
A Message From The Hawai'i County Prosecuting Attorney

I believe one of the main roles of the Office of the Prosecuting Attorney is to improve the quality of life in our community. It is our goal to identify those who break the law and hold them accountable for their actions. This accountability can begin to repair or make whole the loss often felt by victims of crime whether it be emotional, psychological, physical or financial. 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.

This brochure was developed 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. These losses could include items stolen or damaged, expenses related to medical treatment, or lost wages.

Along with this brochure, our Victim Assistance Unit is also available to assist you with any questions or concerns you may have regarding restitution.

Mitchell D. Roth
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.

Hawai'i County Office of the
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Office of the
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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

1136 Union Mall, Suite 600
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: 1-800-901-4021

Kona Office:

81-980 Haleki'i Street, Suite 150
Kealahou, HI 96750
(808) 322-2552 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.
