

Utah Prosecutor Conduct Commission – Complaint Resolution Process

Initial Screening	Preliminary Investigation	Initial PCC Review	Full Investigation	Formal PCC Review; Formal Proceedings
Complaint received. Acknowledgement of complaint sent to complainant by staff. Staff reviews complaint to determine if it is within the scope of the PCC. Staff may reach out to complainant to discuss complaint and/or request additional information. Outside scope of PCC: Staff prepares draft closure correspondence. Complaint placed on next available PCC agenda for review of decision. Within scope of PCC: Staff conducts a preliminary investigation.	Staff conducts a preliminary investigation. Staff prepares preliminary report. Complaint placed on next available PCC agenda. Preliminary report and complaint as well as any information provided or considered provided to PCC with agenda. Further Preliminary Investigation Following Initial PCC Review: Staff conducts additional investigation as directed by PCC. Once complete, staff prepares addendum to original investigative report and complaint is placed back on the next available PCC agenda.	Outside scope of PCC: PCC meets, reviews, and discusses complaint and closure correspondence. PCC votes to: 1) approve dismissal, or 2) directs staff to conduct preliminary investigation. If dismissal is approved, closure correspondence is sent to complainant, prosecutor, and prosecutor's employer. Within scope of PCC: PCC meets, reviews, and discusses complaint and preliminary investigation. PCC votes whether to 1) dismiss complaint, 2) have staff conduct further preliminary investigation, 3) have staff conduct a full investigation, or 4) to continue discussion at next meeting. Dismissed: Staff prepares and sends closure correspondence to complainant, prosecutor, and prosecutor's employer. Further Preliminary Investigation: Complaint moves back to Preliminary Investigation phase, and staff conducts further investigation as directed by PCC. Full Investigation: Staff initiates full investigation.	Staff prepares letter for prosecutor and provides a copy of the complaint and supporting documentation. Correspondence sent by certified mail. Staff conducts any additional investigation as directed by PCC. Prosecutor given time to provide a written response to the complaint. Correspondence sent to complainant allowing complainant to request confidential hearing. Prosecutor or complainant may request a confidential hearing. Prosecutor's response and any request for a confidential hearing provided to PCC at 2nd PCC Review.	No Hearing Requested: PCC meets, reviews, and discusses prosecutor's response, if any. PCC votes whether to 1) make a finding of prosecutorial misconduct, 2) dismiss complaint. Hearing Requested: If requested by complainant, prosecutor, or PCC a confidential hearing is scheduled. PCC votes whether to 1) make a finding of prosecutorial misconduct, 2) dismiss complaint. Misconduct Found: Staff prepares correspondence to prosecutor and prosecutor's employer outlining decision of PCC. PCC reviews and approves correspondence. Dismissed: Staff prepares and sends closure correspondence to complainant, prosecutor, and prosecutor's employer.