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		RESTORATION OF GOOD TIME	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

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SUMMARY of REVISION/REVIEW

Significant revision to Section I. page 2 and 3.

APPROVED:



Scott R. Frakes, Director
Nebraska Department of Correctional Services

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		<p>RESTORATION OF GOOD TIME</p>	

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/parolee for disciplinary infractions.

GENERAL

It is the policy of NDCS that inmates/parolees sentenced to its custody may be restored good time which has been forfeited as a result of prior disciplinary action (excluding non-restorable good time as determined by the disciplinary committee: Title 68 Nebraska Administrative Code chapter 6, 0011.01B December 21, 2013), provided the inmate/parolee has demonstrated progressive positive behavior over a period of time, or as a reward for meritorious life-saving conduct.

This Administrative Regulation (AR) shall apply to all institutions/programs within the jurisdiction of NDCS, but shall only affect those inmates/parolees who have been committed to NDCS by Nebraska's district or county courts.

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

Institutional Disciplinary Committee – IDC
Unit Disciplinary Committee – UDC

For parolees, Review of Parole Hearings is the equivalent of IDC and Administrative Resolutions and Case conferences are the equivalent of UDC.

General Statutory Authority: Nebraska. Revised. Statute. § 83-1,107 (as amended by LB46 enacted in 2002)

PROCEDURE

I. MINIMUM CRITERIA

The following minimum criteria shall be followed in determining an inmate's/parolee's eligibility for consideration of restoration of previously forfeited good time:

- A. At a minimum, to be considered for restoration of good time an inmate/parolee 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 only two UDC misconduct reports for the immediate past six months. (Title 68 Nebraska Administrative Code, Chapter 5, 005 Offenses December 21, 2013). These time frames are to be considered from the date of the last applicable misconduct report. For inmates on parole, it will be the date of the report written by the Parole Officer. In the event an inmate/parolee 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/parolee is back in the Department's custody.

Inmates within six months of their tentative release date are not eligible for good time restoration. Exceptions may be recommended by the Warden for review by the Director's Review Committee/Director.

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- B. Restoration of good time will only be considered in conjunction with an inmate's regularly scheduled reclassification hearing (either semiannually or annually). The Warden/Parole Administrator may approve up to one year of good time restoration at a maximum rate of 30 days for every continuous 30 day period the inmate/parolee has met eligibility requirements.

For example, if an inmate/parolee has a scheduled reclassification hearing in April and the inmate became eligible for good time restoration the past November, the Warden/Parole Administrator may approve 5 months of good time be restored.

- C. All good time restoration requests are to be submitted on a Good Time Restoration Request form. (Attachment A for inmates; Attachment B for parolees). Inmates are to follow the normal classification process. Parolees should submit the request form to their supervising Parole Officer. This includes those requests requiring the Director's approval. Any requests otherwise submitted (i.e., requests sent directly by an inmate to the 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. (See Attachment C)

III. MERITORIOUS CONDUCT

The Director's approval is required for all restoration of good time that may be recommended for meritorious life-saving conduct.

IV. 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).

V. MANDATORY RESTORATION

Nothing in this AR shall make it mandatory upon the Director of NDCS or a Warden/Parole Administrator to restore forfeited good time to an inmate/parolee, nor shall it prohibit the Director from taking other actions outside the above state guidelines, when deemed necessary.

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REFERENCE

- I. Nebraska Revised Statutes §83-1,107 (Reissue 1999 as amended by LB46 enacted in 2003)
- II. ATTACHMENTS
 - A. Good Time Restoration Request form DCS-A-clc-003
 - B. Good Time Restoration Request form - Adult Parole Administration DCS-G-adm-040
 - C. Cross Reference – NDCS Rule 5 Code of Offenses/Parole Violations