

## HOW DO I DOCUMENT MY RESTITUTION LOSSES FOR THE COURT?

To ensure accurate and complete restitution orders, you, as a victim of crime, are required to document and verify your losses in writing—to the degree possible—for the court.

The timely submission of your restitution documentation is very important so that the prosecutor can request restitution and the judge can order it.

The *Hawai'i Restitution Documentation Form* that accompanies this brochure can help you consider, document, and total your financial losses.

Sometimes, it can be difficult to accurately document your losses. The information below is designed to help you think about the best way to document your losses.

### Documentation and verification may include:

- Copies of bills or statements for services directly related to your financial recovery from the crime.
- Any receipts or cancelled checks.
- Photos of valuables that were stolen.
- Estimates of the value of stolen or damaged property (visit [www.edmunds.com](http://www.edmunds.com) for values of vehicles and on [www.ebay.com](http://www.ebay.com) for values of other types of stolen property).
- Documentation provided by local law enforcement agencies (records of serial numbers, photos, etc.) that are intended to aid victims in the recovery of stolen property or indicate the status of the property.
- Copies of insurance claims and related correspondence between you and your insurance company, as well as copies of any checks you may have received to cover losses.

THE TIMELY SUBMISSION  
OF YOUR RESTITUTION  
DOCUMENTATION IS ESSENTIAL  
TO REQUESTING RESTITUTION!

## HOW CAN MY RESTITUTION ORDER BE CONVERTED TO A CIVIL ORDER?

Your restitution order can be enforced in the same manner as a civil judgment and is subject to all relevant civil collection remedies, such as a lien on the defendant's property.

Simply file your certified or exemplified restitution order from any Hawai'i criminal court with the office of any Clerk of Court at **no cost to you**—there is no filing fee.

### FOR MORE INFORMATION

If you have any questions or need further assistance after reading this brochure, please contact

#### Prosecutor's Office

Honolulu (808) 768-7400

Maui (808) 270-7777

Kauai (808) 241-1888

Hilo (808) 961-0466

Kona (808) 322-2552

#### Victim Witness Assistance Program

Honolulu (808) 768-7401

Maui (808) 270-7695

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# VICTIM RESTITUTION IN HAWAI'I FOR PROPERTY CRIMES





## WHAT IS VICTIM RESTITUTION?

Victim restitution is the payment of crime-related expenses to *you*, the victim or survivor of

the crime, from the person who is convicted of the crime.

According to Hawai'i law, when an offender is found guilty, the court must order that the offender pay restitution to you in an amount to fully reimburse you for your crime-related losses.

Restitution is important because it:

- Helps crime victims pay for the monetary losses resulting from the crime.
- Holds offenders accountable for the harm they have caused to their victims.
- Requires offenders to be responsible for the victim's out-of-pocket expenses.
- Provides justice to victims.

## WHAT TYPE OF FINANCIAL LOSSES CAN VICTIM RESTITUTION COVER?

With documentation from the victim, the offender will often be required to pay restitution for the following expenses:

- Financial loss including insurance deductible amounts
- Property loss or damage, or the actual or estimated cost to repair damage (not covered by insurance)
- Replacement of locks and security devices

This list is not exhaustive. If you have an out-of-pocket expense that is related to the crime, save all documentation of the expense and speak to the prosecutor or victim witness advocate about including the expense in your request for restitution.

While restitution may be ordered in your case, it is sometimes difficult to collect.

Depending on the offender's sentence, the State of Hawai'i Judiciary, the Department of Public Safety, or the Hawai'i Paroling Authority works to ensure that the offender fulfills all restitution obligations.

## WHAT TYPE OF FINANCIAL LOSSES DOES VICTIM RESTITUTION NOT COVER?

Restitution does NOT cover the following expenses:

- Any expense or loss that is not a direct result of the crime, or that cannot be verified.
- Any amounts for which the victim has been reimbursed or compensated by other sources, such as insurance, motor vehicle insurance, worker's compensation, etc.
- The cost of time spent participating in the criminal justice processes.
- Professional (i.e. legal or accounting) fees incurred to determine losses and/or damages resulting from the crime.
- Projected loss of revenue from the sale of merchandise or inventory stolen/lost as a result of the crime.
- Items recovered by police or held as evidence.