

§ 2-101. Defined Terms.

In these rules, unless the context or subject matter otherwise dictates:

- (A) Absconding parole supervision means a parolee has purposely avoided supervision for a period of at least two weeks and reasonable efforts by a parole officer and staff to locate the parolee in person have proven unsuccessful;
- (B) Administrative Sanction means additional parole requirements imposed upon a parolee by his or her parole officer, with the full knowledge and consent of the parolee, designed to hold the parolee accountable for substance abuse or technical violations of conditions of parole, including, but not limited to:
 - 1. Counseling or reprimand by the Division of Parole Supervision;
 - 2. Increased supervision contact requirements;
 - 3. Increased substance abuse testing;
 - 4. Referral for substance abuse or mental health evaluation or other specialized assessment, counseling, or treatment;
 - 5. Imposition of a designated curfew for a period to be determined by the division; and
 - 6. Travel restrictions to stay within his or her county of residence or employment unless otherwise permitted by the division;
- (C) Board means the Board of Parole;
- (D) Committed offender means any person who, under any provision of law, is sentenced or committed to a facility operated by the department or is sentenced or committed to the department other than a person adjudged to be as described in subdivision (1), (2), (3)(b), or (4) of section 43-247 by a juvenile court;
- (E) Custodial sanction means confinement in a correctional facility or contract facility as a consequence for violating a condition of parole;
- (F) Department means the Department of Correctional Services;
- (G) Director of DPS means the Director of Parole Supervision and Services appointed pursuant to section 83-1,101;
- (H) Director of NDCS means the Director of Correctional Services;
- (I) Facility means any prison, reformatory, training school, reception center, community guidance center, group home, or other institution operated by the Department;
- (J) Good time means any reduction of sentence or custodial sanction granted pursuant to sections 47-502, 83-1,107(2)(a), 83-1,107(2)(b), and 83-1,108;
- (K) Levels of supervision means the determination of the following for each person on parole:
 - 1. Supervision contact requirements, including the frequency, location, methods, and nature of contact with the parole officer;

2. Substance abuse testing requirements and frequency;
3. Contact restrictions;
4. Curfew restrictions;
5. Access to available programs and treatment, with priority given to moderate-risk and high-risk parolees; and
6. Severity of graduated responses to violations of supervision conditions;

(L) Responsivity factors means characteristics of a parolee that affect the parolee's ability to respond favorably or unfavorably to any treatment goals;

~~(L)~~(M) Maximum term means the maximum sentence provided by law or the maximum sentence imposed by a court, whichever is shorter;

~~(M)~~(N) Minimum term means the minimum sentence provided by law or the minimum sentence imposed by a court, whichever is longer;

~~(N)~~(O) Pardon authority means the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations;

~~(O)~~(P) Parole term means the time from release on parole to the completion of the maximum term, reduced by good time;

~~(P)~~(Q) Person committed to the Department means any person sentenced or committed to a facility with the Department;

~~(Q)~~(R) Restrictive housing means conditions of confinement that provide limited contact with other offenders, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week;

~~(R)~~(S) Risk and needs assessment means an actuarial tool that has been validated in Nebraska to determine the likelihood of the parolee engaging in future criminal behavior;

~~(S)~~(T) Solitary confinement means the status of confinement of an inmate in an individual cell having solid, soundproof doors and which deprives the inmate of all visual and auditory contact with other persons

~~(T)~~(U) Substance abuse violation means a parolee's activities or behaviors associated with the use of chemical substances or related treatment services resulting in a violation of an original condition of parole, including:

1. Positive breath test for the consumption of alcohol if the parolee is required to refrain from alcohol consumption;
2. Positive urinalysis for the illegal use of drugs
3. Failure to report for alcohol testing or drug testing; and
4. Failure to appear for or complete substance abuse of mental health treatment evaluations or inpatient or outpatient treatment

~~(U)~~(V) Technical violation, which does not include absconding parole supervision, means a parolee's activities or behaviors which create the opportunity for re-offending or

diminish the effectiveness of parole supervision resulting in a violation of an original condition of parole and includes:

1. Moving traffic violations;
2. Failure to report to his or her parole officer;
3. Leaving the state without permission of the Board of Parole;
4. Failure to work regularly or attend training or school;
5. Failure to notify his or her parole officer of change of address or employment;
6. Frequenting places where controlled substances are illegally sold, used, distributed, or administered; and
7. Failure to pay fines, court costs, restitution, or any fees imposed pursuant to section 83-1,107.01 as directed.

STATUTORY REFERENCE: NEB. REV. STAT. §§ 83-170, 83-1,100.02, AND 83-1,119

History: Adopted September 22, 2016
Amended October 23, 2018