified during the AF/JAI Article 6 Inspection.

1.3.5.11. Host the official Air Force Judge Advocate General's Corps Knowledge Management System on the AF/JAI Webpage and use it to disseminate timely information, innovative ideas, and lessons learned.

1.3.5.12. Establish, communicate, and validate inspection requirements to the field under the direction, and with the approval, of TJAG.

1.3.5.13. Conduct post-AF/JAI Article 6 Inspection "hot washes" with TJAG and other senior staff, as directed by TJAG.

1.3.5.14. Appoint, in writing, AF/JAI Article 6 Inspection paralegal augmentees.

1.3.6. MAJCOM Staff Judge Advocates and Command Paralegal Managers will:

1.3.6.1. Provide oversight and direction consistent with Article 6, UCMJ, regarding judge advocates, paralegals and civilian professionals within their MAJCOM.

1.3.6.2. Nominate qualified candidates for designation by TJAG as AF/JAI Article 6 Inspection augmentees.

1.3.6.3. Appoint an Article 6 Inspection/Air Force Inspection System point of contact to coordinate AF/JAI Article 6 Inspection logistics and provide an interface between AF/JAI and their respective MAJCOM IG.

1.3.6.4. Actively monitor the Air Force Inspection System and Article 6 self-assessment programs within the MAJCOM, to include providing subordinate units with the direction, guidance, and continuous evaluation required by AFI 90-201.

1.3.6.5. Exercise authority to close deficiencies identified during an AF/JAI Article 6 Inspection.

1.3.6.6. MAJCOM Staff Judge Advocates will support TJAG Article 6 Inspections, as directed, and notify the MAJCOM IG Gatekeeper of all Article 6 Inspection dates.

1.3.7. Article 6 Inspectors will:

1.3.7.1. Receive AF/JAI training prior to conducting an AF/JAI Article 6 Inspection.

1.3.7.2. Serve at the discretion of TJAG once properly qualified.

1.3.7.3. Comply with all requirements and procedures contained in this instruction, to include all responsibilities of a trusted agent.

1.3.8. MAJCOM Staff Judge Advocate Inspection System Point of Contact will:

1.3.8.1. Serve as the primary liaison between AF/JAI and the MAJCOM IG.

1.3.8.2. Perform any inspection under the Air Force Inspection System, pursuant to AFI 90-201. A MAJCOM judge advocate inspector's primary responsibilities are owed to the MAJCOM IG. The MAJCOM judge advocate inspectors may assist AF/JAI in the overall assessment of the TJAG Strategic Alignment focus areas.

1.3.8.3. Serve as the primary point of contact for the MAJCOM IG for pre-inspection scheduling, coordinating inspection activities, and handling various administrative matters in coordination with AF/JAI.

1.3.8.4. Close deficiencies identified during an AF/JAI Article 6 Inspection, upon direction of the MAJCOM Staff Judge Advocate.

1.3.8.5. Comply with all requirements and procedures contained in this instruction, to include the responsibilities of a trusted agent.

1.3.9. Numbered Air Force Staff Judge Advocates and Paralegal Managers, or Servicing General Court-Martial Convening Authority Legal Office Equivalents and their Paralegal Managers will:

1.3.9.1. Facilitate inspections and accompany TJAG or DJAG on TJAG Article 6 Inspections on behalf of the MAJCOM Staff Judge Advocate or Command Paralegal Manager, when required by the MAJCOM Staff Judge Advocate. (**T-2**)

1.3.9.2. Conduct self-assessments every six (6) months. (T-2)

1.3.9.3. Close out any deficiencies identified during an AF/JAI Article 6 Inspection with the MAJCOM Staff Judge Advocate, in accordance with this instruction. (**T-2**)

1.3.10. Installation-Level Staff Judge Advocate and Law Office Superintendent/Non-Commissioned Officer In Charge will:

1.3.10.1. Educate legal office personnel on the statutory requirements of inspections conducted pursuant to 10 USC § 806(a) and § 8037(c)(2) and the office's responsibilities to the Commander's Inspection Program under the Air Force Inspection System. (**T-2**)

1.3.10.2. Conduct self-assessments every six (6) months. (T-2)

1.3.10.3. Satisfy all pre-inspection requirements consistent with this instruction and AFI 90-201. (**T-2**)

1.3.10.4. Coordinate all Article 6 Inspection requirements with command and supervising judge advocates. (**T-2**)

1.3.10.5. In coordination with the MAJCOM Staff Judge Advocate, close out any deficiencies identified during an AF/JAI Article 6 Inspection, in accordance with this instruction. (T-2)

1.3.10.6. Normally lead the planning and coordination of a TJAG Article 6 Inspection both locally and with higher headquarters legal offices. If more than one legal office is inspected, or other Air Force Judge Advocate General's Corps activities on or near an installation are inspected or visited, unless otherwise directed, the senior judge advocate and the senior paralegal assigned to the senior staff should assume responsibility for planning and coordinating the entire TJAG Article 6 Inspection.

#### Chapter 2

### **AF/JAI ARTICLE 6 INSPECTIONS**

**2.1. Purpose.** AF/JAI Article 6 Inspections serve three main objectives. The first purpose is to ensure legal offices comply with all legal statutory, regulatory, and policy requirements. The second purpose is to assess the leadership, health, effectiveness, and efficiency of a legal office in meeting the needs of command and in supporting the installation's programs, people, and mission. The third purpose is to detail an office's strengths, weaknesses, and deficiencies. This detailing affords an office an opportunity to highlight accomplishments and remedy issues.

### 2.2. Organizations to be Inspected.

2.2.1. Operational Legal Offices. The AF/JAI Article 6 Inspection System is primarily designed to inspect legal offices that provide a full-range of legal services and support on a Regular Air Force installation, to include advising a command and subordinate leadership on military justice issues.

2.2.2. Direct Reporting Unit and Field Operating Agency Legal Offices. Direct reporting units and field operating agency legal offices are subject to AF/JAI Article 6 Inspections at the discretion of TJAG and are evaluated on their support to their command's mission.

2.2.3. MAJCOM Legal Offices. MAJCOM offices are not subject to AF/JAI Article 6 Inspections. However, MAJCOM legal offices are subject to TJAG Article 6 Inspections.

2.2.4. Numbered Air Forces and Other Legal Offices. In addition to a TJAG Article 6 Inspection, any legal office performing a military justice support function, to include a Numbered Air Force legal office or an Air Force legal office that supports a General Court-Martial Convening Authority, is subject to an AF/JAI Article 6 Inspection. Any AF/JAI Article 6 Inspection will, whenever possible, coincide with the host installation's Unit Effectiveness Inspection Capstone Event.

**2.3.** Notification. Notwithstanding independent MAJCOM notification practices, approximately 30 days prior to a scheduled AF/JAI Article 6 Inspection, AF/JAI will send a Notification Memorandum to the installation-level legal office to be inspected, and copy the office's MAJCOM Staff Judge Advocate. This Notification Memorandum includes the names of the AF/JAI inspectors, a list of required items, and general guidance pertaining to the inspection.

### 2.4. Article 6 Inspections - JAI Inspectors and Paralegal Augmentees.

2.4.1. All AF/JAI Article 6 Inspection teams will, at a minimum, include one judge advocate and one paralegal inspector designated by TJAG.

2.4.2. AF/JAI selects paralegal augmentees in writing upon recommendation of each MAJCOM Command Paralegal Manager. Eligible augmentees will, at a minimum, hold the rank of either Master Sergeant or Senior Master Sergeant, have at least one (1) year of experience as a Law Office Superintendent, and hold a Key Leadership Position designation, as identified by an Enlisted Development Team vectoring process.

2.4.3. AF/JAI contacts augmentees in advance of an inspection to determine their availability to serve as AF/JAI augmentees. Once selected, AF/JAI will forward additional guidance on

using the checklist, the interview process, grading the compliance portion of the inspection, and drafting the report.

2.4.4. The senior inspector appointed by TJAG serves as the team lead for all AF/JAI Article 6 Inspections. AF/JAI will work directly with the MAJCOM judge advocate points of contact prior to any scheduled inspection. The senior MAJCOM judge advocate IG augmentee and representative normally function as the primary liaison with the inspecting MAJCOM IG lead for pre-inspection requirements, coordination of activities, and the handling of various administrative matters during the inspection process.

2.4.5. The AF/JAI Article 6 Inspection system ensures a legal office is responding to the needs of command, maintaining Air Force standards, complying with the appropriate laws and regulations, and meeting the goals and objectives established by TJAG. To this end, it is critical that inspectors identify all deficiencies. However, it is equally important that inspectors provide constructive comments, specific guidance, training, and feasible solutions to assist the inspected office in eliminating problems, improving processes, and preparing for a subsequent Article 6 Inspection.

2.4.6. All appointed AF/JAI Article 6 Inspection inspectors serve as trusted agents with respect to the inspection of a particular installation or office. Accordingly, with the exception of inspection-related communications to members of AF/JAI and the MAJCOM Staff Judge Advocate of the inspected legal office, and unless otherwise stated within this instruction, inspectors are prohibited from releasing any information pertaining to an AF/JAI Article 6 Inspection without the approval of the AF/JAI Director. This instruction places a continuing duty on all trusted agents to protect inspection information on a strictly "need-to-know" basis following the completion of an inspection.

2.4.7. Although AF/JAI Article 6 Inspections are conducted pursuant to TJAG's statutory authority, AF/JAI Article 6 Inspection inspectors will work to the greatest extent possible with IG team members to further the overall objectives of the Air Force Inspection System and to minimize any adverse effects on the mission or the unnecessary duplication of effort or use of installation resources.

**2.5.** Access to Records. Upon request, inspected legal offices will grant inspectors full access to all records within the control of the inspected legal office and relevant to the areas on the Article 6 Inspection Checklist, as well as to any records needed to provide a full assessment of the inspected office. (T-2) Inspected legal offices will not redact relevant information in records prior to providing such records to the inspection team. (T-2) AF/JAI will not retain substantiating documents. If pertinent records are maintained by other installation agencies, the inspected office will work with those agencies to obtain access to the records. (T-2) Inspected legal offices will permit inspectors access to classified materials, subject to the inspectors' possession of the appropriate clearance. (T-2) AF/JAI will resolve any disputes regarding access to materials during an AF/JAI inspection.

**2.6. Legal Office** Preparation. Given the general purpose of an Article 6 Inspection and the standing requirement for regularly conducted self-assessments of the legal office's support to missions, the actual preparation time required for an AF/JAI Article 6 Inspection should not be onerous. An office's thorough and honest assessment of the inspection items over the entire inspection period, coupled with appropriate documentation, allows the inspection team to quickly evaluate items, giving the team more time to spend with personnel in the office and increasing the

overall value of the process to the inspected office. Offices should take a proactive approach in identifying and addressing deficiencies through their self-assessments, as opposed to trying to address deficiencies immediately preceding an AF/JAI Article 6 Inspection.

2.6.1. Comprehensive Checklist.

2.6.1.1. Responding to Questions. Article 6 Inspection Checklists are located on the AF/JAI webpage. Article 6 Inspection Checklist questions are drafted to elicit a "compliant" or "non-compliant" response. However, responses should be accompanied by a short narrative explanation of the office's compliance over the entire inspection period, as well as any documentation that supports the response. If the supporting documentation is too voluminous to be included with the response, the response should identify where any source or supporting documents can be located. The applicable inspection period is provided in the Notification Memorandum.

2.6.1.2. Not Applicable Questions. Some items contained on the Article 6 Inspection Checklist may not be applicable to a specific legal office. For example, overseas installations may have additional operations and international law responsibilities that do not apply to installations in the United States. If a checklist item refers to a program that is not the responsibility of an inspected office, the abbreviation "N/A" may be used in the response. The office should also include a brief statement as to why the particular item is not applicable to the inspected office. Any questions should be forwarded to AF/JAI prior to the inspection.

2.6.1.3. Completed Checklists. No later than 10 calendar days prior to the scheduled AF/JAI Article 6 Inspection, the inspected legal office will forward its Article 6 Inspection Checklist responses (answers only) to AF/JAI. (**T-2**) This practice allows the inspection team to better prepare a more meaningful inspection for the inspected office. Forward (or provide access to) source documents and supporting information when requested by AF/JAI.

2.6.2. Source Documents. Frequently, questions on the Article 6 Inspection Checklist reference a larger body of documentation, such as court-martial records. Inspected offices should ensure any source documents referenced in responding to the checklist questions are available for inspection. The best practice is to stage all source or supporting documents prior to the inspection. Given the self-assessment requirements, offices should not create extensive documents for an AF/JAI Article 6 Inspection, but should spend minimal time staging already existing documentation. Inspectors may request to inspect additional responsive information or records as the inspection is not limited to the samples provided by the inspected office. While documentation normally is provided in hard copy form, it may be presented electronically provided all inspection team members have easy access and the information is readily available. The Notification Memorandum will provide additional guidance on presentation of documentation.

# 2.7. AF/JAI Article 6 Inspection Logistics.

2.7.1. Inspector Responsibilities. Prior to beginning the inspection, the AF/JAI Article 6 Inspection team will review the checklist and determine how the inspection responsibilities should be divided among the inspectors in relation to checklist items and interviews. Some areas of the checklist may need to be reviewed by more than one inspector. The inspection

team should meet with the inspected legal office early in the process to introduce the team as a group and briefly outline the purpose and plan for the inspection.

2.7.2. Facilities. The AF/JAI inspection team does not require separate offices for each inspector. Normally the inspection team prefers using a shared conference room, deliberation room, or an office library, with a private office made available for interviews. Provided adequate transportation exists, inspectors may conduct interviews outside the legal office at alternative locations. Inspectors are prohibited from accepting any free food or drinks from inspected office staff or clients. However, they may purchase items from a unit snack fund available to and on the same terms as others in the office. Do not schedule special meals or social gatherings for the inspection team during an AF/JAI Article 6 Inspection. (**T-2**)

2.7.3. Coordination. The inspection system is designed for open and transparent discussions on potential deficiencies, substantially corrected deficiencies, recommended improvement areas, strengths, or potential best practices identified over the course of the inspection. These discussions should include sufficient details to internally identify any findings. At the close of each day, the inspection team will provide observations and potential findings to inspected office leadership. These sessions serve as an avenue for an office to identify any additional documentation that may assist the inspectors in accurately assessing the office, or otherwise to clarify a specific issue. Barring an extension granted by the AF/JAI Article 6 Inspection team lead, the inspected legal office must provide to the inspection team lead prior to the conclusion of the inspection all additional documentation or information offered to either explain or dispute a finding. (**T-2**)

2.7.4. Interviews of Legal Office Personnel. During an AF/JAI Article 6 Inspection, inspectors typically interview office personnel as a means of further assessing the office's climate, morale, and leadership and defining programmatic strengths and weaknesses.

2.7.5. Interviews of Non-Legal Office Personnel. Speaking with commanders, first sergeants, customers, and office personnel is an integral part of the AF/JAI Article 6 Inspection. Frequently, these discussions will provide insight regarding the effectiveness of office leadership, eliminate process ambiguity for the inspectors, and highlight the quality and quantity of work being accomplished in an office. Individuals selected to speak with the inspection team should demonstrate sufficient contact with the inspected office and/or knowledge of the specific programs to be discussed, to make the interview meaningful. The Notification Memorandum will identify potential candidates to be interviewed. Inspectors may request to speak with additional individuals as the inspection progresses.

2.7.6. Office Out-brief. The inspection should close with a brief meeting with the inspected office to explain the next step in the inspection process, to share any observations the team may have for the office, and to answer any questions office personnel may have about the inspection. Inspectors will provide a five-tiered grade only. The AF/JAI Inspection team should remain available to meet with the installation commander, if requested.

**2.8. Grading the Inspection.** Upon completion of an AF/JAI Article 6 Inspection, the legal office Staff Judge Advocate receives a preliminary inspection report with a list of all deficiencies, substantially corrected deficiencies, recommended improvement areas, and identified strengths and best practices. At the discretion of AF/JAI, this preliminary report may be provided to the commander directly from AF/JAI, or it may be forwarded through the inspected legal office. AF/JAI will complete and send to TJAG a more detailed written report following the AF/JAI

Article 6 Inspection. Upon TJAG's approval, AF/JAI will send the report to the inspected office's commander, Staff Judge Advocate, Numbered Air Force Staff Judge Advocate, and respective MAJCOM Staff Judge Advocate.

2.8.1. Compliance Items. Compliance items are items identified as key areas to further successful mission accomplishment or legal process execution, including, but not limited to, items where non-compliance could result in denial of due process, excessive cost, litigation, or impact to system and process reliability. Compliance items may reflect mandates by law, policy, Executive Order, or Department of Defense (DoD), Air Force or MAJCOM publications or TJAG direction. Article 6 Inspection compliance items require direct evaluation and are identified in the Article 6 Inspection Checklist. Compliance items represent a minimum standard. Accordingly, differing practice/focus areas will have no effect on the maximum score. Compliance items will receive one of the following scores:

2.8.1.1. Deficiency. A validated inspection discrepancy, finding, or non-compliant observation.

2.8.1.2. Major Deficiency. A validated major deficiency is a discrepancy, finding, inadequacy, or non-compliant observation on a compliance item that has, or has the potential to have, impact to: the installation's mission, the legality of advice provided by an office, program level requirements, or an individual's legal rights.

2.8.1.3. Minor Deficiency. A validated minor deficiency is a discrepancy, finding, inadequacy, or non-compliant observation on a compliance item that has, or has the potential to have, impact to: legal office operations, effective program execution, or system reliability.

2.8.1.4. Repeat Deficiency. A repeat deficiency is a recorded deficiency from a previous Article 6 Inspection (or compliance inspection) and/or a deficiency resulting from a failure to comply with the same guidance as noted on a previous AF/JAI Article 6 Inspection or compliance inspection of the same legal office. An issue with the same basic process or program is not necessarily a repeat deficiency. To properly constitute a repeat deficiency, either the previously identified issue remains uncorrected or the catalyst for the deficiency is the same as that previously identified. If an office is re-inspected, any recorded deficiency identified during the initial Unsatisfactory inspection will be considered a repeat deficiency if not deemed compliant during the next regularly scheduled AF/JAI Article 6 Inspection.

2.8.1.5. Substantially Corrected Deficiency. A substantially corrected deficiency is a compliance items identified in a prior self-assessment as deficient and corrected far enough in advance of the inspection as to demonstrate the deficiency in the program or process has been remedied.

2.8.1.6. Recommended Improvement Area. A recommended improvement area is an identified process, product, or capability that could be improved by a suggested course of action. Frequently, inspectors identify a process or program that is on the cusp of constituting a deficiency, but which could be remedied by some simple adjustments or an improvement to the current process or program. A recommended improvement area is one tool available to inspectors to appropriately capture the issue. However, recommended

improvement areas should not be used in lieu of a deficiency when the issue is properly defined as a deficiency.

2.8.1.7. TJAG Strategic Alignment Areas. These areas, designated by TJAG, represent the fundamental principles and programs essential to the success of a legal office, with a special emphasis on dedicated leadership, foundational principles, and legal services provided in support of commanders and clients seeking advice from a legal office. TJAG strategic alignment areas may also address emerging areas of law affecting operations.

2.8.1.8. Scoring. Inspectors assess the strategic alignment areas. This assessment includes a review of the pertinent checklist items, feedback from interviews conducted, and personal observations over the course of the inspection. Inspectors should consider the guidance provided by AF/JAI and whether the analysis of the strategic alignment areas clearly supports the points awarded. All scores must be clearly supported by a narrative. AF/JAI may change the point value for the strategic alignment areas with TJAG's approval. AF/JAI determines the final numeric score for the strategic alignment areas based on the rating provided by the inspectors, the strength of the supporting narrative, and how the inspected office compares to previously inspected installations of comparable size.

2.8.1.9. Additional Considerations. It is critical to understand that while the items listed on the Article 6 Inspection Checklist can influence the strategic alignment score, they are not a controlling factor. For example, an office could be deficient on several regulatory compliance items, but effectively advise and educate commanders; promote a productive and cooperative relationship with installation investigative agencies; expertly train its trial counsel and case paralegals; and aggressively pursue the fair and impartial administration of military justice. These factors would positively influence the office's overall score in the strategic alignment area of military justice.

2.8.1.10. Best Practices. An important piece of the Article 6 Inspection system is to highlight those programs that enhance the quality and efficiency of legal services and the advice provided by an office, recognize judge advocates, paralegals, and civilian professionals who are making a difference, and cross-feed useful information across the Air Force Judge Advocate General's Corps. Best practices are innovative programs or practices that significantly contribute to improving a process or greatly enhance the quality of legal services provided by an office. Many programs may represent strengths of an office, but best practices enhance leadership, streamline the use of resources, or improve the delivery of legal services. Best practices should have utility outside the inspected office or be of such quality that they clearly stand out as having a major impact in a given area at the inspected installation. AF/JAI will add to the legal office's final score any points awarded for identified best practices.

2.8.1.11. Strengths. A strength identifies those personnel or programs within an installation legal office that significantly contribute to morale, a positive working environment, or a successful program or service administered by a legal office. A program that falls just short of best practice identification may be characterized as a strength.

2.8.1.12. Outstanding Performers. Outstanding Performers are individuals who make a significant contribution to the legal office mission, enhance the relationship between the legal office and other installation agencies, or have a notable positive impact on the

installation. Outstanding Performers are recognized at the discretion of the AF/JAI Inspection team.

**2.9. The AF/JAI Article 6 Inspection Report.** One of the goals of the Article 6 Inspection System is to standardize how legal offices are assessed and ensure the uniform delivery of quality legal services. AF/JAI accomplishes this goal by providing commanders and Staff Judge Advocates timely feedback on the results of an inspection. AF/JAI must take several steps before it finalizes the AF/JAI Article 6 Inspection report.

2.9.1. Preliminary AF/JAI Article 6 Inspection Report. Prior to concluding the AF/JAI Article 6 Inspection, AF/JAI may provide a preliminary report to the inspected legal office's installation commander, Staff Judge Advocate, and MAJCOM Staff Judge Advocate, as well as, when appropriate, the MAJCOM IG. The preliminary AF/JAI Article 6 Inspection report will identify deficiencies, substantially corrected deficiencies, recommended improvement areas, strengths, and best practices identified during the inspection by reference to Article 6 Inspection Checklist item number. Each identified deficiency will be accompanied by a short description of the deficiency, its severity, and reference to the applicable document or standard mandating compliance.

2.9.1.1. Five-tiered Designations.

2.9.1.1.1. Outstanding. An Outstanding rating indicates that the office leadership, operations, and/or legal services far exceed mission requirements and are of an extremely high quality, noticeably superior to almost all other installation-level legal offices. The inspected legal office executes every aspect of leadership and inspected strategic alignment areas at the highest level of performance, superbly manages its people and/or resources, and provides exceptional quality programs to its client base. An outstanding rating is extremely rare, not easily achieved, and clearly supported by the inspection findings.

2.9.1.1.2. Excellent. An Excellent rating indicates that the office leadership, operations, and/or legal services clearly exceed mission requirements, are of a high quality and are superior to most other installation-level legal offices. The inspected legal office executes all aspects of leadership and inspected strategic alignment areas at a high level of performance, efficiently manages people and/or resources, and provides high quality programs to its client base. While standards for achieving an excellent rating are less rigorous than that of an outstanding rating, an excellent rating should only be given when clearly warranted and supported by the inspection findings.

2.9.1.1.3. Commendable. A Commendable rating indicates that the office leadership, operations, and/or legal services meet mission requirements, are of acceptable quality, and are comparable to the majority of other installation-level legal offices. The inspected legal office provides leadership and the majority of legal services, programs, and processes at the required level of performance, adequately manages people and/or resources, and offers average or better quality programs to its client base. This characterization is appropriate for those offices meeting requirements.

2.9.1.1.4. Satisfactory. A Satisfactory rating indicates that the office leadership, operations, and/or legal services minimally meet mission requirements, and are at the lowest acceptable quality level. The inspected office provides leadership and the

majority of legal services, programs, and processes at a less than optimal level of performance, either inefficiently manages its people and/or resources, and/or provides programs of average or below average quality. This characterization is appropriate for those offices meeting at least minimum requirements.

2.9.1.1.5. Unsatisfactory. An Unsatisfactory rating indicates that the office leadership, operations, and/or legal services do not meet mission requirements, and are below an acceptable quality level. The inspected legal office provides inadequate leadership, key legal services, procedures, and/or activities, improperly manages people and/or resources, and provides one or more poor quality programs to its client base.

2.9.1.2. The MAJCOM IG or AF/JAI may place the results of an AF/JAI Article 6 Inspection in the IG Evaluation Management System. When requested, MAJCOM Judge Advocate representatives will enter identified items into the IG Evaluation Management System, ensuring that any IG Evaluation Management System inputs comply with and are closed in accordance with the requirements of AFI 90-201. If deficiencies are placed in the IG Evaluation Management System, the inspected legal office and the applicable MAJCOM legal staffs will work with the MAJCOM IG to address and close these deficiencies. (**T-2**)

2.9.2. Final AF/JAI Article 6 Inspection Report. The final AF/JAI Article 6 Inspection report is a comprehensive document that explains critical inspection findings and the assessment of an office and its leadership.

2.9.2.1. Timeline. The inspection team normally completes and forwards a draft AF/JAI final Article 6 Inspection report through AF/JAI to AF/JA no later than 30 calendar days following the conclusion of the inspection.

2.9.2.2. Format. Inspectors will document the results of the AF/JAI Article 6 Inspection using the standard format provided by AF/JAI. Inspectors will not deviate from the established report format. Recommendations for improving the report format should be submitted to AF/JAI for consideration.

2.9.2.3. Inspection Items. Inspected offices rely on the inspection report to address the deficiencies identified over the course of the AF/JAI Article 6 Inspection. Therefore, it is critical that each deficiency write-up clearly delineate the issue or problem with enough specificity to allow the inspected office to remedy the same.

2.9.2.4. Narratives. The inspection report should provide a brief narrative to capture a team's overall assessment, as well as the quality of personnel performance and programs. All comments should be constructive and adequately supported by the documentation or observations of the inspection team. The inspection team should draft any critical comments with an eye toward recommending viable solutions and encouraging productive results.

2.9.2.5. Approval Process. AF/JAI will finalize the AF/JAI Article 6 Inspection report before forwarding the report to TJAG for final approval. AF/JAI also will provide TJAG with an out-brief of the finalized report, if requested.

2.9.2.6. Distribution. Once approved by TJAG, AF/JAI will send the inspection report to the inspected legal office Staff Judge Advocate, commander, Numbered Air Force or

General Court-Martial Convening Authority Staff Judge Advocate, as applicable, and the MAJCOM Staff Judge Advocate and Command Paralegal Manager.

2.9.3. Post-Inspection Corrective Action on AF/JAI Article 6 Inspection Deficiencies.

2.9.3.1. Tracking Deficiencies. MAJCOM legal offices are responsible for tracking and closing all Article 6 Inspection item deficiencies identified during an AF/JAI Article 6 Inspection, consistent with the respective MAJCOM Staff Judge Advocate direction and this instruction.

2.9.3.2. Closing Deficiencies. All open inspection items remain open until resolved. The inspected legal office will, as soon as practicable, submit a realistic plan to fix the deficiency to the appropriate MAJCOM Staff Judge Advocate, along with an anticipated get-well date. (**T-2**) The MAJCOM legal office serves as the primary point of contact for oversight and will determine when each deficiency may be closed. The MAJCOM Staff Judge Advocate or a designee may close an open deficiency at any time.

2.9.4. Re-Inspection. AF/JAI will re-inspect any legal office receiving an "Unsatisfactory" grade within approximately six months of the original inspection date. (**T-2**) The re-inspection primarily assesses the identified deficiencies, substantially corrected deficiencies, recommended improvement areas, and any issues identified in the TJAG strategic alignment areas from the previous Article 6 Inspection. Despite the limited focus of these re-inspections, the legal office remains responsible for maintaining compliance on all AF/JAI Article 6 Inspection requirements not specifically identified during the previous inspection. All re-inspected legal offices will receive either a Satisfactory or Unsatisfactory grade.

## **Chapter 3**

## THE TJAG ARTICLE 6 INSPECTION

**3.1. Purpose.** TJAG utilizes Article 6 Inspections to fulfill his or her position's statutory obligation to inspect the Air Force Judge Advocate General's Corps. They also provide TJAG with an opportunity to direct the duties of judge advocates in the field and to ensure his or her directions are properly executed.

**3.2. Organizations to be Inspected.** All installation, Direct Reporting Unit, Field Operating Agency, Numbered Air Force, and MAJCOM legal offices are eligible to receive a TJAG Article 6 Inspection.

**3.3. Timing of the Inspection.** TJAG Article 6 Inspections are scheduled at the discretion of TJAG.

**3.4. Inspection Team Members.** While TJAG or DJAG normally performs TJAG Article 6 Inspections, TJAG may designate another senior staff member to conduct the inspection on his or her behalf. TJAG Article 6 Inspection teams normally include the Air Force Senior Paralegal Manager, an executive officer, and personnel from the MAJCOM and/or the Numbered Air Force. A representative from the Air Force Judge Advocate General's Corps Professional Development Directorate also may serve on the team.

**3.5.** Notification. Prior to scheduling a TJAG Article 6 Inspection, AF/JA will coordinate with the relevant MAJCOM Staff Judge Advocate. Once a date is established, AF/JA will forward a Notification Memorandum to the appropriate MAJCOM, Numbered Air Force, and installation-level Staff Judge Advocates. The Notification Memorandum highlights specific requirements for the inspection, to include the official party's travel information, pre-inspection requirements, administrative and logistical considerations, and suspenses. Although AF/JA notifies the MAJCOM IG Gatekeeper of TJAG Article 6 Inspections, the inspected legal office should promptly notify appropriate commanders of the pending inspection upon receipt of the Notification Memorandum.

**3.6. Legal Office Preparation.** The success of a TJAG Article 6 Inspection depends upon how well the office and its leadership support command, its mission, and its people. Any specific requirements will be outlined in the Notification Memorandum.

3.6.1. Draft Itinerary. The inspected legal office should provide the inspection team with a detailed itinerary, consistent with the guidance provided by AF/JA, that includes all scheduled briefings, visits with senior installation leadership, and any special events, such as speaking engagements and requests to present awards or preside over any military ceremonies.

3.6.2. Public Affairs Information. The inspected legal office will provide to AF/JA in advance of the inspection all biographies of senior installation officials, especially those the official party will be meeting, all fact sheets on the installation, units, and weapon systems, and information of general interest to TDY personnel, such as the location and hours of the fitness facilities.

3.6.3. Personnel Information. The inspected legal office should ensure that all Air Force Judge Advocate General's Corps Roster information on the Air Force Judge Advocate General's Corps website is current, and includes biographies, required data, and updated inputs

documenting completion of, or enrollment in, required training and developmental educational programs for Air Force Judge Advocate General's Corps members.

3.6.4. Office Briefing. The briefing should demonstrate how the office delivers legal services in furtherance of the unit's mission. The briefing should include a unit mission overview, followed by an overview of the legal office mission, manning, personnel, and personnel programs, as well as commendable achievements involving the office services, programs, or people. The briefing should discuss the delivery of legal services in the areas of military justice, civil law, operational law, and legal assistance. The personnel responsible for a particular program should provide the brief for that program. Every effort should be made to include all personnel in the office briefing. Additionally, unless otherwise stated in the Notification Memorandum, offices should allot approximately four hours for the briefing.

**3.7. Inspection Areas.** TJAG Article 6 Inspections generally cover Air Force Judge Advocate General's Corps mission readiness, Air Force legal readiness, and strategic alignment areas.

3.7.1. Air Force Judge Advocate General's Corps Mission Readiness. Mission readiness is the degree to which legal professionals are ready to support operational and deployment requirements, and provide for Air Force legal readiness. Mission readiness includes personnel, facilities and resources, operational readiness, and an understanding of the military-legal environment.

3.7.1.1. Personnel. Training and experience are essential to providing high-quality legal services. TJAG Article 6 Inspections evaluate the education, training, professional development, and experience of an office's legal professionals through office briefings and dialogues, as well as discussions with commanders and clients. It also evaluates the deployment readiness of assigned and attached Air Force Judge Advocate General's Corps personnel.

3.7.1.2. Facilities and Resources. Properly resourced legal professionals operating in professional and efficient facilities are best equipped to provide timely, accurate, and responsive services. TJAG Article 6 Inspections examine the resource requirements of legal offices to ensure they are properly funded, equipped, and configured. The TJAG Article 6 Inspection also evaluates the facility, furnishings, equipment, information technology systems, and related areas. This assessment includes an evaluation of the office budget, particularly the availability of temporary duty funding for training. On-scene inspections of legal offices enable TJAG to make informed comparisons with other legal offices across the Air Force.

3.7.1.3. Operational Readiness. TJAG Article 6 Inspections evaluate personnel readiness and the specific measures implemented to ensure staff readiness to deploy and to support other home station operations. TJAG Article 6 Inspections enable TJAG to determine firsthand whether legal offices have fully achieved an expeditionary focus.

3.7.1.4. Military-Legal Environment. The military-legal environment influences nearly all fields of practice, with military justice, international law, operations law, and environmental law being prominent examples. TJAG Article 6 Inspections enable TJAG to determine whether legal offices fully appreciate and respond to the factors that affect them and their supported organizations.

3.7.2. Air Force Legal Readiness. Air Force legal readiness is the ability of Air Force personnel and organizations to deal with any aspect of the military-legal environment. Legal readiness evaluation areas encompass all legal programs and processes in order to accurately gauge the overall effectiveness of legal services.

3.7.2.1. Legal Programs and Processes. TJAG Article 6 Inspections evaluate program organization; process efficiency and responsiveness; statistical indicators and trends; major cases; strategic alignment items; and problem areas. The on-scene inspection enables TJAG to fully appreciate pertinent circumstances and factors; provide immediate feedback and guidance; resolve problems; and identify priority action items for local, intermediate, or headquarters legal offices.

3.7.2.2. Commanders and Other Clients and Participants in Legal-Related Programs. A critical element of the TJAG Article 6 Inspection is the opportunity for the official party to meet with key participants in the military justice system, participants in legal-related programs, and other clients, to obtain their evaluations on the local status of discipline and to discuss their observations, questions, problems, and concerns. On-scene discussions with these personnel enable TJAG to provide immediate feedback, resolve problems, and identify priority action items for local, intermediate, or headquarters legal offices and directorates.

**3.8. TJAG Article 6 Inspection Events.** The TJAG Article 6 Inspection primarily focuses on leadership and the performance of an office in the administration of military justice, delivery and effectiveness of legal services, personnel, and operational readiness. As each office is different, the execution of inspection requirements, where possible, should be tailored to that particular installation. Forward all scheduling questions and TJAG Article 6 Inspection issues to AF/JA for resolution.

3.8.1. Facility Tour. The inspection should normally begin with a brief tour of the legal office and its facilities. This provides the office with an opportunity to discuss the facilities and resources of an office which may be explained further during the briefing or become pertinent to meetings between TJAG and commanders during the inspection.

3.8.2. Leadership Meetings. Inspected legal offices should schedule office calls with the installation's senior leadership, to include any convening authorities. These meetings should be scheduled after TJAG or DJAG has received the office briefing, unless circumstances or scheduling issues make this impossible. Inspected legal offices also should schedule time during the inspection for a group meeting with commanders and first sergeants, and a separate meeting with Air Force Office of Special Investigations and/or security forces investigations.

3.8.3. Other Air Force Judge Advocate General's Corps Offices. TJAG Article 6 Inspections should always provide time to meet with the local Area Defense Counsel and Defense Paralegal, and Special Victims' Counsel and Special Victims' Counsel Paralegal. Inspected legal offices should coordinate these meetings to occur in the Area Defense Counsel's and Special Victim Counsel's office space to allow TJAG and DJAG the opportunity to assess the adequacy of their facilities and resources. Many times there are other Air Force Judge Advocate General's Corps members residing on an Air Force installation within tenant units. Inspected legal offices should discuss with AF/JA whether time will permit visiting any other Regular Air Force Judge Advocate General's Corps offices and legal personnel residing within the local area. If time permits, Reserve and ANG units may also be included on the schedule.

3.8.4. Special Requests and Presentations. Inspected legal offices will clear through AF/JA all requests for TJAG, or his or her Article 6 Inspection designee, participation in events outside of inspection-related activities, to include promotions, award presentations, and visits outside of those specifically referenced. (**T-2**)

JEFFREY A. ROCKWELL Lieutenant General, USAF The Judge Advocate General

# Attachment 1

## **GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION**

## References

AFPD 51-1, *The Air Force Judge Advocate General's Corps*, 14 November 2018 AFMAN 33-363, *Management of Records*, 1 March 2008 AFI 33-360, *Publications and Forms Management*, 1 December 2015 AFI 90-201, *The Air Force Inspection System*, 21 April 2015 Title 10 United States Code, Section 806 Title 10 United States Code, Section 8037

## Adopted Forms:

AF Form 847, Recommendation for Change of Publication

## Abbreviations and Acronyms

**AFI**—Air Force Instruction

AFMAN—Air Force Manual

AFPD—Air Force Policy Directive

AFR—Air Force Reserve

ANG—Air National Guard

DoD—Department of Defense

DJAG—The Deputy Judge Advocate General

IG—Inspector General

MAJCOM-Major Command

TJAG—The Judge Advocate General

UCMJ—Uniform Code of Military Justice

## Terms

**Article 6 Inspection**—An inspection of installation, NAF, DRU, FOA, and MAJCOM legal offices conducted by TJAG or AF/JAI to ensure offices comply with all legal, statutory, regulatory, and policy requirements; the military justice system is administered properly, effectively, and fairly, with a specific emphasis on maintaining a justice process free from unlawful command influence; the quality of legal services remains consistent; and the delivery of legal services is standardized across the Air Force Judge Advocate General's Corps.

Paralegal Manager—See AFI 51-101 for definition.

Gatekeeper—See AFI 90-201 for definition.

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**Hot Wash**—After action report, meeting or debrief highlighting lessons learned, strengths, weaknesses, improvement areas and other assessments to facilitate appropriate corrective or sustainment actions.

Legal Office Non-Commissioned Officer in Charge—See AFI 51-101 for definition.

Legal Office Superintendent—See AFI 51-101 for definition.

Management Internal Control Toolset—See AFI 90-201 for definition.

**Notification Memorandum (JAI)**—Memorandum provided to inspected legal offices before an AF/JAI Article 6 Inspection with the names of the AF/JAI inspectors, a list of required items, general guidance pertaining to the inspection process, and suspenses.

**Notification Memorandum (TJAG)**—Memorandum provided to inspected legal offices before a TJAG Article 6 Inspection which highlights specific requirements for the inspection, to include information concerning the official party's travel plans, pre-inspection requirements, administrative and logistical considerations, and suspenses.

Senior Staff—Individuals at the Headquarters Air Force level designated to advise TJAG.

Staff Judge Advocate—See AFI 51-101 for definition.

**Strategic Alignment Areas**—Areas designated by TJAG, representing the fundamental principles and programs essential to the success of a legal office, with a special emphasis on dedicated leadership, foundational principles, and legal services provided in support of commanders and clients seeking advice from a legal office.

**Trusted Agent**—Individuals appointed by TJAG to conduct AF/JAI Article 6 Inspections, who, unless otherwise stated, are prohibited from releasing any information pertaining to AF/JAI Article 6 Inspections without the approval of the AF/JAI Director. Trusted Agents have a continuing duty to protect inspection information on a strictly "need-to-know" basis following the completion of an inspection.