



UTAH COMMISSION ON CRIMINAL & JUVENILE JUSTICE

Prosecutor Conduct Commission Complaint Form

English ▼

Intro

. The Prosecutor Conduct Commission (PCC) was created by the Utah Legislature in 2025 through S.B. 318 (<https://le.utah.gov/~2025/bills/static/SB0318.html>). Through a fair and impartial process, the PCC helps ensure that prosecutors maintain the highest standards of ethical and professional conduct in their service to the citizens of Utah. The PCC will elevate public confidence in ethical statewide criminal prosecution by; 1) Reviewing allegations that a prosecutor has not followed a legal obligation or professional standard while handling a criminal case, otherwise known as “professional misconduct,” (https://le.utah.gov/xcode/Title75E/Chapter8/75E-8-S101.html?v=C75E-8-S101_2026050620260701) and 2) Using the information gleaned through the review process to collaboratively work with criminal justice system partners to elevate ethical criminal prosecution practices throughout the State with victim-informed and data-driven improvements.

The PCC is an independent and publicly accessible forum composed of six members who are familiar with criminal prosecution practices and the criminal justice system. As dictated by law, these six members are volunteers appointed by various entities and officials across the State who, prior to serving, must receive the advice and consent of the Utah Senate.

The PCC is not intended to replace, substitute, or enhance other remedies available under the law. Therefore, as a rule, if you have concerns about a prosecutor’s conduct during an active criminal case, you should raise your concerns with your attorney, or, if you are unrepresented, directly with the judge presiding over the case. Further, individuals are encouraged to contact a prosecutor’s employer and follow any grievance process that employer may have before lodging a complaint with the PCC. So as not to hinder any remedy available under the law, the PCC will not review a

complaint until the criminal case is fully adjudicated and any employer-based grievance process is complete.

The PCC does not have a role in disciplining or sanctioning a prosecutor. Consequently, if the PCC finds that a prosecutor has committed professional misconduct they will report their finding, as directed by law, to entities that have a role in disciplining or sanctioning the prosecutor.

The PCC meets approximately every other month in public meetings that are conducted in a hybrid format, allowing both in-person and virtual attendance. Public comments are welcome in these meetings. Additional information regarding PCC meetings, agendas, and public notices may be found on Utah's Public Notice website (<https://www.utah.gov/pmn/>).

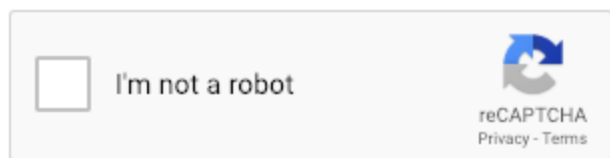
If you are contemplating submitting a complaint, it is important that you understand a few key points about the process:

1. As allowed by law, your identity in this process will be kept as confidential as possible. However, the PCC may be required to identify a complainant to the prosecutor and/or the prosecuting agency.
2. Once submitted, your complaint will be reviewed by PCC staff, and they will conduct a preliminary investigation. Your full complaint, including any included documentation, as well as the confidential staff report will be presented to the PCC for review during one of their meetings. While PCC meetings are considered public meetings, the discussions regarding the specifics of complaints occur during portions of the meeting that are closed to the public. If after reviewing your complaint and the staff report the PCC wants additional information, they will instigate further fact finding.
3. Once the PCC feels it has sufficient information, it will issue a decision about the complaint. Staff will prepare written documentation regarding the decision of the PCC. The law dictates who can receive information regarding the decision of the PCC regarding a specific complaint. Only in very limited circumstances may the PCC notify a complainant of its decision.
4. On an annual basis the PCC reports to the Utah State Senate regarding the number of complaints received and the general outcome of those complaints. This is a publicly accessible report and may be accessed on the PCC's website.

This online form will gather necessary information for the PCC to be able to investigate your complaint. Please answer all questions and requests truthfully. The final two questions will allow you to add any additional information you would like to provide and will allow you to upload any supporting documentation.

Depending on the amount of information you are submitting, it is anticipated that completing this form should take between approximately ten minutes and one hour. Once you begin your complaint, you will have 72 hours to complete it before your responses will be deleted and you will have to begin again.

The PCC hopes you will feel heard throughout this process and that this process will help elevate criminal prosecution throughout the State. If you have any questions about the PCC or this form, please reach out to the director of the PCC, Bud Powell, at budpowell@utah.gov.



Complainant Contact Information

. Please provide the PCC with the following personal information.

Inaccurate or incomplete information may result in your complaint not being accepted for review.

Full Legal Name

Address, City, State, Zip
Code

Telephone Number

Email Address

Information Regarding Complaint

. Here you will provide the PCC with the basic information regarding your complaint. This information will aid PCC staff in conducting a preliminary investigation.

Inaccurate or incomplete information may result in your complaint not being accepted for review.

Name of prosecutor you
believe to have
committed professional
misconduct:

Name of the agency
that employs the
prosecutor:

Name of court where
criminal case was
filed:

Name of Judge who
handled the criminal
case:

Court case number:

Name of defendant:

. In order for a prosecutor to have committed professional misconduct his/her actions or inactions must have 1) been committed during the prosecution of a crime classified as a felony, or Class A, B, or C misdemeanor in the State of Utah, 2) must have violated a clear and unambiguous legal obligation or professional standard, AND 3) must have impacted or reasonably could have impacted, the substantive or procedural due process rights of an individual. (See Utah Code 63M-7-1101(7))

In the next few questions you will be provided with an opportunity to state WHOSE substantive or due process rights were or could have been violated, which RIGHT was or could have been violated, AND which LEGAL OBLIGATION or PROFESSIONAL STANDARD was violated.

Please provide the
name of the person
whose due process
rights you believe were
or could have been
impacted by the
alleged professional
misconduct

. As stated previously, in order for \$ {q://QID5/ChoiceTextEntryValue/1} to have committed professional misconduct his/her actions or inactions must have impacted or reasonably could have impacted the substantive or due process rights of \$ {q://QID18/ChoiceGroup/AllChoicesTextEntry}. (See Utah Code 63M-7-1101(7))

In a simple and concise general statement, please state the substantive or procedural due process right that was or reasonably could have been impacted. For example, you could state "Right to a speedy trial." Please do not go into the detailed facts that

support your claim in your answer to this question. You will be given an opportunity to provide a detailed statement of facts that support your claim in another question.

Substantive or
procedural due process
right that was or
reasonably could have
been impacted

. Please provide a detailed statement of the facts that support your claim that \$ {q://QID5/ChoiceTextEntryValue/1} impacted or reasonably could have impacted \$ {q://QID18/ChoiceGroup/AllChoicesTextEntry}'s right of \$ {q://QID10/ChoiceGroup/AllChoicesTextEntry}.

. As stated previously, in order for \$ {q://QID5/ChoiceTextEntryValue/1} to have committed professional misconduct his/her actions or inactions must have violated a clear and unambiguous legal obligation or professional standard. (See Utah Code 63M-7-1101(7))

"Legal obligation" is not defined in law pertaining to the PCC.

"Professional standard" is defined as a standard of conduct imposed by the Utah Rules of Professional Conduct (see Utah Code 63M-7-1101(8)). The Utah Rules of Professional Conduct are maintained by the Utah Supreme Court and can be found at the following website: https://legacy.utcourts.gov/rules/ucja.php#Chapter_13

In a simple and concise general statement, please state the legal obligation or professional standard that you believe \$ {q://QID5/ChoiceTextEntryValue/1} violated. For example, you could state "Rule 3.6 of the Utah Rules of Professional Conduct." Please do not go into the detailed facts that support your claim in your answer to this

question. You will be given an opportunity to provide a detailed statement of facts that support your claim in another question.

Please state the legal obligation or professional standard that you believe was violated

. Please provide a detailed statement of the facts that support your claim that \$ {q://QID5/ChoiceTextEntryValue/1} violated the legal obligation or professional standard of \$ {q://QID17/ChoiceGroup/AllChoicesTextEntry}.

Conclusion

. Almost done. In this and the following question you will be provided with an opportunity to provide any additional information that you think would be important for the PCC to consider in its investigation of your claims. Then you will acknowledge your understanding of the law and certify your complaint.

Please provide any additional information, comments, or other information you do not feel you have been able to provide in the prior fields.

. Please attach any documentation that you want the PCC to review:

. Utah Code 63M-7-1101(8): "Professional misconduct" means conduct committed in the course of a prosecution of a felony, class A, B, or C misdemeanor offense that:

- a) purposefully, knowingly, or recklessly violated a clear and unambiguous legal obligation or professional standard for a prosecuting attorney; and
- b) impacted, or reasonably could have impacted, the substantive or procedural due process rights of an individual.

Utah Code 63M-7-1105(6): This commission may not discipline or sanction a prosecuting attorney for any professional misconduct.

Utah Code 63M-7-1104(6)(b): The PCC shall provide the prosecuting attorney with all the information necessary to prepare an adequate response or defense, including the identity of the complainant.

By clicking the radio buttons next to the following statements you are acknowledging your understanding of them. You must acknowledge all of the statements in order to submit this complaint.

If you have any questions or concerns about any of the statements, or if you disagree with them, you may contact the director of the PCC, Bud Powell, at budpowell@utah.gov.

☐ I have read the statutory definition of professional misconduct and believe that the information provided by me herein meets all elements of that definition.

☐ I understand that if the PCC chooses to investigate my complaint that by law my identity may be provided to the prosecutor and/or prosecuting agency. (See Utah Code 63M-7-1104(6)(b))

☐ I understand that the law prohibits this Commission from disciplining or sanctioning a prosecutor. (See Utah Code 63M-7-1105(6))

. I, \$ {q://QID4/ChoiceTextEntryValue/1}, hereby certify that, to the best of my knowledge, all of the information provided herein is complete and correct and I give the PCC permission to contact me.

All PCC complaints must be certified by the complainant. Please certify your complaint by typing your name in this field.

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