POLICY DIRECTIVE 83-074

TO: ALL JUSTICES OF THE PEACE, STATE OF DELAWARE
      ALL CHIEF CLERKS, JUSTICE OF THE PEACE CRIMINAL COURTS

FROM: NORMAN A. BARRON
      CHIEF MAGISTRATE

DATE: MAY 2, 1983

RE: PEDIGREE SHEETS

On May 1, 1981, procedures were promulgated which were designed to further control the processing of Justice of the Peace Court capiases issued out of New Castle County Courts. A copy of these procedures is attached hereto as Appendix A.[1] An important part of these procedures concerns the completion by every defendant initially appearing in our Courts of a Pedigree Sheet, Criminal Form No. 30, a copy of which is attached hereto as Appendix B. Only then is the applicable Capias Control Office able to computerize correctly the day-to-day capias status for **all** defendants for which capiases have been issued and/or returned.

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[1] These procedures were subsequently expanded to include Kent County. Once the Sussex County Capias Control Office becomes fully operational, like procedures will be established for Sussex County. Justice of the Peace Criminal Courts in Sussex County were, however, instructed to have defendants appearing therein to complete the Pedigree Sheets.

Recently, Chief Clerk Gaile Kerrigan of the New Castle County Capias Control Office informed me that she is receiving Pedigree Sheets for only about 50% of those defendants initially appearing in our New Castle County Courts.[2]

In light of the foregoing, the following policy is issued, with regard to Justice of the Peace Court cases:

1. Clerical personnel _shall_ hand to every defendant initially appearing in a Justice of the Peace Criminal Court, a Pedigree Sheet with instructions to complete same;[3]

2. When a defendant elects to be tried in the Courts of the Justices of the Peace or when the Courts of the Justices of the Peace have exclusive jurisdiction over the offense, the judge presiding over the initial appearance _shall_ receive from the defendant a Pedigree Sheet.[4] Said judge _shall_ then ensure its completeness and _shall_ date and sign said document when so satisfied as to its completeness. The completed and signed Pedigree Sheet shall then become part of the record in the case to the same effect as a completed and signed Jurisdictional Form.

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[2] It is noted that the same observation was made in November of 1981 and as a result, I issued a reminder memorandum regarding the necessity of having the Pedigree Sheets completed by all defendants.

[3] Court No. 14 is exempted from this Policy Directive because Court No. 14 cases always originate out of other New Castle County Justice of the Peace Criminal Courts. Likewise, Court No. 18 is exempted from this Policy Directive because every defendant processed through the MPCJF has his/her name run through the computer for a capias check by Department of Correction personnel. Additionally, no trials are held at Court No. 18 and defendants being processed through the MPCJF rarely have their cases disposed of in said Court.

[4] Note that there is no requirement for the completion and reception of a Pedigree Sheet when the defendant opts to be tried in another Court or when jurisdiction already lies in another Court such as with returns of Rule 9 Warrants.

This Policy Directive is effective upon receipt.

NAB:pn

Attachments (2)

cc: The Honorable Daniel L. Herrmann
     John R. Fisher
     Arthur R. Carello
     Gaile Kerrigan
     Files

PROCEDURES FOR ENTERING
JUSTICE OF THE PEACE OUTSTANDING CAPIAS
INTO THE COMPUTER/TERMINAL

1. Effective Friday, May 1, 1981, the Chief Clerk of each Criminal Court shall designate clerical personnel to be responsible to see that _every_ defendant who enters the Court be made to fill cut Criminal Form No. 30, _Justice of the Peace Official Court Pedigree Record_. This should be done before the defendant enters the courtroom.

2. While defendant is still present at Court, the clerk shall verify the information given on the Pedigree Sheet and check for possible outstanding capias by use of the terminal and/or Rolodex. The designated clerk shall also initial Criminal Form No. 30 at the bottom right hand corner. When the defendant enters the courtroom, the Pedigree Sheet is to be given to the Judge for his review and signature.

3. The Pedigree Sheet shall be stapled to the original case file until it is needed.

4. When a capias is issued, the originating Court will send a _copy_ of the capias and the Pedigree Sheet to the Capias Center. (All original paperwork will remain at the originating Court.)

5. The Capias Center will transfer the information from the Pedigree Sheet onto Criminal Form No. 29, Capias Control Sheet and will enter the capias into the computer/terminal along with the intials of the clerk doing the entering.

6. Capias Center will file white copy of Capias Control Sheet and staple pink copy to capias to be given to Constable for service.

7. Each Chief Clerk shall appoint clerical personnel to handle the deferred report and the issuing of capiases in their respective Court.

8. Every defendant that comes into Court on an outstanding capias, whether apprehended by police, Constable or a person that comes in voluntarily, the clerk shall verify the existence of a capias and the exact amount due the Court by calling the Capias Center.

9. Once the Capias Center has been informed that an outstanding capias has been served, the Capias Office shall fill out the lower half of the Capias Control Sheet and immediately withdraw the capias from the computer/terminal. It will also be the responsibility of the Capias Center to notify all the Criminal Courts in the County to withdraw the capias from rolodex.

10. Once a capias is withdrawn from the computer/terminal, it cannot be re-entered. A new capias has to be issued in order for a new capias to be entered.

11. Upon verification of the existence of an outstanding capias, the Court which sought verification may take any appropriate action in acting upon the capias and the reasons underlying its issuance including the collection of monies ordered to be paid to the Courts of the Justices of the Peace or to the State as a result of a fine being levied against the defendant or otherwise.

Justice of the Peace

Official Court Pedigree Record

Name: _____
      Last,   First   Middle Initial

Address: _____

_____

_____

Home Phone: (_____) _____

Social Security No.: _____

Employment: _____

Employer's Address: _____

_____

_____

Work Phone: (_____) _____ _____

Driver's License No.: _____ State: _____

Date of Birth: _____

Height: _____ Weight: _____ Sex: _____ Race: _____

Eye Color: _____ Hair Color: _____

NOTICE: It is a criminal offense for a person to make a false
          statement which he knows to be false or does not believe
          to be true. Making a false statement is a class A
          misdemeanor under 11 <u>Del.C.</u>, §1233.

The above information which I have provided is true and accurate
to the best of my knowledge and belief.

                              _____
                                        (Defendant)

Witness: _____
                  Justice of the Peace

Date: _____