



**IOWA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION**

**THREE YEAR PROGRAM REPORTS
FISCAL YEARS 2011, 2012, 2013
JULY 1, 2010 THROUGH JUNE 30, 2013**

**IOWA ATTORNEY GENERAL
THOMAS MILLER**

**DEPUTY ATTORNEY GENERAL
THOMAS H. MILLER**

**DIVISION DIRECTOR
JANELLE MELOHN**

DECEMBER 2014

Message from the Division Director	3
Crime Victim Assistance Board	4
Crime Victim Assistance Division Table of Organization	5
Programs within the Crime Victim Assistance Division	6
Crime Victim Compensation Program (CVC)	9
Sexual Abuse Examination Program (SAE)	15
Victim Services Support Program (VSS)	17
IowaVINE Program (Victim Information and Notification Everyday)	40
Iowa Crisis Response Team	42
Identity Theft Passport Program	44
Iowa Protective Order for Domestic Abuse Program (IPONDA)	48
Registrant Watch.....	50
Addendum	
CVAD Authorizing Iowa Code Statutes	51
CVAD Authorizing Iowa Administrative Rules	62

MISSION STATEMENT

The Mission of the Crime Victim Assistance Division and the Crime Victim Assistance Board is to advocate for the rights and needs of crime victims to ensure that all victims and survivors of crime are treated with respect and dignity. [Adopted January 28, 2000]

MESSAGE FROM THE DIRECTOR

We are pleased to present this report of our work and accomplishments on behalf of crime victims and survivors. The eight programs of the CVAD served over 225,000 Iowa crime victims over SFY11, SFY12 & SFY13. This report statistically outlines the services being provided in each of these individual programs.

CVAD Staff and funded victim service providers work day in and day out to provide essential, victim-centered services to those who have been harmed by violent crime. This report aims to capture the work being performed around the State of Iowa with CVAD funds. Significant accomplishments have occurred during this reporting period, including the initial planning phases of a restructuring of domestic violence, sexual assault, shelter-based and homicide survivor programming and services; enhancements in automated victim notification and continued strides in restitution collection.

This time period also saw the retirement of the founding Director of CVAD, Marti Anderson. Replacing experience and leadership of this magnitude is no easy feat, but it is my goal to continue to keep CVAD and Iowa victim services at the forefront of state and federal best practices in service provision. CVAD will continue to engage crime victims and survivors, providers and other interested parties; ensuring open lines of communication while we carry on a legacy of a high quality, cutting edge, victim services model in Iowa. AG Tom Miller and CVAD will continue to make every effort possible to ensure the rights of crime victims are honored; they receive support, information and every available resource while they work to rebuild from the harms committed against them.

Best regards,
Janelle M. Melohn

CRIME VICTIM ASSISTANCE BOARD

The Attorney General's Crime Victim Assistance Board was established in Iowa Code section 915.82 in 1989. The Attorney General appoints Board members to three-year terms of service. The Attorney General appoints a member to serve as Board Chair at the beginning of each state fiscal year. The Board is a governing Board for the programs of the Crime Victim Assistance Division; it gives guidance to the Division Director and adopts Administrative Rules that govern the programs of the Division. The Board also conducts a hearing and renders a decision on any appeal of a Division decision.

Administrative Rules require that the Board meet a minimum of once in each quarter in the state's fiscal year. Iowa Code section 915.80 requires that Board members include two crime victim survivors, one victim service provider, a licensed social worker or psychologist, two law enforcement officers, a prosecutor, a defense attorney, a medical provider, and an older Iowan. The list of board members below includes the constituency they represent, their County of residence, and the year that their current term ends.

CRIME VICTIM ASSISTANCE BOARD MEMBERS FY13

Mark C. Smith, State Public Defender's Office, Des Moines (2015)

Linda Railsback, Doctor, Des Moines (2016)

Mary Roche, Iowa Department of Corrections, Waterloo (2016)

Patrick Jackson, Chair, Des Moines County Attorney, Burlington (2015)

Larry Wohlgemuth, Represents Older Iowans, (2015)

Paul Fitzgerald, Story County Sheriff, Nevada (2015)

Patty Beaird, Represents Crime Victims, Keokuk (2016)

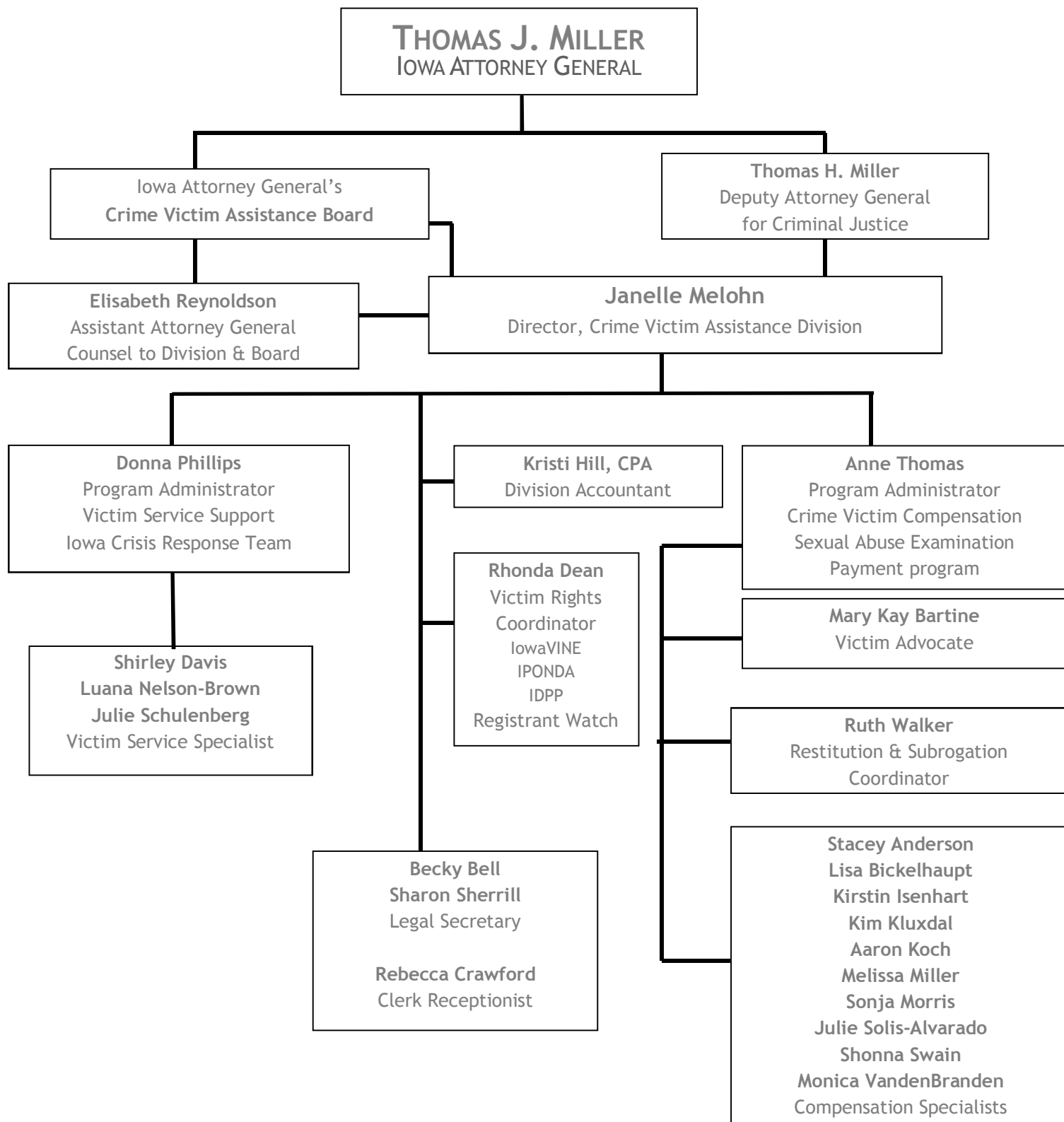
Mary Ingham, Crisis Intervention Service, Mason City (2016)

Sandra McGee, LMSW, PhD, University of Iowa School of SW, Des Moines (2016)

John Sturdy, Represents Crime Victims, Fontanelle (2015)

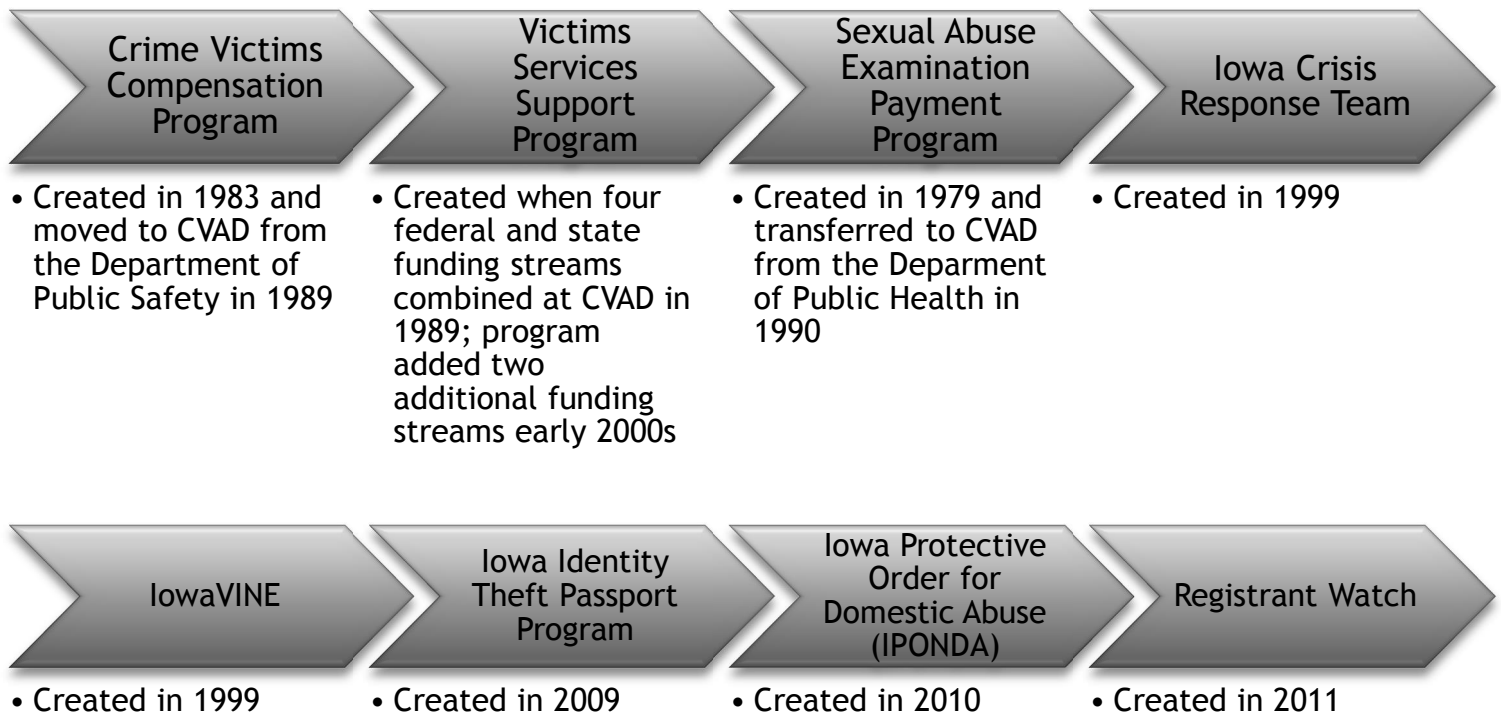
** Board member terms end in July of the noted year.*

TABLE OF ORGANIZATION FY13



PROGRAMS WITHIN THE CRIME VICTIMS ASSISTANCE DIVISION (CVAD)

The Crime Victim Assistance Division (CVAD) was created by the Iowa General Assembly and founded by Attorney General Tom Miller in July 1989. In 1989, the Division administered two programs with six staff. Today, CVAD administers eight programs with 24 staff.



PROGRAMS AT A GLANCE

Crime Victim Compensation Program (CVC)

	FY11	FY12	FY13
Compensation Paid for Crime Victims	\$5,795,332	\$4,738,832	\$5,235,347
Crime Victim Applications Received	2,964	2,853	2,543
Restitution & Subrogation Recovered	\$849,828	\$937,092	\$993,527

Victim Services Support Program (VSS) administers six fund streams for community based and system based victim services:

- State Domestic Abuse (DA) funds
- Federal Victims of Crime Act (VOCA) funds, Office for Victims of Crime, Office for Justice Programs, US Department of Justice
- Federal Family Violence Prevention & Services Act (FVPSA) funds, US Department of Health and Human Services
- State Sexual Abuse (SA) funds
- Federal Violence Against Women (VAWA) funds, Office on Violence Against Women, US Department of Justice
- Federal Sexual Abuse Services Program (SASP) funds, Office on Violence Against Women, US Department of Justice

Victim Services Support Program

AMOUNT AWARDED TO PROGRAMS*	FY11	FY12	FY13
State Domestic Abuse Fund	\$2,037,650	\$2,177,778	\$2,506,957
State Sexual Abuse Fund	\$1,117,055	\$1,198,622	\$1,379,798
Federal Family Violence Prev. & Services (FV) Funds	\$1,155,673	\$1,132,987	\$1,116,081
Federal Sexual Abuse Services Program (SF) Funds	\$174,363	\$168,321	\$257,510
Federal STOP Violence Against Women (VW) Funds	\$1,676,656	\$1,556,430	\$1,548,546
Federal Victims of Crime Act Ass. (VA) Funds	\$4,078,233	\$4,209,022	\$3,747,311
<i>Federal ARRA (Stimulus) Fund VOCA</i>	\$24,540	\$5,491	N/A
<i>Federal ARRA (Stimulus) Fund VAWA</i>	\$535,599	\$37,143	N/A
Total State and Federal Funds	\$10,799,769	\$10,485,794	\$10,556,203

**The VSS amounts listed above may include reversionary federal funds from the previous year. The amounts listed are not only victim services programs but law enforcement, prosecution, statewide and other programs.*

Sexual Abuse Examination Payment Program

	FY11	FY12	FY13
Amount Paid for Examinations	\$1,420,560	\$1,539,832	\$1,445,718
Number of Victims Examined	2,208	2,324	2,155

Iowa Crisis Response Team (ICRT)

Upon invitation from a community in crisis, the Iowa Attorney General's Crime Victim Assistance Division (CVAD) will activate a team composed of Iowa Crisis Response Team (ICRT) members. The ICRT is specifically prepared to serve communities in the wake of a disaster or crime. The ICRT service will be coordinated with other primary responders, such as the Red Cross, Iowa Emergency Management Division, and local caregivers.

IowaVINE (Victim Information and Notification Everyday)

	FY11	FY12	FY13
New Registrations	32,165	39,592	44,279
Total Searches	143,121	248,634	438,320

Iowa Identity Theft Passport Program (IDPP)

	FY11	FY12	FY13
Passport Applications	28	29	31
Passports Issued	10	12	10

Iowa Protective Order for Domestic Abuse (IPONDA)

	FY11	FY12	FY13
Telephone Notifications	38	92	223
E-Mails Delivered	56	63	121
Total Notifications	94	155	344

Registrant Watch

Allows members of the public a means to protect themselves from individuals who have committed an offense that requires registration on the Sex Offender Registry.

CRIME VICTIM COMPENSATION

The Crime Victim Compensation Program (CVC) pays certain out-of-pocket expenses for victims physically or emotionally injured by crime. All funds for the program come from the Compensation Fund, which consists of fines and penalties paid by convicted criminals. The program does not compensate for damaged or stolen property. Eligible crime victims can be reimbursed for expenses they pay and payments can be made directly to a service provider on behalf of the crime victim for crime-related expenses.

PROGRAM ACTIVITY

	FY11	FY12	FY13
Applications received	2,964	2,853	2,545
Applications approved	2,664	2,556	2,302
Applications denied	293	252	198
Amount of compensation paid for crime victims	\$5,795,332	\$4,738,832	\$5,235,346
Supplemental payments made	4,393	5,136	4,922
Victims served by advocate	791	879	889
Restitution & subrogation payments received	6,238	6,204	6,406
Amount of offender restitution and subrogation recovered	\$849,828	\$937,092	\$993,527

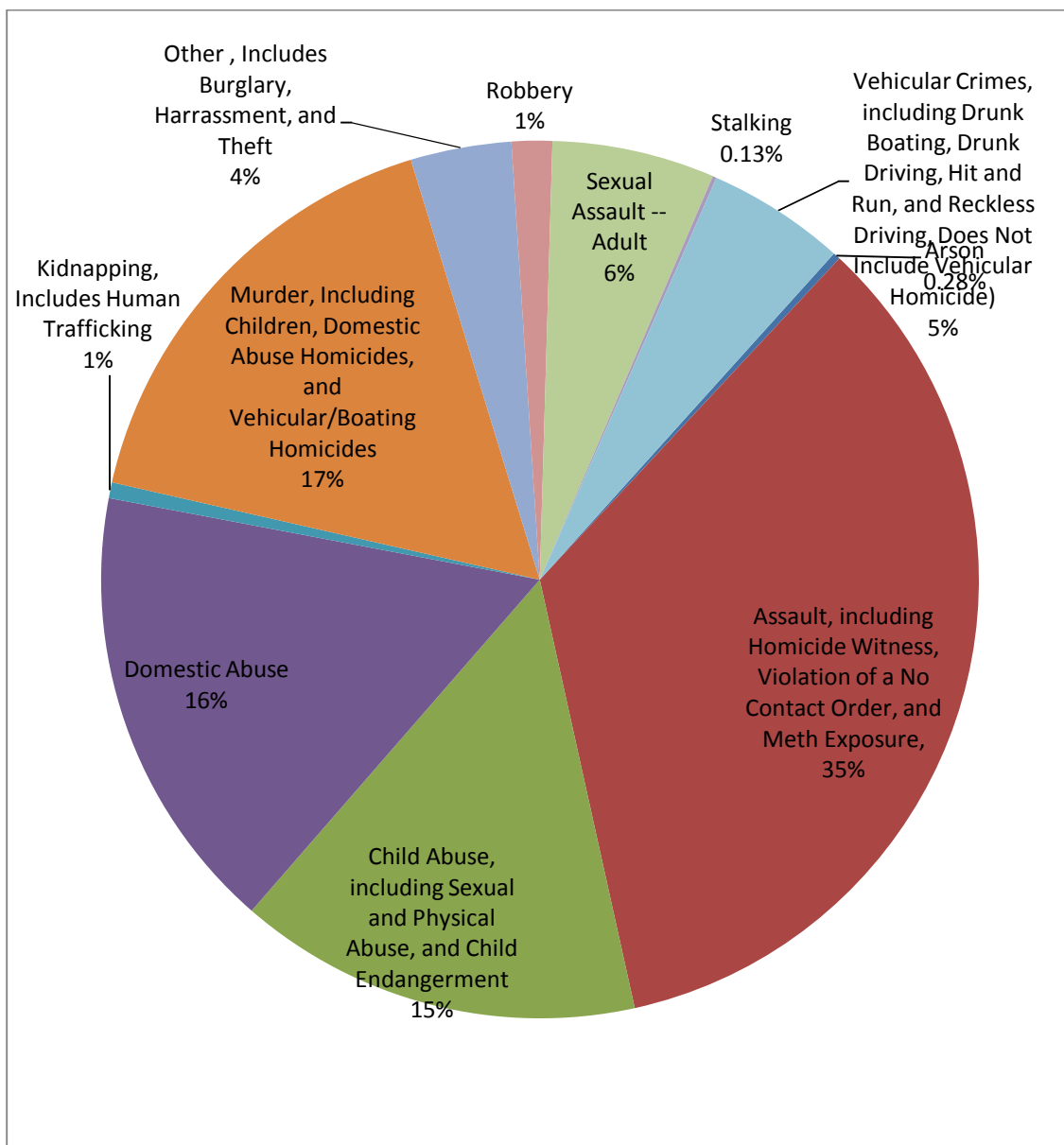
BENEFITS

Crime Victim Compensation eligibility requirements and benefits are established in Iowa Code Chapter 915. Actual out-of-pocket expenses of the victim can be paid up to the following amounts:

- \$25,000 Medical expenses for the victim
- \$5,000 Mental Health care for a victim, by a qualified professional
- \$6,000 Lost wages for work missed due to injury from crime
- \$1,000 Lost wages for work missed due to criminal justice proceedings
- \$1,000 Lost wages while taking a minor or dependent crime victim to receive medical or mental health care
- \$4,000 Loss of support for the dependent of a deceased or disabled victim
- \$1,000 Clean-up expenses of a residential crime scene
- \$500 Security items replacement for victim residence or residential crime
- \$200 Replacement of clothing or bedding held as evidence by law enforcement
- \$1,000 Dependent care during court or medical and mental health appointments
- \$2,000 Mental Health care for a victim's family member or household member

- \$5,000 Mental Health care for survivors of a homicide victim
- \$3,000 Medical expenses for certain survivors of a homicide victim
- \$1,000 Dependent Care while a victim's parent or caretaker transports the victim to medical care, mental health care and criminal proceedings
- \$7,500 Funeral and Burial expenses for a homicide victim
- \$1,000 Transportation to medical care, mental health care, and court proceedings, and to the funeral of a homicide victim

APPROVED APPLICATIONS BY CRIME TYPE, FY11, FY12 AND FY13 COMBINED



COMPENSATION PAYMENTS BY CRIME TYPE, FY11 - FY13

CRIME TYPE	FY11	FY12	FY13
Arson	\$37	\$1,699	\$3,099
Assault	\$3,139,793	\$2,244,704	\$2,604,451
Attempted Murder	\$248,050	\$140,255	\$103,549
Burglary	\$52,543	\$28,629	\$44,857
Child Abuse	\$36,977	\$15,659	\$13,181
Child Abuse Murder	\$34,509	\$52,625	\$11,295
Child Endangerment	\$0	\$2,440	\$6,606
Child Pornography	\$59	\$6,479	\$1,240
Domestic Abuse	\$339,895	\$458,562	\$590,382
Domestic Abuse Resulting in Murder	\$119,079	\$51,641	\$59,773
Drunk Boating	\$0	\$0	\$25,305
Drunk Driving	\$463,026	\$328,280	\$246,080
Harassment	\$5,397	\$2,195	\$6,270
Hit and Run	\$160,618	\$166,693	\$250,517
Hit and Run Homicide	\$9,373	\$41,515	\$62,093
Homicide Witness	\$11,860	\$6,197	\$9,727
Human Trafficking	\$0	\$0	\$10
Juvenile Sexual Assault by Family Member	\$79,693	\$76,571	\$59,991
Juvenile Sexual Abuse by Non-Family Member	\$53,618	\$91,714	\$66,910
Kidnapping	\$1,655	\$10,876	\$29,987
Methamphetamine Exposure	\$0	\$0	\$382
Murder	\$490,050	\$609,513	\$566,844
Property Damage	\$0	\$0	\$236
Reckless Driving	\$86,193	\$30,910	\$1,474
Robbery	\$54,394	\$54,134	\$58,420
Sexual Assault	\$146,203	\$116,065	\$98,504
Stalking	\$1,331	\$0	\$2,161
Suicide	\$2,055	\$522	\$583
Vehicle Accident	\$18,355	\$39,652	\$5,539
Vehicle as a Weapon	\$30,091	\$4,992	\$16,877
Vehicular Homicide	\$210,363	\$155,489	\$252,325
Vehicular Homicide Boating	\$0	\$0	\$34,263
Violation of a No-Contact Order	\$0	\$789	\$637
Other	\$115	\$130	\$1,778
Total:	\$5,795,332	\$4,738,930	\$5,235,346

COMPENSATION PAYMENTS BY BENEFIT TYPE, FY11 - FY13

BENEFIT TYPE	FY11	FY12	FY13
Clothing and Bedding Replacement	\$20,922	\$7,136	\$17,724
Counseling	\$12,214	\$5,361	\$9,297
Dental	\$110,769	\$128,730	\$115,303
Doctor	\$605,923	\$453,865	\$508,698
Drugs	\$19,183	\$19,530	\$22,802
Equipment	\$27,837	\$27,169	\$19,528
Eyewear	\$1,719	\$4,877	\$3,129
Funeral and Burial	\$477,192	\$422,833	\$471,878
Home Care	\$8,972	\$2,382	\$79,156
Homicide Survivor Counseling	\$28,928	\$29,418	\$53,535
Hospital	\$2,989,175	\$2,040,375	\$2,485,228
Loss of Support for Dependents	\$161,803	\$164,382	\$144,000
Medical and Dental Transportation	\$215	\$1,099	\$507
Medical Care for Homicide Survivors	\$1,100	\$1,054	\$289
Medical Supplies	\$1,924	\$5,539	\$3,589
Mental Health Transportation	\$0	\$196	\$0
Other	\$45,042	\$10,867	\$1,671
Other - Security	\$5,447	\$3,306	\$8,979
Other - Transportation	\$71,523	\$65,100	\$837
Parents - Lost Wages to Assist Dependent Victim	\$844	\$0	\$0
Parents - Medical or Counseling (Victim Cope)	\$1,318	\$0	\$0
Physical Therapy	\$39,836	\$32,639	\$37,826
Primary - Attendance at Criminal Proceedings	\$5,705	\$4,137	\$4,747
Primary - Crime-Related Injuries	\$509,709	\$516,396	\$459,438
Prosthetics	\$0	\$73	\$3,450
Radiology or Lab	\$99,906	\$82,994	\$79,226
Residential Crime-Scene Cleanup	\$4,586	\$822	\$6,969
Secondary - Attendance at Criminal Proceedings	\$6,820	\$10,476	\$4,103
Secondary - Medical or Counseling Appointments	\$17,034	\$20,202	\$17,305
Secondary Homicide - Attendance at Criminal Proceedings	\$9,780	\$11,468	\$15,174
Secondary Homicide - Crime-Related Injuries	\$88,665	\$106,688	\$135,140
Secondary Victim Counseling	\$31,895	\$21,909	\$28,240
Transportation	\$160,990	\$140,878	\$132,546
Victim Counseling	\$206,184	\$233,947	\$214,091
Total:	\$5,773,160	\$4,575,848	\$5,048,405

As of July 1, 2012 the Crime Victim Compensation Program ceased reimbursement to victim service programs through individual victims' compensation claims, for individual or group counseling services when there is no out-of-pocket cost to the victim. Under Iowa Law, the Crime Victim Compensation Program can only reimburse a provider for "out of pocket" expenses incurred by the victim.

APPLYING FOR CRIME VICTIM COMPENSATION BENEFITS

Mail applications to:

Crime Victim Assistance Division
321 East 12th Street
Des Moines, Iowa 50319

Fax applications to 515-281-8199

Apply by telephone by calling 515-281-5044 from Des Moines or toll-free at 800-373-5044

Apply online by visiting http://www.iowa.gov/government/ag/helping_victims/services/

More information is available at
http://www.iowa.gov/government/ag/helping_victims/services/

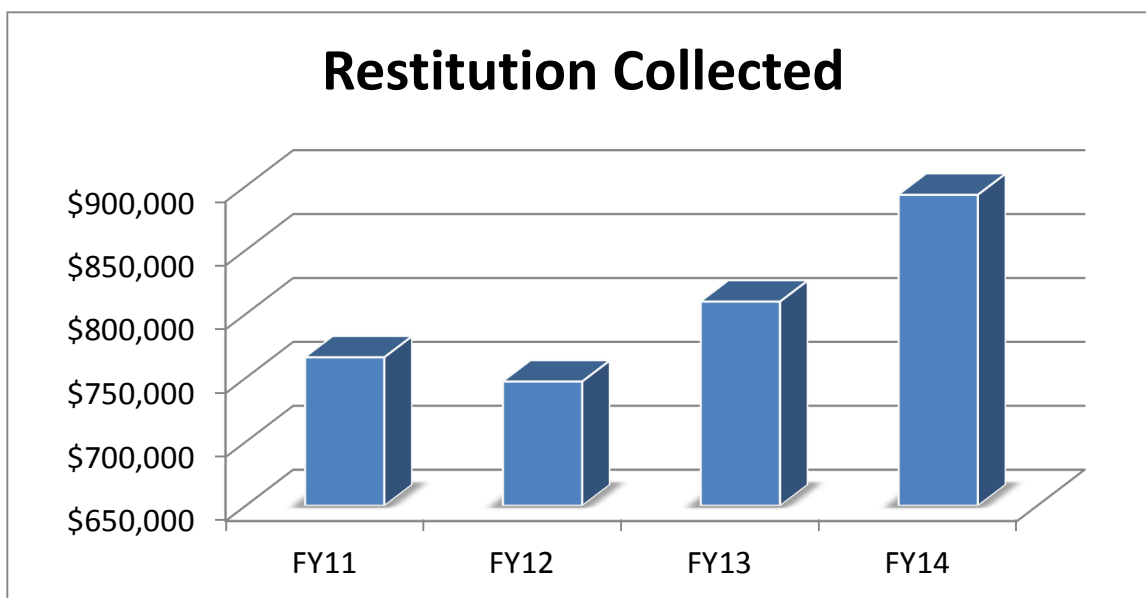
RESTITUTION

Iowa Code provides that restitution shall be order for payments issued by the Crime Victim Compensation Program to the extent that the offender is reasonably able to pay. The program's Restitution Coordinator will complete the following activities to collect restitution on behalf of the program:

- Review all approved compensation applications to determine if an offender has been identified, and if so:
 - If the criminal case is still pending, the Restitution Coordinator will send a statement of pecuniary damages to the prosecuting attorney; or
 - If the defendant has already been convicted of the crime, but is awaiting sentencing the restitution coordinator will send a statement of pecuniary damages and submit it to the prosecuting attorney; or
 - If the defendant has been sentenced the Restitution Coordinator shall send a statement of pecuniary damages, motion to amend, and restitution order to the prosecuting attorney.

- Monitor each offender's restitution plan and payment history.
- Initiate collection actions, including but not limited to formal payment agreements, income tax offsets, wage garnishments, and wage assignments if the offender does not comply with the established plan of payment.

	FY11	FY12	FY13
Restitution & subrogation recovered	\$849,828	\$937,092	\$993,527
Restitution & subrogation payments received	6,238	6,204	6,406



IOWA SEXUAL ABUSE EXAMINATION PAYMENT PROGRAM

The Iowa Sexual Abuse Examination Payment Program (SAE) was established in 1979 to pay the cost of a forensic examination of the victim for sexual abuse crimes that occur in Iowa. All funds for the program come from the Compensation Fund, which consists entirely of fines and penalties paid by convicted criminals.

Iowa Code section 915.41 states:

The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94 [*Victim Compensation Fund*].

The purpose of a victim's forensic medical examination after sexual abuse is to collect evidence and ensure the victim's well being. In Iowa, any person who states they were the victim of a sexual assault can receive the exam whether or not they choose to report the crime. Victims may seek forensic and medical treatment immediately and take additional time to consider whether or not to report to law enforcement and participate in the criminal justice system. Iowa's policy allowing victims to have a forensic medical exam without a report ensures timely collection of critical evidence that prosecutors and law enforcement will need if the victim decides to make a criminal report later.

The SAE Program pays the cost of the examination regardless of whether or not the victim reports the crime to law enforcement. **A victim is never responsible for payment for a sexual abuse forensic examination or for medications required due to the assault.** Medical providers and facilities submit the bill for the sexual abuse examination directly to the SAE Program. If the victim is billed by a medical provider for the examination, the SAE Program will reimburse that victim. The payment rates for a sexual abuse examination are established in Iowa Administrative Rules.

The program will pay:

- Up to \$300 for the examining room and facility.
- Up to \$200 for the examiners fee (Sexual Abuse Nurse Examiner or Physician).
- All laboratory and medication costs related to the sexual abuse exam and for prevention of sexually transmitted diseases (STD) for the crime victim.
- Follow up appointments for the crime at the same rates as the initial examination.

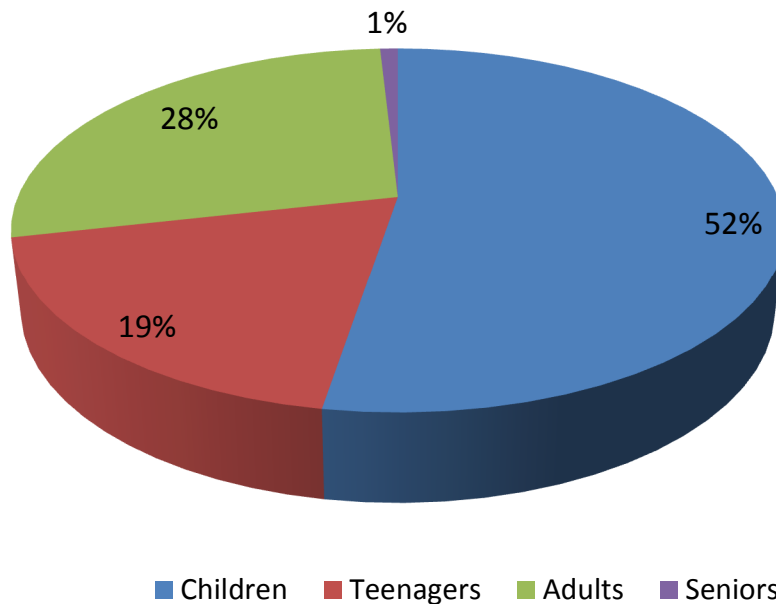
As of July 1, 2014, medical records or examiner's notes must be submitted with SAE charges to document the charges that are being paid by the SAE Program. This is a change from previous years, where only an itemized statement, diagnosis codes, itemization of any lab work, names of prescriptions/medications, and patient name and date of birth were required. This change was implemented because the SAE Program currently issues roughly 1.678 million dollars in payments annually to reimburse providers for the cost of an SAE. Medical records are now being requested to verify that the services listed on the bill are in fact being provided. This new procedure has been put in place as a means of auditing the payments we administer through this fund, with the goal of reducing errors in coding and eliminate the risk for erroneous payments.

The SAE Program also purchases Rape Examination Kits for use in Iowa. The Iowa Crime Laboratory, Iowa Department of Health, and Iowa Coalition Against Sexual Assault design the kits. The kits are stored at and distributed by the Iowa Crime Laboratory.

Historically, the CVAD has contracted with the vendor Tri-Tech Forensics to manufacture the SAE Kits used in Iowa. In Fiscal Year 2014, the State of Iowa created an open bid process, soliciting bids from various vendors to manufacture the SAE Kits. This resulted in a change in vendors and currently Arrowhead Forensics is manufacturing the SAE Kits.

PROGRAM ACTIVITY	FY11	FY12	FY13
Amount Paid for Examinations	\$1,435,867	\$1,539,832	\$1,445,718
Number of Examinations Paid	2,208	2,322	2,155

Sexual Assault Exams by Age Group, FY 11, 12 and 13 Combined



VICTIM SERVICES SUPPORT PROGRAM

The Victim Services Support Program (VSS) was formerly named the Victim Services Grant Program. The name change reflects the program focus of providing ongoing funds for programs providing services to victims of crime rather than funds for shorter-termed projects. The VSS partially funds Iowa community, government and statewide victim service programs. The VSS is guided by two primary purposes: (1) effective stewardship of state and federal funds for programs that provide service to crime victims and (2) provision of quality technical assistance for crime victim program development, fiscal management, and best practice.

Programs funded by the VSS include those that provide free and confidential counseling and advocacy service for victims and survivors of violent crime. Funds are also distributed for special investigative, prosecution, and court services related to violence against women. Local programs that receive partial funding from the VSS include: Domestic Abuse programs and victim-based shelters; Sexual Abuse programs; Homicide Victim Survivor programs; Prosecutor-based Victim/Witness Coordinators as well as Prosecutors and Law Enforcement Officers focused on crimes of violence against women.

Statewide programs that receive partial funding from the VSS include: the Iowa Domestic Abuse and Iowa Sexual Abuse Hotlines; Iowa Law Enforcement Academy Violence Against Women Training; Iowa Attorney General's Special Prosecutor for violence against women; Iowa Department of Public Health Violence Prevention Coordinator; State Court Administrator's Office Director of Crimes Against Persons Program; technical assistance, training and outreach conducted by the Iowa Coalition Against Domestic Violence; and Iowa Coalition Against Sexual Assault Program.

Funds are also dedicated to victim service education efforts including for the Iowa Coalition Against Domestic Violence Advocate Certification Program; Iowa Coalition Against Sexual Assault Advocate Certification Program; and the Iowa Victim Assistance Academy.

FUND SOURCES

Victims of Crime Act Assistance (VA) funds are awarded to Iowa by the U.S. Department of Justice, Office for Victims of Crime. The funds come from the federal VOCA Fund, which consists entirely of fines and penalties paid by convicted federal criminals and collected by U.S. Attorney's Offices. Each state receives a base amount of \$500,000, and additional funds based on a formula using the state's population. CVAD is allowed to keep 5% of the funds for administration, with the remaining 95% distributed to programs that provide direct services to violent crime victims.

STOP Violence Against Women Act (VW) funds are awarded to Iowa by the U.S. Department of Justice, Office on Violence Against Women. The U.S. Congress appropriates the funds annually. Each state receives a base amount of \$600,000 and additional funds based on a formula using the state's population. CVAD is allowed to keep 10% but retains only 5% of the funds for administration. The remaining 95% is distributed to programs. Congress requires that 5% be provided to the courts, 25% to law enforcement, 25% to prosecution, 30% to victim services and the remaining 15% at the state administering agency's discretion.

Family Violence Prevention and Services Act (FV) funds are awarded to Iowa by the U.S. Department of Health and Human Services, Office of Administration for Children and Families, Office of Community Services. The U.S. Congress appropriates the funds annually. Each state receives a formula grant based on the state's population. CVAD is allowed to keep 5% of the funds for administration, with the remaining 95% distributed to domestic abuse programs and victim-based shelters.

Sexual Abuse Services Program (SF) funds are awarded to Iowa by the U.S. Department of Justice, Office on Violence Against Women. The U.S. Congress appropriates the funds annually. Each state receives a base amount and additional funds based on a formula using the states population. CVAD is allowed to keep 5% of the funds for administration. The remaining 95% is distributed to non-profit sexual abuse programs.

Iowa Domestic Abuse (DA) and Iowa Sexual Abuse (SA) funds are appropriated by the Iowa Legislature. 100% of these funds are distributed to domestic abuse service programs, victim-based shelters and sexual abuse service programs.

AMOUNT AWARDED TO PROGRAMS	FY11	FY12	FY13
State Domestic Abuse Fund	\$2,037,650	\$2,177,778	\$2,506,957
State Sexual Abuse Fund	\$1,117,055	\$1,198,622	\$1,379,798
Federal Family Violence Prev. & Services (FV) Funds	\$1,155,673	\$1,132,987	\$1,116,081
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<i>Federal ARRA (Stimulus) Fund VAWA</i>	\$535,599	\$37,143	N/A
Total State and Federal Funds	\$10,799,769	\$10,485,794	\$10,556,203

**The VSS amounts listed above may include reversionary federal funds from the previous year. The amounts listed are not only victim services programs but law enforcement, prosecution, statewide and other programs.*

FUNDING APPLICATION AND REVIEW PROCESS

The VSS Program operates on a three-year funding cycle. The funding year is based on the state fiscal year, which is July 1 through June 30 of the following year.

For the first funding year of the cycle, a public announcement is made about the availability of funds six to eight months before the beginning of the funding year. Programs and agencies are required to submit a Letter of Intent to apply, generally in December. Application writing workshops are conducted either in-person or through webinars. The workshop clarifies funding application requirements and the award process.

Funding applications, or Requests for Proposals (RFP), are generally due approximately 4-8 weeks after the application instructions are released. Applicants are required to submit an online and several hard copy applications for review.

A volunteer Application Review Committee (ARC) is convened to formulate recommendations for funding and contract stipulations. Members of the ARC have expertise in victim service delivery, grant management, and public policy. Each application is evaluated for purpose, compliance, completeness, clarity, quality of services, number of victims served, community support, feasibility of proposal, evidence of efficient program and financial management, geographical area, and size of the population served. The CVAD Director receives two-pronged recommendations from the VSS staff and the ARC: which applicant programs and agencies to designate for funds during the three-year cycle, and the amount of funds to be awarded to each designated program in the first year of the cycle.

The Director presents the recommendations and any alternate recommendations to the Crime Victim Assistance (CVA) Board. The CVA Board designates the programs and agencies to receive three-years of funding and the amount for the first contract year. The amounts awarded to victim service programs were based on a formula that was approved by the CVA Board. The award amounts for law enforcement; prosecution or other non-victim service based agencies were determined through a competitive process and non-formula. Subsequent funding in the second and third years of the funding cycle is based on the first-year award and the amount of funds available.

Applicants may appeal the denial of or the amount of an award within 10 working days after the notice of award is mailed. The Board will consider each appeal. A decision rendered by the Crime Victim Assistance Board on appeal constitutes final agency action. No applications are accepted for the second year of the funding cycle. New program and agency applications are accepted for the third year of the cycle. New programs designated by the Board for

funds in the third year of the cycle receive a one-year contract. Both new program and continuing programs are eligible to apply for a three-year designation at the beginning of the next three-year cycle.

The VSS staff monitors the services, management, and fiscal operations of funded programs for compliance with state and federal regulations as well as quality services. A formal on-site visit is conducted at minimum every three years. Additional visits and technical assistance are provided as needed by the programs.

FUNDED PROGRAMS INFORMATION

PROGRAM BY TYPE *	FY11	FY12	FY13
Sexual Abuse Victim Service Programs **	30	30	29
Domestic Abuse Victim Service Programs **	30	30	29
Domestic and Sexual Abuse Statewide Hotlines	2	2	2
Prosecutor-based Victim Service Programs	21	22	21
Homicide Victim Survivor Programs	4	4	4
Victim Service Programs for Teens	1	1	1
State University based Sexual Abuse Response Teams	2	2	2
Violence Against Women Law Enforcement Programs	20	20	18
Violence Against Women Special Prosecutors	10	9	9
Violence Against Women Specialist in State Departments	6	6	6
Total Programs Funded in Part	126	126	121

* A single agency may operate multiple programs, each to respond to victims of a distinct crime.

NON-PROFIT VICTIM SERVICE PROGRAM STAFF AND VOLUNTEERS ***

	FY11	FY12	FY13
Number of non-profit programs	64	64	58
Paid Staff			
Total paid staff for programs	402	344	342
Average paid staff per program	6.3	5.4	5.9
Volunteers			
Total volunteers for programs	3,889	3,786	3,550
Average volunteers per program	61	42	59
Total volunteer hours for programs	137,623	124,669	112,969
Average volunteer hours per program	2,150	1,370	1,882

*** Does not include law enforcement, prosecutor-based, or court programs.

VICTIMS SERVED * BY TYPE OF CRIME

CRIME TYPE	FY11	FY12	FY13
Domestic Abuse			
Women	20,446	17,237	16,649
Children	4,124	2,922	2,914
Men	1,420	1,117	1,053
Total Domestic Abuse	25,990	21,276	20,616
Sexual Abuse			
Adults	2,422	2,641	2,567
Incest Survivors	398	246	268
Teens	1,121	1,135	825
Children	832	911	771
Total Sexual Abuse	4,773	4,933	4,431
Child Physical Abuse	246	154	157
Elder Abuse	43	39	25
Homicide Victim Survivors	596	436	351
Drunk or Intoxicated Driving	161	120	120
Robbery	334	298	256
Stalking	598	668	635
Assault	1,947	1,820	1,265
Other Violent Crimes^	10	33	194
Total Crime Victims Served	34,698	29,777	28,053

* Unduplicated victims within the state fiscal year.

** Beginning in FY10, programs must specify the primary crime for each victim served.

^ Other violent crimes included arson, hate crimes and identity theft.

CRISIS CALLS AND SHELTER SERVICES

SHELTER SERVICE	FY11	FY12	FY13
Victim Service Crisis Calls ***	81,147	64,296	63,161
Nights of Shelter Provided ****	113,938	98,238	106,470
Shelter for Domestic Abuse			
Women	2,417	1,841	2,118
Men	36	5	17
Children	2,079	1,495	1,523
Children 0-12 Years	1,629	1,256	1,289
Children 13-17 years	450	239	234
Total Shelter for Domestic Abuse	4,532	3,341	3,658
Shelter for Sexual Abuse	140	101	173
Shelter for Other Adult Victims	15	45	104
Total Persons Sheltered	4,687	3,487	3,762

*** Crisis calls are not counted in the "Victims Served" statistics.

**** A Night of Shelter = one night of shelter for one adult and her children.

PUBLIC AWARENESS AND EDUCATION

	FY11	FY12	FY13
Media			
Program Media Contacts	2,287	1,522	1,353
Public Awareness			
Program Public Presentations	6,284	5,494	4,235
Audience at Public Presentations	149,821	147,800	120,762
Professional Training			
Professional Training Sessions	1,292	1,427	1,034
Professionals Trained	20,972	23,516	22,083
Total public Awareness and Education	180,656	179,759	149,467

FEDERAL AND STATE FUNDS AWARDED THROUGH THE VSS PROGRAM

<u>FEDERAL FUNDS</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>
Family Violence Prevention & Services Act (FV)	1,155,673	1,132,987	1,116,081
Sexual Abuse Services Program (SF)	174,363	168,321	257,510
STOP Violence Against Women (VW)	1,676,656	1,556,430	1,548,546
Victims of Crime Act Assistance (VA)	4,078,233	4,209,022	3,747,311
Total Federal Funds without Stimulus Funds:	7,084,925	7,066,760	6,669,448

<u>STIMULUS FUNDS (ARRA)</u>			
ARRA Victims of Crime Act Assistance (VAS)	24,540	5,491	N/A
ARRA STOP Violence Against Women (VWS)	535,599	37,143	N/A
Total Federal Funds with Stimulus Funds:	7,645,064	7,109,394	6,669,448

<u>STATE FUNDS</u>			
Domestic Abuse (DA)	2,037,650	2,177,778	2,506,957
Sexual Abuse (SA)	1,117,055	1,198,622	1,379,798
Total State Funds:	3,154,705	3,376,400	3,886,755

Total Federal & State Funds:	10,799,769	10,485,794	10,556,203
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<u>State and Federal Percentage of Funds</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>
% of distributed funds that were Federal Funds	71%	68%	63%
% of distributed funds that were State Funds	29%	32%	37%
Total:	100%	100%	100%

Notes regarding the above three-year State and Federal Funds:

1. Federal Victims of Crime Act (VOCA) Victim Assistance funds were reduced significantly from FY2011 to FY2013. In years previous to FY2013, Federal VA funds were the largest funding source for the VSS.
2. "ARRA" = American Recovery & Reinvestment Act, known commonly as Stimulus Funds.
3. The above table does not include funds distributed for advocate certification, victim assistance academy or other one-time only focus projects that never exceeds 3% or \$132,000 in any given year.

Iowa Department of Justice Attorney General's Crime Victim Assistance Division (CVAD) Victim Service Support (VSS) Program					
Three Year Summary of Awards					
Fund Key					
Federal	VA - Victim Assistance or Victims of Crime Act (VOCA)				
	VAS - VOCA Stimulus Funds				
	FV - Family Violence Prevention and Services Act (FVPSA)				
	SS - Sexual Assault Services Program (SASP)				
	VW - Violence Against Women Act (VAWA)				
	VWS - VAWA Stimulus Funds				
State	DA - Domestic Abuse Funds				
	SA - Sexual Abuse Funds				
City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Adel	Crisis Intervention & Advocacy Center	VA	\$104,532	\$127,031	\$109,828
		FV	\$31,729	\$37,460	\$36,901
		DA	\$63,000	\$73,586	\$85,143
		SA	\$31,630	\$38,953	\$45,234
		SS	\$5,972	\$6,351	\$9,268
		VWS	\$4,350	\$0	\$0
		VW	\$14,090	\$15,539	\$15,305
		TOTAL	\$255,303	\$298,920	\$301,679
	Dallas County Sheriff's Office	VW	\$3,850	\$3,564	\$3,500
		TOTAL	\$3,850	\$3,564	\$3,500
Algona	Kossuth County Attorney	VA	\$14,144	\$14,644	\$14,644
		VW	\$23,567	\$23,019	\$21,985
		TOTAL	\$37,711	\$37,663	\$36,629
Ames	Assault Care Center Extending Shelter & Support (ACCESS)	VA	\$147,507	\$153,196	\$127,373
		FV	\$47,142	\$43,168	\$42,524
		SA	\$49,908	\$53,896	\$52,225
		SS	\$7,002	\$7,425	\$10,836
		VWS	\$5,400	\$1,100	\$0
		VW	\$20,594	\$17,670	\$17,403
		TOTAL	\$361,323	\$361,312	\$348,544
	ISU Department of Public Safety	VW	\$32,000	\$29,622	\$29,087
		TOTAL	\$361,323	\$361,312	\$348,544

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Atlantic	Family Crisis Support Network	VA	\$104,532	\$107,355	\$92,056
		FV	\$36,252	\$31,679	\$31,206
		DA	\$63,000	\$62,170	\$71,934
		SA	\$31,098	\$32,857	\$38,155
		SS	\$5,105	\$5,263	\$7,679
		TOTAL	\$239,987	\$239,324	\$241,030
Burlington	YWCA Domestic Violence Shelter & Sexual Assault Center	VA	\$89,665	\$108,938	\$94,185
		VWS	\$2,850	\$1,100	\$0
		FV	\$30,324	\$32,372	\$31,889
		DA	\$54,000	\$63,538	\$73,516
		SA	\$27,112	\$33,587	\$39,003
		SS	\$5,253	\$5,393	\$7,870
		TOTAL	\$209,204	\$244,928	\$246,463
Des Moines	Des Moines County Attorney	VA	\$16,030	\$19,250	\$19,250
		TOTAL	\$16,030	\$19,250	\$19,250
Cedar Rapids	Communication Services for the Deaf/Deaf Iowans Against Abuse	VA	\$11,834	\$12,750	\$34,894
		FV	\$3,399	\$5,000	\$24,071
		DA	\$6,230	\$9,950	\$46,473
		SA	\$3,377	\$4,945	\$24,380
		SS	\$599	\$3,899	\$5,689
		VWS	\$3,500	\$0	\$0
		VW	\$10,387	\$10,678	\$10,516
		TOTAL	\$39,326	\$47,222	\$146,023
	Waypoint Services for Women, Children & Families	VA	\$102,694	\$121,500	\$165,762
		FV	\$30,324	\$36,389	\$56,019
		DA	\$63,000	\$71,750	\$106,192
		SA	\$27,112	\$37,579	\$56,175
		SS	\$9,459	\$10,003	\$14,599
		VWS	\$6,350	\$0	\$0
		VW	\$11,743	\$22,784	\$22,440
		TOTAL	\$250,682	\$300,005	\$421,187
	Horizons, A Family Service Agency Support for Survivors of Homicide Victims	VA	\$72,141	\$73,500	\$73,500
		VS	\$0	\$0	\$41,028
		TOTAL	\$72,141	\$73,500	\$114,528

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Clear Lake	Clear Lake Police Department	VW	\$5,500	\$5,091	\$4,999
		TOTAL	\$5,500	\$5,091	\$4,999
Clinton	YWCA Domestic Violence/Sexual Assault Resource Center	VA	\$114,986	\$114,941	\$93,014
		FV	\$30,325	\$31,991	\$31,513
		DA	\$69,397	\$71,500	\$72,646
		SA	\$37,459	\$33,185	\$38,538
		SS	\$5,170	\$5,321	\$7,765
		VWS	\$0	\$1,100	\$0
		VW	\$14,093	\$13,498	\$13,294
		TOTAL	\$271,430	\$271,536	\$256,770
Council Bluffs	Catholic Charities - Domestic Violence & Sexual Assault Program	VA	\$130,710	\$136,428	\$117,952
		FV	\$40,162	\$40,103	\$39,505
		DA	\$72,639	\$78,805	\$91,181
		SA	\$39,057	\$41,740	\$48,472
		SS	\$6,516	\$6,849	\$9,994
		VW	\$18,200	\$16,526	\$16,276
		TOTAL	\$307,284	\$320,451	\$323,380
Creston	Rural Iowa Crisis Center	VA	\$85,422	\$88,415	\$76,442
		FV	\$27,153	\$26,600	\$26,203
		DA	\$48,798	\$52,140	\$60,328
		SA	\$26,132	\$27,500	\$31,935
		SS	\$4,224	\$4,306	\$6,284
		VWS	\$0	\$1,100	\$0
		TOTAL	\$191,729	\$200,061	\$201,192
Davenport	Family Resources-Domestic Violence Advocacy & Rape/SA Program	VA	\$125,439	\$152,641	\$131,969
		FV	\$40,432	\$44,663	\$43,997
		DA	\$76,500	\$87,810	\$101,599
		SA	\$40,534	\$46,548	\$54,055
		SS	\$7,372	\$7,707	\$11,246
		VWS	\$4,100	\$0	\$0
		VW	\$20,231	\$18,228	\$17,953
		TOTAL	\$314,608	\$357,597	\$360,819
	Scott County Sheriff	VW	\$36,500	\$33,788	\$33,178
		TOTAL	\$36,500	\$33,788	\$33,178

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Decorah	Helping Services of Northeast Iowa	VA	\$94,079	\$114,604	\$99,083
		FV	\$30,324	\$33,965	\$33,458
		DA	\$54,000	\$66,684	\$77,157
		SA	\$30,359	\$35,267	\$40,955
		SS	\$5,489	\$5,693	\$8,307
		VWS	\$6,150	\$0	\$0
		VW	\$15,766	\$14,235	\$14,020
		TOTAL	\$236,167	\$270,448	\$272,980
	Winneshiek County Attorney	VA	\$16,929	\$19,500	\$19,500
		VWS	\$4,805	\$0	\$0
		TOTAL	\$21,734	\$19,500	\$19,500
Denison	Crawford County Attorney	VA	\$4,375	\$4,990	\$4,990
		TOTAL	\$4,375	\$4,990	\$4,990
Des Moines	Children & Families of Iowa (CFI) Family Violence Center	VA	\$143,145	\$149,255	\$129,042
		FV	\$84,853	\$81,265	\$80,053
		DA	\$154,539	\$168,824	\$195,335
		VW	\$29,510	\$33,542	\$33,036
		TOTAL	\$412,047	\$432,886	\$437,466
	Polk County Crisis & Advocacy Services	VA	\$98,976	\$100,000	\$100,000
		SA	\$13,556	\$16,087	\$77,168
		VWS	\$3,500	\$0	\$0
		VW	\$24,449	\$31,270	\$30,799
		TOTAL	\$140,481	\$147,357	\$207,967
	(L.U.N.A.)	FV	\$15,162	\$18,194	\$26,928
		DA	\$40,500	\$54,000	\$62,011
		SA	\$24,577	\$28,277	\$32,837
		SS	\$4,244	\$4,445	\$6,486
		VW	\$27,596	\$29,500	\$11,583
		TOTAL	\$112,079	\$134,416	\$139,845
	Monsoon United Asian Women of Iowa	VA	\$35,174	\$40,209	\$43,648
		DA	\$9,000	\$15,000	\$59,021
		SA	\$9,038	\$11,867	\$31,099
		SS	\$4,682	\$4,971	\$7,254
		VWS	\$0	\$1,100	\$0
		VW	\$23,486	\$25,500	\$12,610
		TOTAL	\$81,380	\$98,647	\$153,632

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Des Moines	Monsoon - NISAA African Women's Project	VA	\$0	\$0	\$3,367
		SS	\$0	\$0	\$11,887
		VW	\$0	\$0	\$13,729
		TOTAL	\$0	\$0	\$28,983
Dubuque	YWCA Domestic Violence Program	VA	\$66,180	\$68,632	\$59,338
		FV	\$40,636	\$40,339	\$39,737
		DA	\$73,507	\$79,270	\$91,718
		TOTAL	\$180,323	\$188,241	\$190,793
	Riverview Center, Inc.	VA	\$73,173	\$71,625	\$59,338
		SA	\$45,534	\$49,446	\$48,760
		SS	\$6,599	\$6,893	\$10,058
		VWS	\$5,200	\$0	\$0
		VW	\$14,092	\$16,614	\$16,363
		TOTAL	\$144,598	\$144,578	\$134,519
	Dubuque County Attorney	VW	\$63,026	\$61,559	\$58,794
		TOTAL	\$63,026	\$61,559	\$58,794
	Dubuque Police Department	VW	\$2,967	\$2,747	\$2,697
		TOTAL	\$2,967	\$2,747	\$2,697
	Dubuque County Sheriff	VW	\$1,400	\$1,296	\$1,273
		TOTAL	\$1,400	\$1,296	\$1,273
Elkader	Clayton County Attorney	VW	\$0	\$0	\$2,134
		TOTAL	\$0	\$0	\$2,134
Estherville	Emmet County Attorney	VA	\$11,787	\$10,550	\$10,550
		TOTAL	\$11,787	\$10,550	\$10,550
Fort Dodge	Domestic/Sexual Assault Outreach Center	VA	\$226,483	\$214,500	\$183,371
		FV	\$55,595	\$58,000	\$39,639
		DA	\$95,400	\$102,559	\$101,528
		SA	\$54,225	\$61,166	\$58,804
		SS	\$6,600	\$6,874	\$10,031
		VWS	\$5,000	\$1,100	\$0
		VW	\$22,867	\$16,577	\$21,326
		TOTAL	\$466,170	\$460,776	\$414,699
	Webster County Attorney	VA	\$21,952	\$25,850	\$25,850
		TOTAL	\$21,952	\$25,850	\$25,850

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Grundy Center	Seeds of Hope	VA	\$174,028	\$165,000	\$135,584
		FV	\$60,649	\$60,000	\$45,155
		DA	\$97,025	\$102,000	\$104,305
		SA	\$56,499	\$61,313	\$55,496
		SS	\$7,507	\$7,928	\$11,569
		VWS	\$3,700	\$1,100	\$0
		VW	\$21,137	\$18,667	\$22,299
		TOTAL	\$420,545	\$416,008	\$374,408
Indianola	Warren County Attorney's Office	VA	\$24,043	\$28,161	\$28,161
		VW	\$31,221	\$30,495	\$29,125
		TOTAL	\$55,264	\$58,656	\$57,286
Iowa City	Domestic Violence Intervention Program	VA	\$103,130	\$93,600	\$76,535
		FV	\$50,541	\$51,527	\$50,758
		DA	\$98,141	\$110,500	\$117,282
		VWS	\$5,675	\$1,100	\$0
		VW	\$22,312	\$20,790	\$20,475
		TOTAL	\$279,799	\$277,517	\$265,050
	Iowa City Police Department	VW	\$47,400	\$43,878	\$43,086
		TOTAL	\$47,400	\$43,878	\$43,086
	Rape Victim Advocacy Program (RVAP)	VA	\$96,107	\$88,523	\$76,535
		SA	\$62,030	\$73,870	\$74,925
		SS	\$8,472	\$0	\$0
		VWS	\$1,277	\$0	\$0
		VW	\$22,839	\$20,790	\$20,475
		TOTAL	\$190,725	\$183,183	\$171,935
	United Action for Youth	VA	\$73,173	\$75,000	\$75,000
		VAS	\$0	\$3,162	\$0
		TOTAL	\$73,173	\$78,162	\$75,000
Keokuk	Tri-State Coalition Against Domestic & Sexual Abuse	VA	\$99,306	\$95,633	\$82,682
		FV	\$35,378	\$30,429	\$28,202
		DA	\$72,739	\$79,500	\$69,494
		SA	\$43,367	\$46,973	\$39,232
		SS	\$4,577	\$4,688	\$6,842
		VWS	\$4,300	\$1,100	\$0
		VW	\$13,603	\$12,243	\$17,058
		TOTAL	\$273,270	\$270,566	\$243,510

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
LeMars	Plymouth County Attorney	VA	\$22,475	\$22,183	\$22,183
		TOTAL	\$22,475	\$22,183	\$22,183
Marshalltown	Domestic Violence Alternatives Sexual Assault Center	VA	\$123,876	\$128,744	\$111,309
		FV	\$38,199	\$37,942	\$37,376
		DA	\$69,041	\$74,538	\$86,243
		SA	\$37,108	\$39,461	\$45,825
		SS	\$6,170	\$6,442	\$9,400
		VWS	\$5,591	\$1,100	\$0
		VW	\$17,381	\$15,719	\$15,482
		TOTAL	\$297,366	\$303,946	\$305,635
	Marshall County Attorney	VA	\$25,872	\$26,591	\$26,591
		VW	\$41,500	\$40,535	\$38,713
		TOTAL	\$67,372	\$67,126	\$65,304
	Marshalltown Police Department	VW	\$30,991	\$28,687	\$28,169
		TOTAL	\$30,991	\$28,687	\$28,169
Mt. Pleasant	Henry County Attorney	VA	\$1,829	\$8,463	\$10,792
		VAS	\$0	\$2,328	\$0
		VWS	\$33,013	\$3,543	\$0
		VW	\$6,250	\$19,684	\$23,071
		TOTAL	\$41,092	\$34,018	\$33,863
Mason City	Crisis Intervention Service	VA	\$163,071	\$148,571	\$116,605
		FV	\$50,541	\$55,000	\$39,073
		DA	\$88,801	\$96,000	\$100,686
		SA	\$54,578	\$60,324	\$58,359
		SS	\$6,495	\$6,768	\$9,875
		VWS	\$6,700	\$1,100	\$0
		VW	\$18,790	\$16,362	\$21,115
		TOTAL	\$388,976	\$384,125	\$345,713
	Cerro Gordo County Sheriff	VW	\$3,500	\$3,240	\$3,181
		TOTAL	\$3,500	\$3,240	\$3,181
	Mason City Police Department	VW	\$23,000	\$21,291	\$20,906
		TOTAL	\$23,000	\$21,291	\$20,906

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Muscatine	Family Resources - Domestic Abuse & Sexual Assault Advocacy Program	VA	\$92,124	\$95,312	\$82,404
		FV	\$29,078	\$28,539	\$28,113
		DA	\$52,326	\$55,970	\$64,759
		SA	\$28,045	\$29,546	\$34,311
		SS	\$4,564	\$4,671	\$6,817
		VWS	\$5,000	\$0	\$0
		VW	\$13,571	\$12,209	\$12,025
		TOTAL	\$224,708	\$226,247	\$228,429
	Muscatine County Sheriff	VW	\$3,000	\$2,777	\$2,727
		TOTAL	\$3,000	\$2,777	\$2,727
	Muscatine Police Department	VW	\$11,000	\$10,183	\$9,999
		TOTAL	\$11,000	\$10,183	\$9,999
Nevada	Story County Attorney	VW	\$24,000	\$23,442	\$22,389
		TOTAL	\$24,000	\$23,442	\$22,389
Orange City	Sioux County Attorney	VA	\$20,123	\$18,150	\$18,150
		TOTAL	\$20,123	\$18,150	\$18,150
Oskaloosa	Crisis Intervention Services	VA	\$128,646	\$128,940	\$95,497
		FV	\$35,205	\$32,798	\$32,309
		DA	\$63,000	\$70,000	\$74,505
		SA	\$45,188	\$43,265	\$39,526
		SS	\$5,307	\$5,473	\$7,987
		VWS	\$16,777	\$1,100	\$0
		VW	\$2,000	\$13,799	\$16,014
		TOTAL	\$296,123	\$295,375	\$265,838
Ottumwa	Crisis Center & Women's Shelter	VA	\$120,117	\$116,719	\$100,913
		FV	\$34,785	\$34,560	\$34,044
		DA	\$62,784	\$72,000	\$78,516
		SA	\$37,885	\$38,568	\$41,683
		SS	\$5,568	\$5,805	\$8,471
		VWS	\$6,500	\$1,100	\$0
		VW	\$15,954	\$14,457	\$14,238
		TOTAL	\$283,593	\$283,209	\$277,865
	Wapello County Attorney	VA	\$21,429	\$25,177	\$25,177
		VW	\$45,558	\$44,497	\$42,497
		TOTAL	\$66,987	\$69,674	\$67,674

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Postville	Postville Police Department	VW	\$4,300	\$3,980	\$3,908
		TOTAL	\$4,300	\$3,980	\$3,908
Rock Rapids	Lyon County Attorney	VA	\$14,465	\$18,250	\$18,250
		VAS	\$1,290	\$0	\$0
		VWS	\$4,500	\$0	\$0
		TOTAL	\$20,255	\$18,250	\$18,250
	Lyon County Sheriff	VW	\$5,875	\$5,438	\$5,340
		TOTAL	\$5,875	\$5,438	\$5,340
Sidney	Fremont County Attorney	VA	\$6,136	\$7,350	\$7,350
		TOTAL	\$6,136	\$7,350	\$7,350
Sioux Center	Family Crisis Center of NW Iowa	VA	\$101,814	\$106,265	\$91,874
		FV	\$31,861	\$31,620	\$31,148
		DA	\$57,427	\$62,053	\$71,798
		SA	\$30,811	\$32,793	\$38,084
		SS	\$5,054	\$5,251	\$7,663
		VWS	\$5,500	\$1,100	\$0
		VW	\$14,734	\$13,359	\$13,157
		TOTAL	\$247,201	\$252,441	\$253,724
Sioux City	Council on Sexual Assault & Domestic Violence	VA	\$195,944	\$204,292	\$185,617
		FV	\$41,262	\$40,869	\$40,259
		DA	\$74,653	\$80,317	\$92,928
		SA	\$39,961	\$42,547	\$49,409
		SS	\$6,710	\$6,993	\$10,204
		VWS	\$4,260	\$1,100	\$0
		VW	\$18,660	\$16,812	\$16,558
		TOTAL	\$381,450	\$392,930	\$394,975
		FV	\$38,255	\$36,449	\$35,905
		DA	\$84,213	\$89,000	\$99,408
		SA	\$54,225	\$58,099	\$61,159
		SS	\$5,924	\$6,161	\$8,990
		VWS	\$4,200	\$0	\$0
		VW	\$19,443	\$15,162	\$20,645
		TOTAL	\$206,260	\$204,871	\$226,107

City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Spirit Lake	Dickinson County Attorney	VA	\$19,064	\$19,841	\$19,841
		VW	\$36,000	\$35,163	\$33,583
		TOTAL	\$55,064	\$55,004	\$53,424
	Spirit Lake Police Department	VW	\$8,400	\$7,776	\$0
		TOTAL	\$8,400	\$7,776	\$0
Washington	Washington County Attorney	VA	\$1,829	\$3,525	\$3,525
		VWS	\$1,114	\$0	\$0
		TOTAL	\$2,943	\$3,525	\$3,525
Waterloo	Black Hawk County Attorney	VA	\$29,114	\$34,937	\$34,937
		VW	\$28,525	\$27,862	\$26,610
		TOTAL	\$57,639	\$62,799	\$61,547
	Waterloo Police Department	VW	\$38,051	\$35,223	\$34,587
		TOTAL	\$38,051	\$35,223	\$34,587
Waukon	Allamakee County Attorney	VA	\$3,397	\$24,800	\$24,800
		VWS	\$17,319	\$0	\$0
		TOTAL	\$20,716	\$24,800	\$24,800
Waverly	Cedar Valley Friends of the Family	VA	\$88,853	\$100,852	\$87,194
		FV	\$30,116	\$30,097	\$29,648
		DA	\$49,770	\$59,047	\$68,320
		SA	\$29,076	\$31,187	\$36,218
		SS	\$4,746	\$4,965	\$7,245
		VWS	\$2,000	\$1,100	-
		VW	\$14,005	\$12,791	\$12,598
		TOTAL	\$218,566	\$240,039	\$241,223
	Bremer County Attorney	VA	\$19,861	\$17,900	\$17,900
		TOTAL	\$19,861	\$17,900	\$17,900
West Union	Fayette County Sheriff	VW	\$11,500	\$10,645	\$10,453
		TOTAL	\$11,500	\$10,645	\$10,453
	Fayette County Attorney	VW	\$1,000	\$977	\$933
		TOTAL	\$1,000	\$977	\$933
	West Union Police Department	VW	\$2,800	\$2,592	\$2,545
		TOTAL	\$2,800	\$2,592	\$2,545
	Clermont Police Department	VW	\$1,500	\$1,389	\$0
		TOTAL	\$1,500	\$1,389	\$0

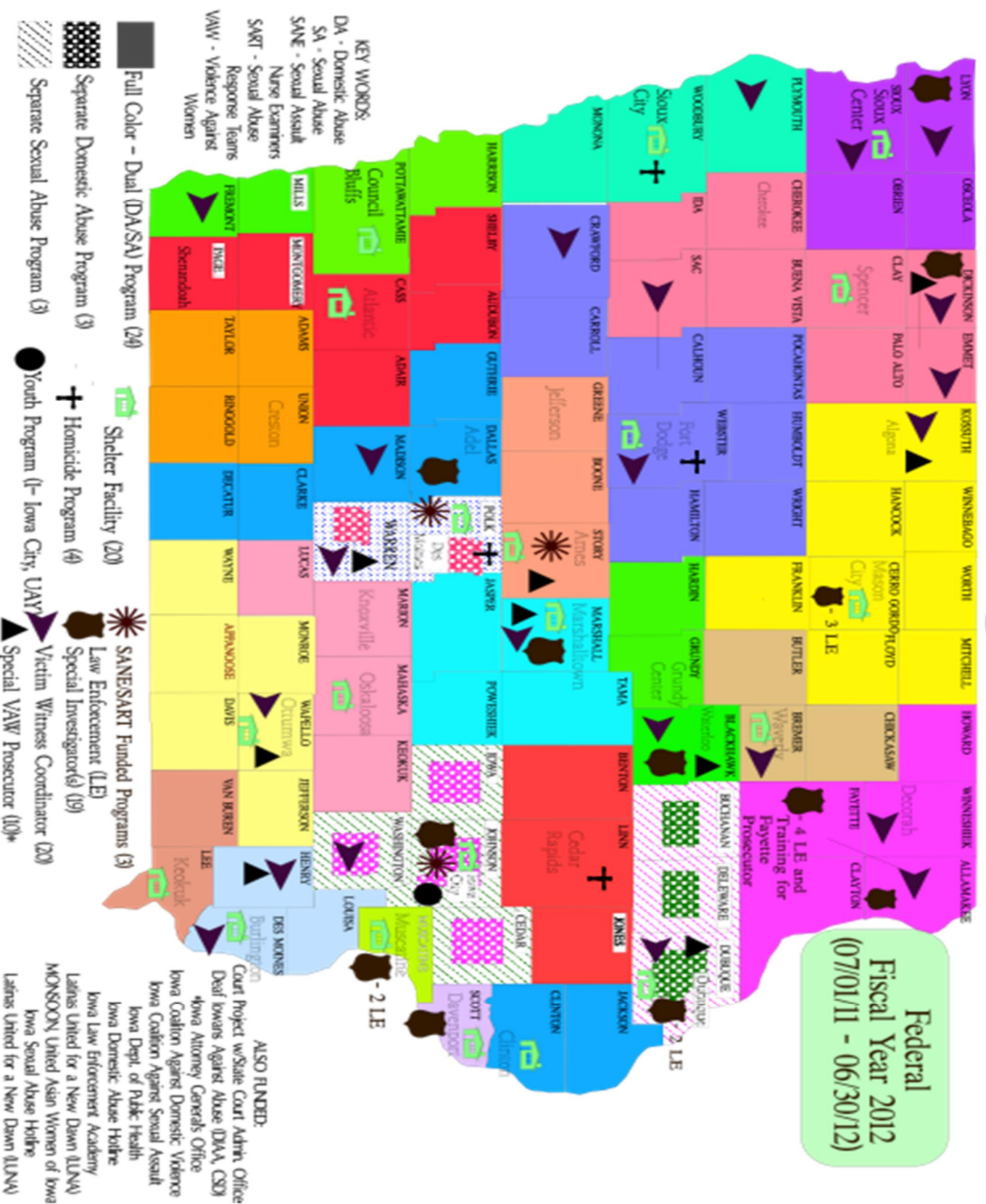
City	Program	Fund	FY11 Award	FY12 Award	FY13 Award
Winterset	Madison County Attorney	VA	\$1,568	\$13,400	\$13,400
		VWS	\$13,292	\$0	\$0
		VW	\$0	\$0	\$13,644
		TOTAL	\$14,860	\$13,400	\$27,044

The next three pages provide maps depicting the different types of programs funded in those state fiscal years with the VSS funds.

**Federal
Fiscal Year 2011
(07/01/10 - 06/30/11)**



CVAD Funded Programs in Iowa



**Federal
Fiscal Year 2013
(07/01/12 - 06/30/13)**

 Shelter Facility

Job Program Providing SA Services

Separate Domestic Abuse Program (3)

Separate Sexual Abuse Program (3)

STATEWIDE AWARDS

Iowa Department of Justice Attorney General's Crime Victim Assistance Division (CVAD) Victim Service Support (VSS) Program					
Three Year Summary of Statewide Awards					
Fund Key					
Federal	VA - Victim Assistance or Victims of Crime Act (VOCA)				
	VAS - VOCA Stimulus Funds				
	FV - Family Violence Prevention and Services Act (FVPSA)				
	SS - Sexual Assault Services Program (SASP)				
	VW - Violence Against Women Act (VAWA)				
	VWS - VAWA Stimulus Funds				
State	DA - Domestic Abuse Funds				
	SA - Sexual Abuse Funds				
City	Program	Fund	FY13 Award	FY12 Award	FY11 Award
Statewide	Children & Families of Iowa (CFI) for the Domestic Abuse Hotline	DA	\$84,748	\$84,410	\$76,500
		FV	\$22,322	\$22,660	\$22,409
		TOTAL	\$107,070	\$107,070	\$98,909
Statewide	Rape Victim Advocacy Program for the Sexual Abuse Hotline	SA	\$87,776	\$87,776	\$76,819
		SS	\$0	\$0	\$3,415
		TOTAL	\$87,776	\$87,776	\$80,234
Statewide	Iowa Coalition Against Domestic Violence (ICADV)	FV	\$78,126	\$79,309	\$78,436
		VA	\$36,281	\$42,532	\$36,405
		VWS	\$0	\$16,000	\$7,000
		VW	\$51,507	\$46,507	\$46,507
		TOTAL	\$165,914	\$184,348	\$168,348
Statewide	Iowa Coalition Against Sexual Assault	VW	\$86,898	\$86,898	\$86,898
		VA	\$32,553	\$32,772	\$31,956
		SS	\$17,194	\$11,783	\$11,951
		TOTAL	\$136,645	\$131,453	\$130,805
Statewide	Iowa Organization for Victim Assistance	VAT	\$48,000	\$0	\$0
		TOTAL	\$48,000	\$0	\$0
Statewide	Iowa Department of Inspection & Appeals	VW	\$0	\$0	\$3,000
		TOTAL	\$0	\$0	\$3,000

City	Program	Fund	FY13 Award	FY12 Award	FY11 Award
Statewide	Iowa State Court Administrator's Office	VW	\$76,365	\$92,237	\$78,422
		TOTAL	\$76,365	\$92,237	\$78,422
Statewide	Iowa Department of Justice	VW	\$76,645	\$78,068	\$78,068
		VWS	\$0	\$0	\$123,255
		TOTAL	\$76,645	\$78,068	\$201,323
Statewide	Iowa Department of Public Health	VW	\$58,553	\$58,553	\$58,553
		TOTAL	\$58,553	\$58,553	\$58,553
Statewide	Iowa Law Enforcement Academy	VW	\$107,548	\$109,527	\$118,318
		TOTAL	\$107,548	\$109,527	\$118,318

VICTIM SERVICE FUNDS SUMMARY

	FY13	FY12	FY11
Total for Statewide Programs	\$864,516	\$849,032	\$934,912
Total for Local Victim Services	\$9,780,715	\$9,636,761	\$9,315,308
Total Funds for Iowa Victim Services	\$10,645,231	\$10,485,793	\$10,250,220

IOWAVINE

The automated statewide victim rights notification and information program, named IowaVINE, (Iowa Information and Notification Everyday) began implementation in fall of 2006. The goal of IowaVINE is to give victims of crime near real-time notification about the status of the incarcerated offender who was arrested for harming them.

IowaVINE connects with the automated booking systems of jails and prisons in Iowa. When the data indicates a change in an offender's status, an automatic message is sent to all parties who are registered with IowaVINE regarding that offender. IowaVINE is currently deployed in 98 county jails and all prison facilities of the Iowa Department of Corrections.

In September 2006, a federal SAVIN grant (Statewide Automated Victim Information and Notification) was secured from the U.S. Department of Justice to design and implement IowaVINE. The CVAD contracted with Appriss, Inc., of Louisville, Kentucky, to provide and maintain the technology of IowaVINE. Appriss provides jails and prisons with the hardware, software, and training necessary for the system. Appriss also provides 24/7/365 victim service-trained operators to assist crime victims with registration, information, and service referrals.

In September 2008, a grant was secured to enhance the system. IowaVINE now includes information in Spanish, offender photo IDs, and the capacity for text notification. In 2012, Bosnian and Somali notifications were added to the system.

IowaVINE helps ensure that every crime victim's legal notification rights are honored in Iowa. Victims can register to receive notification by telephone, email, or text. Information is now available in English, Spanish, Somali, and Bosnian. IowaVINE operators can assist victims in over 400 languages through the Language Line.

A crime victim or other interested party registers directly with IowaVINE online, by telephone or with a smartphone application VINEMobile. Information can be accessed by toll-free telephone, through the Internet, or by VINEMobile by any interested person. IowaVINE notified a registered victim by phone, email, or text message when the status or location of the offender changes. If the victim registered for telephone notification, the calls will continue for up to 48-hours or until the victim enters their self-selected PIN number to indicate that they received the message and the calls can stop.

IowaVINE operates 24/7/365. A registered victim can access public information about the offender at any time and from any place. Trained victim service operators are always available to assist crime victims to register for IowaVINE, give them information about the offender, and of criminal justice and victim services in their area.

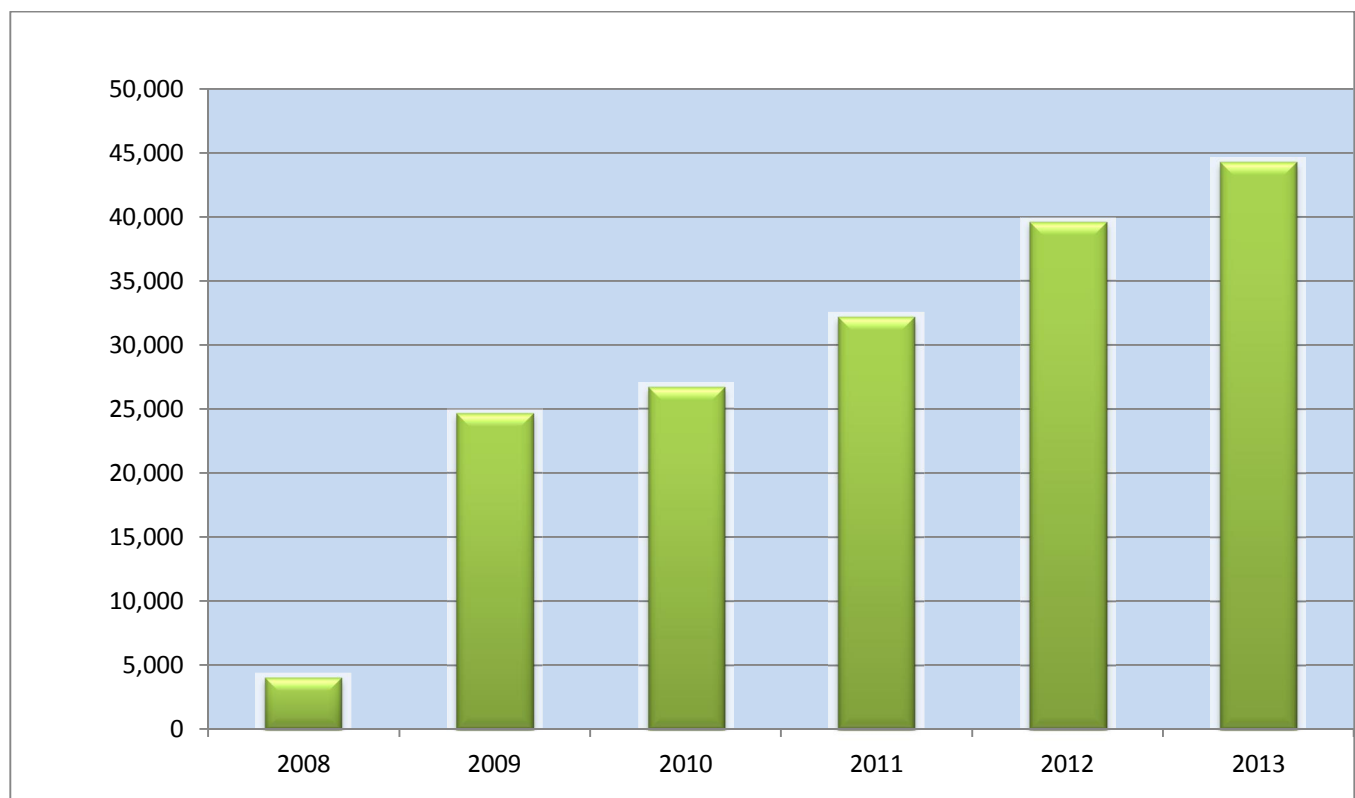
IowaVINE sets the floor, not the ceiling, for victim rights service in Iowa. The automated program complements victim rights in the Iowa justice system for the provision of information and support to victims of crime. Justice officials provide crime victims' statutory notification rights by mail and telephone contact.

The IowaVINE program, put simply, is another resource to help crime victims plan for their safety and achieve more peace of mind.

IOWAVINE PROGRAM ACTIVITIES

	FY11	FY12	FY13
New Registrations	32,165	39,592	44,279
Total Searches	143,121	248,634	438,320
Telephone Events	8,713	10,141	11,915
TTY Events	6	15	37
Text Events	8,011	16,104	25,411
E-Mail Events	30,823	36,173	43,443

VINE REGISTRATIONS BY FISCAL YEAR



IOWA CRISIS RESPONSE TEAM

The Iowa Crisis Response Team (ICRT) responds to communities in the wake of a crime-related disaster. The ICRT provides services to communities in crisis by invitation only and must be invited to the community by an official such as the County Attorney, Sheriff, Police Chief, or Mayor. The response to a community is coordinated with other primary crisis responders, such as the Red Cross, the Iowa Disaster Management Office, and local caregivers.

The goals of the ICRT is to:

- Assist local caregivers in planning and implementing immediate and long-range response after a crime-related disaster.
- Provide emotional and respite support to local caregivers.
- Provide focused training on immediate crisis response and long-term reduction of trauma stress.
- Provide Community Meetings for critical groups in cooperation with local caregivers.

The ICRT is comprised of 165 nationally-trained volunteers. ICRT members have each completed at minimum a 40-hour community crisis response curriculum designed by the National Organization for Victim Assistance (NOVA). ICRT members come from a variety of professions, including social work, psychology, clergy, criminal justice, education, health care, law enforcement, media, mental health, labor, and victim advocacy.

Funds to support the ICRT come from private donations and criminal fines and penalties. Organizations and members of the community often provide a meeting place and meals for the team. ICRT members are reimbursed for travel, room, and board from the Compensation Fund, which is comprised entirely of criminal fines and penalties. Members donate their time and are not reimbursed for salary or income.

A response from the ICRT may be particularly helpful when:

- The crime or trauma affects a community of people closely affiliated with each other.
- There are multiple witnesses to the trauma.
- The victims are of special significance to the community, such as government, community, and media leaders.
- Community members are exposed to carnage or misery.
- The incident attracts significant media attention.

During FY2011-FY2013 ICRT teams were deployed to two communities:

- Three members responded to staff at a domestic violence shelter that had served a mother and her children where within a year of services one of the children was murdered.
- Six members responded to students and staff at a rural college where an athlete had died and the investigation was still under way on whether it was a murder or suicide.

In remembrance of 9-11 attacks, a planning committee was formed that included members of the ICRT and CVAD staff. The committee hosted a reception for all ICRT members who volunteered and assisted survivors, family members, first responders and construction workers who had responded to 9-11. There was memorabilia from the response including a power point showing pictures of the 9-11 site, the towers, and some pictures of some of the volunteer team members.

IOWA IDENTITY THEFT PASSPORT PROGRAM

The Iowa Identity Theft Passport Program was implemented on July 1, 2009. Iowans who are victims of identity theft after that date and who have reported the crime to the appropriate law enforcement agency may submit an application for an Identity Theft Passport.

Iowa law defines an identity theft victim as someone whose “identification information” is stolen with intent to fraudulently use or attempt to use the information to obtain credit, property, or services without the authorization of the victim. An individual’s identification information includes his or her name, address, date of birth, telephone number, driver’s license number, non-operator’s identification number, social security number, place of employment, employee identification number, parent’s legal surname prior to marriage, demand deposit account number, savings or checking account number, or credit card number.

An Identity Theft Passport will not be issued to a person in the case of an identity mistake or because the person has lost documents containing identifying information.

When a victim reports identity theft to law enforcement, he or she can apply for an Identity Theft Passport. The law enforcement agency will submit the completed application, law enforcement verification form, and other necessary documents to the Identity Theft passport Program. Once all necessary information is obtained, eligibility for an Identity Theft Passport will be determined. An application will generally be processed within 30 days of receipt by the program.

A law enforcement agency, creditor, or consumer report agency may consider the Identity Theft Passport as they determine their course of investigation and action. The information may help prevent the victim’s arrest or detention for an offense committed by someone using their identity. The information may also help a creditor who is trying to determine if fraudulent charges were made against the victim’s accounts or if accounts were opened using the victim’s identity. And the Identity Theft Passport may be given to a consumer reporting agency to show that there is an identity dispute on the victim’s consumer record. The consumer reporting agency will include the Identity Theft Passport information in future credit reports related to the crime victim.

An identity theft passport is valid for five (5) years from the date of issuance or renewal. A person can apply to renew an Identity Theft Passport within 30 calendar days after its expiration.

A person issued an Identity Theft Passport must notify the Identity Theft passport Program in writing of a change in their name or address. The holder of an Identity Theft Passport must immediately notify the program and the investigating law enforcement agency if the document is lost or stolen.

Iowa Code Chapter 22 requires that an application for an Identity Theft Passport is confidential and is not a public record subject to disclosure. Any person other than the holder of the Identity Theft Passport will be directed to the victim or the law enforcement agency that was the source of the information.

In FY11, twelve (12) passports were issued. In FY12, eleven (11) passports were issued. And in FY13, ten (10) passports were issued.

IOWA ATTORNEY GENERAL'S OFFICE. IDENTITY THEFT VICTIM APPLICATION AND AFFIDAVIT. IOWA CODE SECTION 715A.9A(2): A VICTIM WHO HAS FILED A REPORT OF IDENTITY THEFT WITH A LAW ENFORCEMENT AGENCY MAY APPLY FOR AN IDENTITY THEFT PASSPORT THROUGH THE LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL SEND A COPY OF THE POLICE REPORT AND THE APPLICATION TO THE ATTORNEY GENERAL, WHO SHALL PROCESS THE APPLICATION AND SUPPORTING REPORT AND MAY ISSUE THE VICTIM AN IDENTITY THEFT PASSPORT IN THE FORM OF A CARD OR CERTIFICATE.

SECTION I: VICTIM INFORMATION

- A. FULL GIVEN NAME: _____
- B. COMMON USE NAME: _____
- C. ALIASES: _____
- D. BIRTH DATE: _____ E. SOCIAL SECURITY NUMBER: _____
- F. DRIVER'S LICENSE NUMBER: _____
- G. STREET ADDRESS: _____
- H. CITY: _____ STATE: _____ ZIP CODE: _____
- I. YOUR HOME TELEPHONE NUMBER: _____

SECTION II: CRIME INFORMATION

- A. DATE(S) OF IDENTITY THEFT: _____
- B. ITEM(S) STOLEN: _____
- C. LOCATION OF CRIME: _____ D. DATE(S) REPORTED: _____
- E. LAW ENFORCEMENT AGENCY: _____
- F. NAME OF SUSPECT, IF KNOWN: _____
- G. RELATIONSHIP OF SUSPECT TO VICTIM: _____
- H. OTHER INFORMATION (USE ADDITIONAL PAGE(S) IF NECESSARY):

SECTION III: OTHER INFORMATION TO BE SUPPLIED BEFORE A PASSPORT MAY BE ISSUED

- A. A COPY OF THE VICTIM'S CURRENT DRIVER'S LICENSE OR STATE-ISSUED NON-OPERATOR'S IDENTIFICATION CARD; OR, IF NEITHER IS AVAILABLE,
- B. A CURRENT PHOTOGRAPH OF THE VICTIM CERTIFIED AS VALID BY SIGNATURE OF THE LAW ENFORCEMENT INVESTIGATOR WHO RECEIVED THE REPORT OF IDENTITY THEFT.

BY SIGNING THIS AFFIDAVIT, I ATTEST THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE. I ACKNOWLEDGE THAT I DID FILE AN ACCURATE AND TRUE LAW ENFORCEMENT REPORT OF THIS INCIDENT(S).

SIGNATURE

DATE

**IOWA ATTORNEY GENERAL'S OFFICE
IDENTITY THEFT LAW ENFORCEMENT REPORT VERIFICATION**

IOWA CODE SECTION 715A.9A(5): AN APPLICATION MADE WITH THE ATTORNEY GENERAL UNDER SUBSECTION 2, INCLUDING ANY SUPPORTING DOCUMENTATION, SHALL BE CONFIDENTIAL AND SHALL NOT BE A PUBLIC RECORD SUBJECT TO DISCLOSURE UNDER CHAPTER 22.

SECTION I: LAW ENFORCEMENT AGENCY

- A. NAME OF LAW ENFORCEMENT AGENCY: ____
- B. LAW ENFORCEMENT AGENCY TELEPHONE NUMBER: _____
- C. NAME OF INVESTIGATING OFFICER COMPLETING THIS REPORT: _____

SECTION II: INFORMATION REQUESTED FROM LAW ENFORCEMENT AGENCY

- A. DID THE VICTIM NAMED IN THE ATTACHED IDENTITY THEFT APPLICATION AND AFFIDAVIT REPORT TO YOUR LAW ENFORCEMENT AGENCY THE CRIME OF IDENTITY THEFT?
- B. DATE OF REPORT: _____ C. LE CASE NUMBER: _____
- D. HAS A SUSPECT BEEN IDENTIFIED?
- E. IF YES, NAME OF SUSPECT: _____
- F. HAVE CHARGES BEEN FILED? _____
- G. IS ISSUANCE OF AN IDENTITY THEFT PASSPORT WARRANTED IN THIS CASE?
- H. OTHER INFORMATION (USE ADDITIONAL PAPER IF NECESSARY):

SIGNATURE OF INVESTIGATING OFFICER

DATE

IOWA PROTECTIVE ORDER NOTIFICATION FOR DOMESTIC ABUSE PROGRAM

The Iowa Protective Order Notification for Domestic Abuse (IPONDA) Program is Iowa's automated VINE Protective Order (VPO) system. IPONDA was developed with the assistance of the Criminal and Juvenile Justice Planning Agency (CJJP) and was fully implemented in Fiscal Year 2012.

IPONDA assists victims (petitioners) who apply for and receive a protection order from the court to be notified when the protective order is served to the abuser (respondent.) The time immediately after the serving of a protective order to the alleged abuser is a very dangerous time for a domestic abuse victim.

IPONDA provides life-saving services to these victims at no cost to them, the law enforcement agency, or the courts. A program goal is to reduce the number of phone and in-person inquiries from a victim who is anxiously waiting for the service of the court-ordered protection order. IPONDA keeps victims 'in the loop' regarding case activity and the protection order.

A victim registered with IPONDA can access information about the case when and where he or she wants it, 24/7/365, and in multiple languages. IPONDA automatically notifies that victim when the protective order is served to the person they report has abused them. Upon notification, the victim and the victim's family can put into action their safety plan.

IPONDA is a part of the IowaVINE system described on page 30 of this report. IPONDA is different from IowaVINE in that the information and notification is restricted to the victim who has a court-issued protection order.

A victim can register with IPONDA by calling 1-888-7-IAVINE or by visiting the IPONDA page at www.registervpo.com. Requirements for registration are very simple and are explained during the call and on the Web site.

When a person applies for a protective order, the Clerk of Court will provide that victim with an IPONDA brochure and the case number with which the victim can register for IPONDA. The victim can receive notification of service, information about when the order will expire, notice of case events, and notice if firearms are confiscated from the reported abuser.

IPONDA helps satisfy the Iowa Code requirement for victim notification when a protection order is served. Law enforcement officers are better assured that the victim is notified when the protection order is served and can focus on their core responsibility of investigating the case.

Victim advocates assist victims with registration for IPONDA as part of a victim's safety plan to keep themselves and their family safe. It is important to remember that, while IPONDA registration is only part of the safety plan, it cannot be solely depended on for protection.

The CVAD contracts with Appriss, Inc., of Louisville, Kentucky, to provide and maintain IPONDA technology. Round-the-clock support from victim service trained live operators is available to victims. Appriss also provides online and on-site IPONDA training for law enforcement officers, Clerks of Court, and victim service providers.

REGISTRANT WATCH PROGRAM

The Registrant Watch Program is Iowa's automated notification system for tracking of sex offenders. Registrant Watch was developed with the assistance of the Iowa Division of Criminal Investigation's Department of Public Safety's Sex Offender Registry Program and was fully implemented in Fiscal Year 2012.

Registrant Watch assists individuals who register for notification of sex offender updates in their neighborhoods, cities, or states. Registered sex offenders fall along a tier system in the State of Iowa. Tier one offenders must update registration once per year. Tier two offenders must update their status twice per year. Tier three offenders must update their information three times per year.

Registrant Watch provides 24 hour access to sex offender registration information online while having the ability to register for sex offender's location and other characteristics. The system then provides the registrant with email or phone messages with a change in the location or identification information of that sex offender.

The service contacts individuals via phone and or email. Phone calls can come at any time of the day. If there is no answer or the call goes to an answering machine, the system will call back once for a total of two calls. A short message will be left on the answering machine. This service is confidential and free of charge.

To register, go to www.iowasexoffender.com or call 515-725-6050.

**IOWA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE
IOWA CRIME VICTIM ASSISTANCE DIVISION**

ADDENDUM I

**AUTHORIZING STATUTES IN THE
CODE OF IOWA**

Attorney General's Office

(Crime Victim Assistance Division)

13.31 Victim assistance program.

A victim assistance program is established in the department of justice, which shall do all of the following:

1. Administer grants received under the federal Victims of Crime Act pursuant to Pub. L. No. 98-473, Tit. 2, ch. 14, 42 U.S.C. § 10601, as amended by the federal Children's Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903 (1986).
2. Administer the state crime victim compensation program as provided in chapter 915.
3. Administer the domestic abuse program provided in chapter 236.
4. Administer the family violence prevention and services grants pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No. 98-457, 42 U.S.C. § 10401.
5. Administer payment for sexual abuse medical examinations pursuant to section 915.41.
6. Administer the violence against women program and grants received pursuant to the federal Violence Against Women Act, Tit. IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 42 U.S.C. § 13701.
7. Administer an automated victim notification system as authorized pursuant to section 915.10A.
89 Acts, ch 279, §1; 90 Acts, ch 1251, §1; 91 Acts, ch 181, §16; 98 Acts, ch 1090, §58, 84; 2002 Acts, ch 1016, §1; 2007 Acts, ch 27, §1; 2010 Acts, ch 1061, §180
Federal Act reference updated pursuant to Code editor directive

Crime Victim Compensation Fund

915.94 Victim compensation fund.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, to victims under section 710A.2, and for the support of an automated victim notification system established in section 915.10A. The department may also use up to one hundred thousand dollars from the fund to provide training for victim service providers. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

98 Acts, ch 1090, §55, 84; 2001 Acts, ch 84, §1; 2006 Acts, ch 1074, §8; 2007 Acts, ch 22, §111; 2007 Acts, ch 27, §10

Crime Victim Compensation Program

(Crime Victim Assistance Board)

915.80 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. “*Compensation*” means moneys awarded by the department as authorized in this subchapter.
 2. “*Crime*” means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony or misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. “*Crime*” does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for violations of section 321.261, 321.277, 321J.2, 462A.7, 462A.12, 462A.14, or 707.6A, or when the intention is to cause personal injury or death. A license revocation under section 321J.9 or 321J.12 shall be considered by the department as evidence of a violation of section 321J.2 for the purposes of this subchapter. A license suspension or revocation under section 462A.14, 462A.14B, or 462A.23 shall be considered by the department as evidence of a violation of section 462A.14 for the purposes of this subchapter.
 3. “*Department*” means the department of justice.
 4. “*Dependent*” means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim’s death.
 5. “*Secondary victim*” means the victim’s spouse, children, parents, and siblings, and any person who resides in the victim’s household at the time of the crime or at the time of the discovery of the crime. “*Secondary victim*” does not include persons who are the survivors of a victim who dies as a result of a crime.
 6. “*Victim*” means a person who suffers personal injury or death as a result of any of the following:
 - a. A crime.
 - b. The good faith effort of a person attempting to prevent a crime.
 - c. The good faith effort of a person to apprehend a person suspected of committing a crime.
- 98 Acts, ch 1090, §41, 84; 2007 Acts, ch 27, §7

915.81 Award of compensation.

The department shall award compensation authorized by this subchapter if the department is satisfied that the requirements for compensation have been met.

98 Acts, ch 1090, §42, 84

915.82 Crime victim assistance board.

1. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:
 - a. A county attorney or assistant county attorney.
 - b. Two persons engaged full-time in law enforcement.
 - c. A public defender or an attorney practicing primarily in criminal defense.
 - d. A hospital medical staff person involved with emergency services.

- e. Two public members who have received victim services.
- f. A victim service provider.
- g. A person licensed pursuant to chapter 154B or 154C.
- h. A person representing the elderly.

Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

2. The board shall adopt rules pursuant to chapter 17A relating to program policies and procedures.

3. A victim aggrieved by the denial or disposition of the victim's claim may appeal to the district court within thirty days of receipt of the board's decision.

98 Acts, ch 1090, §43, 84

915.83 Duties of department.

The department shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the crime victim compensation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.

2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.

3. Publicize through the department, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the crime victim compensation program, including the procedures for obtaining compensation under the program.

4. Request from the department of human services, the department of workforce development and its division of workers' compensation, the department of public safety, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.

5. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if compensation is made. The department shall be responsible for the cost of the medical examination from funds appropriated to the department for the crime victim compensation program if compensation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

6. Receive moneys collected pursuant to section 904.702 for the purpose of compliance with Pub. L. No. 98-473.

98 Acts, ch 1061, §10; 98 Acts, ch 1090, §44, 84; 98 Acts, ch 1128, §2

915.84 Application for compensation.

1. To claim compensation under the crime victim compensation program, a person shall apply in writing on a form prescribed by the department and file the application with the department within two years after the date of the crime, the discovery of the crime, or the date of death of the victim. The department may waive the time limitation if good cause is shown.

2. A person is not eligible for compensation unless the crime was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. If the crime cannot reasonably be reported within that time period, the crime shall have been reported within seventy-two hours of the time a report can reasonably be made. The department may waive this requirement if good cause is shown.

3. Notwithstanding subsection 2, a victim under the age of eighteen or dependent adult as defined in section 235B.2 who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 or 726 or who has been the subject of a forcible felony is not required to report the crime to the local police department or county sheriff department to be eligible for compensation if the crime was allegedly committed upon a child by a person responsible for the care of a child, as defined in section 232.68, subsection 7, or upon a dependent adult by a caretaker as defined in section 235B.2, and was reported to an employee of the department of human services and the employee verifies the report to the department.

4. When immediate or short-term medical services or mental health services are provided to a victim under section 915.35, the department of human services shall file the claim for compensation as provided in subsection 3 for the victim.

5. When immediate or short-term medical services to a victim are provided pursuant to section 915.35 by a professional licensed or certified by the state to provide such services, the professional shall file the claim for compensation, unless the department of human services is required to file the claim under this section. The requirement to report the crime to the local police department or county sheriff department under subsection 2 does not apply to this subsection.

6. The victim shall cooperate with reasonable requests by the appropriate law enforcement agencies in the investigation or prosecution of the crime.

98 Acts, ch 1090, §45, 84; 99 Acts, ch 10, §1

915.85 Compensation payable.

The department may order the payment of compensation:

1. To or for the benefit of the person filing the claim.
2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.
3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to compensation, the compensation may be apportioned by the department as the department determines to be fair and equitable among the dependents.
4. To a victim of an act committed outside this state who is a resident of this state, if the act would be compensable had it occurred within this state and the act occurred in a state that does not have an eligible crime victim compensation program, as defined in the federal Victims of Crime Act of 1984, Pub. L. No. 98-473, section 1403(b), as amended and codified in 42 U.S.C. § 10602(b).
5. To or for the benefit of a resident of this state who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331, which occurred outside of the United States.

98 Acts, ch 1090, §46, 84

915.86 Computation of compensation.

The department shall award compensation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed twenty-five thousand dollars. Reasonable charges incurred for mental health care not to exceed five thousand dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 915.20A.
 - a. The department shall establish the rates at which it will pay charges for medical care.
 - b. If the department awards compensation, in full, at the established rate for medical care, and the medical provider accepts the payment, the medical provider shall hold harmless the victim for any amount not collected that is more than the rate established by the department.
2. Loss of income from work the victim would have performed and for which the victim would have received remuneration if the victim had not been injured, not to exceed six thousand dollars.
3. Loss of income from work that the victim's parent or caretaker would have performed and for which the victim's parent or caretaker would have received remuneration for up to three days after the crime or the discovery of the crime to allow the victim's parent or caretaker to assist the victim and when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars per parent or caretaker.
4. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 would have performed and for which that person would have received remuneration, where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings including the trial and sentencing in the case, not to exceed one thousand dollars.
5. Reasonable replacement value of clothing that is held for evidentiary purposes not to exceed two hundred dollars.
6. Reasonable funeral and burial expenses not to exceed seven thousand five hundred dollars.
7. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed four thousand dollars per dependent.
8. In the event of a victim's death, reasonable charges incurred for counseling the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 148. The allowable charges under this subsection shall not exceed five thousand dollars per person.
9. In the event of a homicide, reasonable charges incurred for health care for the victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed three thousand dollars per survivor.

10. In the event of a homicide, loss of income from work that, but for the death of the victim, would have been earned by the victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed six thousand dollars.

11. Reasonable expenses incurred for cleaning the scene of a crime, if the scene is a residence, not to exceed one thousand dollars.

12. Reasonable charges incurred for mental health care for secondary victims which include the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work, counseling, or a related field, a victim counselor as defined in section 915.20A, or a psychiatrist licensed under chapter 148. The allowable charges under this subsection shall not exceed two thousand dollars per secondary victim.

13. Reasonable dependent care expenses incurred by the victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 for the care of dependents while attending criminal justice proceedings or medical or counseling services, not to exceed one thousand dollars per person.

14. Reasonable expenses incurred by a victim, the victim's parent or caretaker, or the survivor of a victim as described in subsection 10 to replace locks, windows, and other residential security items at the victim's residence or at the residential scene of a crime, not to exceed five hundred dollars per residence.

15. Reasonable expenses incurred by the victim, a secondary victim, the parent or guardian of a victim, or the survivor of a homicide victim as described in subsection 10 for transportation to medical, counseling, funeral, or criminal justice proceedings, not to exceed one thousand dollars per person.

98 Acts, ch 1090, §47, 84; 98 Acts, ch 1128, §1, 2; 99 Acts, ch 10, §2; 2000 Acts, ch 1064, §1, 2; 2007 Acts, ch 27, §8, 9; 2009 Acts, ch 178, §29; 2009 Acts, ch 179, §47

915.87 Reductions and disqualifications.

Compensation is subject to reduction and disqualification as follows:

1. Compensation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:

a. From or on behalf of a person who committed the crime or who is otherwise responsible for damages resulting from the crime.

b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.

c. From public funds.

d. As an emergency award under section 915.91.

2. Compensation shall not be made when the bodily injury or death for which a benefit is sought was caused by any of the following:

a. Consent, provocation, or incitement by the victim.

b. The victim assisting, attempting, or committing a criminal act.

98 Acts, ch 1090, §48, 84

915.88 Compensation when money insufficient.

Notwithstanding this subchapter, a victim otherwise qualified for compensation under the crime victim compensation program is not entitled to the compensation when there is insufficient money from the appropriation for the program to pay the compensation.

98 Acts, ch 1090, §49, 84

915.89 Erroneous or fraudulent payment – penalty.

1. If a payment or overpayment of compensation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the compensation. The department may waive, decrease, or adjust the amount of the repayment of the compensation. However, if the department does not notify the recipient of the erroneous payment or overpayment within one year of the date the compensation was made, the recipient is not liable for the repayment of the compensation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the compensation.

98 Acts, ch 1090, §50, 84

915.90 Release of information.

A person in possession or control of investigative or other information pertaining to an alleged crime or a victim filing for compensation shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the administration and enforcement of the crime victim compensation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the department as required under this section.

98 Acts, ch 1090, §51, 84

915.91 Emergency payment compensation.

If the department determines that compensation may be made and that undue hardship may result to the person if partial immediate payment is not made, the department may order emergency compensation to be paid to the person, not to exceed five hundred dollars.

98 Acts, ch 1090, §52, 84

915.92 Right of action against perpetrator – subrogation.

A right of legal action by the victim against a person who has committed a crime is not lost as a consequence of a person receiving compensation under the crime victim compensation program. If a person receiving compensation under the program seeks indemnification which would reduce the

compensation under section 915.87, subsection 1, the department is subrogated to the recovery to the extent of payments by the department to or on behalf of the person. The department has a right of legal action against a person who has committed a crime resulting in payment of compensation by the department to the extent of the compensation payment. However, legal action by the department does not affect the right of a person to seek further relief in other legal actions.

98 Acts, ch 1090, §53, 84

915.93 Rulemaking.

The department shall adopt rules pursuant to chapter 17A to implement the procedures for reparation payments with respect to section 915.35 and section 915.84, subsections 3, 4, and 5.

98 Acts, ch 1090, §54, 84

915.94 Victim compensation fund.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, to victims under section 710A.2, and for the support of an automated victim notification system established in section 915.10A. The department may also use up to one hundred thousand dollars from the fund to provide training for victim service providers. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

98 Acts, ch 1090, §55, 84; 2001 Acts, ch 84, §1; 2006 Acts, ch 1074, §8; 2007 Acts, ch 22, §111; 2007 Acts, ch 27, §10

Sexual Abuse Examination Payment Program

915.41 Medical examination costs.

The cost of a medical examination of a victim for the purpose of gathering evidence and the cost of treatment of a victim for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94.

98 Acts, ch 1090, §34, 84; 99 Acts, ch 114, §48

Victim Services Support Program

(Domestic Abuse and Sexual Abuse Program and domestic and sexual abuse hotlines)

236.16 Department powers and duties.

1. The department shall:

- a. Designate and award grants for existing and pilot programs pursuant to this chapter to provide emergency shelter services and support services to victims of domestic abuse.
 - b. Design and implement a uniform method of collecting data from domestic abuse organizations funded under this chapter.
 - c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of domestic abuse. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of citizens' aide, providing counseling services to victims over the telephone, and providing domestic abuse victim advocacy.
 - d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.
 - e. Develop, with the assistance of the entity operating the telephone hotline and other domestic abuse victim services providers, brochures explaining the rights of victims set forth under section 236.12 and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of domestic abuse.
2. The department shall consult and cooperate with all public and private agencies which may provide services to victims of domestic abuse, including but not limited to, legal services, social services, prospective employment opportunities, and unemployment benefits.
 3. The department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

85 Acts, ch 175, §7; 89 Acts, ch 279, §6; 91 Acts, ch 218, §15

IowaVINE and IPONDA Programs

915.10A Automated victim notification system.

1. An automated victim notification system is established within the crime victim assistance division of the department of justice to assist public officials in informing crime victims, the victim's family, or other interested persons as provided in this subchapter and where otherwise specifically provided. The system shall disseminate the information to registered users through telephonic, electronic, or other means of access.
2. An office, agency, or department may satisfy a notification obligation to registered victims required by this subchapter through participation in the system to the extent information is available for dissemination through the system. Nothing in this section shall relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the system.
3. Notwithstanding section 232.147, information concerning juveniles charged with a felony offense shall be released to the extent necessary to comply with this section.

2005 Acts, ch 158, §47; 2007 Acts, ch 27, §4

Identity Theft Passport Program

715A.9A Identity theft passport.

1. The attorney general, in cooperation with any law enforcement agency, may issue an identity theft passport to a person who meets both of the following requirements:

- a. Is a victim of identity theft in this state as described in section 715A.8.
- b. Has filed a police report with any law enforcement agency citing that the person is a victim of identity theft.

2. A victim who has filed a report of identity theft with a law enforcement agency may apply for an identity theft passport through the law enforcement agency. The law enforcement agency shall send a copy of the police report and the application to the attorney general, who shall process the application and supporting report and may issue the victim an identity theft passport in the form of a card or certificate.

3. A victim of identity theft issued an identity theft passport may present the passport to any of the following:

- a. A law enforcement agency, to help prevent the victim's arrest or detention for an offense committed by someone other than the victim who is using the victim's identity.
- b. A creditor of the victim, to aid in the creditor's investigation and establishment of whether fraudulent charges were made against accounts in the victim's name or whether accounts were opened using the victim's identity.

4. A law enforcement agency or creditor may accept an identity theft passport issued pursuant to this section and presented by a victim at the discretion of the law enforcement agency or creditor. A law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the offense of identity theft pertaining to the victim.

5. An application made with the attorney general under subsection 2, including any supporting documentation, shall be confidential and shall not be a public record subject to disclosure under chapter 22.

6. The attorney general shall adopt rules necessary to implement this section, which shall include a procedure by which the attorney general shall assure that an identity theft passport applicant has an identity theft claim that is legitimate and adequately substantiated.

2006 Acts, ch 1067, §1

**IOWA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE
IOWA CRIME VICTIM ASSISTANCE DIVISION**

ADDENDUM II

**AUTHORIZING STATUTES IN THE
CODE OF IOWA**

Iowa Administrative Rules Code
Attorney General – 61
Chapter 9
VICTIM ASSISTANCE PROGRAM
(Crime victim assistance division)
DIVISION I
ADMINISTRATION
(Crime Victim Assistance Board)

61–9.1(912) Definitions.

“Board” means crime victim assistance board.

“Department” means Iowa department of justice.

“Director” means director of the crime victim assistance division established in the department of justice.

61–9.2(912) Board.

9.2(1) A crime victim assistance board is established pursuant to Iowa Code section 912.2A.

9.2(2) Members of the board shall serve terms for three years and are eligible for reappointment to the board by the attorney general.

9.2(3) The initial term of the board members shall commence on 7/1 of the state fiscal year.

61–9.3(912) Expenses.

9.3(1) Board members shall be reimbursed from the victim’s compensation fund for expenses actually and necessarily incurred in the discharge of their duties including attendance at board meetings, board committee meetings, and other activities on behalf of the board as designated by the board chair and approved by the department. Reimbursement for expenses shall conform with guidelines established by the department of revenue.

9.3(2) A member of the board may receive, in addition to actual expense reimbursement, a per diem which conforms with guidelines established by the department of revenue.

9.3(3) Expenses of the board and individual members shall be submitted to the director.

61–9.4(912) Chair of the board.

9.4(1) The attorney general shall select one of the members of the board to serve as chair of the board. The chair shall serve at the pleasure of the attorney general.

9.4(2) A member who is chair of the board and relinquishes or is removed as the chair may maintain board membership for the remainder of the term for which the member was originally appointed.

61–9.5(912) Resignations.

9.5(1) Resignations from the board shall be made to the attorney general.

9.5(2) Whenever a member of the board ceases to have the statutory qualifications for appointment to the board, that member shall be considered to have resigned and a vacancy shall occur on the board.

9.5(3) A board member shall be deemed to have submitted a resignation from the board if any of the following events occur:

a. The member does not attend three or more consecutive regular meetings of the board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least 30 days apart.

b. The person attends less than one-half of the regular meetings of the board within any period of 12 calendar months beginning July 1. This paragraph applies only to such a period beginning on or after the date when the person is appointed to the board.

c. If the member receives no notice and had no knowledge of a regular meeting and gives the attorney general a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this rule.

d. The attorney general at the attorney general's discretion may accept or reject such resignation. If the attorney general accepts it, the attorney general shall notify the member, in writing, that the resignation is accepted pursuant to this rule. The attorney general shall then make another appointment to fill the vacancy.

61–9.6(912) Vacancies. Barring unusual circumstances, vacancies on the board shall be filled within 45 days after the attorney general is advised of the vacancy. Vacancies shall be filled for the remainder of the vacant term.

61–9.7(912) Meetings. The board shall meet a minimum of once per quarter. The board may also meet at the call of the chair or upon the written request to the chair of at least five members of the board.

61–9.8(912) Duties of board. The board shall adopt rules pursuant to Iowa Code chapter 17A relating to the administration of the crime victim assistance division including the adoption of administrative rules relating to the following:

1. Administration of grants received under the federal Victims of Crime Act of 1984 pursuant to Pub. L. No.98-473, Title 2, Chapter 14, 42 U.S.C. Section 10601, as amended by the Children's Justice and Assistance Act of 1986, Pub. L. No.99-401, 100 Stat. 903 and as amended by the Anti-Drug Abuse Act of 1988, Title VII, subtitle D, Pub. L. No.100-690.

2. Administration of the Family Violence Prevention and Services Act grant pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No.98-457, 42 U.S.C. Section 10401, reauthorized in 1988, Pub. L. No.100-294.

3. Administration of the domestic abuse and rape crisis funds and the Iowa domestic abuse hotline funds provided in Iowa Code chapter 236.

4. Administration of other grants or funds available by public law for victim assistance and administered by the department.

5. Administration of the victim compensation program provided in Iowa Code chapter 912.

6. Administration of sexual abuse examination payments as provided in Iowa Code section 709.10.

7. Appeal procedures for victim compensation claims denied by the department.

8. Appeal procedures for grants administered by the department and denied by the board.

61–9.9(912) Director and staff. The attorney general shall employ a director and staff for the victim assistance division and they shall be employees of the department.

61–9.10(912) Duties of department. In addition to the duties contained in Iowa Code section 13.13, the department shall:

1. Administer other funds, grants, or programs for victim assistance created by public law or the department.

2. Provide administrative support to the board.

3. Enter into agreements under Iowa Code chapter 28E or other law including agreements with other state agencies and political subdivisions for the transfer to the department of funds authorized by law for victim service programs.

4. Accept, use, and dispose of contributions of money, services, and property, which are made available by an agency or department of the state or any of its political subdivisions, the federal government, a private agency, or an individual, that are specifically designated for crime victim assistance programs.

61–9.11 to 9.24 Reserved.

DIVISION II CRIME VICTIM COMPENSATION

61–9.25(915) Administration of the crime victim compensation program. The crime victim assistance division of the department of justice shall administer the crime victim compensation program as provided in Iowa Code chapter 915. All questions, comments, requests for information, or applications for compensation shall be directed to the crime victim assistance division. Requests should be addressed to: Crime Victim Assistance Division, Lucas State Office Building, Ground Floor, 321 East 12th Street, Des Moines, Iowa 50319; telephone (515)281-5044 or 1-800-373-5044.

61–9.26(915) Definitions. For rules of the crime victim compensation program of the crime victim assistance division of the department of justice, the following definitions apply:

“Affinity” means the relationship of persons who are related by marriage, cohabitation, or engagement to be married.

“Applicant” includes the following individuals who file an application with the crime victim compensation program:

1. A victim of a crime as defined in Iowa Code section 915.80(6).
2. A person responsible for the care and maintenance of a victim.
3. A resident of Iowa who is the victim of an act that would be compensable had it occurred within the state of Iowa and the act occurred in a state or foreign country that does not have a victim compensation program as defined in the federal law.
4. In the event of a victim’s death, the spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim. An estate is not an eligible applicant for crime victim compensation. An estate shall, however, be reimbursed for funeral and burial expenses if the estate paid the costs on behalf of an eligible applicant who shall benefit from the proceeds of the estate.
5. A legal representative authorized to act on behalf of any of the persons listed above.

“Board” means the crime victim assistance board of the department of justice.

“Causal relationship” means that the crime would not have occurred without the action of the victim. A causal relationship exists if the actions of the victim result in a foreseeable injury, play a substantial role in the injury, or directly cause the injury.

“Claimant” means an applicant who has been found to be eligible for compensation.

“Cohabiting” means living in the same household. It is not necessary to establish that a sexual relationship exists between the parties.

“Compensation” means moneys awarded by the division as authorized in Iowa Code chapter 915.

“Consent” means to agree to a course of action or to voluntarily allow what is planned or done by another.

“Counseling” means problem solving and support concerning emotional issues that result from a compensable crime. Counseling is a confidential service provided in person on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person’s sense of well-being and social functioning. Counseling does not include victim advocacy services such as crisis telephone counseling; conversation in a nonprivate setting such as the common area of a shelter or a courthouse; transportation; or attendance at medical procedures, law enforcement interviews or civil and criminal justice proceedings.

“Crime” as defined in Iowa Code section 915.80 includes:

1. Conduct punishable as a misdemeanor or a felony.
2. Property crimes including but not limited to robbery, residential burglary, and residential

arson, where there is a threat of personal injury or harm against a person.

3. Violation of a custody order in which the custodial parent suffers injury.

“Denial” means disqualification of an application or reduction in the amount of compensation paid.

“Department” means the department of justice, attorney general’s office.

“Dependent” means a person who is unable to care for himself or herself due to injury, disability, or minor age status.

“Director” means the director of the crime victim assistance division established in the department of justice.

“Division” means the crime victim assistance division of the department of justice.

“Incitement” means to urge forward or to goad to action.

“Income” or *“wages”* means gross income or gross wages.

“Medical care” means services provided by or provided under the supervision of a person licensed under Iowa law as a medical physician or surgeon, osteopathic physician or surgeon, chiropractor, podiatrist, physical therapist, acupuncturist, or dentist. Medical care also includes services rendered in accordance with a method of healing sanctioned by a federally recognized sovereign nation or tribe.

“Medically necessary” means items and services, prescribed by a medical provider under the prescriptive authority of the medical provider’s license, which are reasonably necessary to facilitate the victim’s physical and emotional recovery from the compensable crime.

“Pecuniary loss” means the amount of medical or medical-related expenses and shall include, but not be limited to, eyeglasses, hearing aids, dentures, prosthetic devices including those which were taken, lost, or destroyed during the crime, home health care, medications, counseling, pregnancy-related services, equipment rental or purchase, property alteration, transportation for emergencies and medical care provided outside the victim’s county of residence, or health insurance premiums covered by an employer previous to the victim’s disability from the crime. Pecuniary loss shall also include the loss of income that the victim has incurred as a direct result of the injury to the extent that the victim has not been and shall not be indemnified from any other source.

“Personal injury” or *“injury”* means bodily harm or mental suffering and shall include a victim’s pregnancy or miscarriage resulting from a crime.

“Program” means the crime victim compensation program of the department of justice.

“Provocation” means to cause anger, resentment, or deep feelings that cause or instigate another to take action.

“Public funds” means moneys provided by federal, state, county, city or other local government.

“Reasonable charges” means charges ordinarily charged by the provider of the service to the general public for services of a similar nature.

61–9.27(915) Duties of the division. The duties of the division shall include, but not be limited to, the duties provided for in Iowa Code sections 13.31 and 915.83, as well as:

1. To prepare appropriate forms for the filing and processing of compensation applications.
2. To conduct an administrative review of claims when a request for reconsideration is filed by an applicant with the director.
3. To receive moneys bequeathed, awarded, or donated to the crime victim assistance division by a public or private organization or individual.

61–9.28(915) Application for compensation. An applicant may file an application for compensation by telephone or in writing within two years of the occurrence or discovery of a crime pursuant to Iowa Code section 915.84(1). For a victim of sexual abuse when the offender has been referred pursuant to Iowa Code chapter 229A, the date of the discovery of the crime shall be considered to be the date when the referral was made. The department may waive the requirements of Iowa Code section 915.84(1) if good cause is shown.

9.28(1) Application postmarked. An application postmarked within the prescribed time period shall be considered timely filed.

9.28(2) Good cause. In determining whether there is good cause for waiver of the two-year application filing requirement, the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered.

9.28(3) Multiple erroneous claims. When two or more applications are filed by or on behalf of an individual applicant during a calendar month and the applications appear on initial review to be erroneous claims based on innocent misrepresentation or circumstances of a similar nature, the claims shall be treated as a single application. Verification shall be investigated for each crime recorded in a file with multiple erroneous applications. If any of the crimes recorded in a combined application are verified as compensable crimes, the applications for compensation for those crimes shall be separated from the combined file and assigned distinct application numbers. The department will notify the applicant whenever two or more applications have been combined as one application.

9.28(4) Program effective date. The effective date of the crime victim compensation program is January 1, 1983. Victims and survivors of crimes that were committed prior to the effective date are not eligible for compensation.

9.28(5) Concurrent primary and secondary applications. A victim may be both a primary victim and a secondary victim in the same crime. The secondary victim application shall not be opened until a benefit has been exhausted for the primary application and there is documentation of need for further benefits in that category. The secondary victim application shall be considered timely filed if the primary victim application was timely filed.

9.28(6) Concurrent secondary victim applications. A victim may be a secondary victim to multiple primary victims in a crime. A subsequent secondary victim application shall not be opened until a benefit has been exhausted in the first secondary victim application and there is documentation of need for further benefits in that category. Subsequent secondary victim applications shall be considered timely filed if the primary victim application was timely filed.

61—9.29(915) Report to law enforcement. A person is not eligible for compensation unless the crime is reported to law enforcement pursuant to Iowa Code section 915.84(2). The department may waive the requirements of Iowa Code section 915.84(2) if good cause is shown.

9.29(1) Law enforcement report sources. The department finds there is good cause to accept that the report of a crime to any of the following is a report to law enforcement pursuant to Iowa Code section 915.84(2):

- a. Sheriffs and their regular deputies.
- b. Marshals and police officers of cities.
- c. Peace officers of the department of public safety.
- d. Special security officers employed by a board of regents institution as identified in Iowa Code section 262.13.
- e. Peace officers as authorized by Iowa Code section 350.5 or 456A.13.
- f. Employees of the department of transportation who are designated "peace officers" by resolution of the department under Iowa Code section 321.477.
- g. Correctional officers, including parole and probation officers.
- h. County and state prosecutors.
- i. An employee of the department of human services having jurisdiction to investigate the incident.
- j. A magistrate or judge of the Iowa court system.

9.29(2) Elements of a report. A victim is considered to have made a report to law enforcement when the victim has provided a true and accurate report of the incident, which shall include to the best of the victim's knowledge:

- a. The nature of the crime,
- b. The location of the crime,
- c. The name, whereabouts and description of the suspect, if known, and
- d. The names of witnesses, if known.

9.29(3) Law enforcement record. A law enforcement trip record may satisfy the requirement that the crime be reported to law enforcement.

9.29(4) Good cause. In determining whether there is good cause for waiving the requirement to report a crime to law enforcement within 72 hours of the occurrence of the crime, the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered.

9.29(5) Child victim. If the victim is a child as defined in Iowa Code section 232.2 and is reported to be a victim of child abuse, the department finds there is good cause to waive the 72-hour reporting requirement.

9.29(6) Dependent adult victim. If the victim is a dependent adult as defined in Iowa Code section 235B.2(4) and is reported to be a victim of dependent adult abuse, the department finds there is good cause to waive the 72-hour reporting requirement.

9.29(7) Sexual abuse victim. For a victim of sexual abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a sexual abuse evidentiary examination was completed within 72 hours of the crime and the victim files a subsequent law enforcement report.

9.29(8) Domestic abuse victim. For a victim of domestic abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a pro se protection order pursuant to Iowa Code chapter 236 is entered by the court and the victim files a subsequent law enforcement report.

9.29(9) Victim of a sexually violent predator. For a victim of sexual abuse, the department finds good cause to waive the 72-hour reporting requirement when the offender is referred pursuant to Iowa Code chapter 229A.

61–9.30(915) Cooperation with law enforcement. To be eligible for compensation, the victim of crime must cooperate with the reasonable requests of law enforcement.

9.30(1) Reasonable cooperation. Reasonable cooperation by the victim may include, but is not limited to, the following:

- a. Providing law enforcement with a true and accurate report of the crime.
- b. Participating in the investigation of the crime to assist law enforcement in the identification of a suspect as requested including the review of photographs, composites, and lineups.
- c. Participating in prosecution procedures including deposition and trial testimony as requested.

9.30(2) Determination of cooperation. In determining whether a victim reasonably cooperated with law enforcement, the division may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim.

9.30(3) Polygraph testing. In determining whether a victim reasonably cooperated with law enforcement, the refusal of a victim to undergo a polygraph examination shall not be the basis of denial.

9.30(4) Sexual abuse victim. A victim of sexual abuse shall be deemed to have reasonably cooperated with law enforcement if the victim undergoes a sexual abuse evidentiary examination.

9.30(5) Domestic abuse victim. A victim of domestic abuse shall be deemed to have reasonably cooperated with law enforcement if a report of the crime was made to law enforcement.

61–9.31(915) Contributory conduct. The division shall reduce or disqualify compensation when there is a causal relationship between the contributory conduct on the part of the victim and the victim's injury or death. Contributory conduct includes consent, provocation, or incitement of the crime on the part of the victim.

9.31(1) Consent, provocation, and incitement. In assessing consent, provocation or incitement on

the part of the victim pursuant to Iowa Code section 915.87(2)“a,” the division may consider factors including, but not limited to, the following:

- a. Whether charges are filed against the suspect;
- b. Whether the victim attempted to withdraw from the incident;
- c. Comparable or reasonable force on the part of the suspect in response to an action of the victim;
- d. The amount of time from the beginning of the interaction between the victim and the suspect and the criminal act committed by the suspect;
- e. The age of the victim; and
- f. Comparable size or strength of the victim and suspect.

9.31(2) *Additional assessment of consent.* In assessing the causal nature of consent pursuant to Iowa Code section 915.87(2)“a,” the division may consider the victim’s age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim.

9.31(3) *Consent in intoxicated driving cases.* A victim who was the passenger in the vehicle of a driver who has been determined to have been legally intoxicated at the time of the crash shall not be automatically denied eligibility for compensation. The division may consider whether the victim could have reasonably known the intoxication level of the driver, the driver’s behavior or judgment appeared impaired, the victim encouraged or discouraged the driver from driving, or the victim’s judgment was impaired.

9.31(4) *Additional assessment of provocation and incitement.* In assessing the causal nature of provocation or incitement pursuant to Iowa Code section 915.87(2)“a,” the division may consider law enforcement documentation that indicates:

a. *Retaliatory action.* The crime was committed as retaliation for a prior physical assault or injury committed by the victim against the perpetrator, and the victim could have reasonably foreseen the likelihood of retaliation.

b. *Gang action.* The crime was a direct result of gang activity, including gang initiation, or was inflicted as retaliation for prior gang activity in which the victim participated in a criminal street gang as defined in Iowa Code section 723A.1(2).

c. *Mutual combat.* The crime was an incident of mutual combat if the victim:

- (1) Initiated a physical altercation;
- (2) Made a credible threat of bodily harm against the person, took action to indicate the intent to carry out the threat and a physical altercation immediately followed; or
- (3) Accepted a verbal challenge to engage in a physical altercation, took action to indicate acceptance of the challenge and a physical altercation immediately followed.

d. *Exception to mutual combat.* Incitement and provocation are not present in an incident of mutual combat when a significant escalation of the fight, such as the introduction of a deadly weapon, is made by a person other than the victim or when a third party becomes involved resulting in more serious injury than the victim could have reasonably expected.

9.31(5) *Victim’s criminal act.* Contributory conduct includes assisting in, attempting, or committing a criminal act by the victim. A causal relationship must be documented between the injury or death for which compensation is sought and the criminal act of the victim.

61–9.32(915) Eligibility for compensation. The program shall determine the eligibility of an application for compensation.

9.32(1) *Determination of eligibility.* A denial of eligibility shall be based on written documentation that an application does not satisfy the requirements of Iowa Code chapter 915. An applicant shall be deemed eligible for compensation if the division has not obtained written documentation supporting a denial within six months of the date of the application. Notwithstanding the foregoing, the division may extend the determination of eligibility beyond six months if a court date or grand jury hearing is pending and is reasonably expected to result in information necessary to

render an eligibility decision.

9.32(2) *Reopening applications.* Pursuant to Iowa Code section 915.83(2), the department may reopen and reinvestigate an application if the department determines that the decision was incorrect or incomplete. A denied application may be reopened and reinvestigated if it is discovered through a criminal trial or other investigatory source that the information relied upon for the denial decision was incorrect or incomplete. The eligibility of an approved application will be reopened for consideration if information is discovered through a criminal trial or other investigatory source that indicates that there is reason to deny the application. The reopening of a denied or approved case is at the discretion of the administrator for the compensation program.

9.32(3) *Withdrawal of application.* An applicant may withdraw the application for compensation from consideration.

9.32(4) *Maximum compensation.* Compensation shall be reduced or disqualified to the extent that the maximum compensation allowable pursuant to Iowa Code chapter 915 and these rules has been awarded.

61–9.33(915) *Emergency award of compensation.* Emergency awards of compensation may be made if the applicant has incurred a loss of income or pecuniary loss as a direct result of the crime.

9.33(1) *Preliminary eligibility determination.* The program must determine that the application is likely to be eligible based on documentation available including, at minimum, the law enforcement verification form provided to law enforcement by the program.

9.33(2) *Documentation.* To make an emergency award of compensation, the program must have documentation of the lost wages or the pecuniary loss.

9.33(3) *Emergency award decision.* A decision denying an emergency award shall not be appealable.

9.33(4) *Offset.* Any emergency award shall be deducted from the final award of compensation made to the claimant.

61–9.34(915) *Computation of compensation.* The division shall determine the amount of compensation to be awarded to an eligible applicant.

9.34(1) *Benefit limits.* Compensation shall be made up to the benefit category limits in effect on the date the application is filed. For an eligible victim of sexual abuse when the offender has been referred pursuant to Iowa Code chapter 229A, compensation shall be paid for expenses incurred after referral of the offender.

9.34(2) *Payer-of-last-resort.* The program is a payer-of-last-resort pursuant to federal law 42 U.S.C. 10602(1403). Compensation shall not be paid for services when the provision for those services is mandated by law or administrative rule to be the responsibility of another governmental unit, private agency or program. Payments shall be reduced by payments made by offenders and third parties responsible for the damages of the crime.

9.34(3) *Voluntary financial programs.* Compensation applicants will be encouraged to apply for other financial assistance programs to pay costs resulting from the crime-related injury. However, no applicant will be denied compensation benefits based on the applicant's refusal to seek funds from a voluntary financial assistance program.

9.34(4) *Insurance providers.* Eligible victims and claimants must give service providers the information necessary to bill insurance providers for crime-related treatment. Payment of compensation will not be made if the victim refuses or fails to provide information requested by the service or insurance provider or sign the required assignment of benefits within a reasonable time frame.

9.34(5) *Supplanting of funds prohibited.* Compensation shall be made only when the claimant is responsible for the cost of crime-related injury. Compensation shall not be paid when a government entity, including but not limited to a mental health facility, jail, or prison, is responsible for the costs of treatment for injury from crime.

61—9.35(915) Computation of benefit categories. The division shall determine the amount of compensation to be awarded to an eligible applicant for injury from crime for each benefit category pursuant to Iowa Code section 985.86.

9.35(1) Medical care. Compensation may be paid for the reasonable expenses of medical care provided to eligible crime victims by, or under the supervision of, a person licensed by the state under Iowa Code chapter 147, 148, 148A, 148E, 149, 150A, 151, 152C, or 153. When preexisting medical conditions are treated during crime-related medical care, the program may reduce payment to a percentage equal to the portion of the medical care determined to be directly related to the compensable crime. Medical care expenses include the following:

a. Medical care sanctioned by sovereign nations and tribes. Compensation may be paid for medical care rendered in accordance with a method of healing sanctioned by a federally recognized sovereign nation or tribe.

b. Medical counseling costs. Compensation may be paid for counseling provided under the direct supervision of a psychiatrist or other physician and shall be applied toward the medical benefit maximum.

c. Medical care for homicide victim survivors. Compensation may be paid to the spouse, child, parent, sibling, or person related by blood or affinity to a homicide victim for the same types of medical care which are allowable for primary victims, including but not limited to hospital and physician care, psychiatric care, prescriptions, and transportation expenses related to injury from the crime.

d. Medical equipment and property alteration. Compensation may be paid for equipment and property alteration which are prescribed as medically necessary care due to injury from the crime.

e. Medical supplies. Compensation may be paid for medical care supplies and incidental supplies necessary for medical care due to injury from the crime.

f. Medical care for pregnancy. Compensation may be paid for medical care costs related to pregnancy resulting from the crime of sexual abuse. Eligible expenses for care of the victim shall be paid. Expenses incurred for care of a newborn child are not compensable.

g. Medical devices. Compensation may be paid for the replacement of a medical device including but not limited to a sight or hearing device, dentures, prosthetic device, wheelchair, and medication that was taken, lost or destroyed during the crime.

h. Transportation for medical emergency. Compensation may be paid for the reasonable cost of transportation in a medical emergency by private vehicle at the state rate for boards and commissions per mile. Mileage will be based on mileage calculation from the most current map published by the department of transportation. Transportation within a city limits will be based on the program's estimate of mileage from the location of the injured victim to the medical facility.

i. Transportation for nonemergency care. Compensation may be paid for the cost of transportation by commercial vehicle or by private car for nonemergency medical care and counseling received outside of the victim's county of residence. Transportation provided by private vehicle for nonemergency care will be reimbursed at the state rate for boards and commissions per mile. Mileage will be based on mileage calculation from the most current map published by the department of transportation.

j. Transportation medical benefit. Compensation may be paid for transportation from the applicable medical care or counseling benefit category. The available funds to the victim from the applicable benefit category will be reduced by the amount of compensation paid for transportation.

k. Health insurance. Compensation may be paid for premiums to continue a health insurance policy that was provided in whole or in part by the victim's employer prior to the crime and the employment ceased as a result of the crime.

9.35(2) Medical care records. When compensation for medical care is requested, the provider shall submit medical records that document the care provided and show that the medical care is for injury from crime.

9.35(3) *Mental health counseling.* Compensation may be paid for the reasonable costs of mental health counseling for eligible crime victims and survivors of a homicide victim. When preexisting mental health issues are addressed during crime-related counseling, the program may reduce payment to a percentage equal to the portion of the counseling determined to be directly related to the compensable crime. The mental health counseling provider shall submit a vitae establishing the provider's educational qualifications for compensation. A provider who is required to be licensed under Iowa law must provide proof of licensure and good standing with the professional licensing board. Compensation shall be paid for mental health counseling provided by the following:

a. Master's level counselor. Compensation may be paid for mental health counseling provided by a person holding at least a master's degree in a mental health or counseling field including but not limited to social work, psychology, guidance and counseling, behavioral sciences, art therapy, marriage and family therapy, child life therapy, and advanced mental health registered nursing.

b. Supervised mental health counselor. Compensation may be paid for mental health counseling provided by a counselor who does not have a master's degree but is under the supervision of a counselor with a master's degree. The supervising mental health counselor must sign the session notes which must be submitted for review by the program.

c. Intern mental health counselors. Compensation may be paid for mental health counseling provided by an intern candidate for a master's degree when the counseling is provided within a course of professional education and the intern is supervised by a provider eligible for compensation.

d. Out-of-state providers. Compensation may be paid to mental health counselors outside Iowa who provide services to victims of crime eligible for the Iowa program if the mental health counselor meets the professional licensure criteria of the state in which the counselor works.

9.35(4) *Mental health counseling records.* When compensation for mental health counseling is requested, the provider shall complete verification forms related to the counseling as follows:

a. Treatment plan and certification form. Information submitted on the treatment plan and certification form shall include, but not be limited to, a summary of the initial evaluation, any preexisting mental health diagnoses currently being treated, current diagnoses, issues addressed, counseling goals, expected length of counseling services, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

b. Treatment progress and certification form. At six-month intervals for the duration of the crime-related mental health counseling, the provider shall submit a treatment progress and certification form. Information on the form shall include progress on previously stated goals of counseling, current goals, current diagnosis, expected length of additional counseling, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

c. Session notes. The program may require submission of session notes to determine if the mental health counseling is directly related to the crime when:

(1) The counseling expenses for a victim exceed \$3,000.

(2) The provider has not completed the treatment and certification plan with statement of the percentage of treatment directly related to the crime.

(3) The counseling begins, or is provided, more than one year after the crime.

(4) The treatment plan or progress summary indicates that the victim is receiving treatment for a diagnosis or issue not exacerbated by the crime.

9.35(5) *Victim service counseling.* Reasonable charges for counseling provided by a victim counselor as defined in Iowa Code sections 236A.1 and 915.20A, when fees for services to the general public for services of a similar nature have not previously been established, may be paid within the following guidelines:

a. Counselors funded with VOCA. Counseling provided by victim counselors whose position is funded, in whole or in part, or whose position is used as match requirement for federal Victims of Crime Act fund shall not be eligible for compensation payment.

b. Computation of victim service counseling expenses. Counseling services provided to an eligible victim by a victim counselor may be compensated as follows:

- (1) Individual counseling at an hourly rate of \$35.
- (2) Group counseling at an hourly rate of \$20.

c. Compensation paid, combined with other funding sources for the service, shall not be in excess of the total cost of providing the counseling hour.

9.35(6) Victim service counseling records. A record of each counseling session shall be maintained in the victim's file including the date of service, the length of service, the name of the victim counselor who provided the service, the general topics addressed, and referrals made.

9.35(7) Counseling with the perpetrator. Compensation for mental health or victim service counseling that includes the perpetrator of the crime may be payable when the perpetrator takes part only to take responsibility for the crime and apologize to the victim and the victim is allowed to confront the perpetrator regarding the effects of the crime.

9.35(8) Family counseling. Compensation for family mental health or victim service counseling may be paid only for sessions where the victim is present and the focus of the session is to assist the victim in recovery from a compensable crime.

9.35(9) Lost wages or income. Compensation may be paid for reasonable lost wages or income when an eligible crime victim is unable to work as the result of injury from crime or as a result of cooperation with the investigation or prosecution of the crime. Lost wages or income due to crime is determined as follows:

a. *Gross wages computed.* Lost wages are computed as the gross rate of pay times the number of scheduled hours of work missed.

b. *Variable income.* Income that is variable shall be computed based on the average income earned during a minimum 28-day period within the three months preceding the crime. Estimated earnings not supported by past income statements shall not be accepted.

c. *Self-employment and small business income.* Self-employed persons or small business employees must provide federal or state income tax forms for the most recent year completed or verification of average income for a minimum of the past six months. Work estimates, labor contracts, and affidavits from individual employers may be used to establish wages.

d. *Vacation, sick, holiday and annual leave.* Lost wages or income paid shall not be reduced by vacation, sick, holiday, or annual leave available or used by the victim due to the crime.

9.35(10) Lost wages or income due to disability. Compensation shall be paid for lost wages incurred by an eligible crime victim within two weeks after injury from crime or an eligible survivor of a homicide victim for up to five days within two weeks after the death of a victim without an authorized disability statement. Compensation for lost wages may be paid to the spouse, child, or parent of the homicide victim for up to one month without a disability statement as determined reasonable by the program. A victim or survivor of a homicide victim seeking lost wages for a longer period of time shall submit a disability statement from a licensed physician for a physical injury or an injury related to mental health, or from a licensed mental health provider as included in paragraph 9.35(3)“a” for an injury related to mental health. Compensation shall be made for lost wages under the following circumstances:

a. *Victim injured.* Compensation may be paid when the victim cannot work due to injury from crime.

b. *Lost hire income.* Compensation may be paid when the victim has been hired by an employer but is unable to begin employment because of injury due to the crime, until released to work. Required documentation includes a signed affidavit by the employer.

c. *Employment terminated.* Compensation may be paid when the victim is terminated from employment as a result of crime-related injuries, until released to seek work.

d. *Unemployment eligible.* Compensation may be paid for the difference between the victim's gross wage and the unemployment benefit when the victim is terminated from employment because

of injury from crime and is found to be eligible for unemployment benefits.

e. Unemployment ineligibility. Compensation may be paid for the amount of the victim's unemployment benefit when the victim is rendered ineligible for unemployment benefits because of injury from the crime, until the victim is released to work.

f. Worker compensation benefit eligible. Compensation may be paid for the difference between the victim's gross wage and the worker compensation benefit when the victim is unable to work because of injury from crime and is found to be eligible for worker compensation benefits.

g. Medical and counseling appointments. Compensation may be paid to a primary victim, the parent or guardian of a minor aged primary victim, or the caretaker of a dependent adult primary victim for wages lost due to medical care or counseling appointments for the victim.

9.35(11) Lost wages or income during investigation and prosecution. Compensation may be paid for lost wages incurred by an eligible primary victim, survivor of a homicide victim as described in Iowa Code section 915.86(8), parent or guardian of a minor aged primary victim, or caretaker of a dependent primary victim while cooperating with the investigation and prosecution of the crime including, but not limited to, participation at identification sessions, arraignment, deposition, plea agreement meetings, trial, sentencing, parole and probation hearings, and sexually violent predator civil commitment proceedings.

9.35(12) Residential crime scene cleanup. Compensation may be paid for the reasonable costs of an eligible victim or applicant for cleaning a residential crime scene, which includes a home, or a private vehicle in which the crime was committed. Cleaning a residential crime scene means to remove, or attempt to remove, from the crime scene blood, dirt, stains, or other debris caused by the crime or the processing of the crime scene. Compensation shall be paid for the reasonable out-of-pocket cost of cleaning supplies, equipment rental, labor, and the value of property which is essential to the victim and which is held by law enforcement for evidentiary purposes. Cleaning a residential crime scene does not include replacement or repair of property damaged in the crime.

9.35(13) Loss of support. Compensation for loss of support may be paid for the dependents of an eligible homicide victim or of a victim disabled for a period of 60 days or more when the applicant documents that the dependent relied on the victim wholly or partially for physical care or financial support.

a. Period of dependency. Compensation may be paid for loss of support for the remaining period of dependency, up to the limits established in Iowa Code section 915.86(5), in an amount equal to the lost wages or income the victim was earning at the time of death or disability. The amount of compensation shall be subject to reduction by the amount of collateral sources designated as support pursuant to Iowa Code section 915.87(1).

b. Dependent care. Compensation may be paid for loss of support at the current hourly rate of the Iowa minimum wage for dependent care provided by a person other than the victim if the victim was providing physical care to the dependent at the time of the crime.

9.35(14) Clothing and bedding. Compensation may be paid for clothing and bedding held as evidence by law enforcement and not returned to the victim. Compensation shall not be made for the clothing of a deceased victim which is held as evidence.

9.35(15) Funeral and burial expenses. Compensation may be paid for reasonable expenses incurred for the funeral and burial or cremation for an eligible crime victim. The following expenses may be paid up to the maximum expense established in Iowa Code section 915.86(4):

a. Funeral service. Compensation may be paid for expenses related to funeral and burial or cremation preparation and services.

b. Burial plot and vessel. Compensation may be paid for the cost of a burial plot, vault, casket, urn, or other permissible vessel.

c. Burial effects. Compensation may be paid for miscellaneous funeral and burial expenses including, but not limited to, flowers, burial clothing for the victim, transportation of the victim's body, and travel and lodging expenses for survivors of the homicide victim as described in Iowa Code

section 915.87(8) with priority for the surviving spouse, children, and parents of the victim. Documentation must be provided for all miscellaneous funeral and burial expenses.

61–9.36(915) Appeal of compensation decisions. An applicant shall be informed in writing of the basis for the denial of eligibility or the amount of an award.

9.36(1) Applicant appeal. An applicant may appeal a compensation decision as follows:

- a. Appeal to director.* An applicant aggrieved by a denial decision or the amount of compensation awarded by the program may appeal to the director.
- b. Appeal to board.* An applicant may appeal the director's decision to the board.
- c. Appeal to district court.* An applicant who disagrees with the decision of the board has the right to appeal to the district court for judicial review within 30 days of receipt of the board's decision.

9.36(2) Director appeal period. An applicant shall submit to the director a written request for reconsideration within 30 days of the date the notice of the crime victim compensation program decision is mailed or otherwise issued by the division. Any request for reconsideration postmarked within the prescribed time period shall be considered timely filed by the division. Barring any unusual circumstances, within 30 days of the receipt of the request for reconsideration, the director shall issue a decision.

9.36(3) Board appeal period. An applicant may file with the board a request for consideration of the director's decision. This written request for consideration by the board shall be submitted within 30 days of the date the notice of the director's decision is mailed or otherwise issued by the director. Any request for review postmarked within the prescribed time period shall be considered timely filed by the division. Barring any unusual circumstances, within 90 days of the receipt of the request, the board, or a committee designated by the chair of not fewer than five members of the board, shall issue a decision.

9.36(4) District court appeal period. An applicant shall submit a petition for judicial review to the district court within 30 days of the receipt of the notice of the board's decision.

61–9.37(17A) Waiver from rules. This rule establishes a uniform process for granting waivers from rules adopted by the board governing the crime victim compensation program.

9.37(1) When waiver is appropriate. The board may grant a waiver from a rule the board has adopted if the board has rule-making authority to promulgate the rule, and no statute or rule otherwise controls the granting of a waiver from the rule. No waiver may be granted from a rule that defines a term. No waiver may be granted from a requirement that is imposed by statute. Any waiver must be consistent with statute.

9.37(2) Criteria for discretionary waivers. The board may grant a waiver from a rule, in whole or in part, in response to a request from an applicant or on the board's own motion, as applied to a specific claim, if the board finds that:

- a.* The application of the rule to the claim at issue would result in hardship or injustice to the person seeking compensation; and
- b.* The waiver would be consistent with the public interest or the public interest will be protected by other means substantially equivalent to full compliance with the rule; and
- c.* The waiver in the specific case would not prejudice the substantial legal rights of any person.

9.37(3) Board discretion. The decision about whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board, upon consideration of all relevant factors.

9.37(4) Criteria for mandatory waivers. In response to an applicant's request, the board shall grant a waiver from a rule, in whole or in part, as applied to the particular circumstances, if the board finds that the application of the rule in that specific case would not, to any extent, advance or serve any of the purposes of the rule.

9.37(5) Administrative deadlines. When the rule from which a waiver is sought establishes deadlines, the board shall balance the specific individual circumstances of the applicant with the

overall goal of uniform treatment of all applicants.

9.37(6) Conditions. The board may condition the granting of a waiver on reasonable conditions to achieve the objectives of the particular rule in question through alternative means.

9.37(7) Public availability of waiver decisions. A board decision granting or denying a waiver shall be included in the board minutes with reference to the following:

- a. The particular case and the rule or portion thereof to which the decision pertains;
- b. The relevant facts and reasons upon which the action is based; and
- c. The scope and operative period of the waiver if one is issued.

Subject to the provisions of Iowa Code section 17A.3(1)“e,” the department shall maintain a record of all orders granting and denying waivers under this chapter. All waiver decisions shall be indexed and available to members of the public at the crime victim assistance division office.

9.37(8) Voiding or cancellation. A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The board may at any time cancel a waiver upon notice to the victim by regular mail and an opportunity to be heard, if:

- a. The facts as stated in the request are not true or material facts have been withheld, or
- b. The applicant has failed to comply with the conditions of the waiver.

9.37(9) Effectiveness of waiver. After the board issues a waiver, a person seeking compensation may rely on the terms of that waiver for the purposes of the particular case for which it was issued. A waiver shall only be effective in the case for which it is issued.

9.37(10) Appeals from waiver decisions. Any request for an appeal from a decision granting or denying a waiver shall be in accordance with the procedures provided in Iowa Code chapter 17A and the board’s rules. An appeal shall be taken within 30 days of the issuance of the waiver decision unless a contrary time is provided by rule or statute.

These rules are intended to implement Iowa Code sections 915.80 through 915.94.

61–9.38 to 9.49 Reserved.

DIVISION III VICTIM SERVICES GRANT PROGRAM

(Victim Services Support Program)

61–9.50(13) Administration of the victim services grant program. The victim services grant program of the Iowa department of justice shall administer the victim services grants as provided in Iowa Code chapters 13 and 236. All questions, comments, requests for information, or applications for grant funds shall be directed to the victim services grant program. Requests should be addressed to: Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th Street, Lucas State Office Building, Ground Floor, Des Moines, Iowa 50319, telephone (515)281-5044.

61–9.51(13) Definitions. As used in this chapter:

“*Applicant*” means a public or private nonprofit program that provides direct services to crime victims or training and technical assistance to crime victim service providers and that makes a request for funds from the victim services grant program.

“*Application*” means a request which complies with federal and state requirements for funds from the following funding streams:

1. The federal Victims of Crime Act.
2. The state domestic and sexual abuse program funds provided for in Iowa Code chapter 236.
3. The federal Family Violence Prevention and Services Act.
4. The federal Violence Against Women Act.
5. Other grants or funds available by law for crime victim assistance.

“*Board*” means the crime victim assistance board.

“Competitive grant” means a grant for which the division solicits a request for proposals (RFP) from eligible applicants, reviews the applications for eligibility and completeness, and then convenes a grant review committee to recommend grant awards to the crime victim assistance board.

“Crime victim center” means a crime victim center as defined in Iowa Code section 915.20A(1).

“Department” means the Iowa department of justice.

“Director” means director of the crime victim assistance division of the Iowa department of justice.

“Division” means the crime victim assistance division of the Iowa department of justice.

“Focus grant” means a one-time grant for specific activities, including but not limited to training, travel, or materials, awarded at the discretion of the division directly to a program that has received a competitive grant in the fiscal year.

“Funding stream” means a distinct source of federal or state funding available for grants.

“Grant” means a competitive or focus grant award to a local or statewide government or private nonprofit agency.

“Grantee” means a local or statewide government or private nonprofit agency that is awarded or receives funds from the crime victim assistance division.

“Grant review committee” means a division committee designated to review grant applications.

“Justice support” means duties performed in the justice system related to investigation, prosecution, or disposition of a criminal case that assist or inform a victim of crime.

“Program” means the victim services grant program of the Iowa department of justice.

“RFP” means request for proposals.

“Victim” means a crime victim as defined in Iowa Code section 915.80.

61–9.52(13) Program description. Any eligible local or statewide government or private nonprofit agency or a combination thereof may apply for and receive a grant through the program. The program shall operate as a competitive and focus grants program and be administered by the department. A contractual agreement specifying the terms of the grant award shall be executed between the department and the approved applicant.

61–9.53(13) Availability of grants. In any year in which federal or state funds are available, the division shall administer grants with eligible applicants. The amount of the funds awarded shall be contingent upon the funds available. The director shall announce the opening of an application period through public notice including but not limited to notice to current grantees and other eligible agencies identified by the program. Applications must be received by the designated due date.

9.53(1) Competitive grants will be awarded based on the availability of funds, history and demonstration of quality of services provided, compliance with the requirements of the division, number of victims served or cases investigated and prosecuted, population served, and geographical distribution of funds in the state. A preference shall be given to continued funding of successful grantees.

9.53(2) Focus grants will be awarded at the discretion of the director and of the deputy attorney general who oversees the division. Funds utilized for focus grants must comply with all applicable state and federal rules and regulations. The total of focus grants from one funding source may not exceed 3 percent of the funds available from the funding source in one state fiscal year.

61–9.54(13) Application requirements. Applicants shall submit applications to: Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th Street, Lucas State Office Building, Ground Floor, Des Moines, Iowa 50319. Applications shall be in the form prescribed by the division and shall be available upon request to all interested parties.

9.54(1) To be included in the review process and considered for funding, an application shall be received in the offices of the division by 4:30 p.m. on the due date. Applications may be delivered to the division during regular business hours anytime prior to the deadline. An extension of the filing

deadline may be requested of the director or grant administrator prior to the deadline and may be granted for good cause. The determination of a good cause extension by the division director shall be final.

9.54(2) An applicant shall have on file with the division current copies of the applicant's table of organization and articles of incorporation as required.

9.54(3) An applicant shall have on file with the division evidence of any insurance coverage the applicant carries for liability or property.

9.54(4) The division may allow combined applications from two or more agencies if a combined application will encourage cooperation between those agencies on behalf of crime victims. Each agency receiving funds under a combined application shall sign a grant contract for the use of awarded funds.

61–9.55(13) Contents of application. Each application shall contain the following information:

9.55(1) A paragraph describing the agencies or units of government requesting the funds.

9.55(2) A description of services for which funding is being requested. The description shall include, but not be limited to, the following:

- a. The geographical area to be served.
- b. The crime victim population to be served.
- c. Victim eligibility requirements for the applicant's services.
- d. A description of substantial financial support from other sources.
- e. The intended use of volunteers, if any.
- f. The stated goals and objectives of the program.
- g. A description of the proposed victim service, training, or technical assistance to be implemented during the funding year.
- h. The amount of grant funds requested.
- i. The amount of cash or in-kind resources or combination thereof which is committed where required by the division.
- j. A description of how the proposed victim service, training, or technical assistance will provide or improve services to victims of crime.
- k. Proof of coordination with appropriate agencies at the local level.
- l. A total program budget for all services provided by the applicant's crime victim program.
- m. A proposed budget for the requested grant funds.
- n. A list of other anticipated sources of income, including written commitments, if possible, and plans for continued funding of the grant-funded activities.
- o. Other information identified in the RFP.
- p. Signed certified assurances as required by statute or regulation.

61–9.56(13) Eligibility requirements. Funds must be used only to provide victim services, or justice support to victims of crime, and training or technical assistance to victim service providers and allied professionals. Program grants shall not be used to supplant other available or mandated funds. An applicant must meet the following requirements:

9.56(1) The applicant shall be a public agency or private nonprofit organization, or combination thereof, that provides services to crime victims or training and technical assistance to victim service providers and allied professionals.

9.56(2) The applicant shall provide services to victims of crime through crime victim centers, law enforcement officers, prosecutors, and other allied professionals. Services provided to victims by crime victim centers shall include but are not limited to crisis intervention, law enforcement and court advocacy, group and individual follow-up counseling, transportation, and information and referral.

9.56(3) An applicant providing services to victims of domestic abuse must also provide or arrange safe shelter for victims and their children when needed at no cost to the victims. To ensure staff

training and best practice standards, preference will be given to domestic abuse programs certified by the Iowa Coalition Against Domestic Violence.

9.56(4) An applicant providing services to victims of sexual abuse must also provide support to victims at the time of an evidentiary sexual abuse examination. To ensure staff training and best practice standards, preference will be given to sexual abuse programs certified by the Iowa Coalition Against Sexual Assault.

9.56(5) The applicant shall promote within the community a coordinated public and private effort to assist victims.

9.56(6) The applicant shall be an equal-opportunity employer and provide services on an equal-opportunity basis.

9.56(7) The applicant shall comply with applicable federal and state statutes and rules, all requirements specified in the grant between the department and any outside funding source, and all requirements in the RFP or any other contractual document.

9.56(8) The applicant shall assist victims in seeking state compensation benefits.

9.56(9) The applicant shall have a grievance procedure established for victims, employees and volunteers.

9.56(10) The applicant shall ensure that all employees and volunteers of crime victim centers that provide direct services to victims are trained as victim counselors as defined in Iowa Code section 915.20A.

9.56(11) The applicant shall provide services within the geographical service area without regard to a victim's ability to pay.

9.56(12) An existing program must document results of prior programming that demonstrate that the needs of victims have been met effectively and that the applicant has financial support from other sources.

61—9.57(13) Selection process. The division shall conduct a preliminary review of each application to ensure that the applicant is eligible, the application is complete, and the proposed victim service, training or technical assistance is consistent with the division's mission of providing quality assistance to crime victims and crime victim programs throughout the state.

9.57(1) In selection of competitive grantees, the division may utilize generally accepted methods of grant review including but not limited to checklists, quality scales, written comments by grant review committee members, and formulas based on past funding, population, clients served and available funds.

9.57(2) In selection of competitive grantees, the division shall establish a grant review committee. The committee shall submit recommendations for grant awards to the director. The director shall submit to the board the recommendations of the grant review committee and any alternative recommendations by the program staff.

a. The committee shall be comprised of representatives from the crime victim assistance board and experts in the fields of victim services, grant administration and management, and criminal justice.

b. The division shall provide the committee with information related to the applicant's performance with previous grants, the quality and quantity of services provided, and community support for the applicant.

c. The committee shall review the content of the grant applications and information provided by the division and members of the committee regarding the applicant and the geographical area to be served.

9.57(3) The board shall consider the recommendations of the grant review committee and the director to determine final competitive grant awards to the extent that funds are available and to the extent to which applications meet the RFP criteria. The board may reject any or all applications.

9.57(4) In selection of grantees for a focus grant, a written proposal shall be solicited from current grantees. Interested grantees shall submit a proposal to the director outlining the purpose,

cost, and outcome of the proposed grant. The director shall submit a recommendation to the deputy attorney general for criminal justice who shall make a final decision based on the availability of funds and the merits of the proposal.

61–9.58(13) Notification of applicants. An applicant shall be notified within 90 days after the application due date whether the application has been denied or approved by the board and the amount of funds approved for the application.

61–9.59(13) Request for reconsideration.

9.59(1) An applicant may file with the board a request for reconsideration of the denial or of the amount of an award. The request for reconsideration must be submitted within ten working days of the date the notice of decision is mailed or otherwise issued by the director to the grantee. The request must state grounds for reconsideration. The board or a committee designated by the board chairperson shall review the request in a timely manner. A decision of the board or designated committee shall constitute final agency action.

9.59(2) At the time a request for reconsideration is received by the director, notice that a request for reconsideration has been filed shall be sent to all approved applicants whose funds may be affected by the request.

9.59(3) Funds shall not be disbursed pending a request for reconsideration to the extent that the funds are affected by the outcome of the request. Every applicant that would be adversely affected shall be notified if a request for reconsideration is approved, and grant awards shall be reduced as necessary.

61–9.60(13) Contract agreement.

9.60(1) A contract shall be negotiated by the department and the applicant.

9.60(2) Prior to entering into a contract, the department or the board may require modification of the proposed program, submission of further information or documents, or other stipulation of the applicant. The required modification, information, document, or stipulation shall be specified in the notification of grant award.

9.60(3) The applicant or the department may request a modification of the program budget to reflect the amount, expenses and activities allowed by the grant award. Both parties must agree to any modification of the grantee program budget.

9.60(4) In the event of a state, federal, or other audit, the grantee shall be responsible for the audit and liable for payment of any funds required to conduct the audit, to compensate for any grant disallowance, or to repay any funds received or spent contrary to the contract, these rules, or applicable law.

9.60(5) Funds shall be spent to meet the program proposals as provided in the contract. Expenditures shall be reimbursed pursuant to regular reimbursement procedures of the state of Iowa.

9.60(6) The grantee shall sign the certified assurances for the grant program at the time of application and at any time requested by the division.

9.60(7) Nothing in these rules shall be construed as limiting the remedies available to the state or the program for improper use of grant funds or other breach of the grantee's duties under the contract and applicable law.

61–9.61(13) Performance reports. Performance reports shall be submitted to the division from all grantees. Failure to submit reports by the due date shall result in suspension of financial payments to the grantee by the program until such time as the report is received. Delinquent or inadequate reports from prior grants may detrimentally influence the award of grants for the following year.

61–9.62(13) Termination. Contracts may be terminated for the following reasons:

9.62(1) Termination by grantee. The grantee may terminate the contract at any time during the

contract period by providing notice to the division.

9.62(2) Termination by department. The department may terminate a contract upon a ten-day notice when the grantee or any of its subcontractors fail to comply with the grant award stipulations, standards or conditions. The department may terminate a contract when there is a reduction of funds by executive order or otherwise.

9.62(3) Termination for cause. If the grantee fails to fulfill its obligations under the agreement properly or on time, or otherwise violates any provision of the agreement, the board may terminate the agreement by written notice to the grantee. The notice shall specify the acts or omissions relied on as cause for termination. All finished or unfinished products and services provided by the grantee shall, at the option of the department, become state property. The department shall pay the grantee fair and equitable compensation for satisfactory performance prior to receipt of notice of termination minus any funds owing to the department, e.g., damages for breach, improperly spent funds.

61–9.63(13) Financial statement supplied. Within 45 days of the termination, the grantee shall supply the department with a financial statement detailing all costs incurred up to the effective date of the termination.

61–9.64(13) Indemnification. The grantee shall defend, indemnify, and hold harmless the state of Iowa, its officers, agents and employees and any of the state’s federal funding sources for:

1. Grantee’s performance or nonperformance of a contract entered into or violation of these rules.

2. Grantee’s activities with subcontractors and all other third parties, or any other act or omission by a grantee, its agents, officers, and employees.

61–9.65(13) Records. Grantees shall keep statistical records of services provided and any other records as required by the division. The division shall have immediate access during working hours to records pertaining to the contract. No notice need be provided the grantee prior to inspection of the records.

These rules are intended to implement Iowa Code section 13.31.

61–9.66 to 9.79 Reserved.

DIVISION IV SEXUAL ABUSE EXAMINATION PAYMENT

61–9.80(915) Administration of sexual abuse examination payment. The crime victim assistance program of the department of justice shall administer the sexual abuse examination program as provided in Iowa Code section 915.41. That section states in part:

“The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing sexually transmitted disease shall be borne by the department of justice.”

Requests for payment should be addressed to: Sexual Abuse Examination Payments, Crime Victim Assistance Division, Lucas State Office Building, Ground Floor, 321 East 12th Street, Des Moines, Iowa 50319; telephone (515)281-5044 or 1-800-373-5044.

61–9.81(915) Definitions.

“*Administration*” means administrator of the crime victim assistance program established in the department of justice.

“*Board*” means crime victim assistance board.

“*Department*” means the Iowa department of justice.

“Eligible claimant” means a medical provider that provides a sexual abuse examination to a sexual assault victim. The following are eligible to file a claim with the crime victim assistance program in the event that they have made payment to a medical provider for the costs of a sexual abuse examination:

1. A victim of sexual abuse.
2. A person responsible for the maintenance of a sexual abuse victim.
3. A dependent of a victim who has died as a result of injuries sustained in a sexual assault.
4. The guardian of a sexual abuse victim.

“Reasonable charges” means those ordinarily charged by the provider of the service to the general public for services of a similar nature.

“Sexual abuse” means sexual abuse as defined in Iowa Code sections 709.1 and 726.2.

“Sexual abuse examination” means a medical examination provided to a woman, man, or child to collect evidence of sexual abuse victimization of that person as defined in Iowa Code sections 709.1 and 726.2 and provide treatment for the prevention of sexually transmitted disease pursuant to Iowa Code section 915.41. When applicable, the provider of a sexual abuse examination shall file a child abuse report with the Iowa department of human services as required by Iowa Code section 232.70.

61–9.82(915) Application for sexual abuse examination payment.

9.82(1) Consideration for payment. The department will consider payment upon receipt of a claim for reimbursement from a medical provider indicating that the claim is for the collection of evidence by sexual abuse examination. In the case that a victim, guardian of a victim, person responsible for the victim, or dependent of a victim who died of injuries sustained in a sexual assault has paid part or all of the charges incurred, a copy of the provider bill and documentation of personal payment of the bill must be submitted for reimbursement. An application for sexual abuse examination payment must include the federal identification number or social security number of the claimant.

9.82(2) Application filing. To apply for payment under the sexual abuse examination program, the form or bill submitted must identify the sexual assault victim by name, birth date, and patient number, indicate that the claim is for a sexual abuse examination, and itemize all services rendered and the fee for each service.

61–9.83(915) Computation of sexual abuse examination payments.

9.83(1) Payment for examination. The department shall make payment for sexual abuse examinations, as appropriate, for services including, but not limited to:

a. Examiner’s fee for collection of:

- (1) Patient’s medical history;
- (2) Physical examination;
- (3) Collection of laboratory specimens;
- (4) Return visits to test for sexually transmitted disease;
- (5) Treatment for the prevention of sexually transmitted disease.

b. Examination facility.

- (1) Emergency room, clinic room or office room fee;
- (2) Pelvic tray and medically required supplies.

c. Laboratory collection and processing of specimens for: criminal evidence; sexually transmitted disease; and pregnancy testing.

9.83(2) Provider payment. The department will pay up to \$300 for the examination facility and \$200 for examiner fees. Any charges in excess of these amounts will require additional documentation from the provider. The crime victim assistance program will pay only those charges determined by the department to be reasonable and fair.

The Iowa department of public safety division of criminal investigation makes sexual abuse examination kits available to health care providers at no cost.

61–9.84(915) Victim responsibility for payment. A victim of sexual abuse is not responsible for the payment of the costs of a sexual abuse examination determined to be eligible for payment by the department. A medical provider shall not submit any remaining balance after sexual abuse examination program payment to the sexual abuse victim.

61–9.85(915) Sexual abuse examination—right to restitution. In all criminal cases under Iowa Code chapter 709 and sections 726.2 and 710.2 in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, restitution may be ordered from the offender to the crime victim assistance program for the cost paid by the department for a sexual abuse examination rendered to the victim of that crime pursuant to Iowa Code section 910.2.

61–9.86(915) Erroneous or fraudulent payment—penalty. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipients, the recipient is liable for repayment of the reparation. However, if the department does not notify the recipient of the erroneous payment or overpayment within one year of the date of payment, the recipient is not responsible for repayment to the department.

If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment to the department.

61–9.87(915) Right to appeal. An eligible claimant who disagrees with the department’s decision concerning payment or amount of payment has the right to request reconsideration of that decision by the crime victim assistance board. The request for reconsideration must be received by the department within 60 days after the decision of the department is mailed.

Rules 9.80(915) to 9.87(915) are intended to implement Iowa Code section 915.41.

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Iowa Attorney General - 61
Chapter 35
IDENTITY THEFT PASSPORT

61–35.1(715A) Definitions.

“*Creditor*” means a person or entity who is owed money or property by another person via the extension of credit to that other person to defer payment of debt, to incur debt and defer its payment, or to purchase property or services and defer payment therefor, or a person or entity to whom a creditor’s right to payment has been assigned.

“*Division*” means the crime victim assistance division in the attorney general’s office.

“*Division director*” means the director of the crime victim assistance division in the attorney

general's office.

"Identity theft" means the commission of the offense of identity theft, as stated in Iowa Code section 715A.8(2), which includes when a person fraudulently uses or attempts to fraudulently use identification information of another person, with the intent to obtain credit, property, services, or other benefit.

"Law enforcement agency" means an agency that employs peace officers.

"Peace officer" means the same as defined in Iowa Code section 801.4(11).

"Person" means an individual.

"Report of identity theft" means a request by a person to a peace officer in any jurisdiction described in Iowa Code section 715A.8(5) for the peace officer to take a report regarding an alleged commission of identity theft against the person.

"Victim" means a person who alleges that identity theft has been committed against the person.

61–35.2(715A) Application for identity theft passports.

35.2(1) Completion of application.

a. A person who has filed a report of identity theft may apply for an identity theft passport through the law enforcement agency to which the report was made.

b. An application for an identity theft passport shall include the following:

(1) Completion by the person, or by another on behalf of the person, and by the law enforcement agency, of the identity theft passport application form and the identity theft verification form set out in rule 61–35.8(715A), along with any documentation supporting the claim that the person is a victim of identity theft.

(2) A copy of the report of identity theft made to the law enforcement agency.

(3) Photographic identification of the victim in one of the following formats in order of preference:

1. A copy of the victim's current driver's license or state-issued nonoperator's identification card.

2. A current photograph of the victim certified as valid by signature of the law enforcement investigator who received the report of identity theft.

c. Upon completion of the application for an identity theft passport, the law enforcement agency which received the application shall forward it to the crime victim assistance division of the office of the attorney general.

35.2(2) Confidentiality of application. An application made with the attorney general shall be confidential and shall not be a public record subject to disclosure under Iowa Code chapter 22.

61–35.3(715A) Issuance of identity theft passports.

35.3(1) Upon receipt of a completed application for an identity theft passport, the division shall review the application and determine whether to issue the applicant an identity theft passport. In determining whether to issue the identity theft passport, the division shall consider all the facts and circumstances reported in the application, any recommendations received from the law enforcement agency to which the report was made, and any other facts that the division deems necessary to make the determination.

35.3(2) An identity theft passport shall be in the form of a card or certificate as determined by the attorney general.

61–35.4(715A) Usage of identity theft passports. An identity theft victim may present the passport to:

35.4(1) A law enforcement agency to help prevent the victim's arrest or detention for any offense committed by someone other than the victim who is using the victim's identity, and

35.4(2) A creditor of the victim to aid in the creditor's investigation and establishment of whether fraudulent charges were made against accounts in the victim's name or whether accounts

were opened using the victim's identity.

61–35.5(715A) Acceptance of identity theft passports. A law enforcement agency or creditor may accept an identity theft passport from the victim and may consider the surrounding circumstances and available information regarding the offense of identity theft pertaining to the victim.

61–35.6(715A) Expiration of identity theft passports. An identity theft passport issued by the office of the attorney general shall be valid for a period of five years from the date of issuance or renewal. The victim to whom an expired identity theft passport was issued may reapply to the office of the attorney general for renewal of the identity theft passport within 30 days after its expiration. The office of the attorney general may renew the identity theft passport in the same manner that initial passports are issued, as outlined in rule 61–35.3(715A).

61–35.7(715A) Revocation of identity theft passports.

35.7(1) If the division determines that an identity theft passport which has been issued should not have been issued, the division shall notify the person to whom the identity theft passport was issued of the intended revocation of the identity theft passport and the reasons for the intended revocation.

35.7(2) The person who has received a notice of intended revocation of an identity theft passport may request reconsideration of the intended revocation. The request and all information in support of a reconsideration of the intended revocation shall be submitted to the division director within 30 calendar days of the mailing date on the notice of intended revocation.

35.7(3) The division director will issue a decision regarding the reconsideration of the intended revocation of the identity theft passport within 30 days of receipt of the request for reconsideration whenever possible. The decision of the division director regarding the revocation of the identity theft passport constitutes final agency action.

35.7(4) If, after notice, the division determines that the identity theft passport is revoked, the division shall notify the person of the revocation in a mailing to the person's last-known residential address.

35.7(5) A person shall not use a revoked identity theft passport for any purpose.

61–35.8(715A) Identity theft passport application and verification forms.

35.8(1) *Identity theft victim application and affidavit.* The following form may be used to apply for an identity theft passport.

61–35.8(2) *Identity theft law enforcement report verification.* The following form must be completed by the investigating officer and submitted in conjunction with the identity theft application and affidavit. [Forms Below]

61–35.8(3) *Submission of documentation.* In order to be considered for an identity theft passport, a victim must submit the following documentation to the Crime Victim Assistance Division, Ground Floor, Lucas State Office Building, Des Moines, Iowa 50319:

- a. The Identity Theft Victim Application and Affidavit form, signed by the victim.
- b. The Identity Theft Law Enforcement Report Verification form, signed by the investigating officer.
- c. A copy of the law enforcement agency's investigative report.

These rules are intended to implement Iowa Code section 715A.9A.

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