

|   |                                    |                  |                |
|---|------------------------------------|------------------|----------------|
| <br>Good Life. Great Mission.<br><hr/> DEPT OF CORRECTIONAL SERVICES | POLICY                             |                  |                |
|   | RESTORATION OF GOOD TIME           |                  |                |
|   | REVISION DATE<br>December 31, 2019 | NUMBER<br>117.02 | PAGE<br>1 of 4 |
| STATEMENT OF AVAILABILITY   |                                    |                  |                |
| *This Policy is to be made available in law libraries or other inmate resource centers.   |                                    |                  |                |

EFFECTIVE: July 16, 1984  
 REVISED: March 15, 2009  
 REVISED: March 26, 2010  
 REVISED: March 15, 2011  
 REVISED: March 15, 2012  
 REVISED: March 29, 2013  
 REVIEWED: May 3, 2014  
 REVIEWED: March 31, 2015  
 REVISED: March 31, 2016  
 REVIEWED: March 31, 2017  
 REVISED: March 31, 2018  
 REVISED: December 31, 2019

#### SUMMARY of REVISION/REVIEW

|  |
|--|
| <u>General</u> - Added language concerning Board of Parole and restoring good time. <u>Procedure</u> - I.A – New section. <u>Procedure</u> - I.C – New section. Reformatted to be consistent with Policy 001.01. |
|--|

APPROVED:

  


---

 Scott R. Frakes Director  
 Nebraska Department of Correctional Services

|   |   |                         |                       |
|---|---|-------------------------|-----------------------|
|    | POLICY                                    |                         |                       |
|   | <b>RESTORATION OF GOOD TIME</b>           |                         |                       |
|   | REVISION DATE<br><b>December 31, 2019</b> | NUMBER<br><b>117.02</b> | PAGE<br><b>2 of 4</b> |
| STATEMENT OF AVAILABILITY<br><b>*This Policy is to be made available in law libraries or other inmate resource centers.</b> |   |                         |                       |

PURPOSE

To provide a policy statement outlining the Nebraska Department of Correctional Services' (NDCS) position regarding the restoration of good time which has been forfeited by an inmate for disciplinary infractions.

GENERAL

It is the policy of NDCS that inmates sentenced to its custody may be restored good time which has been forfeited as a result of prior disciplinary action imposed by NDCS, provided the inmate has demonstrated progressive positive behavior over a period of time.

As requested by the Board of Parole, the Director/designee may approve restoration of good time forfeited during incarceration to a parolee provided the parolee has demonstrated progressive positive behavior over a period of time.

Nothing in this Policy shall make it mandatory for a Warden or the Director to restore forfeited good time to an inmate/parolee, nor shall it prohibit the Director from taking other actions outside the above stated guidelines, when deemed necessary.

Each institution/program, consistent with its function and the nature of its inmate population and programs, shall develop its own version of this Policy within the limits and guidelines, which follow.

PROCEDURE

I. ELIGIBILITY CRITERIA FOR GOOD TIME RESTORATION

- A. Criteria established to determine an inmate's eligibility for good time restoration considers two primary factors:
  - 1. The classification of rule violations (Class I, II or III) as defined in Title 68 Nebraska Administrative Code, Chapter 5.
  - 2. The type of disciplinary committee (ICC: Institutional Disciplinary Committee or UCC: Unit Disciplinary Committee) as defined in Title 68 Nebraska Administrative Code, Chapter 6.
- B. The following minimum criteria shall be followed in determining an inmate's eligibility for consideration of restoration of previously forfeited good time:
  - 1. Must be free of any Class I offense for the immediate past year, free of all IDC misconduct reports for the immediate past six months, and nor more than two UDC misconduct reports for the immediate past six months.

These time frames are to be considered from the date of the last applicable misconduct report. In the event an inmate was not in the custody of NDCS after a misconduct report had been written (i.e., on escape/abscond, under another jurisdiction), these time frames will commence on the date the inmate is back in the Department's custody.

|   |   |                         |                       |
|---|---|-------------------------|-----------------------|
|    | POLICY                                    |                         |                       |
|   | <b>RESTORATION OF GOOD TIME</b>           |                         |                       |
|   | REVISION DATE<br><b>December 31, 2019</b> | NUMBER<br><b>117.02</b> | PAGE<br><b>3 of 4</b> |
| STATEMENT OF AVAILABILITY<br><b>*This Policy is to be made available in law libraries or other inmate resource centers.</b> |   |                         |                       |

2. Tentative Release Date (TRD) must be greater than six months from the date of the request. Exceptions may be recommended by the Warden for review by the Director/designee.

C. Once the inmate meets the criteria for eligibility (Procedure I.B.), the Warden may approve 30-days restoration of good time. After that, good time restoration may be requested by the inmate and approved by the Warden at a maximum rate of 30-days for every continuous 30-day period the inmate maintains eligibility.

The Warden shall utilize a consistent date each month for awarding good time in successive 30-day increments. For example, if the Warden approves the first 30-days restoration of good time on December 1<sup>st</sup>, the next 30-day restoration will be on January 1<sup>st</sup> and the 1<sup>st</sup> of each subsequent month provided that the inmate maintains eligibility.

After five consecutive months of 30-day restorations, the Warden may recommend the restoration of good time exceeding 30-days to the Director/designee. Director/designee approval is required for all restorations exceeding 30-days. Restorations of more than 30-days shall be credited according to the same schedule as the prior consecutive 30-day restorations.

D. There is no process for good time to be automatically restored. All good time restoration requests are to be submitted on a Good Time Restoration Request form (Attachment A) through the normal classification process. Any requests otherwise submitted (i.e., requests sent directly by an inmate to the Warden or Director) will not be given consideration, and the inmate will be advised to follow procedure.

## II. PAROLE VIOLATIONS

Good time forfeited as a result of a parole violation may be restored in the same manner as described above. (Attachment B)

## III. DOCUMENTATION

A. When a good time restoration request is denied, the inmate will be notified, and the completed form will be placed in the inmate file.

B. When good time is restored, the inmates' Tentative Release Date and Parole Eligibility Date will be changed accordingly. The change(s) will be documented in the inmate file and the inmate will be given written notice of the new date(s).

## REFERENCE

### I. STATUTORY REFERENCE

A. Nebraska Revised Statute §83-1,107

B. Nebraska Administrative Code Title 68, Chapter 5, *Code of Offenses*

C. Nebraska Administrative Code Title 68, Chapter 6, *Inmate Disciplinary Procedures*

|   |   |                         |                       |
|---|---|-------------------------|-----------------------|
| <br>Good Life. Great Mission.<br><hr/> DEPT OF CORRECTIONAL SERVICES | POLICY                                    |                         |                       |
|   | <b>RESTORATION OF GOOD TIME</b>           |                         |                       |
|   | REVISION DATE<br><b>December 31, 2019</b> | NUMBER<br><b>117.02</b> | PAGE<br><b>4 of 4</b> |
| STATEMENT OF AVAILABILITY<br><b>*This Policy is to be made available in law libraries or other inmate resource centers.</b>                           |   |                         |                       |

II. NDCS POLICIES – None noted

III. ATTACHMENTS

A. Good Time Restoration Request form DCS-A-clis-003

B. Cross Reference – NDCS Rule 5 Code of Offenses/Parole Violations

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS – None noted