

## INTRODUCTION

Crime hurts! As a victim of crime, you may experience significant injury, loss, confusion and life-disruption. Shock, disbelief, fear, vulnerability, anger, and frustration may also result. In addition to struggling with these impacts, your involvement in the criminal justice system may be needed. You may also find it necessary to become involved with a variety of other community agencies while seeking beneficial services. This change to your life can feel overwhelming!

The community has a legal and moral responsibility to respond to criminal victimization through support of victims of crime. This response is necessary to preserve order and protect the community. *Victims and witnesses of crime are essential partners in this community effort.* Without your participation and involvement as a citizen, the criminal justice systems cannot serve the community. However, the complexity and limitations of these agency processes may create additional frustration for you as a victim or a witness.

This booklet has been prepared to assist you in understanding your rights and to provide information about the roles of various public and private agencies. Your informed participation is vital to Utah's system of criminal justice. Services described in this brochure are available to victims at no charge.

## UTAH COUNCIL ON VICTIMS OF CRIME

The criminal justice system has historically been insensitive to the needs and concerns of crime victims. All too frequently involvement in the criminal justice system resulted in additional suffering to victims already harmed by criminal acts. To address these problems, in 1993 the legislature established the Utah Council on Victims of Crime and tasked it with the responsibility of coordinating statewide efforts to improve victims' experiences and status in the criminal justice system. The Council is a bi-partisan body with a statutorily designated representation from across Utah. The Council provides training and assistance to victims' programs in prosecution offices, police departments and other agencies throughout Utah.

The Council continues to be a strong voice in improving victim services and rights in Utah. The Council played a significant role in enacting legislation and court rule changes focused on improving the status of victims involved in the criminal justice system. Examples of these changes include the creation of the Office of Crime Victim Reparations, the Crime Victims' Bill of Rights, and the Utah Victims' Constitutional Amendment. The Council also worked hard to develop and promulgate court rule changes to require the consideration of the threat of harm or danger to the victim at bail hearings and the enacting of "Rape Shield" protections for victims of sexual assault.

Utah law also establishes a Victims' Rights Committee in each of the eight judicial districts in Utah. The purpose of these committees is to address specific complaints and problems within their respective judicial districts and to be an educational and supportive influence in protecting victim rights. The Chair of each of these District Victims' Rights Committees, along with other select victim advocates and agency representatives, serves on the Utah Council on Victims of Crime. Through the various Victims' Rights Committees in the judicial districts, victims' concerns are monitored throughout the state. Individuals may bring violations of victims' rights to the attention of their respective District Victims' Rights Committee. A form entitled "Victim/Witness Complaints" is available for this purpose. For additional information on this complaint process see the "Complaint Procedures" section of this

brochure. Any complaint not resolved by the local District Victims' Rights Committee, is reviewed by the Council.

Members of the Utah Council on Victims of Crime and the various District Victims' Rights Committees continue to be committed to improving the experience and status of crime victims in Utah. Participation in the various projects of the Council is encouraged and individuals interested in becoming involved in the victims' movement should contact the Utah Office for Victims of Crime at 801-238-2360 or 1-800-621-7444.

## **VICTIM RIGHTS**

Victims of crime have constitutional and statutory rights to ensure that all victims are treated with dignity, respect, courtesy, and sensitivity, and that the rights extended to victims and witnesses of crime are honored and protected by law in a manner no less vigorous than protections afforded criminal defendants. You can locate these rights in the Utah Constitution, Article 28 and in the Utah Criminal Code at 77-37, 77-38 and 77-38a. Following is a brief summary of the rights entitled to victims of crime of felony crimes and A and B misdemeanor crimes, including juvenile charges:

- a. Victims have the right "to be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process."
- b. Victims have the right to be informed and assisted as to their role in the criminal justice process, including clear explanations regarding legal proceedings.
- c. Victims have the right to be present and heard at important criminal justice and juvenile justice hearings. Those hearings include preliminary hearings, arraignment, any court proceeding involving the disposition of charges or the delay of a previously scheduled trial date, a court proceeding relating release of the defendant from custody, the criminal trial, sentencing hearings and parole hearings.
- d. Victims have the right to be heard and that right may be exercised at the victim's discretion in any appropriate fashion, including an oral, written, audio taped, or videotaped statement or direct or indirect information that has been provided to be included in any presentence report.
- e. Victims have the right to receive notice of important criminal justice hearings in felony cases. The victim's address, telephone number and written impact statement are protected and only available to a limited group of victim specialists.
- f. Victims of several violent and sexual crimes may request a pretrial criminal no contact order be issued by the court.
- g. Victims have the right to a speedy disposition of the charges, free from unwarranted delay caused by the defendant and to a prompt and final conclusion of the case after the disposition or conviction and sentence.
- h. Victims have the right to have the sentencing judge receive and consider information about the impact of the crime upon the victim and any other information the victim would like to share with the sentencing judge.

- i. Victims have a right to have a representative exercise the same rights that the victim is entitled to.
- j. Victims have the right to restitution.
- k. Victims have the right to have any personal property obtained in an investigation returned to the victim when the property is no longer needed by the court or prosecution.
- l. Victims have the right to object to a petition for expungement.
- m. Victims of sexual assault have the right to have their confidential communication to a sexual assault counselor remain confidential.
- n. Additionally, should a convicted person, or representative of the convicted person, receive a profit from the sale or transfer of memorabilia, the profit shall be given to the Crime Victim Reparations Fund.
- o. Access to Vine System (See Vine under other victim resources)

***Additional Rights for Children***

- a. Victims who are 13 years of age or younger shall be communicated to in age-appropriate language.
- b. Child victims have the right to have the process conducted in the most effective and least traumatic, intrusive, and intimidating manner.
- c. Children are not responsible for inappropriate behavior adults commit against them and have the right not to be questioned, in any manner, nor to have allegations made, implying this responsibility.
- d. Child victims have the right to have interviews related to criminal prosecution kept to a minimum.
- e. Child victims have the right to be informed of available community resources that might assist them and how to gain access to those resources.

***Additional rights for victims of sexual offenses***

- a. Victims of sexual offenses have the right to request voluntary testing for themselves for HIV infection and to request mandatory testing of the alleged sexual offender for HIV infection.
- b. Victims of sexual offenses have the right to be informed whether a DNA profile was obtained from the testing of the rape kit evidence or from other crime scene evidence.
- c. Victims of sexual offenses have the right to be informed whether a DNA profile developed from the rape kit evidence or other crime scene evidence has been entered into the Utah Combined DNA Index System.
- d. Victims of sexual offenses have the right to be informed whether there is a match between a DNA profile developed from the rape kit evidence or other crime scene evidence and a DNA profile

contained in the Utah Combined DNA Index System, as long as disclosure would not impede or compromise an ongoing investigation.

- e. Victims of sexual offenses have the right to designate a person of the victim's choosing to act as a recipient of the information gathered in HIV infection testing and DNA testing.

## **AGENCY RESPONSIBILITIES**

Agencies have certain responsibilities to see that victims' and witnesses' rights are complied with.

### ***Law Enforcement Responsibilities***

- a. Ensure a link between the victim and available services
- b. Provide information regarding the level of protection from intimidation and harm available to victims and witnesses, and the sources of that protection
- c. Provide information on how to access services and information on the criminal justice system, through the victim advocate program
- d. Provide basic resources and information about the victim's reparation, and refer to the victim advocacy program
- e. Properly secure and maintain the property of a victim held as evidence, and return that property as soon as it is no longer needed as evidence
- f. Establish policies and procedures to provide a quick turnaround on reports for victims, prosecutors, and discovery
- g. Establish policies and procedures that better enhance victim safety (safety plans) following an incident

### ***Prosecutors' Responsibilities***

- a. Provide information regarding sources of protection from intimidation and harm available to victims and witnesses.
- b. Provide information about the criminal justice process and the role of victims and witnesses in that process
- c. Provide clear explanations regarding legal proceedings
- d. Inform victim of the Utah Office for Victims of Crime and provide assistance in understanding procedures for obtaining financial compensation
- e. Provide restitution information to the court, including victims' names and claims.
- f. Provide individual with timely notice of court appearances as well as postponements

- g. Inform parent/guardian of community resources available to children involved in crime
- h. Establish policies and procedures to encourage speedy disposition of criminal cases
- i. Inform victim within seven days of filing felony charges
- j. Provide victim notice of important hearings, after filing felony criminal charges and upon victim's request
- k. Introduce a photograph of the victim taken before the homicide, when appropriate

### ***Courts' Responsibilities***

- a. Provide information about the criminal justice process and the role of victims in that process.
  - b. Provide clear explanations regarding legal proceedings.
  - c. Ensure that the victim has the opportunity to be heard at important criminal justice and juvenile justice hearings.
  - d. Preserve the victim's right to a speedy trial and disposition of charges.
  - e. Provide secure waiting areas away from the defendant
  - f. Preserve privacy rights regarding victims' personal identifying information.
  - g. Ensure that age appropriate language is used during the testimony of a victim under the age of 13.
  - h. Protect the interview of child victims from being distributed, released or displayed to anyone without a court order.
9. At sentencing, order the defendant to pay restitution to the victim.

### ***Utah Office for Victims of Crime Responsibility***

- a. Compensate victims of violent crime who suffer physical or psychological injury.
- b. Provide training to allied agencies and publicize the program across the state.
- c. Provide assistance through federal grants to public and non-profit organizations for direct and indirect services to victims of crime.
- d. Act as a broker of victim services and provide networking of victim services.

### ***State Human Services Responsibilities***

- a. Investigate allegations of abuse or neglect and provide protection with children, families and adults.

- b. Assist in obtaining needed resources including counseling, medical or financial assistance.
- c. Arrange for shelter or foster care for children as needed.
- d. Provide protection against unnecessary interviewing of children, families and adult victims.
- e. Upon proper request, notify victims of the juvenile offender's release from Juvenile Justice Services custody.
- f. The Youth Parole Authority will inform victims of their options to participate in youth parole hearings.
- g. The Youth Parole Authority will provide secure waiting areas away from the juvenile offender and the offender's family during parole hearings.
- h. The Youth Parole Authority will contact victims and/or families of a juvenile offender's release from secure care.

#### ***Corrections Responsibilities***

- a. Assist victims to understand the prison incarceration process, parole and probation.
- b. Intervene when victims are being contacted and harassed, directly or indirectly by offenders-this may include stopping unwanted telephone calls, letters or face-to-face contact.
- c. Provide information regarding upcoming parole hearings. Explain the offender's conditions of parole and probation. Provide contact information for the offenders' Adult Probation and Parole Agent.
- d. Educate Utah Department of Corrections staff on the needs of victims and how to appropriately communicate with them.
- e. Conduct the Victim/Offender Dialogue Program (explained on the Utah DOC website)
- f. Conduct the "Victim Wraparound Program" for victims of domestic violence & stalking.
- g. Respond to inquiries from victims following a VINE message. Explain how VINE works and help with registration.
- h. Help victims with safety planning.
- i. Determine the appropriateness of requests from victims to visit incarcerated inmates.

#### ***Board of Pardons & Parole Responsibilities***

- a. For BOPP processes, "Victim" is an individual against whom the offender committed a felony or Class A misdemeanor offense for which a hearing is being held.

- b. All parole agreements include “no contact” conditions, which prohibit the offender from contacting the victim. Parole may be revoked for violating this condition.
- c. BOPP will notify victims of original hearings as required by law, and of other hearings if continuing notice is requested by a victim.
- d. BOPP provides instructions for victims who attend, speak at, or want to provide written statements for BOPP Hearings.
- e. BOPP orders restitution when applicable, as provided by law, as a condition of parole.
- f. BOPP can inform victims of the State Crime Victim Reparations program and provide UOVC contact information.
- g. BOPP will inform victims of Board decisions and offender release dates through its website and VINE (Victim Information & Notification Everyday [www.VINELink.com](http://www.VINELink.com)).
- h. Victims should keep their address or phone number current with BOPP to ensure timely notification. Updated contact information can be submitted by contacting BOPP. This information is never released to the offender.
- i. Whether a victim gives testimony at a hearing or not, BOPP encourages victims to submit a statement (by mail or email) describing the impact the crime had on them. Please be aware that BOPP is required to disclose the complete statement to the offender.
- j. Victims may submit letters, statements, and updated contact information to BOPP at [bopvictim@utah.gov](mailto:bopvictim@utah.gov), or by mail. Mailing address is Utah Board of Pardons & Parole, Attn. Victim Coordinator, 448 East 6400 South, #300, Murray, Utah 84107.
- k. Information regarding BOPP processes, hearings, and Board decisions regarding specific offenders may be found at [www.bop.utah.gov](http://www.bop.utah.gov).

#### ***Judicial District Victims’ Rights Committees Responsibilities***

- a. Establish and chair a committee with membership that consists of a county or district attorney, a sheriff, a corrections field services administrator, an appointed victim advocate, a municipal attorney, a municipal chief of police; and other representatives as appropriate.
- b. Each committee must meet at least twice a year.
- c. In the meetings, the committee shall review progress and problems relating to the Rights of Crime Victims Act, the Crime Victims Restitution Act, and Utah Constitution Article I, Section 28.
- d. Victims and other interested parties may submit matters of concern to the victims' rights committee.
- e. The committee may hold a hearing open to the public on any appropriate matter of concern and may publish its findings.

- f. The committee shall forward minutes of all meetings to the Utah Council on Victims of Crime for review and other appropriate action.
- g. If a victims' rights committee is unable to resolve a complaint, it may refer the complaint to the Utah Council on Victims of Crime.
- h. If the committee finds a violation of a victim's right, it shall refer the matter to the appropriate court for further proceedings.

## **COMPLAINT PROCEDURES**

### ***Complaint Process***

- a. Complaints must be submitted in writing and delivered to the Office of Crime Victim Reparations. Office of Crime Victim Reparations will acknowledge receipt of the complaint within 5 working days and complaint will be forwarded to the appropriate District Victims' Rights Committee Chair.
- b. The committee will respond to the complainant within 60 days of receipt of the complaint. If a hearing before the committee is deemed appropriate, it will be held within 90 days. Time limits may be adjusted for extenuating circumstances.
- c. If the committee is unable to resolve the complaint within the prescribed time, a designated subcommittee from the Utah Council on Victims will review the complaint.

### ***Complaint Hearing***

- a. The District Victims' Rights Committee may hold public hearing
- b. At the hearing there must be a quorum consisting of half of the committee membership shall be present.
- c. The complainant may testify in writing, appear in person, or be represented by another individual at complaint hearing.
- d. An individual or agency named in the complaint may respond in writing, appear in person, or be represented by another individual.
- e. If deemed appropriate by the committee, parties will be allowed to respond to the testimony. Time limits shall be set for rebuttals before hearing begins.
- f. Parties will be excused before the committee discussion.
- g. If a person or agency fails to respond, or if the issue cannot be resolved at the committee hearing, the matter shall be referred to the Utah Council on Victims of Crime.

### ***Possible Complaint Resolutions***



- a. The committee may decide to refer the complaint to an appropriate agency and request that agency resolve problem by adhering to victims' rights statutes. The committee may then use any method allowed by law to ensure that recommendations are implemented.
- b. The committee may decide to take no action due to lack of merit or authority.
- c. The committee may decide to refer the issue to the Utah Crime Victims Legal Clinic or the Utah Council on Victims of Crime.

## **OTHER VICTIM RESOURCES**

### ***Victim Reparations***

If you are the victim of a violent crime, you may be eligible for compensation. Individuals who qualify for the program are victims of violent crime who have suffered physical or psychological injury as well as dependents of deceased victims. To qualify, the victim must report the crime to police and must cooperate with law enforcement and prosecution.

Awards can be made up to \$25,000 for medical care, mental health counseling, loss of earnings, burial expenses, dental care, and loss of support to dependents. No awards can be made for property losses, except property that is essential to the health and safety of the victim. In cases involving homicide, attempted homicide, aggravated assault, and DUI, awards can be made up to \$50,000. Victims must exhaust all collateral sources such as Medicare, Medicaid, insurance, and worker's compensation, before an award will be made.

Funding of the program comes from criminal offenders through surcharges and fines.

### ***Victim Assistance***

Victims of Crime Act (VOCA) grants are federally funded awards available to private and public agencies that provide direct services to crime victims. Services available include crisis intervention, therapy, support groups, crisis hotline, shelter, criminal justice support, and emergency legal assistance. These services are housed within city and county prosecutors' offices, police departments, family support centers, children's justice centers, rape crisis centers, domestic violence shelters and mental health organizations

S.T.O.P. Violence Against Women Act (VAWA) grants, also federally funded awards, encourage the development and implementation of effective law enforcement and prosecution strategies to combat violent crimes against women and the development and enhancement of victim services in cases involving crimes against women. VAWA grants are awarded to law enforcement agencies, prosecutors, courts, and to nonprofit victim services agencies.

Sexual Assault Services Programs (SASP) grants, also federally funded awards, are available to rape crisis centers across the state. This program specifically provides services to victims of rape and sexual assault. Services available include victim advocacy, crisis intervention and hotlines, and counseling services.

## ***Restitution***

Utah law provides that a sentencing judge shall order an offender to pay restitution when appropriate. Restitution is usually ordered if the judge is aware of the claim prior to sentencing. Restitution can be ordered for out of pocket expenses such as medical and property losses. Restitution cannot be ordered for “pain and suffering” or for punitive or exemplary damages. If an offender is sent to prison, judges are required to forward restitution orders to the State Office of Debt Collection if the restitution amount is not paid by the time of sentencing.

Judge’s are required to determine complete restitution, as well as “court ordered restitution” which is the amount that must be paid by the offender while on probation. Even if restitution is ordered, there is no guarantee that victims will receive payments in a timely manner -- or at all. Most offenders have few financial resources available to them. If an offender fails to make restitution payments, there are legal options available to pursue collection.

Claims for restitution should be brought to the attention of the prosecutor as soon as possible. Victims should also assist Adult Probation & Parole in making sure that restitution is detailed and claimed in pre-sentence reports.

## ***VINE (Victim Information and Notification Everyday)***

VINE is an automated service that lets you track and receive notifications of the custody status of offenders in jail or prison. You can receive notifications over the phone or internet by text message, email, or phone call. This notification empowers victims by providing valuable information that helps them participate in the criminal justice process, as well as information that may aid in the safety and security of victims. Any person may register for this free service by calling 1-877-UT-4-VINE or visiting [www.vinelink.com](http://www.vinelink.com).

## ***Utah Crime Victims Legal Clinic***

The Utah Crime Victims Legal Clinic provides free legal representation to crime victims when victims' rights issues are at stake.<sup>1</sup> The Legal Clinic is available to serve victims of all types of crime throughout the state of Utah.

If you are the victim of a crime in Utah, the parent or legal guardian of a victim who is under the age of 18, or the family member of a crime victim who died because of a crime or was severely disabled because of it, the Legal Clinic may be able to help as you go through the criminal justice system. The Legal Clinic may also assist you in obtaining civil orders of protection such as protective orders and stalking injunctions.

The Legal Clinic can provide referrals, connect you with important services and help you to use those services, and represent you in the criminal justice system to protect your legal rights. All Utah Crime Victims Legal Clinic services are free of charge. For more information, visit the Legal Clinic’s website at [www.utahvictimsclinic.org](http://www.utahvictimsclinic.org).

*The Utah Crime Victims Legal Clinic:*

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- a. Provides free legal services for crime victims in criminal district, justice, juvenile and appellate courts;
- b. Recruits and trains pro bono attorneys and law students to provide legal services to victims; and
- c. Provides education to criminal justice professionals about victims' rights.

For further information or questions about this brochure, please call or write: State of Utah, Office of Crime Victim Reparations, 350 East 500 South, Suite 200, Salt Lake City, Utah 84111; call 801-238-2360 in Salt Lake County and toll free 1-800-621-7444 for all other areas of Utah.

### ***Other Legal Resources Available to Crime Victims***

Civil litigation is an additional meaningful option for recovery from emotional and physical damages which have resulted from the crime. In pursuing civil litigation, you are responsible to hire your own attorney.

Free legal clinics have been created to aid in the filing of civil protective orders, divorce actions, etc. Each clinic functions under its own funding mandates but is a good resource to explore if needing additional legal support.

### ***Children's Justice Centers***

Children's Justice Centers primarily serve minors under 18 who are victims of alleged sexual abuse, physical abuse, or other crimes where the child is a primary victim or critical witness. After a report has been made to Child Protective Services or law enforcement, a child is brought to a Children's Justice Center - a safe, child-focused facility - to talk to a trained interviewer. A team of law enforcement, child protective services, medical and mental health providers, victim advocates, and prosecutors make decisions together about how to handle the case and help the child. Children and families are connected with services and supported throughout the process. CJsCs are administered by the Utah Attorney General's Office and operated through partnerships with counties. To find a Children's Justice Center (CJC) near you or to learn more about the services of CJsCs, go to [www.cjcutah.org](http://www.cjcutah.org).

### ***Domestic Violence Shelters***

Domestic Violence Service Providers serve individuals who have been impacted by domestic violence. They provide comprehensive wrap-around services for adults and children through shelter services, advocacy, case management, and prevention. These community-based programs have confidentiality protections under the Violence Against Women Act and serve everyone free of charge, regardless of whether they have reported to law enforcement, have US citizenship or are actively participating in shelter services.

For further information on Domestic Violence services or to be linked to the nearest service providers, please call the free and confidential 24/7 Linkline at 1-800-897-LINK (5465).

### ***Rape Crisis Centers***

Rape crisis centers have advocates who are trained professionals and are prepared to connect survivors seeking out support to many different systems and resources available in the

community. The advocates who work at these centers often have confidentiality protections under Rape Shield laws. This allows survivors to disclose concerns and seek out information about the reporting process before reporting takes place, or explore other forms of justice, such as restorative forms of justice. The advocates at these centers aim to provide information and support so that survivors choose how to handle the aftermath of an assault.

Many of these crisis centers have mobile advocacy teams that can accompany survivors to the hospital during forensic exams. Crisis centers are also typically accompanied by crisis line phone services and have or can connect survivors to long-term mental health support to heal from sexual violence trauma.

These centers are generally non-profit organizations that are funded through foundations, state and federal grants and programs. Another valuable resource for survivors of crime.

For further information on Rape Crisis services or to be linked to the nearest service providers, please call the free and confidential 24/7 Crisis line at 1-888-421-1100.

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### **More Questions?**

**As a survivor of crime we want you to feel confident that your questions will be answered and your concerns addressed whenever possible. If you need additional information on services and support available to victims, please contact the Utah Office for Victims of Crime by calling: 1-800-621-7444.**



## SALES CONTRACT

**DATE:** June 27, 2019  
**ACCOUNT:** Utah Office for Victims of Crime  
**EVENT NAME:** **Crime Victims Conference 2020**  
**CONTACT:** Marlesse D. Jones  
**ADDRESS:** 350 E 500 S #200  
 Salt Lake City, UT 84111  
**E-MAIL:** marlessejones@agutah.gov  
**PHONE:** (801) 725-4748  
**SALES MANAGER:** Jan Zite

This document, when signed by Zermatt Utah (hereinafter "Hotel") and Utah Office for Victims of Crime (hereinafter "Group") shall constitute a binding agreement between Hotel and Group.

### EVENT DATES AND GUEST ROOM BLOCK

Once this contract is accepted, we will remove from our inventory and consider sold to you for your use, room nights pursuant to the following arrival and departure pattern:

**ARRIVAL DATE:** April 22, 2020  
**DEPARTURE DATE:** April 24, 2020  
**TOTAL # ROOM NIGHTS:** **190**  
**GROUP CODE:** **200422CRI**

	Wed 04/22/2020		Thu 04/23/2020	
	Rooms	Rate	Rooms	Rate
Zermatt King/Double Queen	78	\$100.00	93	\$100.00

### Master Account Room Block

	Wed 04/22/2020		Thu 04/23/2020	
	Rooms	Rate	Rooms	Rate
Alpine King Mountain View	3	\$100.00	8	\$100.00
Upgrade Penthouse	4	\$100.00	4	\$100.00

The above room block will be held specifically for guest rooms going to the master account and will not be available for call-in guests. Rates quoted above are non-commissionable, net rates, subject to Utah State lodging tax, which is currently 13.07% per room per night.

### COMPLIMENTARY ACCOMMODATIONS

The Hotel will provide one (1) complimentary guestroom night, at the lowest group room rate, on a cumulative basis, for each fifty (50) room nights within the pattern set forth above actually consumed and occupied by attendees of Group and paid for at the full contract rate. The Hotel shall credit Group Master Account for the total number of complimentary accommodations accrued by Group at the end of your event.

Utah Office for Victims of Crime \_\_\_\_\_  
 Zermatt Utah \_\_\_\_\_

### **RESORT CHARGE**

The waived resort charge includes self and/or valet parking, wireless internet in guest and meeting rooms, daily newspaper, Hotel executive putting course, carousel rides, Saturday yoga, access to Wellness Center including steam and sauna rooms, large indoor/outdoor pool and two Jacuzzi's, lighted tennis courts, sand volleyball, and shuttle service to select locations on a first come/serve basis.

### **SPECIAL CONCESSIONS**

- \$15 resort fees waived
- Four (4) comp upgrades at group rate
- Four (4) comp VIP amenities
- Meeting space rental reduced to \$2,500 when guestroom pickup is over 200
- Guest Room and Per Diem Menu rates will be the state per diem rates at time of event.

### **TAX EXEMPT STATUS**

If your group is tax exempt, you must submit a completed State Tax Commission form TC-721, Exemption Certificate, with your signed contract and full payment information.

### **ROOM RESERVATION PROCEDURES**

From the moment this contract is accepted, we will be holding your contracted guest room block for the use of your attendees. The Hotel has no obligation to provide room nights beyond those contained in the room block.

### **MASTER ROOMING LIST**

In order to assign individuals to specific rooms, room reservations will be required. A rooming list is required in order to facilitate your attendees' accommodations, and it must be provided to the Hotel fourteen (14) days prior to your arrival date or by April 6, 2020. This list should include guest name, home/business address, email address (if any), requested type of room, requested bed type (i.e. king, double queen, or suite) check-in and check-out dates, and VIP status. Any requests for special room arrangements should be indicated on the rooming list. Hotel does not confirm reservations to the individual in writing. Individual reservations will not be accepted from participants, travel agents or via the Internet for your event unless arrangements have been made directly with Hotel prior to doing so.

### **AND**

### **INDIVIDUAL CALL-IN**

In order to assign individuals to specific rooms, room reservations will be required. We understand that your guests will be phoning in their reservation requests. Reservations cannot be accommodated for the individual call-in guest until the signed contract and deposit has been received. It is important that each of your guests contact the Hotel at least fourteen (14) days prior to your arrival date or by and April 6, 2020 identify themselves as part of Group. They will be requested to provide us with guest name, home or business address, email address, requested type of room, requested bed type (i.e. king, double, queen, or suite), check-in and check-out dates, and VIP status. Any requests for special room arrangements must be made at the time of this call. It would be appreciated if Hotel could be included on the attendee mailing list, to stay informed as to when reservations are likely to begin arriving. Hotel does not confirm reservations to the individual in writing.

### **RESERVATION DUE DATE**

Fourteen (14) days prior to your arrival date, or by April 6, 2020, all room nights, which have not been reserved as described above will be deemed to be room nights that Group will not use, and they will become subject to the attrition provisions herein. Such room nights will at that date be returned to Hotel's general inventory. Reservation requests from your attendees received less than fourteen (14) days prior to your arrival date will be accepted on a space available basis, at the higher of the contract rate or rate available at that time. Should such requests be accepted, such room nights will be credited to your block for purposes of any calculation of attrition.

### **CHECK-IN / CHECK-OUT**

Guest accommodations will be available at 4:00 pm on arrival day and reserved until 11:00 am on departure day. Hotel would appreciate receiving flight arrival times from Group, if available. Any attendee wishing special consideration for late checkout should inquire at the front desk on the day of departure. Check out after 3:00 pm may impose a full day rate.

Utah Office for Victims of Crime \_\_\_\_\_  
Zermatt Utah \_\_\_\_\_

## **MASTER GUEST CHARGES**

It is our understanding that your guests will sign all charges to the master account.

It is our understanding that your guests will sign for room, tax, and resort charge only to the master account. To be able to access the ancillary services of Hotel, each guest will be required to present a valid credit card upon check-in, on which an amount of sufficient pre-authorization can be obtained to cover the anticipated use of Hotel's ancillary services, and we require each guest's home/business address and e-mail address (if any). Should any guest not settle his or her account in full upon departure, Group will be responsible for those charges.

**AND**

## **INDIVIDUAL PAY GUEST CHARGES**

It is our understanding that your guests will pay their own account upon departure. Group assumes full and sole responsibility for informing all attendees of the room rate and applicable tax. When reservations are made, we will require a deposit equal to the room rate and tax for the first night for each reservation. An individual's deposit is refundable to that individual if Hotel receives notice of an individual's cancellation at least fourteen (14) days prior to scheduled arrival, though this shall have no bearing upon Group's total liability pursuant to either the attrition or cancellation clauses herein. Each guest will be required to present a valid credit card upon check-in, on which an amount of sufficient pre-authorization can be obtained to cover room and tax charges for the length of the guest's stay, plus the anticipated use of Hotel's ancillary services, and we require each guest's home/business address and e-mail address (if any). Should any guest not settle his or her account in full upon departure, Group will be responsible for those charges.

## **FOOD & BEVERAGE / EVENT REQUIREMENTS**

Hotel will provide all of the function space you require in accordance with the schedule of events, which is described below for a charge of \$3,000.00 in recognition of the revenue we will derive from the provision of room nights and food and beverage services and ancillary services hereunder. Hotel reserves the right to adjust function space at the reservations due date based on attendance at levels lower than contracted. Please ensure that the schedule below includes all space necessary to accommodate set-up and breakdown times, all audio-visual needs, head tables and displays. Please note that all flipchart paper and other materials will be disposed of at the end of the event. Functions must begin and end at the times specified

Should you desire additional food and beverage services and/or function space beyond that specified in the schedule of events below, please advise us as soon as possible so that we may attempt to secure such additional space for your use. Hotel reserves the right to make reasonable substitutions in function spaces and/or menu selections. Diagrams and identification of Hotel's function space to be used for your event may not be disseminated by the group without Hotel's prior approval.

## **SCHEDULE OF EVENTS**

Date	Time	Event Class	Room	Setup	Agreed	Room Rental
Wed, 04/22/20	5:00 PM - 9:00 PM	Client Setup	Bernese Event Center	Registration		\$3000
Wed, 04/22/20	5:00 PM - 9:00 PM	Dinner, On Own	On Own			
Thu, 04/23/20	7:30 AM - 8:30 AM	Gov Breakfast	Bernese Event Center	Rounds of 8	325	
Thu, 04/23/20	8:00 AM - 5:00 PM	Registration	Bernese Event Center	Registration	6	
Thu, 04/23/20	8:30 AM - 10:15 AM	General Session	Bernese Event Center	Rounds of 8	325	
Thu, 04/23/20	9:00 AM - 5:00 PM	Meeting	William Tell	Existing		
Thu, 04/23/20	10:30 AM - 10:45 AM	Gov Break	Bernese Event Center	Existing	325	
Thu, 04/23/20	10:45 AM - 11:45 AM	Breakout	Davos	Theatre	60	
Thu, 04/23/20	10:45 AM - 11:45 AM	Breakout	Interlaken	Theatre	75	
Thu, 04/23/20	10:45 AM - 11:45 AM	Breakout	St. Moritz	Theatre	70	
Thu, 04/23/20	10:45 AM - 11:45 AM	Breakout	Grindelwald	Theatre	90	
Thu, 04/23/20	11:45 AM - 1:00 PM	Gov Lunch	Bernese Event Center	Existing	325	
Thu, 04/23/20	1:00 PM - 2:00 PM	General Session	Bernese Event Center	Existing	325	
Thu, 04/23/20	2:15 PM - 3:15 PM	Breakout	St. Moritz	Existing	70	
Thu, 04/23/20	2:15 PM - 3:15 PM	Breakout	Interlaken	Existing	75	
Thu, 04/23/20	2:15 PM - 3:15 PM	Breakout	Davos	Existing	60	
Thu, 04/23/20	2:15 PM - 3:15 PM	Breakout	Grindelwald	Existing	90	
Thu, 04/23/20	3:15 PM - 3:30 PM	Gov Break	Bernese	Existing	325	
Thu, 04/23/20	3:30 PM - 4:30 PM	General Session	Bernese Event Center	Existing	325	
Thu, 04/23/20	6:00 PM - 9:00 PM	Dinner, On Own	On Own	Existing		
Thu, 04/23/20	6:30 PM - 9:00 PM	Backup	Interlaken	Rounds of 8	100	
Thu, 04/23/20	6:30 PM - 9:00 PM	Social	Patio Carousel	Cocktail Rounds	100	
Fri, 04/24/20	8:00 AM - 9:00 AM	Gov Breakfast	Bernese Event Center	Existing	325	
Fri, 04/24/20	8:00 AM - 12:00 PM	Registration	Bernese Event Center	Registration	6	
Fri, 04/24/20	8:45 AM - 12:30 PM	General Session	Bernese Event Center	Rounds of 8	325	
Fri, 04/24/20	9:00 AM - 12:00 PM	Meeting	William Tell	Existing		
Fri, 04/24/20	10:30 AM - 10:45 AM	Gov Break	Bernese Event Center	Reception	325	
Fri, 04/24/20	12:00 PM - 12:30 PM	Lunch, On Own	On Own			

#### **PACKAGE / ROOM BLOCK AND SERVICES COMMITMENT:**

When you contract for a block of packages and/or rooms, function facilities and for food and beverage services, those packages, room nights, facilities and services are removed from our inventory and considered sold to you, and Hotel makes financial plans based upon the revenues it expects to achieve from your full performance of the contract. It is impossible for Hotel to know in advance whether or under what circumstances or at what rates it would be able to resell your contracted packages, room nights, facilities or services if you do not use them, either as the result of a cancellation of your event or as the result of less than contracted package or room block usage or less than contracted usage of food and beverage functions ("attrition"). In most instances, when groups do not use their contracted packages and/or room block or services, Hotel is unable to resell those packages and/or room block or services and even when packages and/or room block, or services are resold, they are generally not resold at the same rates, may be resold to groups, which would have utilized Hotel at another time, are not resold to groups that have the same needs as the original group, etc. Even when packages and/or rooms or services may be resold, it is costly to re-market the rooms and facilities, and such efforts divert the attention of our sales staff from selling Hotel's packages, rooms and facilities at other times. While your room block has been held out of our inventory, we may have turned away more lucrative groups to meet our commitment to you.

For all these reasons and others, we agree that in the event of cancellation or attrition, the following charges, which represent a reasonable effort on behalf of Hotel to establish its loss prospectively, shall be due as liquidated damages. Because Hotel reasonably expects to derive revenue from your event above and beyond that revenue derived from the provision of packages, room nights and food and beverage services, and because it is difficult to estimate the actual revenue, which may be derived from your event, the amounts due as and for liquidated damages are intended to compensate Hotel for all its losses associated with cancellation and/or attrition.

#### **ANTICIPATED ROOM NIGHT/GROUP FOOD AND BEVERAGE REVENUE FIGURES**

At this time, Hotel is holding 190 room nights for your use over the contracted dates, which will generate total revenues of \$19,000. Planned minimum group food and beverage revenue is \$15,925. These figures shall be referred to herein as the "Anticipated Room Night

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Zermatt Utah \_\_\_\_\_



and Group Food and Beverage Revenue Figures.” All food and beverage are subject to a 22% service charge. All revenue figures are net and not inclusive of taxes, service charge or commissions.

Should there be any increase in the room block after this contract is signed, the room revenue from those added rooms will be added to the Anticipated Room Night Revenue figure quoted above for purposes of calculating both attrition and cancellation damages.

#### **ATTRITION**

We agree to allow for a 20% reduction in each of the "Anticipated Room Night and Group Food and Beverage Revenue Figures", provided that you make a written request for that reduction between now and fourteen (14) days prior to your arrival date of April 22, 2020. At the end of your event, we will subtract the rooms revenue derived from your event (excluding revenue derived from pre-and post-program stays) and the amount of any permissible attrition you have taken from the “Anticipated Room Night Revenue Figure” set forth above. Any remaining amount will be posted as a charge to your master account, plus applicable taxes. Additionally, at the end of your event, we will subtract the group food and beverage revenue derived from your event and the amount of any permissible attrition you have taken from the “Anticipated Group Food and Beverage Revenue Figure” set forth above. Any remaining amount will be posted as a charge to your master account, plus applicable taxes and service charges. “Group Food and Beverage Revenue Figure” is defined as any food and beverage expense recognized on a BEO and billed to the master account.

#### **CANCELLATION**

**No later than May 30, 2020 Utah Office for Victims of Crime and Zermatt will reevaluate Utah Office for Victims of Crime meeting needs and budget and if both parties mutually agree that Utah Office for Victims of Crime is not able to move forward with their 2021 contract, Zermatt will release Utah Office for Victims of Crime from the contractual requirements for 2021 with the exception of the initial deposit.**

In the event of a group cancellation occurring 0 to 90 days prior to arrival, liquidated damages in the amount of 90% of the "Anticipated Room Night and Group Food and Beverage Revenue Figures" will be due, plus applicable taxes, fees and service charges.

In the event of a group cancellation occurring 91 to 180 days prior to arrival, liquidated damages in the amount of 80% of the "Anticipated Room Night and Group Food and Beverage Revenue Figures" will be due, plus applicable taxes, fees and service charges.

In the event of a group cancellation occurring 181 to 365 days prior to arrival, liquidated damages in the amount of 70% of the "Anticipated Room Night and Group Food and Beverage Revenue Figures" will be due, plus applicable taxes, fees and service charges.

#### **DEPOSIT**

To confirm these arrangements, please sign the original Agreement and return along with the non-refundable deposit of \$3,800.00, by Jul 2, 2019. Our preferred method of payment is check or ACH. For ACH instructions, please contact Misty Pesner at [misty.pesner@zermattresort.com](mailto:misty.pesner@zermattresort.com) or 435-709-9561. We do accept all major credit cards as form of payment; however, there will be a 2% convenience fee added to the total payment. Please return the signed contract, completed forms and deposit payable to Zermatt Utah to your sales manager, or mail to Zermatt Utah, c/o Sales Department, 784 West Resort Drive, Midway, UT 84049.

All space will be reserved on a first option basis pending the receipt of the signed contract, completed Payment Authorization Form and initial deposit. In the event of cancellation, this deposit will be applied to the cancellation fee due as outlined in the schedule below.

#### **FINANCIAL AGREEMENT AND GUARANTEES**

July 11, 2019	Signed contract and non-refundable deposit due \$3,800.00
April 6, 2020	20% Attrition allowance review Master rooming list due Reservation due date
3 business days prior to arrival	Guaranteed attendance of all private functions
Upon receipt of final bill	Balance is due

#### **BILLING PROCEDURES**

Utah Office for Victims of Crime \_\_\_\_\_  
Zermatt Utah \_\_\_\_\_

A completed Credit Card Payment Authorization and our preferred method of payment of check or ACH or a check must be returned with your signed contract by July 11, 2019.

The following items shall be charged to the master account: master bill sleeping rooms, tax, banquet food and beverage charges, attrition charges, function space rental and setup charges, cancellation charges, and any other charges billed to Group master account at the request of the authorized representative of Group, as designated by Group in advance of the commencement of the event. All third-party charges for services and/or supplies, not directly supplied by the Hotel, will be billed to the master account whether they have been arranged for by Hotel or directly by Group. A handling fee in the amount of 20% of all third-party charges will be assessed if placed on the master account. Group further agrees that all charges associated with use of the grounds, function space, facilities and services of Hotel by its vendors shall be posted to the master account.

A final bill, containing receipts and other back-up information, will be e-mailed to Group within ten (10) business days of Group's departure. Master account charges may be paid in the form of cash, check, bank transfer, or credit card (see deposit policies). All master account charges not paid within thirty (30) days of the billing date will bear interest at rate of 1.5% per month, compounded monthly, if permissible by law, or the highest rate permissible by law. Should Hotel, in its sole discretion, deem collection action necessary in regard to outstanding balances hereunder, all costs associated with that collection action, including attorney's fees, shall be posted to the master account.

Individual guest accounts are payable at check-out by cash or credit card.

#### **CONTRACT MODIFICATIONS**

Changes made to this contract require mutual approval. Changes are valid only upon written confirmation of the revision from the Hotel on forms sanctioned by Hotel.

#### **FORCE MAJEURE**

No damages shall be due for a failure of performance occurring due to Acts of God, war, terrorist act, government regulation, riots, disaster, or strikes, any one of which make performance impossible. Hotel shall have no liability for power disruptions of any kind.

#### **FUNCTION SPACE**

Meeting room assignments will be based on the set-up requirements and the finalized number of attendees. Hotel reserves the right to reassign any meeting or function space based on changes in attendance or set-up requirements at any time and Group agrees to accept any such changes.

#### **AUDIO-VISUAL EQUIPMENT**

The use of any outside vendor or production company requires advance written approval by Hotel. Charges incurred by an outside vendor or production company are the responsibility of Group.

#### **SHIPPING AND RECEIVING**

Due to limitations in secured storage space, Hotel will only accept packages as follows:

1. Boxes/packages may be sent for arrival a maximum of 48 hours prior to group arrival and will be marked with the responsible party's name, group name, plus "Hold for Arrival Date of April 22, 2020"

For additional shipping needs and pricing, please consult your Conference Services Manager.

Charges will be placed on the master account unless otherwise directed. Additional labor charges may be incurred depending on the size of the shipment, at the discretion of Hotel. Hotel will not be responsible for any damages or loss to any packages or boxes.

#### **OUTSIDE CONTRACTORS**

Hotel offers all services necessary for a successful event. However, if Group finds it necessary to use outside services, any companies, firms, agencies, individuals and groups hired by or on behalf of Group shall be subject to prior approval of Hotel. Upon prior reasonable notice to Hotel from Group, Hotel shall cooperate with such Contractors and provide them with facilities at the premises to the extent that the use and occupancy of the facilities by the Contractor does not interfere with the use and enjoyment of Hotel premises by other guests and members of Hotel. Group's contracts with its Contractors will all specify that Contractor and Group will indemnify and hold Hotel harmless from any and all damages or liabilities, which may arise by such Contractors or through their use, and Group shall ensure that any subcontractor it retains to perform work at the property shall maintain the same insurance required of Group, as specified below.

Utah Office for Victims of Crime \_\_\_\_\_  
Zermatt Utah \_\_\_\_\_

## **INSURANCE AND INDEMNIFICATION:**

Hotel and Group each agree to carry and maintain and provide evidence of liability and other insurance in commercially reasonable amounts sufficient to provide coverage against any claims arising from any activities arising out of or resulting from the respective obligations pursuant to this contract. Group's insurance policy shall name Hotel as additional insured's. Damage to Hotel premises by Group or appointed contractors will be Group's responsibility. Group will accept full responsibility for any damages resulting from any action or omission of their individual attendees in conjunction with organized group activities. Hotel is not responsible for any loss or damage no matter how caused, to any samples, displays, properties, or personal effects brought into Hotel, or for vehicles belonging to Group or your attendees, and/or for the loss of equipment, exhibits or other materials left in meeting rooms.

Hotel reserves the right to approve all outside contractors hired for use by Group in Hotel and may have a list of approved contractors and vendors. Hotel must be notified in advance of any proposed vendor. Hotel reserves the right to advance approval of all specifications, including electrical requirements, from all outside contractors, and to charge a fee for outside services brought into Hotel. Group and/or outside contractors must provide proof of worker's compensation insurance for employees who will work on Hotel premises and proof of adequate general liability coverage for Group and/or outside contractors' activities while on Hotel's premises and must comply with all other similar requirements Hotel deems appropriate, in its sole discretion, regarding use of function space, facilities and use of Hotel services.

Hotel shall indemnify, defend and hold harmless Group and its officers, directors, partners, agents, members and employees from and against any and all demands, claims, damages to persons or property, losses and liabilities, including reasonable attorney's fees (collectively "Claims") arising out of or caused by Group's negligence in connection with the provision of services or the use of Hotel facilities, except to the extent and percentage attributable to Group or its members', agents', employees', or Exhibitors' negligence. Hotel shall not have waived or be deemed to have waived, by reason of this paragraph, any defense which it may have with respect to such claims.

Group shall indemnify, defend and hold harmless Hotel and their officers, directors, partners, agents, members and employees from and against any and all demands, claims, damages to persons or property, losses and liabilities, including reasonable attorney's fees (collectively "Claims") arising out of or caused by Group negligence and/or its members', agents', employees', independent contractors' or Exhibitors' negligence in connection with the use of Hotel facilities, except to the extent and percentage attributable to Hotel's negligence. Group shall not have waived or be deemed to have waived, by reason of this paragraph, any defense which it may have with respect to such claims.

## **ZERMATT UTAH POLICIES**

Logo: Group shall not use the name, trademark or logo or any other proprietary designation of Hotel in any advertising or promotional material without the prior written permission of Hotel. Group shall comply with the terms and conditions required by Hotel for such use.

Media: Group shall not allow media to be present at Hotel without the prior approval of Hotel.

Utilities: All electrical services and utilities, including phone and riggings, must be contracted for through Hotel's Conference Services Department.

Signage: Signs and banners are not allowed in Hotel's public areas without prior written permission of Hotel. In regard to Group's function space, all signs must be professionally printed, and their placement and posting be pre-approved by the Conference Services Department. Nothing shall be posted, nailed, screwed or otherwise attached to walls, floors, or other parts of the building or furniture. Distribution of gummed stickers or labels is strictly prohibited.

### Food Policy:

- Due to licensing requirements and quality control issues, all food and beverage to be served at Hotel must be supplied and prepared by Hotel.
- Food and beverage prices will be quoted sixty (60) days prior to the commencement of the function, as possible.
- Though the group's anticipated obligation for food and beverage revenue is set forth herein, menu selections, room requirements, and all other arrangements must be received at least thirty (30) days prior to the event.
- Hotel requires the guaranteed number of persons to be served at each food function 72 business hours prior to the date of the function. If we do not receive a final count for Group by this time, Group will be charged for the maximum number of people

Utah Office for Victims of Crime \_\_\_\_\_  
Zermatt Utah \_\_\_\_\_

originally agreed to attend the function.

**Deliveries to Rooms:** There will be a handling charge of \$3.00 per small box, basket, bag or other item to each room and \$5.00 per personalized.

#### **AUTHORITY**

The persons signing the agreement on behalf of Hotel and Group each warrant that they are authorized to make agreements and to bind their principals to this agreement.

#### **MISCELLANEOUS PROVISIONS**

This contract is made and to be performed in Midway, Utah, and shall be governed by and construed in accordance with Utah state law. By executing this agreement, Group consents to the exercise of personal jurisdiction over it by the courts of Utah. This contract is the entire agreement between the parties, superseding all prior proposals both oral and written, negotiations, representations, commitments and other communications between the parties, and may only be supplemented or changed in writing, signed by a representative of Group and Hotel's Director of Sales, USA or CFO. No representative of Hotel has been or is authorized to make any representation, which varies from the express terms of this contract, though this contract may be supplemented or amended in writing. Group may not assign any benefits arising under or associated in any way with this contract without prior written consent of resort. In the event of litigation arising from or associated with this contract, the parties agree that the prevailing party therein shall recover its attorneys' fees and costs incurred therein. Any legal action in connection with this agreement shall be brought or maintained only in the courts of Utah.

#### **ACCEPTANCE**

This contract shall be deemed accepted only after it has been signed by a representative of Group and thereafter signed by a representative of Hotel. Acceptance may be made by facsimile transmission and this contract may be executed in one or more counterparts, each of which when fully executed, shall be deemed to be an original, and all of which shall be deemed to be the same agreement.

We look forward to working with you and to hosting a memorable event.

By signing the present contract, the client acknowledges to have read and agreed with the terms and conditions:

**Accepted by:**  
**Utah Office for Victims of Crime**

**Accepted by:**  
**Zermatt Utah**  
**Jan Zite**  
**Sales Executive**  
**jan.zite@zermattresort.com**

**Signature:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Contracts can be faxed (435-709-9501), scanned to email, or mailed. Deposits can either be paid by cash, check or credit card.**

**Please indicate to whom and where the final bill should be sent:**

Contact: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Utah Office for Victims of Crime \_\_\_\_\_  
Zermatt Utah \_\_\_\_\_



Zermatt Utah  
ATTN: Sales Department  
784 West Resort Drive  
Midway, UT 84049  
Fax: 435-709-9501

**INVOICE #1**

Utah Office for Victims of Crime  
350 E 500 S #200  
Salt Lake City, UT 84111

DUE DATE	REFERENCE	DESCRIPTION	AMOUNT	CREDITS
July 11, 2019	Utah Office for Victims of Crime	ADVANCE DEPOSIT April 22, 2020 - April 24, 2020	\$3,800	

**Please Pay This Amount: \$3,800**

***Please include this page with Deposit – Thank You***

Utah Office for Victims of Crime \_\_\_\_\_  
Zermatt Utah \_\_\_\_\_



## PAYMENT AUTHORIZATION

Account Name: Utah Office for Victims of Crime  
Arrival & Departure Dates: April 22, 2020 - April 24, 2020

**Payments Per Schedule in Contract – Check all that apply:**

- ☐ Credit Card - Please include front and back card imprint\*  
☐ Check – Enclosed and to be mailed per schedule

☐ **Check if tax exempt – Please include completed form TC 721 with completed contract.**

**\* IMPORTANT NOTE: DUE TO CREDIT CARD REGULATIONS, A PHOTOCOPY OF THE CARDHOLDER'S CARD IMPRINT (FRONT & BACK) MUST BE PROVIDED, UPON COMPLETION OF THIS FORM. PLEASE BE SURE CARDHOLDER HAS SIGNED THE BACK OF THE CARD.**

**Credit Card Authorization:**

I authorize my credit card to be used for the selected services above at Zermatt Utah, Midway, Utah.

If credit card is used as guarantee of payment, an authorization hold for the estimated balance will be put through 30 days prior to program.

All invoices are due in accordance with contract terms.

After 30 days if payment is not received, credit card will be charged.

For all credit card transactions, there will be a 2% convenience fee added to the total payment.

Credit Card Type: \_\_\_\_\_ Credit Card #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Security Code: \_\_\_\_\_

Card Holder: \_\_\_\_\_ Company Name: \_\_\_\_\_  
(Print name exactly as it appears on card.)

Signature: \_\_\_\_\_ Today's Date: \_\_\_\_\_

I warrant and represent that I am authorized to agree that charges for this event are posted to this credit card.

**Credit Card Guarantee Only – If Paying By Check**

Please provide the following information:

Contact Name: \_\_\_\_\_ Billing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Phone#: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Utah Office for Victims of Crime \_\_\_\_\_  
Zermatt Utah \_\_\_\_\_

Action Items – PRE Conference	Completed By – Date	Committee Responsible	Staff Responsible
Gather site proposals for review at Annual Meeting (if needed)	May 15 of year prior to conference	X	X
Determine date of conference	Annual Meeting	X	
Determine facility / site of conference	Annual Meeting	X	X
Set first conference planning meeting	Annual Meeting	X	
Send out email reminder of planning meeting	September 1		X
First planning meeting to be held <ul style="list-style-type: none"> <li>- Set meeting schedule for future meetings (every 2-3 weeks until agenda is set and confirmed)</li> <li>- Identify additional members to be invited to committee (advocates, LEO, etc.)</li> <li>- Review prior year evaluations</li> </ul>	September 15	X	
Determine Theme	September 15	X	
Select Brochure Artwork/Graphic Image	September 30	X	
Determine Agenda layout (keynotes/breakout sessions) and time slots	September 15	X	
Identify Keynote Speakers	September 15	X	
Confirm Keynote Speakers	October 15	X	
Identify Breakout Session Speakers	September 15	X	
Confirm Breakout Session Speakers	October 15	X	
Create Save-the-Date flier	October 30	X	
Send out Save-the-Date flier e-mailing to UCVF members and SWAVO <ul style="list-style-type: none"> <li>- Send out flier e-mailing to UPC Forum, Sheriff Assoc, Chiefs of Police, Police Training Coordinators, DCFS, AP&amp;P, UPAA, UCASA, CJC,</li> </ul>	November 15 November 20	X	X
Send confirmation email/letter to speakers with topic, date and time of presentation	November 15		X
Assign speaker follow up to committee members to obtain <ul style="list-style-type: none"> <li>- Presentation Title</li> <li>- Presentation Summary for brochure</li> <li>- Speaker Bio</li> <li>- AV Needs</li> <li>- Travel Needs</li> <li>- Honorarium</li> </ul>	October 30		
Welcome letter from UCVF Chair for Program	November 15	X	
All speaker / program information received	November 30	X	
Speaker travel arrangements finalized (flight/veh, lodging)	December 30		X
Registration Link Open	January 15		X
Registration Open Announcement Emailed	January 15	X	X

Donation / Sponsorship Letters sent	January 30		X
Award nomination call emailed out	January 30	X	X
CEU / CLE Approved	February 15		X
Award nomination deadline	February 20		
Award selection meeting	February 25	X	X
Donations received / confirmed – acknowledgment in Program	March 1	X	X
Award recipients notified	March 1	X	
Planters ordered from prison for tables	March 1		
Program design and layout completed	March 1	X	
Meet with UCI /Prison Printshop <ul style="list-style-type: none"> <li>- Program with folder pocket in back</li> <li>- Welcome signs (4)</li> <li>- Breakout signs (1 ea session)</li> <li>- Awards</li> </ul>	March 15	X	X
Site Visit <ul style="list-style-type: none"> <li>- Review event order</li> <li>- Confirm AV needs</li> </ul>	March 15	X	X
Head table signage	March 15		X
Nametags – presenters, attendees, staff	March 30		X
Pens and pads for program folder	March 30	X	X
Review and finalize proofs of Printshop order	March 30	X	
Publicity - Press release written <ul style="list-style-type: none"> <li>- Sent out ?? days prior to event with a contact person for follow up details</li> </ul>	April 1	X	
Follow up ‘Welcome’ email to Speakers	April 1	X	
Gifts for Speakers	April 1	X	

<b>Action Items – Conference Set up</b>			
Stuff folders	Afternoon/night prior	X	
Set up registration area	Afternoon/night prior	X	X
Planters and signage on tables	Early morning day of	X	



# Evaluation Feedback for Crime Victim's Conference

**Registered: 322**

**Evaluations received: 87**

**Response Rate 27%**

**1. Overall, how would you rate the event?**

Very Good-26%

Excellent- 74%

**2. How Organized was the Event?**

Organized- 23%

Extremely Organized- 77%

**3. Preferred Location for next year?**

Salt Lake City- 18%

Ogden- 5%

Provo- 9%

Zermatt- 68%

**4. What did you like about the event? - Open ended question**

55 people thought the speakers were interesting, knowledgeable, informative, and spoke about relevant trauma informed topics

28 people commented on enjoying the variety of information gained from the breakout sessions. Also they liked being able to choose what sessions to attend by reading the descriptions provided in the agenda

22 commented on enjoying the location of the conference and the social networking event

**Responses:**

"As an advocate I appreciate hearing from speakers/presenters from LEO/Prosecutions/etc. background. Very interesting, impressive keynote speaks. Yay, Des Turner and Family!"

“The venue was gorgeous. There was plenty of room. The team that ran the conference was amazing, presenting speakers, handing out materials, etc. The evening social was a very nice touch. There presenters were experts in their field and passionate about their work. I was so enlightened for each seminar and speaker. The temperature in the break out rooms were nice and cool and not hot and stuffy”

“The knowledge I gained in unmeasurable. I enjoyed all I learned”

“I really enjoyed the location, Dave Cawley, and David Noriega. I really liked the more personal stories and how they learned to cope.”

“Great Focus on trauma and effects of trauma. It is so often overlooked”

“Unique and interesting presenters and topics. Especially, the Indigenous women and Cold Podcast sessions”

“Thanks for providing water and other drinks. The variety of topics and speakers addressing a variety of victims. The food was very nice. Glad to not have3 to scramble to get food and get back to the conference in time. Pertinent information and legislation.”

## **5. What did you dislike about the event?**

Needed more info on rural areas

Needed better audio in breakout room session

Lack of Wi-Fi and cell service in rooms

More information on legal services, trauma informed approach from the victims’ perspective, and building resilience.

The walking distance and stairs between the Bernese conference room and the breakout sessions were challenging for some.

The quality of service from Zermatt staff and room locations

Needed coffee and tea available all day and more drink options

Accuracy of the suicide break session was questionable and usage of incorrect terminology

Healthier snack options like fruit and vegetables

## **Responses:**

“I’m a victim’s advocate, a community member/survivor that volunteers in the Hispanic community. I could have never been able to attend if I had to pay for this conference if I wasn’t invited. Maybe you could sponsor more front line advocates.”

“As with most state-wide trainings all/most perspectives and presenters are from metropolitan regions. Much is difficult in rural communities and it is difficult to know how information could be effectively utilized in rural/frontier areas of the state.”

“I think something to address advocates giving legal advice. Newer advocates need the education on the legality of it. “

“We spoke very little about victims and coping mechanisms and empowering of victims of certain crimes.”

“It would be have been great to hear more from testimonies from victims that have healed and could give insight. Also dispatchers’ point of view would be an interesting point. Also learning more about community resources and services that can help victims.”

“The afternoon suicide presentation seemed a bit ill-informed and may not have been completely accurate. There was also very little info on rural services.

“There were too many videos showing terribly traumatic events, mainly in the Vegas shooting, and although I’ve been doing this work for many years there’s simply no need to traumatize all of us even more. Especially without some type of debriefing or processing experience, or some type of self-care experience after a presentation like that. Many advocates expressed this very concern after that presentation.”

## **6. Helpful information beforehand**

Having an accurate agenda online earlier with all the times and descriptions for the breakout sessions.

The walking distance between conference room and break out rooms to wear comfortable shoes or for those with disabilities

Elevation and altitude for those with medical devises.

### **Responses:**

“DV related to immigrants and criminal protections for undocumented people”

“Booths for the organizations we represent and put organization name on participants name tags. Not have the conference over BYU graduation.

“I heard 4 or 5 people that had C-PAP machine issues because of the altitude.”

“A detailed agenda sent out earlier would help my agency approve travel earlier-then we aren’t rushed to get accomodations.”



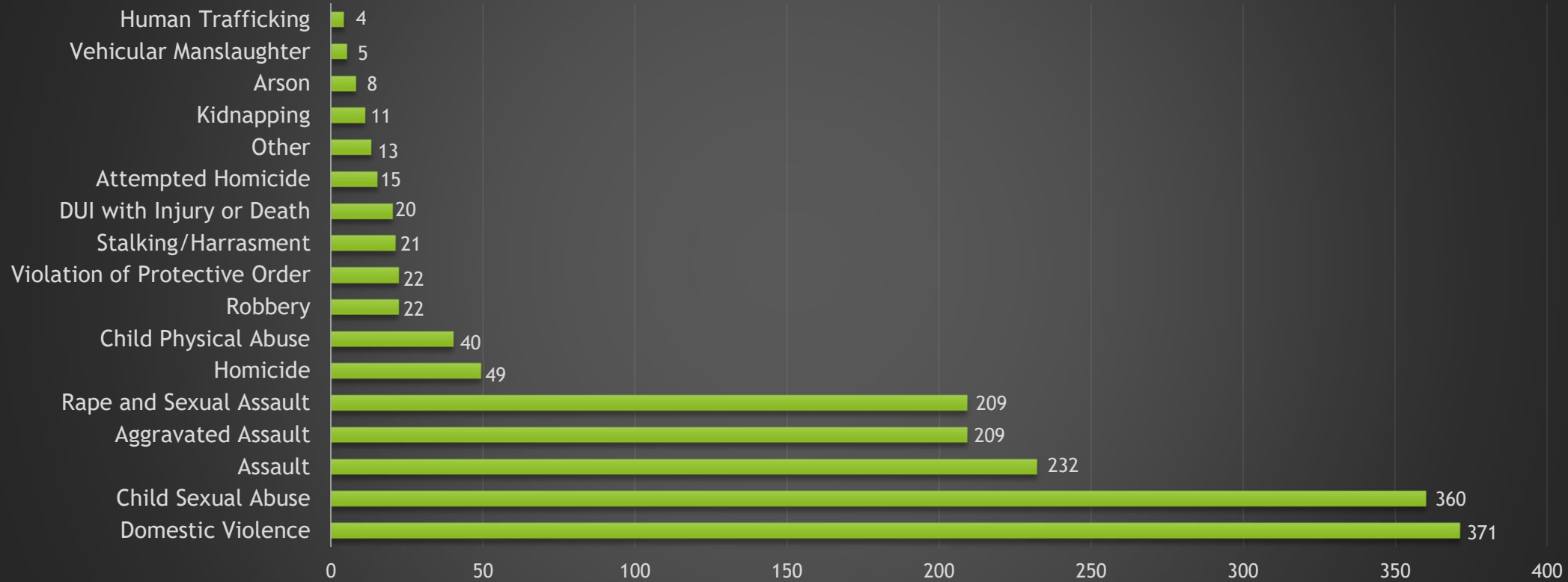
# ► Restitution

Brittany Wawrzyniak

Rose Gomez

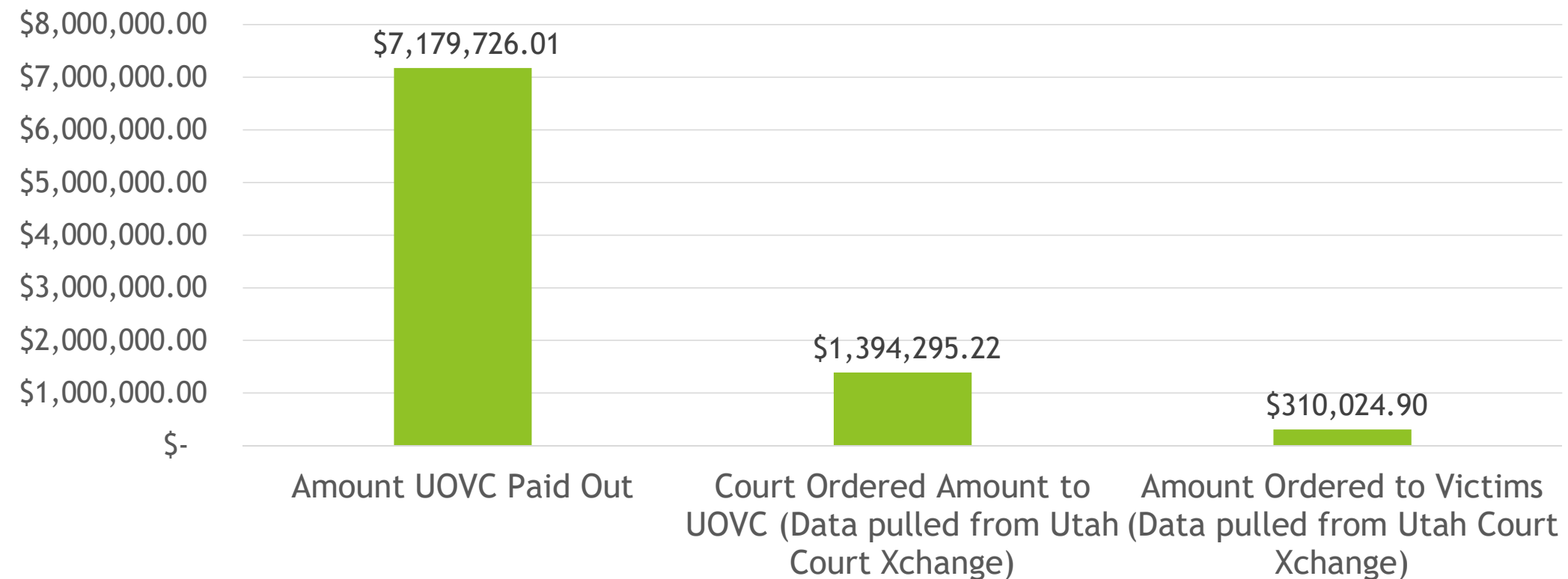
Shahideh Safi

1,611 Claims



## Number of Claims Receiving Payments in SFY 2017

**\*\*Does not include SA Examinations\*\***



## Amount Paid on the Sample of 1611 Claims

**\*\*Does not include SA Examinations\*\***

**\*Does not include Juvenile court information\***

**\$7,179,726.01**

# SFY 2017 Sample of 1611 Claims

**\*\*Does not include SA  
Examinations\*\***

**\*Does not include Juvenile  
Court information\***

<b>Suspect Known</b>	<b>1405</b>	<b>87%</b> 6,624,361.63
<b>Charges Filed</b>	<b>886</b>	<b>63%</b> 4,173,347.83
<b>Convictions</b> (80 Plea in Abeyance 12 were ordered restitution)	<b>609</b>	<b>68%</b> 2,837,876.52
<b>Restitution Orders</b>	<b>292</b>	<b>47%</b> 1,333,801.97



Sexual Assault  
Examination  
Applications  
received in SFY  
2017:

1,512

Total Amount Paid  
=\$1,162,135.08



# Summary



Restitution was ordered on less than half of convictions



Average collection was about 43% of amount ordered in a SFY's 2015-2018



On average, 7.7% of the amount spent on victim compensation in SFY's 2015-2018 was collected

# Discussion Topics

- ▶ **Symptoms of Victimization**
- ▶ **Different needs of crime victims**
- ▶ **How restitution benefits:**
  - ▶ **Victims/Survivors**
    - ▶ Meets the different needs of crime victims/survivors
    - ▶ The important role victims play in the criminal justice system
  - ▶ **Society**
    - ▶ Restores faith in criminal justice system/increases compliance with laws
  - ▶ **Offenders**
    - ▶ Reduces rates of recidivism among juvenile and adult offenders
    - ▶ Research on links between victimization and offending behavior
    - ▶ Can restitution be as effective as incarceration?
- ▶ **Benefits of Economic Sanctions**
- ▶ **Restitution in Restorative Justice**
- ▶ **Best Practices in ordering and collecting restitution**

# Symptoms of Victimization

- ▶ Every year, millions of Americans are victimized by crime.
  - ▶ “The trauma of victimization can result in a range of reactions, from an immediate crisis response to longer term emotional and psychological consequences.”
    - ▶ Some victims are able to return their lives to a “new normal” but others, without the appropriate services and support systems “continue to experience trauma which may render them physically, emotionally and/or financially impaired.”

(Pennsylvania Office of the Victim Advocate, 2013, Pg. 13)

# Symptoms of Victimization

Medical expenses

Lost wages/unemployment

\*\*Substance and alcohol abuse problems

Intangible costs- pain/suffering & reduced quality of life

Posttraumatic Stress Disorder and fear of revictimization

Depression and anxiety, among other adverse mental health outcomes

- (Haynes et al., 2015; Janoff-Bulman & Frieze, 1983)

# Symptoms of Victimization

Damaged property

Increased insurance costs

Moving expenses

Purchasing of protection devices

\*\*Increased risk of revictimization

\*\*Increased risk for criminal behavior

•

(Haynes et al., 2015; Janoff-Bulman & Frieze, 1983)

## Miller, Cohen, and Rossman's Analysis of The 1987 National Crime Survey

Estimated that psychological injuries resulted in:

- ▶ 57% of completed rapes
- ▶ 37% of aggravated assaults
- ▶ 18% of completed robberies

Estimated that physical injuries resulted in:

- ▶ 61% of rape and attempted rape survivors
- ▶ 36% of robbery or attempted robbery survivors
- ▶ 29% of assault or attempted assault survivors
- ▶ 14% of arson fires

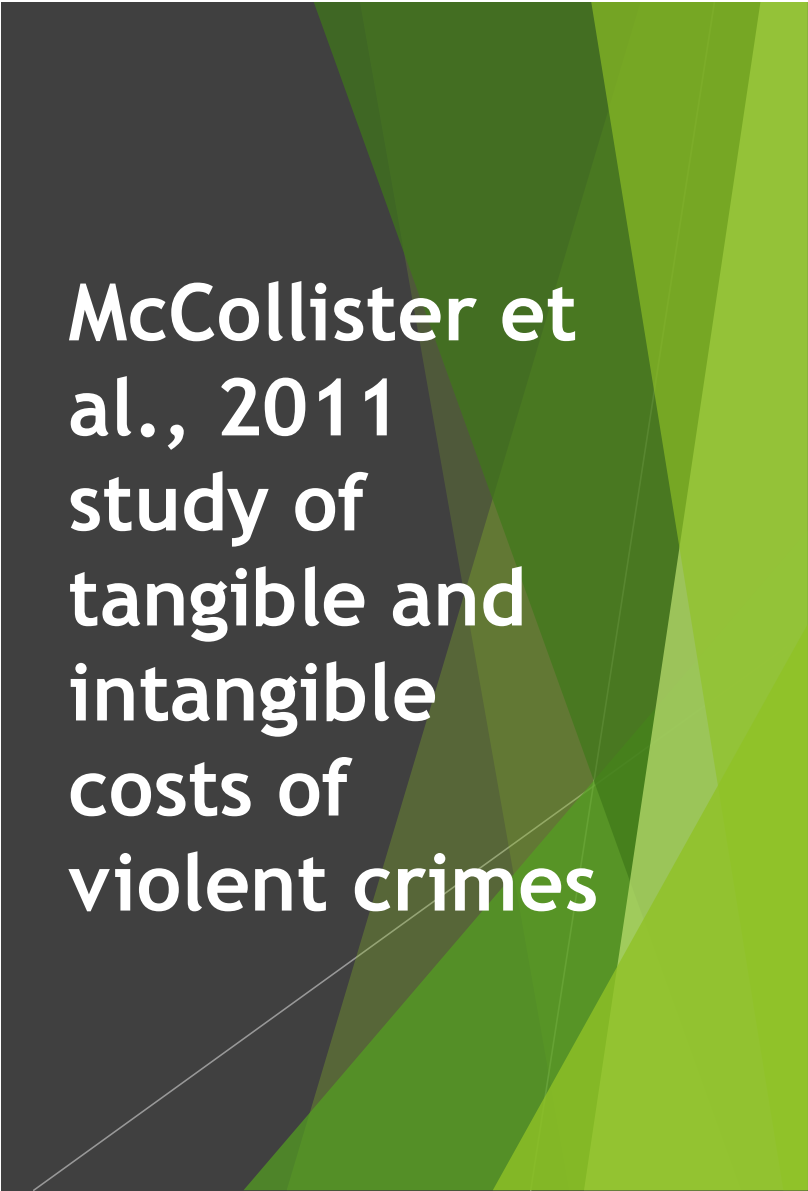
(Miller et al., 1993)

- ▶ Homicide- \$4,000,000-\$11,000,000
- ▶ Rape and Sexual Assault-\$80,000-\$369,000
- ▶ Aggravated assault- \$21,000-\$107,020
  - ▶ Robbery- \$18,000-\$280,237

#### Limitations:

This study could not calculate all intangible costs, such as pain and suffering, and it cannot completely account for the psychological distress violent crime costs victims and society as a whole. It also does not account for the additional costs often associated with sexual violence such as STIs, pregnancy, suicide, and substance abuse. Child abuse and neglect were also left out of this study which Miller et al., (1996) estimated to be \$60,000 per victimization. Lastly, these estimated crime costs do not account for the extra costs individuals, families, and communities pay to minimize their risk of being victims of crime.

(McCollister et al., 2011)



**McCollister et  
al., 2011  
study of  
tangible and  
intangible  
costs of  
violent crimes**

# How can we attempt to meet the needs of crime victims?

- ▶ **Informational Support-**  
complete and truthful information intended to help victims cope with stress and give advice or guidance in dealing with problems.
- ▶ **Emotional Support-**  
expressions of caring, concern, empathy, and reassurance toward the victim.
- ▶ **Tangible/Instrumental Support-**  
material resources and financial assistance from the state or offender.



“A study of women in a domestic violence shelter found that family and friends providing a place to stay (tangible support) was related to lower depression scores and to higher quality of life”  
(Haynes et al., 2015, Pg.452)



# How Does Restitution Meet Victims' Needs?

- ▶ “Receiving restitution can address not only issues of tangible harms, but and order of restitution alone can also have some “placebo value” because it gives victims the impression that their concerns are being taken into account”

(Ruback, 2015, Pg. 1789)

# Restitution & Victims' Needs

Ruback (2016) suggests that restitution “legitimizes victims’ socioemotional needs by indicating, in an official and public manner that their victimization was wrong and should be repaired” (Ruback, 2015, Pg. 1790)

Restitution also addresses emotional needs by holding the offenders accountable and forcing them to acknowledge the harm they have caused the victims (Ruback, 2015).

- Consistent with this theory, there is research that suggests that victims prefer restitution from the offender over receiving compensation from the state, this could mean that victims view restitution from the offenders as acknowledgment of the harm that was inflicted on them (Ruback, 2015).

# Restitution & Victims' Needs

- ▶ A survey of victims found that some of their hopes for punishing the offender is to attempt to restore themselves to precrime conditions (Ruback, 2006)
- ▶ Enforcing mandatory restitution helps place the emphasis back on the victims rather than the offenders.
  - ▶ “The problems usually faced by offenders are also faced by victims- they are disproportionately poor, unemployed, unskilled, and racial/ethnic minorities. They also may suffer from the same sort of credit and housing problems” (Ruback, 2015, Pg. 1789).

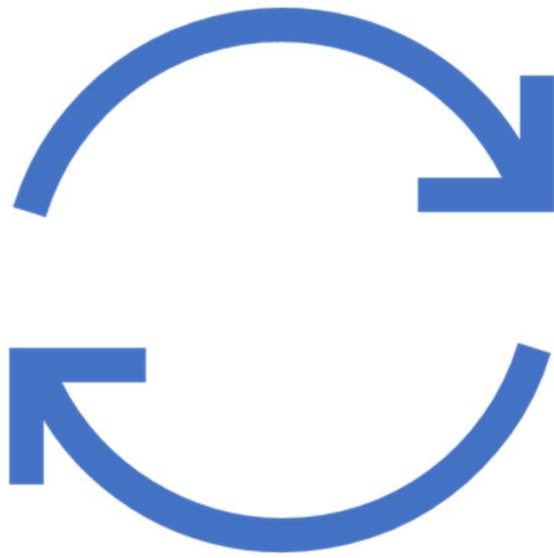


# Restitution & The Criminal Justice System

- ▶ “Restitution is important not only because of its ability to meet victims’ tangible needs but also because it may lead to greater victim satisfaction with the criminal justice system and therefore greater willingness to report future crimes to the police”


(Haynes et al., 2015, Pg. 461)

- ▶ “An Analysis of the National Crime Victimization Survey from 1993-2009 suggests that violent crime victims who received assistance from victim service agencies were more likely to have cases in which a formal complaint was signed, an arrest was made, and there was contact from a prosecutor or judge. According to Langton (2011), **this relationship suggests that victims who receive assistance are also more likely to be involved in moving their case through the criminal justice system, and that victims whose cases have moved further through the criminal justice system are more likely to receive assistance.**”



“Because victims are only temporary players in the criminal justice system, it is easy to dismiss their needs. But the system relies on victims to initiate the criminal justice process”

(Ruback et al., 2008, Pg. 709).

- 
- ▶ “A survey study of victims found that payment of restitution and understanding of the restitution process increased victims’ willingness to report crimes in the future”

(Ruback et al., 2008)

# U.S Department of Justice, Criminal Victimization, 2017



- ▶ “The number of persons age 12 or older who were victims of violent crime increased from **2.7 million** in 2015 to 2.9 in 2016 (up 9% from 2015) and **3.1 million** in 2017 (up 17% from 2015)”
- ▶ **8%** of victims received assistance from a victim-service agency after a violent victimization in 2017

(Morgan & Truman, 2017, Pg. 2-8)

# U.S Department of Justice, Criminal Victimization, 2017

“About 45% of violent victimization and 36% of property victimizations were reported to police, based on the 2017 survey”

“Victims may not report a victimization for a variety of reasons:”

- A) Fear of retaliation
- B) Not wanting to get the offender in trouble
- C) Beliefs that the police would not or could not help
- D) Beliefs that the crime was a personal issue or too trivial to report

(Morgan & Truman, 2017, Pg. 2-7)



# 2010 Utah Crime Survey

“Rates of reporting crime to the police are down significantly in the 2010 survey compared to previous surveys, and person crime reporting rates are below the national averages” (Peterson, 2010, Pg.6)

- ▶ **Reasons why people chose to not report:**
  - ▶ 30.4% didn't report because they believed the crime was a minor offense
  - ▶ 21.6% believed it was dealt with in another way
  - ▶ 17.3% believed that the police would not be able to help them
  - ▶ 15.3% responded with other reasons.

(Peterson, 2010, Pg. 6)

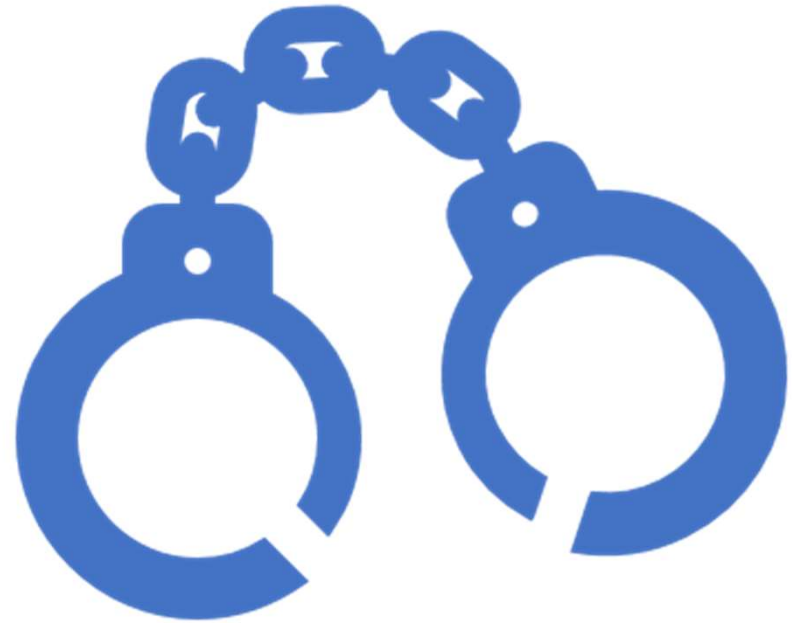
# Restitution & Society

- ▶ The criminal justice system not only relies on victims satisfaction & participation, but on the broader publics support as well:
  - ▶ Research shows that unaffiliated third parties experience negative emotional reactions when they learn about victims of injustice. These negative emotions can be alleviated if they believe the victims were treated fairly in the criminal justice process, the offender shows remorse for their wrong doing, and attempts to right these wrong doings.
  - ▶ Potentially, this could increase society's compliance with the law.

(Gromet et al., 2012)

# Restitution & Society

- ▶ In a study conducted by Tyler and Huo (2002) they found that people who perceived the police and court systems as fair are more likely to comply with the law, cooperate with the police, and support police policies.



(Ruback et al., 2008)



It forces  
offenders to  
recognize the  
harm they have  
caused



Assume personal  
responsibility



Recognize the  
need to treat  
others fairly

In 1994 Jacobs & Moore conducted a study of 190 juveniles who participated in Lancaster County Juvenile restitution program and found that the proportion of restitution paid was a critical factor in predicting recidivism (Jacobs & Moore, 1994).

## Restitution & Recidivism

- In support of the 1994 study, an experiment conducted by Ruback (2018) found that of the 712 probationers in his study who were ordered to pay restitution 159 of the individuals had been rearrested while 553 were not rearrested over a two-year span of time. There was a correlation between the amount of restitution paid and recidivism. **Those who paid significantly larger proportions of the restitution they owed were less likely to be rearrested.**

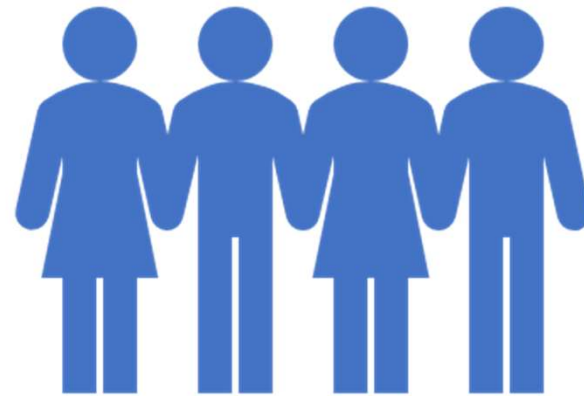
(Ruback, 2018).



## Restitution & Recidivism

# Restitution & Recidivism

- ▶ The Office of Juvenile Justice and Delinquency Prevention funded 85 juvenile restitution sites and found:
  - ▶ Findings: 86% of participants in the study fully complied with restitution requirements and did not reoffend while in the program
- ▶ In 1979 The National Assessment of Adult Restitution Projects conducted detailed studies of 11 of their 67 formal monetary restitution projects for adults:
  - ▶ Findings: 52%-91% of participants completed the program, which means they fully complied with restitution requirements and did not reoffend while in the program



(Galaway, 1988, Pg. 5)

# Restitution & Recidivism

- ▶ “In 1980 the Superior Court of Lake County, Juvenile Division, established a victim restitution program for cases involving property damages.”
  - ▶ 113 participants were assigned to a **probation plus restitution group** and 148 participants were assigned to a **probation only group**

## Findings:

- ▶ In the **Probation plus Restitution group**-
  - ▶ 25% of first-time offenders and 50% of repeat offenders were reconvicted.
  - ▶ For the participants who were reconvicted in this group, 74% were non-felony offenses.
- ▶ **Probation only group**-
  - ▶ 34% of first-time offenders and 50% of repeat offenders were reconvicted.
  - ▶ For those who were reconvicted, 54% were felony and 20% were non-felony offenses.

(Sudipto, 1995, Pg. 57-58)

# Could Meeting Victims' Needs Aid in Preventing Offending Behavior?

- ▶ In 2002 the World Health Organization stated in their report “World Report on Violence and Health”:
  - ▶ “Research has shown that exposure to violence in the home is associated with being a victim or perpetrator of violence in adolescence and adulthood”

(Krug et al., 2002, Pg. 15).





# Victimization and Offending Behavior

- “Criminologists and psychologists have found that individuals who commit serious violent crimes tend to have high rates of trauma, abuse, and other harmful experiences in childhood, even when controlling for other environmental and biological factors”
- “Higher cumulative ACE scores have also been shown to increase the risk of problematic behaviors such as heavy drinking, smoking, risky sexual behavior, poor education and employment outcomes, and involvement in violence”

(Fox (Fox et al., 2015, Pg. 2-9).

# Victimization and Offending Behavior

A study on Adverse Childhood Experiences (ACE) among serious, violent, and chronic offenders found:

These individuals tend to have higher rates of trauma, abuse, and other harmful experiences in childhood than those who did not experience abuse and neglect

90% of juvenile offenders in the U.S. have experienced trauma


30% have diagnosable PTSD directly associated with these traumatic events

(Farrington, 2005; Fox et al., 2014; Laub & Sampson, 1994; Moffitt, 1993; Nagin & Tremblay, 1999; Fox et al., 2015, Pg., 2).

## Continued...

- ▶ This study also evaluated juvenile offenders in Florida to better understand how ACE scores impact offending behavior.
- ▶ They found that higher ACE scores were associated with more serious, violent, and chronic offending behavior and their scores were nearly **3X** higher than juveniles who only had committed one criminal offense.

(Farrington, 2005; Fox et al., 2014; Laub & Sampson, 1994; Moffitt, 1993; Nagin & Tremblay, 1999; Fox et al., 2015, Pg., 2)

- 
- ▶ “Higher cumulative ACE scores have also been shown to increase the risk of problematic behaviors such as heavy drinking, smoking, risky sexual behavior, poor education and employment outcomes, and involvement in violence”
  - ▶ “Each additional ACE a child experienced increased the risk of being a serious, violent, and chronic offender by more than 35% even when controlling for other known risk factors for criminal behavior”


(Fox (Fox et al., 2015, Pg. 2-9).

# Victimization and Offending Behavior

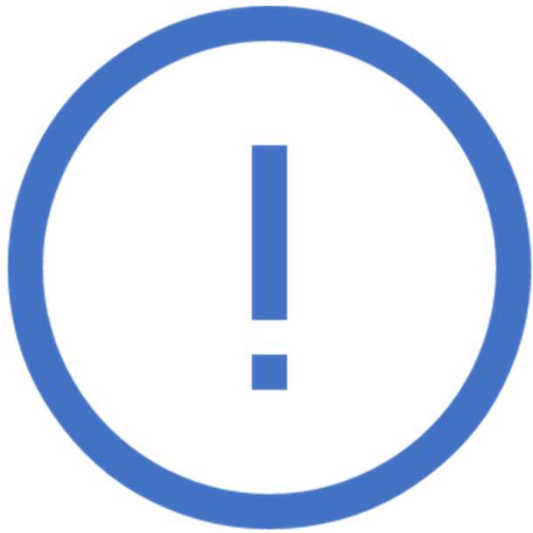
“Communities within the US indicate that a history of maltreatment is a significant risk factor for criminal behavior”  
(Falshaw, 2005, Pg. 431)



“1 in 6 physically abused young people go on to violently offend during adolescence”  
(Falshaw, 2005, Pg. 423)



“1 in 5 sexually abused boys would later go on to sexually offend”  
(Falshaw, 2005, Pg. 423)



# Benefits of Economic Sanctions

- ▶ They provide victim compensation
- ▶ They can be flexible and adjusted to the facts of the case and circumstances of the offender
- ▶ They can be just as effective as incarceration in deterring crime

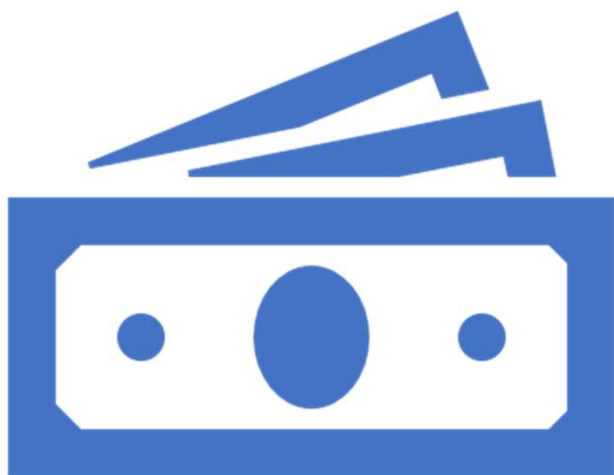
(Ruback, 2015, Pg. 1801-1803)

# Are Economic Sanctions as Effective as Incarceration?

- ▶ Brennan and Mednick (1994) conducted a 26 yearlong study and found support for economic sanctions to be just as effective, if not more effective, as incarceration.
- ▶ A study of adults in the Minnesota Restitution Center found that offenders who were required to pay restitution over incarceration had lower recidivism rates than the group of incarcerated offenders  
(Galaway & Hudson, 1976)
- ▶ Gordon and Glaser (1991) found that, among their sample of offenders, those who received jail terms had significantly higher odds of subsequent arrest, compared with offenders who received a sentence of probation with financial penalties.

(Ruback et al., 2006, Pg. 7-26)

# Benefits of Economic Sanctions



- ▶ They can be substantially cheaper than incarceration:

- ▶ Average cost per inmate in Utah State prison, 2015: \$22,119

- ▶ They can be completely undone in the event of a wrongful conviction

(Mai & Subramaniam, 2017)

(Ruback, 2015)



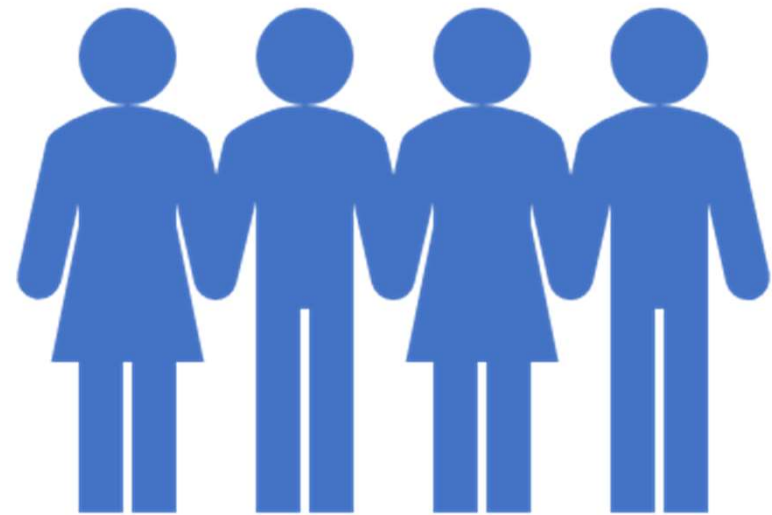
## Benefits of Economic Sanctions

- ▶ They can help avoid the stigma and secondary effects of incarceration for inmates and their families

- ▶ “Former inmates experience less upward economic mobility than those who are never incarcerated “

- ▶ “A child’s prospect of upward economic mobility is negatively affected by the incarceration of a parent”

(The Pew Charitable Trusts, 2010, Pg. 4-5)



# Benefits of Economic Sanctions

Ordering economic sanctions over incarceration could help decrease ACE scores in families/children

- “Parental imprisonment predicted antisocial and delinquent outcomes up to age 32, even after controlling for other childhood risk factors” (Fox et al., 2015, Pg. 3).

# Benefits of Economic Sanctions

- ▶ They can be used as intermediate sanctions in between probation and prison
  - ▶ “Because of dissatisfaction with the lack of supervision of probation and the harsh punitiveness of incarceration there have been numerous calls for intermediate sanctions, which would give judges and probation officers additional tools to help offenders learn skills, gain employment, deal with substance abuse problems, and address social and behavioral problems”

(Ruback, 2015, Pg. 1784)



# Restitution & Restorative Justice

- ▶ “Evidence shows that restitution payment may be higher in restorative justice programs” (Haynes et al., 2015)
- ▶ “Providing restitution to victims could be explicitly part of a more general process of restorative justice, by which there can be reconciliation between the offender and the victim, the victim’s losses are restored, and the offender is returned to the community. In this way, restitution could play a role in promoting rehabilitation” (Ruback, 2015, Pg, 1819)
- ▶ A Needs-Based Model of reconciliation suggests that victims experience a threat to their status and power and offenders experience a threat to their moral image. Victims’ and offenders’ willingness to reconcile is contingent on whether an act of social exchange, such as an order of restitution, which removes both of these threats (i.e., whether it restores the victim’s sense of power and preserves the offender’s sense of belongingness and social acceptance)

(Shanbel & Nadlers, 2008)

# Restitution & Restorative Justice

“Rather than think of restitution as a penalty, it is possible to consider it as a restorative justice procedure. Restorative justice practices assume that the justice process is about repairing the harm from a crime in a way that balances the needs of the victim, the community, and the offender” (Ruback, 2015, Pg. 1798).

Restitution is consistent with the goals of restorative justice because it focuses on compensating victims for their losses and educating offenders on the extent of the damage they have done while claiming responsibility for their actions and attempting to repair the harm done (Haynes et al., 2015).

# Benefits of Restitution in Restorative Justice

Restitution benefits offenders by promoting a sense of responsibility and accomplishment, thereby reducing their risk of recidivism.

“Restorative justice attempts to separate the bad act (the offense) from the offender, which is known as reintegrative shaming (Braitwaite, 1989, 2002). This process allows for the condemning of the bad act without condemning the actor themselves, which provides an avenue for restoring the offender as a law-abiding member of the community”

(Gromet et al., 2012, Pg. 375).

# Benefits of Restitution in Restorative Justice

- ▶ Restorative justice practices, such as restitution, perform better than conventional justice practices at reducing harm to victim's

(Haynes et al., 2015, Pg. 465)

- ▶ "Restorative justice aims to provide material and psychological restoration to the victims, with the goal of restoring them to where they were before the offense occurred"

(Gromet et al., 2012, Pg. 375).

# Best Practices in Collecting Restitution

- ▶ Raising victims' awareness about their eligibility to collect restitution and how to go about doing this- Informational Support
  - ▶ “Restitution is not meeting victims' needs because victims often do not know these programs exist and because there are restrictions on both victims' eligibility and offender's ability to pay” (Haynes et al., 2015).
    - ▶ We may be able to better implement victims' rights regarding restitution if we describe the procedures victims are likely to experience, define terms that victims are unlikely to know, and give explicit information about what victims need to do (e.g. finding receipts, completing forms, informing the district attorney) and where to go if things do not work out (Haynes et al., 2015).
    - ▶ In the 2010 Utah Crime Survey, “67.1% of respondents indicated that they know where to go in their community when they need help or services as a victim of crime” (Peterson, 2010, Pg. 14)



## Best Practices in Collecting Restitution

- ▶ Make victims' an active participant in the restitution process- emotional support
- ▶ Ruback suggests that “crime victims, even if they know the final decisions are made by the police, prosecutor, and judge, are likely to want to give input to these decision makers” (Ruback, 2008, Pg. 699).
  - ▶ “One study found that only 27% of victims felt the court took their estimation of losses into account when determining the amount of restitution” (Ruback et al., 2006).

# Best Practices in Collecting Restitution

“Creating a toolkit for judges that clarifies and standardizes policies regarding the imposition of restitution; investigates the possibility of suspending state driver’s licenses for offenders who do not pay; creates restitution funds and restitution programs to reimburse crime victims for their economic losses; mandates clerks of court to file civil judgements when a case balance exceeds \$1,000; increases means to collect restitution by directly taking money from the offending (e.g. attaching wages, attaching IRS refunds); or induces the offender to pay through threats to restrict travel, limit eligibility for public assistance, and file contempt of court proceeding”

(Haynes et al., 2015; Pennsylvania Task Force, 2013)

- ▶ Consider the offenders financial abilities by ordering attainable monthly installment payments.
- ▶ Also, provide monthly information to offenders that explains the importance of restitution, where their payments are going, how to make payments, how much is owed, and the remaining balance.
  - ▶ Consistent with these recommendations, “the likelihood of payment is increased if offenders are
    - ▶ a) told about the importance of restitution,
    - ▶ b) given employment opportunities,
    - ▶ c) closely supervised, and
    - ▶ d) allowed to pay in installments”

(Ruback et al., 2006, Pg. 17)
- ▶ Another study conducted on payments of fines, found that payment increases with ability to pay and closer supervision

(Hillsman, Mahoney, Cole & Auchter, 1987).



## Best Practices in Collecting Restitution

## Continued...

- ▶ “One reason offenders give for why they do not pay their court-ordered economic sanctions: lack of understanding of how much they owe and where their payments are directed”

(Ruback et al., 2018, Pg. 797)

- ▶ Evidence suggests that when defendants are made aware that their monthly payments are being used to compensate the victims of their crimes, they are less likely to recidivate than if they are unaware where their payments are going

(Ruback, 2012).

# Ruback et al., 2014

- In this study they sent letters monthly to  $\frac{3}{4}$  of probationers who were delinquent in paying court-ordered restitution. The letter provided information about restitution and other fees and fines owed paid thus far. The participants in the group that received the letter paid significantly more restitution and made more restitution payments during the experiment

(Ruback, 2014, Ruback et al., 2018).

# Best Practices in Collecting Restitution

- ▶ Make collecting restitution the first priority over other economic sanctions such as fines, fees, and costs.
  - ▶ “The potential of restitution to help victims is compromised because it is rarely a stand-alone sanction (i.e., it is often combined with probation or incarceration) or even the only economic sanctions an offender must pay, potentially lessening the likelihood that restitution will be paid” (Haynes et al., 2015, Pg.463)

## Continued...

- ▶ “Requiring that restitution be paid before other economic sanctions, means that if any payments are made, the victims, rather than the state or local government will receive it”

(Ruback, 2015, Pg. 1794)

- ▶ This is important because as we mentioned earlier, crime victims are at an increased risk for revictimization-
  - ▶ During 2005-2014, around 19% of violent crime victims experienced two or more violent victimizations per year, with 96% experiencing their second victimization less than 6 months after their first victimization.

(Oudekerk & Truman, 2017, Pg. 3)

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