

EVIDENCE-BASED NEBRASKA

THE MEDIATION CENTER LANCASTER COUNTY PROGRAM EVALUATION

FY 22/23

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UNIVERSITY OF
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Executive Summary

Restorative justice is based on the principles of participation, accountability, reparation, and reintegration.¹ Research supports the use of restorative conferencing programs to address recidivism.² Restorative conferencing has been associated with other positive outcomes as well including increased community and victim involvement and satisfaction in the justice process, increased perceptions of procedural fairness.³

This report examines descriptive data on 714 youth referred to the Mediation Center in Lancaster County from November 2015 through March 2023. As conferencing is a hallmark feature of restorative justice mediation programs, we also discuss conference type and victim representation in conferences. As part of a restorative conference, the youth should work with the harmed party and a mediator oversees this process. For cases included in this sample, nearly all (97.5%) reached an agreement. Data on reparation agreements suggests that in 80.5% of cases in which an agreement was made, the youth successfully fulfilled the conditions of the agreement. We found that youth who participated in Victim/Youth conferences were slightly more likely to complete all conditions of their reparation agreement with the Mediation Center compared to those youth who participated in a Youth/Victim Surrogate conference.

We also examine how type of conference, victim, and reparation agreement fulfillment impact future system involvement (FSI) and detention for program youth. Overall, rates of FSI were low for the program (11.8% FSI; 8.1% detention). Our findings suggest statistically significant associations between FSI and referral source, FSI and reparation agreement, FSI and degree of reparation agreement fulfillment, and detention and victim type.

JJI also examined attitudes and perceptions of system professionals regarding restorative practices. A sample of 43 system-involved professionals in Nebraska responded to our survey. The highest scores among the sample indicated a strong agreement in the importance of individuals understanding the role their actions played in causing harm to others and accepting responsibility for their actions.

¹ Latimer et al., 2005

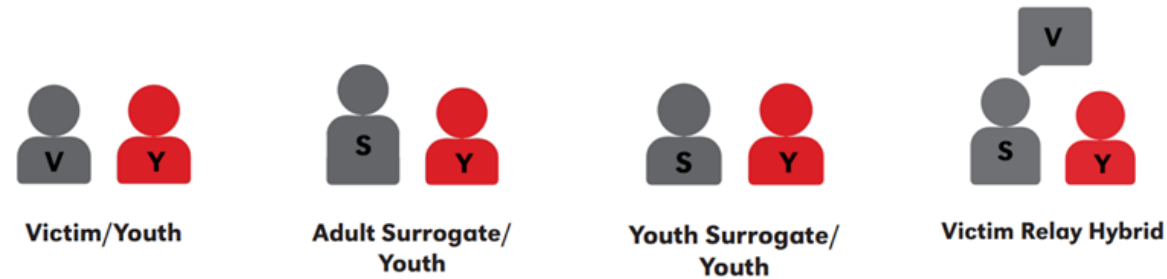
² de Beus & Rodrigues, 2007; Hayes, 2004; Nugent et al., 2001

³ Bergseth & Bouffard, 2013; Latimer et al., 2005; Leonard & Kenny, 2011; Barnes et al., 2015

Introduction

The Mediation Center was established in 1992 in Lincoln, Nebraska to provide all individuals in Lancaster County the opportunity to use mediation. The Mediation Center has a staff of six but utilize over 100 affiliated mediators. The program offers conflict resolution for many disputes, but this evaluation focuses on restorative justice approaches to juvenile diversion. The Mediation Center receives youth referrals in two ways. The first is through Project Restore, established in 2015. Project Restore allows Lincoln Public Schools to make referrals to The Mediation Center to reduce the amount of youth who are referred to the juvenile justice system by not filing charges. The second way youth are referred to the program is when youth have a law violation and are referred through the county attorney's office. The diversion program is given discretion on which are referred to the Mediation Center. If the youth and their families decide not to participate in mediation, the county attorney's office will proceed with filing charges.

On the condition of receiving a Community-based Aid (CBA) grant, programs must enter data into the Juvenile Case Management System (JCMS). This evaluation is based on the information The Mediation Center entered into the JCMS. For more information on CBA grant or JCMS, please visit the Evidence-based Nebraska website at jjinebraska.org or the Nebraska Crime Commission Juvenile Programs and Interventions at ncc.nebraska.gov/juvenile-programs-and-interventions.



Background

Types of Conferences

The Mediation Center uses different types of restorative conferences for their program. These approaches include:

- **Victim/Youth Conference:** After appropriate screening, the youth, victim, and other stakeholders (e.g., youth's parents, victim's parents or spouse, community members) come together to discuss the offense, its consequences, and what can be done to repair the harm caused.
- **Youth/Adult Victim Surrogate:** When victim participation is inappropriate, or the victim does not wish to participate, the youth and the other stakeholders meet with a trained surrogate victim. If the victim of the offense was an adult, an adult surrogate is used.
- **Youth/Youth Victim Surrogate:** When victim participation is inappropriate, or the victim does not wish to participate, the youth and the other stakeholders meet with a trained surrogate victim. If the victim of the offense was a youth, a youth surrogate is used.
- **Victim Relay Hybrid:** When victim participation is inappropriate, or the victim does not wish to participate directly, the youth and the other stakeholders meet with a substitute who relays information provided by the actual victim.

Methodology

To evaluate The Mediation Center, JJI analyzed program data included in the Juvenile Case Management System (JCMS). The Nebraska Crime Commission provided JJI with all required and optional data in the JCMS for all program referrals through March 15, 2023.

Research Questions

This evaluation report focuses on the youth referred to and enrolled in the program with data available in the JCMS. JJI examined this population of youth, their demographic characteristics, program outcomes, and future system involvement among discharged youth. The program wanted to understand more about the attitudes of system professionals regarding restorative practice and the effect this has on program referrals. Further, the Mediation Center was also interested in understanding more about the attitudes and feelings of youth and parents involved in the RJ process and the effect this has on program completion. Finally, the program was interested in gaining a better understanding of how restorative justice mediation outcomes may differ from outcomes for youth who do not complete a restorative justice driven diversion program.

After meeting with the Mediation Center, the JJI agreed to try to answer the following research questions:

1. Do the attitudes and feelings of youth and parents involved in the restorative justice process impact the youth's completion?
Although JJI presented a validated survey to the diversion program in January 2023, and a link to the online version of the survey to the Mediation Center in May 2023, no parents or youth completed the survey tool by May 22, 2023, so we were unable to answer this research question.
2. Do youth referred to a restorative approach to diversion (through TMC) demonstrate significantly better outcomes on future system involvement, as compared to youth enrolled in traditional diversion?

Results

Youth Referred to The Mediation Center

We examined data on youth referred to TMC program between November 20, 2015, through March 15, 2023. Of these, 99.6% of youth had both a referral and enrollment date ($n = 711$) and three cases only had a referral date. Eighteen youth had two separate program entries⁴ during the referral period, and 678 had one program entry.

As noted in Table 1, youth enrollment in The Mediation Center increased steadily until 2019. In 2020, enrollment dipped, likely as a result of the COVID-19 pandemic. Case enrollment again increased in 2021 and in 2022. For the entire period from 2015 – 2023, on average the program was enrolling just over 79 (79.3) cases per year. If we exclude 2015 and 2023 (given they are partial year numbers), average enrollment by year increases to just over 94 (94.3) cases.

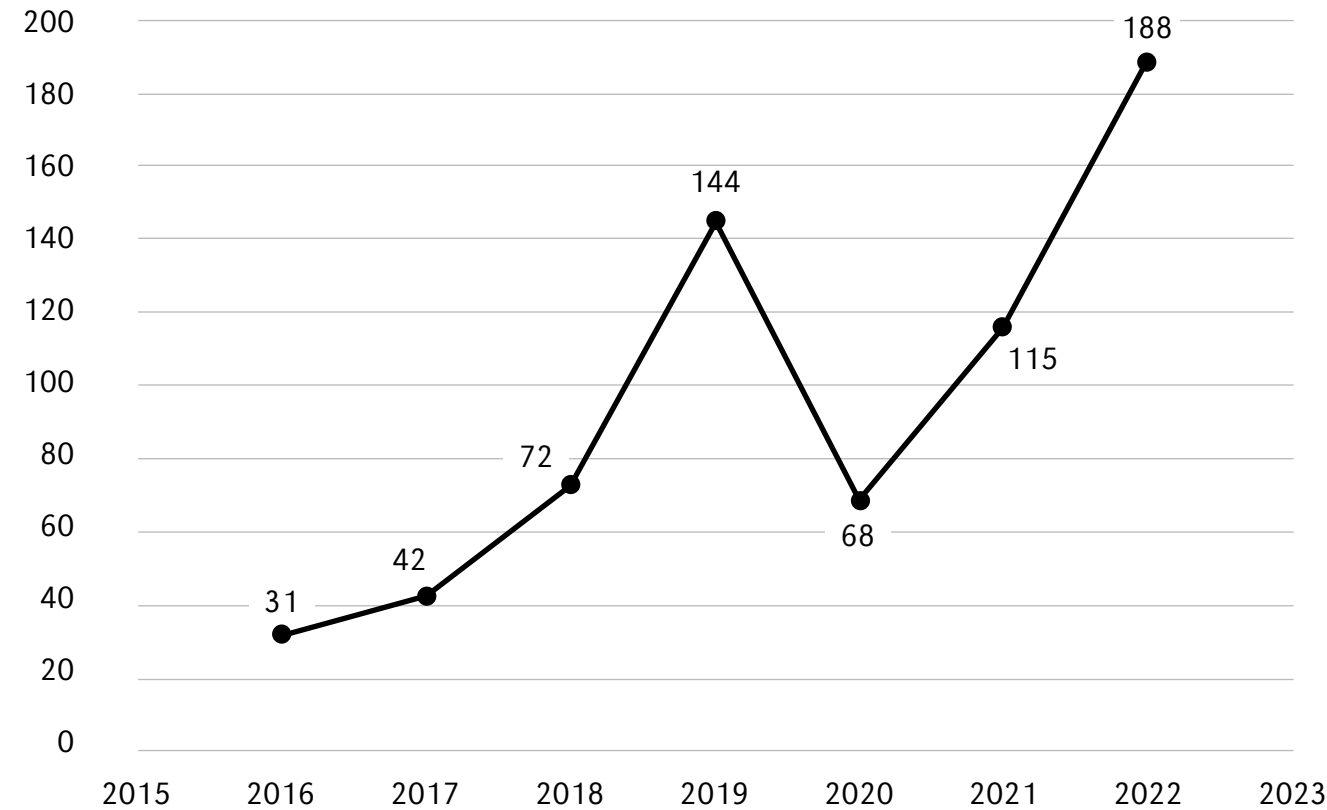
⁴ Three youth with two separate program entries had the same dates provided for referral, enrollment, and discharge. JJI confirmed these dates with the program to ensure that they were not duplicate cases that did not get deleted (two cases with duplicate entries were deleted from the dataset). Youth with multiple program entries are included twice in demographic numbers included in this report.

Table 1. Youth Enrolled by The Mediation Center 2015 – 2023

Year	Frequency	Percent
2015*	3	0.4%
2016	31	4.3%
2017	42	5.9%
2018	72	10.1%
2019	144	20.2%
2020	68	9.5%
2021	115	16.1%
2022	188	26.3%
2023*	51	7.1%
Total	714	100%

*Note. 2015 (November 20, 2015 – December 31, 2015) and 2023 (January – March 15, 2023)

Figure 1. Number of Youth Enrolled 2016 - 2022



Referral Source

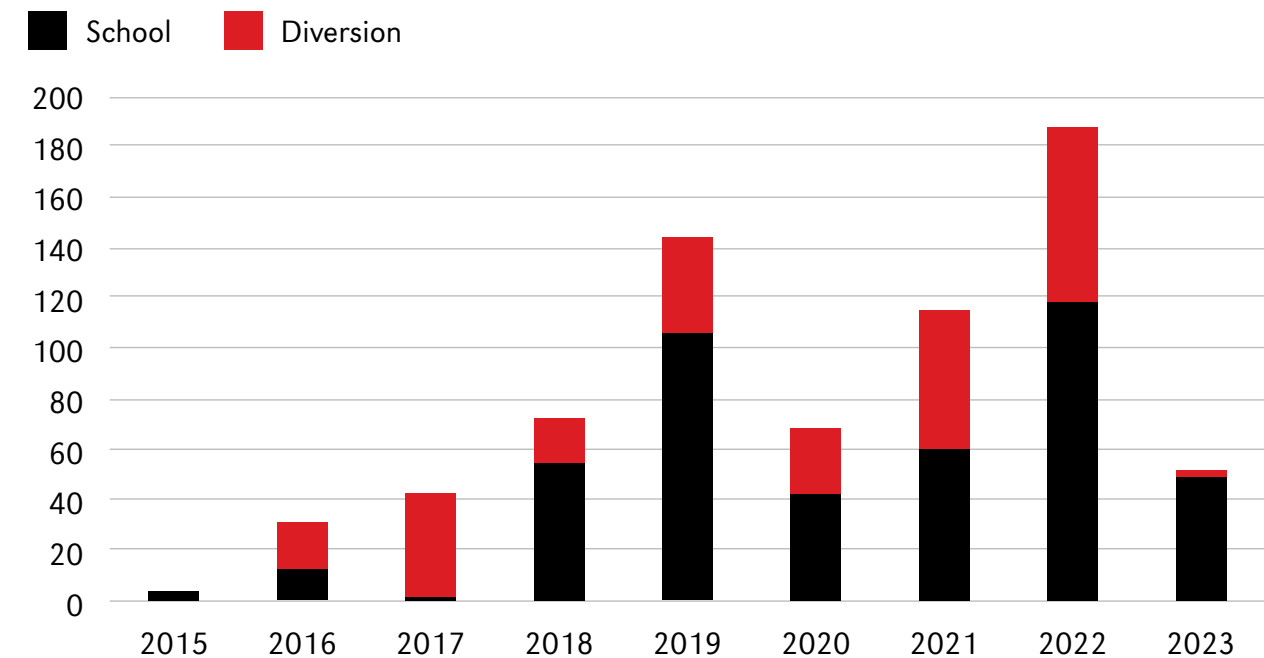
Youth enrolled in The Mediation Center program were referred primarily from schools ($n = 445, 62.3\%$), followed by diversion ($n = 269, 37.7\%$). Youth referred by school were mostly early in high school (i.e., 9th and 10th grade), $n = 191$, and youth referred by diversion were mostly later in high school (10th and 11th grade), $n = 101$. Current grade was missing for 14 youth.

Table 2. Referral Source by Current Grade

Current Grade	School (% of total School Referrals)	Diversion	Total
5th	0 (0%)	1 (0.4%)	1
6th	26 (6.0%)	14 (5.3%)	40
7th	57 (13.0%)	40 (15.2%)	97
8th	86 (19.7%)	48 (18.3%)	134
9th	94 (21.5%)	35 (13.3%)	129
10th	97 (22.2%)	51 (19.4%)	148
11th	53 (12.1%)	50 (19.0%)	103
12th	22 (5.0%)	24 (9.1%)	46
Other	2 (0.5%)	0 (0%)	2
Total	437 (100%)	263 (100%)	700

Figure 2 illustrates that schools and diversion programs are the two sources of program referrals for The Mediation Center from 2015 through 2023. Overall, these findings suggest that schools are consistently the primary referral source.

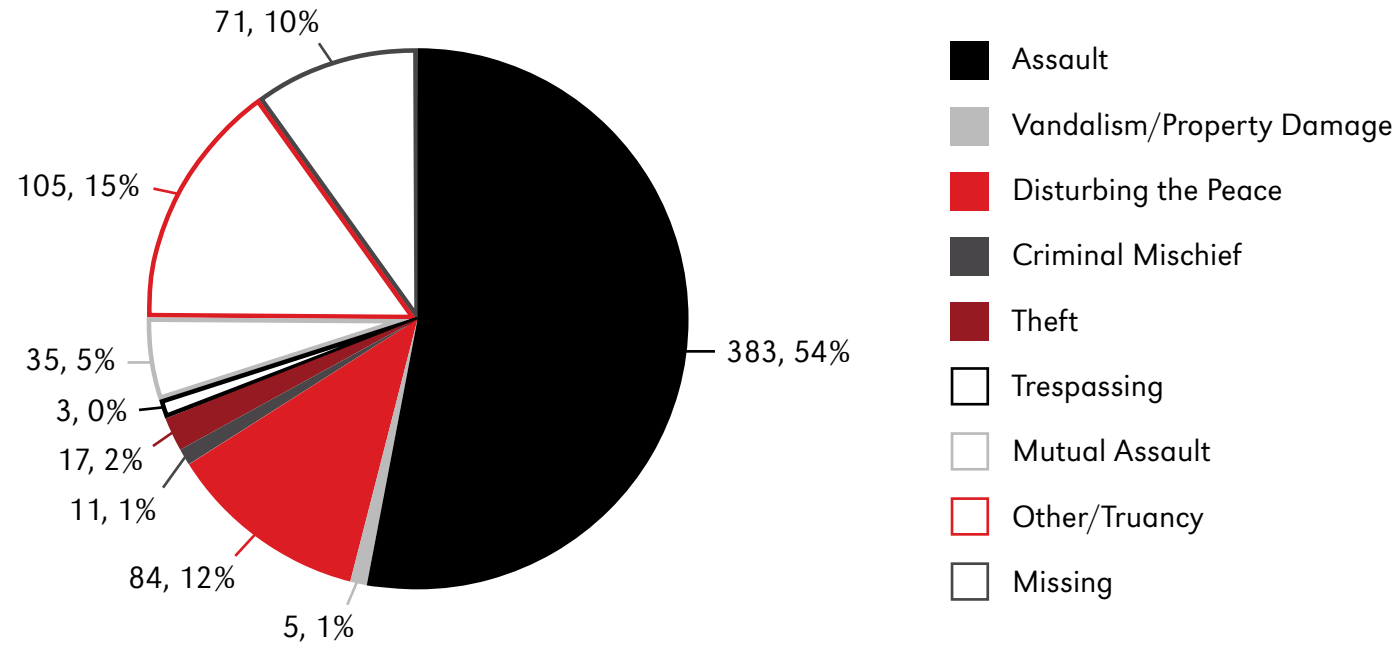
Figure 2. Source of Referral by Year



Reason for Enrollment

The most common reason for enrollment for youth to The Mediation Center was assault ($n = 383, 53.6\%$). Data on reason for enrollment were missing for 71 (9.9%) cases. Figure 3 includes the distribution of reason for enrollment in the program. Enrollment reason was listed as “other” for 105 (14.7%) cases. After examining the reasons for enrollment for “other” cases entered by the program, we found that most of these cases⁵ are referred for enrollment due to truancy ($n = 81$).

Figure 3. Reason for Enrollment



⁵ “Other” reasons for enrollment, in addition to truancy, include unlawful intrusion, false alarm, unauthorized use of a financial transaction device, terroristic threats, possession of marijuana, false information to police, carry concealed weapon, driving with no operator’s license, hit and run, dog at large, and unknown.

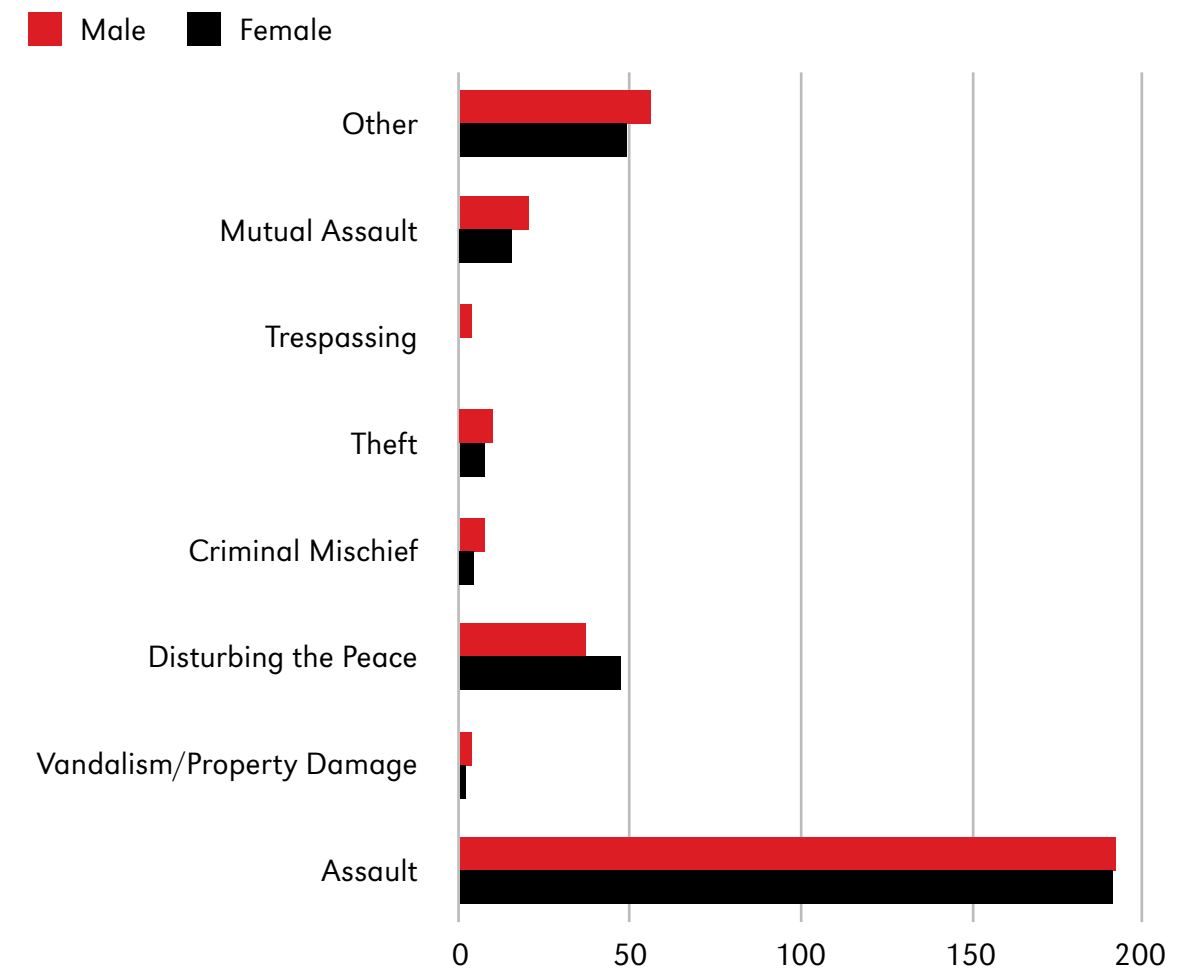
Gender and Reason for Enrollment

Of the 714 youth that have been enrolled in the program, 344 (48.2%) were female and 370 (51.8%) were male. We examined the distribution of gender by referral sources and gender by enrollment reason.⁶ The data suggests that the most common reason for enrollment for both male and female youth was assault (60.6% female and 58.5% male). Females were also more likely compared to males to be enrolled for disturbing the peace (14.9% female, 11.3% male). Males were more likely than females to be enrolled for all other reasons. The enrollment reason “other” was the second most common reason for both male (17.1%) and female (15.6%) youth to be enrolled to the program. As noted above, “other” most often included referrals for truancy.

Table 3. Gender by Referral Source

Gender	School	Diversion	Total
Female	215 (48.3%)	129 (48.0%)	344 (48.2%)
Male	230 (51.7%)	140 (52.0%)	370 (51.8%)
Total	445 (100%)	269 (100%)	714 (100%)

Figure 4. Gender by Enrollment Reason



⁶ $n = 71$ missing enrollment reason

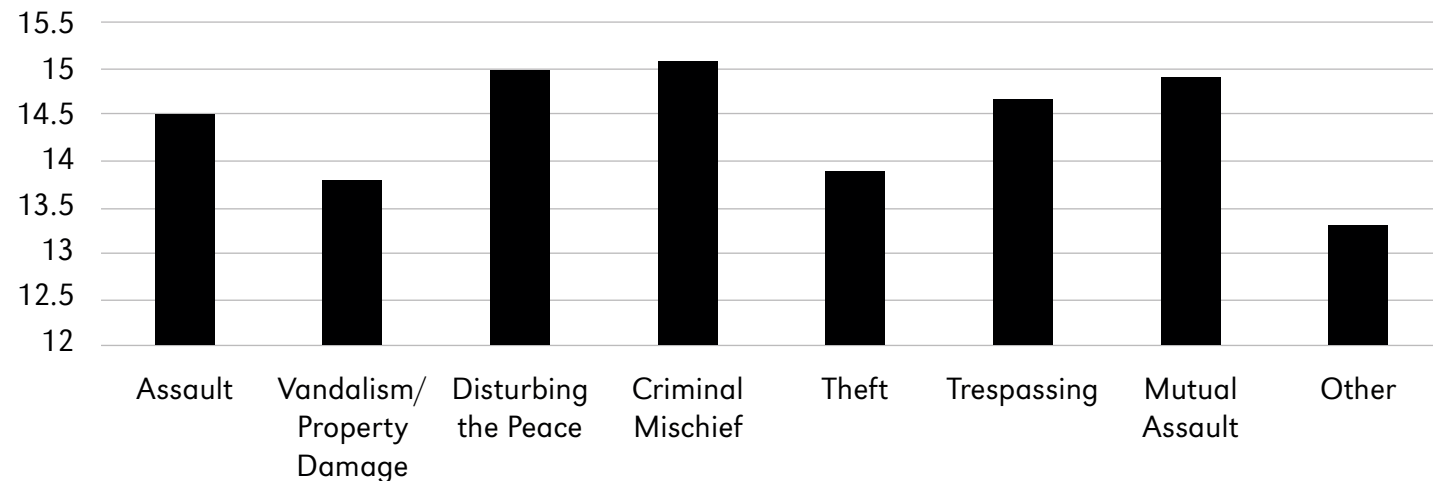
Age and Reason for Enrollment

The average age at referral for program youth was 14.4 years old (range 11-18, SD = 1.607). Age at referral was missing for two program youth. In addition, we also examined age and reason for enrollment. Unequal and small sample sizes make comparisons difficult, but overall, youth enrolled because of “other” (i.e., primarily truancy-related issues) were the youngest group with an average of 13.3 years old. Youth enrolled because of “assault” were the oldest at 15.09 years old.

Table 4. Age at Referral by Enrollment Reason

Enrollment Reason	Age at Referral				
	Frequency	Age	Min	Max	SD
Assault	382	14.53	11	18	1.592
Vandalism/Property Damage	5	13.8	12	16	1.483
Disturbing the Peace	84	14.99	12	18	1.237
Criminal Mischief	11	15.09	11	17	1.868
Theft	17	13.88	11	17	1.965
Trespassing	3	14.67	14	16	1.155
Mutual Assault	35	14.91	12	17	1.337
Other	105	13.3	11	18	1.395

Figure 5. Average age at Referral by Enrollment Reason



Race/Ethnicity of Youth Referred

Most youth ($n = 391$, 54.8%) referred to the Mediation Center were youth of color (Black/African American, $n = 156$; Hispanic, $n = 79$; Multiple Races, $n = 76$; American Indian/Alaska Native, $n = 28$; Asian, $n = 9$; Native Hawaiian/Other Pacific Islander, $n = 2$; Other Race, $n = 41$), White ($n = 235$, 32.9%), and Unspecified ($n = 88$, 12.3%).

Table 5. Race/Ethnicity

Race/Ethnicity	Frequency	Percent
White	235	32.9%
Black/African American	156	21.8%
Multiple Races	76	10.6%
Hispanic	79	11.1%
American Indian/Alaska Native	28	3.9%
Asian	9	1.3%
Native Hawaiian/Other Pacific Islander	2	0.3%
Unspecified ⁷	88	12.3%
Other Race	41	5.7%
Total	714	100%

Other Demographic Variables

Other demographic information⁸ entered into the JCMS about program youth includes data on employment, family size and income, and custody/guardianship. Most program youth ($n = 530$, 74.2%) were not employed. The average family size was 4.73 persons (range 1 – 12, SD = 1.826). Data on family income is less reliable given the higher rate of missing data ($n = 274$, 38.4%). Regarding custody/guardianship for program youth, the majority of youth were reported to be in the custody/guardianship of a single parent ($n = 472$, 66.1%) with both parents being the next most common arrangement ($n = 179$, 25.1%).

⁷ Unspecified race (year, number of cases): 2015, $n = 3$; 2016, $n = 30$; 2017, $n = 24$; 2018, $n = 3$; 2019, $n = 3$; 2020, $n = 4$; 2021, $n = 6$; 2022, $n = 14$; 2023, $n = 1$

⁸ Hispanic, Eligible for Free/Reduced Lunch, Interpreter Needed, Prior Law Violations, History of Aggressive Behavior, High Risk Environment variables had too much missing or unspecified data to report.

Table 6. Demographic Program Variables

Variables	Frequency, Percent	Mean, SD
Youth Employed		
Yes	130, 18.2%	
No	530, 74.2%	
Missing	54, 7.6%	
Family Size⁹		4.73, 1.826
Family Income		
\$0-\$9,999	4, 0.6%	
\$10,000-\$24,999	160, 22.4%	
\$25,000-\$39,999	113, 15.8%	
\$40,000 or over	163, 22.8%	
Missing	274, 38.4%	
Custody/Guardianship		
Guardian	51, 7.1%	
Single Parent	472, 66.1%	
Both Parents	179, 25.1%	
State Ward	5, 0.7%	
Lives on Own	2, 0.3%	
Missing	5, 0.7%	

Average Days in the Program

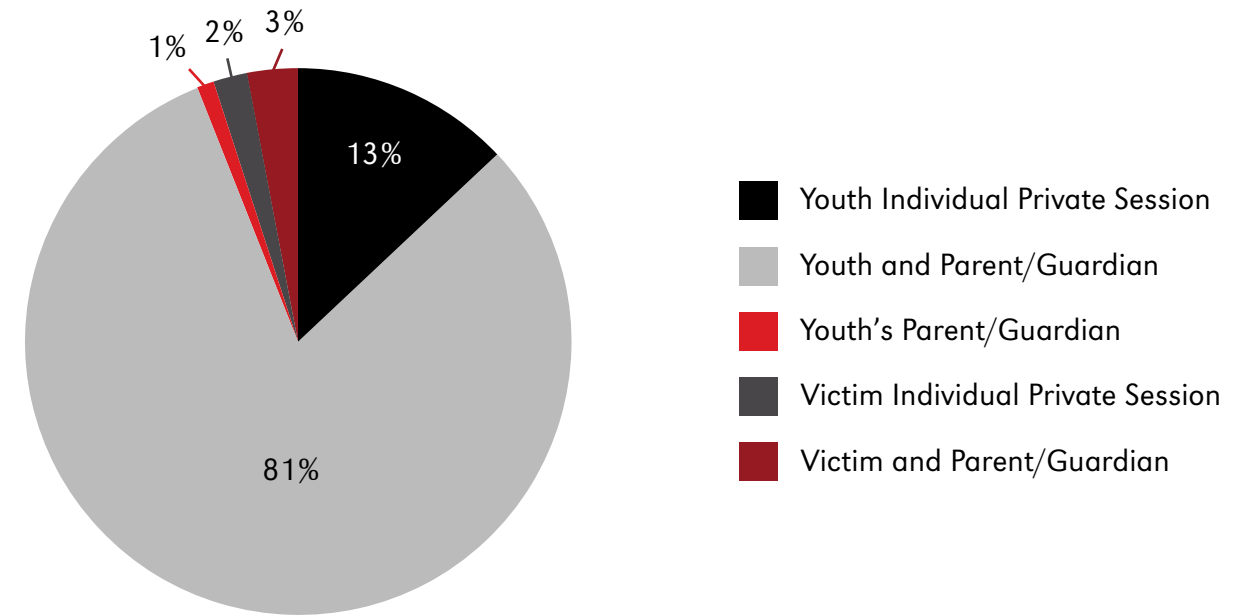
Regarding days in the program from referral date to discharge, youth spend on average, 34.22 (SD = 36.204) days in involved with The Mediation Center.

⁹ Family size reported for n = 555 cases

Pre-Session Case Contacts

The Mediation Center entered case contact information for 645 cases (90.3% of all cases). These data indicate that the program had pre-session contact one time with most youth ($n = 612$) twice with 42 youth, and three times with one youth. All but three contacts recorded were coded as face-to-face. Figure 6 illustrates who the program had contact with. As shown, most contact was with the youth and parent/guardian and each contact lasted approximately one hour.

Figure 6. Pre-Session Program Contact



Restorative Conferencing: Characteristics & Outcomes

Data in the JCMS on restorative conferences suggest that 636 conferences were conducted from 2015 until 2023 involving 629 youth. This indicates that 88.1% of all youth enrolled ($n = 714$) were involved in a conference during their time in the program. Eighty-five cases did not include conference information and seven of cases included data of two conferences.

Type of Victim Presence in Restorative Conferencing

The purpose of restorative conferencing is to bring the offender and victim together with the goal of victim reparation. Victim representation varies depending on the type of conference. Research supports variations in victim representation and presence to produce psychological and behavioral changes in offenders.¹⁰

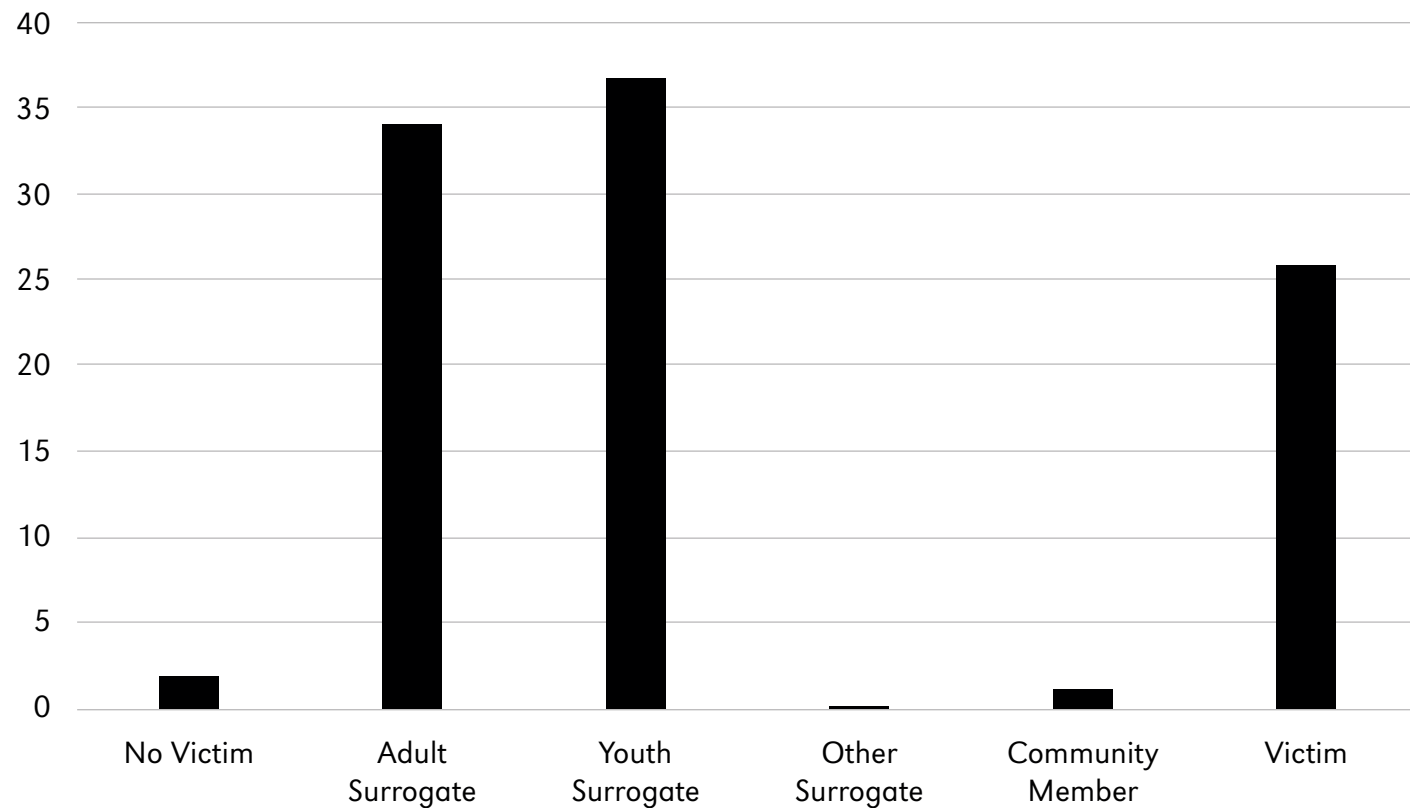
Four types of restorative conferences were included in the data from The Mediation Center: 1) Victim/Youth Conference, 2) Youth/Adult Victim Surrogate, 3) Youth/Youth Victim Surrogate, and 4) Victim Relay Hybrid. Table 7 shows the number of conferences by the type of conference. The data suggest that Youth/Youth Victim Surrogate is the most common type of conference (37.4%) used by the Mediation Center. Figure 7 displays the percentage of victim presence for conferences.

¹⁰ Feasey & Williams, 2009; UNODC, 2019

Table 7. Type of Conference

Type of Conference	Number of Conferences (Percent)
Victim/Youth Conference	164, 26.3%
Youth/Adult Victim Surrogate	224, 36.0%
Youth/Youth Victim Surrogate	233, 37.4%
Victim Relay Hybrid	2, 0.3%
Total ¹¹	623, 100%

Figure 7. Victim Presence Type



The most common type of victim presence for the program was through the use of surrogates, representing 70.6% of all conferences. Of surrogate conferences, the Mediation Center used more youth surrogates compared to adult surrogates ($n = 233$ and $n = 216$, respectively). In just over a quarter of all conferences the actual victim was reported as being present.

¹¹ $n = 7$ cases had 2 conferences, $n = 13$ were coded as “N/A – No Conference”

Type of Victims and Victim Presence in Restorative Conferences

As the conferencing data suggest, the Mediation Center used 449 (70.6%) surrogates in place of actual victims during restorative conferences. We examined who the actual victims were in cases where a restorative conference was used. Table 8 shows the actual victims of the offense compared to the type of victim presence in the restorative conference.

Victims that are businesses, organizations, or public institutions may be considered community victims as the harm was caused to a group of individuals and not necessarily a single individual. However, community member in the type of victim variable describes a victim who is over the age of 19.

Table 8. Actual Victim and Type of Victim Presence in Restorative Conferences

Actual Victim	Victim Presence in Restorative Conference						Total
	No Victim Presence (i.e., no conference)	Adult Surrogate	Youth Surrogate	Other Surrogate (i.e., victim relay hybrid)	Community Member	Victim	
Youth (<19 age)	7	165	197	2	5	57	440
School Staff	1	15	5	-	-	2	23
Family Member	3	10	6	-	-	19	38
Community Member (>19 age)	2	8	10	-	2	5	30
Business/Organization/Public Institution	-	8	4	-	-	80	172
Total	13	206	222	2	7	163	613

*Note. Mediation victim data missing for 23 cases with conference type data included.

As Table 8 shows, most victims were youth under the age of 19 (71.8%; $n = 440$), followed by business, organization, or public institution (28.1%; $n = 172$), and family members (6.2%, $n = 38$). Victims who were youth under the age of 19 were primarily represented in conferences by youth surrogates ($n = 197$, or 44.8% of the total youth under 19 who were victims) and second by adult surrogates ($n = 165$, or 37.5%).

Restorative Outcomes

Restorative justice programs have a couple of goals. The first is to repair the harm caused to the individual or the community. The second is to improve upon the youth’s understanding of how the offense harmed the victim. The Mediation Center works toward achieving these goals by bringing the youth and victim together to create a reparation agreement. The reparation agreement describes the goals and activities the youth is expected to participate in or complete in order to “repair the harm” caused to the victim.

We used data entered into the JCMS to examine if a reparation agreement was reached during the program, the degree to which the agreement was fulfilled (i.e., successful fulfillment, partial fulfillment, or unsuccessful fulfillment), the goals and activities included in the agreement, whether completion differed by type of conference/practice, and if the youth engaged in future system involvement or was detained following program discharge.

Reparation Agreement

The goal of a reparation agreement is to repair the harm caused by offenders to a victim and the community, and to increase the youth’s understanding of the impact the harm caused. Understanding the role of victim or surrogate participation in outcomes of restorative conferencing is vital to evaluating if one model is more likely to lead to successful outcomes for youth, such as the level of fulfillment of the reparation agreement. For the 714 cases included in The Mediation Center’s data on JCMS, data on reparation agreements were entered for 660 cases (92.4%) but were missing for 54 cases (7.6%). Of the cases with a reparation agreement, most cases reached a reparation agreement ($n = 616$; 97.5%), while only 17 (2.7%) did not reach a reparation agreement.

Table 9 shows whether a reparation agreement was reached by conference type. Surrogate conferences (both adult 99.1% and youth 99.6%) appear to be only slightly more successful at reaching an agreement compared to conferences with a victim (98.2%). Overall, the program achieved a high level of success for cases reaching a reparation agreement regardless of the type of conference that was held.

Table 9. Reparation Agreement Reached by Type of Conference

Restorative Conferencing	Reparation Agreement Reached		
	Yes	No	Total
Victim/Youth Conference	161 (98.2%)	3 (1.8%)	164
Youth/Adult Surrogate	221 (99.1%)	2 (0.9%)	223
Youth/Youth Surrogate	230 (99.6%)	1 (0.4%)	231
Victim Relay Hybrid	2 (100%)	0 (0%)	2
N/A – No Conference	2 (15.4%)	11 (84.6%)	13
Total	616 (97.5%)	17 (2.7%)	633

Reparation Agreement Goals

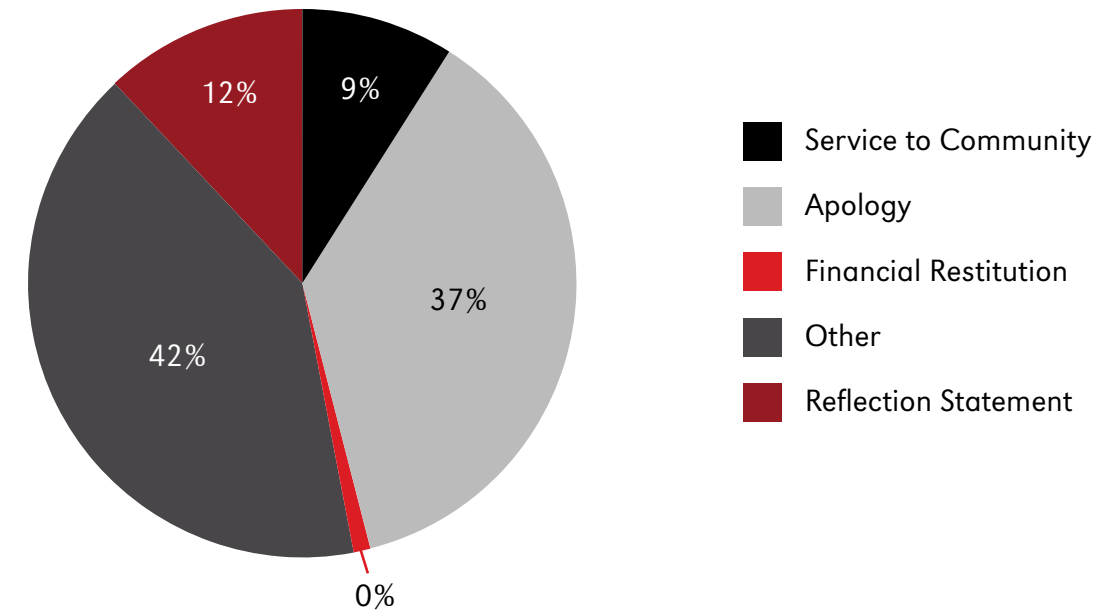
The Mediation Center also included data in the JCMS on the goals for each reparation agreement and recorded if the youth completed the agreement activities. We examined the degree to which youth completed the reparation agreement goals, how many goals were set in an agreement, the types of reparation goals, and if these differed by conference type.

The program was asked to identify the level of fulfillment or completion for each reparation agreement. For the cases in which a reparation agreement was made, 610, 80.5% were successfully fulfilled ($n = 575$), indicating that all conditions of the agreement were met. Next, 4.6% were partially fulfilled ($n = 33$), which indicates that more than half of the agreement conditions were met. Finally, 0.3% were unsuccessfully fulfilled ($n = 2$), indicating that less than half of the agreement conditions were met with low intent to fulfill agreement.

For youth in The Mediation Center program, most conferences (34.7%) set two goals, 22.7% set one goal, 21.1% set three goals, 5.2% set four goals, and only five conferences set five goals (0.7%).

Figure 8 displays the most common goals of the reparation agreement. For those with two goals, the most common goals were “other” ($n = 208$; 41.9%) and “apology” ($n = 183$; 36.9%). JJI examined the narrative data entered into the JCMS for reparation agreement goals coded as “other.” A copy of all included “other” reasons entered by the program are included as an appendix, however the majority of “other” goals focused on “goals for handling similar situations in the future,” “agreement for improving the youth’s school attendance and performance,” and “reflection statement/letter.”

Figure 8. Goals of Reparation Agreement



As victim participation is a key part of the restorative justice reparation process, input from the victim on the goals of the reparation agreement may affect the goals set. Table 10 displays how different types of victim presence affect the number of goals set for the reparation agreement.

Table 10. Number of Reparation Goals by Type of Conference

Restorative Conferencing	Number of Reparation Goals Set					
	1	2	3	4	5	Total
Victim/Youth Conference	95 (59.7%)	27 (17.0%)	28 (17.6%)	6 (3.8%)	3 (1.9%)	159
Youth/Adult Surrogate	40 (18.4%)	100 (46.1%)	62 (28.6%)	15 (6.9%)	0 (0%)	217
Youth/Youth Surrogate	28 (12.3%)	120 (52.6%)	62 (27.2%)	16 (7.0%)	2 (0.9%)	228
Victim Relay Hybrid	1 (50.0%)	1 (50.0%)	0 (0%)	0 (0%)	0 (0%)	2
N/A – No Conference	0 (0%)	1 (50.0%)	1 (50.0%)	0 (0%)	0 (0%)	2
Total	164 (27.0%)	249 (41.0%)	153 (25.2%)	37 (6.1%)	5 (0.8%)	608

When examining reparation agreement goals by the type of conference, we found that when a victim was present, most agreements included one goal ($n = 95$; 59.7%). For conferences involving the use of a surrogate, most agreements included two goals ($n = 100$, 46.1% for adult surrogates and $n = 120$, 52.6% for youth surrogates).

Reparation Agreement Fulfillment by Type of Conference

As youth complete the mediation process, program staff send the youth back to Lancaster County Diversion at which point they finish their diversion case plan and goals and are discharged from diversion. Therefore, for the purpose of this evaluation, we use the level of reparation agreement fulfillment as a measure of program “success.”

We examined differences in the fulfillment of the reparation agreement by the type of conference. Conference types¹² were merged into two categories for analyses: 1) Victim/Youth Conference and 2) Youth/Victim Conference with a Surrogate (i.e., conference with youth surrogate, conference with adult surrogate, and victim relay hybrid). Cases coded as “N/A – No Conference” were dropped from the categories.

We used a Chi-square test to assess the association between the type of conference and reparation condition fulfillment. The results suggest that there is a significant association between reparation agreement and type of conference [$\chi^2(2) = 7.745$, $p = .021$]. Table 11 displays the distribution of frequencies in this relationship.

Specifically, Victim/Youth Conferences appear to be slightly more likely to fulfill all conditions compared to Youth/Victim Surrogate Conferences. Looking at the comparisons between conferences with actual victims and conferences using surrogates, conferences using surrogates did not fulfill conditions at a higher proportion than those conferences with actual victims.

¹² JCMS data on conference type includes 622 cases with one conference, seven cases with two conferences, and 85 cases with conference data missing. The seven cases with two conferences use only the first conference data in the following analyses. Thirteen cases with data for conference were coded as “N/A – No Conference.”

Table 11. Reparation Condition Completion by Type of Conference

Type of Conference	Reparation Condition Fulfillment			Total
	Successfully Fulfilled All Conditions	Partially Fulfilled	Did Not Complete Conditions	
Victim/Youth Conference	150 (95.5%)	5 (3.2%)	2 (1.3%)	157
Youth/Victim Surrogate	423 (93.8%)	28 (6.2%)	0 (0%)	451
Total	573 (94.2%)	33 (5.4%)	2 (0.3%)	608

*Note. $\chi^2(4) = 7.745^a$. a indicates 2 cells (33.3%) have expected count less than 5.

Future System Involvement (FSI)

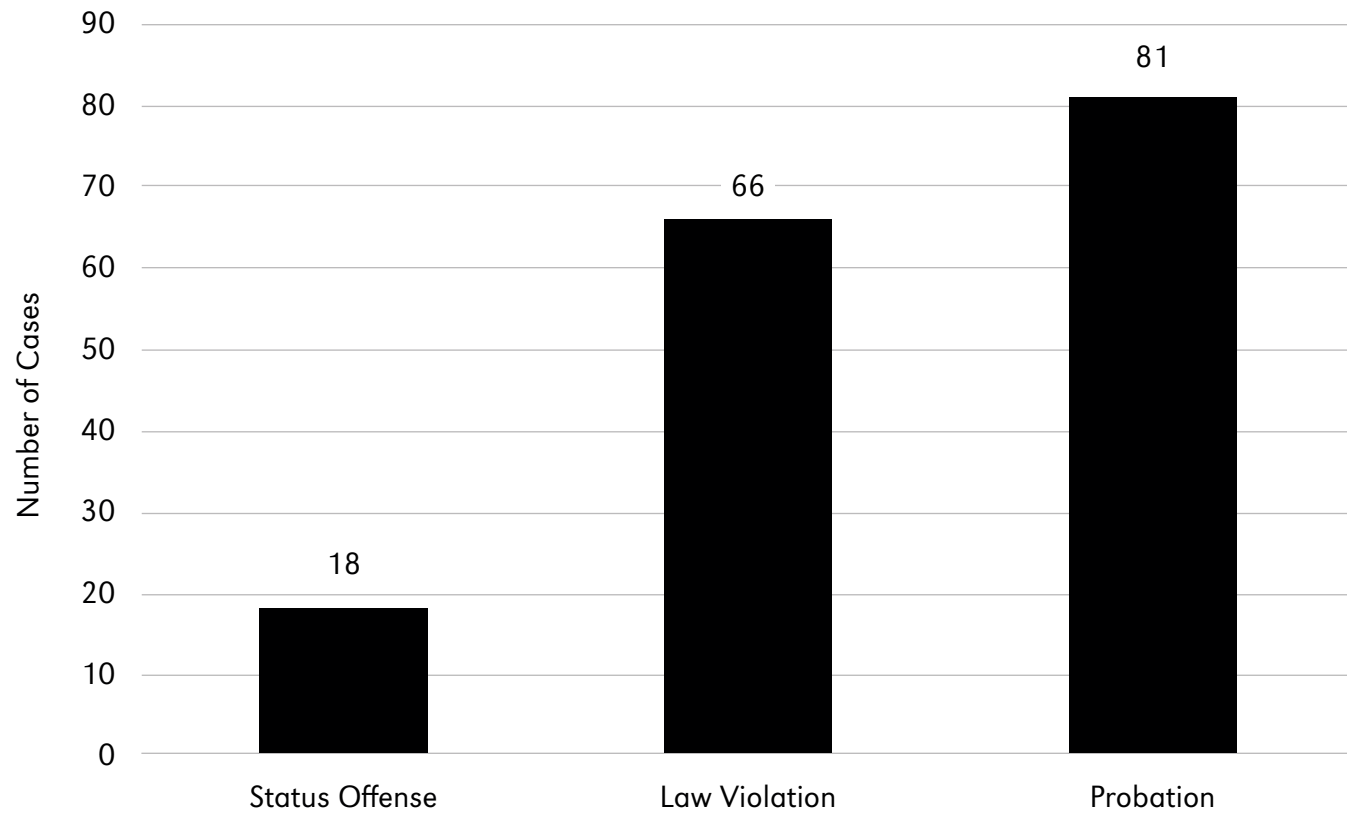
To examine future system involvement and overall youth outcomes, we received an extract of court filing data from the Nebraska Crime Commission’s (NCC) Justice Data Transformation System (JDTS). The JDTS extract is a deidentified masked dataset that matched court data to the JCMS using a matching system explained in an Appendix. Please note, referral date was used to code for the date a youth was “filed on” as this is the variable provided by the NCC and, according to the Administrative Office of the Courts and Probation, is typically the same as the “filed on” date.

Data were provided to the JJI for all matched cases – any time a juvenile appeared in the court data and matched a juvenile who was referred to the Mediation Center program. Next, JJI filtered out any court filings that were dismissed (dismissed-unfounded and dismissed-warned), cases that were dropped, cases with no statute or ordinance number, cases in which the offense did not meet the EB-Nebraska definition of FSI (see Appendix), court filings that occurred prior to discharge from the program, and court filing that occurred greater than one-year post-discharge. If a juvenile had more than one offense that met these criteria, we included the first offense following discharge from the program as the measure of FSI. Offenses were categorized according to whether they were status offenses or law violations. In addition, JJI also coded the matched court data to account for any time in the year following program discharge that a youth was adjudicated and placed on probation.

All cases ($n = 714$) in The Mediation Center dataset had discharge dates and were therefore included in the analyses of future system involvement (FSI). It is important to note that once youth are discharged from The Mediation Center, they are sent back to Lancaster County Diversion to complete the remainder of their diversion case plan and goals. Therefore, our measure of FSI included here is limited as the program discharge date may be different than the youth’s actual diversion discharge date.

We found that of these youth 11.8% ($n = 84$) had either a status offense, law violation, or were adjudicated and placed on probation in the year following program discharge. Figure 9 illustrates rates of status offense, law violation, and/or probation (note – some youth may be represented as having a status offense or a law violation AND probation). We found 18 youth (2.5%) with charges for status offenses, 66 youth (9.2%) with law violations, and 81 youth (11.3%) who were adjudicated and placed on formal probation within a year following program discharge.

Figure 9. Future System Involvement Rates of Status Offenses, Law Violations, and Probation



Youth with FSI – Gender, Race, Age, Average Days between Program Discharge and Court Referral, and Referral Source

Youth who had FSI following program departure were on average more likely to be male (63.1%), White (34.5%), and were on average 14.44 years old (SD = 1.383). Regarding the length of time between program discharge and court referral, for youth with FSI we found that the average time between was 133.92 days. We found no statistically significant correlations between the average days between program discharge and court referral for age, gender, or race.

Future System Involvement by Gender, Race, and Age

Rates of FSI were similar among female (9.0%) and male (14.3%) youth. Using Chi-square analyses, we tested to see if there were significant correlations between gender and rates of FSI. These analyses suggest that there is a statistically significant association between gender and FSI [X2 (1) = 4.847, p = .028].

Table 12. Future System Involvement by Gender

Gender	FSI		Total
	Yes	No	
Female	31 (9.0%)	313 (91.0%)	344
Male	53 (14.3%)	317 (85.7%)	370
Total	84 (11.8%)	630 (88.2%)	714

*Note. X2(1) = 4.847^a. a indicates 0 cells (0.0%) have an expected count less than 5.

To examine the association between future system involvement and race, we recoded race into five separate categories: 1) unspecified, 2) Black, 3) White, 4) Hispanic, and 5) other. We used Chi-square to test if there was a significant association between race and FSI. We did not find a statistically significant relationship [X2 (4) = 5.184, p = .269]. Rates of FSI by race are displayed in Table 13.

Table 13. Future System Involvement by Race

Race	FSI		Total
	Yes	No	
Unspecified	12 (13.6%)	76 (86.4%)	88
Black	16 (10.3%)	140 (89.7%)	156
White	29 (12.3%)	206 (87.7%)	235
Hispanic	14 (17.7%)	65 (82.3%)	79
Other	13 (8.3%)	143 (91.7%)	156
Total	84 (11.8%)	630 (88.2%)	714

*Note. X2 (4) = 5.184^a. a indicates 0 cells (0.0%) have an expected value less than 5.

We ran a logistic regression model to test if age at referral predicted future system involvement. The overall model was not significant [SE = .072, Wald X2 (1) = .000, p = .982].

Future System Involvement by Referral Source

We also examined the association between referral source and future system involvement. A Chi-square found a statistically significant relationship between referral source and FSI [$\chi^2(1) = 13.544, p < .001$]. The distribution of rates of FSI by referral source are depicted in Table 14. Youth referred from diversion were more likely to have FSI with a rate of 17.5% compared to youth referred from school (8.3%).

Table 14. Future System Involvement by Referral Source

Referral Source	FSI		Total
	Yes	No	
School	37 (8.3%)	408 (91.7%)	445
Diversion	47 (17.5%)	222 (82.5%)	269
Total	84 (11.8%)	630 (88.2%)	714

*Note. $\chi^2(1) = 13.544^a$. a indicates 0 cells (0.0%) have expected count less than 5.

Future System Involvement by Victim Presence

Next, we examined statistical differences in FSI by conference type. Type of victim presence in the conference was recoded into three categories: 1) no victim presence, 2) actual victim, and 3) surrogate victim. We ran a Chi-square analysis to assess if there were statistically significant associations between the group frequencies of victim type in rates of future system involvement. The results of the analyses were not statistically significant.

Table 15. Future System Involvement by Type of Conference

Type of Victim Presence	FSI		Total
	Yes	No	
No Victim	3 (23.1%)	10 (76.9%)	13
Actual Victim	18 (11.3%)	141 (88.7%)	159
Victim Surrogate	45 (9.8%)	412 (90.2%)	457
Total	66 (10.5%)	563 (89.5%)	629

*Note. $\chi^2(2) = 2.511^a$. a indicates that 1 cells (16.7%) has an expected count less than 5.

Future System Involvement and Restorative Outcomes

We examined the association between FSI and restorative outcomes, specifically we examined correlations between reparation agreement reached and FSI, the between level of reparation fulfillment and FSI.

We used a Chi-square to examine the relationship between reparation agreement reached and FSI. These analyses suggest that there is a statistically significant association between reparation agreement made and FSI [$\chi^2(1) = 14.428, p < .001$]. Rates of FSI by reparation agreement are included in Table 16. In cases in which an agreement was made, 10.2% of youth were reported as having future system involvement compared to 28.0% of youth in cases in which an agreement was not made.

Table 16. Reparation Agreement Made and Future System Involvement

Reparation Agreement Made	FSI		Total
	Yes	No	
Yes	62 (10.2%)	548 (89.8%)	610
No	14 (28%)	36 (72%)	50
Total	76 (11.5%)	584 (88.5%)	660

*Note. $\chi^2(1) = 14.428^a$. a indicates that 0 cells (0.0%) have expected count less than 5.

Further, we used a Chi-square test to examine the relationship between level of reparation agreement fulfillment and FSI. These analyses suggest that there is a statistically significant association between level of agreement fulfillment and FSI [$\chi^2(2) = 22.653, p < .001$]. Rates of FSI by level of agreement fulfillment are included in Table 17. Youth who partially fulfilled their reparation agreement were more likely to have FSI (21.2%) compared to youth who successfully fulfilled their agreement (9.2%).

Table 17. Level of Reparation Agreement Fulfillment and FSI

Level of Reparation Fulfillment	FSI		Total
	Yes	No	
Successful	53 (9.2%)	522 (90.8%)	575
Partial	7 (21.2%)	26 (78.8%)	33
Unsuccessful	2 (100%)	0 (0%)	2
Total	62 (10.2%)	548 (89.8%)	610

*Note. $\chi^2(2) = 22.653^a$. a indicates that 3 cells (50%) have expected count less than 5.

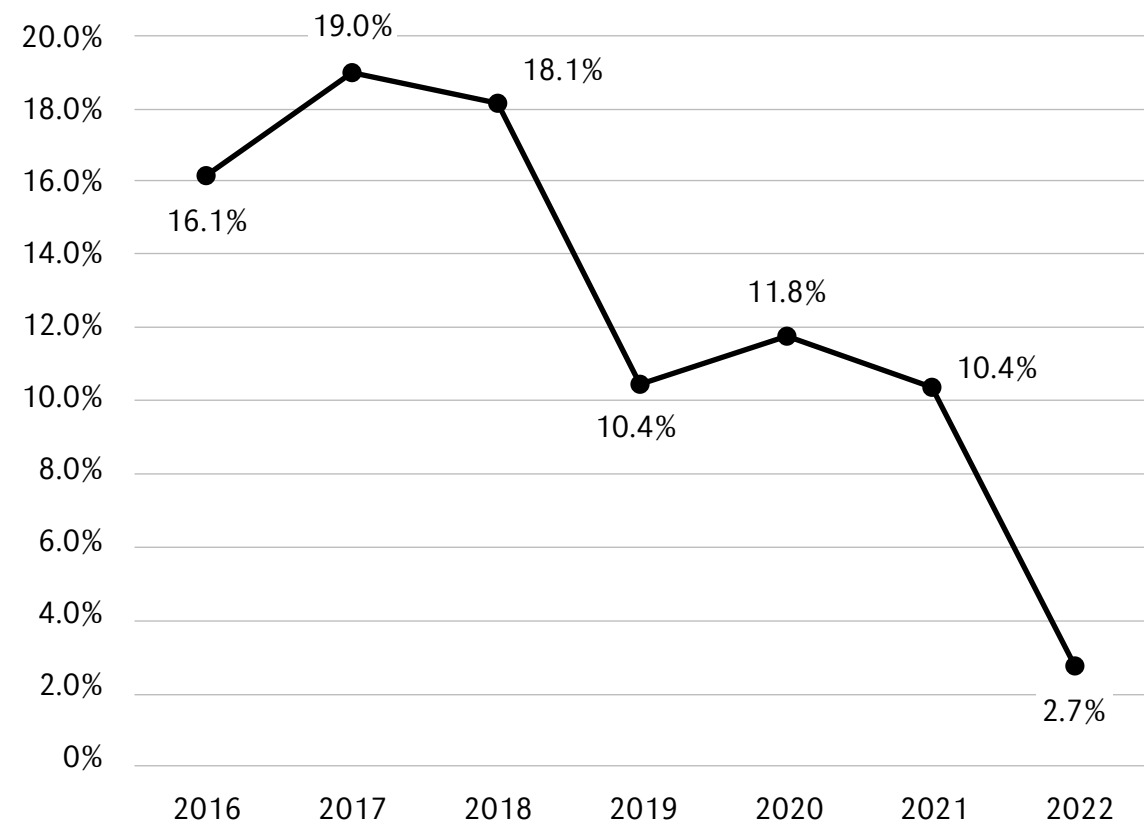
Comparing the Mediation Center Future System Involvement Rate to Non-Restorative (Traditional) Diversion

JJI was asked to examine how rates of future system involvement among the Mediation Center program youth compare to rates of recidivism in traditional, or non-restorative diversion programs.

In 2015/2016 when we compared juvenile diversion programs to restorative justice programs, we only had data on youth who completed traditional juvenile diversion programs. The FSI for those youth was 9.1% statewide. In FY 2016/2017, we had adequate data to compare traditional diversion to restorative justice diversion. Although still quite low, youth who completed traditional diversion had roughly double the rate of FSI (8.9%) as compared to youth who participated in a restorative justice program (4.1%).

FSI rates for youth in metropolitan areas in Nebraska are typically higher than the statewide average. Prior Evidence-based Nebraska reports have shown that FSI for law violations for traditional diversion in Lancaster County is quite low, ranging from 9.79% of all cases closed to 11.7% of successfully closed cases.¹³ Figure 10 illustrates the percentage of law violations among youth discharged from the Mediation Center from 2016 through 2022 (data from 2015 included on three cases and were dropped from the figure and data from 2023 were dropped as they only reflect discharged cases through March of 2023).

Figure 10. Law Violation Percentages by Year for TMC



¹³ Wylie, L., & Hobbs, A. (2016). Evidence-based Nebraska: Nebraska Juvenile Diversion Programs 2012 to 2015.

Detention

We also examined the percent of youth from the program sent to juvenile detention following participating in a Community-based Aid funded program. Youth were considered to be detained if they were sent to a juvenile detention facility at any time following release from the program. Please note, if youth had more than one entry into a detention facility post-release, the youth was counted in the detention numbers once. Data on youth detention came from the Jail Admission Management Information Network (JAMIN) and were matched by the NCC. Data on detentions do not include those detained at the Sarpy County Juvenile Justice Center.

A small percentage of the youth, 8.1% ($n = 58$) of youth in the program were found to have a detention placement following discharge from The Mediation Center program.

Youth with Detention – Gender, Race, Age, Average Days between discharge and detention booking date

Youth who were detained following program departure were on average more likely to be male (65.5%), White (27.6%), and were on average 14.64 years old ($SD = 1.398$). Regarding the length of time between program discharge and detention booking date, for youth with FSI we found that the average time between was 603.6 days. A Pearson correlation examining the relationship between age at referral and days between program discharge and booking date was statistically significant [$r(58) = -.289, p = .028$]. Specifically, older individuals had shorter days between program discharge and detention booking date. We found no statistically significant correlations between the average days between program discharge and booking date for gender or race.

Detention by Gender, Race, and Age

Rates of detention were similar among female (5.8%) and male (10.3%) youth. Using Chi-square analyses, we tested to see if there were significant correlations between gender and rates of detention. These analyses suggest that there is a statistically significant association between gender and detention [$X^2(1) = 4.743, p = .029$].

Table 18. Detention by Gender

Gender	Detention		
	Yes	No	Total
Female	20 (5.8%)	324 (94.2%)	344
Male	38 (10.3%)	332 (89.7%)	370
Total	58 (8.1%)	656 (91.9%)	714

*Note. $X^2(1) = 4.743^a$. a indicates that 0 cells (0.0%) have expected count less than 5.

To examine the association between detention and race, we recoded race into five separate categories: 1) unspecified, 2) Black, 3) White, 4) Hispanic, and 5) other. We used Chi-square to test if there was a significant association between race and detention. We did not find a statistically significant relationship [$\chi^2(4) = 5.309, p = .257$]. Rates of detention by race are displayed in Table 19.

Table 19. Detention by Race

Race	Detention		
	Yes	No	Total
Unspecified	12 (13.6%)	76 (86.4%)	88
Black	14 (9.0%)	142 (91.0%)	156
White	16 (6.8%)	219 (93.2%)	235
Hispanic	4 (5.1%)	75 (94.9%)	79
Other	12 (7.7%)	144 (92.3%)	156
Total	58 (8.1%)	656 (91.9%)	714

*Note. $\chi^2(4) = 5.184^a$. a indicates 0 cells (0.0%) have an expected value less than 5.

We ran a logistic regression model to test if age at referral predicted detention. The overall model was not significant [SE = .086, Wald $\chi^2(1) = .987, p = .32$].

Detention by Referral Source

We also examined the association between referral source and detention. A Chi-square did not find a statistically significant relationship between referral source and detention [$\chi^2(1) = .792, p = .373$]. The distribution of rates of detention by referral source are depicted in Table 20.

Table 20. Detention by Referral Source

Referral Source	Detention		
	Yes	No	Total
School	33 (7.4%)	412 (92.6%)	445
Diversion	25 (9.3%)	244 (90.7%)	269
Total	58 (8.1%)	565 (79.1%)	714

*Note. $\chi^2(1) = .792^a$. a indicates 0 cells (0.0%) have expected count less than 5.

Detention by Victim Presence

Next, we examined statistical differences in detention by conference type. Type of victim presence in the conference was recoded into three categories: 1) no victim presence, 2) actual victim, and 3) surrogate victim. We ran a Chi-square analysis to assess if there were statistically significant associations between the group frequencies of victim type in rates of detention. We found a statistically significant correlation in the type of victim presence and rates of detention [$\chi^2(2) = 6.445, p = .04$]. Youth who were involved in conferences involving the actual victim appear to have lower rates of future detention.

Table 21. Detention by Type of Conference

Type of Victim Presence	Detention		
	Yes	No	Total
No Victim	1 (7.7%)	12 (92.3%)	13
Actual Victim	5 (3.1%)	154 (96.9%)	159
Victim Surrogate	43 (9.4%)	414 (90.6%)	457
Total	49 (7.8%)	580 (92.2%)	629

*Note. $\chi^2(2) = 6.445^a$. a indicates that 1 cells (16.7%) have an expected count less than 5.

Detention and Restorative Outcomes

We examined the association between detention and restorative outcomes, specifically we examined correlations between reparation agreement reached and detention, the between level of reparation fulfillment and detention.

We used a Chi-square to examine the relationship between reparation agreement reached and detention. These analyses suggest that there is not a statistically significant association between reparation agreement made and detention [$\chi^2(1) = .001, p = .974$]. Rates of detention by reparation agreement are included in Table 22.

Table 22. Reparation Agreement Made and Detention

Reparation Agreement Made	Detention		
	Yes	No	Total
Yes	48 (7.9%)	562 (92.1%)	610
No	4 (8.0%)	46 (92.0%)	50
Total	52 (7.9%)	608 (92.1%)	660

*Note. $\chi^2(1) = .001^a$. a indicates that 1 cells (25.0%) have expected count less than 5.

Further, we used a Chi-square test to examine the relationship between level of reparation agreement fulfillment and detention. These analyses suggest that there is not a statistically significant association between level of agreement fulfillment and detention [$\chi^2(2) = .333, p = .846$]. Rates of detention by level of agreement fulfillment are included in Table 23.

Table 23. Level of Reparation Agreement Fulfillment and Detention

Level of Reparation Fulfillment	Detention		
	Yes	No	Total
Successful	46 (8.0%)	529 (92.0%)	575
Partial	2 (6.1%)	31 (93.9%)	33
Unsuccessful	0 (0%)	2 (100%)	2
Total	48 (7.9%)	562 (92.1%)	610

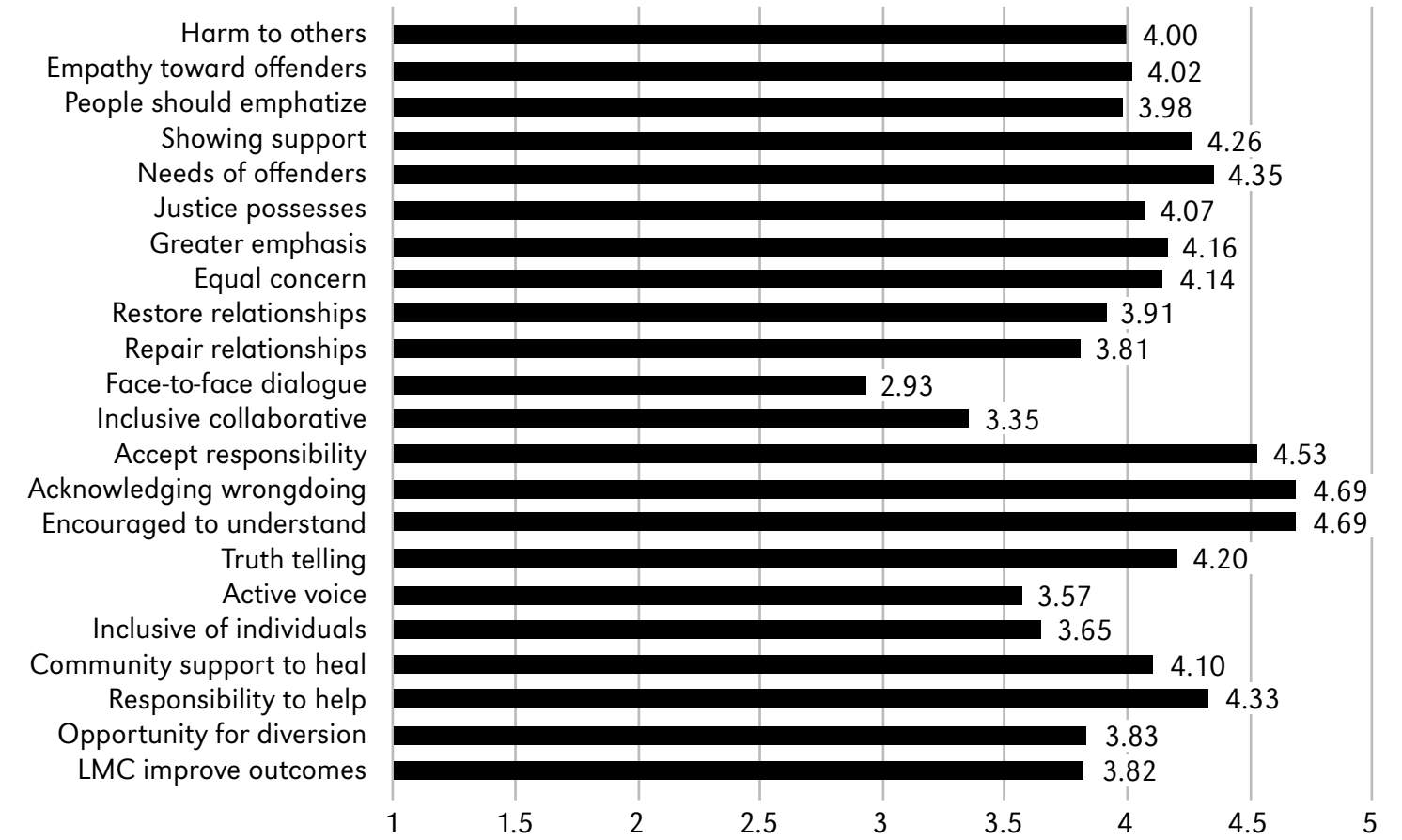
*Note. $\chi^2(2) = .333$. a indicates that 3 cells (50%) have expected count less than 5.

Attitudes and Perceptions of System Professionals

The Mediation Center was interested in understanding more about attitudes of system-involved professionals regarding restorative practices. To assess these attitudes and opinions, JJI used a restorative justice survey (Restorative Justice Attitude Scale from Taylor & Bailey, 2021) and sampled 43 system professionals in Nebraska in the spring of 2023. A copy of the survey used is included as an appendix in this report. This sample is comprised of individuals serving in various positions and includes job titles such as program director, law enforcement, behavioral health, outreach, program manager, program coordinator, school principal, and youth specialist. The sample is 51.2% female ($n = 22$) and 30.2% male ($n = 13$), 60.5% white and 23.3% people of color, and have been in their jobs for an average of 11.41 years ($SD = 10.13$).

Figure 11 displays the average responses that system professionals gave regarding their attitudes and perceptions of restorative practices from strongly disagree to strongly agree with higher scores indicating more agreement. Overall, professionals agreed that "...individuals should be encouraged to understand the impact of their harm," "acknowledging one's wrongdoing is important," and "it is important that offenders of wrongdoing accept responsibility for their actions" were important for improving youth outcomes. "Inclusive, collaborative processes between victims and offenders of wrongdoing are necessary to repair harm," and "It is important for offenders and victims to engage in face-to-face dialog," had the lowest overall average scores among the sample.

Figure 11. System-Involved Professionals Mean Scores



*Note. 1 is Strong Disagree and 5 is Strongly Agree

The survey asked participants to indicate the percentage of time they think a referred to the Mediation Center helps improved the youth's outcome. For those who provided a response, most said between 70 and 90% of the time. Respondents were also asked if they felt that some youth should be referred directly to the county attorney instead of diversion. The majority of participants agreed with this statement ($n = 31$; 79.5%).

There was also high agreement amongst the sample of system professionals ($n = 31$; 79.5%) that certain legal offenses should automatically be referred to the county attorney. A content analysis of the types of offenses participants felt should be referred to the county attorney indicates that most offenses include violent felonies (e.g., murder, rape, aggravated assault, sexual assault, armed robbery) and auto theft.

Further, we asked system professionals what, in their opinion, is the benefit of the youth being referred to the county attorney's office. Responses from participants include issues related to two main themes: 1) access to resources and 2) public safety. As it relates to access to resources, professionals indicated concern for the ability of diversion to supervise some youth and concerns about limited resources. Participant 1 says, "Some youth committing violent offenses cannot be adequately supervised by diversion alone." Participant 7, "access to resources." Other professionals added concerns related to community and public safety. Participant 2 says, "More community risk requires more intervention." Participant 3 responded, "More serious handling [of the youth], but mediation/restorative practices should still be in place with this route." Participant 9 responded, "If a child has engaged in intentional/malicious violent acts, ensuring people around them are safe becomes an important priority."

Limitations

There are some limitations to this evaluation. First, it is important to note that once youth are discharged from the Mediation Center, they are sent back to Lancaster County Diversion to complete the remainder of their diversion case plan and goals. Therefore, our measures for future system involvement and detention included here are limited as the program discharge date may be different than the youth's actual diversion discharge date.

Second, we were unable to address one research question of interest to the program regarding youth/parent attitudes about procedural justice. JJI put together a diversion questionnaire to assess youth perceptions of procedural justice and emailed the survey to Lancaster County Diversion in January 2023 and dropped off paper copies of the survey in February 2023 to be administered when youth were discharged from their diversion program. JJI also included a gift card raffle incentive for youth who completed the survey. Unfortunately, no youth responded. Given the lack of responses to the survey for youth at the time of diversion discharge with the county, JJI also put a version of the survey online and created a flyer for the program to hand out to youth who were discharging from The Mediation Center. Unfortunately, at the time of this report writing, there were no youth and/or parents who had responded to either the paper survey at Lancaster County Diversion or the online version.

Conclusions/Recommendations

This report has examined a sample of youth who have been referred to and discharged from The Mediation Center in Lancaster County. The program has served 714 youth from November 2015 through March 2023. Most program referrals come from schools (62.3%) and the rest from diversion (37.7%) and most are referred for assault-related charges. Program youth are fairly evenly split between male and female, with slightly more male youth referred (51.8% compared to 48.2% for female) with an average youth of 14.4 years old. Youth are primarily White (32.9%) and Black, African American (21.8%). Most youth complete The Mediation Center in just over one month (34.22 days).

Youth/Youth Victim Surrogate were the most popular types of conferences (37.4%), with Youth/Adult Victim Surrogate as the second most common (36%). As such, in 70.6% of all conferences, victims were represented by surrogates.

Data suggests that 92.4% of all cases entered into a reparation agreement. For the cases with a reparation agreement, nearly all – 97.5% reached an agreement. Surrogate conferences were slightly more successful at reaching an agreement compared to conferences with a victim. Of the cases in which an agreement was made, 80.5% of youth successfully fulfilled the conditions of the agreement. The findings showed a significant relationship between the type of conference and the level of fulfillment of the reparation agreement. Victim/Youth conferences were slightly more likely to complete all conditions of the reparation agreement compared to Youth/Victim Surrogate conferences.

Future system involvement (11.8%) and detention (8.1%) were relatively low for the sample of youth included. Our findings suggest a statistically significant difference in FSI by referral source such that youth referred from diversion had FSI had a higher rate (17.5%) compared to youth referred from school (8.3%). We found a significant association in rates of FSI dependent upon if a reparation agreement was made such that in cases where an agreement was made, FSI was 10.2% compared to 28% in cases where there was no agreement

made. Further, when analyzing if the degree of reparation fulfillment mattered for FSI, we found a significant relationship in that youth who partially fulfilled their reparation agreement were more likely to have FSI (21.2%) compared to youth who successfully completed their agreement (9.2%). Regarding detention following program discharge, we found a statistically significant association between the victim type and rates of detention in that youth who were involved in conferences involving the actual victim had the lowest rates of detention.

JJI also examined attitudes and perceptions of system professionals regarding restorative practices. A sample of 43 system-involved professionals in Nebraska responded to our survey. The highest scores among the sample indicated a strong agreement in the importance of individuals understanding the role their actions played in causing harm to others and accepting responsibility for their actions.

Recommendations

The Mediation Center (TMC) and Lancaster County have been leaders in the implementation of Restorative Justice efforts in Nebraska, particularly in early intervention points such as school incidents and diversion. As evidenced in the results of this report, The Mediation Center is having a high level of success with youth participating in victim/youth conferencing, yet the data and the collaboration between The Mediation Center and county diversion staff point to opportunities to continue to improve outcomes.

1. Consider expanding the offenses eligible for referral.

The Mediation Center receives referrals for youth with lower-level offenses such as disturbing the peace, vandalism, and theft. However, over half of the referrals are for assaultive behavior, a higher risk offense. In meeting with TMC and Lancaster County Diversion staff we discussed the possibility of expanding the types of charges considered for restorative justice conferencing based on the positive outcomes for youth with assaultive, higher risk behavior. We recognize this decision is at the discretion of the county attorney. It is recommended this report be shared with the county attorney's office for discussion.

2. Consider processes to further engage and support victims.

Currently The Mediation Center is not involved in contacting the victim unless they agree to participate in the process. While there are positive outcomes noted for the conferences with both the actual victim and a surrogate, there are indicators that demonstrate having the actual victim participate increases some outcomes. Conferences where the actual victim participates showed slightly higher rates of fulfilling all agreement conditions and were least likely to have future detention stays. In meeting with TMC and county diversion staff, it was discussed that TMC could play a more active role in engaging victims to participate in the process and provide supportive information even if they chose to decline. The TMC is very open and interested in exploring how they could expand their role in this process.

3. Create a plan to share report results with Lincoln Public Schools (LPS).

The majority of referrals (62.3%) for restorative conferences in this report were from schools in the LPS school district. Based on the positive outcome results for this program, it is recommended that TMC and Lancaster County provide an opportunity to share the report results with LPS leadership and building administrators. Incorporating restorative practices is a broader LPS board goal. Sharing this report and the work of TMC and county in restorative justice will provide another educational opportunity for restorative justice programming and practices in school spaces.

4. Continue to look for opportunities to gather feedback on youth's perceptions and attitudes about restorative justice.

The JJI collaborated with TMC and Lancaster County in developing the research questions for this evaluation. There was interest in understanding if the attitudes and feelings of youth and parents involved in the restorative justice process impact the youth's completion. Two different attempts were made to administer a validated survey with youth and/or parents, yielding no results. It is recommended that TMC continue to explore opportunities to administer the validated survey to gather youth and family input on their program experience. A copy of the questionnaire is attached as an appendix.

References

- Barnes, G. C., Hyatt, J. M., Angel, C. M., Strang, H., & Sherman, L. W. (2015). Are restorative justice conferences more fair than criminal courts? Comparing levels of observed procedural justice in the reintegrative shaming experiments (RISE). *Criminal Justice Policy Review*, 26(2), 103-130.
- Bergseth, K. J., & Bouffard, J. A. (2013). Examining the effectiveness of a restorative justice program for various types of juvenile offenders. *International Journal of Offender Therapy and Comparative Criminology*, 57(9), 1054-1075.
- De Beus, K., & Rodriguez, N. (2007). Restorative justice practice: An examination of program completion and recidivism. *Journal of Criminal Justice*, 35(3), 337-347.
- Feasey, S., & Williams, P. (2009). An evaluation of the Sycamore Tree Programme: Based on an analysis of Crime Pics II Data.
- Hayes, H., & Daly, K. (2004). Conferencing and re-offending in Queensland. *Australian & New Zealand Journal of Criminology*, 37(2), 167-191.
- Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*, 85(2), 127-144.
- Leonard, L., & Kenny, P. (2011). Measuring the effectiveness of restorative justice practices in the Republic of Ireland through a meta-analysis of functionalist exchange. *The Prison Journal*, 91(1), 57-80.
- Nugent, W. R., Umbreit, M. S., Wiinamaki, L., & Paddock, J. (2001). Participation in victim-offender mediation and reoffense: Successful replications? *Research on Social Work Practice*, 11(1), 5-23.
- United Nations Office on Drugs and Crime (UNODC), 2019, "Module 8: Restorative Justice," Education for Justice University Module Series - Crime Prevention and Criminal Justice, UNODC, Vienna.
- Wylie, L., & Hobbs, A. (2016). Evidence-based Nebraska: Nebraska Juvenile Diversion Programs 2012 to 2015.

Appendix 1 - Reparation Agreement Goals

“Other”

- Action Plan
- Action plan for future conflict resolution
- Action plan for the future
- Action plan on how to avoid fights in the future
- Action plan on how to better handle similar situations in the future
- Action plan on how to respond to similar situations in the future without getting physical
- Action plan to avoid fights in the future
- Action plan to better manage anger
- Action plan to calm youth’s anger in situations
- Action plan to handle situations in the future better
- Action plan to not hit people anymore
- Action plan to restore harm and move forward
- Action plan to talk issues out instead of getting physical
- Action Plan: including improve academic skills
- Additional note to victim
- Agreement between the youth for avoiding conflict in the future.
- Agreement for improving school attendance and performance
- Agreement with other youth for avoiding similar situations in the future.
- Agrees to avoid contact with youth/victim to avoid conflict
- Apology; Other - Goals for handling similar situations in the future.
- Ask school counselor to set up time to meet with victim to make things right
- Both youth/victim agreed not to fight again or talk about each other negatively
- Cannot be in the same class with victim until school is out.
- Communicate with Father on progress for completing tasks
- Counseling with youth to learn how to better communicate with mom
- Create an action plan to better handle similar situations
- Discuss with their pastor their goals, and they are moving forward and have repaired the issue
- Extra chores for grandma to pay her back for repairing phone
- Future school plan for 2019-2020
- Goals for avoiding similar situations in the future.
- Goals for improving communication between mother and daughter.
- Goals for improving grades and moving forward with education.
- Goals for rebuilding trust with family members.
- Goals for the future.
- Help do chores around the house
- Help family out at home more
- Impact statement to victim
- Involvement in school clubs- Counseling program
- Meet victim in person to apologize.
- Other - Goals for handling similar situations in the future
- Other - Help family at home
- Partial acknowledgment of responsibility and impact during verbal reflection of incident.
- Participate in prosocial activities- soccer

- Personal and mutual goals for repairing the harm.
- Personal discussion with teacher
- Plan for decreasing negativity on social media.
- Plan for improving academic performance.
- Plan for the future for youth and communication with mom and stepmom
- Plan to decrease negativity on social media.
- Plan to meet with a teacher the next time that they have an issue with each other
- Reflection letter
- Repair relationship with those affected
- Strategies for identifying good and bad qualities in friends.
- The youth was not agreeable to any of the reparation agreements - they are to be determined by county.
- Three-step plan for repairing trust in relationship between offender and victim.
- Transition plan from LPS to homeschooling.
- Try out for cheer when return to school
- Wants to have a resolution meeting with the victim
- Work on gaining trust back
- Write personal action plan that describes what to do the next time youth is angry.
- Youth agreed needed to stop breaking things and wants to start talking it through with others moving forward
- Youth brainstormed how to have a better year in school moving forward as well as ways to avoid school conflict in the future.
- Youth plans to meet with principal after conference to relay what he has learned from this process.
- Youth victim surrogate, mediator, and youth brainstormed ideas to handle similar situations better moving forward.
- Youth working with parents to cover cost of damage done.

Appendix 2 - Future System Involvement

To accurately assess post-program law violations across Community-based Aid (CBA) funded programs, the Juvenile Justice Institute and other researchers shall utilize the following uniform definitions of future law violations for juveniles who participated in a CBA-funded program.

I. Court Filings

(A) This definition shall apply to both juveniles, and individuals who have aged out of the juvenile justice system:

1. Future System Involvement shall mean that within 1 year following discharge from a CBA-funded program the juvenile has:

- (a) been filed on, which has not been dismissed or dropped, for an act that would constitute a felony under the laws of this state, and who, beginning on July 1, 2017, was eleven years of age or older at the time the act was committed.
- (b) been filed on, which has not been dismissed or dropped, for an act that would constitute a misdemeanor or an infraction under the laws of this state, or a violation of a city or village ordinance, and who, beginning on July 1, 2017, was eleven years of age or older at the time the act was committed.
 - (i) Future system involvement shall include minor in possession under Neb. Rev. Statute 53-180.02 and is coded as a law violation.
 - (ii) Future system involvement shall not include less serious misdemeanors or infractions that do not impact community safety, including animal(s) at large, failure to return library materials, and littering.
 - (iii) Future system involvement shall not include a failure to appear.
- (c) been filed on, which has not been dismissed or dropped, for an act that would constitute a status offense to include truancy under Neb. Rev. Statute 43-247(3)(b) (3) or Neb. Rev. Statute 79-201 (“compulsory attendance”), uncontrollable juvenile under Rev. Statute 43-247(3)(b)(2), curfew violations under city or village ordinance, or Tobacco use by a Minor under Neb. Rev. Statute 28-1418.
 - (i) Although status offenses are included in the definition of future system involvement, status offenses shall be reported separately from law violations.
- (d) been filed on, which has not been dismissed or dropped, for an act that would constitute a serious traffic offense to include driving under the influence under Neb. Rev. Statute 60-6, 196 or similar city/village ordinance, leaving the scene of an accident under Neb. Rev. Statute 60-696(A), reckless driving under Neb. Rev. Statute 60-6, 214(A), engaging in speed contest/racing under Neb. Rev. Statute 60-6, 195

2. Future law violation shall not include the following:

- (a) been filed on and that has not been dismissed or dropped, for an act that would constitute a Games and Parks violation as found in Neb. Rev. Statute Chapter 37 (b) been filed on for being mentally ill and dangerous, under Neb. Rev. Statute 43-247(3) (c) or harmful to self or others under 43-247(3)(b)(2).

Appendix 3 - Documentation of matching process from Nebraska Crime Commission

Brief overview of the de-duplication/matching results. A copy of the full matching process documentation is available on the EBNE website jjinebraska.org/resources.

Stata’s **reclink2** was used for all de-duplication and matching procedures. (For more detail see RECLINK: Stata module to probabilistically match records (<https://ideas.repec.org/c/boc/bocode/s456876.html>)) This record linkage command uses a probabilistic matching algorithm and, unlike its **reclink** predecessor, allows for one-to-many relationships.

De-duplication of Diversion Cases

- 9 fuzzy matches

JCR Matching

- 317 perfect matches (d-score = 1.0)
- 89 fuzzy matches (1.0 < d-score > 0.6)

JAMIN Matching

- 68 perfect matches (d-score = 1.0)
- 8 fuzzy matches (1.0 < d-score > 0.6)

The manual process of determining the validity of fuzzy matches is tedious and time-consuming, however most true-match determinations are fairly self-evident. Any discrepancies observed in the matching variables (first name, last name, and DOB) for those cases determined to be true matches took on one of the following scenarios:

- One/two letter misspellings in names
- Short vs. long spelling of common first names (e.g., Mike v. Michael)
- Double surnames where only one name is present (e.g., Cruz-Ayala v. Ayala)
- Month/day flipped in DOB (e.g., 5/7/22 v. 7/5/22)
- Missing digit in DOB (e.g., 5/7/22 v. 5/17/22)
- Suffix present in one name but not the other (e.g., Jr.)

Appendix 4 - Restorative Justice Attitude Scale Survey

Restorative Justice Attitude Scale

(Taylor & Bailey, 2021)

Instructions: This questionnaire is designed to measure attitudes toward alternative sanctions (e.g., mediation, diversion), compared to traditional responses to justice (e.g., referral to county attorney). As attitudes vary between individuals, there are no right or wrong answers. Use the scale to respond to each statement according to your beliefs. When thinking about the terms “victims” and “offenders,” please consider your responses on what feels best for you.

1 Strongly Disagree 2 Disagree 3 Neutral 4 Agree 5 Strongly Agree

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
It is important to empathize with individuals who have caused harm to others	1	2	3	4	5
It is important to show empathy toward offenders of wrongdoing	1	2	3	4	5
People should empathize with others, even if the person has caused harm	1	2	3	4	5
Showing support to offenders can be beneficial in helping the individual accept responsibility for their actions	1	2	3	4	5
It is important to understand the needs of offenders that are connected to the harm they caused	1	2	3	4	5
Offenders of wrongdoing have needs associated with the harm they caused that justice possesses should address	1	2	3	4	5
There should be a greater emphasis on understanding those who cause harm	1	2	3	4	5
I believe there should be an equal concern toward healing the lives of both those who have been harmed and those who cause harm	1	2	3	4	5
Offenders of wrongdoing should work to restore relationships with those whom they hurt	1	2	3	4	5
Offenders of wrongdoing should repair relationships with those who have been harmed	1	2	3	4	5
It is important for offenders and victims to engage in face-to-face dialogue	1	2	3	4	5
Inclusive, collaborative processes between victims and offenders of wrongdoing are necessary to repair harm	1	2	3	4	5
It is important that offenders of wrongdoing accept responsibility for their actions	1	2	3	4	5
Acknowledging one’s wrongdoing is important	1	2	3	4	5
I believe individuals should be encouraged to understand the impact of their harm	1	2	3	4	5
Truth-telling in the form of an admission of responsibility for what happened on the part of the person who caused the harm is important	1	2	3	4	5

Community members should have an active voice in defining justice for victims	1	2	3	4	5
Justice processes should be more inclusive of individuals in the community	1	2	3	4	5
I believe victims of harm need the community’s support in order to heal	1	2	3	4	5
The community has a responsibility to help victims of harm address their needs	1	2	3	4	5
Additional Questions:	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
All youth should be given the opportunity for diversion instead of being referred directly to the county attorney	1	2	3	4	5
The Lancaster Mediation Center helps improve youth outcomes	1	2	3	4	5

1. Approximately what percentage of time do you think a referral to the Lancaster Mediation Center helps improve the youth’s outcome (circle)?

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

2. Do you think there are some youth who should be referred directly to the county attorney instead of diversion?

- Yes
 No

3. Do you believe there are certain legal offenses that should be automatically referred to the county attorney?

- Yes
 No

If yes, list those offenses below:

In your opinion, what is the benefit of the youth being referred to the county attorney’s office?

How many years have you worked in the juvenile justice system? _____

Job Title: _____

Race/Ethnicity:

- American Indian, Alaska Native White
 Asian Hispanic/Latino
 Black African American Other Race
 Native Hawaiian, Other Pacific Islander Multiple Races
 Unspecified

Gender:

- Female
 Male
 Non-Binary
 Prefer not to say
 Unspecified

Appendix 5 – Diversion Questionnaire

Diversion Questionnaire

This survey is voluntary. It will not affect your diversion plan if you choose not to participate. We want to know about your attitudes and beliefs, please read each question and answer it truthfully. Please mark your response by putting an “X” in the correct box.

Statement	Strongly Disagree	Disagree	Agree	Strongly Agree
It is sometimes hard for me to go on with my work if I am not encouraged.				
I sometimes feel resentful when I don't get my way.				
On a few occasions, I have given up on something because I thought too little of my ability.				
There have been times when I felt like rebelling against people in authority even though I knew they were right.				
No matter who I'm talking to, I'm always a good listener.				
There have been occasions when I took advantage of someone.				
I'm always willing to admit when I make a mistake.				
I sometimes try to get even rather than forgive and forget.				
I am always courteous, even to people who are disagreeable.				
I have never been irked when people expressed ideas very different from my own.				
There have been times when I was quite jealous of the good fortune of others.				
I am sometimes irritated by people who ask favors of me.				
I have never deliberately said something that hurt someone's feelings.				

Statement	Strongly Disagree	Disagree	Agree	Strongly Agree
People should obey the law even if it goes against what they think is right.				
I always try to obey the law even if I think it is wrong.				
Disobeying the law is seldom justified.				
It is difficult to break the law and keep one's self-respect.				
A person who refused to obey the law is a danger to society.				
Obedience and respect for authority are the most important things children should learn.				
I have a great deal of respect for justice professionals (e.g., police officers, diversion case worker, judges, lawyers) in my community.				
I support our justice officials (e.g., police officers, diversion case worker, judges, lawyers) in my community.				
The courts generally guarantee everyone a fair trial.				

The basic rights of citizens are well-protected in the courts.				
Court decisions are almost always fair.				

Statement: In my situation....	Strongly Disagree	Disagree	Agree	Strongly Agree
I was given the chance to express my opinions and feelings.				
I was given the opportunity to describe my situation before decisions were made about how to handle it.				
What I said about my case was taken into account in deciding what should be done.				
I had enough of a chance to say what I wanted to say about my case.				
I felt I had influence over decisions made about me.				
I was treated politely.				
People were concerned about my rights.				
I was treated with dignity and respect.				
I was respected as a person.				
People in the justice system, like my diversion officer, the police, and my judge, thought they were much better than me.				
I was treated the same way that anyone else in the same situation would have been treated.				
The law was enforced fairly.				

Statement: People in the justice system, like the police, lawyers, and the judge, or my diversion case worker....	Strongly Disagree	Disagree	Agree	Strongly Agree
...had opinions about me before getting to know me.				
...made decisions about me based on facts, not personal biases and opinions.				
...had personal opinions and attitudes that affected the way they treated me (R).				
...were honest with me.				
...gave me honest explanations for their actions.				
...followed through on the promises they made.				
...tried hard to do the right thing by me.				
...tried to take my needs into account.				

Age: _____ Race/Ethnicity: American Indian/ Alaska Native White
 Asian Hispanic/Latino
 Black/African American Other Race
 Native Hawaiian/ Other Pacific Islander Multiple Races
 Unspecified

Gender: Female
 Male
 Non-Binary
 Prefer not to say
 Unspecified

Program Name: _____



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