

JUNE 2019

AN ANALYSIS OF IOWA'S VICTIM RESTITUTION PROCESSES



Justice Center
THE COUNCIL OF STATE GOVERNMENTS



PREAMBLE

In Iowa, the Crime Victim Assistance Division (CVAD) of the Attorney General's Office administers several programs for victims of crime in the state. Through the Crime Victim Compensation Program (CVC), CVAD pays certain out-of-pocket expenses for eligible victims of violent crime and also seeks to hold people convicted of crimes accountable for their actions by proactively pursuing victim restitution in court for cases where the victim's out-of-pocket expenses incurred as a result of the crime have already been paid by the CVC Program. However, victims of nonviolent crime must seek restitution directly through the court, and, in many cases, victims of violent crime may still experience financial loss that the CVC cannot cover.

Beginning in 2013, CVAD wanted to better understand restitution in the state of Iowa. Of particular interest were attitudes among system stakeholders regarding restitution, barriers, and challenges in the ordering of victim restitution, and current processes and practices around the state regarding restitution collection and disbursement. The goals were to better understand how restitution is ordered, collected, and disbursed and to determine whether innovative projects might improve restitution outcomes for victims. To achieve these goals, CVAD initiated several qualitative projects focused on victim restitution: a qualitative needs assessment conducted by the University of Iowa, which focused on interviews with county- and state-level personnel involved with restitution collection, and two county-level pilot projects that sought to understand if barriers were created by the high-level language used in victim registration forms and whether direct, personal, local contact with people convicted of crimes at the time of sentencing and the establishment of a reasonable repayment plan would encourage compliance with restitution orders.

In 2018, CVAD contracted with the Criminal and Juvenile Justice Planning (CJJP) division of the Iowa Department of Human Rights to conduct a quantitative report of restitution ordered and paid during state fiscal years 2012–2017. Upon receipt of the results, CVAD contracted with The Council of State Governments (CSG) Justice Center to map current restitution processes and ground the quantitative data produced by CJJP with the qualitative research and analysis documented in this report.



PROJECT OVERVIEW

Under Iowa law, victims of crime have a right to restitution; however, the process for victims to receive it is often unclear and fractured. A number of issues can create barriers for victims who are seeking restitution, such as the involvement of many statewide and county-level agencies, a lack of interagency coordination, and a lack of uniform communication across collection and disbursement systems. But the full scope of barriers to restitution and the extent to which problematic processes may prevent the ordering, collecting, disbursing, and satisfying of restitution are still largely unknown.

Under the direction of CVAD, CSG Justice Center staff explored existing gaps and barriers related to the collection and disbursement of victim restitution and proposed improvements to restitution imposition and collection in Iowa. In the fall of 2017, CSG Justice Center staff mapped restitution processes and statutes for CVAD in order to gain a better understanding of restitution processes in Iowa code. The project continued in the fall of 2018 as additional CSG Justice Center staff returned to the state to conduct interviews with key stakeholders from various sectors of the restitution process and analyze restitution information on county attorney websites. The stakeholders that CSG Justice Center staff interviewed were identified by CVAD and included the Wapello County Clerk of Court, the Polk County Attorney's Office, victim witness advocates from the Story County Attorney's Office, the Iowa Department of Corrections and Department of Corrections Community Supervision Division, and the Iowa Administrative Office of the Courts (AOC). The findings from these analyses and interviews are presented in this report along with recommendations for improvements to the restitution process in Iowa.



FINDINGS & RECOMMENDATIONS

1. **Informing Victims of Crime about Their Right to Restitution**
2. **Tracking Victim Restitution in the Iowa Court Information System**
3. **Sanctions for Unpaid Victim Restitution**
4. **Priority of Victim Restitution Cases**
5. **Monitoring People Who Owe Victim Restitution While on Probation or Parole**
6. **Developing Multiagency Work on Restitution**

A Note on the Definition of Restitution in Iowa

Iowa statute defines the term “restitution” as the payment of pecuniary damages¹ to a victim.² However, the term “restitution” in statute also includes fines, penalties, and surcharges; the contribution of funds to a local anticrime organization;³ the payment of crime victim compensation program reimbursements; payment of restitution to public agencies; court costs; court-appointed attorney’s fees;⁴ and more. In criminal cases, the court shall order restitution to be paid to the victim(s) in each case as well as to the clerk of court for fines, penalties, surcharges and, to the extent the person is able to pay, the additional items listed above in the statutory definition.⁵

It is important to note this broad definition as it can often create confusion in the restitution collection and disbursement processes. Stakeholder systems may be able to determine that a case has “restitution” attached, but may not be able to distinguish whether the term refers to victim restitution or to restitution that is owed to the court or to an anticrime organization, for example. In this report, the term “victim restitution” will be used to distinguish court-ordered repayment to victims in criminal cases from other court-ordered financial obligations. Pecuniary damages in a criminal case are any financial costs to a victim incurred as a result of the crime. Typical pecuniary damages may include medical bills, property replacement or repairs to damaged property, loss of wages, etc.

1: INFORMING VICTIMS OF CRIME ABOUT THEIR RIGHT TO RESTITUTION

When a criminal case enters the Iowa justice system, a victim of crime has the right to ask the judge for an order of victim restitution. To do this, crime victims must be made aware of this right through information provided as defined in Iowa Code 915.11, which states that law enforcement or the county sheriff shall “advise a victim of the right to register with the county attorney” and “provide a request-for-registration form to each victim.”⁶ The county attorney is responsible for having the victim submit out-of-pocket expenses related to the crime for restitution to be ordered. Working alongside the county attorney, victim-witness coordinators—county attorney staff who work closely with victims and witnesses throughout the criminal justice process—support the completion of these tasks by collecting necessary forms and information from victims and following up with them when additional information is needed. It is crucial that victims receive the necessary information efficiently and clearly because this is the first step in the restitution process.

In the 2019 *Albright* decision,⁷ the Iowa Supreme Court held that the district court must have all amounts sought in restitution at the time of sentencing in order to assess a person’s ability to pay. Although the *Albright* ruling confirmed that victims’ pecuniary damages are not subject to the person’s ability to pay, the county attorney’s need to have pecuniary information from victims at the time of sentencing is now more important as district courts deal with victim restitution following *Albright*.



FINDINGS

- **Informational packets sent to identified victims are an efficient way to provide and receive necessary information.** Story and Polk Counties have developed comprehensive packets (see Appendices A and B) that are provided to any identified victims in a case. These packets include information on how to determine pecuniary damages for victim restitution, information on upcoming court hearings, contact information for victim-witness staff, and other necessary forms such as victim impact statements. Upon identification of a victim in a case, victim-witness staff walk through the packet with the victim on the phone and identify important forms and information. Victim-witness staff then follow up with victims to ensure that all necessary forms and information are collected.
- **Victim registration practices vary across the state, which may lead to disparate outcomes in how victims receive information about their rights in a criminal case.** In Story County, victim-witness staff do not rely solely on law enforcement to advise victims about their right to register with the county attorney as dictated by Iowa code. Instead, attorneys, victim-witness staff, and legal support staff review every police report that comes through the county attorney’s office to collaboratively

identify all victims associated with a given case. The victim-witness staff then send out information to the victim(s) about the case and their rights as a victim along with a request for restitution information regarding the pecuniary damages incurred as a result of the crime. This proactive method of collecting victim information and providing information to victims about their rights differs from the process defined in Iowa code but is quite successful in achieving the same goal.

Story County victim-witness staff stated that the vast majority of victims responded to requests for restitution information because staff take the time to follow up with the victim(s), remind them to complete and return the information, and are willing to answer questions about the case. However, not all counties have access to victim-witness staff, and in these counties, attorneys must rely on law enforcement to notify victims of registration so that they can receive victim rights information. Data from CVAD indicates that only 70 of Iowa's 99 county attorney's offices have victim-witness staff.⁸

- **County attorney websites in Iowa do not consistently offer information about victim restitution services.** In today's digital age, victims increasingly use websites, like those of the county attorney, to access information about their rights, available services, and resources.⁹ CSG Justice Center staff analyzed 57 county attorney websites in four judicial districts¹⁰ to assess how much information is provided to victims. Of the websites analyzed, only 15 had a specific webpage for crime victims, 8 had information about victim restitution (e.g., information about a victim's right to restitution and their role in requesting it), 9 had information regarding the victim's right to register with the county attorney's office, and 19 websites provided links to victim resources (e.g., other victim service organizations such as coalitions, victim compensation, and CVAD). This lack of information on local attorney websites can prevent victims from receiving information about their rights and available resources, particularly if victims are not aware of other statewide websites where this information may be available.



RECOMMENDATIONS

ANALYZE VICTIM REGISTRATION DATA

- **Analyze how county attorneys and victim-witness staff register victims for notification and services.** Although anecdotal evidence from Story County suggests that having victim-witness staff reach out to victims is effective, it is difficult to know with certainty which practices or approaches most successfully lead to consistent ordering of victim restitution because the way in which victims register for notification and information on restitution varies from county to county. An analysis of counties that rely on law enforcement to provide victims with request-for-registration forms versus counties where victim-witness staff automatically reach out to victims based on police reports would reveal whether there is a correlation between these two methods of victim notification and the number of victim restitution obligations ordered by the courts. If there is a higher victim response rate

in counties that practice a specific form of victim registration, further analysis might be conducted to identify counties that have a high number of cases with victim restitution ordered in comparison with the number of criminal cases and determine what factors impact and promote a higher number of cases with victim restitution.

ENSURE ACCESSIBILITY

- **County attorney websites should include information specific to victims' rights, available services, and/or links to victim resources.** CVAD should consider creating a template that each county attorney could customize and add to their website. The template could include the following topics: victim rights; a list of programs in the county that provide services to victims; and information on other helpful victim resources, such as victim compensation, Iowa Victim Information and Notification Everyday (IowaVINE), and so on. Adding this template to county attorneys' websites ensures that victims have access to general information written in victim-centered language.

DISSEMINATE BEST PRACTICES

- **CVAD should encourage county attorney offices across the state to offer victims informational packets (see Appendices A and B) utilized by the Polk County Prosecutor's Office and Story County victim-witness staff.** The informational packets provided to victims by the Polk and Story County Prosecutor's Offices are comprehensive and include detailed information for victims regarding their rights and instructions on how to participate in the justice system and complete the necessary forms to request victim restitution information. Prosecuting attorneys in other counties can use these packets to enhance the information they send to victims of crime, or as a template they can customize to create their own informational packets for victims. In addition, prosecuting attorneys should ensure that all informational packets are written at a sixth-grade reading level to increase accessibility and decrease barriers for victims.¹¹
- **CVAD should encourage county attorney offices to follow up with victims when requests for restitution are not submitted.** As a result of the trauma victims experience from a crime, they are often confused and overwhelmed by the complexity of the criminal justice system and their role in that system, including how and when to request restitution. The multistep process utilized in Polk County ensures that victims understand restitution as well as how to request and receive it. The Polk County attorney's office requests victim restitution from the court in every criminal case that is prosecuted regardless of whether the county attorney has received victim restitution forms at the time of sentencing. Iowa code acknowledges that the full amount of restitution may not be known at the time of sentencing and allows that in these cases, the court "shall issue a temporary order determining a reasonable amount for restitution identified up to that time," with a "permanent, supplemental order" establishing the full amount of restitution to be issued by the court at a subsequent hearing. In these cases, Polk County victim-witness staff follow up with victim(s) to determine the full amount of restitution based on documentation, sometimes receiving this information verbally if the victim is unable to submit a form to their office. Once the victim gives the appropriate pecuniary and victim impact

information and an exact amount for victim restitution is determined, the information is provided to the court for the permanent supplemental order. Iowa code states that the court may also enter additional supplemental orders, should it be necessary.¹² While this practice of receiving information verbally only occurs on a case-by-case basis, it allows increased flexibility for victims

- **CVAD should create and disseminate a “restitution toolkit” for county attorneys based on successful practices from around the state.** Identifying innovative, successful practices to inform and work with victims to request restitution, such as the two just discussed above, enables other county attorney offices to learn from the success of their counterparts. Additional resources to include in such a toolkit might be links to checklists and forms county attorneys can utilize to inform and educate victims about victim restitution; proactive approaches in working with victims to document their out-of-pocket losses; positive models for motivating individuals to make payments toward victim restitution and other LFOs; sample payment plans that promote consistent payments; and examples of successful means of tracking an individual’s victim restitution payments. These resources and information on utilized best practices in the restitution toolkit may provide opportunities to address gaps and enhance restitution processes for victims in the state of Iowa.

2: TRACKING VICTIM RESTITUTION IN THE IOWA COURT INFORMATION SYSTEM

The Iowa Court Information System (ICIS), the case management system for the courts, contains all legal LFO¹³ information, including payment plans, amount owed, and amount paid.¹⁴ Counties with county attorney collections¹⁵ in Iowa collect and disburse court-ordered debt, including victim restitution. County clerks of court in these counties, and, in some cases, collection units housed in the county attorney's office, are responsible for tracking payments to victim restitution collected by the county and for disbursing money to victims.

The clerk of court's tracking process begins when an individual has been sentenced to pay victim restitution, fines, fees, and other costs by a court and this information is entered into ICIS by the AOC. The Electronic Document Management System (EDMS) then transfers the case information, including any LFOs, to ICIS for the clerk of court to access. The county clerk of court then sends a letter to the person who owes to inform them of their LFO(s) and how to set up a payment plan with the county. If the person has existing LFOs, the letter indicates that the new order will be added to their existing payment plan. People can send payments to the county clerk of court's office by mail, pay in person at the courthouse, or pay the clerk of court via the Iowa Department of Corrections (DOC) if they are incarcerated in an Iowa DOC facility. When payment toward victim restitution is collected, clerks of court send a check to the victim(s) on a quarterly basis. The tracking process for collection units housed in the office of a county attorney varies by office, as it is usually combined with the attorney's internal case management systems.



FINDINGS

- **Counties with county attorney collections agreements lack an automated way to determine who is not paying victim restitution.** Although clerks of court are able to use ICIS to identify cases where victim restitution has been ordered, ICIS lacks the capacity to distinguish whether payments are actively being made toward those cases. As a result, counties may spend an extraordinary amount of time manually tracking cases to determine who is currently paying victim restitution. In Polk County, the manual tracking process involves comparing information in an internal computer system to information from Iowa Courts Online to determine who is delinquent on victim restitution payments. This process was previously automated when the Polk County software system was able to pull granular information from ICIS, including detailed breakdowns of the total amount a person owed, how much of that was due to victim restitution versus court fines and other LFOs, how much a person had paid toward each LFO, and when those payments were made. A change in the amount of LFO information that ICIS provides to counties has since prevented Polk County from accessing this more detailed information.

The Story County Fines, Recovery & License Reinstatement program in the county attorney's office manually tracks victim restitution through Prolaw, a legal case management system used by many county attorneys. All cases prosecuted by the Story County Attorney's Office are entered into Prolaw as "victim" or "non-victim." Story County collection staff then flag the victim cases where victim restitution has been ordered. Story County staff communicated that they do not have the capacity to enter all of the LFO payments made through the clerk of court into Prolaw and subsequently prioritize the monitoring of cases with victim restitution.

On a quarterly basis, Story County collections staff run a report in Prolaw to pull all the victim restitution cases and then manually compare them to information in ICIS to determine which victim restitution cases are currently being paid and which are not. Any cases that are not being paid are placed on a list for possible garnishment (see Sanctions for Unpaid Victim Restitution on page 12). Story County collections staff also communicated that allowing the clerk of court system to link to Prolaw could potentially solve this problem and streamline the tracking process.

- **Some counties have staff dedicated to collecting LFOs, but not all counties have the resources to fund these positions.** The Polk County Attorney's Office has an eight-person collection unit with specialized staff to establish payment plans and collect criminal debt and victim restitution. Story County staffs a Fines, Recovery & License Reinstatement Program. These collection staffs are able to work directly with people to set up restitution payment plans that align with their earning capacity and to monitor the payments to make sure they're on time. However, in counties where the county clerk of court manages the collection and disbursement of victim restitution, staff must divide their time between these tasks and other job duties.
- **Counties with county attorney collections agreements try to locate victims when victim restitution checks are returned to sender, but this can be a laborious process that may still be unsuccessful.** Victims often move and do not always provide the court with an updated address to receive future victim restitution payments. Wapello County clerk of court staff communicated that when this happens, they use the Iowa Department of Transportation (DOT) system to locate a victim's current address. This process requires staff to log into the DOT system and search for each victim's name individually, which is time consuming, and may still prove unsuccessful, resulting in unclaimed victim restitution.



RECOMMENDATIONS

IMPLEMENT INFORMATION TECHNOLOGY SOLUTIONS

- **Provide county attorneys with Polk County software that would allow them to streamline data collection.** Polk County has created software that allows county attorney offices to collect information about and report on people who owe victim restitution and other LFOs and enables county attorney offices to identify which people are paying victim restitution. Polk County has spent the past seven years



developing and enhancing this automated collection software for their county collection unit that includes detailed breakdowns of the total amount an individual owes the court, how much of that is for victim restitution versus court fines and other LFOs, how much a person has paid toward each LFO, when those payments were made, and the ability to generate detailed reports. The Polk County Attorney expressed interest in providing the code for this software to other county attorney offices for tracking the collection and payment of victim restitution and other LFOs. Providing this technology to all counties would decrease the burden on staff in counties that do not have staff dedicated solely to collecting and monitoring LFOs.

- **Pursue ICIS enhancements that would allow county clerks of court to generate reports that would identify who is not paying victim restitution.** Counties have requested such ICIS enhancements from the AOC in the past, but the AOC has not been able to prioritize these reports due to other competing requests for system updates. Two possible enhancements to ICIS could streamline the victim restitution tracking and collection process: (1) ICIS could be modified to generate automated reports for each county attorney collections unit and clerk of court alerting them to cases with victim restitution, or (2) ICIS could be modified to link to existing county attorney case management systems, like Prolaw. Either option would allow county attorneys to sort cases where victim restitution has been ordered and would save significant staff time, ultimately increasing money collected for victim restitution as well as other LFOs.

INCREASE VICTIM ACCESS TO RESTITUTION FUNDS

- **Create an Iowa Victim Restitution Fund, under the auspices of the CVAD Iowa Crime Victim Compensation Program, that collects victim restitution monies when victims cannot be located due to outdated or incorrect addresses.** Similar to unclaimed victim restitution programs in California and Georgia,¹⁶ the Iowa Victim Restitution Fund would collect victim restitution monies in cases where it goes unclaimed for more than two years. Program staff could dedicate time and resources to locating victims, which would ease the burden on county clerks of court and increase successful delivery of victim restitution. In addition, victims could contact the Iowa Victim Restitution Fund to inquire whether there is victim restitution owed to them and complete forms or verify identifying information to receive victim restitution payments.
- **Collect email addresses and mailing addresses of victims.** Collecting both the mailing and email addresses from victims gives county attorneys various options for reaching victims and sending communication about victim restitution. Sending emails may also provide increased flexibility for victims who do not have a permanent address and may thus have difficulty receiving physical mail.

3: SANCTIONS FOR UNPAID VICTIM RESTITUTION

According to data from the Iowa Division of Criminal and Juvenile Justice Planning's *Iowa Restitution Paid*¹⁷ report, which reviewed the timelines and order of restitution payments, only 7 percent of restitution was collected over an eight-year period when the amount owed was greater than \$10,000. In addition, only 5 percent of restitution was paid over the same period by people convicted of violent and/or felony offenses. For many victims, restitution is the only means of recouping out-of-pocket losses sustained as the direct result of a crime while ensuring that people who commit crimes are held accountable. The inability of the criminal justice system to hold people to this obligation can cause victims to experience financial hardship, mistrust in the justice system, and feelings of re-victimization. At the same time, it can send a signal to people who owe restitution that the justice system will not hold them accountable for their actions.¹⁸



FINDINGS

- **In cases where county clerks of court are able to determine who is not paying victim restitution and other LFOs, they have few options to encourage payment.**

Stakeholders interviewed for this report estimated that there are likely thousands of cases with unpaid victim restitution and LFOs. County clerks of court may suspend the driver's license of an individual who is delinquent in paying, but only if the person has committed a moving traffic violation per Iowa Code 321 and has not paid the associated traffic fees.¹⁹ County clerks of court are also able to block someone from registering a car in the state for unpaid court debt. However, such measures are often counterproductive to the sanction's intent. Suspending someone's driver's license inhibits their ability to travel to work and, ultimately, prevents them from earning money necessary to pay victim restitution.²⁰ Meetings with stakeholders revealed that many people continue to drive even when their registration is blocked, demonstrating both the necessity of access to flexible transportation when working and the ineffectiveness of the sanction.

- **Individual state tax returns, lottery winnings, and casino winnings held by the state of Iowa for people with unpaid LFOs are not automatically sent to counties with unpaid victim restitution cases first.** The Iowa Department of Administrative Services (DAS) operates the Offset Program, authorized under Iowa code, which collects monies owed to the state and local governments in Iowa.²¹ In accordance with this code, the State Accounting Enterprise (SAE) under DAS can withhold payments that would otherwise go to individuals or vendors and apply those monies to outstanding fees owed to state and local governments. State and public agencies that want to participate in the Offset Program must enter into a Memorandum of Understanding (MOU) with DAS that includes information on the amount owed and



and by whom. If an individual owes debt to multiple public agencies that participate in the Offset Program, debt is prioritized to be paid in the following order:²² claims filed by the child support recovery unit or the foster care recovery unit, claims filed by the clerk of the district court, claims filed by the college student aid commission, claims filed by the investigations division of the department of inspections and appeals, claims filed by other public agencies.

According to stakeholders that CSG Justice Center staff spoke with, the Iowa DAS notifies county clerks of court when an individual with outstanding LFOs receives state income tax, lottery winnings, and/or casino winnings. If there are multiple counties where an individual owes court debt, whichever clerk of court flags the money first for DAS will receive the funds they are owed. This flagging process does not take into account which counties have cases with unpaid victim restitution and which do not.



RECOMMENDATIONS

CREATE INCENTIVE OPPORTUNITIES

- **Reward people for making regular victim restitution payments or for having satisfied their victim restitution obligations.** Assessing current administrative policies could result in the development of incentives for people who are paying victim restitution, such as allowing judges to reduce the amount of other LFOs, lowering interest on other LFOs, or waiving supervision fees if an individual on probation or parole can demonstrate that they are actively paying victim restitution. Iowa code currently allows the Iowa DOC to set rules governing the waiving of supervision fees “for persons deemed unable to pay.”²³ Amending Iowa DOC policy to stipulate that a person may be unable to pay because they only have sufficient means to pay victim restitution would allow the Iowa DOC to waive supervision fees as an incentive for consistent restitution payments and would not require a change to current statute.

ASSESS UPDATES TO POLICY AND AUTOMATION OF COUNTY COLLECTION PROCESSES

- **Consider any applicable changes to statute, rules, or policy that would direct any individual state income tax returns, lottery winnings, or casino winnings to county clerks of court offices where there are cases with unpaid victim restitution.** CVAD should work with DAS, DOR, and other involved agencies to examine the Offset Program that enables county clerks of court to claim available money to determine if there are any available technology updates, policy updates, or updates to administrative rules that would identify and send money directly to county clerks of court with unpaid victim restitution. This collaboration may identify practices or process updates that will allow counties with unpaid victim restitution to receive these monies prior to counties with cases that do not include victim restitution.



4: PRIORITY OF VICTIM RESTITUTION CASES

Per Iowa code, when the court structures a restitution plan during sentencing, it dictates that payments received by clerks of court occur in the following order of priority: “victim; fines, penalties, and surcharges; crime victim compensation program reimbursement; public agencies; court costs, including correctional fees approved pursuant to section 356.7; court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender; and contribution to a local anticrime organization.”²⁴ Code also states that if county clerks of court receive a payment for court-ordered LFOs without an identified case number toward which the money is to be applied, they must “apply the payment to the balance owed in the criminal case with the oldest judgment against the person.”²⁵ If victim restitution has been ordered in the case with the oldest judgment, it is to be paid before other LFOs.²⁶

According to Iowa code, if the clerk of court receives payment from the DOC while someone is incarcerated, or under supervision of a judicial district department of correctional services, the payment is to be applied to the “identified case number of the case which has resulted in the placement of the person at a correctional institution or under the supervision of the judicial district department of correctional services.”²⁷ Clerks of court are to apply the payments to the balance owed in the criminal case with the oldest judgment against the person if they receive payment from an incarcerated person and a case number for that payment is not identified.²⁸



FINDINGS FOR THE AOC & COUNTY CLERKS OF COURT

- **Iowa code stipulates that the oldest judgment against a person may be paid down before judgments with victim restitution.** When payment is received by a clerk of court and a case is not identified, Iowa code instructs clerks of court to apply payments to cases with the oldest judgment against the person, regardless of whether that judgment includes victim restitution. Because of this, fines, fees, and surcharges may be paid prior to victim restitution. While Iowa code does specify that victim restitution is to be paid before other LFOs when the oldest judgment against a person includes victim restitution, it does not account for instances when victim restitution remains unpaid in newer cases because other court-ordered LFOs are to be paid first in older cases. As a result, victims may wait longer for restitution payments.
- **Per Iowa code, when a county clerk of court office receives a check from the DOC, they are required to apply the amount received to the case(s) identified by the DOC regardless of whether those cases have victim restitution attached.**²⁹ Clerks of court typically receive a check from the Iowa DOC with the incarcerated individual’s name, a list of identified case numbers the money is to be applied to, and



the amount of monies to be applied to each identified case. DOC payment plans do not prioritize cases with victim restitution (see findings for DOC below), so victim restitution cases are paid at the same time as cases without it.



RECOMMENDATIONS FOR THE AOC & COUNTY CLERKS OF COURT

PRIORITIZE VICTIM RESTITUTION CASES

- **Amend Iowa code to specify that the oldest judgments against a person with victim restitution are to be paid before judgments without victim restitution and that all victim restitution orders are to be paid before other LFOs.** Iowa code should instruct clerks of court to apply payments without an identified case number to the oldest case with victim restitution and to pay victim restitution for this case until the full amount has been satisfied. Clerks should then be instructed to find the next oldest judgment against a person with victim restitution and pay the victim restitution in full, continuing this process until all victim restitution orders have been paid from oldest to newest. Once all victim restitution in all cases has been paid, Iowa code should revert to the existing process in XV Iowa Code §602.8107(2)(b), stipulating that LFOs should be paid starting with the oldest judgment against a person and moving to the newest. This statute change would ensure that victims receive the restitution they have been granted and that fines, fees, and penalties owed to governments are not prioritized over payments to victims. The AOC, which provides guidance to county clerks of court regarding legal statutes and judicial policy, should offer further guidance to clerks of court on this new language to ensure that the process is not ambiguous.

ASSESS ICIS CAPABILITY

- **Pursue technology updates that enable ICIS to identify and sort cases with associated victim restitution orders, from oldest to newest.** This will allow clerks of court to clearly identify cases with victim restitution that should be paid first.



FINDINGS FOR THE IOWA DOC

- **Because the legal definition of “restitution” in Iowa code is broad (see A Note on the Definition of Restitution in Iowa on page 4), the Iowa DOC database does not automatically distinguish the specific cases in which victim restitution has been ordered.** Per Iowa code, the Iowa DOC is responsible for developing payment plans for each case as ordered by the court.³⁰ This process begins when the Iowa Medical and Classification Center (Oakdale Prison) enters an individual’s court case information into the Iowa Corrections Offender Network (ICON) that they obtain from lowacourts.gov. DOC staff then create a payment plan for all cases where LFOs are owed and garnish 20 percent of incarcerated people’s wages to pay toward these cases. Because the ICON system does not readily identify cases with victim restitution, DOC staff would have to look at each case individually to determine which ones have victim restitution, which would be incredibly burdensome.



- **Currently, the DOC develops payment plans for incarcerated people and applies monies collected to all cases equally and not solely to cases with victim restitution.** Iowa DOC deducts 20 percent of all credits into an incarcerated individual's institutional financial account and systematically applies this money toward LFOs, including victim restitution. This money is sent to the clerk of court once a month and is accompanied by a DOC-generated list of identified cases and LFOs that the money is to be applied to. If an incarcerated person has multiple cases, DOC develops payment plans for each case and distributes monies equally across all cases regardless of whether those cases have victim restitution, even though there is no statute or administrative code that directs Iowa DOC to apply monies this way. Because of this distribution practice, the more cases an individual has on their payment plan without victim restitution, the less money goes to the case(s) that *do* have victim restitution.



RECOMMENDATIONS FOR THE IOWA DOC

ASSESS POLICY AND TECHNOLOGY SYSTEM CHANGES

- **Update ICON to allow Iowa DOC to distinguish cases where victim restitution has been ordered from those where it has not.** This will allow Iowa DOC staff to clearly identify cases with victim restitution that should be paid first.

PRIORITIZE VICTIM RESTITUTION CASES

- **Modify Iowa DOC policy to ensure that an individual's payment plan indicates that monies for cases with victim restitution are to be sent to the county clerk of court prior to payment for non-victim restitution cases.** Iowa code gives Iowa DOC the ability to adopt rules governing the preparation and implementation of restitution plans for people who are incarcerated in an Iowa DOC facility. Because of this, Iowa DOC has developed an outstanding and consistent process for collecting monies from incarcerated people and sending the funds to clerks of court in the relevant counties. If Iowa DOC is able to identify which cases have victim restitution and its policy is modified to stipulate that cases with victim restitution are to be paid before cases without victim restitution and before other LFOs, this will ensure that clerks of court apply funds to those cases with victim restitution ordered first.

5: MONITORING PEOPLE WHO OWE VICTIM RESTITUTION WHILE ON PROBATION OR PAROLE

In Iowa, probation and parole supervision is overseen by each of the eight judicial districts' department of correctional services as opposed to one overarching state department. As a result, each judicial district operates autonomously. Per Iowa code, if restitution is ordered by the sentencing court, it automatically becomes a condition of supervision.³¹ Once placed on probation or parole, the individual's supervision officer prepares a restitution payment plan. It is the responsibility of the person on supervision to make payments directly to the clerk of court and identify which cases the payments should be applied to. If the person does not identify any cases, the clerk of court will apply payment as delineated in Iowa code.³²

If someone on probation is not making restitution payments, the court may extend the term of their probation by no more than one year on top of the maximum period denoted in Iowa code.³³ If a person on probation is not making restitution payments, they are ineligible for early discharge from probation supervision.³⁴ For people under parole supervision, standard conditions include the payment of restitution, court costs, and attorney fees owed to the court as well as supervision and program fees as ordered by the supervision agent. Iowa Administrative Code stipulates that people on parole will not be discharged until all fees are paid.³⁵

Separate from the restitution plan that is required by the clerk of court, an individual placed on probation or parole under the DOC's district department is required to pay a supervision enrollment fee to offset the costs of supervision.³⁶ The DOC's policy specifies that all individuals placed on probation or parole supervision, including deferred judgment or deferred sentence, shall be required to pay a supervision enrollment fee of \$300.³⁷ Because this payment is separate from and not included in the court-ordered restitution plan, it can be paid prior to victim restitution, unintentionally prioritizing supervision fees over victim restitution.



FINDINGS

- **The way that different judicial districts monitor payment plans for people on parole varies.** Through the accreditation process of the eight district departments of correctional services that include probation and parole services, the Iowa DOC identified that the victim restitution payment process is inconsistent among them. This manifests in how they submit payment plans to the courts, what guidance they provide on paying victim restitution cases first, and how they monitor payments. As a result, the DOC approached the AOC to address the variances. The AOC is now considering standardizing rules for the judicial districts regarding monitoring and collecting LFOs.

- **Probation and parole officers lack an efficient way to track whether people on supervision are actively paying their LFOs.** To determine whether an individual is making a concerted effort to pay their LFOs, probation and parole officers have to search for each person individually in the supervision case management system in order to see their payment plan, what payments they've made toward specific LFOs, and how much they still owe.



RECOMMENDATIONS

STANDARDIZE POLICIES

- **CVAD should collaborate with the Iowa AOC as they work to standardize rules for judicial districts related to monitoring and collecting LFOs while people are on supervision.** The AOC provides guidance to judicial districts on standards for supervision, and CVAD liaises with other statewide agencies to promote victim-centered policies and ensure that crime victims' needs are being met. Collaboration between the AOC and CVAD to standardize LFO collection efforts provides statewide leadership and clarity necessary to accomplish this goal.

CREATE PAYMENT NOTIFICATION

- **Pursue options that allow probation and parole officers to receive automatic notices when payments to victim restitution have been made.** An automated system that notifies supervision officers when a payment has been made, what LFO it applies to, and how much remains to be paid would allow officers to monitor victim restitution and other LFOs more efficiently.



6: DEVELOPING MULTIAGENCY WORK ON RESTITUTION

Iowa code dictates restitution laws, rules, and regulations for the state and also specifies which agencies are responsible for the ordering, collecting, and disbursing of victim restitution. Policies and procedures were developed by these agencies to provide guidance, structure, and uniformity for staff in carrying out their individual agency's role and responsibilities.

In Iowa there is no standardized cross-training or partnership amongst agencies regarding their roles and functions as they pertain to victim restitution. Cross-training involves training multiple agencies in tandem or agencies training one another on each agency's internal policies and procedures. Cross-training is commonly used to coordinate learning across stakeholders, is a valuable tool for systems integration, and can be pivotal in developing best practices across agencies. Partnership may include data-sharing agreements or MOUs to improve the process and practice of ordering, collecting, disbursing, and satisfying victim restitution.



FINDINGS

- **Stakeholders are often unaware of policies and processes in other agencies, which makes it difficult to troubleshoot issues across agencies.** For example, DOC staff communicated to CSG Justice Center staff that it's sometimes hard to answer questions from clerks of court regarding payments from incarcerated people because they don't understand why the information is relevant or what information would be most helpful to provide. Conversely, county clerks of court were unaware of DOC collection processes and how payment plans are set up for incarcerated people.



RECOMMENDATIONS

CONDUCT CROSS-TRAINING

- **Facilitate cross-training between clerks of court, victim-witness staff in county attorney's offices, prosecutors, defense attorneys, Iowa DOC, and DOC Community Supervision Division to learn one another's roles and responsibilities and identify ways to improve victim restitution processes.** A better understanding of how each stakeholder operates individually and what information is helpful at each point in the collection and disbursement process would allow for greater integration of agency systems and create the opportunity to identify best practices.

DEVELOP PARTNERSHIPS TO WORK ON RESTITUTION

- **At both a statewide and local level, create multiagency teams of people to improve restitution practices.** As much as possible, codify agreements, MOUs, and other partnerships to institute best practices and other changes advancing restitution policies and information sharing.





CONCLUSION

CVAD asked CSG Justice Center staff to analyze victim restitution in Iowa to better understand the processes for ordering, collecting, disbursing, and satisfying victim restitution and, ultimately, improve restitution processes across agencies to effectively increase the reimbursement of financial losses to victims of crime.

The recommendations in this report provide CVAD with options to improve and enhance state processes pertaining to the ordering, collecting, disbursing, and satisfying of victim restitution. The report identifies key areas of improvement, including

- Further examination of individual agency policies and processes;
- Lack of available tools for stakeholders to track victim restitution payments;
- Lack of statutory direction for the collection of victim restitution;
- Need for training at the county level;
- Difficulty holding individuals accountable when they do not make payments toward victim restitution; and
- An overarching lack of interagency coordination and integration of systems.

The report also highlights various best practices and areas of strength across the state, particularly those used by counties with dedicated victim-witness and debt collection staff. These best practices are important to acknowledge as they demonstrate a continued commitment to victims by Iowa stakeholders and illuminate innovative solutions for the collection and disbursement of victim restitution statewide. Taken together, the best practices and recommendations presented in this report can guide CVAD in their efforts to increase the effective imposition and collection of victim restitution across the state.

 **ENDNOTES**

1. Pecuniary damages in a criminal case are any financial costs to a victim incurred as a result of the crime. Typical pecuniary damages may include medical bills, property replacement or repairs to damaged property, loss of wages, etc.
2. XVI Iowa Code §910.1(4) (2019).
3. Iowa law defines “Local anticrime organization” as “an entity organized for the primary purpose of crime prevention which has been officially recognized by the chief of police of the city in which the crime is located or the sheriff of the county in which the organization is located.”
4. *Ibid.*, iii
5. *State v. Jackson*, 601 N.W.2d 354, 357 (Iowa 1999)
6. XVI Iowa Code §915.11 (2019)
7. *State v. Albright*, 17-1288 (Iowa Supreme Court, 2019).
8. Iowa County Attorney Association list of victim witness coordinators (2018).
9. U.S. Department of Justice, Office for Victims of Crime (OVC), Vision 21: Transforming Victim Services Final Report (Washington, DC: Office for Victims of Crime, 2013).
10. The 57 county attorney websites analyzed in this review are from counties in the four judicial districts that showed the highest change in victim restitution obligations, according to data collected for the Iowa Restitution Paid Report, conducted by the Iowa Division of Criminal and Juvenile Justice Planning. Three judicial districts showed the largest decrease in restitution obligations (judicial districts two, three, and seven) and judicial district eight showed the only increase in restitution obligations. The number of restitution obligations declined almost 26 percent over eight years (2010–2017).
11. Kris A. Walters & Michael R. Hamrell “Consent forms, lower reading levels, and using Flesh-Kincaid readability software,” *Drug Information Journal*, 42, no. 4 (2008): 385–394.
12. *Ibid.*
13. Legal financial obligations or LFOs, is a term that is generically being used for everything that is defined as one of the other categories of “restitution” listed in XVI Iowa Code §915.1.
14. XV Iowa Code §602.8107(4)(1) (2019).
15. If local counties wish to collect and disburse victim restitution, they must file a notice of full commitment to collect delinquent court debt and a memorandum of understanding (MOU) with the Iowa Administrative Office of the Courts (AOC). Once the county has signed this MOU, the AOC electronically provides information on cases containing restitution to local clerks of court for the collection of court-ordered LFOs via ICIS. Payments for LFOs or payment plans may then be sent or set up directly to the clerk of court’s office or sometimes through a county collection unit housed in the county attorney’s office. The MOU specifies that, in order to maintain collection rights, the county must reach a specified collection quota as defined in Iowa statute. Once a county meets the quota, they are entitled to keep 52 percent of all additional moneys that are collected above the quota, with the exception of payments that are collected for victim restitution. This financial benefit enables counties to recoup some of the costs associated with restitution collection. If a county fails to collect the appropriate amount needed to meet the quota, they are deemed ineligible for collection by the AOC and their MOU is revoked. As of October 2018, 54 counties in Iowa had local collection units. If a local county does not have a collection unit, either by choice or due to an inability to meet the MOU quota requirement, restitution collection and disbursement is conducted solely by the private collection agency Linebarger Goggen Blair & Sampson, LLP.
16. Georgia’s Victims Unclaimed Restitution Program is housed in the Georgia Crime Victims Compensation Program. The California Department of Corrections and Rehabilitation Office of Victim & Survivor Rights collects restitution money on behalf of victims once a person has been convicted, sentenced to state prison, and a final order of victim restitution has been made by the court.
17. Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning Statistical Analysis Center, SFY 2010–SFY 2017 Iowa Restitution Paid (Des Moines, IA: Division of Criminal and Juvenile Justice Planning, 2018).
18. American Probation and Parole Association, “Fact Sheet 4: Restitution and Other Legal Financial Obligations.” (2009), <https://www.appa-net.org/eWeb/docs/APPA/pubs/PVRPPP-FACTSHEET-4.pdf>.
19. VIII Iowa Code §321.210A(1) (2019).
20. Virginia Legal Aid and Justice Center, “Driven by Dollars: A State-By-State Analysis of Driver’s License Suspension Laws for Failure to Pay Court Debt.” (2017).
21. I Iowa Code §8A.504 (2019).

22. Iowa code §8A.504(3) (2019).
23. XVI Iowa Code §905.14(3) (2019).
24. XVI Iowa Code §910.2 (2019).
XV Iowa Code §602.8107(2)(b) (2019). If clerks of court receive payment for court-ordered LFOs and the payment is accompanied by an identified case number that the money is to be applied to, clerks must apply that money towards the identified case number and LFO.
26. Ibid. This hierarchy does not include child support, which is separate.
27. XV Iowa Code §602.8107(2)(a) (2019).
28. Ibid., 17
29. XVI Iowa Code §910.5(1)(d) (2019).
30. XVI Iowa Code §910.5(1)(d) (2019).
31. XVI Iowa Code §910.4(1) (2019) & §910.5(4) (2019).
32. XV Iowa Code §602.8107(2)(a) (2019) says that "If the clerk receives payment from a person who is an inmate of a state institution or who is under the supervision of a judicial district department of correctional services, the payment shall be applied to the balance owed under the identified case number of the case which has resulted in the placement of the person in a state institution or under the supervision of the judicial district department of correctional services. If a case number is not identified, the clerk shall apply the payment to the balance owed in the criminal case with the oldest judgment against the person."
33. XVI Iowa Code §907.7(1) (2019) limits the maximum lengths of probation to five years for a felony and two years for a misdemeanor.
34. XVI Iowa Code §907.9(1) (2019) & §907.9(2) (2019)
35. Iowa Administrative Code 201-45.2(1)(g) (2019).
36. XVI Iowa Code §905.14(1) (2019).
37. State of Iowa Department of Corrections Policy and Procedures, Policy Number CBC-04 (2017), https://doc.iowa.gov/sites/default/files/cbc-04_supervision_enrollment_fees.pdf.



The image features a large, stylized blue lotus flower graphic centered on a solid blue background. The lotus is composed of several layers of petals, with the central petals being the most prominent. The petals are rendered in a lighter shade of blue, creating a sense of depth and texture. The overall design is clean and modern.

APPENDICES

Appendix A—Polk County Victim Information Packet

JOHN P. SARCONI, POLK COUNTY ATTORNEY
222 FIFTH AVENUE • DES MOINES, IA 50309 • (515) 286-3737

November 21, 2018

NAME
ADDRESS
Norwalk, IA 50211

Re: State of Iowa vs. DEFENDANT; Criminal No. FECR123456

Dear MR/MS,

The Polk County Attorney's Office has assigned me to assist you in the above case. Enclosed are forms that may be important to you as the victim of this crime. Complete the forms that are applicable to your situation and return them in the enclosed envelope within 14 days of receiving this packet. Please keep me informed of any change of residence, business address or telephone number. The following is a brief description of each form:

Victim Request for Registration - Complete and return to be notified by different agencies of the defendant's status.

Victim Impact Statement - Complete and return if you want to express to the prosecutor and sentencing judge your feelings about being the victim of this crime and how the defendant's actions have affected you and your family.

Victim's Pecuniary Damage Statement - Complete and return if you've suffered financial loss as a result of this crime. Please provide information showing the type of loss and the dollar amount(s). Please attach photocopies of any bills, estimates or statements that verify your loss. This information is needed for the judge to determine what restitution, if any, should be paid to you by the defendant if the defendant is found guilty or pleads guilty to this crime.

VORP Sheet (if applicable) - This describes the Victim-Offender Reconciliation Program that allows you to meet the offender in a safe setting, express your feelings about being victimized, and discuss any out of pocket expenses you have incurred, which may result in a written repayment agreement with the offender.

You may also qualify for additional services from the following Agencies:

Iowa Crime Victim Compensation Program (if applicable); The Iowa Department of Justice, Crime Victim Compensation Program, may help with crime related expenses (for victims who has been physically or emotionally injured by a violent crime, such as assaults, homicides, sexual abuse etc.). For information on how to apply, please call 800-373-5044 or you can apply on-line at <https://www.iowaattorneygeneral.gov/for-crime-victims/crime-victim-compensation-program/>.

Polk County Crisis and Advocacy Services; For information about services provided to all victims of crime, please call 515-286-3600 (for emergency only: 515-286-3535).

Children & Families of Iowa, Domestic Violence Services; This Agency provides information about Domestic Violence services provided to victims. If you need information, or for help, please call 515-243-6147 or 800-942-0333.

Crime Victim Information and Notification Service (VINE); You can sign up to be automatically notified when a Defendant has been released from the Polk County Jail or an Iowa Prison by calling Iowa VINE at 888-742-8463 or on the VINE website at www.vinelink.com.

Please contact me if you have any questions or concerns.

Sarah Bird

Telephone: (515) 286-3059; Fax Number: (515) 323-5254

E-mail: Sarah.Bird@polkcountyiowa.gov

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your District ADA Coordinator at (515) 286-3394. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

VICTIM REQUEST FOR REGISTRATION

State of Iowa vs. DEFENDANT

Criminal No. [REDACTED]

DOB:

CHARGE: THEFT IN THE SECOND DEGREE

The defendant is charged with a crime in which you are a victim. As a victim, you have the following rights:

PLEASE CHECK OFF THE INFORMATION YOU WISH TO RECEIVE:

POLK COUNTY JAIL (515-323-5400)

- [] Notice of defendant's release from jail and terms of release, including appeal bond.
- [] Notice of defendant's escape and/or final release from local custody.

POLK COUNTY ATTORNEY (515-286-3737)

- [] Notice of the scheduled date, time and place of trial, and the cancellation/postponement of any court proceeding requiring your attendance as the victim.
- [] Notice of any plea agreements related to the crime in which you are a victim.
- [] Notice of the time and place for you to make an oral victim impact statement, in the presence of the defendant, if an oral impact statement is desired. You may submit an audio or video recording in lieu of a personal appearance.

POLK COUNTY CLERK OF COURT (515-286-3765)

- [] Notice of all dispositional orders of the case in which you are a victim.

IOWA DEPARTMENT OF CORRECTIONS (515-725-5742)

- [] Notice of on-going prison status until final discharge, if defendant is given prison term.
- [] Notice of defendant's release from prison on appeal bond.

IOWA DEPARTMENT OF JUSTICE (515-281-5164)

- [] Notice of all dispositional orders for a case on appeal in which you are a victim.

IOWA BOARD OF PAROLE (515-725-5757)

- [] Notice of parole hearings, if defendant is given prison term.

If you want this information, you must register with the Polk County Attorney's Office by completing this form and returning it **immediately** in the enclosed envelope. As a victim, it is your responsibility to notify the individual agencies listed above of any change of address. Please make a copy of this form for your records.

THIS VICTIM REQUEST FOR REGISTRATION, PURSUANT TO IOWA CODE SECTION 915.12(3), SHALL BE STRICTLY MAINTAINED IN A SEPARATE CONFIDENTIAL FILE, AND SHALL BE AVAILABLE ONLY TO THE OFFICES, AGENCIES, AND DEPARTMENTS REQUIRED TO PROVIDE INFORMATION UNDER THIS SUBCHAPTER,

VICTIM'S NAME:

ADDRESS:

HOME PHONE:

WORK PHONE:

CELL PHONE:

Email: _____

VICTIM IMPACT STATEMENT

State of Iowa vs. DEFENDANT

Criminal No: [REDACTED]

A Victim Impact Statement is a *voluntary* statement that grants you the opportunity to let the prosecutor and the sentencing judge know the extent to which the crime has affected you, those close to you and/or your business and employees.

This statement is voluntary and may be read by the Defendant.

I. HOW HAVE THE DEFENDANT'S ACTIONS AFFECTED YOU? (check those that apply to you)

FINANCIAL/PHYSICAL IMPACT

Injuries _____ Medical care _____ Counseling _____
Court appearances _____ Property/Financial loss _____ Property damage _____
Medical expenses _____ Missed Work _____ Inconvenience _____

EMOTIONAL IMPACT

Fear _____ Depression _____ Sleep problems _____ Concern for safety _____

II. HOW SHOULD THE JUDGE SENTENCE THE DEFENDANT IN THIS CASE?

() PROBATION (check one or more of the following conditions)

- Restitution
- Fine
- Community service
- Substance abuse evaluation and treatment
- First-time offender class
- Assaultive behavior class
- Mental Health Evaluation
- No contact order (order prohibiting offender from having contact with victim)

Please explain why you feel your safety is at risk by the Defendant

OR

() INCARCERATION (prison or jail)

Please elaborate: _____

OTHER: _____

VICTIM'S NAME:

Please feel free to attach any additional pages if you need more space

VICTIM'S NAME:

Victim's

Signature _____ **Date:** _____

VICTIM'S PECUNIARY DAMAGE STATEMENT

State of Iowa vs. DEFENDANT

Criminal No: FECR123456

Pecuniary damages means “all damages to the extent not paid by an insurer which a victim could recover against the offender in a civil action arising out of the same facts or event, **except** for punitive damages, damages for pain and suffering, mental anguish, and loss of consortium.” (Iowa Code Section 910.3)

I have incurred the following monetary losses, which may include property damage, medical expenses and loss of income, as a result of the defendant's criminal action in the above-captioned criminal case:

ITEM AND DESCRIPTION	VALUE TO REPLACE OR FIX	RECOVERED (YES/NO)	INSURED (YES/NO)	I HAVE FILED AN INSURANCE CLAIM? (YES OR NO.) IF YES LIST DEDUCTIBLE OR CO-PAY

Total amount of restitution owed: \$ _____



Please attach photocopies of documents (receipts, estimates, etc.) that verify your loss.

____ I have filed a claim with the Crime Victim's Compensation Program.

This statement is voluntary and may be read by the defendant.

On this _____ **day of** _____, 20____, **I certify to the best of my ability that this statement is true and accurate.**

Name

(please print): _____

Address:

Telephone

(day/evening):

Email:

Signature: _____

VICTIM'S NAME:

JOHN P. SARCONI, POLK COUNTY ATTORNEY

222 FIFTH AVENUE · DES MOINES, IA · (515) 286-3737

VICTIM-OFFENDER RECONCILIATION PROGRAM (VORP)

What is VORP?

VORP stands for Victim-Offender Reconciliation Program. This program attends to needs of crime victims that many times are not addressed by the criminal justice system.

VORP is a meeting between the victim and the offender. The meeting is facilitated by a trained mediator and takes place in a controlled safe setting. The victim can choose to have a victim advocate at the meeting to provide support. At the meeting, the victim is given the opportunity to express feelings, ask questions and offer opinions. A written agreement that determines restitution or other matters can also be drawn up at the meeting. In most cases, these written agreements become incorporated in court orders that offenders are required to abide.

VORP is a process that embodies elements of a concept called “restorative justice.” Restorative justice views crime as a violation of one person by another. Restorative justice requires that offenders understand and accept responsibility for their actions and to make things right with the victim.

How does VORP benefit victims?

- Provides victims the opportunity to talk about the crime and its effects on them and their family.
- Allows victims to take an active role in the outcome of their case.
- Helps victims obtain answers to questions such as “Why me?”
- Provides an opportunity for victims and offenders to negotiate a restitution payment plan.
- Allows victims to obtain closure and put the crime behind them.

Other benefits of VORP

- Personalizes the crime for offenders.
- Helps offenders to understand the trauma they caused.
- Provides the chance to discuss the offenders’ accountability and responsibility for the crime.
- Allows an opportunity for offenders to express remorse and make amends to victims.
- May lessen the likelihood that offenders will commit another crime.

VORP facts

- 98% of VORPs held result in restitution agreements reached between victims and offenders.
- 96% of victims would choose to participate in VORP again.
- 86% of victims find that meeting their offender is helpful.

Appendix B—Story County Victim Information

Assistants, Nevada Office
First Assistant
Timothy C. Meals
Lead Criminal Prosecutor
Tiffany L. Meredith
Criminal
Shean D. Fletchall
Jonathan L. Holscher
Adam J. Kenworthy
Tyler J. Grimm
Kristen M. Formanek
Torey R. Cuellar
David J. Fountain

STORY COUNTY ATTORNEY
Jessica A. Reynolds Office

Story County Courthouse
1315 South B Avenue
Nevada, Iowa 50201

(515) 382-7255
FAX (515) 382-7270

Assistants, Ames

126 S. Kellogg
Suite 203, 50010
(515) 232-4185
FAX (515) 232-6405
Civil
Ethan P. Anderson
Juvenile, Commitment
Lucas J. Richardson
Lynnette Van Wyngarden
Simple Misdemeanor
Benjamin D.

Criminal
Shawna M. Johnson

Matchan

January Date, 2018

Name of Victim
Street Address
City & State

RE: State vs. Defendant Name
Case No. Case Number
Charge(s): List All Charges

Dear Victim/Business Name:

The Story County Attorney's Office is committed to helping victims by providing services and support to those who have been affected by crime. You have been identified as a victim in the above-captioned crime and as a victim in this matter you have specific rights, which are detailed in the brochure I have included with this letter.

Due to the nature of this offense, you have the option to meet with an attorney to discuss this case and any questions you may have. If you are interested in setting up a meeting, please contact our office within the next 10 days to arrange a convenient time and place to meet.

Enclosed you will find a copy of the no contact order, which was automatically put into effect by the court. If the defendant makes any attempts to contact you in person, in writing, by telephone or through a third party, you should contact the police and our office right away.

I will continue to keep you informed of the case status and will do my best to help you through the criminal justice process. If at any time you have questions or concerns about the case or about the information I have sent, please do not hesitate to contact our office right away by calling (515) 382-7255 or send an email to cavwintern@storycountyia.gov. Thank you for your time and cooperation. I look forward to hearing from you.

Sincerely,

Nicole Pritchard/Monika Stalzer
Victim Witness Coordinator
Story County Attorney's Office
1315 South B Avenue
Nevada, Iowa 50201

Restitution Information Form

Defendant's Name _____ Case Number _____

As a victim in the above mentioned criminal matter, you have the right to recover pecuniary damages, as defined in Iowa Code Section 910.1

Per Iowa Code Section 910.1(3): Pecuniary damages means all damages to the extent not paid by an insurer, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitations, "pecuniary damages" includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.

Please mark the box(es) that apply to you:

- I have not sustained any damages. *(Please sign and date back page)*
- I have sustained damages, but am not seeking restitution *(Please sign and date back page)*
- I have sustained damages, which are directly related to this crime as detailed below.
- I do not wish to have any further information sent to me on this case.

CONTACT INFORMATION

To whom is restitution owed? _____
Address restitution should be sent to: _____
Phone number where you can be reached: _____

CRIME RELATED COSTS

List any personal belongings or personal property lost, damaged or destroyed as a result of this crime. Please include the type of expense, the cost to repair or replace, the amount insurance is to pay, and how the value was determined.

Please submit any documentation to support your restitution claim.

To your knowledge, were any items seized by law enforcement? Yes No
If yes, please list the item(s) seized, the value, and if the item was returned to you.

List any medical expenses incurred as a result of this crime, such as doctor's bills, medications, hospital stays, therapy, counseling, etc. ***Please attach copies of the medical bills you have received so far.***

Do you anticipate additional expenses? () Yes () No

If "yes" please explain: _____

If you were unable to work due to this crime, please list the hours missed, your hourly wage, and the reason for missing work. If at all possible, please attach a letter from your employer verifying the lost wages or income.

Have you been reimbursed by your employer? () Yes () No

If yes, how were you compensated? (For example, did you use vacation or sick time?) _____

Were any of your expenses covered by worker's compensation? () Yes () No

Please list any other expenses you paid out of your own pocket. This can include child care or traveling expenses during court appearances, costs to install new locks or security devices, fees incurred in changing bank or credit card accounts, etc. Please include the type of expense, the amount and the reason for the expense.

INSURANCE INFORMATION

Do you plan to submit a claim to an insurance company for any of the crime related expenses? () Yes () No

If "no" please explain the reason: _____

If "yes", please provide the following information:

Who is the policy holder? () Self () Spouse () Defendant () Other _____

Name of insurance company: _____

Agent's Name and Contact Information: _____

Status of insurance claim: _____

Amount received from insurance as of _____ is _____
Date

Have you applied for Crime Victim Compensation benefits?

() Yes () No () I need more information

Please sign and date below, even if you have no restitution claim to submit.

Printed name

Signature

Date

Assistants, Nevada Office
First Assistant
Timothy C. Meals
Lead Criminal Prosecutor
Tiffany L. Meredith
Criminal
Shean D. Fletchall
Jonathan L. Holscher
Adam J. Kenworthy
Tyler J. Grimm
Kristen M. Formanek
Torey R. Cuellar
David J. Fountain

STORY COUNTY ATTORNEY
Jessica A. Reynolds Office
Story County Courthouse
1315 South B Avenue
Nevada, Iowa 50201
(515) 382-7255
FAX (515) 382-7270

Assistants, Ames
126 S. Kellogg
Suite 203, 50010
(515) 232-4185
FAX (515) 232-6405
Civil
Ethan P. Anderson
Juvenile, Commitment
Lucas J. Richardson
Lynnette Van Wyngarden
Simple Misdemeanor
Benjamin D.

Matchan

Criminal
Shawna M. Johnson

February 1, 2019

CASE UPDATE

RE: **State of Iowa vs.
Case No.**

HEARING AT 12:00 AM/PM,

Unless you have received a subpoena, your attendance is **NOT REQUIRED** at any hearing or trial. If you plan to attend, or have any questions about the status of this case, please contact the Story County Attorney's Office at (515) 382-7255. Please note that the enclosed document specifies which type of hearing or trial is scheduled in your case.

Below is an explanation of the common types of hearings:

Arraignment: The defendant must either file a written plea prior to the above date or appear in court at the scheduled time for purposes of pleading guilty or not guilty. Frequently this hearing does not occur as the Defendant submits it in writing, negating the need for hearing.

Pretrial: Defense attorney and county attorney meet before the trial and discuss the case and alert the court to any issues that will need judicial intervention.

Trial: The defendant pled not guilty. If we are unable to reach a plea agreement in this matter, a trial will be scheduled no sooner than the above date. If the case proceeds to trial, witnesses will be subpoenaed to appear.

Guilty Plea: The defendant has agreed to enter a plea of guilty. The oral guilty plea will be taken by the judge at this time.

Sentencing: The defendant has pled guilty or has been found guilty. *If you plan to submit a request for restitution or present a victim impact statement, and have not already done so, you must contact our office prior to the date of sentencing.*