

## Home Leaves from Prison

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I read an [article](#) this morning from the *Washington Post* about how some inmates are using the online consumer review site Yelp to rate jails and prisons. It's an interesting mix of good reviews (“[I]f you're going to get arrested, do it in Arlington County”) and bad (“This was the worst experience of my life and I am a combat veteran from Iraq”). The article notes that sites like Yelp may be the only outlet for some inmates in light of the restrictive exhaustion requirements of the federal Prison Litigation Reform Act. Even among those who gave four- or five-star reviews, I suspect many of them would rather be home.

And that brings me to the real subject of today's post, home leaves from prison. Raleigh news outlet [WRAL reported last week](#) that inmate Raymond Cook, convicted in 2011 of involuntary manslaughter, felony death by vehicle, and impaired driving for vehicle crash that killed a 20-year-old woman, has been receiving 48-hour passes to visit with his family. Mr. Cook received a 36–53 month sentence for the crime, giving him a [projected release date](#) of February 28, 2014. According to the article, Mr. Cook leaves prison during the week for a work release job at a pharmaceutical company and then gets weekend passes to go home “on a regular basis.” A corrections department spokesman said the practice was not unusual and that inmates in Cook's custodial status can receive one 48-hour home leave and two 6-hour leaves each month.

Division of Adult Correction [policy on home leaves](#) states that inmates who have obtained the lowest possible custody level (Minimum Level III) and who have been infraction free for 90 days are eligible for home leaves when they come within 12 months of release. The inmate and his or her family must make a written request for the leave, which is reviewed and investigated by the facility superintendent. The superintendent is supposed to contact the local police chief and sheriff to inform them of the release. There is no express requirement in the policy for victim notification, although in this case the victim's family had a right under [G.S. 15A-836\(a\)\(2\)](#) to be notified when Mr. Cook was assigned to a minimum custody unit, including a notification that such an assignment might include “work release or supervised leaves in the community.” The inmate must heed program guidelines during the leave, including no drinking and no driving.

The decision to offer home leaves is well within the discretion of the Secretary of Public Safety. Under [G.S. 148-4](#), the Secretary can “extend the limits” of an inmate's confinement and allow him or her to “leave the confines . . . unaccompanied” for all sorts of reasons, including job interviews, house hunting, attending funerals, maternity leave, and palliative care. Home leaves are not a subject of court control, but they are certainly something about which a judge could make a recommendation (favoring or opposing leaves) on a judgment form. My general sense is that prison officials work to accommodate court requests—to the extent permissible by law and within the scope of their own policy.