

NEBRASKA

Good Life. Great Mission.

DEPT OF CORRECTIONAL SERVICES

POLICY

RESTORATION OF GOOD TIME

REVISION DATE
December 31, 2020

NUMBER
117.02

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STATEMENT OF AVAILABILITY

***This Policy is to be made available in law libraries or other inmate resource centers.**

EFFECTIVE: July 16, 1984
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SUMMARY of REVISION/REVIEW

PURPOSE – Language updated. PROCEDURE – I.B.2. – Language updated.

APPROVED:



Scott R. Frakes, Director
Nebraska Department of Correctional Services

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PURPOSE

To provide Nebraska Department of Correctional Services (NDCS) policy regarding the restoration of good time forfeited as a disciplinary sanction for inmate behavior in violation of the code of offenses.

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.

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2. Tentative Release Date (TRD), with consideration of any good time requested, must be greater than six months from the date of the request. Exceptions may be recommended by the Warden for disposition 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 1st, the next 30-day restoration will be on January 1st and the 1st 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*

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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) – None noted