

What to Expect at the Comprehensive Enforcement Program Hearing Rights – Responsibilities - Ramifications

The Comprehensive Enforcement Program (“CEP”) is a program established to, among other things, provide persons who failed to meet their court ordered obligations an opportunity to establish a reasonable plan to meet these obligations. You have been summoned to a CEP Hearing because you have fallen behind in compliance with your existing court-ordered obligations. These obligations may include the payment of a fine or the performance of community service. The hearing will be conducted by a hearing officer. A hearing officer is **NOT** a judge. Hearing officers are court employees who review facts presented at a hearing and then make a recommendation as to an appropriate payment plan or community service completion plan.

You should bring any documentation you believe is necessary to explain your prior failure to meet your court-ordered obligations, AND any documentation that will help to establish your current ability to comply. This may include, but is not limited to, medical issues/diagnoses, other financial obligations, paystubs, benefit award letters, disability status and bankruptcy filings/status. You may be required to offer information regarding the documentation you provide. If you have information of a sensitive nature to discuss, for example: any medical conditions, child custody issues, or any other information you would not like to discuss with other defendants present in open court, you have the right to request that your information be discussed without other defendants present. While on probation you shall notify your officer of any changes in address or employment status. Changes must be reported to the Probation Division within 10 days of the change. The last address you give Probation will be used to send you notices.

The hearing officer will also listen to the representatives of the county probation division who will present information explaining why they believe you are not in compliance. Based upon all of this information and the review of all documentation, the hearing officer will make a recommendation which will establish a plan for you to become compliant. This recommendation will be presented to the superior court judge that oversees CEP in each county. After the hearing, the judge will review the hearing officer’s recommendation and either adopt the recommendation, modify it or deny it. Once the judge signs the recommendation, it becomes an official Court Order for which you will be held accountable. You will receive a copy of this court order. If you are on probation, the court order will be a condition of your probation. At this hearing, the following enforcement sanctions may be applied:

- additional conditions may be imposed on your probation sentence;
- your wages may be garnished;
- your personal assets may be seized;
- your tax refund, lottery or gambling winnings may be attached;
- a judgment may be docketed against you. This will act as a lien against any real estate that you own and may adversely affect your ability to obtain loans or other forms of credit;
- involuntary enrollment in either the Labor Assistance Program or Enforced Community Service Program as an alternative to direct incarceration. (Cost to you: \$25.00 enrollment fee and \$8.00 per day fee.)

If you appear, a reasonable payment plan will be worked out for you; however, in addition to the above listed sanctions, if you fail to appear at the hearing a bench warrant may be issued for your arrest.

The recommendation of a hearing officer is not binding until it is signed by a judge, which makes it an official court order.

You have rights associated with your court appearance. Your first right is the right to be represented by an attorney at these hearings. You may hire an attorney at your own expense. **If you want to be represented by an attorney, but do not believe you can afford to hire one, you must complete an application for a determination as to whether you qualify to have an attorney appointed to represent you.** If you choose to proceed with these hearings without the benefit of an attorney, you can decide at any time during the hearing to change your mind, and assert your right to an attorney.

You have the right to bypass a hearing before the hearing officer and have this hearing conducted by a superior court judge.

You also have the right to have a superior court judge hear an appeal of the hearing officer’s recommendation if you object to or disagree with the outcome of your case. You may initiate these rights at any point during the hearing; the hearing will cease and your case will be rescheduled when the judge’s schedule permits. If you elect to appeal the recommendation to the judge he/she will have access to the complete sound recording of the hearing you had before the hearing officer. The hearings before the hearing officer will be sound recorded and a record will be maintained.



Please notify Probation if you need any disability accommodation or an interpreter.

