

# **State of Iowa Department of Corrections**

## **Policy and Procedures**

Policy Number: CBC-11

Applicability: CBC

Policy Code: Public Access

Iowa Code Reference: 321.482, 602.8107, 904, 906, 907, 909, 910, 1182

Iowa Court Rule Reference: 26.2(4), 26.2(6)

Chapter 1: Administration and Management

Sub Chapter: Fiscal Management

Related DOC Policies: AD-FM-6, ISC-06, WR/OWI-35

Administrative Code Reference: 201-42.1(10), 201-42.1(11)

Subject: Restitution and Community Service Work

PREA Standards: NA

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Effective Date: May 2025

Authority:

### **1. PURPOSE**

To provide the Iowa Department of Corrections (IDOC) with guidance regarding cases in which a client has court ordered financial obligations.

### **2. POLICY**

It is the policy of IDOC to ensure that court ordered restitution is addressed pursuant to **Iowa Code Chapter 910**.

### **CONTENTS**

- A. Category A Restitution: see **Iowa Code 910.1(1)**
- B. Category B Restitution: see **Iowa Code 910.1(2)**
- C. Pecuniary Damages: see **Iowa Code 910.1(6)**

- D. Permanent Restitution Order: see **Iowa Code 910.1(7)**
- E. Plan of Payment or Restitution Plan of Payment: see **Iowa Code 910.1(8)**
- F. Plan of Restitution: see **Iowa Code 910.1(9)**
- G. Restitution: see **Iowa Code 910.1(10)**
- H. Victim: see **Iowa Code 910.1(11)**
- I. Community Service Work: see **Iowa Code 910.2(2)(a)(b)**

### **3. PROCEDURES**

#### **A. Court Ordered Financial Obligations (Restitution) Iowa Code 910**

- 1. Pursuant to **Iowa Code 910.3(8)**: "The court shall enter a permanent restitution order setting out the amount of restitution including the amount of community service to be performed as restitution and the persons to whom restitution must be paid."
- 2. The district departments shall have written policies and procedures governing the preparation, submission, review and modification of the restitution plan and the plan of community service in accordance with **Iowa Code chapters 907 and 910. Iowa Administrative Code 201-42.1(10) and 201-42.1(11)**
- 3. Pursuant to **Iowa Code 910.3(1)**: "The prosecuting attorney shall prepare a statement of pecuniary damages to victims of the defendant, and if applicable, any award by the crime victim compensation program and expenses incurred by agencies pursuant to Iowa Code §321J.2, subsection 13, paragraph "b", and shall provide the statement to the presentence investigator or submit the statement to the court at the time sentencing."
  - a. The sentencing court includes in its order specific information related to victim restitution.
  - b. When victim restitution fines and/or fees are ordered at the time of initial sentencing, and the client is supervised via Probation, Parole, State Work Release status or sentenced to the OWI Continuum, payment of these court ordered debts shall be a condition of said supervision. **Iowa Code 910.4, 910.5**

## **B. Plan of Payment (Restitution Plan) Is Needed**

1. A plan of payment shall be prepared for all cases where restitution, court costs, court appointed attorney fees, fines or surcharges are ordered by the court.
2. Exceptions are listed in procedure C.

## **C. Plan of Payment (Restitution Plan) Is Not Needed**

1. When the client has been ordered to pay restitution, court costs, or attorney fees, fine or surcharges, but all financial obligations were met at or before sentencing or before a case manager was assigned the case.

Verification is obtained through Iowa Courts Online and shall be documented in an ICON generic note.

2. When the sentencing order includes all amounts ordered and a monthly payment is noted.
3. If the amount of court ordered financial obligations/debt due at the time of sentencing is \$300.00 or less, the court will not order an installment payment plan. **Iowa Court Rules 26.2(4)**

## **D. Preparing A Plan of Payment (Restitution Plan)**

1. List all court ordered financial obligations on the plan.
2. Require the first payment to be due no later than 30 days from sentencing. **Iowa Court Rules 26.2(6)**
3. Structure the payments to be due once a month, and the payment to be at least \$50.00 per month. **Iowa Court Rules 26.2(6)**
4. A copy of the restitution plan shall be given to the client. **Iowa Code 907.8(1)**
5. The restitution plan shall be filed with the clerk of court in the county having original jurisdiction.
6. The restitution plan can be generated from ICON (Offender > Charge Information > Restitution) or a WORD or ICON template, per local procedures.

## **E. Collection of Restitution (Iowa Code 602.8107)**

1. Court Debt (Restitution) shall be owed and payable to the clerk of the district court for a given case.
2. Iowa Courts Online shall be referenced to monitor compliance with monies due.

## **F. Community Service Work**

1. A district court may order the defendant/client to perform community service work in lieu of financial obligations (other than victim restitution). **Iowa Code 910, 909.3A**

An application can be made to the court to allow the client to perform community service work hours in lieu of monetary payments.

2. The Board of Parole may establish a specific number of hours of unpaid community service for parolees or work release clients, **Iowa Code 906.4(2)(b)**.
3. Community service assignment shall be with a public agency or private nonprofit agency. **Iowa Code 910.2(2)(b)**
4. When community service is ordered, the case manager or designee shall be responsible for developing and monitoring community service activities.
5. Refer to local procedures as to required documentation and forms in which to utilize.