

CHAPTER 7
VICTIM NOTIFICATION

205—7.1(915) Definitions.

“Notification” means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit the board from also providing appropriate information to a registered victim by telephone, electronic mail, or other means.

“Parole interview” means an interview conducted by the board to consider an inmate’s prospects for parole pursuant to Iowa Code section 906.5.

“Registered” means having provided the county attorney with the victim’s written request for registration and current mailing address and telephone number, and having been approved by the county attorney.

“Victim” means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense.

“Violent crime” means a forcible felony, as defined in Iowa Code section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

[ARC 3297C, IAB 8/30/17, effective 10/4/17]

205—7.2(915) Victim registration. A victim may register by filing a written request-for-registration form with the county attorney. The county attorney shall notify the victim in writing and advise the victim of the victim’s registration and rights. The county attorney shall provide the appropriate offices, agencies, and departments, including the board, with a registered victim list. The board shall determine if an individual will be accepted as a registered victim. This determination shall be based solely upon criteria set out in the Iowa Code. A registered victim is responsible for keeping the victim’s address and telephone number current with the board in order to ensure timely notification.

205—7.3(915) Victim notification. The board shall notify a registered victim of a violent crime not less than 20 days prior to conducting a hearing at which the board will interview the inmate, and shall inform the victim that the victim may submit the victim’s opinion concerning the release of the inmate in writing prior to the hearing, or may appear personally or by counsel at the hearing to express an opinion concerning the inmate’s release.

205—7.4(915) Notification of decision. Whether or not the victim appears at the hearing or expresses an opinion concerning the offender’s release on parole, the board shall notify the victim of the board’s decision regarding release of the offender.

205—7.5(915) Written opinions concerning release. A registered victim may submit a written opinion concerning the release of the inmate to the board’s business office prior to the parole interview. The written opinion shall be made a permanent part of the inmate’s file and shall be reviewed when the board considers the inmate’s prospects for parole.

[ARC 3297C, IAB 8/30/17, effective 10/4/17]

205—7.6(915) Appearances at parole interviews.

7.6(1) A registered victim of a violent crime may appear personally or by counsel at a parole interview to express an opinion concerning the release of the inmate.

7.6(2) If a registered victim of a violent crime intends to appear at a parole interview, the victim should communicate such intent to the board’s business office or victim liaison prior to the start of the parole interview.

7.6(3) If intending to appear at a parole interview, a registered victim of a violent crime, or victim’s counsel, shall appear at the board’s business office, or other ICN location as previously arranged, at the

time set forth in the notice of parole interview. During the parole interview, the board shall permit the victim or victim's counsel to express an opinion concerning the release of the inmate.

7.6(4) Victims shall be properly attired and shall conduct themselves in a manner consistent with decorum appropriate for a public meeting of a governmental body. They shall be respectful of other victims, spectators, media personnel, board staff, and board members present. They shall also be mindful of noise and behavior that might impact other individuals working in the board's business office building or other ICN location where they may be while participating in the parole interview.

7.6(5) Any activity deemed inappropriate by the panel under the guidelines in the rules may result in a request by the panel for the offending party or parties to leave. Warnings for inadvertent or minor misconduct may or may not be given the first time it occurs, and any subsequent offending activity will result in a request to leave. Refusal to leave upon request may result in removal by law enforcement of the offending party or parties.

[ARC 3297C, IAB 8/30/17, effective 10/4/17]

205—7.7(915) Disclosure of victim information. Information regarding a registered victim, as well as the existence of a registered victim in a particular case, is confidential and shall not be disclosed to the public. A victim's registration, and the substance of any opinion submitted by the victim regarding the inmate's release, may be disclosed to the inmate at the discretion of the board.

These rules are intended to implement Iowa Code chapter 915.

[Filed 2/6/89, Notice 12/28/88—published 2/22/89, effective 3/29/89]

[Filed 5/14/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]

[Filed 6/4/04, Notice 4/28/04—published 6/23/04, effective 7/28/04]

[Filed ARC 3297C (Notice ARC 3117C, IAB 6/21/17), IAB 8/30/17, effective 10/4/17]