

**10A:10-3.3 Applicability**

(a) The Interstate Corrections Compact is applicable to adult inmates under the jurisdiction of the Division of Adult Institutions, New Jersey Department of Corrections, except those adult inmates sentenced under N.J.S.A. 2A:164-3 or N.J.S.A. 2C:47-1 et seq.

(b) The State of New Jersey shall accept only adult state inmates from contracting states.

**10A:10-3.4 Eligibility criteria for interstate transfer consideration**

(a) Inmates considered for interstate transfer must be sentenced for a term of imprisonment such that the earliest parole or release dates are not less than one and a half years from the date of application for transfer. Exceptions to this rule shall be made on a case-by-case basis and may include:

1. Inmates in protective custody;
2. Inmates considered to be security risks;
3. Inmates who require special treatment; and/or
4. Consensual transfers

(b) The types of inmates who may be considered for interstate transfers under the Interstate Corrections Compact are:

1. An inmate who is a bona fide resident of the prospective receiving state to which the inmate desires to be transferred;
2. An inmate who by his or her behavior demonstrates that he or she constitutes a threat to the safety, security or orderly operation of any New Jersey correctional facility;
3. An inmate whose continued presence in any New Jersey correctional facility poses a threat to himself or herself;
4. An inmate who can demonstrate a substantial and bona fide reason for being transferred to another state; or
5. A New Jersey inmate who meets the classification and custody criteria of out-of-State correctional facilities where bed space is offered for lease or per diem costs by a state which is a state compact member of the Interstate Corrections Compact. Interstate transfer of an inmate of this type shall be considered:
  - i. When an executive order is issued by the Commissioner, New Jersey Department of Corrections;
  - ii. In response to an adult correctional facility emergency, such as overcrowding or a catastrophic occurrence; and/or
  - iii. In accordance with a court order.

**10A:10-3.5 Administrator of the Interstate Corrections Compact**

(a) The Commissioner, New Jersey Department of Corrections, is the designated Interstate Compact Administrator of the Interstate Corrections Compact for New Jersey.

(b) The Commissioner, in his or her capacity as Interstate Compact Administrator, is authorized to designate a Deputy Compact Administrator who shall have full authority to act for the Administrator in all matters pertaining to the Interstate Corrections Compact.

(c) The Commissioner has designated the Supervising Interstate Specialist of the Office of Interstate Services, Division of Adult Institutions, to act as Deputy Compact Administrator of the Interstate Corrections Compact.

**10A:10-3.6 Riders to contracts**

(a) The three types of riders which may be affixed to authorized contracts between the New Jersey Department of Corrections and another state compact member are as follows:

1. A rider to extend the duration of the contract;
2. A rider to set forth the particulars of individual transferring arrangements or special care and custody; and
3. A rider mutually agreeing to a change or amendment to the original contractual terms.

(b) Riders may be ratified by the signatures of the Interstate Compact Administrator and/or Deputy Compact Administrator and his or her counterpart in the other state compact member.

(c) Year-to-year riders may be utilized to extend the original contract up to five years from the date the original contract became effective. After five years a new contract may be arranged.

(d) A rider setting forth the particulars of an inmate's transfer shall contain information regarding:

1. The inmate's identification;
2. The inmate's sentence;
3. Any specialized housing or programming;
4. Paroling arrangements; and
5. The method of exchange agreed upon in the inmate's case, such as:
  - i. Time bank;
  - ii. Money;
  - iii. Inmate for inmate; or
  - iv. Any other method of exchange agreed upon.

(e) A rider shall remain in full force as long as the inmate is in the custody of the receiving state or until either state compact member desires to make a major change or amendment to the original conditions of the contract or rider(s).

#### 10A:10-3.7 Reasons for interstate transfer

(a) Inmate interstate transfer may be considered, arranged and implemented either at the request of an inmate (consensual), or at the request of the Superintendent (non-consensual) or upon executive order for any of the following reasons:

1. To confine an inmate in his or her home state when that state is other than the one in which the inmate was convicted;
2. To place an inmate in another state where special facilities exist for treating:
  - i. Drug abuse;
  - ii. Alcohol abuse;
  - iii. Diagnosed mental/emotional illnesses; or
  - iv. Medical conditions and/or specialized medical treatment.
3. To adjust prison populations via executive order to avoid overcrowding and/or county jail backlog;
4. To provide temporary housing arrangements for inmates at times of crisis;
5. To comply with a court order;
6. To provide for the care and custody of security risk inmates;
7. To provide protective custody; or
8. At the discretion of the Compact Administrator.

#### 10A:10-3.8 Processing consensual interstate transfers

(a) An inmate desiring an interstate transfer shall make such request initially to the Institutional Classification Committee (I.C.C.) on Form 822-I INMATE REQUEST FOR TRANSFER UNDER INTERSTATE CORRECTIONS COMPACT. The correctional facility shall forward a copy of this initial request to the Deputy Compact Administrator within 15 days.

(b) The inmate's request shall be reviewed by the I.C.C. within one month of application to verify the information provided on the request.

(c) If all information provided on Form 822-I is verified and the reason for the requested transfer falls within the reasons enumerated in N.J.A.C. 10A:10-3.7, a complete classification summary shall be prepared and submitted, within three months of the inmate's initial request, to the

Superintendent for his or her review and approval (see N.J.A.C. 10A:10-3.9).

(d) The I.C.C. shall also submit to the Superintendent, along with the classification summary, a written statement which indicates the consensus of opinion within the I.C.C. which either supports or rejects the inmate's request for transfer.

(e) If the inmate's request is approved by the Superintendent, the Superintendent shall forward to the Assistant Commissioner, Division of Adult Institutions, a complete set of documents along with the application and a cover letter which shall explicitly state the reason(s) the Superintendent is supporting the requested transfer.

(f) If the Assistant Commissioner, Division of Adult Institutions, approves the inmate's request, all documents shall then be forwarded to the Deputy Compact Administrator who shall determine whether the application and proposed transfer complies with the terms of the Interstate Corrections Compact, N.J.S.A. 30:7C-1 and this subchapter.

(g) Subsequent to an affirmative determination, the Deputy Compact Administrator shall seek acceptance of the inmate by a receiving state.

(h) The inmate requesting transfer shall be notified in writing by the Superintendent of the decision of the New Jersey Department of Corrections regarding the inmate's request.

(i) If a subsequent acceptance or rejection is received, the Deputy Compact Administrator shall notify the Superintendent who, in turn, shall notify the inmate of the Deputy Compact Administrator's decision regarding the inmate's request for an interstate transfer.

(j) If another state compact member is agreeable to the desired transfer, the following steps shall be taken:

1. The contract with the state or agency where the transfer is being contemplated must be verified;
2. A contract may either be initiated or renewed if there is no current contract with the state or agency where the contract is contemplated;
3. If necessary, a rider to the current contract may be completed and authorized;
4. Assistance shall be provided by the correctional facility, if the inmate requires assistance in understanding the terms and conditions of the transfer;
5. The appropriate Form (822-IIA or 822-IIB) shall be completed, signed and then authorized, by the Deputy Compact Administrator of the Interstate Corrections Compact;
6. When the transfer is approved, authorized escort officers, carrying appropriate credentials identifying them-

selves and the inmate, shall transport the inmate to the receiving state unless other mutually agreeable arrangements for transportation are made;

7. Form 822-IIA or Form 822-IIB AGREEMENT OF WAIVER and any materials not previously transferred to the receiving state, shall accompany the transportation officers and the inmate to the receiving state; and

8. A receipt for the inmate, Form 822-V RECEIPT FOR INMATE AS AN INTERSTATE TRANSFEREE, shall be obtained from the receiving state and copies of the receipt shall be forwarded to the New Jersey Deputy Compact Administrator and to the Superintendent of the sending correctional facility.

#### 10A:10-3.9 Classification summary

(a) Pursuant to the requirements of N.J.A.C. 10A:10-3.8(c), the Classification Department of the sending state shall prepare a classification summary to be forwarded to the Superintendent which contains current information concerning the inmate in the areas of:

1. The inmate's particular needs;
2. Age;
3. Family status;
4. Social contacts with family and friends;
5. Institutional adjustment;
6. Educational needs and history;
7. Vocational needs and history;
8. Treatment program needs and history;
9. Military history;
10. Judgment of conviction;
11. Nature and circumstances of present offense;
12. Parole eligibility information and current time calculation;
13. Prior convictions record;
14. Records from previous confinements regarding adjustment;
15. Detainers on file or pending disposition(s);
16. Drug dependency or involvement;
17. Sexual offenses;
18. Escape history;
19. Current psychological and psychiatric reports;
20. Photograph;
21. Fingerprints; and

22. Medical history and recommendations which shall include:

- i. A report on the results of a general physical examination; and
- ii. Known medical problems of the inmate within three months prior to the review of the inmate's request for interstate transfer.

(b) The classification summary of the sending state may then be forwarded to a state contemplating approval of the inmate's request to be transferred to that state.

#### 10A:10-3.10 Written notice of non-consensual transfers

(a) Prior to out-of-State transfer, the inmate shall receive written notice on Form 822-III, NOTICE OF INTENT TO SEEK NON-CONSENSUAL INTERSTATE TRANSFER, informing the inmate that he or she has been referred for out-of-State transfer and that a hearing is scheduled before a New Jersey Department of Corrections' Hearing Officer.

(b) The notice shall be personally served upon the inmate at least 48 hours prior to the scheduled hearing, and shall contain a summary of information which will be considered by the Hearing Officer.

(c) Confidential materials may be withheld from the inmate, but the information shall be made part of a confidential correctional facility record for the out-of-State transfer proceedings.

(d) The inmate shall also be given a copy of this subchapter along with Form 822-III.

#### 10A:10-3.11 Investigation of non-consensual transfers other than emergency transfer prompted by executive order

(a) At least 24 hours before the scheduled hearing, an investigator assigned by the Superintendent shall visit the inmate to obtain the names of prospective witnesses.

(b) The investigator shall obtain written statements from the named witnesses and such statements shall be included in the Hearing Officer's final record of the proceedings.

(c) The Hearing Officer may exercise his or her discretion to limit the number of written statements obtained to avoid the collection of evidence which is merely repetitive or is not necessary for an adequate understanding of the case.

(d) When the Hearing Officer determines that the inmate is either illiterate or cannot adequately collect and present evidence on the inmate's own behalf, the inmate may choose an inmate to provide assistance. Such choice may be made from a list of available inmate paralegals who are authorized by the Superintendent to assist inmates with legal services.

**10A:10-3.12 Hearing on non-consensual transfers**

(a) The hearing shall be conducted in-person, unless the inmate refuses to appear without the use of force, or where the Hearing Officer determines that the hearing cannot be held at the inmate's cell because of the inmate's disruptive behavior.

(b) The Hearing Officer shall review the correctional facility reports, witnesses' statements and other material(s) offered as relevant and necessary for a proper understanding of the circumstances upon which the recommendation for out-of-State transfer is based.

(c) Witnesses' statements shall be read to the inmate, unless disclosure would subject the witnesses or other persons to threat of harm and/or the statements or reports are marked confidential. Where the Hearing Officer determines that clarification is desirable, he or she may call the witnesses to appear in person.

(d) The inmate shall be permitted to speak on his or her own behalf and offer evidence to contest the referral for out-of-State transfer, or to provide the Hearing Officer with reasons for rejecting said recommendation.

(e) The Hearing Officer shall not grant a postponement of a hearing unless there are exceptional circumstances as, for example, sudden serious illness, prison fire or security problems requiring lockdown.

**10A:10-3.13 Decision on non-consensual transfers**

(a) The inmate shall be provided with the Hearing Officer's decision in writing on Form 822-IV NOTICE OF DECISION REGARDING INTERSTATE TRANSFER within 15 working days after the hearing, due to the time and distance considerations involved in interstate information exchange.

(b) The decision shall summarize the information relied upon and the reasons for out-of-State transfer, if approved.

(c) Confidential information shall be strictly safeguarded and appropriately marked for the inmate's classification file.

(d) In instances when the Hearing Officer approves the non-consensual transfer, a copy of the Hearing Officer's decision and appropriate classification data shall be forwarded to the Office of Interstate Services, Division of Adult Institutions.

**10A:10-3.14 Interstate transfer by executive order**

(a) Upon issuance of an executive order by the Commissioner, New Jersey Department of Corrections, Form 822-VI NOTICE OF EMERGENCY TRANSFER shall be served, when feasible, upon the selected inmate(s) meeting the classification and custody criteria of contracting states offering bed space for lease and/or per diem cost reimbursement. Form 822-VI shall be served, when feasible, on the

inmate 24 hours prior to the intended transfer, and the notice shall include:

1. The conditions upon which the executive order was predicated;
2. The name of the state and the correctional facility to which the inmate shall be transferred;
3. The address of the correctional facility;
4. The security designation of the correctional facility;
5. The custody level of the inmate;
6. The date of transfer;
7. The listing of personal property which may be transferred to the receiving correctional facility;
8. The arrangement(s) for personal property which cannot be transferred to the receiving correctional facility; and
9. Any additional pertinent information.

(b) In emergency situations when time does not permit Form 822-VI NOTICE OF EMERGENCY TRANSFER to be served upon the inmate 24 hours prior to the transfer, Form 822-VI shall be served upon the inmate within 30 days of the transfer.

**10A:10-3.15 Review of requests from other state compact members for transfer of inmates to New Jersey**

(a) Any request from another state or jurisdiction for incarceration of out-of-State inmates in New Jersey shall be forwarded to the Deputy Compact Administrator.

(b) The Deputy Compact Administrator shall ensure that the request contains minimally the information outlined in N.J.A.C. 10A:10-3.9.

(c) The request shall then be forwarded to the Assistant Commissioner, Division of Adult Institutions, for approval or disapproval.

(d) Upon receipt of the determination of the Assistant Commissioner, the Deputy Compact Administrator shall determine whether the application and transfer comply with the Interstate Corrections Compact and these rules. The requesting state shall then be notified of the decision by the Deputy Compact Administrator.

**10A:10-3.16 Receiving state acting as agent for sending state**

(a) Whenever the duly constituted authorities in a state compact member have entered into a contract with another state compact member and decide that confinement in, or transfer of an inmate to, a correctional facility within the territory of another state compact member is necessary or desirable, said officials may direct the confinement be within

a correctional facility within the territory of that state compact member. The receiving state shall act as agent for the sending state.

(b) Inmates confined in a correctional facility pursuant to the terms of the Interstate Corrections Compact shall be, at all times, subject to the legal jurisdiction of the sending state and may, at any time, be removed therefrom for any of the following reasons:

1. For transfer to a prison or other correctional facility within the sending state;
2. For transfer to another correctional facility in a third party compact state in which the sending state may have a contractual or other right to confine inmates;
3. For release on probation or parole;
4. For discharge; or
5. For any other purpose permitted by the Interstate Corrections Compact or this subchapter, provided that the sending state continues to be obligated to such reimbursements as may be required pursuant to the terms of any contract.

(c) Each receiving state shall provide to the sending state regular reports on the inmate(s) that the sending state has in correctional facilities of the receiving state pursuant to the Interstate Corrections Compact.

(d) The regular report shall include a conduct and work record of each inmate and shall be certified to the official designated by the sending state, in order that:

- i. Each inmate's record may be reviewed by the designated official in determining and altering the disposition of said sending state; and
- ii. The report may be a source of information for the sending state.

(e) Any decision of the sending state pertaining to the administration of the terms of the inmate's sentence for which the sending state retains jurisdiction pursuant to the Interstate Corrections Compact shall be conclusive upon and not reviewable within the receiving state.

(f) If, however, at the time the sending state seeks to remove an inmate from a correctional facility in the receiving state and there is a pending criminal charge(s) against the inmate within such state or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharge from prosecution or other form of proceeding, imprisonment or detention for such offense.

**10A:10-3.17 Administration of conditions of confinement, hearings and administrative proceedings to which inmates are entitled**

(a) All inmates who may be confined to a correctional facility pursuant to the provisions of the Interstate Corrections Compact shall be treated in a reasonable and humane manner and shall be treated equally to similarly situated inmates under the jurisdiction of the receiving state with regard to:

1. The terms and conditions of confinement;
2. Custody status;
3. Program eligibility and participation;
4. Medical services; and
5. Psychiatric services.

(b) The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate correctional facility of the sending state.

(c) Any hearing or hearings to which an inmate confined pursuant to the Interstate Corrections Compact may be entitled by the statutes of the sending state may be conducted by the appropriate authorities of the sending state, or of the receiving state acting as agents of the sending state.

(d) The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state.

(e) In the event such hearing or hearings are held before officials of the receiving state, the governing statute providing for the hearing is that of the sending state. The nature and character of the hearing process is governed by the regulations and procedures administering such hearings in the receiving state.

(f) Inmates in the receiving state, pursuant to the Interstate Corrections Compact, shall be subject to the receiving state's rules and regulations governing discipline and disciplinary sanctions except that any sanction providing for the loss of commutation credits shall not affect the terms and conditions of the sending state's sentence in excess of the amount provided for by the laws and regulations governing disciplinary sanctions in the sending state.

(g) The record of the hearing or hearings, as requested by the sending state, will be made. Said record, together with any recommendations of the receiving state's hearing official(s), shall be transmitted forthwith to the sending state's official(s) before whom the hearing would have been held if it had taken place in the sending state. A final determination shall be made by the sending state.

(h) In any and all proceedings conducted pursuant to the provisions of this subchapter, the officials of the receiving state act solely as agents of the sending state and no final determination shall be made in any matter pertaining to the administration of the imposed sentence except by the appropriate officials of the sending state.

#### 10A:10-3.18 Release/return of transferred inmate

(a) A transferred inmate from New Jersey shall be returned to New Jersey for a court appearance in which the inmate is named as a defendant or when subpoenaed, and for the opportunity for a reasonable amount of consultation with counsel in connection with such court proceedings.

(b) Any inmate confined pursuant to the Interstate Corrections Compact shall be released within the sending state, unless the inmate and the sending and receiving states agree that the inmate will be paroled to a party, under the Interstate Corrections Compact for the supervision of parolees and probationers, who will provide supervision for the parolee.

(c) An inmate may be returned to the sending state at the request of the receiving state due to behavior which poses a threat to the safe, secure, and orderly operation of the correctional facility in the receiving state. In such cases where the inmate is not charged with a prohibited act by the receiving state due to the expedited nature of the inmate's return, the sending state may charge the inmate based on such written reports and/or affidavits as are forwarded by the receiving state.

(d) Form 259 DISCIPLINARY REPORT shall be prepared by the Office of Interstate Services as soon as possible after the return, but in any case, within no more than five working days of the inmate's return.

(e) The report shall be forwarded to the Superintendent of the correctional facility where the inmate is housed. The Superintendent will make a decision whether to proceed and appoint an appropriate individual to investigate the charges. The investigator shall have 10 working days to complete the investigation. All written informational exchanges which occur between the investigator and the out-of-State agency where the alleged act(s) occurred, shall be coordinated by the Office of the Interstate Services.

(f) Nothing in this section shall preclude the placement of the inmate in Prehearing Detention until completion of the investigation. This time may be extended by the Assistant Commissioner, Division of Adult Institutions, New Jersey Department of Corrections, due to extraordinary circumstances.

(g) Where applicable, all other procedures as stated in N.J.A.C. 10A:4 shall be followed with the exception that appeals shall be forwarded to the Office of the Assistant Commissioner, Division of Adult Institutions, New Jersey Department of Corrections.

#### 10A:10-3.19 Rights of parents or guardians

The parents, guardian, trustee or other person or persons entitled under the statutes of the sending state to act for, advise or otherwise function with respect to any inmate shall not be deprived of or restricted in exercising any power with respect to any inmate confined pursuant to the terms of the Interstate Corrections Compact.

#### 10A:10-3.20 Escapees and transportation

(a) An inmate who escapes from a correctional facility in which the inmate is confined pursuant to the Interstate Corrections Compact shall be deemed a fugitive from the sending state and from the state in which the correctional facility is located.

(b) In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for initiating extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

(c) Authorized transportation officers of the sending state shall be permitted to transport inmates pursuant to the Interstate Corrections Compact through any and all United States territories or states without interference.

#### 10A:10-3.21 Forms

(a) The following forms related to the Interstate Corrections Compact shall be reproduced by each correctional facility from originals that are available by contacting the Standards Development Unit:

1. 259 DISCIPLINARY REPORT;
2. 822-I INMATE REQUEST FOR TRANSFER UNDER INTERSTATE CORRECTIONS COMPACT;
3. 822-IIA AGREEMENT OF WAIVER—REGARDING TRANSFER OF CUSTODY;
4. 822-IIB AGREEMENT OF WAIVER—REGARDING INTERSTATE TRANSFER;
5. 822-III NOTICE OF INTENT TO SEEK NON-CONSENSUAL INTERSTATE TRANSFER;
6. 822-IV NOTICE OF DECISION REGARDING INTERSTATE TRANSFER;
7. 822-V RECEIPT FOR INMATE AS AN INTERSTATE TRANSFEREE; and
8. 822-VI NOTICE OF EMERGENCY TRANSFER.

## SUBCHAPTERS 4 THROUGH 5. (RESERVED)

## SUBCHAPTER 6. INTERNATIONAL TRANSFER

**10A:10-6.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Assurance" means a special condition concerning the confinement and/or release of an offender which must be met prior to the release of the offender.

"Offender" means juveniles adjudicated delinquent or adults convicted of criminal offenses pursuant to the laws of New Jersey.

"Receiving state" means the jurisdiction to which the offender is to be transferred.

"Sending state" means the jurisdiction from which the offender is to be transferred.

**10A:10-6.2 Commissioner's authority**

N.J.S.A. 30:7D-1 authorizes the Commissioner, Department of Corrections, to transfer offenders having foreign citizenship status to countries of citizenship, provided that a treaty exists between the United States and the foreign country.

**10A:10-6.3 Eligibility criteria for international transfer**

(a) Offenders must meet all of the following criteria before they may be considered for an international transfer.

1. The offender must be a citizen of the receiving state;
2. The offender must consent to transfer to the receiving state;
3. The offense of the offender must constitute a criminal offense under the laws of the receiving state;
4. The offender shall not have, at the time of the application, less than 12 months remaining on the sentence;
5. The offender shall not be under a sentence of death;
6. The offender shall not have collateral attacks or appeals on the sentence and/or conviction pending;

7. All other provisions of the imposed sentence such as fines, restitution and penalties shall be paid in full;

8. The offender shall not have detainers, wanted notices based on criminal convictions, indictments, informations, complaints and/or parole or probation violation allegations pending; and

9. The offender must meet all of the eligibility requirements of the treaty with the receiving state.

Amended by R.1988 d.29, effective January 19, 1988.

See: 19 N.J.R. 1620(a), 20 N.J.R. 194(c).

(a)4 "less than 18" amended to read "less than 12".

Amended by R.1992 d.310, effective August 3, 1992.

See: 24 N.J.R. 1939(a), 24 N.J.R. 2731(b).

Revised (a)2 and 9.

**10A:10-6.4 Role of the classification officer**

(a) The classification officer of each institution shall be provided with the eligibility requirements of each Prisoner Transfer Treaty.

(b) The classification officer shall forward Form I—TRANSFER INQUIRY, to all offenders identified as having national or citizenship status in a party nation.

(c) When the offender receives Form I—TRANSFER INQUIRY, he or she may:

1. Indicate that he or she is interested in pursuing a transfer by signing Form I and returning it to the classification officer along with proof of citizenship; or
2. Indicate that he or she is not interested in pursuing a transfer by returning Form I to the classification officer without proof of citizenship.

(d) If the offender indicates on Form I—TRANSFER INQUIRY, that he or she is interested in pursuing a transfer, the Institution Classification Officer shall complete Form II—INMATE INFORMATION PROVIDED TO TREATY NATION and Form III—NOTICE REGARDING INTERNATIONAL PRISONER TRANSFER.

(e) The following material shall be forwarded, in triplicate, by the classification officer to the superintendent of the institution:

1. Form I—TRANSFER INQUIRY;
2. Form II—INMATE INFORMATION PROVIDED TO TREATY NATION;
3. Form III—NOTICE REGARDING INTERNATIONAL PRISONER TRANSFER;
4. Proof of citizenship;
5. Statement of offender's eligibility;
6. Presentence report;
7. Classification materials;
8. Current psychological and medical reports;

9. Signed release of confidential information forms;
10. Criminal history sheet; and
11. Judgments of conviction or adjudication of delinquency.

**10A:10-6.5 Role of institution superintendent**

The Superintendent shall sign Form III—NOTICE REGARDING INTERNATIONAL PRISONER TRANSFER, and forward the application and the material required in N.J.A.C. 10A:10-6.4(e), in triplicate, to the Department of Corrections' Office of Interstate Services.

**10A:10-6.6 Role of Office of Interstate Services**

(a) The Office of Interstate Services shall:

1. Investigate the request to ensure that all eligibility requirements are met;
2. Request a records check to verify records listed in N.J.A.C. 10A:10-6.3(a)8;
3. Review application and materials for completeness and compliance with treaty terms;
4. Develop and recommend assurances, where indicated; and
5. Provide written notification of the transfer request to the:
  - i. Attorney General's Office;
  - ii. State Police;
  - iii. Prosecutor; and
  - iv. Sentencing court.
6. Receive objections or other comments on the transfer request from persons and agencies listed in (a)5 above for 15 days following notification.

(b) If the Office of Interstate Services' investigation determines that the application and materials are incomplete, or do not comply with the terms of the treaty, the application shall be rejected and returned to the institution in which the inmate is housed.

(c) If the investigation of the Office of Interstate Services determines that the application and materials are complete and are in compliance with the terms of the treaty, the

application and materials shall be forwarded to the Commissioner, New Jersey Department of Corrections, through the appropriate Assistant Commissioner.

Amended by R.1988 d.29, effective January 19, 1988.

See: 19 N.J.R. 1620(a), 20 N.J.R. 194(c).

(a)6 added.

**10A:10-6.7 Role of Commissioner, New Jersey Department of Corrections**

(a) The Commissioner, Department of Corrections, shall review the application and materials and if he or she approves, the application and materials shall be forwarded to the Office of the Governor for authorization to transfer.

(b) Applications which are not approved by the Commissioner will be returned to the sending institution and the inmate shall be notified.

**10A:10-6.8 Referral to the United States Department of Justice, Office of International Affairs**

(a) Upon receipt of the Governor's authorization for international transfer, the application and materials shall be forwarded to the United States Department of Justice, Office of International Affairs, by the Office of Interstate Services.

(b) The Office of Interstate Services shall notify the inmate and the sending Superintendent of the decision on the application for international transfer.

(c) All arrangements relative to the treaty process and proposed assurances shall be negotiated between the Office of Interstate Services and the United States Department of Justice, Office of International Affairs.

**10A:10-6.9 Transfer of offender**

(a) If the inmate is accepted for international transfer by the United States Department of Justice, Office of International Affairs, the offender shall be transported by the Department of Corrections to the Federal District Court for purposes of a verification hearing to ensure that the offender consents to the international transfer.

(b) Jurisdiction over the offender shall thereafter be relinquished to the United States Department of Justice.