



Policy Directive 66

Re-Integration Leave (RIL)

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Purpose

Re-Integration Leave (RIL) provides minimum security prisoners with the opportunity to re-establish relationships with their families and communities through programmed periods of leave, with the aim of offsetting the effects of institutionalisation and assisting with re-integration back into society. As an incentive for work camp participation, a greater rate of leave is provided for prisoners located in a work camp than for those placed at a prison.

Policy Statement

That 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.

Scope

This policy applies to prisoners in all public and private prisons and is to be implemented by authorised staff in Adult Custodial and Community and Youth Justice Services.

Definitions

Approving Authority – The person or group of persons to whom the Commissioner has delegated the authority to grant an absence permit.

Assessment Case Management (ACM) system – An electronically managed system to support the assessment, classification and review of prisoners. Formerly referred to as the Assessment Integrated Prison Regime (AIPR). For ease of reference during transition, the system will be referred to as **AIPR/ACM**.

Generally – Where the term ‘generally’ is used in any provision of this policy, it is taken to mean that what is stated in that provision is the intention, and may only be varied in rare and exceptional circumstances. Where such a decision is made, both the decision and reasons must be recorded in a decision slip.

Policy Content

1. Transitional Provisions

- 1.1 This RIL Policy replaces the Home Leave Policy Directive 23 and therefore Policy Directive 23 is now repealed.
- 1.2 Where a prisoner was approved for ‘Home Leave’ prior to this policy taking effect, then that prisoner shall be taken to be approved for the RIL program.
- 1.3 Prisoners already approved for ‘Home Leave’ shall have their rate of leave readjusted to the rate of leave for RIL.

2. Eligibility to Apply

- 2.1 A prisoner must have served not less than 12 months continuous imprisonment in custody under sentence.
- 2.2 The approving authority may grant RIL during the twelve (12) month period prior to the date a prisoner becomes eligible for discharge from prison; namely, the twelve (12) month period prior to a prisoner’s EED (if a parole term), EDR (if a finite term or parole has been denied), parole review date (if parole has been deferred), or release date of a recognisance order.
- 2.3 A prisoner must have achieved a minimum-security rating.
- 2.4 A prisoner who is subject to the [Criminal Law \(Mentally Impaired Accused\) Act 1996](#) or who is not confined in a prison or external facility as defined in ss 3 or 23 of the [Prisons Act 1981](#) is ineligible to apply.

- 2.5 If a prisoner is a life/indefinite sentenced prisoner, their participation in RIL must be a component of an approved re-socialisation programme.
- 2.6 A prisoner who may be liable for or has a confirmed order of deportation or removal from Australia is not eligible for RIL.
- 2.7 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 the court, the prisoner is not eligible for RIL.
- 2.8 Prisoners shall not undertake RIL from Casuarina Prison, Albany Regional Prison, Hakea Prison, Bandyup Women's Prison or Acacia Prison except where the designated Superintendent and the Director Sentence Management determine otherwise.
- 2.9 A prisoner must be able to identify a proposed RIL sponsor to be eligible to apply for RIL.

3. Application

- 3.1 A written application should be submitted for eligible prisoners using a [RIL Application Form](#) (Appendix 1) up to three (3) months prior to the expected date of commencement of the RIL. This should include any details of a proposed sponsor and should be submitted to the Superintendent or Authorised Officer, attaching any further relevant documentation to their application. A Case Officer and/or other prison staff will assist the prisoner with the application process, including writing it if necessary. Prison staff should be proactive in approaching and assisting eligible prisoners to apply.
- 3.2 The application must include a completed [Sponsor's Nomination Form](#) (Appendix 2) from any proposed sponsor indicating: a willingness by them to act as such; authorisation for the Department of Corrective Services to undertake a criminal record and police check; and consent for an interview to be conducted by a Community Corrections Officer.
- 3.3 Subject to sections 4.13 and 5.7, a prisoner already approved for RIL 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.
- 3.4 A prisoner who has been convicted of a violent offence or drug/alcohol offence under s 70 *Prisons Act 1981*, shall not receive consideration by Case Conference for inclusion in RIL for the relevant period from the date of offence, as specified in the tables at sections 11.7 and 11.8, subject to section 11.9.

4. Assessing the Application

General

- 4.1 The RIL program is a privilege and applications will be assessed in relation to the aim to assist in reintegration, the good conduct of the prisoner and the merits of the application. The safety of the community is considered paramount and therefore, if recommending/approving an application, the prisoner shall be assessed as not posing an unreasonable risk to the safety of the community.

- 4.2 Separate assessments are to be undertaken in relation to the prisoner's suitability for the RIL program and the suitability of the proposed sponsor for that individual prisoner.
- 4.3 Both the prison and the Community Corrections Officer will be required to provide an assessment report. At the commencement of the assessment process, the Superintendent or Authorised Officer shall request a Community Corrections Officer's report in relation to the suitability of the proposed sponsor. The Community Corrections Officer shall obtain a Criminal History Records Check in relation to the sponsor.
- 4.4 The Superintendent or Authorised Officer shall instruct an officer to request an intelligence report from the Justice Intelligence Service (JIS) on the suitability of the proposed sponsor and proposed accommodation. The intelligence report is to be forwarded from JIS to Sentence Management.
- 4.5 If the Superintendent or Authorised Officer determines at any stage that the prisoner's application shall not proceed, they shall record the recommendation using a decision slip, including the reason(s) for not recommending the application to proceed and shall advise the prisoner of the recommendation and the reasons. The recommendation is to be forwarded to Sentence Management for a decision.
- 4.6 The Superintendent or Authorised Officer shall forward the application with any reports and a recommendation to Sentence Management, through Case Conference.
- 4.7 Sentence Management shall ensure that any victim submission is considered during the assessment process.

The Prisoner

- 4.8 The Superintendent or Authorised Officer shall instruct an Officer to assess the application through the RIL Checklist on AIPR/ACM and provide relevant information in relation to:
- 4.8.1 Risk to the safety 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
 - Psychiatric history and mental health issues.
- 4.8.2 Risk to the safety of the prisoner:
- Customary law and cultural retribution considerations
 - Provisions for the prisoner's medical or health needs.
- 4.8.3 Likelihood of successfully completing the leave program:
- Previous performance on community supervision, absence permits or bail
 - Evidence of family and community support
 - Suitability of sponsor and accommodation.

4.8.4 The prisoner's behaviour whilst 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.

4.9 If the prisoner is undertaking RIL at an Aboriginal community, the view of the relevant community or council should also be considered as part of the assessment process.

4.10 During the assessment process, the Superintendent or Authorised Officer shall notify the Victim-Offender Mediation Unit, if applicable, of any recommendation that may result in the prisoner receiving permission to be absent from prison.

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

The Sponsor

4.12 Generally, a sponsor shall not sponsor more than one prisoner at any given time, however, this may be approved subject to responsible risk management.

4.13 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, distance or personal issues.

4.14 Sponsors should meet the following criteria:

4.14.1 Generally, sponsors shall have reached the age of 25 years or more.

4.14.2 Generally, sponsors 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.

4.14.3 The relationship between a prisoner and his/her sponsor should be long standing and should preferably have commenced prior to the prisoner's imprisonment with, where possible, the sponsor maintaining frequent contact, including regular visits throughout the prisoner's imprisonment.

4.14.4 Where section 4.14.3 does not apply, special consideration may be given to sponsors who may prove suitable through their general community standing and lifestyle. In this case, a commitment to the prisoner by the sponsor must have been demonstrated to the satisfaction of the Director Sentence Management.

4.14.5 The intended sponsor's home environment and attitude should complement the purpose of the program.

4.14.6 The sponsor shall be able to demonstrate a positive role model for the prisoner.

4.14.7 The sponsor must be able to stay in the company of the prisoner or comply with an approved supervision schedule at all times.

- 4.15 The Community Corrections Officer shall ensure that the sponsor understands and signs the [Re-Integration Leave Conditions and Declaration Form](#) (Appendix 3).
- 4.16 The sponsor shall encourage the prisoner to comply with the conditions of RIL; liaise with officers regarding any difficulties experienced during the leave; and ensure that they advise the prison of any unforeseen occurrence that affects the prisoner's ability to comply with their approved movement sheet.

5. Application Approval Process

- 5.1 The Assistant Commissioner Custodial Services is the approving authority to permit a prisoner to be absent from prison or a work camp for the purpose of participating in RIL.
- 5.2 Upon receipt of all reports, Sentence Management shall assess the application and make a recommendation to the Director Sentence Management.
- 5.3 The Director Sentence Management shall assess the application in accordance with this policy and may defer making a decision, not approve the application, or recommend the application and provide details to the Assistant Commissioner Custodial Services for a decision.
- 5.4 Sentence Management shall record the decision regarding the application using a decision slip and inform the designated Superintendent of the decision.
- 5.5 The Superintendent or Authorised Officer shall instruct an officer to notify the prisoner as soon as practicable.
- 5.6 Where a prisoner is approved for RIL at a prison and then is transferred to a work camp, or conversely a prisoner is approved for RIL at a work camp and then transferred to a prison, the decision to continue his/her RIL shall be reviewed by the designated Superintendent and a recommendation shall be recorded using a decision slip. The recommendation is to be forwarded to Sentence Management for a decision.
- 5.7 Sentence Management shall not generally assess variations or additional sponsors if the already approved sponsor is available for the majority of the program.
- 5.8 If a prisoner who has a history of child sex offence(s) is approved for inclusion in the RIL Program, Sentence Management shall advise Offender Records of the decision, who will in turn advise the Australian National Child Offender Register (ANCOR).

6. Conditions of RIL

- 6.1 Prisoners approved for RIL must adhere to the following conditions:
 - 6.1.1 Prisoners on RIL must stay in the company of their approved sponsor at all times except in the event that a supervision schedule has been approved.
 - 6.1.2 Prisoners shall not consume alcohol or controlled substances whilst on RIL, with the exception of medication prescribed to the prisoner by a certified medical practitioner.
 - 6.1.3 Prisoners on RIL shall not enter premises licensed to sell alcoholic beverages, including night clubs, hotels, taverns, discotheques, bars, and licensed restaurants unless for a special purpose and with prior approval of the designated Superintendent.
 - 6.1.4 Prisoners on RIL shall not attend any venue or communicate with personnel linked with the sex industry or any other adult entertainment venues.
 - 6.1.5 Prisoners on RIL are not permitted to gamble or enter gambling establishments, such as casinos, race-tracks and TABs or gamble by any other means.
 - 6.1.6 Prisoners on RIL shall undergo drug and alcohol testing upon their return to prison from a period of leave, as directed by the Superintendent or Authorised Officer.
 - 6.1.7 A prisoner must have on his/her person a copy of the Absence Permit and Movement Sheet at all times during RIL.
 - 6.1.8 The majority of each leave period should occur at the approved sponsor's residence.
- 6.2 The non-compliance by a prisoner on RIL with any of the conditions listed above may cause the prisoner's participation on RIL to be suspended by the designated Superintendent.
- 6.3 Prisoners on RIL are liable for all expenses incurred in relation to the leave undertaken, including travel to and from their destination. However, the Superintendent has the discretion to assist with the cost and facilitate the most practicable and cost-effective method of transport.
- 6.4 Prisoners are permitted to take with them on Leave the personal items allowed by the designated Superintendent. This will include civilian clothing to wear while on Leave. Designated Superintendents are to have processes in place to ensure property control.
- 6.5 Prisoners are not permitted to undertake paid employment whilst on a period of RIL except where the paid employment is part of a structured and approved Prisoner Employment Program.
- 6.6 Subject to section 7, if the prisoner is in possession of a valid driver's licence, he/she may drive whilst on RIL.

7. Driving a Motor Vehicle

- 7.1 A prisoner is permitted to drive on RIL **if they are in possession of a valid current driver's licence** subject to certain conditions:
- 7.1.1 The designated Superintendent through Case Conference may approve for a prisoner to drive a motor vehicle on leave.
 - 7.1.2 The prisoner must apply in writing and attach a photocopy of their Driver's Licence.
 - 7.1.3 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 run by the Department of Corrective Services.
 - 7.1.4 The prisoner must present the vehicle's registration papers and 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.
 - 7.1.5 Prisoners may only drive an insured vehicle. Note: 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.

8. Commencement of RIL

- 8.1 Following the approval of RIL by the Assistant Commissioner Custodial Services, once the prisoner is eligible to commence, 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 Authorised Officer shall instruct an officer(s) to take responsibility for the management of the leave.
- 8.2 Prior to any RIL, the Superintendent or Authorised Officer shall complete an Absence Permit on TOMS.
- 8.3 In accordance with [Prisons Regulations 1982](#), the maximum period of an Absence Permit is thirty-six (36) hours; therefore in cases where the leave period is in excess of this, more than one Absence Permit will need to be completed.
- 8.4 Prior to any RIL, the Superintendent or Authorised Officer shall ensure that the prisoner understands his/her 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.
- 8.5 Prior to RIL, the Superintendent or Authorised Officer shall ensure that the [Re-Integration Leave Conditions and Declaration Form](#) (Appendix 3) has been signed by the sponsor.
- 8.6 The prisoner shall submit a proposed **Movement Sheet** in duplicate for approval of the Superintendent or Authorised Officer before the date of each RIL.
- 8.6.1 An officer shall verify the Movement Sheet with the sponsor and shall ensure the sponsor countersigns the Movement Sheet prior to the commencement of each leave.
 - 8.6.2 An officer shall 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 whilst on leave.

9. Rate of RIL

- 9.1 RIL is a graduated program with an increasing level of contact with the community. As an incentive for work camp participation, the rate of RIL from a work camp is higher than from a prison.
- 9.2 A determination regarding the period of leave is at the discretion of the Superintendent or Authorised Officer, however the **maximum** periods of leave are shown in the table below. This would occur within the months prior to the prisoner's EED; parole review date if the prisoner has past their EED and parole consideration has been deferred or the prisoner is undertaking an approved re-socialisation programme; or the prisoner's EDR if subject to a finite term or the prisoner has been denied parole.

Months prior to EED or Parole Review Date or EDR	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

- 9.3 For the purposes of RIL, a month is calculated as a calendar month.
- 9.4 The Superintendent has the authority to divide RIL hours into varying duration ie 12 hours per month can be changed to 6 hours per fortnight.
- 9.5 Except for the last month of RIL, the designated Superintendent has the authority to amalgamate RIL hours into varying duration ie 12 hours per month can be changed to 24 hours per two months.
- 9.6 The RIL rates include travel times, however the Superintendent or Authorised Officer may grant an additional reasonable travel time in terms of excessive distance to the prisoner's destination. The determination of what is considered excessive and the additional time granted is discretionary and shall be consistent with issues such as the destination and distance to be travelled, the mode of transport and facility location.
- 9.7 Generally, RIL periods are expected to fit in with prison and work camp routines.
- 9.8 A prisoner whose parole is deferred shall have their rate of leave adjusted to the length of time prior to their next parole review.
- 9.9 The designated Superintendent may, in order to enable the logistical arrangements associated with a prisoner's preparation for release to proceed, prohibit the prisoner from engaging in RIL for any period during the 2 weeks immediately prior to a prisoner's expected release.
- 9.10 When the leave period is 12 hours or less, a prisoner shall not undertake RIL overnight.
- 9.11 If a prisoner has had a cancellation of parole on more than two occasions, the prisoner shall not have the rate of leave increased beyond one 24-hour leave per month if placed at a prison, or one 48-hour leave per month if placed at a work camp, unless otherwise determined by the Director Sentence Management.

9.12 Those prisoners subject to life or indefinite sentences and on an approved re-socialisation programme shall, on completion of that program, be eligible for RIL at the rate of one 24-hour leave per month if placed at a prison, or one 48-hour leave per month if placed at a work camp. Section 9.5 does not apply to this section.

10. Monitoring and Surveillance

- 10.1 The nominated officer responsible for supervising the prisoner whilst on RIL must know where the prisoner is, or be able to contact the sponsor, who must be able to vouch for the whereabouts of a prisoner at any given time.
- 10.2 The officer responsible for supervising the prisoner whilst on RIL shall confirm the prisoner's movements at regular intervals during the leave.
- 10.3 Officers shall ensure at the conclusion of each period of RIL that the sponsor confirms adherence to the detail on the Movement Sheet.
- 10.4 The officer(s) instructed by the Superintendent or Authorised Officer to have responsibility for the management of RIL programs shall review the progress of each prisoner on 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.
- 10.5 The Superintendent or Authorised Officer shall forward to Sentence Management any reports, comments or decision slips in relation to the prisoner's progress on RIL.
- 10.6 At the discretion of Case Conference, a prisoner who is late returning from RIL may, if not charged with a prison offence or suspended from the program, lose one (1) hour from the next RIL for every five (5) minutes they are late.
- 10.7 A prisoner who cannot be accounted for during monitoring and surveillance, or a prisoner who fails to return to the correctional facility within one hour of the designated time without a verifiable explanation, may be charged with escape. If an offender is unlawfully at large from RIL, an Adult Custodial officer may return the prisoner to custody.
- 10.8 Where any reportable incident arose during a period of leave, the designated Superintendent shall instruct the officer responsible to complete a TOMS Incident Report detailing the circumstances.
- 10.9 Prisoners shall undergo drug and alcohol testing as soon as practicable after their return from a period of RIL.
- 10.10 Prisoners returning from RIL will be searched as directed by the Superintendent or Authorised Officer.
- 10.11 Officers shall not inform prisoners on RIL of a Prisoners Review Board decision whilst on leave, but shall provide the information when the prisoner returns to the prison or work camp.
- 10.12 Where a prisoner on RIL receives information regarding a deferral or denial of re-entry release or parole, the designated Superintendent shall instruct an officer to conduct a review through Case Conference of the prisoner's participation in the program and give consideration to the prisoner's future placement as soon as possible.

11. Suspension or Cancellation of RIL

- 11.1 The designated Superintendent may suspend the prisoner's participation in the RIL and shall advise Sentence Management immediately of the suspension and the reasons behind the suspension by telephone or email.
- 11.2 As soon as practicable thereafter, the designated Superintendent shall complete a decision slip on TOMS regarding the suspension with a recommendation for the Director Sentence Management in relation to whether the program should be reinstated, suspended further or cancelled.
- 11.3 Where a prisoner's participation in RIL has been suspended, the Superintendent or Authorised Officer may transfer the prisoner to a base prison or a prison of a higher security rating for a reassessment period.
- 11.4 Subject to sections 10.6 or 11.6, a prisoner shall have their program suspended for the following reasons:
- 11.4.1 Any breach of the conditions recorded on the prisoner's RIL Absence Permit.
 - 11.4.2 The prisoner jeopardises the good order, management and security of the prison or work camp through their actions.
 - 11.4.3 The prisoner is in breach of a VMU condition.
 - 11.4.4 The prisoner is charged with an offence or a prison offence.
 - 11.4.5 The prisoner is found guilty of an offence or prison offence other than a s 70 *Prisons Act* conviction.
 - 11.4.6 The prisoner poses a serious and/or immediate risk of harm to self or someone else.
 - 11.4.7 There is a significant change in the circumstances of the sponsor, prisoner or community.
 - 11.4.8 The prisoner poses an unacceptable risk of committing an offence.
 - 11.4.9 As a result of a facility management decision.
- 11.5 If a prisoner's participation in RIL has been suspended, the Director Sentence Management has the authority to reinstate, further suspend or cancel the prisoner's participation in RIL.
- 11.6 A conviction under Section 70 of the [Prisons Act 1981](#) shall result in the automatic cancellation of a prisoner's participation in the RIL. A decision slip shall be completed by Sentence Management upon notification of the conviction.
- 11.7 A prisoner who has had their RIL program cancelled due to being convicted of a drug/alcohol offence under Section 70 *Prisons Act* shall not receive consideration by Case Conference for inclusion on a further RIL program for the relevant period as specified from the date of offence.

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

11.8 A prisoner who has had their RIL program cancelled due to being convicted of acts of violence against other prisoners, officers or other persons under s 70 [Prisons Act 1981](#), shall not receive consideration by Case Conference for inclusion on a RIL program for the relevant period as specified from the date of the offence.

	Offences of Violence against prisoner			Offences of Violence against officer or other person		
	1 st	2 nd	3 rd or More	1 st	2 nd	3 rd or More
RIL	Effective During Current Sentence from Date of Offence					
Defer RIL for 3 months	X					
Defer RIL for 6 months		X		X		
Defer RIL for 9 months			X		X	
Defer RIL for 12 months						X

11.9 In considering the prisoner's offence history in 11.7 and 11.8, the Superintendent or Authorised Officer shall only consider prison offences that have occurred in the three (3) years prior to the current offence.

11.10 If the Director Sentence Management cancels a prisoner's participation in the RIL program for a reason other than a Section 70 *Prisons Act* conviction, the Director shall specify the time frame in which the prisoner shall not receive consideration by Case Conference for inclusion in a further RIL program. A decision slip shall be completed by Sentence Management.

11.11 When a RIL program is cancelled in accordance with sections 11.7–11.10, the prisoner may reapply for the RIL program in its entirety up to 3 (three) months prior to their eligible date for consideration by Case Conference.

12. Appeals

12.1 A prisoner shall have the right of one (1) appeal against any decision regarding RIL.

12.2 An appeal by a prisoner against any decision regarding RIL must be lodged with the Chairperson, Case Conference in writing within twenty-one (21) days of the date of decision.

- 12.3 An appeal against the decision of the designated Superintendent shall be determined by the Director Sentence Management.
- 12.4 An appeal against the decision of the Director Sentence Management is to be considered by the Assistant Commissioner Custodial Services.
- 12.5 An appeal against the decision of the Assistant Commissioner Custodial Services is to be considered by the Commissioner.
- 12.6 The prisoner has no right of appeal if the decision was made by the Commissioner.

Related Key legislation/Policies

- [Prisons Act 1981](#)
- [Prisons Regulations 1982](#)

Approved

Commissioner: Ian Johnson

Signature:



Date: 11 February 2010

Policy Sponsor

Assistant Commissioner Custodial Operations

Contact Person

For information regarding the application of this policy, contact:

Coordinator Authorised Absences

Version History

Version		Approved	Effective from
1	First published	11 February 2010	15 December 2010
2	Amended ¹	20 November 2012	6 December 2012

¹ All references to the Deputy Commissioner Offender Management and Professional Development amended to Assistant Commissioner Custodial Services.