

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
564**

**FORFEITURE AND RESTORATION OF STATUTORY GOOD
TIME CREDITS**

Supersedes: AR 564 (Temporary, 09/30/11)
Effective Date: 06/17/12

AUTHORITY:

NRS 209.429
NRS 209.451
NRS 213.1519

RESPONSIBILITY:

The Director/Deputy Director is responsible for the decision regarding the forfeiture and restoration of Statutory Good Time (SGT) credits previously forfeited for inmate misconduct while in the custody of the Department or during Residential Confinement (Res Con).

The Offender Management Administrator (OMA) is responsible for providing input to the Director/Deputy Director regarding the forfeiture of Statutory Good Time (SGT) credits originating from inmate misconduct while in the custody of the Department or during Residential Confinement (Res Con).

564.01 GENERAL PROVISIONS

1. Credits subject to forfeiture are those earned up to the date of the violation on the sentence the inmate is currently serving.
2. If a parolee's or former parolee's prior sentence is subject to a revocation hearing, the Parole Board is the only authority that can order forfeiture or restoration of SGT credits on a parolee or former parolee's prior sentences.
3. A designated employee at each institution/facility will be assigned as the Institutional Credit Coordinator (ICC).

4. All statutory forfeiture reports should be submitted within 60 calendar days of the Disciplinary Hearing finding of guilt.
5. Interstate Compact Inmates must be referred to the sending state for loss of any statutory good time credits through the Offender Management Division..

564.02 REVOCATION OF EARNED CREDIT

1. Staff may refer inmates who are found guilty by a Disciplinary Hearing Officer of a major or work release violation, as defined by the Inmate Disciplinary Process A.R. 707, A.R. 707.1 and A.R 707.2.

2. When credit forfeiture is recommended by the Warden, the ICC will cause a referral packet to be completed and forwarded to the Offender Management Division (OMD) designee.

A. The credit referral packet for both forfeitures and restorations will include:

(1) A copy of the documents on which the request for forfeiture/restoration is based.

(2) The Statutory Forfeiture/Restoration Form DOC- 3069.

3. In all instances where the forfeiture of credits is recommended, the Warden shall indicate the category that is recommended on the Statutory Forfeiture/Restoration report.

4. The institution or facility at which the disciplinary hearing was conducted will complete referral packets for forfeiture of statutory credits.

5. Packets for restoration of statutory credits may be completed at any institution where the inmate is currently located.

564.03 OFFENDER MANAGEMENT DIVISION FUNCTIONS.

1. The OMD designee will determine the amount of credits at risk for both forfeitures and restorations and ensure that the inmate time is accurately computed and recorded in the Nevada Offender Tracking Information System (NOTIS) in conformance with applicable statutes and regulations.

2. The staff member responsible for this activity will fill in the amount of credits to be forfeited or restored in the space provided on the credit referral packet. The packet will be then be forwarded to the Director/Deputy Director for restoration or forfeiture decision.
3. When the Director/Deputy Director completes the referral report indicating what action is to be taken, the packet will be returned to the OMD designee who will then complete the following:
 - A. Remove the C-File copy of the Referral/Restoration Report and transmit the remainder to the ICC at the institution where the packet originated.
 - B. Require that adjustments be made to the inmate's record of credit earnings in NOTIS to accurately reflect any forfeitures or restorations.
 - C. File the Referral/Restoration Report in the C-File.
4. When the referral involves a recommendation approved by the Director/Deputy Director for restoration of credits forfeited as a result of a parole revocation, the OMD designee will forward the packet to the Parole Board for final action. The results of the Parole Board decision will be provided to the OMD designee.

564.04 DISTRIBUTION OF RESULTS

1. When the ICC receives the completed referral packet for forfeiture or restoration from the CCRM, the ICC will ensure that the inmate receives a copy of that document.
2. The ICC will place the I-File copy of the certificate in section 2 of the I-file along with the credit referral report packet. Disciplinary forms attached to the report will not be filed in Section 2 as this information is already contained in the disciplinary section of the file and NOTIS.
3. If the Director/Deputy Director has denied a recommendation for a restoration of credits forfeited as a result of a parole revocation, copies of the referral packet will be retained in the I-File and C-File.

564.05 RESTORATION OF FORFEITED CREDIT

1. When forfeiture has resulted from misconduct in prison and the inmate desires a restoration of lost credits, the inmate must first make a request for the restoration to the Classification Committee through his caseworker.

A. When determining whether to recommend restoration of some or all credits, the classification committee will consider among other things, conduct since the last violation; seriousness of the violation; programming and prior disciplinary history. Inmates received as a parole violator must be six (6) months disciplinary free from the date they were returned to the Department.

B. The inmate must have a period of over six (6) months without a disciplinary conviction for the committee to make a positive recommendation. An exception to this rule is a restoration request that follows an inmate's completion of the OASIS program.

C. If the Warden approves of a restoration of credit, the ICC will arrange for a packet to be prepared and forwarded to the Director/Deputy Director via the OMD designee. If the Warden denies the request, it will be forwarded to the inmate through the caseworker.

2. Credits can only be restored on the sentence in which the credits were earned and are currently being served.

A. If the inmate has paroled or discharged to a consecutive sentence, the Department will not consider restoration of forfeited credits.

B. Upon successful completion of OASIS, recommendations will be forwarded by the program's caseworker to the Correctional Program Administrator via the Warden. The cases do not require classification committee approval, however the inmate must maintain six (6) months disciplinary free.

3. The restoration of statutory good time credits is discretionary. An inmate has no right, nor is any to be implied, that any statutory good time restoration may be granted regardless of whether or not they meet the criteria for consideration of such action.

564.06 PAROLE BOARD RESTORATIONS

1. Only the Board of Parole Commissioners has the authority to approve the forfeiture of credits at parole revocation hearings as well as the restoration of those credits taken at revocation hearings.

2. Credit taken at parole revocation hearings may be recommended for restoration to the Parole Board if:

A. An inmate has remained disciplinary free for six (6) months or more.

B. The Warden recommends to the Director/Deputy Director that the Parole Board restore all or part of the credit previously forfeited. Any Warden's recommendation not to restore credits will be forwarded to the inmate through the caseworker.

3. The process for the restoration of credit taken by the Parole Board is the same as restoration of credit taken at the Department level except that the Director/Deputy Director rather than authorize the restoration, will either agree with the restoration recommendation and forward it to the Parole Board or disapprove the restoration and return it to the Warden.

4. The Director's/Deputy Director's decision on a recommendation to the Parole Board is final.

APPLICABILITY

1. This regulation applies to all staff using institutional or central files.
2. This administrative regulation requires an audit.

REFERENCES

ACA Standard 4-4092
ACA Standard 4-4093
ACA Standard 4-4097



James G. Cox, Director

5/30/12
Date