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## A Message From The Hawai'i County Prosecuting Attorney

The financial burden resulting from a crime can create enormous hardships for victims. In recognition of this, Hawai'i law allows courts to order convicted persons to pay restitution for victims' out-of-pocket expenses that are directly related to the crime.

The goal of the criminal justice process is to identify and hold accountable those individuals who break our laws. Restitution helps attain this goal. The payments made by a convicted person are a reminder of the wrong inflicted, as well as a means to restore the victim through repayment of the victim's financial losses.

The Hawai'i County Prosecuting Attorney's Office has developed this brochure to provide you with information on how to make a claim for restitution, and to provide you with a brief summary of the information you will need to provide to the court so that the Judge can enter a restitution order.

It is my sincere hope that this brochure will be helpful to you, both as a tool in restitution collection, and in helping you recover from the criminal act committed against you.

*Kelden B.A. Waltjen*  
Hawai'i County Prosecuting Attorney

## Restitution Recovery Project

*"...in the criminal justice system, the victim of crime is almost always neglected. By requiring the convicted person to make restitution and reparation to the victim, justice is served. In so doing, the criminal repays not only "society" but the persons injured in the criminal's act. There is a dual benefit to this concept: the victim is repaid for his loss and the criminal may develop a degree of self-respect and pride in knowing that he or she righted the wrong committed."*

Sen. Stand. Comm. Rep. No. 789, in 1975  
Senate Journal @ 1132, commentary to the  
Senate's intent in passing HRS section 706-  
605(1)(e) which authorizes Courts to order  
restitution.

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## RESTITUTION Recovering Your Losses



An introduction to making a claim  
for restitution or reimbursement for  
financial losses stemming from  
criminal acts

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## Can Victims of Crime Recover their

### Financial Losses?

Yes, there are procedures that may help victims of criminal acts receive compensation for financial losses that are directly related to the crime. There are two ways for victims to recover their losses in the criminal system:

1. a Judge may order a person convicted of a criminal act to pay restitution; or
2. the Crime Victim Compensation Commission may reimburse victims for certain losses related to violent crimes.

### Court Ordered Restitution

If the person accused of the crime is convicted, the Judge may order that person to pay restitution for your stolen or damaged property. If applicable, the Judge may also order restitution for your out-of-pocket medical expenses and possibly even lost wages for hours missed from work because of a physical disability directly caused by the criminal act. The restitution should be paid from wages earned while on probation, parole, or in prison. Any order for restitution will be reflected in a criminal judgment that is filed with the court. The law also provides that you may file a copy of that criminal judgment in civil court and that order will carry the same force of law as a civil judgment and can be executed upon in the same manner. Even if restitution is ordered by the Judge, we cannot guarantee that the offender will be able to pay for your losses.

## What To Do to Start the Process

First, inform the police officer investigating the case that you want restitution for your losses. Then, as soon as possible, provide copies of receipts, estimates, or bills:

- that show how much you *originally paid* for a stolen or damaged item
- to *repair or replace* stolen or damaged items
- for *medical treatment* as a result of injuries from the crime.

Information regarding replacement value of the items can be collected from store advertisements, manufacturer's written quotes, bluebook value, or e-bay photo of similar item with price.

## Recovering Losses from Crimes of Violence

Hawai'i has a program in which persons convicted of certain crimes must pay into a fund that is used to reimburse victims of violent crimes. If you were an innocent victim of one of these crimes:

- Negligent Injury,
- Kidnapping,
- Assault,
- Sexual Assault, or
- Abuse of a Family or Household Member,

you may be able to recover the cost of out-of-pocket medical expenses and lost wages.

If you are a relative of a victim of murder, manslaughter, or negligent homicide and paid for the victim's funeral expenses, you may be reimbursed for part of those costs.

For more information, contact:

### Crime Victim Compensation Commission

1164 Bishop Street, Suite 1530  
Honolulu, HI 96813

(808) 587-1143 or from Hawaii Island:

974-4000, ext 71143# or

### Victim/Witness Assistance Unit

Hilo Office:

655 Kilauea Avenue  
Hilo, HI 96720

(808) 934-3306 Toll free: 1-800-901-4201

Kona Office:

74-675 Kealakehe Parkway  
Kailua-Kona, HI 96740

(808) 324-1066 Toll free: 1-800-321-8712

## What Else Do You Need to Know?

A typical police investigation and successful prosecution may take anywhere from 6 months to several years.

Because the case may take a while to go through the process, notify the investigating officer or the Victim Assistance Unit if your contact information has changed since you made the police report.

You can make a claim for restitution through the criminal court. Other legal options, such as a civil suit, can be pursued by contacting a civil attorney.

The Hawai'i County Office of the Prosecuting Attorney cannot provide legal advice on civil matters nor assist you with collecting on a civil judgment.

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