

 <p>NEBRASKA</p> <p>Good Life. Great Mission.</p> <p>DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	RESTORATION OF GOOD TIME		
	REVISED DATE	NUMBER	PAGE
	September 30, 2024	117.02	1 of 4
STATEMENT OF AVAILABILITY			
Law Library Access			

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SUMMARY OF REVISION/REVIEW

Minor grammar changes throughout.

APPROVED:

Rob Jeffreys
 Rob Jeffreys (Aug 1, 2024 09:27 CDT)
 Rob Jeffreys, Director
 Nebraska Department of Correctional Services

 Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY		
	RESTORATION OF GOOD TIME		
	REVISED DATE September 30, 2024	NUMBER 117.02	PAGE 2 of 4
STATEMENT OF AVAILABILITY Law Library Access			

PURPOSE

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

Incarcerated individuals sentenced to NDCS custody may be restored good time which has been forfeited as a result of prior disciplinary action imposed by NDCS, provided the incarcerated individual 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 incarcerated individual, nor shall it prohibit the director from taking other actions outside this policy, when deemed necessary.

PROCESS

I. ELIGIBILITY CRITERIA FOR GOOD TIME RESTORATION


- A. Criteria established to determine an incarcerated individual’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.

Incarcerated individuals returned to a NDCS facility as a result of a parole or probation violation will not be eligible for restoration of good time for a period of 90 days following the date received by NDCS.

- B. The following minimum criteria shall be followed in determining an incarcerated individual’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 no 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 incarcerated individual 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 incarcerated individual is back in NDCS’ custody.

- 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. There is no process for good time to be automatically restored. All good time restoration requests are to be initiated by the incarcerated individual and placed on a

 Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY		
	RESTORATION OF GOOD TIME		
	REVISED DATE September 30, 2024	NUMBER 117.02	PAGE 3 of 4
STATEMENT OF AVAILABILITY Law Library Access			

Good Time Restoration form (Attachment A) through the normal classification process. Any requests otherwise submitted (i.e., requests sent directly by an incarcerated individual to the warden or director) will not be given consideration and the incarcerated individual will be advised to follow policy.

- D. Once the incarcerated individual meets the criteria for eligibility (see PROCESS I.B. above), they must initiate a request for good time restoration through their assigned unit case manager. Upon receipt of a completed *Good Time Restoration* form (Attachment A), the warden may approve no more than 30-days restoration of good time. After that, good time restoration requested by the individual may be approved by the warden at the maximum rate of 30-days restoration for every continuous 30-day period the individual maintains eligibility.

For consecutive good time restorations, the warden shall utilize the most recent good time restoration approval date to determine the individual's eligibility for additional good time restoration. That date is available on the good time adjustment list included with the good time restoration request.

After five consecutive 30-day restorations and continued eligibility, the warden may recommend the restoration of good time exceeding 30-days to the director/designee. Eligibility for subsequent good time restoration shall be based on the warden's previous approval date and consistent with the above-described time periods.

Under no circumstances may the warden approve restoration in more than 30-day increments. Director/designee approval is required for all restorations exceeding 30-days.

II. DOCUMENTATION

- A. When a good time restoration request is denied, the incarcerated individual will be notified, and the completed form will be placed in the individual's file.
- B. When good time is restored, the individual's tentative release date and parole eligibility date will be changed accordingly. The change(s) will be documented in the incarcerated individual file and the individual will be given written notice of the new date(s).

REFERENCE

I. STATUTORY REFERENCE AND OTHER AUTHORITY

- A. Neb. Rev. Stat. §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*

II. NDCS POLICIES – None noted

 Good Life. Great Mission. <hr/> DEPT OF CORRECTIONAL SERVICES	POLICY		
	RESTORATION OF GOOD TIME		
	REVISED DATE September 30, 2024	NUMBER 117.02	PAGE 4 of 4
STATEMENT OF AVAILABILITY Law Library Access			

III. ATTACHMENTS

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

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) – None noted