



FORT SILL LEGAL ASSISTANCE



INVESTIGATIONS

I. INTRODUCTION

A Commanders Inquiry and a 15-6 Investigation (both formal and informal) are tools which are used to determine all of the surrounding circumstances as well as ascertain the facts which led to an incident, loss, or breakdown in a command.

II. GENERALLY

The Investigating Officer (IO) must be senior to any person whose conduct or performance of duty may be investigated, or to whom adverse findings or recommendations may be made, except when the Appointing Authority (AA) determines it is impracticable because of military exigencies.

III. INVESTIGATION REPORT

A. *Findings*- The findings should be clear and concise statements of facts readily deduced from evidence in the record. The standard of proof is a preponderance of the evidence, which means “more likely than not.” Findings should answer scope of investigation questions.

B. *Recommendations*- Recommendations must be supported by and be consistent with the findings. Recommendations should be guided by the IO’s concept of fairness both to the Government and to individuals involved. Recommendations should include steps taken to prevent such an incident from reoccurring, if applicable.

C. *Format of the Report*- A Commander’s Inquiry can be reported in any format proscribed by the appointing authority. The 15-6 Investigation, whether formal or informal, should be written using a DA Form 1574. All evidence should be included with the report as exhibits, if plausible. All significant letters and other papers relating to administrative aspects of the investigation are enclosures and not evidence.

IV. LEGAL REVIEW

A legal review is required on certain investigations including the following:

- (1) Any incident resulting in death or serious bodily injury;
- (2) Where the findings and recommendations may result in adverse administrative action, or will be relied upon in actions by higher headquarters; or
- (3) Where required by other directives or regulations.

V. LEGAL ASSISTANCE

With a Commander’s Inquiry and an Informal 15-6 Investigation, you are not entitled to legal representation and therefore we can only provide general information about the process of these types of investigations. With a Formal 15-6 investigation, you will have counsel appointed and therefore should seek advice from that attorney.

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If you have questions concerning the information in this fact sheet, please call the Legal Assistance Office (580) 442-5058 or (580) 442-5059. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Sill Legal Assistance Office is located on the 4th floor of Building 4700, Hartell Hall on Mow-Way Road.