



*State of North Carolina  
Department of Public Safety  
Prisons*

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***POLICY AND PROCEDURE***

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**.3301 HOME LEAVES**

- (a) Purpose. The purpose of home leaves is to provide approved offenders who are within twelve (12) months of release with the opportunity to re-establish family relationships and to increase community socialization in preparation for their transition back into the community.
- (b) Per Prisons policy C.2500, Community Based Programs for Sex Offenders, sex offenders are prohibited from participating in the home leave program.
- (c) Offenders convicted of a LIFE sentence will not be allowed to participate in the home leave program unless they have a set parole release date outlined in the Mutual Agreement Parole Program.
- (d) General Instructions
- (1) An offender who is in minimum custody level III and has maintained this status for a minimum of ninety (90) days and is within twelve (12) months of a projected release date is eligible for participation in home leaves if approved.
  - (2) The offender must have remained infraction free for the last ninety (90) days.
  - (3) An offender, who wishes to participate in the home leave program along with his/her qualified sponsor with whom he/she wants to take home leave with, must both make a formal request in writing no earlier than fourteen (14) months prior to projected release date as the investigation process takes time to complete. A request can be made at any time during the final fourteen months prior to projected release date if a viable home leave plan becomes available to the offender.
  - (4) A qualified sponsor must be an immediate family member which is defined as mother, father, husband, wife, adult daughter, adult son, adult brother, adult sister, foster parents, or other person who has acted in the place of parents where such relationships can be verified. (“adult” refers to 21 years of age and older).
  - (5) The Facility Head/designee will request the appropriate staff to conduct an investigation.
  - (6) In determining whether to grant the request, the Facility Head/designee will consider the offender's behavior and performance within the scope of unit activities, work, life in the dormitory, and the offender's attitude toward authority. All information relevant to the offender's readiness to participate in home leave should be assembled and documented. Relevant information would include reports from the offender's counselor, work supervisor, community volunteer and custodial recommendations. The existing relationship between the offender and qualified sponsor should prove to be overall positive and supportive.

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- (e) Exceptions to the general instructions outlined in subsection .0603(d) (1) (2) and (3) are made for offenders assigned to the Mutual Agreement Parole Program (MAPP) or offenders assigned to the Governor's Mansion. Participation in home leaves can be granted to MAPP or Governor's Mansion offenders unless exceptional circumstances are discovered which cause safety and security concerns ultimately resulting in disapproval of home leave approval and participation.
- (f) Home Leave Investigation
- (1) When the Facility Head/designee has recommended tentative approval for participation in the home leave program, he/she will appoint the appropriate staff member 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 qualified sponsor in the home setting. The investigation should be arranged to observe the home in its normal condition. Upon visiting the home, the investigator should report about the following:
    - (A) The environment of the neighborhood and community, referring to such factors as to whether it is rural or suburban, and its apparent economic status.
    - (B) The condition of the home and grounds.
    - (C) If the crime occurred at or near the home, this should be noted. Directions to the residence should also be noted. The investigator should also include victim conflicts, if any.
    - (D) Offenders sentenced for crimes against persons require special attention by the investigator and the approving authority. The investigator will evaluate the capability of the proposed qualified sponsor to provide a positive influence on the behavior of the offender. The investigator must also evaluate whether the presence of other residents in the home will impact the success of the offender's participation in the home leave program either by encouraging inappropriate behavior or by presenting a potential victim for future criminal behavior by the offender.
  - (2) When interviewing the proposed qualified sponsor, the investigator should attempt to determine and document the reasons that the sponsor is requesting to host the offender on home leave. Also, the investigator should note the offender/sponsor relationship, his/her impression of general character, indicating whether he/she feels that a sponsor is being evasive or open and reasonably honest and whether the sponsor will contribute to or undermine the rehabilitation of the offender. Additionally, the investigator should note his/her impression of general character and relation of any other persons residing in the home.
  - (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 sponsor accepts responsibility for the offender'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 home leave itinerary must be provided to the facility at least (12) calendar days before the date of the actual home leave pass. Transportation, the beginning and ending times of leaves, and what to do in the case of an emergency should also be discussed. The investigator must provide the sponsor the facility phone number and other pertinent information.
- (5) The investigator should interview neighbors whenever possible to determine their views regarding the **offender's** participation in the home leave program. Their opinions will be recorded and considered in deciding whether to grant home leave.
- (6) After the investigator has conducted the visit to the proposed home leave community setting, he/she will document the report in its entirety via OPUS IT51 Home Leave Investigation Screen.
- (7) After the investigator has entered the initial home leave investigation in OPUS, the letters of consideration to the District Attorney in the county of conviction, the Sheriff (or designee) of the county to be visited, and to the Chief of Police of the city/town to be visited (if applicable), will be automatically generated within three days.
- (8) The investigator will via automated letter contact the Sheriff or designee of the county to be visited, and if applicable, the Chief of Police of the city/town to be visited to solicit their views regarding the **offender's** participation in the home leave program and to determine if unfavorable information exists concerning the proposed home leave sponsor. The Investigator will via automated letter contact the District Attorney in the county of conviction for the current sentence to solicit their views regarding the **offender's** participation in the home leave program. The opinions of the District Attorney, Sheriff, and if applicable, Chief of Police will be recorded on OPUS IT55 and will be closely reviewed when deciding whether to allow home leave program participation. If no response is received from the District Attorney, Sheriff, and if applicable, the Chief of Police within a minimum of 30 days, the investigator must document the lack of response on the OPUS **IT55**. At no time will the investigator divulge to the **offender** or the **offender's** family, comments made by anyone during the investigation. This opinion will be one of the factors considered when deciding home leave program participation.
- (9) In accordance with the **Prisons** Victim policy, section **D.0911(4)(J)**, prior to final approval for home leave participation, OPUS screens OR93, IP60, OR07, and IM06 must 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 and documented on OPUS OR07, OR08, OR09 screens. The investigator must indicate on the Home Leave Application and Investigation Form (DC-343) and on OPUS IT51 that this review has been made.
- (10) At no time will the investigator divulge to the **offender** or the **offender's** family,

comments made by anyone during the investigation. This information is one of the factors considered when deciding whether to allow home leave program participation.

- (11) The investigator should complete the home leave investigation within 45 days from the date of the home leave consideration approval. The investigator is to provide documentation should the investigation go beyond 45 days. The Facility Head (or designee) should forward the home leave investigation within 15 days to the Region Office. The Region Office should forward the home leave investigation package within 15 days to the Director's Office.
  - (12) Prior to an **offender** going on home leave, the Facility Head will review, enter comments and authorize his/her decision for home leave participation on the OPUS IT51, and provide supporting documentation to the Region Director. The Region Director will review, enter comments and authorize his/her approval on OPUS IT51, and provide supporting documentation to the Director or designee, **who in turn**, will review, enter comments, and authorize final decision on OPUS IT51.
  - (13) The first leave will be approved by the Facility Head and subsequent leaves **will be** approved by the Facility Head or designee.
  - (14) Home leave passes must be entered into the OPUS IT58 within twelve (12) calendar days before the date of the actual home leave pass but no more than 30 days.
  - (15) Each time the **offender** is scheduled for a home leave pass the OPUS IT58 Home Leave Program Schedule will provide an automated letter notice to the District Attorney in the county of conviction for the current active sentence and the Chief of Police of the city/town to be visited and to the Sheriff of the county where the visit will occur. The notice will state the **offender's** name, crime and sentence, and will notify the Chief of Police and/or the Sheriff that the **offender** has been approved for home leaves and the sponsor's address.
  - (16) Any registered persons (**Prisons policy Chapter D.0909 and D.0910**) and the District Attorney for the county of conviction on the **offender's** active sentence will be sent automated notification within ten days (10) when an **offender** is eligible, has been approved and each time the offender is scheduled for a home leave pass.
- (g) Conditions for Home Leaves
- (1) **Offenders** approved for home leaves must sign a leave agreement before any visits are allowed.
    - (A) For the first 30-day period after the home leave visit is approved, the visit is restricted specifically to the home or other approved location of the qualified sponsor. If the approved location for the home leaves is other than the qualified sponsor's home, such as a hotel/motel establishment, agreement from the owner and/or manager that home leaves can take place at their establishment shall be made in writing and documented on OPUS IT52.

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- (B) After the first 30-day period, going to any other location (i.e., church, movie, restaurant, etc.) while on home leave visit must have prior approval as to time and place.
  - (C) The time away from the home while on a visit 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 if any unusual circumstances arise;
  - (H) Return to the assigned facility by the scheduled time;
  - (I) Return to the assigned facility immediately if the approved activity ceases prior to the end of the time scheduled for its termination;
  - (J) Comply with all laws and regulations and instructions imposed by the Facility Head/designee;
  - (K) Comply with any other conditions imposed by the authority granting the leave.
- (2) **Offenders** must remain within a **60-mile** radius of the assigned facility on all home leave visits. **However**, the Facility Head may grant an exception for distances beyond the **60-mile** radius. **The Facility Head has the authority to grant exceptions over the 60-mile radius if the home leave investigation is favorable and required site checks can be conducted. In addition, the Facility Head has the authority to disapprove shorter distances if aspects of the investigation are not favorable and conducive to rehabilitative efforts.** An **offender** approved for home leaves may be allowed:
- (A) One visit of up to 24 hours per calendar month, excluding reasonable travel time.
  - (B) Two separate visits of up to six hours per calendar month, excluding reasonable travel time.
  - (C) Visit hours may not be combined.
- (3) Out-of-State Leave. No **offender** will be allowed to leave the territorial limits of the State of North Carolina on a leave under any circumstances.
- (h) Review and Suspension
- (1) A facility must visit at least 50% of its **offender** home leave sites per month. These inspections should be randomly selected and done in such a manner that an **offender** does not discern a pattern. Every **offender** who goes on a home leave visit must have his/her home inspected at least every other month. These checks shall be done in person and must be documented on OPUS IP61, comment note #77 (Home Leaves). 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.

(2) Home leaves may be suspended if there is justification to do so at any time.



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Commissioner of Prisons

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