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Restorative Justice Conferencing Programs FY 2015-2020

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EVIDENCE-BASED
NEBRASKA

RESTORATIVE JUSTICE CONFERENCING PROGRAMS
FY 2015-2020

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RESTORATIVE JUSTICE CONFERENCING PROGRAMS

Restorative Justice, generally considered an alternative method for addressing conflict, is based on the principles of participation, accountability, reparation, and reintegration (Latimer, Dowden & Muise, 2005). One such restorative justice practice is Victim-Youth Conferencing (VYC), which brings the victim, offender, and other stakeholders into a facilitated and constructive dialogue about the offense and its consequences, and a potential, acceptable outcome to repair the damage caused (Zinsstag & Vanfraechem, 2012; Rodriguez, 2007).

Restorative conferencing programs have demonstrated recidivism reduction (de Beus & Rodriguez, 2007; Hayes, 2004; Nugent, Umbreit, Wiinmaki & Paddock, 2001). Results from a quasi-experimental study suggest that these effects remain consistent even after controlling for the youth's age at referral, gender, race, ethnicity, history of prior offending, and whether the youth committed a property or violent offense (Bergseth & Bouffard, 2013). If we consider criteria that has been outlined as evidence-based for juvenile justice interventions (Wiener, Hobbs and Spohn, 2014), conferencing would be considered as an effective program type based on previous research because it reduces recidivism and increases well-being in young people.

Moreover, restorative conferencing has been associated with other positive outcomes such as increased community and victim involvement in the justice process, greater victim and community satisfaction (Bergseth & Bouffard, 2013) and increased perceptions of procedural fairness (Latimer, Dowden, & Muise, 2005; Leonard & Kenny, 2011; Barnes et al., 2015).

The implementation of restorative conferencing has increased substantially in recent decades, worldwide (Dan Van Ness, 2005; Bergseth & Bouffard, 2013), in the United States (Schiff & Bazemore, 2012; Bergseth & Bouffard, 2013), and within Nebraska. Within Nebraska, the Nebraska Office of Dispute Resolution provides mediation services to citizens via non-profit mediation centers located across the state, and offers other public and community workshops, seminars, and presentations. Within the last few years, VYC has become a more widely utilized service within juvenile programming, especially within pre-filing services such as juvenile diversion.

This evaluation focuses specifically on six restorative conferencing programs funded by Nebraska's Community-based Juvenile Services Aid Program (CBA) from 2015 to 2020: (a) Lighthouse – Lancaster County; (b) The Mediation Center – Lancaster County; (c) The Central Mediation Center – Buffalo County; (d) The Central Mediation Center - Adams County; (e) Concord Mediation Center - Douglas County; and (f) Gage County MAPS (Multiple Agencies Partnering for Success). Although categorized as a restorative justice program previously, cases from the Heartland Family Services in Douglas County ($n = 53$) were not included in this report because the program did not include conflict-oriented interventions designed to address a specific harm caused by a youth, but instead offered classes/trainings on topics related to restorative practices (i.e., empathy building).

TYPES OF CONFERENCES

Based on interviews with each program, these agencies utilize different types of conferences, and some adapt the approach according to the facts and circumstances of each particular case. Approaches include:

• **Victim/Youth conference**: After appropriate screening, the youth, victim, and other stakeholders (i.e 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/Community Victim**: After appropriate screening, the youth, a member of the community (who has been affected by the offense) and other stakeholders 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.

• **Youth/Community Victim Surrogate**: When the offense involves a community victim such as a public institution, business, organization, or public space, the youth and other stakeholders meet with a community victim surrogate.

• **Victim Relay Hybrid**: When victim participation is inappropriate, or the victim does not desire to participate directly, the youth and the other stakeholders meet with a substitute who relays information provided by the actual victim.
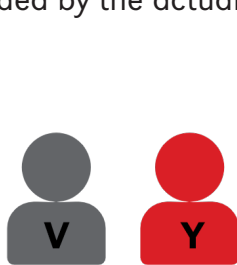
Victim/Youth
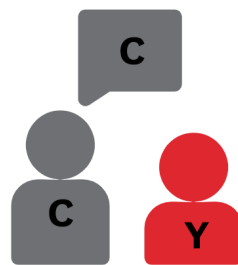
Youth/Community Victim
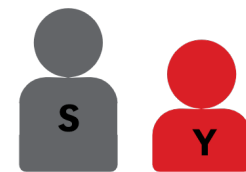
Adult Surrogate/ Youth
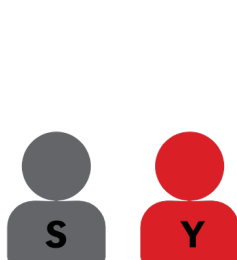
Youth Surrogate/ Youth

Community Surrogate/Youth

Victim Relay Hybrid

OTHER RESTORATIVE PRACTICES

Based on the needs and dynamics of each program, different processes have been employed. In our interviews with the programs funded under CBA, the Juvenile Justice Institute gleaned that the following additional restorative practices have been implemented:

Restorative Circle: To respond to wrongdoing, a problem or conflict, a circle process may be used. The circle has a wide variety of purposes: conflict resolution, healing, support, decision making, information exchange and re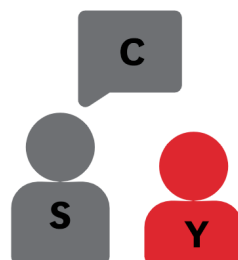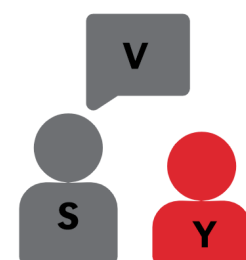lationship development. "The restorative circle is less formal than conferences because it does not typically specify victims and offenders and does not follow a script. However, it may employ some of the restorative questions from within the conferencing script" (Costello, Wachtel, & Wachtel, 2010).

Harm Circle: In a harm circle, individuals are invited to a formal conference. The intent is for the circle to take an in-depth look at the incident and identify who was harmed. Those identified as harmed will then also be invited into the circle. If the victim(s) are not comfortable, or do not wish to meet, the victim is interviewed and the information is presented to the circle by the surrogate. The harm circles employed by Nebraska programs appear to be "Non-sequential circles [which] are often more freely structured than a sequential circle. Conversation may proceed from one person to another without a fixed order" (Wachtel, 2016, p.8).

Follow-up Circle: This type of circle is part of the formal circle process. In formal conferencing, there is an initial meeting, harm circle, formal conference, consequence circle, and follow-up circle. This final step is generally conducted two weeks after the consequence circle and is designed to see if the expectations for repairing harm have been met.

Impromptu conferences: These are informal conferences that are used for minor rule violations and to allow the parties to tell their stories and offer their own perspectives (Pranis, 2005), and thereby aim to prevent future harm from occurring.

Despite varying models, the goal of each model is to help youth understand the full impact of their decision, increase their awareness of wrongdoing, and increase accountability. Although there are additional goals related to victim satisfaction and other community factors, in this report, we were primarily interested in examining these different models to determine whether particular models contribute to successful youth outcomes, including reducing subsequent law violations.

YOUTH REFERRED TO COMMUNITY-BASED AID RESTORATIVE CONFERENCING PROGRAMS

A total of 801 cases (712 youth) were referred to Restorative Conferencing Programs between August 27, 2015 and March 10, 2020. Of these, 96.6 %, or 688 youth enrolled in a program.

As Table 1 illustrates, Lancaster County's agencies (The Mediation Center and Lighthouse) enrolled the highest number of youth. In general, the number of youths enrolled has steadily increased over the evaluation period.

Table 1. Youth Enrolled by Agency 2015 - 2020

Program	Year						Total
	2015*	2016	2017	2018	2019	2020*	
Lighthouse - Lancaster County	-	8	38	125	93	13	277
The Mediation Center - Lancaster County	3	30	40	67	127	18	285
Central Mediation Center - Buffalo County	12	27	19	19	11	3	91
Central Mediation Center - Adams County	-	-	-	-	7	5	12
Concord Mediation Center - Douglas County	-	-	-	-	6	12	18
Gage County MAPS - Gage County	-	-	-	-	5	-	5
Total	15	65	97	211	249	51	688

*Note. 2015 (August - December), 2020 (January - March)

REFERRAL SOURCE

The primary source of referrals was the school ($n = 347$), followed by diversion programs ($n = 138$). Referral source data were missing for 239 cases. Youth referred from school were predominantly in high school ($n = 207$) and middle school ($n = 130$). Table 2 displays the source of referral for each program. Lancaster County programs received youth mostly referred by schools, while smaller programs such the Central Mediation Centers in Buffalo County and Adams County received youth mostly from diversion programs. There are only three cases referred by court and all were referred to the Concord Mediation Center.

Table 2. Referral Source by Restorative Conferencing Program

Referral Source	Restorative Conferencing Program						Total
	Lighthouse (Lancaster)	The Mediation Center (Lancaster)	Central Mediation Center (Buffalo)	Central Mediation Center (Adams)	Concord Mediation Center (Douglas)	Gage County MAPS (Gage)	
School	166 (68.9%)	159 (65.4%)	-	-	17 (85%)	5 (80%)	347 (61.7%)
Diversion Program	1 (0.41%)	84 (34.6%)	41 (100%)	12 (100%)	-	-	138 (24.5%)
Court	-	-	-	-	3 (15%)		3 (0.5%)
Other	74 (30.7%)	-	-	-	-	-	74 (13.2%)
Total	241	243	41	12	20	5	562 (100%)

As Figure 1 illustrates, schools and diversion programs have remained the principal sources of referral over the period of 2017 – 2020; however, it is difficult to assess referral sources with accuracy due to missing data. This field was missing in the majority of cases from 2015-2018; however, the data quality appears to be improving. By 2019, only 3 cases lacked data on referral source. Based upon this most recent data, schools appear to be the primary referral source.

Figure 1. Source of Referral by Year
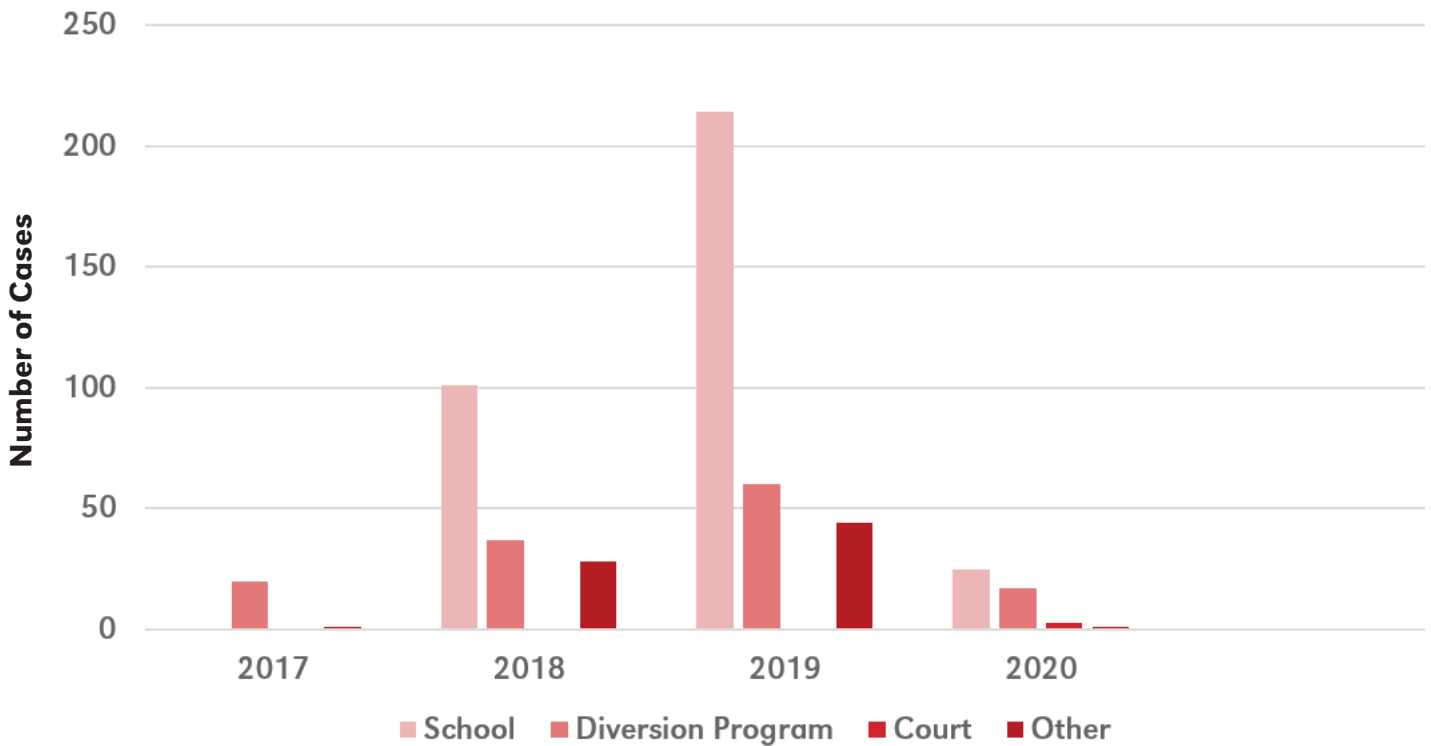
REASON FOR ENROLLMENT

The most common reason youth enrolled in a conferencing program was due to physical assault, including mutual assault, (52.3%), followed by disorderly conduct (14.4%), and other (12.1%). This pattern, and the offenses referred were similar across each of the different mediation programs. Data for reason for enrollment was missing for 234 cases. Figure 2 shows the distribution of reason for enrollment across the programs.

Figure 2. Reason for Enrollment by Restorative Programs

5
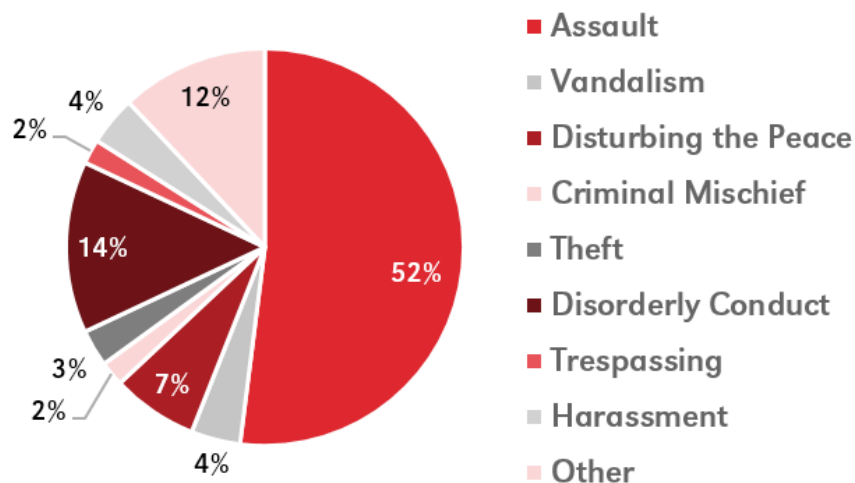
GENDER AND REASON FOR ENROLLMENT

Of the 712 youth referred to restorative conferencing programs 60.4% ($n = 430$) were male and 39.6% female ($n = 282$). Similar to the general distribution of gender, most of the programs had a higher percentage of males than females. However, smaller programs such as the Concord Mediation Center in Douglas County and Gage County MAPS had higher participation of female adolescents than the rest of the programs. The gender distribution by restorative program is shown in table 3.

Table 3. Gender by Restorative Conferencing Program

Gender	Restorative Conferencing Program						Total
	Lighthouse (Lancaster)	The Mediation Center (Lancaster)	Central Mediation Center (Buffalo)	Central Mediation Center (Adams)	Concord Mediation Center (Douglas)	Gage County MAPS (Gage)	
Female	99 (33.8%)	130 (45.1%)	34 (35.4%)	3 (25%)	12 (66.7%)	4 (80%)	282 (39.6%)
Male	194 (66.2%)	158 (54.9%)	62 (64.6%)	9 (75%)	6 (33.3%)	1 (20%)	430 (60.3%)
Total	293	288	96	12	18	5	712 (100%)

In making comparisons across gender, assault was the most common offense among both females and males. Among females, assault represented 34.5% of the reasons of enrollment and 29.5% among male adolescents. The reason for enrollment coded as 'other' was the second most common reason among females and the third most common reason among males. Narratives on the code 'other' are mostly related to using and possession of drugs ($n = 11$) and "disruptive behavior" ($n = 11$).

Figure 3. Reason for Enrollment by Gender
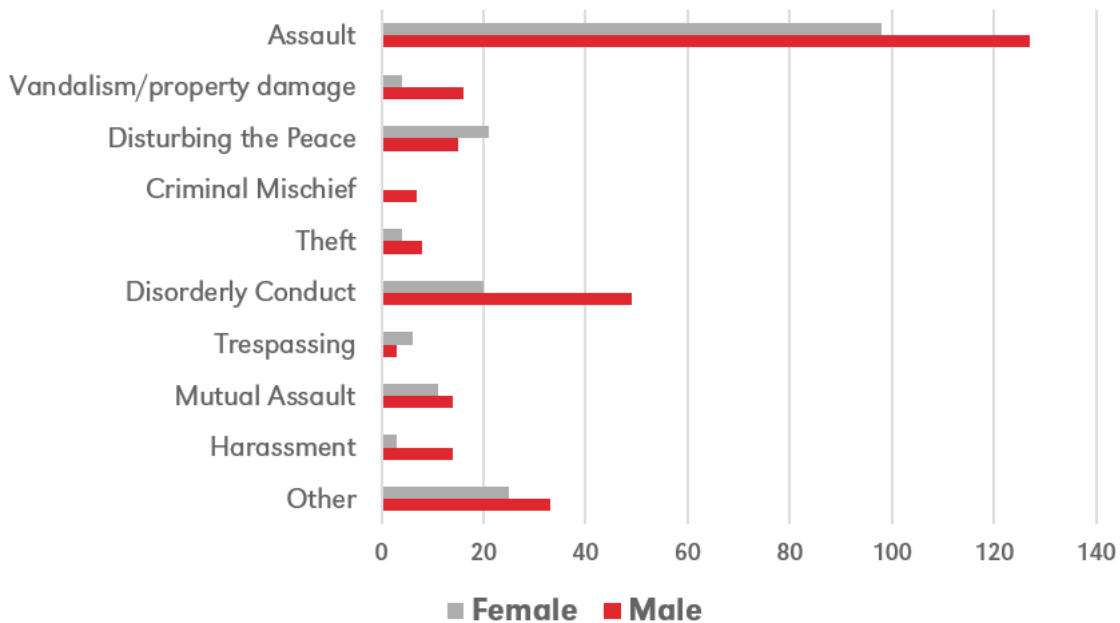
AGE AND SCHOOL GRADE

The age of youth (at time of referral) ranged from 8 to 19, with a mean of 14.75 (SD =1.81). Figure 4 shows the mean age for each of the programs.

Figure 4. Mean of Age by Restorative Conferencing Program
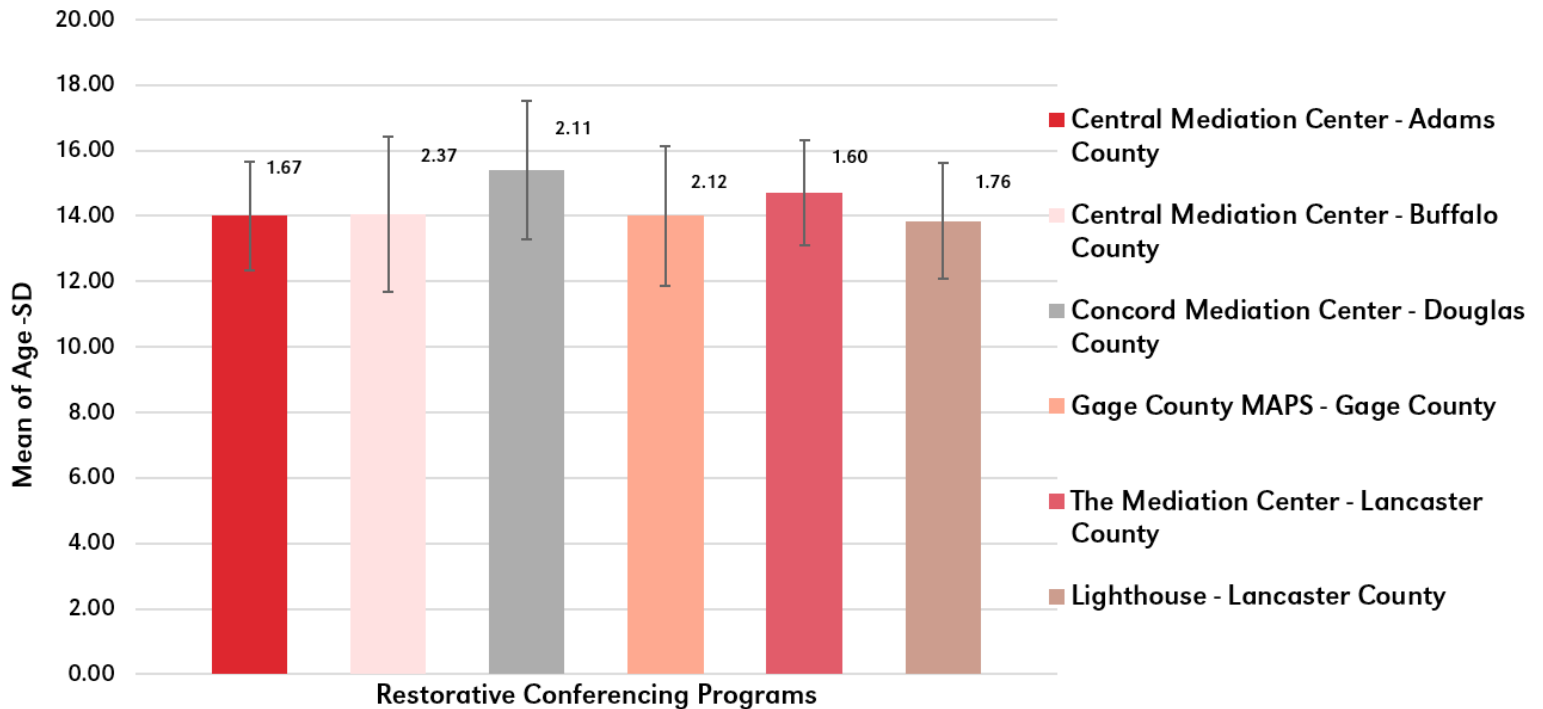
The Concord Mediation Center tends to serve slightly older youth, with mean age of 15.39 (SD = 2.11). The remainder of the programs serve slightly younger teens, with mean ages between 13.85 to 14.07 years old. There were few youth between 8 and 11 years old (n = 7) and youth between 18 and 19 years (n = 12). The majority of youth referred, 91.7 %, fell in the range of 12 – 17 years old.

Most of the youth referred were in high school (60.4%; n = 413), followed by middle school (37.0%; n = 253). Few cases (1.3%) involved a youth in primary school (n = 9). Most of the programs have a higher proportion of cases in high school, except for the Lighthouse Program, which had a roughly equal number of cases from middle and high school.

Interestingly, the Concord Mediation Center had 52.9% of its cases coded as 'other,' referring to an education level different than primary, middle, and high school. As it was highlighted above, this program also had the highest mean age and a higher proportion of females than males in comparison with the rest of the programs. Thus, this program may be receiving a particular profile of youth in comparison with the rest of the programs: older female adolescents that may be in post-secondary education or be out of the education system (e.g., GED program or alternative school). Figure 5 illustrates the youth education level at the referral date by each program.

Figure 5. Youth Education Level by Program

Legend: ■ Primary School ■ Middle School ■ High School ■ Other
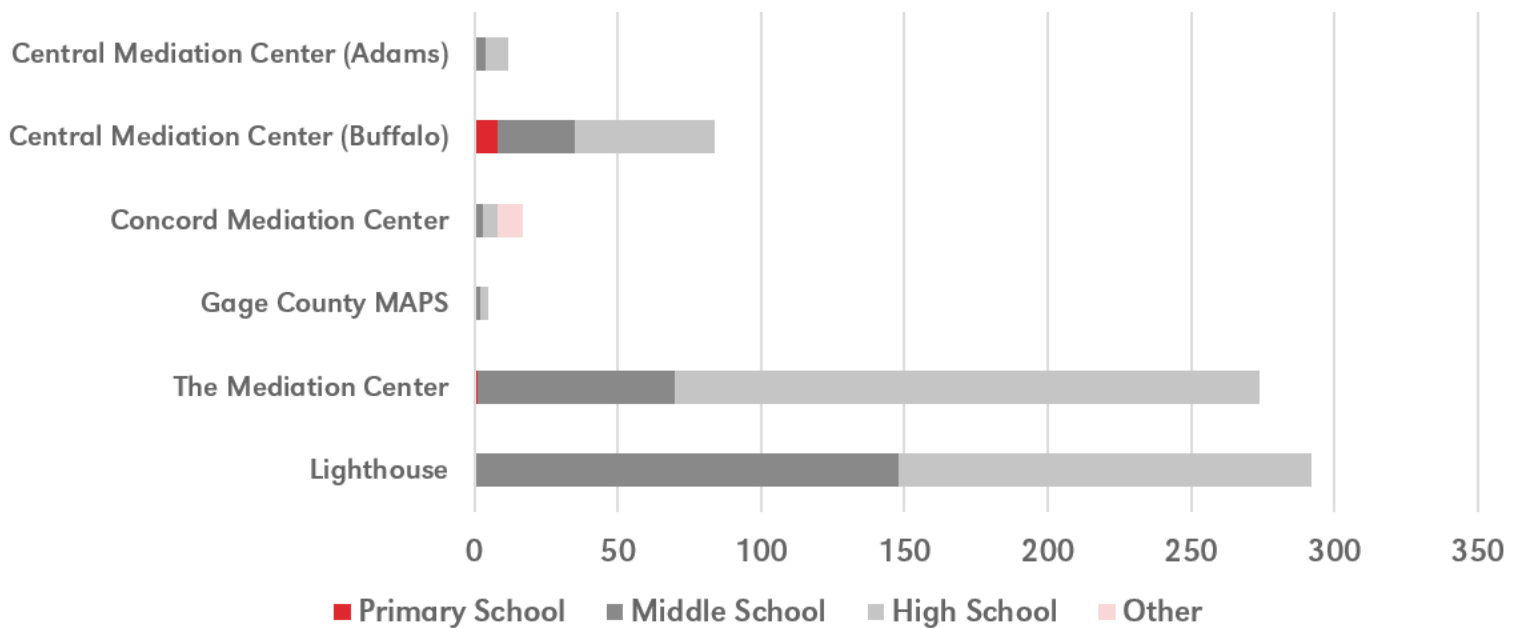
RACE/ETHNICITY OF YOUTH REFERRED

Most youth (38.8%) referred to restorative programs were White ($n = 311$), followed by Black/African American (21.3%, $n = 171$), multiple races (12.9% $n = 103$,) and Hispanic (9%, $n = 79$). Fewer cases were American Indian/Alaska Native (3.7%, $n = 30$), Asian (1.2%, $n = 10$), Native Hawaiian/Other Pacific Islander (0.5%, $n = 4$). Approximately 8.7% of the cases were coded as unspecified ($n = 70$) and 2.9% as other race ($n = 23$). Table 4 displays the racial/ethnic distribution for each restorative conferencing program.

Table 4. Race/Ethnicity for Restorative Conferencing Programs

Race/ Ethnicity	Restorative Conferencing Program					
	Lighthouse (Lancaster)	The Mediation Center (Lancaster)	Central Mediation Center (Buffalo)	Central Mediation Center (Adams)	Concord Mediation Center (Douglas)	Gage County MAPS (Gage)
White	117 (32.5%)	105 (34.2%)	76 (78.4%)	7 (58.3%)	1 (5%)	5 (100%)
Black/African American	88 (24.4%)	66 (21.5%)	3 (3.1%)	-	14 (70%)	-
Multiple Races	97 (26.9%)	3 (1%)	2 (2.1%)	1 (8.3%)	-	-
Hispanic	34 (9.4%)	31 (10.1%)	9 (9.3%)	3 (25%)	2 (10.%)	-
American Indian/ Alaska Native	6 (1.7%)	19 (6.2%)	5 (5.2%)	-	-	-
Asian	4 (1.1%)	6 (2.0%)	-	-	-	-
Native Hawaiian/ Other Pacific Islander	3 (0.8%)	1 (0.3%)	-	-	-	-
Unspecified	2 (10.2%)	62 (20.2%)	2 (2.1%)	1 (8.3%)	3 (15%)	-
Other Race	9 (2.5%)	14 (4.6%)	-	-	-	-

RESTORATIVE CONFERENCING: CHARACTERISTICS & OUTCOMES

There was data in the JCMS (Juvenile Case Management System) for 488 restorative conferences conducted between November 24, 2017 and April 2, 2020, involving 460 individual youth. Table 5 shows the number of conferences or complementary restorative practices that youth participated in by agency.

Table 5. Number of Restorative Conferences by Program

Agency	Total Cases	Number of Conferences	Cases without Conference Information
Lighthouse (Lancaster)	293 (41.1%)	201 (41.1%)	92 (41.1%)
The Mediation Center (Lancaster)	288 (40.4%)	243 (49.8%)	45 (20.1%)
Central Mediation Center (Buffalo)	96 (13.5%)	28 (5.7%)	68 (30.3%)
Central Mediation Center (Adams)	12 (1.7%)	11 (2.3%)	1 (0.4%)
Concord Mediation Center (Douglas)	18 (2.5%)	5 (1.0%)	13 (5.8%)
Gage County MAPS (Gage)	5 (0.7%)	0 (0%)	5 (2.2%)
Total	712	488	224

Data for 224 conferences was missing. Gage County MAPS did not register information of conferences conducted. For this reason, this program was not included in the following analysis on restorative outcomes.

CHARACTERISTICS OF RESTORATIVE CONFERENCING

The success of a restorative approach may hinge on a variety of factors. The process, from preparation to follow-up, may contribute to whether youth successfully engage in meaningful dialogue and whether this impacts future behavior. As noted above, circles may be included as part of a formal restorative practice, or they may be utilized in an impromptu and preventative way. Theoretically, youth introduced to circles, and other restorative practices, should have lower levels of subsequent law violations.

Related to process, different conference types also influence how the victim is presented, which can also impact restorative outcomes and patterns of re-offending. When examining youth outcomes, it is important to consider a combination of factors that may relate to successful outcomes, or the lack thereof.

TYPE OF CONFERENCES

Six different types of restorative conferences were included in our analysis: i) Victim/Youth Conference, ii) Youth/Adult Victim Surrogate, iii) Youth/Youth Victim Surrogate, iv) Youth/Community Victim, v) Youth/Community Victim Surrogate vi) Victim Relay Hybrid. However, complementary restorative practices such as harm circles, restorative circles, and impromptu conferences have been implemented in the frame of the restorative process by the Lighthouse program. Table 6 illustrates the distribution of the type of conferences and complementary restorative practices.

Table 6. Distribution of Types of Practices

Type of Conference/Restorative Practice	Number of Conferences*
Victim/Youth Conference	40 (8.2%)
Youth/Adult Victim Surrogate	194 (39.7%)
Youth/Youth Victim Surrogate	136 (27.9%)
Community Victim/Youth	7 (1.4%)
Youth/Community Surrogate	12 (2.7%)
Victim Relay Hybrid	1 (0.2%)
Other Restorative Practices	
Initial Circle	14 (2.9%)
Restorative Circle	40 (8.2%)
Informal Meeting	11 (2.2%)
Impromptu Conference	29 (5.9%)
Total	485 (99.4%)

*Note. 3 cases were coded as N/A - no conference

TYPE OF VICTIM PRESENCE IN RESTORATIVE CONFERENCING/PRACTICES

One of the main characteristics of the type of conferences is the way that the victim is represented through different conferences or restorative practices. As restorative justice practices have focused primarily on victim reparation, variations of victim presence within restorative practices have been introduced to generate psychological and behavioral changes among the offenders (Feasey & Williams, 2009; UNODC, 2019).

The wide variety of the victim presence across Nebraska's programs present an ideal opportunity to evaluate the impact of victim presence on restorative outcomes. Six (6) different types of victim presence have been identified in the restorative practices implemented by the programs: i) Actual Victim, ii) Adult Surrogate, iii) Youth Surrogate, iv) Community Surrogate, vi) Community Victim, and vii) No victim presence at all. Figure 6 illustrates the distribution of Victim type presence.

Figure 6. Victim Presence Type
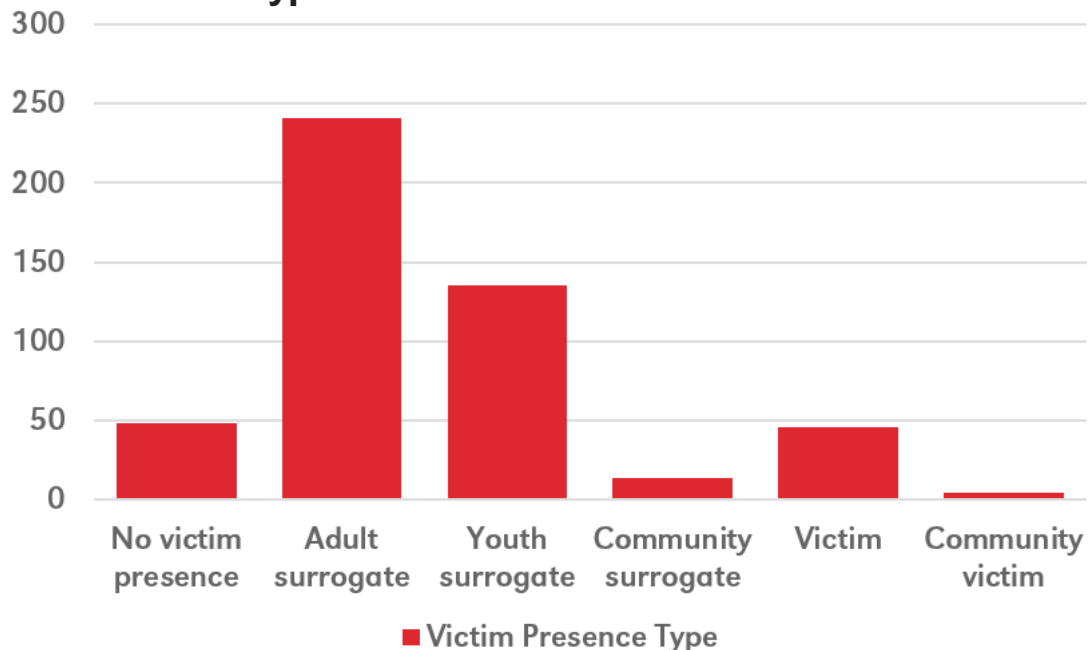
As figure 6 illustrates, the use of surrogates is the most common way to represent the victim in general. However, the predominant use of adult surrogates is not characteristic of all the programs.

Looking at figure 7 below, when considering the type of victim presence by agency, only two programs have adult surrogate as the primary victim presence type: Lighthouse and Central Mediation Center – Buffalo County. Conferences implemented by the Mediation Center use youth victim surrogates predominantly. Further, a community surrogate and an actual victim are the main approaches of victim representation in the Central Mediation Center (Adams) conferences and Concord Mediation Center conferences, respectively. The use of community victims in restorative conferences as implemented by the Central Mediation Centers may be an innovative experience to explore and share with the other programs. Figure 7 shows the type of victim presence by agency.

Figure 7. Victim Presence Type by Restorative Conferencing Program

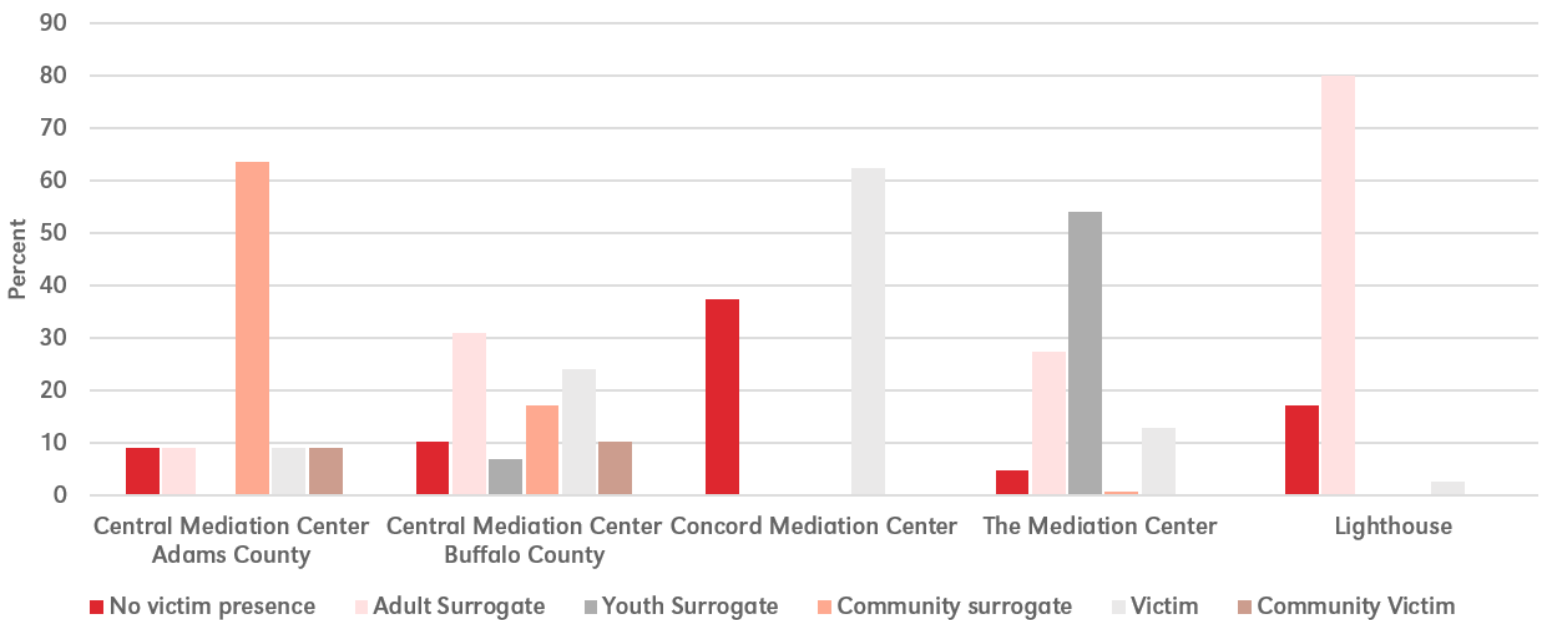Considering the definition of type of conferences given above, the election between a youth or adult victim surrogate would depend on who the actual victim is, programs have indicated that youth surrogates are used in conferences where the actual victim was a youth and similarly for adult surrogates. This definition may indicate that the Lighthouse and Central Mediation Center (Buffalo) programs receive more cases where the victims were adults, while the Mediation Center program receive more cases where the victims were young people. Nonetheless, looking at the distribution of the type of victims by each program (Figure 8), for both Lighthouse and the Mediation Center, most of the cases referred had a youth victim. These data make it important to examine what other criteria programs are using to choose between an adult or youth victim surrogate.

TYPE OF VICTIMS AND VICTIM PRESENCE IN RESTORATIVE PRACTICES

Programs using surrogates seek to represent the victim in the most similar way to the actual victim. We examined who the actual victims were in those cases where a restorative conference was implemented. Table 7 shows the actual victims of the case as compared to the type of victim presence in restorative conferencing/practices.

Table 7. Actual Victim and Type of Victim Presence in Restorative Practice

Actual Victim	Victim Presence in Restorative Practices						Total
	No Victim Presence	Adult Surrogate	Youth Surrogate	Community Surrogate	Victim	Community Victim	
Youth (<19 age)	15	121	116	8	28	0	288
School Staff	1	50	2	0	0	0	53
Family Member	0	6	3	1	5	0	15
Community Member (>19 age)	2	7	3	2	0	1	15
Business/ Organization/ Public Institution	19	25	0	1	4	2	51
Total	37	209	124	12	37	3	422

*Note. Data of 38 cases were missing - based on the 460 youth participating in multiple conferences or complementary restorative practices.

As it is illustrated in table 7, in our sample, the majority of victims were youth under 19 years old 68.2%; $n = 288$), followed by school staff (12.5%; $n = 53$), and a public or private organization (12.1%; $n = 51$). Victims who were youth under age 19 were primary represented by adult surrogates in restorative conferences (42% of the total of victims who were youth under 19; $n = 121$) and secondly, by youth surrogates (40%; $n = 116$).

Victims that are public or private organizations may be considered a community victim as the offense is affecting a general good or service. On the other hand, the category 'community member' in the type of victim variable is described as a victim who is '19 years and over.' The following table (Table 8) shows the type of victims by different programs.

Table 8. Types of Victims by Program

Type of Victims	Restorative Programs					Total
	Lighthouse (Lancaster)	The Mediation Center (Lancaster)	Central Mediation Center (Buffalo)	Central Mediation Center (Adams)	Concord Mediation Center (Douglas)	
Youth (<19 age)	82 (48.2%)	187 (86.2%)	10 (43.5%)	7 (70%)	2 (100%)	188 (58.3%)
School Staff	44 (25.9%)	9 (4.1%)	-	-	-	53 (16.4%)
Family Members	-	14 (6.5%)	1 (4.3%)	-	-	15 (4.6%)
Community Members	-	7 (3.2%)	6 (26.1%)	2 (20%)	-	15 (4.6%)
Public/ Private Orgs./Insts.	44 (25.9%)	-	6 (26.1%)	1 (10%)	-	51 (15.8%)
Total	170	217	23	10	2	322

*Note. Data of 38 cases were missing - based on the 460 youth participating in conferencing.

As table 8 illustrates, programs which implemented restorative conferencing with community victims and community surrogates (the Central Mediation Center) are the programs which had more community member victims and public/private organization/ institution victims.

RESTORATIVE OUTCOMES

Restorative programs generally aim to repair the harm caused to the individual or the community, and increase youth understanding of how the offense was experienced by the victim. To do so, the youth and victim (with the aid of a mediator) will create a reparation agreement that outlines the activities/goals that the youth will complete to "repair the harm". If the victim and youth genuinely come together and achieve those aims, then the victim may be more likely to feel forgiveness, and the youth's likelihood of re-offending should be reduced.

Using data entered in to the JCMS, we examined whether a reparation agreement was reached during the restorative practice, the degree to which it was completed (successfully, partially or unsuccessfully), the types of activities/goals within the reparation agreement, whether completion differs by type of conference/practice, and whether youth have future system involvement following discharge.

In addition to reducing re-offending, youth and victims should also feel more satisfied with the outcome and have more positive perceptions of the legal system (i.e., procedural justice). That is, both parties should feel that the system and process was fair. Unfortunately, while some of these restorative outcomes are currently available to track in the JCMS, youth and victim satisfaction are not being entered into JCMS (on the follow-up tab). During our interviews and on-site visits with programs, we identified that while most programs do immediate satisfaction surveys following the conference, as is, the data currently being collected cannot be used for evaluation purposes (because we could not identify who completed the surveys) and is only used by the mediators as a learning tool.

REPARATION AGREEMENT

As reparation agreements are built to repair the harm caused to the victims and the community, victim participation and alternative ways to represent the victims in restorative conferences is an important aspect to determine whether particular models contribute to successful youth outcomes, such as level of fulfillment of the reparation agreements.

Of the 801 cases in JCMS, data were entered for 564 reparation agreements (70.4%) but was missing for 237 cases (29.6%). Of the cases with a reparation agreement, most cases reached a reparation agreement ($n = 458$; 81.2%), while fewer cases did not reach an agreement (8.8 %; $n = 42$).

Table 9 displays whether the reparation agreement was reached by type of restorative conferencing or practice. Overall, conferences with the youth surrogate appear to have greater success for reaching a reparation agreement than adult surrogate conferences. Restorative circles and impromptu conferences also appear to have success at reaching a reparation agreement. Moreover, initial meetings/ circle and informal meetings appear to have lower rates of completion (but also smaller sample sizes).

Table 9. Reparation Agreement Reached by Type of Conference/Practice

Restorative Conferencing/Practice	Reparation Agreement Reached		
	Yes	No	Total
Conference with Youth Surrogate	134 (100%)	0 (0.0%)	134
Conference with Adult Surrogate	161 (83.4%)	32 (16.6%)	192
Victim Relay Hybrid	1 (100%)	0 (0.0%)	1
Conference with Community Surrogate	13 (100%)	0 (0.0%)	13
Conference with Victim	39 (97.5%)	1 (2.5%)	40
Informal Meeting	11 (78.6%)	3 (21.4%)	14
Impromptu Conference	28 (96.6%)	1 (3.4%)	29
Initial Meeting/Circle	7 (77.8%)	2 (22.2%)	9
Restorative Circle	36 (92.3%)	3 (7.7%)	39
Conference with Community Victim	7 (100%)	0 (0.0%)	7
Total	437 (91.2%)	42 (8.8%)	479

*Note. Data of 5 restorative conferences/practices were missing - based on the 460 youth participating in multiple conferences or complementary restorative practices.

REPARATION AGREEMENT GOALS

Next, we examined the activities (i.e., goals) listed in each reparation agreement and whether youth completed the reparation agreement activities. Specifically, the degree to which youth completed the reparation agreement activities, how many reparation goals have been set in an agreement, the types of reparation activities, and whether this differed by conference type.

Of the 564 cases with reparation agreements, 85.7% were successfully completed ($n = 431$), 4.4% were partially completed ($n = 22$), and 9.9% were unsuccessfully completed ($n = 50$).

Most of the conferences (53.5%; $n = 212$) set one goal, approximately one-third set two goals (35.4%; $n = 140$), and only 9.3% set three goals ($n = 37$). Very few conferences (1.5%) set four goals ($n = 6$) and only one conference set five goals (0.2%).

For those agreements with only one goal, the most frequent activity was an apology ($n = 169$, 79.7%) followed by 'other' ($n = 27$, 12.7 %), and community service ($n = 16$, 7.5%). For those agreements with two goals, an apology was still the most common goal ($n = 129$), usually combined with 'other' and community service. Because the goal of JCMS is to capture all relevant information, if programs are entering 'other', then it may be that JCMS needs additional options so that 'other' is used less frequently.

Victim participation is an important aspect in the process of setting goals in restorative practices due to its reparation-oriented nature. Different goals in the reparation agreement may result from negotiations with the victims, who may have specific requirements about the ways they want to be repaired. As different types of victim presence have been introduced in the restorative programs, it is essential to examine how these types of victim presence impact the reparation goals.

Overall, it appears that conferences with youth victim surrogates have reparation agreements with more goals compared to conferences with adult victim surrogates. Specifically, with adult surrogates, two-thirds of the agreements only had one goal (68.0%, $n = 102$) with most of the remaining having two (23.3%; $n = 35$) and three goals (7.3%; $n = 11$). On the other hand, with a youth surrogate, only 17.7% had one goal ($n = 23$) and the majority had two goals (64.6%; $n = 84$).

REPARATION AGREEMENT COMPLETION BY TYPE OF CONFERENCE

We then tested whether there were differences in completion of the reparation agreement by type of conference. To do so, we collapsed the conference types into three categories: (1) Victim/Youth Conference (including community victim and youth/victim), (2) Youth/Victim Conference with a Surrogate (including conference with youth surrogate, adult surrogate, and community surrogate) and (3) Other Restorative Practice (including informal meeting, impromptu conference, initial meeting/circle, harm circle, restorative circle and follow up circle).

Using a Chi-square test, results demonstrated there was a significant relationship between reparation agreement and type of conference [(4) = , $p < .001$]. Table 9 shows the distribution of frequencies in this relationship.

Specifically, Victim/Youth Conference and Youth/Victim Surrogate were more likely to complete all goals than alternative restorative practices coded as 'other'. Looking at the comparisons between conferences with actual victims and conferences using surrogates, conferences using surrogates did not complete goals at a higher proportion than those conferences with actual victims. The highest proportion of conferences that did not complete goals corresponds to those practices coded as 'other' (77.3%).

Table 10. Reparation Goal Completion by Type of Conference

Type of Conference	Reparation Goal Completion			Total
	Did Not Complete Goals	Completed All Goals	Partially Complete	
Victim/Youth Conference	11 (31.4%)	18 (51.4%)	6 (17.1%)	35
Youth/Victim Surrogate	110 (38.5%)	135 (47.2%)	41 (14.3%)	286
Other Restorative Practice	51 (77.3%)	14 (21.2%)	1 (1.5%)	66
Total	172 (43.8%)	167 (42.5%)	54 (13.7%)	387

*Note. $x^2(4) = 36.45^a$. a indicates 1 cell (11.1%) had an expected count less than 5. Data on goal completion was missing for 73 conferences (15.9%).

FUTURE SYSTEM INVOLVEMENT

To examine the impact of restorative programs on preventing youth from moving deeper into the system, this report evaluates whether each juvenile was filed on in court for a law violation or a status offense after being discharged from the restorative program. The JJI calculated future system involvement using data obtained from the Nebraska's JUSTICE State Trial Court case information. Data included all juvenile and adult cases between July 1, 2015 and December 31, 2019, including cases that were sealed.

To match youth from restorative programs to JUSTICE data, we used Link Plus software to match the youth based on first name, last name, and date of birth. Once the matches were reconciled in the database as the same individuals, then we matched those individuals to the youth who participated in restorative programs within the evaluation period.

For the definition of Future System Involvement for Community-based Aid, please see the Appendix. So youth are each held to the same one-year-time period for examining future system involvement, this analysis only includes a subsample of cases discharged by December 31, 2019 ($n = 401$). Approximately 7.5% of youth ($n = 30$) had Future System Involvement (FSI) within one year of discharge from a restorative program.

Figure 8 displays the FSI types of offenses as recoded into general categories. Overall, the most frequent type of offenses included: status offenses (23.3%, $n = 7$) drug-related offenses (23.3%, $n = 7$), and disorderly conduct (23.3 %, $n = 7$).

Figure 8. Future System Involvement Offenses
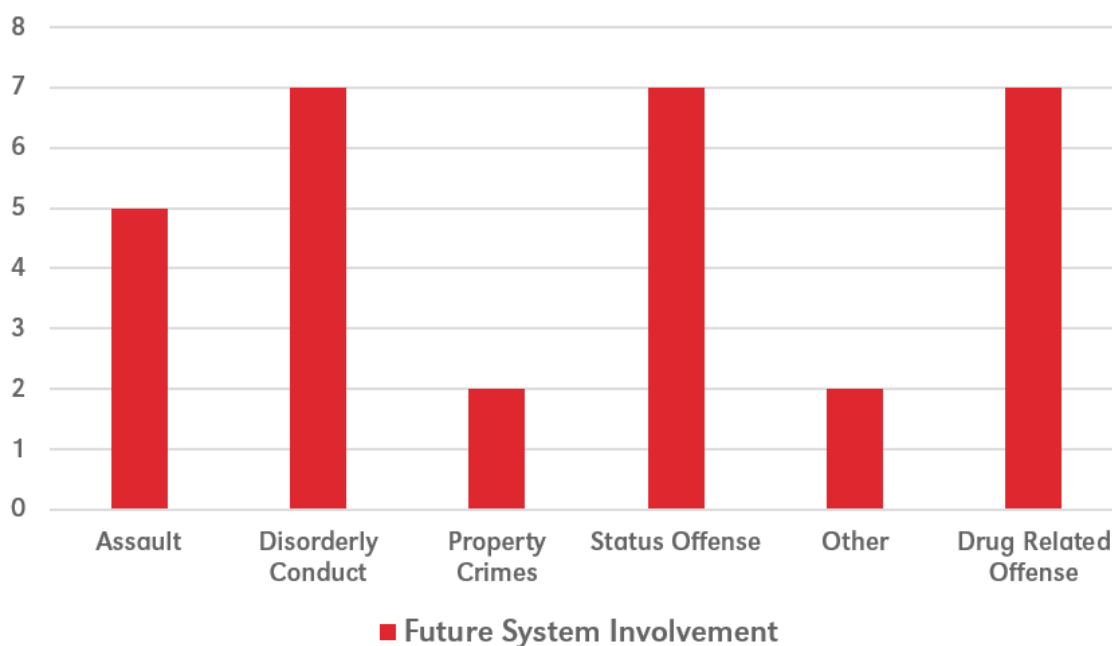
Overall, we could only calculate FSI for three programs based on the number of cases. As it is shown in table 11, Buffalo and Lancaster Mediation Centers had higher FSI rates than Lighthouse; however, these values should be taken within the context of youth risk based on referral source as a proxy (court, diversion, school, other). In the Buffalo County Mediation Center, the referrals are exclusively from diversion, while in the Lancaster County Mediation Center, the referrals are from diversion (36.4%) and the school (63.6%). The Lighthouse referrals, however, are from the school and other (i.e., often internal referrals) so these youth are less likely to be already system involved.

Table 11. Future System Involvement (FSI) by Agency

Program	Total Youth	Youth with FSI[3]	FSI Rate
Central Mediation Center (Buffalo)	75	11	14.7%
The Mediation Center (Lancaster)	132	12	9.1%
Lighthouse (Lancaster)	191	7	3.7%
Central Mediation Center (Adams)	0	0	0.0%
Concord Mediation Center (Douglas)	3	0	0.0%
Gage County MAPS (Gage)	0	0	0.0%

FUTURE SYSTEM INVOLVEMENT BY GENDER, RACE AND AGE

The proportion of males and females who had FSI was similar, such that 5.3% of females and 8.8% of males had FSI. A Chi-square analysis revealed no significant differences by gender [$x^2(1) =1.597$, $p = .20$]. Table 12 shows the distribution of frequencies of FSI by gender.

Table 12. Future System Involvement by Gender

	Future System Involvement		
Gender	Yes	No	Total
Female	8 (5.3%)	142 (94.7%)	150
Male	22 (8.8%)	229 (91.2%)	251
Total	30 (7.5%)	371 (92.5%)	401

To compare group frequencies in future system involvement by race/ethnicity, we recoded race/ethnicity into four categories: Black, White, Hispanic, and Other. A Chi-square analysis revealed no significant differences by race/ethnicity [$x^2(3) =3.27a$, $p = .30$]. Table 13 shows the distribution of frequencies of FSI by race/ethnicity.

Table 13. Future System Involvement by Race/Ethnicity

	Future System Involvement		
Race/Ethnicity	Yes	No	Total
Black	4 (5.4%)	70 (94.6%)	74
White	15 (10.6%)	126 (89.4%)	141
Hispanic	3 (7.1%)	39 (92.9%)	42
Other	8 (5.6%)	136 (94.4%)	144
Total	30	371	401

Note. $x^2(3) = 3.27^a$. *a* indicates 1 cell (12.5%) have expected count less than 5.

With respect to age, we employed logistic regression to predict whether age at the time of referral to restorative program predicted the probability that a youth would have a future system involvement. According to the analysis, older youth were more likely to have a FSI than younger youth, such that for every 1 year older, the probability of having a FSI increased by .24 [$SE = 0.10$, Wald $x^2(1) = 5.03$, $p = .025$].

FUTURE SYSTEM INVOLVEMENT BY VICTIM PRESENCE

We examined statistical differences in FSI by conference. To do so, type of victim presence was recoded into 3 categories: (1) No victim presence, (2) Actual victim, and (3) Surrogate Victim. Using Chi-square to compare group frequencies in FSI, results indicated there were some significant differences across type of victim presence as indicated in Table 14 [$x^2(2) =7.506^a$, $p = .02$]. Specifically, youth who participated in conferences or other restorative practices with the actual victim were significantly less likely to have future system involvements than those participating in practices with the other two types of victim presence.

Table 14. Future System Involvement by Type of Conference

	Future System Involvement		
Type of Victim Presence	**Yes**	**No**	**Total**
No Victim Presence	3 (27.3%)	8 (72.2%)	11
Actual Victim	0 (0.0%)	14 (100%)	14
Surrogate Victim	8 (6.6%)	114 (93.4%)	122
Total	11 (7.5%)	136 (92.5%)	147

FUTURE SYSTEM INVOLVEMENT AND RESTORATIVE OUTCOMES

Data on restorative outcomes such as reparation agreement reached, level of reparation fulfillment, and goal completion was missing for most of the youth who had a future system involvement. Due to missing data it is difficult to assess with accuracy whether there are significant differences in FSI based on the success of restorative outcomes. Tables 15 – 16 present the distribution of frequencies of reparation agreement reached and goal completion.

Table 15. Reparation Agreement Reached for Youth with FSI

Reparation Agreement Reached	Future System Involvement
Yes	10 (33.3%)
No	2 (6.6%)
Missing Data	18 (60%)
Total	30

Table 16. Goal Completion for Youth with FSI

Goal Completion	Future System Involvement
Did Not Complete Goals	3 (10%)
Completed All Goals	5 (16.6%)
Partially Completed Goals	2 (6.6%)
Missing Data	20 (66.6%)
Total	30

CONCLUSION AND RECOMMENDATIONS

This analysis showed a low rate of future system involvement among those youth who had been enrolled in restorative programs (7.5%). Although many factors may be related to these findings, these are promising results in terms of the positive impact of restorative programs in Nebraska.

Significant differences in reparation goal completion by type of conference (Victim/Youth, Youth/Victim Surrogate, and other Restorative Practices) reinforce the importance of evaluating the different models that would be more successful to achieve restorative outcomes and prevent future law violations. Results from this evaluation suggest that more structured conferences such as Victim/Youth and Youth/Victim Surrogate have higher levels of goal completion than informal processes, such as impromptu conferences and restorative circles, among others.

Most of the conferences which reached a reparation agreement fulfilled it successfully (88.7%); however, it is important to consider that the fulfillment of a reparation agreement (successful, partially, or unsuccessful) does not necessarily mean completion of the activities or goals, including in such agreement. The degree to which an agreement is fulfilled is related to the level of responsibility, accountability, and the youth's intentions to repair the harm. A successfully fulfilled agreement may be a proxy for accepting responsibility and increased understanding of the harm caused. To evaluate the impact of different models of restorative conferencing on the reparation agreement fulfillment, it would be important for future evaluations assessing restorative outcomes such as responsibility and accountability.

Results on Future System Involvement indicated that older youth were more likely to have a FSI than younger youth. Considering most of the programs receive young teenagers ($M = 14.28$, $SD = 1.85$), having school as a primary source, these findings inform about the significant preventive potential of using VYC in Nebraska.

Results also showed a significant association between the way the victim is represented in restorative conferencing/practices and the likelihood to re-offend. These results suggest that the more similar the surrogates are to the actual victim, the more impact it has on preventing youth from future system involvement. In this sense, it is recommended for the programs to continue working on surrogate training and recruiting for the purpose of having surrogates that not only have experienced similar offenses to the actual victim, but also that are similar in aspects such as age, gender, and race/ethnicity.

Finally, it is important to highlight that the improvement in restorative outcomes data entry, such a reparation agreement fulfillment and goal completion are essential for more accurate analysis examining the impact of restorative outcomes on future system involvement.

ADDENDUM: DIVERSION CASES REFERRED TO RESTORATIVE JUSTICE SERVICES

After the preparation of this report, it came to our attention that youth on diversion who are referred to restorative justice services may not have been entered into the JCMS within the Mediation/Restorative Justice database in some communities. In other words, in some communities, youth referred to Mediation/Restorative Justice programs are directly entered into JCMS as Mediation/Restorative Justice cases in addition to the Diversion database; while in other communities, youth are entered into the Diversion database with an indication that they were referred to a restorative justice service.

To gather an accurate representation of the number of youth who participated in restorative justice services under the Community-based Aid grant, we requested a data extract of Diversion cases and examined the number of youth for whom the program included "Participate in Mediation" as an objective within their Diversion plan.

Table 17 displays the number of youth on diversion who were referred to mediation as part of their diversion case plan. We include Table 1 again for comparison.

Table 17. Youth in Diversion Referred to Mediation by County

Diversion Program	2015	2016	2017	2018	2019	Total	Corresponding Mediation Center
Adams	5	10	16	17	21	69	Central Mediation
Buffalo	0	1	0	12	12	25	Central Mediation
Burt	0	1	4	0	0	5	Nebraska Mediation
Custer	0	1	0	0	0	1	Central Mediation
Dakota	0	0	1	0	0	1	Nebraska Mediation
Dodge	0	1	0	0	1	2	Nebraska Mediation
Fillmore	0	1	0	0	2	3	The Resolution Center
Hall	0	0	0	1	0	1	Central Mediation
Lancaster	0	21	71	63	104	259	The Mediation Center
Otoe	0	0	0	1	4	5	The Resolution Center
Sarpy	0	0	0	1	1	2	Concord Mediation Center
Saunders	0	0	0	2	0	2	The Resolution Center
Scotts Bluff	1	0	1	0	1	3	Mediation West
Total	6	36	93	97	146	378	

Table 1. Youth Enrolled by Agency 2015 - 2020

Program	Year						
	2015*	2016	2017	2018	2019	2020*	Total
Lighthouse - Lancaster County	-	8	38	125	93	13	277
The Mediation Center - Lancaster County	3	30	40	67	127	18	285
Central Mediation Center - Buffalo County	12	27	19	19	11	3	91
Central Mediation Center - Adams County	-	-	-	-	7	5	12
Concord Mediation Center - Douglas County		-	-	-	6	12	18
Gage County MAPS - Gage County	-	-	-	-	5	-	5
Total	15	65	97	211	249	51	688

*Note. 2015 (August - December), 2020 (January - March)

The darker highlighted rows in Table 17 represent the county diversion programs that do not have a corresponding Mediation Center (or equivalent agency) that is directly funded through CBA funds. As such, these are likely youth that are not represented elsewhere in the report.

Adams County, Buffalo County, and Lancaster County each have a corresponding Mediation Center that receives CBA funds directly. This means that the Mediation Centers enter data directly into the JCMS. In comparing the tables, the numbers clearly do not match. In Buffalo County, the number of youth referred to the Mediation Center – Buffalo County is much higher than the number of youth with a Mediation/Restorative Justice objective (and all referrals came from diversion for this program). The Juvenile Justice Institute recommends that Diversion programs accurately enter the objectives/activities that youth are participating.

In Adams County, the opposite holds true – that the number of youth with a Mediation/Restorative Justice objective is much lower than the number of youth referred to the Mediation Center. This is because the Mediation Center - Adams County did not receive CBA funds until FY 19/20 and was not required to enter cases into the JCMS until this time.

Lancaster County's numbers align fairly well, especially considering many referrals to the Mediation Center – Lancaster County are from the school.

The figure below displays the Office of Dispute Resolution-Approved Mediation Centers. Currently, all of the Mediation Centers, with the exception of Mediation West, receive CBA funds. Moving forward, communities that specifically request funds for Mediation in Diversion will be asked to include Mediation/Restorative Justice as a diversion objective and the corresponding Mediation Centers that receive funds will also be asked to enter the case into the JCMS in the Mediation/Restorative Justice Database. Table 17 includes the corresponding Mediation Center for each county's diversion program.

https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice/odr-approved-mediation-centers
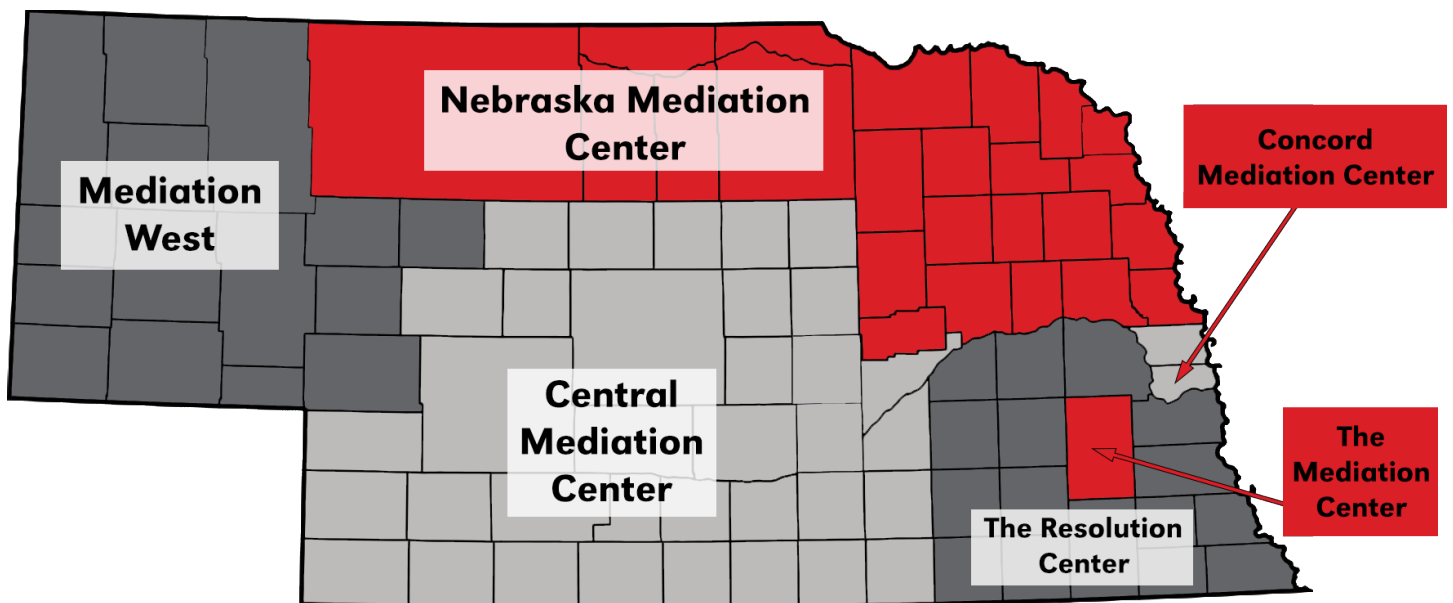
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APPENDIX

Definition of Future System Involvement

For the purpose of accurately assessing post-program law violations across Community-based Aid (CBA) funded programs, the Juvenile Justice Institute and other researchers shall utilize the following uniform definition 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 one 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 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 (a) or (b) or related city/village ordinance.

(i)Future system involvement shall not include less serious traffic violations that do not impact community safety, including careless driving, failure to yield, failing to stop, speeding, violating learner's permit, driving on suspended license, no valid insurance, no helmet, following too close, failure to display plates.

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 other under 43-247(3)(b)(2)

II. Probation

(A) Future System Involvement shall mean that following discharge from a CBA-funded program the juvenile had Juvenile Probation intake as a result of:

(1)Running away or a technical probation violation
(2) A new law violation
(3) Warrant
   (a) although running away/technical violations are included in the definition of future system involvement, running/away technical violations shall be reported separately from a new law violation.
   (b) although warrants are included in the definition of future system involvement, warrants shall be reported separately from a new law violation.

III. Detention

(A) Future System Involvement shall mean that following discharge from a CBA-funded program the juvenile was booked into a staff secure or secure detention center.

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