

ADMINISTRATIVE DIRECTIVE NO. 97

**JUSTICE OF THE PEACE COURTS
and FAMILY COURT CAPIAS PROCEDURE**

This 1st day of September, 1994, IT APPEARS TO THE COURT:

(1) The Family Court is instituting a new procedure intended to enhance the process for managing Family Court capiases, which new procedure will be implemented in Sussex County as of September 6, 1994, Kent County as of September 26, 1994, and New Castle County as of October 31, 1994.

(2) Presently, there is a significant delay between the time action is taken with regard to a Family Court capias and the documentation of that action in the Delaware Justice Information System ("DELJIS") which delay is based, in part, upon the large number of persons involved in the capias process.

(3) Further, paper copies of capiases are frequently not pulled and returned to Family Court after cancelation (thereby leaving the possibility of subsequent arrests), and paperwork needed for arraignment at Family Court is not received prior to the defendant's appearance at Family Court.

(4) As a consequence of the foregoing, Family Court has developed a new procedure for handling Family Court capiases, which procedure will eliminate the use of paper documentation by police agencies or other courts. Pursuant to this new procedure, Family Court personnel will be entering all of its capiases into DELJIS, auditing the capias file regularly, and establishing a meaningful amount of recommended bail on capiases. All paper copies of capiases will be maintained at Family Court, and Family Court will assume full responsibility and liability for the accuracy of the data entered with respect to its capiases.

(5) As a part of this procedure, Justices of the Peace will be handling Family Court capiases based upon the information received through DELJIS. This information is, in fact, more accurate than paper copies of Family Court capiases, which may be out of date and already canceled. Further, the entry of a bond or commitment by Justice of the Peace personnel in the system will automatically clear the capias from DELJIS to ensure that a defendant is not arrested again on the same capias prior to the time the paperwork reaches Family Court. Family Court is modifying its system to ensure that the recommended bail amount indicated for a capias on DELJIS will accurately reflect the seriousness of the offense involved.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the Justices of the Supreme Court (Del. Const. art. IV, § 13) that, as of September 6, 1994 in Sussex County, September 26, 1994 in Kent County, and October 31, 1994 in New Castle County, all Justices of the Peace are hereby directed to set bail for, and otherwise act upon, Family Court capiases based on the information available through the DELJIS system.

E. Norman Veasey, CHIEF JUSTICE

SUPREME COURT OF DELAWARE

cc: The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Maurice A. Hartnett, III
The Honorable Carolyn Berger
Members of the Judicial Conference
Mr. Lowell L. Groundland
Court Administrators