

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 that verify your crime-related losses (any receipts or cancelled checks).
- Employer statements that verify lost earnings resulting from the crime and your income history (pay stubs or income tax records).
- Copies of bills or statements from your physician for crime-related medical expenses.
- Verification of any insurance, motor vehicle insurance, or worker's compensation claims submitted and/or claims payments you have received.
- 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
Kauai (808) 241-1888
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VICTIM RESTITUTION IN HAWAI'I FOR VIOLENT 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 IS THE DIFFERENCE BETWEEN VICTIM RESTITUTION AND VICTIM COMPENSATION?

Victim *restitution* is a court-ordered obligation of the offender that is paid directly to his or her victim. Victim *compensation* is a state program that provides reimbursement for certain crime-related expenses to violent crime victims much sooner than restitution can usually be collected from an offender.

For more information regarding *compensation* or to request an application call the Crime Victim Compensation Commission (CVCC) at (808) 587-1143 or visit www.hawaii.gov/cvcc.

Be sure to inform the prosecutor and victim witness advocate that you have applied to CVCC for *compensation*.

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 crime-related expenses:

- Medical (ambulance, hospital, tests, supplies, medication, etc.)
- Physical therapy
- Chiropractic
- Dental
- Prosthetics
- Dependent care or independent living support
- Future expenses (long term medical care, physical therapy, or mental health treatment, etc.)
- Replacement of eyeglasses, hearing aids, etc.
- Modifications to accommodate for disabilities
- Mental health
- Funeral (burial, casket, cemetery plots, funeral or memorial services, travel to secure body, etc.)
- Lost earnings
- Property damage (not covered by insurance)
- Insurance deductible
- 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.

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.
- Items recovered by police or held as evidence.

