COPP 14.2 Home Leave

Prison

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| Principles As referenced in the [Guiding Principles for Corrections in Australia, 2018](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  4.2.7 Correctional services develop practices, programs and interventions that support resilience in prisoners/offenders, help them adapt to stresses in a timely and effective manner, and cope with any changes in their circumstances.  5.2.2 Prisoners are supported to maintain family relationships and links to the community through personal and professional visits.  5.2.3 Prisoners can access relevant staff, external services/agencies, family, and community groups to assist in meeting their reintegration needs.  5.2.4 Aboriginal and Torres Strait Islander prisoners are provided with culturally relevant reintegration and post release services.  5.2.5 Restrictions on movement, such as curfews and home detention, prioritise public safety while preparing offenders for their return to unrestricted independent living.  5.2.6 Temporary leave programs are available to eligible prisoners, to support reintegration through continued engagement with family and community and access to education, training, and employment opportunities. |

# Contents

[1 Scope 3](#_Toc182922177)

[2 Policy 3](#_Toc182922178)

[3 Home Leave Applications 3](#_Toc182922179)

[3.1 Eligibility to apply 3](#_Toc182922180)

[3.2 Ineligibility to apply 4](#_Toc182922181)

[3.3 Application process 4](#_Toc182922182)

[4 Assessing the Application 5](#_Toc182922183)

[4.1 General requirements 5](#_Toc182922184)

[4.2 Assessing the prisoner’s suitability 6](#_Toc182922185)

[4.3 Assessing suitability of the sponsor 6](#_Toc182922186)

[5 Application Approval Process 7](#_Toc182922187)

[6 Conditions of Home Leave 8](#_Toc182922188)

[7 Driving a Motor Vehicle 9](#_Toc182922189)

[8 Commencement of Home Leave 9](#_Toc182922190)

[9 Rate of Home Leave 10](#_Toc182922191)

[10 Monitoring and Surveillance 11](#_Toc182922192)

[11 Suspension or Cancellation of Home Leave 12](#_Toc182922193)

[12 Appeals 14](#_Toc182922194)

[13 Annexures 15](#_Toc182922195)

[13.1 Related COPPS and documents 15](#_Toc182922196)

[13.2 Definitions and acronyms 15](#_Toc182922197)

[13.3 Related legislation 16](#_Toc182922198)

[14 Assurance 16](#_Toc182922199)

# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

Home Leave provides minimum-security prisoners with the opportunity to re-establish relationships with their families and communities through programmed periods of leave. Home Leave aims to offset the effects of institutionalisation and assist a prisoner’s reintegration into society.

The assessment of and decisions about a prisoner’s absence from custody reflect modern correctional practices and standards and meet the objectives of the absence permit legislation, while providing adequate protection for both the community and staff managing the prisoner.

Where a prisoner displays prohibited insignia that may be seen in public the prison should remind the prisoner of their obligations to cover the prohibited insignia[[1]](#footnote-1).

The prison, where appropriate should assist the prisoner by providing options to hide the insignia, such as provision of band-aids or makeup to hide the prohibited insignia where such items cannot be accessed by the prisoner.

# Home Leave Applications

## Eligibility to apply

### Home Leave may be granted for a prisoner that:

1. has served at least 12 months continuous imprisonment in custody under sentence
2. has achieved a minimum-security rating and is placed at a minimum-security prison, unless otherwise determined by the Superintendent and Director Sentence Management (DSM)
3. is within 12 months of their eligibility for discharge from prison. That is, the 12-month period before the prisoner’s:

* Earliest Eligibility Date (EED) - if a parole term
* Earliest Date of Release (EDR) - if a finite term or parole has been denied
* parole review date - if parole has been adjourned
* release date of a recognisance order.

### A prisoner sentenced to a life term or indefinite imprisonment is eligible to participate in Home Leave **only** where the purpose or circumstances are a component of an approved Re-socialisation Program[[2]](#footnote-2) ([See COPP 14.3 Re-Socialisation Program](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)s).

### A prisoner must be able to identify a proposed Home Leave sponsor to be eligible to apply for Home Leave.

## Ineligibility to apply

### Prisoners’ are ineligible to apply for Home Leave:

1. where they may be liable for, or have a confirmed order of, deportation or removal from Australia
2. where written advice has been received from Police of the intention to seek extradition, or when a warrant relating to extradition has been issued by a court
3. if they are a prisoner subject to the *Criminal Law (Mentally Impaired Accused) Act 1996*
4. if they are placed at the following prisons’, except where the Superintendent and the DSM determine otherwise:

* Acacia Prison
* Albany Regional Prison
* Bandyup Women’s Prison
* Casuarina Prison
* Hakea Prison
* Melaleuca Remand and Reintegration Facility
* Wandoo Rehabilitation Facility.

### Generally, a prisoner is not eligible to be considered for Home Leave until the completion of any treatment interventions, identified as part of their Individual Management Plan, addressing sexual or violent offending behaviour or the prisoner’s need for intensive substance abuse intervention.

### Generally, prisoners shall not be considered for Home Leave who have:

1. a pending charge for a prison offence, under s 69 *Prisons Act 1981*
2. been convicted of a prison offence, under s 69 *Prisons Act 1981*, within the 3 months before their application.

### Case Conference shall not consider Home Leave applications for prisoners’ convicted of a violent or drug / alcohol prison offence, under s 70 *Prisons Act 1981*, for the period specified in this COPP (See tables at [Sections 11.1.7](#_A_prisoner_who), [11.1.8](#_A_prisoner_who_1) and subject to [Section 12.1.9](#_In_considering_the)) from the date of offence.

### Applications made where there is insufficient time (i.e. less than 2 months) to process the application before the prisoner’s eligibility for discharge from prison will not be progressed.

## Application process

### Prisoners’ eligible for Home leave should submit a written application, using [Home Leave Application Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx), up to 3 months before the expected start date of the Home Leave. The application and other relevant documentation (attached) is to be submitted to the Superintendent, or the prison staff authorised by the Superintendent.

### Prison staff should be proactive in approaching and assisting eligible prisoners to apply. Case Officers and/or other prison staff are, where applicable, to assist the prisoner with the application process, including writing it if necessary.

### The application is to include details of a proposed sponsor and [Sponsor’s Nomination Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) must be completed by any proposed sponsor. The form must be witnessed and signed by a Departmental employee, indicating the persons:

1. willingness to act as the sponsor
2. authorisation for the Department to undertake a criminal record and police check
3. consent for an interview to be conducted by a Community Corrections Officer (CCO).

### Subject to [Section 4.3.2](#_Generally,_a_prisoner), a prisoner already approved for Home Leave who wishes to change their approved sponsor or add further sponsors shall make further application in the same manner as the initial request for leave.

# Assessing the Application

## General requirements

### Home Leave is a privilege. Applications will be assessed based on the good conduct of the prisoner and the merits of the application in facilitating achievement of the prisoner’s successful reintegration into the community.

### In all cases the safety and interests of the public shall be taken into account. The prisoner must be assessed as not posing an unreasonable risk to the safety of the community if an application is to be recommended / approved.

### Separate assessments shall be conducted with regard to the:

1. prisoner’s suitability for Home Leave
2. suitability of the prisoner’s proposed sponsor and Home Leave address.

### Both the prison and a CCO will be required to provide an assessment report. At the start of the assessment process, the Officer shall:

1. request a CCO report on the suitability of the proposed sponsor
2. obtain a Criminal History Records Check on the proposed sponsor, providing a copy to the CCO for their consideration
3. liaise with Intelligence Services to confirm the suitability of the proposed sponsor and proposed accommodation.

### If the Superintendent or Officer determines at any stage the prisoner’s application shall not proceed, they shall:

1. record the recommendation using a decision slip, including the reason(s) for not recommending the application to proceed
2. advise the prisoner of the recommendation and the reasons
3. refer the recommendation to the DSM for a decision.

### The Officer shall forward the prisoner’s application with any reports and a recommendation to Sentence Management, following review by Case Conference.

### Sentence Management shall ensure that any relevant victim submission is considered during the assessment process.

## Assessing the prisoner’s suitability

### The Superintendent or Officer shall instruct an officer to assess the application and complete the Home Leave checklist in TOMS, providing relevant information in relation to:

1. the safety and interests of the public:

* public perception
* the nature of the prisoner’s current and previous offences
* victim issues and any related outstanding orders
* successful completion of programs to address offending behaviour
* mental health issues.

1. risk to the safety of the prisoner:

* customary law and cultural retribution considerations
* provisions for the prisoner’s medical or health needs.

1. likelihood of the prisoner successfully completing Home Leave:

* previous performance on community supervision, absence permits or bail.
* evidence of family and community support
* suitability of sponsor and accommodation.

1. the prisoner’s behaviour while in custody:

* the prisoner’s conduct in custody including any incidents and charges
* alerts
* any outstanding court charges
* history of alcohol/drug/violent offences
* history of attempted and/or actual escapes.

### If the prisoner is undertaking Home Leave at an Aboriginal community, the view of the relevant community or council should be considered as part of the assessment process.

### During the assessment process, the Officer shall notify the Victim-offender Mediation Unit, if applicable, of any application that may result in the prisoner receiving permission to be absent from prison. This notification shall be recorded in the TOMS Home Leave Checklist.

### The Victim Notification Register is automatically notified of Home Leave recommendations and decisions through the TOMS database and therefore no further notification by prison staff is required.

## Assessing suitability of the sponsor

### Generally, only an approved external contracted organisation may sponsor more than one prisoner at any given time, subject to an assessment of potential risks.

### Generally, a prisoner shall have no more than one sponsor (or two sponsors at the same address) except where difficulties exist with working hours, transport, or distance.

### Sponsors should meet the following criteria:

* Shall be 25 years in age or more.
* Should not have a criminal record. However, a proposed sponsor with a criminal record may still be considered, taking into account the age and maturity level of the proposed sponsor, the time since the offence was committed and the nature of the offence. Note: Sentence Management will have the final decision on whether a person with a criminal history may be a suitable sponsor.
* The relationship between a prisoner and their sponsor should be long standing and preferably have started before the prisoner’s imprisonment. Where possible, the sponsor will have maintained frequent contact, including regular visits throughout the prisoner’s imprisonment.
* Where a long standing relationship is not evident, special consideration may be given to sponsors who demonstrate suitability through their general community standing and lifestyle. In this case, a commitment to the prisoner by the sponsor must be demonstrated to the satisfaction of the DSM.
* The intended sponsor’s Home Leave environment and attitude should complement the purpose of Home Leave.
* The sponsor shall be able to demonstrate a positive role model for the prisoner.
* The sponsor must be able to stay in the company of the prisoner at all times.

### The Officer shall ensure the [Home Leave Conditions and Declaration Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) has been signed by the sponsor before the start of Home Leave. It is the responsibility of the CCO to ensure the sponsor understands the conditions and requirements of Home Leave and that the sponsor has signed the form.

### Sponsors shall be advised and supported to ensure they:

1. encourage the prisoner to comply with the conditions of Home Leave
2. liaise with officers regarding any difficulties experienced during the Home Leave period
3. advise the prison of any unforeseen occurrence that affects the prisoner’s ability to comply with their approved movement sheet.

# Application Approval Process

### Applications shall be reviewed at a Case Conference meeting. The Chairperson, Case Conference shall record the Case Conference recommendation in the Home Leave checklist and decision slip on TOMS. This will then be provided to the Superintendent for a recommendation.

### The Officer shall then forward the application with any supporting documentation (not available on TOMS) to Sentence Management.

### The DSM shall assess the application, in accordance with this COPP, and may defer making a decision, not approve the application, or recommend the application and provide details to the Approving Authority for a decision.

### The Approving Authority (See [COPP 14.5 - Authorised Absences and Absence Permits)](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) must approve a prisoner to be absent from prison or a work camp for the purpose of participating in Home Leave.

### The DSM shall ensure the decision is recorded on a decision slip and the Superintendent, or Officer, is informed of the decision.

### The Superintendent or Officer shall instruct an officer to notify the prisoner as soon as practicable. An Officer shall ensure a note on TOMS is made to record when the prisoner was notified and provided with a copy of the decision slip.

### If a prisoner who has a history of child sex offence(s) is approved for Home Leave, the relevant prison shall advise Offender Records of the decision, who will in turn advise the Australian National Child Offender Register (ANCOR).

### Where a prisoner is approved for Home Leave and is then transferred:

* to another prison and/or placed at a work camp or
* from a work camp to a prison

the decision to continue their Home Leave shall be reviewed by the receiving Superintendent. The recommendation shall be recorded using a decision slip and referred to DSM for a decision.

### Following approval, requests by the prisoner for the inclusion of additional sponsors or variations to the application will generally not be considered. Further assessments, however, may occur where the approved sponsor is continually unavailable or there are changes in circumstances that may affect prior approval decisions.

### The DSM can approve a minor change in circumstances (e.g. incorrect Home Leave address recorded in documentation; modifications to Home leave conditions) following approval. Where this occurs, the change shall be reviewed at Case Conference and a recommendation made to the DSM for amendment.

# Conditions of Home Leave

### While on Home Leave, prisoners must adhere to the following conditions:

* Must always stay in the company of their approved sponsor.
* Not permitted to be in possession of, or to consume or take in any alcohol or drugs, unless prescribed by the prison’s medical practitioner. In the case of an emergency, if a prisoner is prescribed medication whilst on Home Leave, they must advise the prison as soon as possible.
* Not to consume poppy seeds in any quantity.
* Not to enter premises licensed to sell alcoholic beverages, including night clubs, hotels, taverns, bars, and licensed restaurants unless for a special purpose and with prior approval of the Superintendent.
* not to attend any venue or communicate with personnel linked with the sex industry or any other adult entertainment venues.
* Not permitted to gamble or enter gambling establishments, such as casinos, race-tracks and TABs or gamble by any other means.
* not to have direct or indirect communication with other prisoners.
* Must always have a copy of the Absence Permit and Movement Sheet on their person during Home Leave.
* A large proportion of each leave period should occur at the approved Home Leave address, unless otherwise authorised by the Superintendent.

### A prisoner’s non-compliance with any of the Home Leave conditions listed above may result in their participation on Home Leave being suspended by the Superintendent or Officer.

### Prisoners on Home Leave are liable for all expenses incurred in relation to the leave undertaken, including travel.

### Prisoners are permitted to take with them on Home Leave the personal items allowed by the Superintendent. This will include civilian clothing to wear while on Home Leave. Superintendents are to have processes in place to ensure property control.

### Prisoners are not permitted to undertake any employment or business-related activities while on Home Leave.

# Driving a Motor Vehicle

### A prisoner is permitted to drive on Home Leave if they are in possession of a valid and current driver’s licence and subject to certain requirements:

* The Superintendent through Case Conference may approve for a prisoner to drive a motor vehicle on leave.
* The prisoner must apply in writing and arrange for a photocopy of their Driver’s Licence, to be attached. The prisoner shall not have any recent driving offences.
* If a prisoner has been in custody for longer than five years on their current term of imprisonment, the prisoner must pass the driver’s appraisal test, organised and paid for by the Department.
* The prisoner must arrange for the vehicle’s current registration papers to be provided with evidence showing ownership. If the vehicle does not belong to the prisoner, the owner must authorise, in writing, the prisoner’s use of the vehicle.
* Prisoners’ may only drive an insured vehicle. This is in addition to the third-party personal cover automatically given on vehicle registration. The owner of the vehicle shall also provide documentation verifying that the insurance covers the prisoner’s use of the vehicle.

# Commencement of Home Leave

### Once Home Leave is approved, the prison or the home prison of the work camp from which the prisoner shall take leave is responsible for managing the leave. The Superintendent or Officer shall instruct an Officer(s) to take responsibility for the management of the leave.

### Before the start of Home Leave, the Superintendent or Officer shall complete an Absence Permit on TOMS.

### Before any Home Leave, the Superintendent or Officer shall ensure the prisoner understands their obligations and the conditions listed on the Absence Permit. The permit is to be signed by the prisoner and the prisoner is to be provided with a copy.

### The prisoner shall submit a proposed Movement Sheet in duplicate for approval of the Superintendent or Officer before the start date of each Home Leave. An officer shall then:

1. verify the Movement Sheet with the sponsor and ensure the sponsor countersigns the Movement Sheet before the start of each Home Leave
2. provide the sponsor with a copy of the prisoner’s Movement Sheet and provide the other copy to the Officer responsible for supervising the prisoner while on Home Leave.

# Rate of Home Leave

### The maximum period that can be specified in an Absence Permit is 36 hours, plus travelling time to and from the prison[[3]](#footnote-3).

### Home Leave is a graduated program with an increasing level of contact with the community. As an incentive for work camp placement, the rate of Home Leave from a work camp is higher than from a prison.

### The Superintendent or Officer has the discretion to determine the period of Home Leave to be granted, provided this is within the maximum periods permitted as set out in the Table 1: Rate of Home Leave per calendar month. The rate of Home Leave shown in the table does not involve travel time.

### The rate of Home Leave permitted is based on the months remaining before the prisoner is eligible for release. That is, the months remaining before the:

1. prisoner’s EED; or
2. parole review date if the prisoner has past their EED and parole consideration has been adjourned; or
3. completion date of a Re-Socialisation Program, if applicable; or
4. prisoner’s EDR, if subject to a finite term or the prisoner has been denied parole.

**Table 1: Rate of Home Leave per calendar month**

|  |  |  |
| --- | --- | --- |
| Months remaining before eligible for release | Prison – Rate of Leave | Work camp – Rate of Leave |
| Between 6 and 12 months | 12 hours per month | 24 hours per month |
| Between 1 and 6 months | 24 hours per month | 48 hours per month |
| 1 month or less | 72 hours per month | 144 hours per month |

### For the purposes of Home Leave, a month is calculated as a calendar month.

### The Superintendent has the authority to divide Home Leave hours into varying durations, taking in to account the prisons operational capabilities. As such, 24 hours per month may be changed to two periods of 12 hours per month.

### Generally, Home Leave periods are expected to fit in with prison and work camp routines.

### A prisoner whose parole decision is adjourned shall have their rate of leave adjusted to the length of time before their next parole review.

### The Superintendent may enable the logistical arrangements associated with a prisoner’s preparation for release to proceed, prohibit the prisoner from engaging in Home Leave for any period during the 2 weeks immediately before a prisoner’s expected release.

### When the leave period is 12 hours or less, a prisoner shall not undertake Home Leave overnight.

### Those prisoners’ subject to life or indefinite sentences and on an approved Re-socialisation Program shall, on completion of that program, be eligible for Home Leave at the rate of one 24-hour leave per month.

# Monitoring and Surveillance

### The Superintendent or Officer shall assign an officer as the Supervising Officer to monitor a prisoner’s absence on Home Leave.

### The Supervising Officer will be responsible for contacting the sponsor, who must be able to vouch for the whereabouts of a prisoner at any given time.

### The Supervising Officer shall confirm the prisoner's movements periodically during the absence.

### Supervising Officers shall ensure the sponsor confirms an understanding of the requirements to adhere to the detail on the Movement Sheet: (1) before and (2) at the conclusion of each period of Home Leave.

### The Officer(s) instructed by the Superintendent or Officer to have responsibility for the management of Home Leave programs shall review the progress of each prisoner on Home Leave, each week that a leave occurs. This review will be recorded in the Case Conference minutes and, where follow-up action is required, a decision slip is to be completed. If progressing well, a Case Conference Minute shall suffice.

### The Superintendent or Officer shall forward to Sentence Management any reports, comments, or decision slips in relation to the prisoner’s progress on Home Leave.

### At the discretion of Case Conference, a prisoner who returns late from Home Leave may, if not charged with a prison offence or suspended from Home Leave, lose 1 hour from the next Home Leave for every 5 minutes they are late.

### A prisoner who cannot be accounted for by the Supervising Officer at any time during the absence period, or a prisoner who fails to return to the prison within one hour of the designated time without a verifiable explanation, may be charged with escape. If a prisoner is unlawfully at large from Home Leave, a Prison Officer may collect and return the prisoner to custody.

### Where a reportable incident occurs during Home Leave, the Supervising Officer shall complete an Incident Report, in accordance with [COPP 13.1 Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and Notifications. The Officer shall subsequently assess the suitability of the prisoner for continued participation in Home Leave, as appropriate.

### Prisoners’ shall undergo drug and alcohol testing as soon as practicable after their return from a period of Home Leave.

### Prisoners’ returning from Home Leave shall be searched as directed by the Superintendent, in accordance with the procedures set out in [COPP 11.2 Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prison staff shall not inform prisoners’ on Home Leave of a Prisoner’s Review Board decision while on Home Leave but shall provide the information when the prisoner returns to the prison or work camp.

### Where a prisoner approved for Home Leave receives information regarding an adjournment or denial of parole, the Superintendent shall instruct an officer to conduct a review through Case Conference of the prisoner’s participation in Home Leave and give consideration to the prisoner's future placement as soon as possible.

# Suspension or Cancellation of Home Leave

### The Superintendent may suspend the prisoner’s participation in the Home Leave and shall advise Sentence Management immediately of the suspension and the reasons behind the suspension by telephone or email.

### As soon as practicable thereafter, the Superintendent or Officer shall complete a decision slip on TOMS regarding the suspension, including a recommendation as to whether Home Leave should be reinstated, suspended further, or cancelled.

### Where a prisoner’s participation in Home Leave has been suspended, the Superintendent or Officer may transfer the prisoner from a work camp to the home prison or a prison of a higher security rating for a reassessment period.

### Subject to Sections 10.1.7 or [12.1.6](#_A_conviction_under), a prisoner shall have their Home Leave suspended for the following reasons:

* Any breach of the conditions recorded on the prisoner’s Home Leave Absence Permit.
* The prisoner jeopardises the good order, management and security of the prison or work camp through their actions.
* The prisoner is charged with a criminal offence or a prison offence.
* The prisoner is found guilty of a criminal offence or prison offence other than a prison offence under Section 70 of the *Prisons Act 1981*.
* The prisoner poses a serious and / or immediate risk of harm to self or someone else.
* There is a significant change in the circumstances of the sponsor, prisoner, or community.
* The prisoner poses an unacceptable risk of committing an offence.
* As a result of a prison management decision.

### If a prisoner’s participation in Home Leave has been suspended, the DSM has the authority to reinstate, further suspend or cancel the prisoner’s participation in Home Leave.

### A conviction under Section 70 of the *Prisons Act 1981* shall result in the automatic cancellation of a prisoner’s participation in the Home Leave. A decision slip shall be completed by Sentence Management upon notification of the conviction.

### A prisoner who has had their Home Leave cancelled due to being convicted of a drug / alcohol offence under Section 70 of the *Prisons Act 1981* shall not receive consideration by Case Conference for Home Leave for the relevant period as specified from the date of offence.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Cannabis offences | | | Other drug and alcohol  offences | | |
|  | **1st** | **2nd** | **3rd or more** | **1st** | **2nd** | **3rd or more** |
| Home Leave | **Effective During Current Sentence from Date of Offence** | | | | | |
| Defer Home Leave for 3 Months | **X** |  |  |  |  |  |
| Defer Home Leave for 6 Months |  | **X** |  | **X** |  |  |
| Defer Home Leave for 9 Months |  |  | **X** |  | **X** |  |
| Defer Home Leave for 12 Months |  |  |  |  |  | **X** |

### A prisoner who has had their Home Leave cancelled due to being convicted of acts of violence against other prisoners’, Officers’ or other persons under Section 70 of the *Prisons Act 1981*, shall not receive consideration by Case Conference for inclusion on Home Leave for the relevant period as specified from the date of the offence.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Offences of Violence against prisoner** | | | **Offences of Violence against officer or another person** | | | |
|  | **1st** | **2nd** | **3rd or more** | | **1st** | **2nd** | **3rd or more** |
| Home Leave | **Effective During Current Sentence from Date of Offence** | | | | | | |
| Defer Home Leave for 3 Months | **X** |  |  | |  |  |  |
| Defer Home Leave for 6 Months |  | **X** |  | | **X** |  |  |
| Defer Home Leave for 9 Months |  |  | **X** | |  | **X** |  |
| Defer Home Leave for 12 Months |  |  |  | |  |  | **X** |

### In considering the prisoner’s offence history in [Section 11.1.7](#_A_prisoner_who) and [11.1.8](#_A_prisoner_who_1), the Superintendent or Officer shall only consider prison offences that have occurred in the 3 years before the current offence.

### If the DSM cancels a prisoner’s Home Leave for a reason other than a Section 70 *Prisons Act* conviction, the DSM shall specify the time frame in which the prisoner shall not receive consideration by Case Conference for further Home Leave. A decision slip shall be completed by Sentence Management.

### When Home Leave is cancelled in accordance with [Sections 11.1.7](#_A_prisoner_who)–[11.1.10](#_If_the_Director), the prisoner may reapply for Home Leave in its entirety up to 3 months before their eligible date for consideration by Case Conference.

# Appeals

### A prisoner shall have the right of 1 appeal against any decision regarding Home Leave. All appeals shall be forwarded to Sentence Management for processing.

### An appeal by a prisoner against any decision regarding Home Leave must be lodged with the Chairperson, Case Conference in writing within 21 days of the date of the prisoner being notified of the decision.

### An appeal against the decision of the Superintendent shall be determined by the DSM.

### An appeal against the decision of the DSM shall be considered by the Assistant Commissioner Rehabilitation and Reintegration.

### An appeal against the decision of the Approving Authority shall be considered by Deputy Commissioner Offender Services.

### The prisoner has no right of appeal if the decision was made by the Commissioner, Corrective Services.

# Annexures

## Related COPPS and documents

* [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Reporting and Notifications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.5 – Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

|  |  |
| --- | --- |
| Term | Definition |
| Approving Authority | A person or group of persons the Director General (CEO), Department of Justice, has delegated the authority to grant an absence permit. |
| Officer | An officer the Superintendent has assigned a task in relation to the Home Leave process. |
| Case Conference | A formal meeting convened to discuss a prisoner’s assessment documentation including initial and subsequent IMP Reviews. Special Case Conferences can be called when there are concerns about a prisoner’s behaviour or circumstances. |
| CCO | Community Corrections Officer |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Criminal History Records Check | A check to determine if a person has any record of a criminal history in Australia. |
| Decision Slip | The format a formal decision takes when entered into the TOMS Assessment Decisions module. |
| DSM | Director Sentence Management |
| EDR | Earliest Date of Release |
| EED | Earliest Eligibility Date |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Movement Sheet | A document detailing the movements of a prisoner whist absent on Home Leave. |
| Superintendent | The Superintendent as defined in section 36 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)and includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). Does not extend to the Officer in Charge of a prison. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Justice to record and manage comprehensive information relating to prisoners. |
| Work Camp | A facility outside a prison, as established under Section 23 of the *Prisons Act 1981*, and organisationally attached to a home prison. |

## Related legislation

* *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*
* [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)
* [*Prisons Regulations 1982*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1947_homepage.html)

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner will undertake management oversight as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight will be undertaken as required.

# Document version history

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Support | Approved by Director, Operational Projects, Policy, Compliance and Contracts | 08 July 2021 | 13 September 2021 |
| 2.0 | Operational Policy | Approved by Director, Operational Projects, Policy, Compliance and Contracts | 4 August 2022 | 5 August 2022 |
| 3.0 | Operational Policy | Approved by the Commissioner Corrective Services  CM: S23/112760 | 4 December 2023 | 12 December 2023 |
| 4.0 | Operational Policy | Approved by the Assistant Commissioner Operational Support Services  CM: S24/ | 19 November 2024 | 19 November 2024 |

1. Part 3 *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* [↑](#footnote-ref-1)
2. r. 54F (4) *Prisons Regulations 1982* [↑](#footnote-ref-2)
3. r. 54E (2) *Prisons Regulations 1982* [↑](#footnote-ref-3)