

How the Civil Justice System Differs from the Criminal Justice System—A Comparison in Iowa

Factor	Criminal Justice System	Civil Justice System
How is the crime defined?	A violation against the State	A violation against an individual
Who maintains the crime?	The State of Iowa prosecutes and controls the action.	The victim maintains and controls the action.
What is the victim's role?	The victim is a witness to a crime against the State. While a registered victim has the right to be informed about any plea agreement, often decisions regarding plea agreements are based on factors that have little to do with the victim.	The victim, with the advice of an attorney, makes the decisions. The victim is a party to the action and is entitled to all information relating to the case and can make the decision with respect to any settlement of the claim.
Will you need to hire a lawyer?	No. The County Attorney prosecutes handles the case for the state Victims may wish to consult with their own attorney regarding issues of privacy and victim rights.	Yes.
What is the burden of proof?	The State must prove the perpetrator is guilty beyond a reasonable doubt.	The victim need only prove that the perpetrator is liable by a preponderance of evidence
Can the perpetrator be compelled to testify under oath?	No. The State of Iowa cannot compel the perpetrator to testify and cannot comment upon the fact that the perpetrator refused to testify. The factfinder is not to consider the failure to testify against the defendant.	Yes, the victim can compel the perpetrator to testify under oath both before and during the trial. Although the perpetrator may assert the right against self incrimination, the victim's attorney can comment on this assertion and the factfinder can draw conclusions from the failure to testify.
What assumptions will the court make?	Perpetrator is presumed innocent until proven guilty.	Victim and perpetrator appear on equal footing.
Can I try again?	If the perpetrator is found "not guilty", the State can not prosecute him a second time and the State can not appeal the decision.	Victim can sue the perpetrator in a civil court regardless of the result of a criminal court.

<p>Who will the perpetrator owe an obligation to?</p>	<p>If found guilty in a criminal court, the perpetrator is subject to the punishment of that court (such as prison or jail time, probation, fines). The obligation is owed to the State of Iowa and although the victim may be entitled to restitution all monies are payable through the court system.</p>	<p>If the perpetrator is found liable in a civil court and damages are ordered, the perpetrator owes the obligation to the victim for damages found by the factfinder. These may include medical and counseling expenses, psychological damage, pain and suffering, damage to family relationships, and lost wages.</p>
<p>Statute of Limitations</p>	<p>Iowa's statute of limitations for most sexual crimes is ten years.</p>	<p>In most cases, sexual assault victims in Iowa have a limited amount of time to file a civil lawsuit-- normally within two years of the date the incident occurred.</p> <p>This statute of limitations may be extended in certain circumstances. In general, the statute of limitations begins with the date of accrual- the date the crime occurred, or the point when the victim became aware of the crime or of the damage done by the crime. Generally, the statute of limitations for crimes committed against children begins when the victim turns 18, or when the victim becomes aware of the crime or the damage done by the crime.</p> <p>Consult with an attorney for an assessment of the statute of limitations specific to your situation</p>
<p>Factor</p>	<p>Criminal Justice System</p>	<p>Civil Justice System</p>

Adapted for Iowa from the Butler County Rape Crisis Program, Oxford, OH