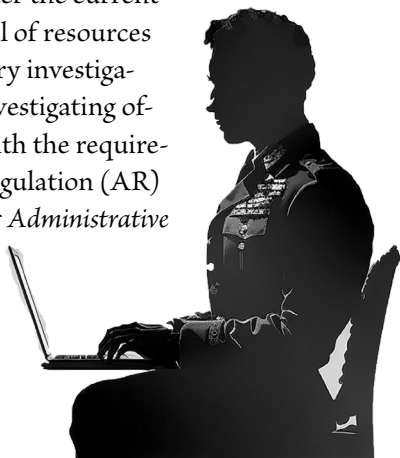


Reexamining Administrative Investigations

Creating an Investigating Officer Functional Area

Maj. Peter B. Postma, U.S. Army Reserve

Administrative investigations are critical to maintaining a command's good order and discipline.¹ Through these investigations, commanders discover misconduct, assess financial liability, and address many other issues that, when corrected, enhance good order and discipline.² Correcting issues increases a unit's operational effectiveness. Unfortunately, far too often, administrative actions are completed at a substandard level, hindering the command's ability to be effective. The current administrative investigative system underserves commanders. Under the current system, a great deal of resources are utilized on every investigation to train-up investigating officers to comply with the requirements of Army Regulation (AR) 15-6, *Procedures for Administrative Investigations and Boards of Officers*.³ The Army should create a new functional area for an



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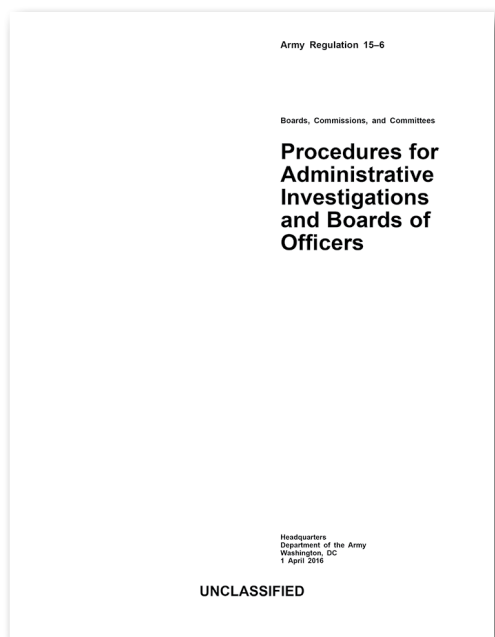
administrative investigating officer to address these issues and better serve individual commands and the Army as a whole.

Motivating the Transition to a Functional Area

The need to transition administrative investigations to a separate functional area Army-wide is motivated by several reasons. First, significant time is taken from investigating officers' day-to-day responsibilities, which results in competing priorities, delays, and poor work product. Second, substandard investigations result from a lack of formal training, which leads to errors and illogical conclusions. Finally, trends underlying systemic issues are difficult to identify and mitigate due to the number of current investigating officers, which results in poor institutional knowledge.

Competing Priorities: Investigation versus Officer's Primary Duties

The first consideration supporting the establishment of an investigating officer's functional area is the significant time taken from an officer's primary duties and responsibilities when performing administrative investigations. Time is essential to officers, especially



To view Army Regulation 15-6, *Procedures for Administrative Investigations and Boards of Officers*, visit https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r15_6.pdf.

those in key developmental positions. Conducting quality investigations takes time and focused effort. Because of the time investigations require, the best qualified officer is less likely to be appointed because units seek to retain their high performers for other missions.⁴

This leads to subpar investigations.

Conducting investigations diverts a substantial number of hours from daily operations. The time to complete investigations ranges from fifteen hours to several hundred hours depending upon the complexity of the investigation. In the author's experience overseeing over two hundred investigations, the average investigation takes approximately fifty hours to conduct. Some investigations,

however, can take significantly more resources. For example, the Abbey Gate investigation into the death of thirteen service members on 26 August 2021 at the Kabul Airport required hundreds, if not thousands, of hours by the investigation team.⁵ The time to conduct a good investigation includes conducting a legal in-brief, determining an investigation plan, conducting witness interviews, gathering other evidence, typing the findings and recommendations, and coordinating with the legal advisor prior to submission to the approving authority.⁶ Throughout this time, the officer should focus on the investigation, not his or her day-to-day responsibilities.⁷ Yet there is a cost; by conducting a single investigation, the current system removes an officer from his or her day-to-day responsibilities for over a week. This can significantly cripple a staff section or unit leadership. In an average brigade, there are twenty to one hundred investigations each year depending on the size and component of the brigade, with an average of seventy-five per year per brigade.⁸ Therefore, within an average brigade approximately 3,750 hours per year are utilized to conduct investigations.⁹ This is the equivalent of two officers working full-time to conduct investigations.

Officers at all levels face multiple competing demands, whether they are green-tab leaders or leading on a staff. Once the appointment is made, the investigating role should take precedence over all other duties.¹⁰ The precedence ensures completion in a timely manner to address issues in the command.¹¹ However, the investigative precedence and priority generally does not happen. The investigating officer's regular duties do not cease because of an appointment; operations and day-to-day administrative actions still need to be planned, coordinated, and executed. Among these competing demands, the officer's daily duties and evaluation report receive priority, not the investigation. This is routinely accounted for in the appointment process, with officers in key positions substantially less likely to be appointed, even if they are the best qualified to conduct the investigation.

Thorough investigations require the best qualified officers as investigating officers.¹² An officer is "best qualified for the duty by reason of their education, training, expertise, length of service, demonstrated sound judgment and temperament."¹³ Unfortunately, these qualities are seldom determinative factors when appointing an investigating officer. After determining the pool of officers eligible by rank requirements, those in key positions are typically disregarded due to

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their critical workload.¹⁴ Appointing authorities are reluctant to appoint and assign highly effective officers because they conduct the lion's share of the daily operations. Their appointment will detrimentally affect operations. Next, some officers are removed because of demonstrated ineffectiveness. The focus shifts to the most expendable, relatively competent officer who can have his or her daily operations impacted. At times the most expendable officer will conduct an excellent in-

when determining an investigative plan and conducting interviews. This can create psychological barriers from a lack of training and a lack of consistent repetitions. During their entire careers, officers will conduct very few investigations, with several years between each investigation. During the legal in-brief, the legal advisor provides a fifteen- to sixty-minute overview of the investigative process and answers all questions from the investigating officer. However, this legal in-brief is

“Beyond a legal in-brief from the legal advisor, there is no training. This lack of training leads to inefficient investigations, errors, illogical conclusions, and a legal advisor continuously directing and focusing an investigating officer.”

vestigation. However, this is the exception and not the rule. Generally, an officer is deemed the most expendable because his or her demonstrated capabilities match his or her workload. While the investigating officer may not be the most competent in the brigade and may not conduct an excellent investigation on his or her own accord, the legal advisor generally can coach the investigating officer to the point of a complete, legally sufficient investigation. Therefore, the best qualified officer is rarely chosen, despite the language in AR 15-6.

Lack of Formal Training Creates Investigative Issues

The next reason for supporting the establishment of an investigating officer functional area is that the current lack of formal training repeatedly creates investigative issues. Beyond a legal in-brief from the legal advisor, there is no training.¹⁵ This lack of training leads to inefficient investigations, errors, illogical conclusions, and a legal advisor continuously directing and focusing an investigating officer. Inefficient investigations can affect readiness when soldiers are flagged for an extended period due to an ongoing investigation. Formally trained functional area officers would substantially minimize these problems.

The lack of formal training in the current system leads to inefficient investigations. Few Army officers have any formal training as investigators. This lack of investigative background and training creates obstacles. Investigating officers tend to be unsure of themselves

akin to teaching a person how to weld over the phone. Verbal instruction is good, but the application takes practice for proficiency. Unease and lack of training coupled with the continued focus on day-to-day responsibilities leads to procrastination. Additionally, due to a sense of unease during investigative interviews, investigating officers often do not ask necessary follow-up and clarifying questions to provide needed detail. For example, I have observed inexperienced investigating officers seek structured templates and stick to preplanned interview questions. These are tactics that inhibit investigators from developing a thorough investigation and lead to unanswered questions or insufficient evidence, which could have been obtained by an experienced investigator. Additionally, these poor interviews do not fully capture the specificity required to arrive at effective findings and recommendations. This leads to reinterviewing individuals. All of this results in delayed completion of written findings and recommendations. Inefficient investigations create consequences for the flagged subject of the investigation when there is no substantiated finding, such as loss of professional military education, promotion, or the selection for an advantageous career move.¹⁶ This is due to the requirement that the subject of an investigation has a nontransferrable flag imposed for the duration of the investigation. Therefore, the lack of training leads to inefficient investigations that have secondary and tertiary effects.

Next, untrained investigators lead to investigative errors. An error may be harmless or substantial when it has a material adverse effect on an individual's substantive rights.¹⁷ For example, a substantial error is to deny a respondent's right to counsel. This most commonly occurs in an investigation when the investigator fails to inform a soldier of his or her Article 31 rights prior to interviewing a witness suspected of an offense.¹⁸ When rights warnings are not given and a soldier provides an

appear to be a reluctance to hold soldiers accountable, whether that is financial liability for damaged property, administrative action, or nonjudicial punishment. This lack of logic significantly increases the work required to attain a legally sufficient investigation often involving significant back and forth between the legal advisor and investigating officer.

When findings and recommendations are unclear or unsupported, the legal advisor attempts to guide the

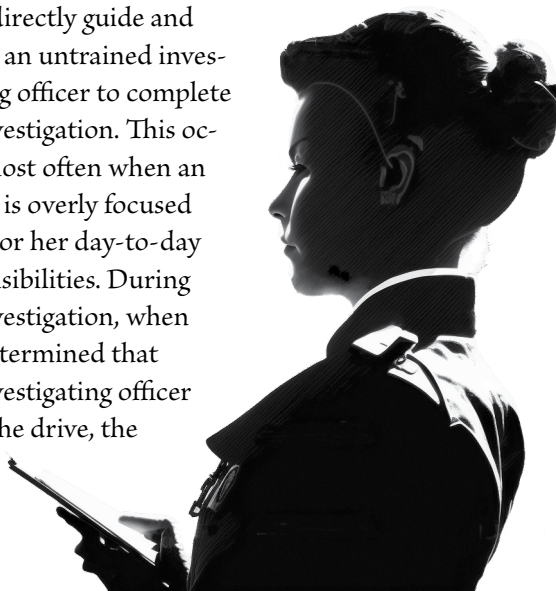
“When rights warnings are not given and a soldier provides an incriminating statement, it creates a substantial error. This significantly impacts an investigation.”

incriminating statement, it creates a substantial error. This significantly impacts an investigation. When there is a substantial error, the approval authority cannot use the affected part of the investigation as the basis for adverse action or must set aside the entire investigation and appoint a new investigating officer and refer it to that officer.¹⁹ Providing Article 31 rights should not be complicated; however, investigating officers do, at times, fail to provide the rights. More commonly, they fail to document that the rights were given on the DA Form 3881. Their lack of training makes them unfamiliar with the investigative process. Through formal training, investigating officers would understand incriminating information and the circumstances in which to read rights warnings. Trained investigators would substantially decrease the number of errors in administrative investigations.

Investigating officers' illogical findings and recommendations based on unsupported findings increase the investigative effort required. Another common problem under the current system is investigating officers' findings can be unclear, not concise, and unsupported.²⁰ Findings are supposed to be based on factual evidence; however, sometimes findings are the result of illogical inferential leaps, rather than logically based on the facts.²¹ Similarly, recommendations are not always logically based on the findings. From my perspective, when conducting legal reviews of administrative investigations, the illogical recommendations from the findings

investigating officer to build a legally sufficient investigation. Not all investigating officers accept suggestions, and the legal insufficiency is noted during the legal review. If deficiencies are not addressed, the approval authority can send the investigation back to the officer for further investigation or modify and approve the findings and recommendations consistent with the evidence.²² All of this massively increases the effort and hours invested into each administrative investigation by the investigating officer, legal advisor, legal reviewer, and the approval authority.

Finally, the legal advisor sometimes must directly guide and propel an untrained investigating officer to complete the investigation. This occurs most often when an officer is overly focused on his or her day-to-day responsibilities. During the investigation, when it is determined that the investigating officer lacks the drive, the



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legal advisor will push the investigating officer to complete the investigation. This turns into direct supervision. This is differentiated from when a judge advocate is assigned to assist with an investigation, which is prudent when there is a high-profile investigation, such as the Abbey Gate investigation.²³ Occasionally, the chain of command must become fully engaged to ensure the investigation's completion.²⁴ While this should not be required with a commissioned officer, however, at times it is. Given the already stressed schedule of an

area, the investigating officers would have historical knowledge framework for future investigations. By identifying similar issues, commanders could utilize these trends to rapidly effectuate change. Functional area investigating officers would rapidly identify micro-level issue trends well before the legal review that are informed by historical knowledge. This trend analysis would occur like that of other staff members such as the equal opportunity officer and the sexual assault response coordinator.

“Creating an investigating officer's functional area would have an additional benefit in that it could better identify and address trends occurring at brigade and higher levels.”

Army officer, the investigating officer responsibility is often the first duty to be pushed to the bottom of that list of priorities. When investigating officers avoid their responsibilities to investigate, it is usually the legal advisor who guides them to completion.

Identify Trends

Creating an investigating officer's functional area would have an additional benefit in that it could better identify and address trends occurring at brigade and higher levels. Staff officers are supposed to identify risk and provide courses of action to the commander to mitigate that risk.²⁵ Currently, investigating officers focus on one micro problem set at a time and lack situational awareness regarding past trends across a command. For example, an investigating officer may uncover an issue with lateral transfer processing. This piece of evidence may determine the financial liability for the investigation at hand but may be part of a systemic issue unit wide. Currently, identified issues are corrected through implementing recommendations one issue at a time with little historical knowledge or follow-up to ensure recommendations are implemented effectively long term. Most historical knowledge of previous findings and recommendations is institutional knowledge held by the brigade legal section, which provides historical investigative perspective through staff synchronization. By implementing a functional

Proposed Change: Creation of an Investigating Officer's Functional Area

To address the issues with the current administrative investigation process, the Army should create an investigating officer's functional area. This functional area would be assigned at the brigade and higher command levels. These officers would become part of the personal staff, directly reporting to the commander.²⁶ With the creation of this functional area, the superior rank requirement found in AR 15-6 should be modified. After examining the strengths of a separate functional area, this section examines two other alternate courses of action. First, quarterly assignments as an investigating officer and second, transitioning legal administrator warrant officers to serve as dedicated investigating officers. Both courses of action would reduce some of the issues identified previously. However, the creation of a separate functional area provides the most comprehensive solution and best serves to enhance good order and discipline.

A functional area will lead to routinely superior investigations, which support good order and discipline. The functional area officers assigned would be trained through a dedicated multiweek functional area course after which they would be solely focused on administrative investigations. This eliminates the quandary of choosing among untrained or unqualified officers. Rather, a qualified, competent, fully

trained officer will always be assigned. This will eliminate time taken from line officers' day-to-day responsibilities. Due to the training and repetition conducting investigations, investigative issues will be reduced including poorly conducted investigations and substantial errors. Through multiple investigative repetitions, recommendations logically based on findings supported by material facts will occur. Finally, because there is a dedicated, trained officer, the legal section will not have to coach an officer to complete an investigation in a timely and sufficient manner. Thus, the creation and assignment of functional area investigating officers will lead to routinely superior administrative investigations.

Under this proposal, functional area investigating officers would be added and assigned to brigade level and higher commands. As noted earlier, on average 3,750 hours are consumed by investigations within a brigade each year. This equates to two officers' full-time duties. Therefore, it is the recommendation that two additional officers be assigned at the brigade level as full-time functional area investigating officers. Like officers in other functional areas, these officers would have previously completed key developmental assignments as captains, such as company command.²⁷ Prior key development assignment completion would provide increased perspective as an investigating officer. It is recommended that at the brigade level, one captain and one major be assigned who will provide additional depth and experience. At the division level, a lieutenant colonel and at least one major and at the corps level, one colonel and at least one lieutenant colonel should be assigned. The functional area investigating officers at higher echelon will assist when there are higher volumes of investigations. Additionally, those at higher echelons should be designated as investigating officers for sexual harassment investigations, which require the investigating officer to come from outside of the brigade.²⁸ Finally, functional area officers at the brigade level will be able to utilize a technical chain like the judge advocate technical channel.

These officers will serve as part of the personal staff. The investigating officer will join the chaplain, public affairs officer, safety officer, staff judge advocate, and others as part of the commander's personal staff.²⁹ If the brigade commander is suspected of wrongdoing, then the functional area investigating officer would then come from division level. This

would not be a change from the current construct. Although assigned at the brigade level, functional area investigating officers will conduct investigations at lower levels like judge advocates assisting lower-level commands. Furthermore, in a complicated investigation, where specialized knowledge would be beneficial, the commander can maintain the ability to appoint non-functional area assistant investigating officers. This is like when safety investigations occur. For example, when there is an unmanned aerial vehicle incident, the safety investigation will include someone with that specialization.

Finally, concurrent with creating the functional area, the superior rank requirement of AR 15-6 should be modified. Currently, AR 15-6 requires that the investigating officer is senior to the subject of the investigation.³⁰ The requirement is understandable due to perception of bias where a junior officer may be unwilling to fully examine and make adverse findings regarding misconduct of senior officers that could impact their careers. However, under a separate functional area, the investigating officers would be rated by the brigade commander with an intermediate rater of the next higher echelon functional area officer in their technical chain. This would be like the rating scheme for a brigade judge advocate.³¹ When there are trained investigators, superior rank should not be determinative over prior formal functional area training. This is like Criminal Investigation Division investigators who can investigate all ranks due to their training. Therefore, AR 15-6 should be modified to remove the rank requirement when a functional area investigating officer conducts the investigation.

Anticipated Positive Consequences of a Functional Area

Multiple positive consequences will result from instituting a separate investigating officer functional area. These positive results include a focused attention leading to expedited investigation completion, fewer procedural errors, well-written investigations, brigade legal teams more focused on preventative law training, and the provision of trend analysis to commanders to address issues. Each of these results will enhance a command's ability to enforce good order and discipline. Therefore, creating a functional area for investigating officers should be pursued.

The first benefit from having dedicated, trained investigators will be the speed at which investigations are completed. Investigative repetitions will lead to efficiency. Investigating officers will have greater focus on the investigative work itself rather than on figuring out how to investigate through on-the-job training. This will enable faster turnaround of investigations, enabling a command to identify issues and make more rapid changes. This increases command efficiency and effectiveness.

Next, there will be substantially fewer errors as well as findings and recommendations that comply with the requirements of AR 15-6 prior to legal review. Trained investigators will have a greater understanding of how to avoid procedural errors that can create significant issues. For example, functional area officers will understand when to provide rights warning. Additionally, because of the repetition and training received, functional area officers' written findings and recommendations will be better written and not require multiple rewrites to comply with AR 15-6 and other regulations relevant to the specific investigation. It is more likely findings will be fully supported by the facts, and the recommendations will be consistent with the findings. Both benefits enable

more efficient investigations, rapidly identifying issues that enable an increased command efficiency and effectiveness.

The next benefit derived from creating a functional area investigating officer is that brigade legal teams can provide increased focus on preventive law and advising commanders. With a centralized system, the Army will have a resource that can give real-time information on trending concerns amongst the force. Judge advocates will invest significantly less time putting investigating officers on track to achieve legal sufficiency. However, there will be times when legal issues arise, and the attorney will need to be consulted like that for military police investigations and the criminal investigative division. When there is less interaction due to knowledgeable investigating officers, the judge advocate will have increased capacity to advise commanders at all levels and increased ability to practice preventative law. This supports increased good order and discipline throughout the command.

Continued or Potential Drawbacks and Risks of a Functional Area

Creating a separate functional area for investigating officers will not solve all issues, and there will be continued drawbacks and risks with administrative investigations. There are three primary drawbacks and risks. First, there might exist a perceived lack of independence due to membership in the commander's personal staff. Second, the allocation of resources below the brigade level may depend on the personality of the brigade commander. Next, functional area investigating officers may not have sufficient specialized knowledge for investigations into technical, specialized areas. Finally, there will be times when investigations have issues regardless of how much training the investigative team received. While these risks exist, the benefits vastly outweigh these risks, which can be mitigated.

The first drawback or risk is a perceived lack of independence of functional area investigating officers because others view these officers as controlled by the commander. This would not be a new issue, but a continued issue from the current system. The Army already combats this perceived lack of independence in sexual harassment investigations, where the Army now requires the investigating officer to come from outside of the brigade.³² Because the commander gets to determine the scope of an investigation, this perception will continue to persist. Generally, commanders are more willing to err on the side



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of caution when it comes to investigations and therefore will conduct administrative investigations more liberally than conservatively. Additionally, there will continue to be oversight of investigations by judge advocates to ensure legal sufficiency. Therefore, the risk of bias is assessed to be a low risk, although it is acknowledged as a risk.

The next risk is that brigade commanders may retain the use of functional area investigating officers and not allow subordinate commanders to utilize the resource.

would be the best investigating officer because of his or her experience. Under the proposed system, the investigating officer would likely not have an aviation background and might therefore have a lack of understanding of aviation operations. This could be a drawback in a variety of specialized areas within the Army. However, the risk can be significantly reduced through the appointment of an assistant investigating officer to provide the technical ex-

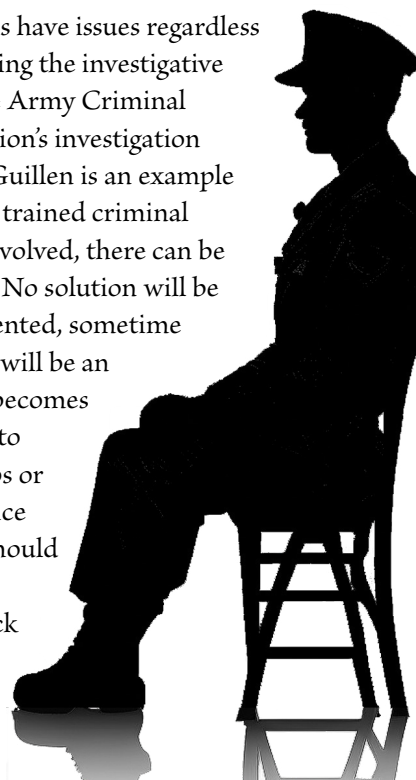
“Commanders are more willing to err on the side of caution when it comes to investigations and therefore will conduct administrative investigations more liberally than conservatively.”

This could leave battalion and company commanders with continued issues with appointing non-functional area officers, creating a decreased desire to investigate issues within their command. While this is a risk, it does not pose a significant risk. For example, in almost all units the lowest level that a judge advocate is assigned at is the brigade level. However, the judge advocates assigned at the brigade level provide legal advice to leaders throughout the brigade. The judge advocate may have more interaction with the brigade commander, but they engage at all command levels. Brigade commanders understand that addressing issues at the lowest level is generally the best course of action. Like the brigade judge advocate, a functional area investigating officer will likely have more interaction with the brigade commander than a company commander; however, the functional area investigating officer will provide his or her expertise at each command level. Additionally, a brigade commander will understand that maintaining an investigative resource at their level hinders the ability to enforce good order and discipline throughout their command. Therefore, while the retention of functional area investigating officers at the brigade level is a potential drawback, this is assessed to be a low risk.

The next drawback is a potential lack of expertise for a functional area officer when conducting investigations in a specialized field. For example, if investigating aircraft damage that occurred during a landing, under the current system, an aviator

pertise related to the investigation. The number of investigations where technical expertise is required should be minimal. Therefore, the lack of expertise in specialized fields is not assessed to be a significant risk with the creation of a functional area for investigating officers.

The final drawback is there will be times when investigations have issues regardless of how much training the investigative team received. The Army Criminal Investigation Division's investigation into Spc. Vanessa Guillen is an example of how, even when trained criminal investigators are involved, there can be significant issues.³³ No solution will be perfect. If implemented, sometime in the future there will be an investigation that becomes terrible either due to procedural missteps or overlooking evidence that in hindsight should have been obvious. While the drawback will exist in a rare number of cases, having trained, professional, investigating



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officers will provide a substantial benefit which greatly outweighs these drawbacks.

Alternate Courses of Action

While creating a separate functional area would provide the most benefits, there are two alternate courses of action that may also achieve increased results, but to a lesser degree. The first alternate course of action is to appoint investigating officers on a quarterly basis and the

The second alternate course of action is to transition some legal administrator warrant officers to be full-time investigating officers. Currently, legal administrator warrant officers serve as technical experts, legal office managers, and advisors to enable the management of operations, systems, and resources for the delivery of legal services within the Army.³⁴ Due to their area of expertise, legal administrator warrant officers currently serve at the division level and higher, with a current strength of 107

“The first alternate course of action is to appoint a small group of organic officers on a quarterly basis to serve as the investigating officers under the current system.”

second is to utilize legal administrator warrant officers to conduct investigations. While both courses of action would increase the capabilities of investigating officers, they would not provide as robust of a solution as creating a functional area devoted to investigating officers. However, the first alternate course of action could provide an interim solution during the transition to a functional area.

The first alternate course of action is to appoint a small group of organic officers on a quarterly basis to serve as the investigating officers under the current system. Four to five officers would serve as a standing group of investigating officers. The time spent as investigating officers would be their only duty, and not an additional duty. As the only duty for three months, it would still allow that officer to achieve branch-specific accomplishments in his or her primary position for evaluation purposes during the other nine months of his or her annual rating period. Additionally, an assignment as an investigating officer for three months could serve as a transition role for officers incoming or departing the brigade such as pre- or postcommand captains. Prior to assuming this duty, the investigating officer group would undergo brief formal training. Having formal training would give the investigating officers a better grasp of how to conduct administrative investigations. Formal training of this standing group would minimize investigating officer quality issues under the current system but continue to lack the comprehensiveness of functional area training. Additionally, the issue of superior rank would continue to persist.

warrant officers throughout active duty and 191 warrant officers across all Army components.³⁵ This is an insufficient number to fill the investigating officer role Army wide. Transitioning the role of administrative investigations to these warrant officers would require a dramatic increase the size of this military occupational specialty and its dispersion below the division level. Furthermore, current legal administrator warrant officers may not seek to transition into this new role from their current vital role. Like the functional area course of action, the rank requirement of AR 15-6 would need to be eliminated since this military operation specialty is composed only of warrant officers. Additionally, due to their legal administrative specialization, these warrant officers might not have the breadth of experience that captains who have completed key developmental assignments postcommand could bring to investigations. Therefore, while this could be an acceptable course of action, it may not be feasible, and it does not provide the totality of benefits that having a separate functional area would provide.

Conclusion

Issues exist in the current use of officers to conduct administrative investigations. Significant time is taken from officers' primary day-to-day responsibilities, which results in competing priorities, which in turn result in delays and poor work product in the investigation themselves. Investigating officers without formal training generally conduct substandard investigations,

leading to errors and illogical conclusions and extensive time investment by legal advisors. However, these administrative investigations are critical to maintaining good order and discipline within a command. The current system underserves commanders and the Army. These investigations should discover issues, which when corrected, enhance good order and discipline and increase operational effectiveness. Creating a functional area focused on administrative investigations will consistently enhance the performance level of these investigations.³⁶ Not only will the investigation competency significantly increase, but the pace investigations

completed will also increase. While there will be some drawbacks and risks that remain, they pale in comparison to the substantial benefits that will be gained through creating a separate functional area solely focused on conducting administrative investigations. Therefore, the Army should create a separate functional area for investigating officers to conduct administrative investigations. ■

The views of this article are the author's and do not reflect those of the U.S. government, the Department of Defense, or the Department of the Army.

Notes

1. Army Regulation (AR) 600-20, *Army Command Policy* (Washington, DC: U.S. Government Publishing Office [GPO], 2021), para. 4-4.

2. 2019 U.S. Army Commander's Legal Handbook, Misc. Pub 27-8 (Charlottesville, VA: The Judge Advocate General's Legal Center and School, June 2019), 106.

3. See, generally, AR 15-6, *Procedures for Administrative Investigations and Boards of Officers* (Washington, DC: U.S. GPO, 2016), accessed 28 November 2022, https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r15_6.pdf.

4. This statement is based on the author's experience and from his personal discussions with other judge advocates in multiple commands and components. Generally, this is in line with the Pareto Principle, which states that 80 percent of work is done by 20 percent of the people.

5. Kenneth F. McKenzie Jr., "General Kenneth F. McKenzie Jr., Commander, U.S. Central Command, Holds a Press Briefing," U.S. Central Command, 4 February 2022, accessed 28 November 2022, <https://www.centcom.mil/MEDIA/Transcripts/Article/2925583/>.

6. AR 15-6, *Procedures for Administrative Investigations*, para. 2-6a, App. C-5b.

7. Ibid., fig. 2-5.

8. These numbers were calculated by querying multiple brigade judge advocates and looking at historical data from various units.

9. The 3,750 hours per year is based on the average of seventy-five investigations times fifty hours on average per investigation.

10. AR 15-6, *Procedures for Administrative Investigations*, fig. 2-5.

11. Ibid., para. 2-3a.

12. Ibid.

13. Ibid.

14. Ibid., para. 2-3f.

15. Ibid., para. 2-3a, 2-6a.

16. AR 600-8-2, *Suspension of Favorable Personnel Actions (Flag)* (Washington, DC: U.S. GPO, 2021), para. 2-1e, 3-1; AR 15-6, *Procedures for Administrative Investigations*, para. 1-10.

17. AR 15-6, *Procedures for Administrative Investigations*, para. 3-20a, para. 3-20c.

18. 10 U.S.C. § 831 (2019).

19. AR 15-6, *Procedures for Administrative Investigations*, para. 3-20c.

20. Ibid., para. 3-10a.

21. Ibid., para. 3-11a.

22. Ibid., para. 2-8b(3)(a).

23. McKenzie, "Press Briefing."

24. AR 15-6, *Procedures for Administrative Investigations*, para. 2-5.

25. Field Manual (FM) 6-0, *Commander and Staff Organization and Operations* (Washington, DC: U.S. GPO, 2014), para. 2-2-2-18.

26. Ibid., para. 2-105.

27. William H. Waggy II, *Attracting the Right Volunteers: U.S. Army Functional Areas and the Voluntary Transfer Incentive Program* (Santa Monica, CA: RAND Corporation, 2020), 72, 74, accessed 28 November 2022, https://www.rand.org/pubs/rgs_dissertations/RGSDA841-1.html.

28. Army Directive (AD) 2021-16, *Immediate Actions to Improve the Sexual Harassment/Assault Response and Prevention Program* (Washington, DC: U.S. GPO, 2021).

29. FM 6-0, *Commander and Staff Organization and Operations*, para. 2-105-2-214.

30. AR 15-6, *Procedures for Administrative Investigations*, para. 2-3f.

31. AR 623-3, *Evaluation Reporting System* (Washington, DC: U.S. GPO, 2019), app. D-2.

32. AD 2021-16, *Immediate Actions to Improve the Sexual Harassment/Assault Response and Prevention Program*.

33. Kyle Rempfer, "Spc. Vanessa Guillen Case Could Be Army CID's 'Tailhook Scandal,'" *Army Times* (website), 17 March 2021, accessed 28 November 2022, <https://www.armytimes.com/news/your-army/2021/03/17/spc-vanessa-guillen-case-could-be-army-cids-tailhook-scandal/>.

34. "Warrant Officer Prerequisites and Duty Description," U.S. Army Recruiting Command, last updated 27 July 2022, accessed 30 March 2022, <https://recruiting.army.mil/ISO/AWOR/270A/>.

35. "Personnel, Plans & Training Office," U.S. Army Judge Advocate General, accessed 30 March 2022, <https://www.jagcnet2.army.mil/ppto#>.

36. There is no published statistic on the percentage of investigations that have issues or where those issues are specifically concentrated. However, from my perspective as a legal advisor, investigation generally can and should be performed at a higher quality.