



# **Nebraska Ombudsman's Office**

## **Report on**

## **Nebraska Department of Correctional Services**

## **Restoration of Good Time**

October 2025

Julie L. Rogers, Ombudsman  
Sarah Amsberry, Analyst

## Table of Contents

Introduction .....	3
Scope of Investigation.....	3
Loss of Good Time & Restoration of Good Time .....	5
Loss of Good Time.....	5
Restoration of Good Time.....	6
Findings .....	7
The Restoration of Good Time policy does not reflect current standards for eligibility criteria.....	7
The Restoration of Good Time Policy does not explain the current standard to be approved for restoration of good time.....	8
The Restoration of Good Time Policy neither defines nor explains “positive progressive behavior” .....	8
The Restoration of Good Time process is not automatic. ....	11
The Restoration of Good Time Policy does not outline the review process.....	11
The Restoration of Good Time Policy gives conflicting information on subsequent requests. Subsequent requests are not processed consistently. ....	14
The Administrative time to process and review restoration of good time requests significantly impacts the time an incarcerated individual may restore. ....	15
NDCS created a new classification dashboard on NICaMS for restoration of good time.....	16
NDCS does not collect aggregate data on the reasons restoration of good time is denied.....	17
With LB50, restoration of good time will now impact PEDs.....	17
Recommendations .....	18
1. Create a Process for Automatic Restoration of Good Time.....	18
2. Notify Incarcerated Individuals When They are Eligible to Restore Good Time and Implement a Defined Submission Date for the Incarcerated Population. ....	19
3. Amend the Restoration of Good Time Policy. ....	19
a. Outline the process.....	19
b. Set a timeframe to process and review restoration of good time requests.....	20
c. Align eligibility criteria to current practices.....	20
d. Define and explain Positive Progressive Behavior that includes a designated review period ...	21
e. Disposition letters should be dated and have the reason for denial.....	21
4. Collect Additional Aggregate Data on the Restoration of Good Time.....	21

## Introduction

The Ombudsman's Office (also known as the Office of Public Counsel) receives complaints about Nebraska state agencies and conducts impartial and independent investigations to resolve issues.<sup>1</sup> Receiving thousands of complaints each year across Nebraska's state agencies, the Ombudsman's Office is in a unique position to "review administrative acts that may be unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's judgements".<sup>2</sup> Every year over the past several years, the Ombudsman's Office received complaints regarding the Nebraska Department of Correctional Services (NDCS) and its established restoration of good time process for incarcerated individuals.

In working the complaints, the Ombudsman's Office was able to identify policy and practice that is inconsistent, unclear, and unfair in its application. These issues negatively impact the efficiency of restoring good time to incarcerated individuals whose conduct is consistent with requirements in the Good Time Restoration Policy. At the end of this report are suggestions to improve the process. Ultimately, a system that restores good time efficiently and consistently is another tool to incentivize good behavior, leading to a reduction in the overall population within NDCS.

## Scope of Investigation

NDCS calculates a criminal sentence when an individual is committed to their custody. Sentence calculations can be complicated. NDCS must consider the court order, applicable governing laws, and relevant case law. Here are some factors when calculating a sentence structure:

- Good time credit;
- Credit for time served;
- Mandatory minimum;
- Concurrent vs. consecutive;
- Minimum and maximum term;

---

<sup>1</sup> Neb. Rev. Stat. § 50-2001 *et seq.*

<sup>2</sup> Neb. Rev. Stat. § 50-2008.

- Parole eligibility vs. post-release supervision;
- Earned good time (LB 191);
- Years served (LB 50);
- Forfeited good time; and
- Restored good time.

NDCS calculates “good time” by reducing an incarcerated individual’s sentence by six months for each year of their term and pro rata for any part that is less than one year.<sup>3</sup> This is done at the beginning of a sentence. During incarceration, good time may be forfeited or withheld if an incarcerated individual violates a NDCS rule.<sup>4</sup> This is done through the NDCS disciplinary process. Losing good time changes an incarcerated individual’s sentence structure, meaning they will be incarcerated longer than if they had not violated such a rule.

NDCS also has the authority to restore good time.<sup>5</sup> An incarcerated individual must meet certain criteria and demonstrate good behavior in order for good time to be restored. When forfeited time is restored, it then reduces the incarceration term. This report focuses on the process of good time *restoration*.

The Ombudsman’s Office has received a wide variety of complaints regarding restoration of good time over the past several years. Incarcerated individuals have raised the following issues:

- The process for restoration of good time is not well-defined;
- Requests for restoration of good time are denied when all eligibility requirements are met;
- It is unclear why restoration of good time is being denied;
- Restoration of good time forms have been lost and delayed by staff;
- Delays in the review process cause delays in requesting additional restoration of good time; and
- Denials are unfair and inconsistent.

---

<sup>3</sup> Neb. Rev. Stat. § 83-1,107(2)(a).

<sup>4</sup> Neb. Rev. Stat. § 83-1,107(3).

<sup>5</sup> Neb. Rev. Stat. § 83-1,107(3).

Due to the wide variety of complaints received involving the restoration of good time, and the potential impacts on incarcerated individuals, the Ombudsman’s Office undertook a further review of NDCS’ regulations, policies, and procedures for restoration of good time. In vetting these issues, the Ombudsman’s Office reviewed complaints, interviewed incarcerated individuals, reviewed relevant agency records, and spoke to numerous NDCS team members throughout the system, including top administration officials.

## Loss of Good Time & Restoration of Good Time

### Loss of Good Time

In order for an incarcerated individual to lose good time, a misconduct report must be issued. A misconduct report is a report written by an NDCS team member that details how an incarcerated individual violated an institutional rule.<sup>6</sup> If an incarcerated individual is found guilty of the charge(s), a sanction is imposed.<sup>7</sup> According to NDCS policy, the purpose of the disciplinary process is to govern incarcerated individuals' conduct and to maintain a safe and secure facility for team members, the incarcerated population, and the public.<sup>8</sup> NDCS handles thousands of misconduct reports each month. NDCS recorded a monthly average of 3,079 misconduct reports systemwide in 2024.

Sanctions for incarcerated individuals found guilty of rule violations range in severity from the restriction of privileges, like canteen or phone use, to the loss of good time, which extends their tentative release date.<sup>9</sup> If NDCS determines the charge is serious or flagrant, the incarcerated individual may be sanctioned to a loss of good time.<sup>10</sup> In the most serious situations NDCS may designate loss of good time involving assault or injury to a person as non-restorable good time.<sup>11</sup> NDCS limits the number of days that can be lost based on the level of offense.<sup>12</sup> The data available to the Ombudsman’s Office reflects that in 2024, NDCS sanctioned 1,427 incarcerated

---

<sup>6</sup> 68 NAC 6-005; NDCS Policy 217.01(“Inmate Rules and Discipline”).

<sup>7</sup> 68 NAC 6-003.01; NDCS Policy 217.01.

<sup>8</sup> NDCS Policy 217.01.

<sup>9</sup> 68 NAC 6-0010; 68 NAC 6-011; 68 NAC 1-003.02.

<sup>10</sup> 68 NAC 6-0010.

<sup>11</sup> 68 NAC 6-0010.01A.

<sup>12</sup> 68 NAC 6-0010.

individuals, which resulted in a total of 204,725 collective days of lost good time. This is equivalent to 561 total years of lost good time.

## Restoration of Good Time

Incarcerated individuals have the opportunity to restore good time forfeited due to a disciplinary sanction.<sup>13</sup> NDCS restored 27,967 collective days of good time in 2024. This is equivalent to 77 total years. First, an incarcerated individual must meet the eligibility criteria outlined in the Restoration of Good Time Policy, 117.02:

- A parole or probation violator returned to NDCS custody will not be eligible for 90 days;
- Must be free from all Class I offenses<sup>14</sup> for one year;
- Must be free from all Institutional Disciplinary Committee (IDC)<sup>15</sup> misconduct reports for six months;
- No more than two Unit Disciplinary Committee (UDC)<sup>16</sup> misconduct reports for six months;
- The request cannot be made within six months of the incarcerated individual's tentative release date.

The Restoration of Good Time Policy at 117.02 (I)(D) describes the process for restoration of good time:

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.

---

<sup>13</sup> NDCS Policy 117.02 ("Restoration of Good Time").

<sup>14</sup> 68 NAC 5-005.

<sup>15</sup> 68 NAC 6-006.

<sup>16</sup> 68 NAC 6-006.

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 (Assistant Deputy Director-Classification). 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.

## Findings

### **The Restoration of Good Time policy does not reflect current standards for eligibility criteria.**

The Ombudsman's Office regularly receives complaints from incarcerated individuals who meet the eligibility criteria for restoration of good time, but have been denied. For example, anyone on Longer-Term Restrictive Housing status will automatically be denied good time restoration. This has been a long-standing practice at NDCS; however, it is not reflected in policy. Central Office also confirmed they are denying individuals who refuse to participate in clinical programming. These operate as eligibility criteria.

Not having eligibility criteria that are up-to-date and not having a policy that reflects practice is confusing and frustrating to the incarcerated population. It creates a general sense of mistrust in the process and/or negative reactions towards staff as incarcerated individuals feel they are being targeted. It also takes up staff time to fill out the Good Time Restoration Forms, collect all the

information, and go through each step in the process, just for restoration to be automatically denied.

### The Restoration of Good Time Policy does not explain the current standard to be approved for restoration of good time.

The Restoration of Good Time Policy outlines the eligibility criteria for an individual to initiate the restoration of good time. Meeting the eligibility criteria is merely the first step in the process and does not determine if an incarcerated individual is approved for restoration of good time. The second step in the review process is determining if the incarcerated individual demonstrated positive progressive behavior. The policy does not clearly state that incarcerated individuals must meet this standard in order to be approved for good time restoration. In addition, the standard is not defined in policy.

The incarcerated population believes if they meet eligibility requirements and apply, they will be approved. Incarcerated individuals do not understand there is a second step in the process requiring them to then meet the positive progressive behavior standard for restoration. Incarcerated individuals have expressed confusion, animosity, anger, and frustration due to a lack of understanding as to why they are denied good time when they met the stated eligibility requirements. This causes a lack of trust in the process, which could lead to disengagement in the process or setbacks in rehabilitation efforts.

### The Restoration of Good Time Policy neither defines nor explains “positive progressive behavior”.

The purpose/intent of the Restoration of Good Time Policy states, “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.” Positive progress behavior is not mentioned in the criteria or process sections of the policy.



The intent language is the only reference to “positive progressive behavior” in the policy or any other policy within NDCS. Positive progressive behavior is not defined. Therefore, each case manager, UCC, ICC, and the Warden from nine different facilities could all have a different opinion on what positive progressive behavior means. Because it is not defined or fully explained as a second step in the review process, some staff may not apply this standard at all. Positive progressive behavior could mean anything.

For example, incarcerated individual W.K. was approved restoration of good time in June and July 2024. W.K.’s request for restoration of good time in August 2024 was denied due to a failure to demonstrate positive progressive behavior. The Warden determined that his poor performance at his work assignment was a factor in determining he had not demonstrated positive progressive behavior. During this time period, W.K. received high scores on his performance evaluation at work. It is unknown how W.K. demonstrated poor performance at work during the month of August. W.K. was approved for restoration of good time in September 2024.

In another example, incarcerated individual J.T., was approved for restoration of good time in November 2024. In December 2024, the Warden denied restoration of good time because he failed a sanitation check for his cell. J.T. did not receive a misconduct report for this incident. J.T. was approved for restoration of good time in January 2025.

In both examples the incarcerated individual was eligible to restore good time. However, because there is neither a standard definition nor implemented guidelines for evaluating positive progressive behavior, NDCS staff are seen as able to use any reason to deny a request. This wide net of interpretation can cause perceived unfairness; retaliation; and inconsistent outcomes.

The policy states, “the warden may approve no more than 30-day restoration of good time.”<sup>17</sup> The Warden has full discretion to determine if the incarcerated individual has shown positive progressive behavior. The period of time for reviewing positive progressive behavior is undefined. It is left to staff to determine whether to evaluate positive progressive behavior over

---

<sup>17</sup> NDCS Policy 117.02.

the course of the previous 30 days, 6 months, or 18 months. In contrast, the eligibility requirements include a clear and concrete timeframe.

For example, incarcerated individual J.T. was approved restoration of good time on:

- January 17, 2025
- February 21, 2025
- March 25, 2025

On April 2, 2025 J.T. submitted his fourth consecutive restoration of good time request. On April 21, 2025 the Warden denied the request based on a July 2024 assault. J.T. submitted an appeal. On May 8, 2025, the Assistant Deputy Director-Classification denied the appeal based on J.T.'s Longer-Term Restrictive Housing status which ended on October 4, 2024.

According to the policy J.T. met the eligibility requirements. However, the Warden determined J.T. did not show positive progressive behavior based on an incident that occurred nine months prior. The Assistant Deputy Director-Classification denied his appeal based on his previous classification status. J.T. was caught off guard and did not understand why he was denied when he was approved on three previous requests. J.T. expressed the system is setting incarcerated individuals up to fail and there is no motivation to do better.

Another example with a similar fact pattern is observed in incarcerated individual V.D.'s case. On January 7, 2025, V.D. submitted his fourth request for restoration of good time. On February 6, 2025, the Warden denied the request due to a June 2024 Drug Intoxication Abuse charge, even though the previous three requests were approved. On June 7, 2024, the Unit Disciplinary Committee dismissed the Drug or Intoxicant Abuse charge based on "evidence does not support charge." V.D.'s fourth request was denied based on a drug charge that was dismissed months prior due to a lack of evidence. His consecutive approvals were disrupted due to this.

The positive progressive behavior standard is not clear or used consistently throughout the system.

## The Restoration of Good Time process is not automatic.

According to Restoration of Good Time Policy 117.02, there is no automatic process to restore good time. Incarcerated individuals are responsible for keeping track of when they are eligible for restoration, when to submit a request, when to submit subsequent requests, and when they have received five consecutive approvals. The eligibility dates and subsequent requests are generally different every month because it takes time to process requests. Eligibility is based on the prior *approval* date instead of prior submission date. NDCS staff do not inform incarcerated individuals when they are eligible for good time restoration or prompt them to submit a request. Tracking good time restoration can be complicated and an incarcerated individual who does not precisely track relevant dates usually loses the opportunity for maximum benefit of restoration of good time.

## The Restoration of Good Time Policy does not outline the review process.

The Restoration of Good Time Policy does not outline how a request for restoration is processed or reviewed. Restoration of good time is considered a “classification action.” This means it is reviewed through the classification process as outlined in the Classification of Incarcerated Individuals Policy 201.01. However, the Restoration of Good Time Policy only mentions the classification process one time: “All good time restoration requests are to be initiated by the incarcerated individual and placed on a Good Time Restoration Form through the normal classification process.”<sup>18</sup>

The restoration of good time process has multiple steps and is reviewed by many staff members. The current restoration of good time process is as follows:

1. An incarcerated individual submits a form to request restoration of good time.
2. The case manager determines if the incarcerated individual is eligible. If eligible, the case manager will process the information into the Nebraska Inmate Case Management System (NICaMS). If not, nothing further happens. The case manager must click a checkbox in NICaMS to advance to the next step.

---

<sup>18</sup>NDCS Policy 117.02.

3. The Unit Classification Committee (UCC) reviews the request and makes a recommendation. The UCC must click a checkbox in NICaMS to advance to the next step.
4. The Institutional Classification Committee (ICC) reviews the request and makes a recommendation. The ICC must click a checkbox in NICaMS to advance to the next step.
5. The Warden reviews the request and makes the final decision. The Warden must click a checkbox in NICaMS to advance to the next step if the request is greater than thirty days.
6. The Director/designee reviews all requests that recommend restoration of more than thirty days.
7. The incarcerated individual can submit an appeal if they disagree with the outcome.

The classification process does not have a timeframe/deadline for each step in the process. Therefore, it could take days, weeks, or months to process the restoration of good time requests. The current system does not have an alert/ trigger if staff forget to click the checkbox that advances the review to the next step. This delays the process even further.

For example, incarcerated individual G.J. requested restoration of good time on May 28, 2025. The Unit Classification Committee did not review the request until June 30, 2025. That is a 33-day lapse. On July 2, 2025 the Warden approved 30 days. G.J. is not eligible to make a subsequent request until August 1, 2025, which is 30 days after the *approval* date. G.J. missed out on requesting another 30 days during this review process solely due to administrative delays.

After the Warden or the Assistant Deputy Director-Classification, makes a final decision, the staff provide notification to incarcerated individuals in the form of a disposition letter. The Ombudsman's Office has observed that some disposition letters are not dated. The lack of a date on disposition letters deprives incarcerated individuals of a mechanism to track the required 30-day waiting period before submitting the subsequent request.

Additionally, the disposition letter does not state the reason for denial. The lack of a reason for denial deprives incarcerated individuals of notice concerning areas where they must improve in order to demonstrate positive progressive behavior and deprives them of an opportunity to formulate an argument for an appeal. Central Office stated it was the responsibility of the case

manager to inform/explain why a request was denied. However, this decision is not made by the case manager and case managers frequently have very little or no information to pass on. This takes up staff time and frustrates the incarcerated population.

For example, incarcerated individual V.D., asked his unit case manager for an explanation on why his fourth request for restoration of good time was denied. On February 12, 2025, the unit case manager wrote in the NICaMS, “He wanted to know why his good time request was denied. I got in touch with Unit Administrator H.C. who was acting as Unit Administrator during that time, and she couldn’t remember why.” V.D. never got a clear answer on why his restoration of good time was denied.

Another issue identified in the Restoration of Good Time Policy is an incarcerated individual’s due process right to appeal. The appeal process is not mentioned in the Restoration of Good Time Policy. It is unknown how many individuals utilize the appeal option. According to the Classification of Incarcerated Individuals Policy 201.01, if an incarcerated individual submits an appeal, the restoration of good time decision stands while the appeal is pending. However, the Restoration of Good Time and the Classification of Incarcerated Individuals policies do not outline when an incarcerated individual can submit a subsequent request if an appeal is filed. It appears in practice that an incarcerated individual would have to wait until after the appeal is final to submit a subsequent request, and wait an additional 30 days if the appeal is successful. Policy does not have a timeframe for when appeals should be reviewed. If an incarcerated individual decides to appeal, it could reduce the total amount of restored good time within a one-year period due to administrative process times. However, if they do not appeal, it could affect the five consecutive approvals needed to qualify for restoration of more than 30 days.

The Restoration of Good Time Policy does not detail whether an incarcerated individual can appeal an approved restoration of good time request. It is also unclear whether this is another way for an incarcerated individual to receive more than 30 days outside of the five consecutive approval requirement. For example, on July 3, 2025, incarcerated individual V.D. submitted a request for restoration of good time for 30 days. On July 9, 2025, the Warden approved 30 days. However, staff told him to appeal this decision to get additional restoration days. V.D. submitted

an appeal to Central Office, even though he was approved 30 days. Central Office approved this appeal and gave him a total of 90 days.

### The Restoration of Good Time Policy gives conflicting information on subsequent requests. Subsequent requests are not processed consistently.

The policy states, “Upon receipt of a completed Good Time Restoration form, 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.”<sup>19</sup> Because the policy uses the phrasing “every continuous 30-day period” it gives the impression that incarcerated individuals can request restoration of good time every 30 days. This would equate to 360 days of restored good time in a 12-month period if approved for all requests.

The policy then states, “Eligibility for subsequent good time restoration shall be based on the warden’s previous approval date and consistent with the above-described time periods.”<sup>20</sup> Accordingly, incarcerated individuals cannot submit a subsequent request until the last request was approved or denied. Central Office explained this is due to having multiple requests in the “queue” for one individual, as they were not able to process the requests in a timely manner. This contradicts the continuous 30-day period, clearly stated in policy.

It appears NDCS staff have difficulty keeping track of the required 30-day prior approval timeframe for subsequent requests. For example, incarcerated individual G.J., was approved restoration of good time on July 2, 2025. G.J. made a subsequent request on July 24, 2025. The UCC recommended approval on July 28, 2025. That same day the ICC recommended a denial based on the 30-day prior approval timeframe. On July 31, 2025, the Warden denied the request because it did not meet the 30-day prior approval timeframe requirement. It appears this request should not have been processed to begin with.

---

<sup>19</sup> NDCS Policy 117.02.

<sup>20</sup> NDCS Policy 117.02.

If a request is denied based on a procedural defect, there is nothing in the policy that distinguishes it from a substantive denial. Thus, that denial would impact eligibility for restoration of more than 30 days after 5 consecutive approvals. In G.J.'s case, the consecutive approval count starts over.

In other circumstances, the opposite is true where Wardens are approving requests submitted less than the 30-day requirement. For example, on November 7, 2024, incarcerated individual V.D., submitted his second request for restoration of good time. On November 27, 2024, the Warden approved a restoration of 30 days. On December 11, 2024, V.D. submitted his third request. On December 19, 2025, the Warden approved 30 days.

V.D. was not eligible to submit his third request at that time based on the last approval date. V.D. would have been eligible to submit the third request on December 27, 2024. Even though he was not eligible based on NDCS policy, the Warden approved the request.

This shows that staff are either unclear on when the restoration of good time should be submitted and processed or tracking eligibility dates is too complicated to accurately track on a consistent basis.

The policy is unclear as to when an incarcerated individual can make subsequent requests. The policy does not include the process for denied requests and appeals for eligibility purposes or subsequent requests. The incarcerated population is receiving conflicting and unclear information in the same policy. Ultimately, NDCS's current process does not allow for maximum benefit of restoration of good time.

### **The Administrative time to process and review restoration of good time requests significantly impacts the time an incarcerated individual may restore.**

The Ombudsman's Office reviewed 57 good time requests submitted after NDCS implemented the Inmate Classification Dashboard on NICaMS. Six of these restoration of good time requests were sent on to the Assistant Deputy Director-Classification based on a Warden's

recommendation that more than 30-days be restored. Time pending with the Assistant Deputy Director-Classification is omitted from the overall administrative time calculations. The average time from submission to a decision by the Warden is 11.23-days. The average time to complete UCC review is 5.42-days, ICC review is 2.23-days, and Warden review is 3.58 days. Of the 6 requests forwarded to the Assistant Deputy Director-Classification the average time for review was 4.00-days, with the longest period at 6-days.

This data reflects timely processing by NDCS staff in the aggregate. However, when combined with the 30-day waiting period between approval and subsequent submission, this means that on average, incarcerated individuals are able to submit one restoration of good time request every 41.23-days, exclusive of time for Assistant Deputy Director-Classification approval of requests seeking restoration of 30-days. This timeline allows for incarcerated individuals to submit an average of 8.85 restoration of good time requests per calendar year, which equates to 265.5 days per year. This is roughly 100 days, or 27.4%, less than a continuous process would restore.

The following are two case examples where the administrative process time exceeded 30 days. Incarcerated individual G.J., submitted a GTR request on May 28, 2025, and was approved on July 2, 2025. This is a 35-day administrative process time. The second example is regarding incarcerated individual M.S., on June 5, 2025 a request for restoration of good time was submitted, and approved on July 22, 2025. This is a 47-day administrative process time.

### **NDCS created a new classification dashboard on NICaMS for restoration of good time.**

In May 2025, NDCS created a new Inmate Classification Dashboard on NICaMS. Within that dashboard is the Good Time Restoration information. Most of the relevant information is captured, including the request date, amount of time requested, review steps, approval/denial date, and reason for denial. The dashboard does not include any appeal information. Also, the disposition letter is not uploaded into NICaMS. This creates an incomplete record and could cause confusion for staff. It is the Ombudsman's Office understanding that NDCS intends to add the appeal information to the dashboard at some point in the future.



While the update to the process in NICaMS is a welcome improvement, there remains weakness in the system. In particular, a checkbox must be clicked after completing each level of review in order to move onto the next level. There are multiple examples of reviews stalling based on an unchecked box. Because there are no timeline/deadlines to review restoration of good time requests, NDCS has not incorporated a notification system to alert staff the review process has been stalled. This has caused delays. For example, incarcerated individual G.J. requested good time restoration on May 28, 2025. The Unit Classification Committee did not complete a review until June 30, 2025. It is unknown why there was such a long delay. If there were deadlines and a notification system in place this may have been prevented.

The dashboard should provide a complete record and an easier method for staff to submit and keep track of restoration of good time for the incarcerated population.

NDCS does not collect aggregate data on the reasons restoration of good time is denied.

In Spring of 2025, the Ombudsman's Office inquired about collecting aggregate data and how the new dashboard will assist in those efforts. NDCS is able to determine how many days are restored. However, they stated it was too complicated to create data fields identifying the reasons for denial. NDCS does not know the rate of denials or the reasons for denial. This could help them tailor their rehabilitation efforts and target larger issues.

### With LB50, restoration of good time will now impact PEDs.

The impact of the Restoration of Good Time Policy has been expanded to include parole eligibility dates for a portion of the incarcerated population. Prior to LB 50 (2023), all parole eligible dates were calculated based on one-half the incarcerated individual's minimum term as provided in sections 83-1,107 and 83-1,108.<sup>21</sup> LB 50 adds alternative formulas for calculating parole eligibility dates and requires that the formula resulting in the earliest date be applied.<sup>22</sup> For incarcerated individuals serving a sentence of twenty years or less, the alternative formula

---

<sup>21</sup> Neb. Rev. Stat. § 83-1,110 (Cum. Supp. 2022).

<sup>22</sup> LB 50, § 47 (2023); Neb. Rev. Stat. § 83-1,110(1) and (3)(c).

establishes a parole eligibility date two years prior to their mandatory discharge date.<sup>23</sup> For incarcerated individuals serving a sentence over twenty years, the alternative formula establishes a parole eligibility date when they have served eighty percent of the time until the their mandatory discharge date.<sup>24</sup>

Both of the alternative formulas introduced by LB 50 are calculated from the incarcerated individual's mandatory discharge date. Loss of good time and restoration of good time each result in adjustments to incarcerated individual's mandatory discharge date. Thus, the process for restoration of good time has a potential impact on the parole eligibility date of incarcerated individuals whose parole eligibility dates are calculated under either new formula created by LB 50. Improvements in the restoration of good time process can provide an earlier opportunity for parole for those incarcerated individuals that are eligible.

## Recommendations

In reviewing the current good time restoration process, the Ombudsman's Office identified some opportunities for change that NDCS may consider.

These recommendations are made in isolation of each other. For example, if NDCS decides to implement recommendation 1., most, if not all, the issues identified in this report would be alleviated and implementing recommendations 2. and 3. would not be necessary.

### 1. Create a Process for Automatic Restoration of Good Time.

The Ombudsman's Office recommends NDCS create a process for the automatic restoration of good time. An automatic process would alleviate most of the issues identified in this report. This would free up staff time and ultimately reduce the incarcerated population at a faster pace. Having an automatic system would take out the discretionary aspect of the process. However, if the eligibility criteria are robust and conform with current standards and practices, an automatic process would maximize the benefit of restoring good time. This includes incentivizing good

---

<sup>23</sup> Neb. Rev. Stat. § 83-1,110(1)(b) and (3)(c)(ii).

<sup>24</sup> Neb. Rev. Stat. § 83-1,110(1)(c) and (3)(c)(iii).

behavior, resulting in less time in prison for an individual, which collectively could reduce the overall prison population.

## 2. Notify Incarcerated Individuals When They are Eligible to Restore Good Time and Implement a Defined Submission Date for the Incarcerated Population.

Currently, staff have to look up each incarcerated individual's eligibility date, request date, approval/denial date, subsequent request date, and how many requests have been approved consecutively. In most cases, incarcerated individuals do not know the specific date they are eligible for restoration of good time unless they ask staff. In order to maximize the benefit of restoration of good time incarcerated individuals should be notified when they are eligible to make a request.

Based on the examples the Ombudsman's Office has reviewed, good time restoration requests are submitted on different dates and frequencies. This is cumbersome for staff and inefficient. The Ombudsman's Office recommends NDCS implement a defined submission date for the entire incarcerated population. This would streamline the process, create a clear and concise rule for everyone, alleviate staff time, and provide a uniform opportunity for all eligible incarcerated individuals to request good time restoration twelve times per year. Example language could be: *All restoration of good time requests must be submitted by the last day of a calendar month during which the incarcerated individual maintains eligibility during the entire month.*

## 3. Amend the Restoration of Good Time Policy.

### a. Outline the process

The review process for good time restoration requests is not outlined in the current policy. The restoration of good time process follows the classification process, which is outlined in Classification of Incarcerated Individuals, 201.01. This can be confusing to the incarcerated population. The current policy does not explain that incarcerated individuals have the right to appeal. Nor does it explain the process to appeal. The Ombudsman's Office recommends NDCS outline the entire process for restoration of good time in the Restoration of Good Time Policy.

b. Set a timeframe to process and review restoration of good time requests

The Restoration of Good Time Policy and the current process does not have a timeframe for staff to process and review the requests. The impact of delays in reaching an approval are moot if either Recommendation 1. or 2. is adopted. The current policy indicates the “approval date” is when the 30-day clock starts. If there is a delay in reviewing restoration of good time requests, the incarcerated individual could lose days to restore. Therefore, the incarcerated individual is incarcerated longer. A timeline for resolving appeals should also be identified. Currently the process is documented in the Good Time Restoration Dashboard; however, it does not include appeals. The Ombudsman’s Office recommends NDCS:

- Implement a set timeframe for staff to process and review restoration of good time requests.
- Create a notification system within NICAMS or email to alert staff of deadlines for each level of the review process.
- Provide clarification as to whether a pending appeal impacts the date for making a subsequent request.
- Add the appeals information to the Good Time Restoration Dashboard on NICAMS.

c. Align eligibility criteria to current practices

NDCS confirmed all incarcerated individuals currently on Longer-Term Restrictive Housing are automatically denied restoration of good time. However, this is not reflected in the policy as eligibility criteria. This also applies to individuals who refuse to participate in clinical programming recommendations. The Ombudsman’s Office recommends NDCS align the Restoration of Good Time Policy’s eligibility criteria with current practices. NDCS may also want to consider other eligibility criteria currently used in practice but not formalized in policy, for example: individuals on Immediate Segregation; extended timeframes for misconduct reports; and certain dismissed misconduct reports.

- d. Define and explain Positive Progressive Behavior that includes a designated review period

The Ombudsman's Office recommends NDCS define and explain "positive progressive behavior" in the Restoration of Good Time Policy. The Ombudsman's Office further recommends that the policy fully explain that incarcerated individuals must meet the positive progressive behavior standard in order to be approved restoration of good time. The positive progressive behavior standard should also have parameters set for a review period, for example: *The Warden will determine if the incarcerated individual met the positive progressive behavior standard during the most recent 30-day eligibility period.* NDCS should use restoration of good time as an incentive to promote and reward good behavior, not as a second form of punishment.

- e. Disposition letters should be dated and have the reason for denial

Currently incarcerated individuals are required to keep track of the date of approval/denial in order to make another request in 30 days. If the disposition letter does not have a date, this becomes impossible to track. The Ombudsman's Office recommends NDCS:

- Add the decision date to each disposition letter;
- If denied, add the reason for denial;
- Add the date when the incarcerated individual will be eligible to submit the next request; and
- Upload the letter into NICAMS.

#### 4. Collect Additional Aggregate Data on the Restoration of Good Time.

NDCS currently collects data on the amount of good time that is restored. However, data is not collected for the denied requests. Right now, there is no way to compare the rate of approvals vs. denials. The Ombudsman's Office recommends NDCS collect aggregate data on the restoration of good time denials. This should also include data on the reasons why the request was denied. Data should be collected on how many and how much time is approved in excess of 30 days when an incarcerated individual requests restoration following five consecutive approvals.



Jim Pillen, Governor

October 28, 2025

Julie L. Rogers, Public Counsel/Ombudsman  
State Capitol  
P.O. Box 94604  
Lincoln, Nebraska 68509

RE: Nebraska Ombudsman's Office Report on Nebraska Department of Correctional Services Restoration of Good Time (October 2025)

Dear Ms. Rogers:

This letter is in response to the above-referenced report. We have discussed this topic on previous occasions and sincerely appreciate receiving your collective observations for review and consideration. As you will recall, the electronic good time restoration system went live in NICaMS on the Inmate Classification Dashboard in May 2025. This was a process improvement first step to provide a more consistent and transparent tracking of restoration requests made through the classification process.

We agree that the good time restoration process can be further improved. While restoring good time is an incentive for good behavior, it is worth noting that incentive is afforded at the beginning of an individual's sentence in anticipation of compliance with institutional rules. Only if an individual demonstrates non-compliance with institutional rules is good time forfeited. As such, it is not our intent to revise the process to make restoration of forfeited good time expected or routine, but rather a privilege that can be restored based on eligibility and, ultimately, the discretion of the decision maker.

Our response to the specific recommendations in the report is as follows:

1. Create a process for automatic restoration of good time

RESPONSE: We do not support the automatic restoration of good time. Disposition of previously forfeited good time will remain a discretionary decision, which by nature are allowed to vary based on the judgement of the decision maker. In the event an individual believes a denial is unfair, the option to appeal the decision will remain available to them.

We do believe there would be value in developing an automated process to alert team members of individuals who are eligible for consideration of good time restoration. We are exploring this option. We are also looking into opportunities to streamline the review and disposition process of good time restoration.

Rob Jeffreys, Director  
Department of Correctional Services

P.O. Box 94661 Lincoln, NE 68509-4661  
Phone: 402-471-2654 Fax: 402-479-5623

[corrections.nebraska.gov](https://corrections.nebraska.gov)

2. Notify incarcerated individuals when they are eligible to restore good time

RESPONSE: We believe there would be value in developing an automated process to alert individuals when they are nearing eligibility for consideration of good time restoration as well as when they are eligible for consideration of good time restoration. We are also exploring this option.

3. Amend the restoration of good time policy

- a. Outline the process
- b. Set a timeframe to process and review restoration of good time requests
- c. Align eligibility criteria to current practices
- d. Define and explain positive progressive behavior that includes a designated review period
- e. Disposition letters should be dated and have the reason for denial

We agree to revise NDCS Policy 117.02 *Restoration of Good Time*. Revisions will more clearly outline the process, address timelines, and align eligibility criteria to current practice. In the event we continue to reference "positive progressive behavior," such will provide clarity as to what that would entail. Disposition letters generated from the Inmate Classification Dashboard are dated. To ensure the use of hand-written disposition notices ends, team members will be reminded to use the disposition letter generated from the dashboard. This will also be specified in the revised policy

To be clear, despite pending policy revisions, the restoration of good time will remain a discretionary decision.

4. Collect additional aggregate data on the restoration of good time

RESPONSE: NDCS will continue to collect data on the amount of good time that is restored. As denied requests for good time restoration will remain a discretionary decision, data specific to denials will not be collected. Providing a specific reason for the denial may unintentionally create expectations or precedents that limit future discretion.

Again, thank you for sharing these recommendations to improve NDCS policy and processes specific to the restoration of previously forfeited good time. I will advise your office once the policy revisions are complete. In the meantime, please let me know if you have further questions or comments.

Sincerely,



Diane Sabatka-Rine  
Assistant Director

c: Rob Jeffreys, NDCS Director  
Geoff Britton, NDCS Chief Inspector