



**State of North Carolina
Department of Correction
Division of Prisons**

Chapter: F
Section: .0603
Title: **Home Leaves**
Issue Date: 08/16/10
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POLICY AND PROCEDURE

.0603 HOME LEAVES

- (a) Purpose. The purpose of home leaves is for inmates who are nearing release to re-establish family relationships and community socialization in preparation for their transition back into the community.
- (b) General Instructions. Inmates in minimum custody level III who have maintained this status for a minimum of ninety (90) days and are within twelve (12) months of a release or parole eligibility date are eligible for consideration for home leaves. In addition, the inmate must have remained infraction free for the last ninety (90) days. The exception to the above instructions are MAPP and Governor Mansion inmates. When an inmate wishes to participate in the home leave program, he or she and the family member with whom he wishes to visit must make a formal request in writing. The Facility Superintendent or his/her designated representative will request the appropriate staff to conduct an investigation. In determining whether to grant the request, he will consider the inmate's behavior and performance within the scope of unit activities, work, life in the dormitory, and his attitude toward authority. All information relevant to the inmate's readiness to participate in home leaves should be assembled and documented. Relevant information would include reports from the inmate's counselor, work supervisor, community volunteer and custodial recommendations. The existing relationship between the inmate and family member should prove to be overall positive and supportive.
- (c) The Investigation.
 - (1) When the superintendent (or their designated representative) has recommended tentative approval for participation in the home leave program, he or she will appoint the appropriate member of his staff to conduct, document, and report the conditions of the community setting. Initially, the staff member conducting the investigation will schedule an appointment with the proposed sponsor in the home setting. The investigation should be arranged in such a manner as to see the home in its normal condition. Upon visiting the home, the investigator should observe and report the following:
 - (A) The environment of the neighborhood and community, referring to such factors as to whether it is rural or suburban, and its economic status.
 - (B) The condition of the home and grounds.
 - (C) If the crime occurred at or near the locale, this should also be noted.
 - (D) Inmates sentenced for crimes against persons require special attention by

the investigator and the approving authority. The investigator will evaluate the capability of the proposed sponsor to provide a positive influence on the behavior of the inmate. The investigator will also evaluate whether the presence of other residents in the home will impact on the success of the inmate's participation in the home leave program either by encouraging inappropriate behavior or by presenting a potential victim for future criminal behavior by the inmate.

- (2) When interviewing those requesting the visit, the investigator should attempt to determine and document the reasons that the persons visited are requesting a home leave. Also, he or she should note their impression of these persons' general character, indicating whether he or she feels that they are being evasive or open and reasonably honest and whether they will contribute to or undermine the rehabilitation of the offender.
- (3) Next, the investigator will explain the program and its intended purpose, stressing guidelines such as "no drinking", "no driving," and the necessity of remaining within the limits set out in the leave agreement. He or she must make it clear that the family member requesting the home leave accepts some degree of responsibility for the inmate's behavior while on the visit.
- (4) The investigator will explain the procedures of the program, noting that it will be necessary to provide an itinerary letter or other form of request each time a home leave is desired, and that the sender must allow ample time for his or her letter to be processed. Transportation, the beginning and ending times of leaves, and what to do in the case of an emergency should also be discussed. The unit phone number and other pertinent information should be submitted.
- (5) The investigator should interview neighbors whenever possible to determine their views regarding the inmate's participation in the home leave program. Their opinions will be recorded.
- (6) The investigator will contact by letter the Chief of Police and/or the Sheriff (or their designees) to solicit their views regarding the inmate's participation in the home leave program and to determine if unfavorable information exists concerning the proposed home leave sponsor. The opinions of the Chief of Police and/or the Sheriff will be recorded and will be closely reviewed when deciding home leave program participation. At no time will the investigator divulge to the inmate or the inmate's family, comments made by anyone during the investigation. This opinion will be one of the factors considered when deciding home leave program participation.
- (7) In accordance with the DOP Victim policy, section D.0909, prior to final approval for home leave participation, OPUS screens OR93, OR14, IP60, OR07, and IM06 will be reviewed to ensure that if there are victim conflicts relating to housing and community based programs participation, that those factors will be considered during the investigation.

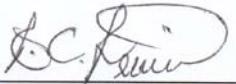
(d) Conditions for Home leaves.

- (1) Inmates approved for home leaves must sign a leave agreement before any visits are allowed. Sponsors must be immediate family which is defined as mother, father, husband, wife, adult daughter, adult son, adult brother, adult sister, foster parents, or other persons who have acted in the place of parents where such relationships can be verified. (“adult” refers to 21 years of age and older). The agreement will prescribe the following conditions:
 - (A) Home leaves are restricted specifically to the home of the sponsor or other approved location (i.e. hotel, motel) for a 30-day period on and following the first home leave visit.
 - (B) On subsequent visits, going to any other location (i.e., church, movie, restaurant, etc.) must have prior approval as to time and place.
 - (C) The time away from the home shall not exceed four (4) hours per day (“day” refers to a 24-hour period), unless the Facility Head grants an exception.
 - (D) Directly and promptly proceed to and return from the destination using the approved route and method of transportation;
 - (E) Remain within the area designated for the leave;
 - (F) Refrain from consuming alcoholic beverages, narcotics or other drugs not lawfully prescribed;
 - (G) Contact the assigned facility in case any unusual circumstances arise;
 - (H) Return to the assigned facility at the scheduled time;
 - (I) Return to the assigned facility immediately if the approved activity ceases prior to the end of the scheduled time for its termination;
 - (J) Comply with all laws, regulations, and instructions imposed;
 - (K) Comply with any other conditions imposed by the authority granting the leave.
- (2) The Facility Head is the approving authority for participation in the Home leave program. The first and subsequent leaves are approved by the Facility Head or designee. The Region Director or designee is the approving authority for home leave participation for inmates with Life sentences and for inmates with sentences totaling 80 years or more. The Facility Head may also refer additional cases to the Region Director or designee if the Facility Head deems the specific case warrants it.
- (3) Prior to participation in the home leave program, the facility superintendent will

send a notification letter to the Chief of Police of the city/town to be visited and to the Sheriff of the county where the visit will occur. The letters will state the inmate's name, crime and sentence, and will notify the Chief of Police and/or the Sheriff that the inmate has been approved for home leaves at the sponsor's address. This notification to local law enforcement is sent at the point of initial participation and not before each home leave.

- (4) The facility conducts visits of at least 50% of inmate's home leave sites per month. Inmates home leave sites are randomly selected and are done in such a manner that inmates are not able to discern a pattern for the checks. The facility may check more than 50% of the sites per month as they deem necessary or warranted. Every inmate on a home leave has his/her individual site checked at least every other month. These checks shall be done in person and will be documented on OPUS IP61 (Community Based Programs). Documentation shall include date and time, name of staff making the check, name of the individuals contacted, and any problem areas or concerns that need to be addressed.
- (5) Inmates must remain within a 50 mile radius of the prison facility on all visits. The Facility Head may grant an exception for distances beyond the 50 mile radius.
- (e) Home leaves for Non Work Release Inmates. Non work release inmates may be allowed:
- (1) One visit of 24 hours maximum duration per month excluding reasonable travel time to and from the site of the visit.
 - (2) Two home leaves per calendar month with a maximum duration of six hours excluding reasonable travel time. Inmates must remain within a 50 mile radius of the prison facility on these visits unless the Facility Head grants an exception.
 - (3) After inmates have participated in the home leave program for six months without an infraction, they may be permitted two 24-hour leaves per month.
- (f) Home leaves for Inmates on Work Release/Study Release. Inmates on work release and study release may be allowed:
- (1) A maximum of one 48-hour visit per calendar month excluding reasonable travel time. All first home leaves, however, must have a maximum duration of 24 hours;
 - (2) Two short-term home leaves per month with a maximum duration of six hours excluding reasonable travel time. Work release inmates who are within 60 days of their release may be granted home leaves each week with a maximum duration of 48 hours plus reasonable travel time. Also, inmates who have participated in the home leave program for six months without an infraction may be permitted two 48-hour home leaves per calendar month.
- (g) Home leaves for Level III Inmates who are Within 60 Days of Discharge. Such inmates in Level III may be allowed:

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- (1) One home leave per week with a maximum duration of 48 hours, excluding reasonable travel time;
 - (2) Two short-term home leaves per week with a maximum duration of six hours, excluding reasonable travel time.
- (h) Out-of-State Leave. No inmate will be allowed to leave the territorial limits of the State of North Carolina on a leave under any circumstances.
- (i) Legal Holidays. The maximum number of hours for a home leave may be increased to include legal holidays.
- (j) Suspension of Home leaves. Home leaves may be suspended by the approving authority for reasons documented in the automated inmate record system (custody reclassification screens).

 8/16/10
Director of Prisons Date

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