

## **Professional Responsibility Review Policy**

The purpose of the Professional Responsibility Review Policy is to ensure that the Dallas County Criminal District Attorney's Office (DCCDAO) employees act with the highest ethical and professional standards and to comply with all applicable laws and rules of professional responsibility. Prosecutors are bound by a defined set of rules and standards that do not apply to other attorneys. Specifically, Texas Code of Criminal Procedure article 2.01 mandates: "It shall be the primary duty of all prosecuting attorneys...not to convict, but to see that justice is done." Additionally, Rule 3.09 ("Special Responsibilities of a Prosecutor") of the Texas Disciplinary Rules of Professional Conduct sets out particular requirements for action and prohibited actions specific to prosecutors.

DCCDAO employees are expected to adhere to all ethical and legal standards applicable to them. Occasionally, allegations of professional misconduct may arise. When complaints are presented to the DCCDAO related to an Assistant District Attorney's (ADA) professional conduct, the DCCDAO will conduct an internal review of the complaint(s). In all such reviews, the DCCDAO shall begin with the presumption that the ADA has acted responsibly, as expected, and within all applicable and appropriate standards of professional conduct.

Any complaint alleging professional misconduct shall be in writing on the applicable DCCDAO's complaint form, signed, sworn (if applicable), and submitted with supporting documentation to the DCCDAO care of (c/o) the Executive Assistant of the Dallas County Criminal District Attorney (DCCDA). For a complaint to be considered under this policy, it must be submitted by an attorney duly licensed by the State Bar of Texas or a judicial officer of the State of Texas.

## **The Professional Responsibility Review Committee (PRRC)**

The Professional Responsibility Review Committee (PRRC) is responsible for reviewing, inquiring, and issuing recommendations on submitted complaints to the DCCDA, First Assistant, and the Felony Trial Bureau Chief.

The Committee will be comprised of the Chief of the Administrative Division, the Chief of the Conviction Integrity Unit, and the Chief of the Appellate Division. In the event a PRRC committee member is the subject of the inquiry, or the person(s) subject to the inquiry works under the supervision and/or chain-of-command of one of the above, another administrative chief will be appointed by the DCCDA to respond to the complaint in place of that PRRC committee member.

The PRRC will only review complaints of alleged misconduct that occurred after January 1, 2019. The PRRC will consider alleged conduct that occurred prior to January 1, 2019, only if it affects current litigation and/or tends to show motive, intent, knowledge, or lack of mistake.

In conducting its inquiry, the PRRC may consult with individuals who may have knowledge of the raised complaints. The PRRC shall also afford the individual(s) subject of the inquiry the opportunity to respond in writing. Upon completion of the inquiry, the PRRC will submit its non-binding, confidential recommendation to the DCCDA, First Assistant, and the Felony Trial Bureau Chief. The person submitting the complaint and the ADA subject of the inquiry will be notified of the DCCDA's final decision/findings.

The PRRC's investigation can result in a finding(s) of intentional professional misconduct, reckless professional misconduct, poor judgment, excusable mistake, or can conclude that an attorney acted appropriately under the circumstances.

Mistakes and errors in judgment, made in good-faith, should not be confused with willful acts or omissions that violate the Texas Code of Criminal Procedure, Texas Disciplinary Rules of Professional Conduct, or any policy of the DCCDAO. Unprofessional conduct arising from a mistake or an error in judgment, made in good-faith, may be an opportunity for training and employee development, rather than the basis for disciplinary action. This determination will be made by the DCCDA, depending on the severity of the mistake and/or the degree of the error in judgment.

As is the case with any violations of DCCDAO policy, sanctions for sustained complaints against DCCDAO personnel, depending on the seriousness and nature of the complaint(s), can result in admonishments, further training, suspension, and/or termination of employment as decided by the DCCDA. Additionally, the PRRC's findings may ultimately result in referral to the State Bar of Texas for an investigation into the allegations of professional misconduct.

Further, the PRRC process is distinct, separate and independent of any other process or procedure currently used by other agencies. The PRRC findings are in no way to be construed as legal or factual conclusions or admissions, and/or a substitute to a formal disciplinary proceeding by the State Bar of Texas. Additionally, the specifics of the complaints, screening, inquiry, and findings/reports are, and shall remain, confidential to the fullest extent of the law.

Approved by:



John C. Cruzot  
Criminal District Attorney  
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Date