

**10A:10-3.16 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 (with the exception that provisions may be made for the approval of the sending state to certain program assignments, such as work release);
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) An inmate confined pursuant to the Interstate Corrections Compact may be entitled to any hearing(s) in accordance with the statutes of the sending state. The hearing(s) may be conducted by the appropriate authorities of the sending state or by appropriate authorities of the receiving state who are 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:10-3.17 Release/return of transferred inmate**

(a) Except as established in (b) below, 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 plaintiff or when subpoenaed, and for the opportunity for a reasonable amount of consultation with counsel in connection with such court proceedings.

(b) Court appearances may be arranged and provided through video conferencing (VTC) when equipment is available and operational and when the court is amenable to the use of VTC.

(c) 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 who will provide supervision for the parolee under the Adult Compact for the Supervision of Parolees and Probationers.

(d) 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.

(e) A 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 business days of the inmate's return.

(f) All disciplinary 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 appropriate Assistant Commissioner, New Jersey Department of Corrections.

**10A:10-3.18 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:10-3.19 Escapes 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.

**SUBCHAPTER 4. AGREEMENT ON DETAINERS****Authority**

N.J.S.A. 30:1B-6 and 30:1B-10.

**Source and Effective Date**

R.2002 d.66, effective March 4, 2002.  
See: 33 N.J.R. 3860(a), 34 N.J.R. 1030(a).

**10A:10-4.1 Statutory authority**

(a) N.J.S.A. 2A:159A-1 et seq. sets forth the Interstate Agreement on Detainers (IAD). The Interstate Agreement on Detainers is intended to:

1. Encourage the orderly, expeditious disposition of an untried indictment, information or complaint, which has been lodged against a prisoner by any other state that is a party to the Agreement; and
2. Provide cooperative procedures for securing the transfer of an inmate to or from a receiving state.

(b) The Commissioner, New Jersey Department of Corrections, is the designated Agreement Administrator for the Interstate Agreement on Detainers. The Commissioner may delegate the responsibility and authority to administer the IAD to a Deputy Agreement Administrator.

**10A:10-4.2 Definitions**

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

“Detainer” means a notification filed with the correctional facility in which the prisoner is serving a sentence, advising that he or she is wanted to face a pending criminal charge in another jurisdiction. The detainer must be based upon an untried indictment, information or complaint, and must charge the individual with commission of a criminal offense. “Detainer” shall not include a charge for probation or parole violation, any matter related to the Immigration and Naturalization Service, or any warrant to return an inmate to another jurisdiction solely for sentencing purposes.

“IAD” means the Interstate Agreement on Detainers.

“Receiving state” is the state in which the untried criminal charge(s) is pending. The receiving state may be the United States of America, the District of Columbia, or any State or territory that has codified the Agreement on Detainers Act into its statutes.

“Sending state” is the state in which the inmate is incarcerated at the time either the inmate initiates a request for final disposition of a detainer filed by a receiving state or the request for custody of the inmate is initiated by the prosecuting authority in the receiving state. All references to “sending state” in this subchapter shall mean the State of New Jersey.

**10A:10-4.3 Eligibility criteria for the Interstate Agreement on Detainers**

(a) The Interstate Agreement on Detainers may be utilized by an inmate in the sending state, or a prosecuting authority in a receiving state, provided the following criteria has been established:

1. A detainer from the receiving state has been filed with the correctional facility in which the inmate is incarcerated;
2. The inmate against whom the detainer has been filed is serving a term of imprisonment for a criminal conviction;
3. The inmate against whom the detainer has been filed is not adjudged to be mentally ill; and
4. The detainer is based on an untried indictment, information or complaint that charges the inmate with the commission of a criminal offense.

**10A:10-4.4 Receipt of detainer**

(a) The following action shall be taken by the correctional facility upon receipt of a detainer filed by a receiving state:

1. The Administrator or designee shall advise the inmate of the right to dispose of the detainer(s) under the IAD, and shall ensure that an original and two copies of Form I Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition, are provided to the inmate. A separate Form I shall be completed for each receiving state that has filed a detainer against the inmate;