



State of Indiana
Indiana Department of Correction

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**POLICY AND ADMINISTRATIVE
PROCEDURE**
Manual of Policies and Procedures

Title
**GATEAGE, INTERSTATE COMPACT FEES AND
TRANSPORTATION FEES**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-10-12-2	01-06-101 03-03-101	ACA:
IC 11-10-12-3	01-07-101 03-03-102	ACI: 4-4446
IC 11-13-4-1 <i>et seq.</i>	01-04-105 04-01-104	
IC 11-13-4.5-1 <i>et seq.</i>	02-02-102	

I. PURPOSE:

The purpose of this policy and administrative procedure is to provide a mechanism for facilities to provide an offender/youth with funds to meet his/her immediate needs upon release (gateage) and assist an offender to travel to his/her designated destination using public transportation. Additionally, this policy and administrative procedure provides a mechanism for offenders/youths to pay the necessary fees upon requesting to transfer their parole to another state.

II. POLICY STATEMENT:

When an offender/youth is released from the Department, the offender/youth shall be given all available funds in his/her Inmate Trust Fund account. Additionally, the offender's/youth's records shall be reviewed to determine whether the offender/youth is eligible to receive monetary assistance upon release from the facility. The facility shall also determine whether the offender/youth is in need of transportation to the approved place of residence upon release.

III. DEFINITIONS

For the purposes of this policy and administrative procedure, the following definitions apply:

- A. **BUSINESS ADMINISTRATOR:** The administrator at a facility responsible for the coordination and control of fiscal recording and processing.

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- B. **CHIEF FINANCIAL OFFICER:** The executive staff person responsible for overseeing all issues related to Department finance and performance.
- C. **GATEAGE:** The funds provided to an offender/youth pursuant to IC 11-10-12-2 and IC 11-10-12-3 to assist the offender/youth to meet his/her immediate needs upon release from a Department facility.
- D. **IMMEDIATE NEEDS:** Those needs, such as food, shelter, clothing or items necessary to secure employment, which an offender/youth must secure immediately upon release in order to be able to function appropriately in the community.
- E. **INDIGENT OFFENDER:** An offender/youth who has a Trust Fund account balance of less than fifteen dollars (\$ 15.00) on the day of request and has not had a total of more than fifteen dollars (\$ 15.00) credited to his/her Trust Fund account in the preceding thirty (30) days.
- F. **INMATE TRUST FUND:** The fund established by IC 4-24-6-1 containing money held for an offender/youth while incarcerated in a Department facility or a contract facility housing offenders/youths committed to the Department.
- G. **INTERSTATE COMPACT:** An agreement entered into by contracting states for cooperative effort and mutual assistance in placing of offenders/youths and other purposes.
- H. **OFFENDER:** An adult person committed to a department of correction (federal, state, or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a contract, including an adult under parole supervision; under probation supervision following a commitment to a department of correction; in a minimum security assignment, including an assignment to a community transition program.
- I. **TRANSPORTATION FEES:** The funds used by the facilities to provide an offender/youth at the time of release with public transportation to a designated location in accordance with IC 11-10-12-2 and IC 11-10-12-3.
- J. **YOUTH:** A juvenile person committed to a department of correction (state or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a

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contract, including a juvenile under parole supervision; under probation supervision following a commitment to a department of correction

IV. GATEAGE

A. ADULT OFFENDERS:

1. Eligibility to Receive Gateage:

The issuance of gateage shall be based upon the needs of the offender at the time of release. There shall be no right to gateage.

Offenders eligible to receive gateage are those released from the Department to:

- a. Parole;
- b. Probation;
- c. Discharge;
- d. Parole or discharge due to expiration of sentence by the Parole Board after having been returned as an alleged parole violator; or,
- e. Court order, receives a modification of the sentence and returns to the Department for release.

2. Offenders not eligible for gateage are those:

- a. Released on court order;
- b. Turned over to a new commitment but do not physically leave the Department;
- c. Turned over to wanting authorities after completing one or more sentences with the Department; or,
- d. Released on court order and subsequently released from their Department commitment by the court without return to the Department.

3. Payment of Gateage:

Gateage shall be paid from the facility's Offender Trust sub-account by check or debit card. Payment by any means other than check or debit card shall not be made without the written authorization of the Chief Financial Officer.

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4. Amount of Gateage:

All facilities, with the exception of Community Re-entry Centers, shall review an offender's Trust Fund account 180 days prior to his/her projected release date. Community Re-entry Centers shall review an offender's account 45 days prior to the projected release date.

Staff shall determine the balance in the offender's Trust Fund account. The facility shall attempt to determine whether the offender has any funds on deposit in a financial institution, such as a savings account, checking account, Certificate of Deposit, or other type of account, including mutual funds or other negotiable certificate.

The staff person conducting this review shall complete State Form 46753, GATEAGE WORK SHEET. If the offender has \$50.00 or more in available funds in his/her Trust Fund account, no gateage payment shall be authorized. If the offender has less than \$50.00 available, the amount necessary to equal \$50.00 shall be authorized as the gateage.

(NOTE: If the offender is requesting to be released to out-of-state supervision and the offender has the \$125.00 Interstate Compact Application Fee in his/her Trust Fund account, this money shall not be considered when the gateage is determined. Nor shall money received by the offender for the Interstate Compact Application Fee be used for any other purpose.)

The staff person shall ensure that the offender receives a copy of the completed State Form 46753. The offender shall be advised that any changes thereafter in the offender's Trust Fund account or other money available shall not change the amount of gateage to be granted.

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Work Release staff shall complete SF 46753 following a review of the offender's account and this form shall supersede any form previously completed.

The Superintendent shall be the final authority in matters relating to gateage.

5. Exceptions to the Amount of Gateage:

In cases where an adult offender has special circumstances that would indicate that additional gateage is needed, the Superintendent may consider providing the offender with additional gateage beyond the \$50.00 limit indicated above. The special circumstances may include:

- a. The offender does not have support from family or friends upon release;
- b. The offender will be provided assistance by the Department in securing a suitable residence;
- c. The offender has an approved residence out-of-state and has little or no money in his/her Inmate Trust Fund and will need additional funds to support him/herself during the trip to the approved residence; or,
- d. The offender can show proof that additional funds are necessary to meet his/her immediate needs.

In these cases, the offender shall submit a request to the Superintendent indicating the reason why the additional funds are necessary. It is anticipated that these cases will be rare.

If the Superintendent reviews the request and believes it to be appropriate, the Superintendent shall contact the appropriate Executive Director of Adult Facilities or Executive Director of Youth Services and make a recommendation as to what should be approved for the offender. Upon receipt of the request and recommendation, the Executive Director shall discuss the request with the Department's Controller. Both the Executive Director and

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the Controller must approve the request in order for additional gateage to be given to the offender.

The decision of the Executive Director and Controller shall be final.

6. Receipt for Gateage:

At the time of an offender's release, State Form 8473, RECEIPT OF GATEAGE shall be completed and given to the offender. The receipt shall indicate: the amount of gateage granted; the amount from the Inmate Trust Fund account issued; whether any funds are being held in the Trust Fund account; and, whether the offender received all personal property. This form shall be signed and dated by the offender and witnessed by staff and filed in the offender packet.

B. DIVISION OF YOUTH SERVICES:

1. Eligibility to Receive Gateage:

Youths who are released to live with immediate family members or who have sufficient funds to meet their immediate needs upon release shall not receive gateage. Youths shall meet the following criteria to receive gateage:

- a. The youth has no source of income from family or friends;
- b. The youth will be placed in an individual or group foster home or with a relative to whom per diem is being paid, i.e. kinship care; and,
- c. The youth has little or no money available in the Inmate Trust Fund account.

2. Payment of Gateage:

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Each facility shall make the appropriate gateage payment (normally no more than \$50.00) by means of a facility check or debit card. Gateage shall be paid from the facility's Offender Trust sub-account. Payment of gateage shall not be made in any other manner without the written authorization of the Chief Financial Officer.

3. Amount of Gateage:

The Business Administrator or designated staff shall review the youth's Trust Fund account within fifteen (15) days prior to the release of the youth to determine the amount of money available.

The facility shall provide the eligible youth with up to \$50.00 to help meet the youth's immediate needs and/or to assist the foster placement. The amount of money given the youth shall be the amount available in the youth's Trust Fund account plus whatever amount is necessary to equal \$50.00.

The Superintendent shall be the final authority in determining whether a youth receives gateage and the amount of gateage granted.

4 Exceptions to the Amount of Gateage:

In cases where a youth has special circumstances that would indicate that additional gateage is needed, the Superintendent may consider providing the youth with additional gateage beyond the \$ 50.00 limit indicated above. The special circumstances may include:

- a. The youth does not have support from family or friends upon release;
- b. The youth's approved residence will be in a group or foster home approved by the Department and no other support is available;
- c. The youth has an approved residence out-of-state and has little or no money in his/her Inmate Trust Fund and the

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youth's family cannot afford to provide the youth with additional funds to support the youth during the trip to the approved out-of-state residence; or,

- d. The youth can show proof that additional funds are necessary to meet his/her immediate needs.

The \$50.00 amount may be seasonally adjusted (up to a maximum of \$250.00) to ensure that the youth may purchase appropriate seasonal wear (i.e. winter wear). The facility may provide the youth with donated clothing or clothing obtained from other sources rather than providing the youth with additional money to purchase clothing items. Additionally, the facility shall ensure that these youths are provided with a package of personal hygiene products. The cost of the additional clothing and hygiene products shall not be deducted from the \$50.00 gateage award.

In these cases, the youth shall submit a request to the Superintendent indicating the reason why the additional funds are necessary. It is anticipated that these cases will be rare.

If the Superintendent reviews the request and believes it to be appropriate, the Superintendent shall contact the Executive Director of Youth Services and make a recommendation as to what should be approved for the youth. Upon receipt of the request and recommendation, the Executive Director of Youth Services shall discuss the request with the Department's Controller. Both the Executive Director and the Controller must approve the request in order for additional gateage to be given to the offender youth.

The decision of the Executive Director of Youth Services and Controller shall be final.

4. Receipt for Gateage:

All youths released from the Department shall be issued a receipt indicating the amount of gateage granted, the amount from the youth's Inmate Trust Fund account issued, whether any funds are being held in the youth's Trust Fund account, and whether the youth received all personal property. This form shall be signed and dated by the youth and witnessed by a staff member. State Form 8473, RECEIPT OF GATEAGE, shall be used for this

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purpose. (Attachment) This form shall be filed in the youth's packet.

V. INTERSTATE COMPACT RELEASES:

Offenders/youths who are being released to parole or probation and who desire to be released to another state are required to apply for supervision through the Interstate Compact for the Supervision of Parolees and Probationers. Staff shall ensure that all necessary applications are prepared and submitted in accordance with the respective policy and administrative procedure for Policy 01-04-105, "Adult Offender Releases," or Policy 03-02-104, "Juvenile Classification and Comprehensive Case Management."

Offenders/youths requesting parole or probation supervision in another state shall be required to pay an application fee for these services. At the time that the offender/youth completes the Application for Interstate Compact services, the offender shall complete the INTERSTATE COMPACT APPLICATION FEE ACKNOWLEDGMENT form (Attachment). By signing this form, the offender/youth agrees to the withdrawal of \$125.00 from his/her Trust Fund account to pay the application fee. It shall be explained to the offender/youth that this fee is non-refundable and that the offender/youth must agree to pay this fee before his/her application will be processed.

When processing the offender's/youth's application for services, designated staff shall review the offender's/youth's Trust Fund. If the offender/youth has more than \$125.00 in his/her Inmate Trust Fund account, staff shall advise the offender/youth that \$125.00 will be deducted from his/her account for the application fee. If the offender/youth has \$125.00 or less in his/her Inmate Trust Fund account, it shall be explained to the offender/youth that the application will be processed; however, the application fee must be paid within 30 days from the date that the offender/youth is released and leaves the State of Indiana. It shall also be explained to the offender/youth that failure to pay this application fee could result in the offender/youth being required to return to the State of Indiana.

In no case shall any amount of gateage provided to an offender/youth be used to pay the application fee. Nor shall any offender/youth be released to go to another state with no funds in his/her possession. Staff shall review the offender's/youth's Trust Fund account and the GATEAGE WORKSHEET to determine the amount of funds available to the offender/youth upon release. If the offender/youth will be released with less than \$50.00 (Trust Fund balance and any

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approved gateage), the offender/youth shall be provided additional gateage funds so that the offender/youth will have \$50.00 at the time of his/her release.

VI. RELEASE TRANSPORTATION TO DESIGNATED DESTINATION :

Any offender/youth being released, who meets the applicable criteria in procedure IV, A, 1, or IV, B, 1, shall be eligible to be provided transportation by the Department to a designated destination within the State of Indiana if the offender/youth does not have other means of transportation to his/her destination. The facility may

- Provide the offender/youth with transportation using a Department-owned vehicle;
- Provide the offender/youth with public transportation at state expense; or,
- Provide any other type of transportation deemed appropriate by the facility.

The Superintendent or designee shall determine what type of transportation is provided to the offender based on cost and the safety of the offender/youth and the public.

If the offender/youth is provided with public transportation, it shall be to the city or town in Indiana nearest to the offender's/youth's approved place of residence or at the request of the offender/youth to any other place approved by the Superintendent within the State of Indiana. Upon the offender's/youth's request and a determination by the facility, the facility shall procure a non-refundable bus ticket to the location nearest to the offender's/youth's approved destination. An offender/youth shall not be entitled to receive payment in lieu of the transportation provided by the facility.

The facility shall make arrangements with the public transportation company to ensure that the ticket is not refunded for cash and that the facility is credited for any ticket not used.

When an offender's/youth's approved placement is in a county bordering another state and public transportation is the most appropriate method of transport, the facility shall contact the local bus company and determine the bus stop closest to the offender's/youth's approved placement. When possible, the facility shall provide a bus ticket to a destination within the State of Indiana; however, if the

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nearest bus stop is in a city bordering Indiana (e.g., Louisville, KY) the facility shall procure a bus ticket to that city.

In those cases where the nearest bus stop is in a bordering state, facility staff shall advise the offender/youth of this situation. Staff shall advise the offender/youth that an out-of-state travel permit must be completed and signed by the facility Release Coordinator and the offender in accordance with the administrative procedures for respective Policy 01-04-105, "Adult Offender Releases," or Policy 03-02-104, "Juvenile Classification and Comprehensive Case Management." The offender's/youth's signature shall be witnessed by a staff person. A copy of the completed form with an original signature shall be forwarded to the Department's Interstate Compact Administrator who shall notify the other state and a copy retained in the offender's/youth's facility packet.

The supervising parole agent or probation officer shall be notified if the destination of the offender/youth is: (1) not the approved county of residence; or, (2) more than forty (40) miles from the approved home placement.

Offenders/youths who are released to out-of-state parole supervision or discharged may upon request, be given a bus ticket to: (1) the state line closest their final destination; or, (2) to any other location in the State of Indiana approved by the Superintendent. Transportation provided to offenders/youths paroling out-of-state or offenders/youths who are discharged shall be consistent with these procedures.

The facility may provide the offender/youth with a small amount of cash from the offender's/youth's Trust Fund account or from the approved gateage amount, not to exceed \$ 25.00, if the offender/youth is traveling for a lengthy period of time on public transportation before arriving at his/her approved destination. At the discretion of the Superintendent, this amount may be raised or lowered if the Superintendent believes this amount of cash is not adequate to meet the needs of the offender/youth during his/her period of travel. Offenders/youth may be eligible to receive this cash if they:

- A. Are taking public transportation to an approved destination; and,
- B. Will be in travel status, including layovers, for a period of three (3) hours or more.

If this cash is taken from the offender's/youth's Inmate Trust Fund, the facility shall ensure that there are sufficient funds in the offender's/youth's Inmate Trust

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Fund account to cover the cash amount given. The cash may be drawn from the facility's SDO account cash box, if applicable, or the facility may make arrangements to have a check from the offender's/youth's Trust Fund account cashed. The offender/youth shall be required to sign a receipt for this cash. If money is drawn from the facility's SDO account cash box, the facility shall write a check from the offender's/youth's Trust Fund account to reimburse the SDO account before the offender/youth is released. The facility's business office or accounting staff shall handle these transactions. However, staff releasing the offender/youth may give the cash to the offender as part of the release process.

If an offender/youth is given a cash amount from his/her Trust Fund account, the offender/youth shall be given the remainder of the available funds in the form of a check or debit card drawn on the facility's Inmate Trust Fund account. The cash amount given to an offender/youth shall be included when the amount of gateage, if any, is determined.

If the cash is taken from the offender's/youth's gateage, staff shall determine the amount of gateage to which the offender/youth is entitled. If the offender/youth is to receive any gateage, the cash for use during the travel period may be deducted from the total amount of gateage to be given to the offender/youth. If the offender does not have adequate funds in his/her Inmate Trust Fund account. Unless the offender/youth is to be given \$25.00 or less in gateage, the remaining portion of the gateage shall be given to the offender/youth in the form of a gateage check.

VII. APPLICABILITY:

This policy and administrative procedure are applicable to all Department facilities.

signature on file
Bruce Lemmon
Commissioner

Date