

JUVENILE DIVERSION IN NEBRASKA

CY 2023 Annual Report to the Governor and
Legislature

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Executive Summary

Eighty-eight counties and one tribe reported having some type of juvenile pre-trial diversion services available to youth in their community during calendar year 2023. Of those 89 programs, 63 counties¹ reported referral data to the Nebraska Crime Commission by January 30, 2024.

In calendar year 2023, 3,939 youth were referred to a diversion program in Nebraska with 88% (3,465) enrolling after referral. Of the youth discharged from a diversion program during CY2023, 83% of the youth were discharged as successful.

While comprising only 8% of the population, Black youth account for 24% total citations. Additionally, unlike other groups, they are underrepresented in referrals (20%) to, and enrollments (19%) in the diversion program compared to their arrests.

Eighteen- year-olds were most successful in diversion. At forty percent, youth of multiple races were discharged from diversion unsuccessfully at the highest rate.

The most common reasons for referral to a diversion program in CY2023 were assault, minor in possession of alcohol, shoplifting, truancy, and traffic offenses. Criminal offenses constituted the largest proportion of the total offenses, and within the status offense category, issues related to alcohol possession and truancy were particularly prevalent among youth. Most youth involved in diversion programs are charged with misdemeanor.

An analysis based on risk ratios revealed that the most significant racial disparities tend to be between Black and white youth. Black youth were cited at 3.77 times the rate of white youth, yet their diversion-to-arrest ratio was only 0.82 times that of white youth. In other words, they were referred to diversion programs at a rate that is 18% lower than that of white youth. Furthermore, Black youth faced a higher rate of court filings compared to white youth, with a court filing rate that is 30% higher than that of white youth. A similar pattern of disparity holds when comparing Native American to white youth, with Native American youth being arrested at nearly 3 times the rate of White youth and experiencing 48% lower rate of referral to diversion programs.

Results based on statistical analysis reveal that successful completion of a diversion program is associated with significantly lower odds of recidivism compared to nonparticipation and formal probation during both the 2021-2022 and 2021-2023 periods. In the one-year analysis, youth who completed diversion had up to an 80% reduction in the odds of reoffending compared to nonparticipants, while the two-year analysis showed a similarly strong 76% reduction. Additionally, youth who successfully completed diversion had a 46% lower likelihood of reoffending compared to those released from formal probation over the two-year period. Although the protective effect of diversion against recidivism decreases slightly over time, it remains substantial. Age consistently emerged as a significant factor, with older youth less likely to reoffend, while race and gender were not consistently predictive of recidivism. Further research is needed to enhance the understanding of these relationships and their causal implications.

¹ The Omaha Tribe has a Juvenile Healing and Wellness Court as a diversion program but did not serve any youth in CY2023. A new program was put in place during CY23 but without the support of the court, the program was reclassified to serve all youth in the community, not just diversion youth from the court.

Introduction

The Director of Juvenile Diversion Programs of the Nebraska Commission of Law Enforcement and Criminal Justice (Nebraska Crime Commission) is responsible for generating an annual report on diversion programs in Nebraska pursuant Nebraska Revised Statute §81-1427 (Reissue 2014). This 2023 diversion report serves to fulfill the statutory requirement.

Introduction to Juvenile Pretrial Diversion Programs

Juvenile pretrial diversion is a voluntary program available to youth referred to a city or county attorney with law violation or status offense. Generally, diversion is available pre-filing, diverting youth from involvement in the juvenile justice system and into a program offering a continuum of requirements and services. The result of successful completion is non-filing of the diverted case or dismissal, if filed. Pretrial diversion is a positive alternative to the juvenile justice system and can provide more appropriate methods of treating youth charged with an offense, providing better outcomes for youth.

The state of Nebraska has identified four goals of a juvenile pretrial diversion program: 1) to provide eligible juvenile offenders with an alternative program in lieu of adjudication through the juvenile court; 2) to reduce recidivism among diverted juvenile offenders; 3) to reduce the costs and caseload burdens on the juvenile justice system and the criminal justice system; and 4) to promote the collection of restitution to the victim of the juvenile offender's crime.²

In Nebraska, a county or city attorney has statutory authority to develop a juvenile diversion program with the concurrence of their governing board.³ A county or city attorney's decision to utilize a diversion program and refer a youth to diversion is often based on factors generally including: 1) the youth's age, 2) the nature of the offense and the youth's role in the offense, 3) previous offenses, dangerousness or threat posed by the youth, and 4) recommendations of referring agency, victim, and advocates for the youth.⁴ Juvenile pretrial diversion programs in Nebraska are required to provide screening services for use in creating an individualized diversion plan that utilize appropriate services for the youth, and include program requirements such as a letter of apology, community service, restitution, educational or informational classes, curfew, and victim youth conferencing.⁵

The Nebraska Crime Commission partnered with Lancaster County and the University of Nebraska Omaha's Nebraska Center for Justice Research to create a risk and need assessment tool, called the Nebraska Screen and Assessment Tool (NSAT), for juvenile diversion programs in Nebraska. This tool has been made available to all Nebraska diversion programs to utilize to meet the requirements of NRS 43-260.04(5).

² Neb. Rev. Stat. § 43-260.03

³ Neb. Rev. Stat. § 43-260.02

⁴ Neb. Rev. Stat. § 43-260.04

⁵ Neb. Rev. Stat. § 43-260.04 -.06

Juvenile Pretrial Diversion Programs in Nebraska

In Nebraska, eighty-eight counties and one tribe offered a juvenile pretrial diversion program in CY 2023 (Figure 1).

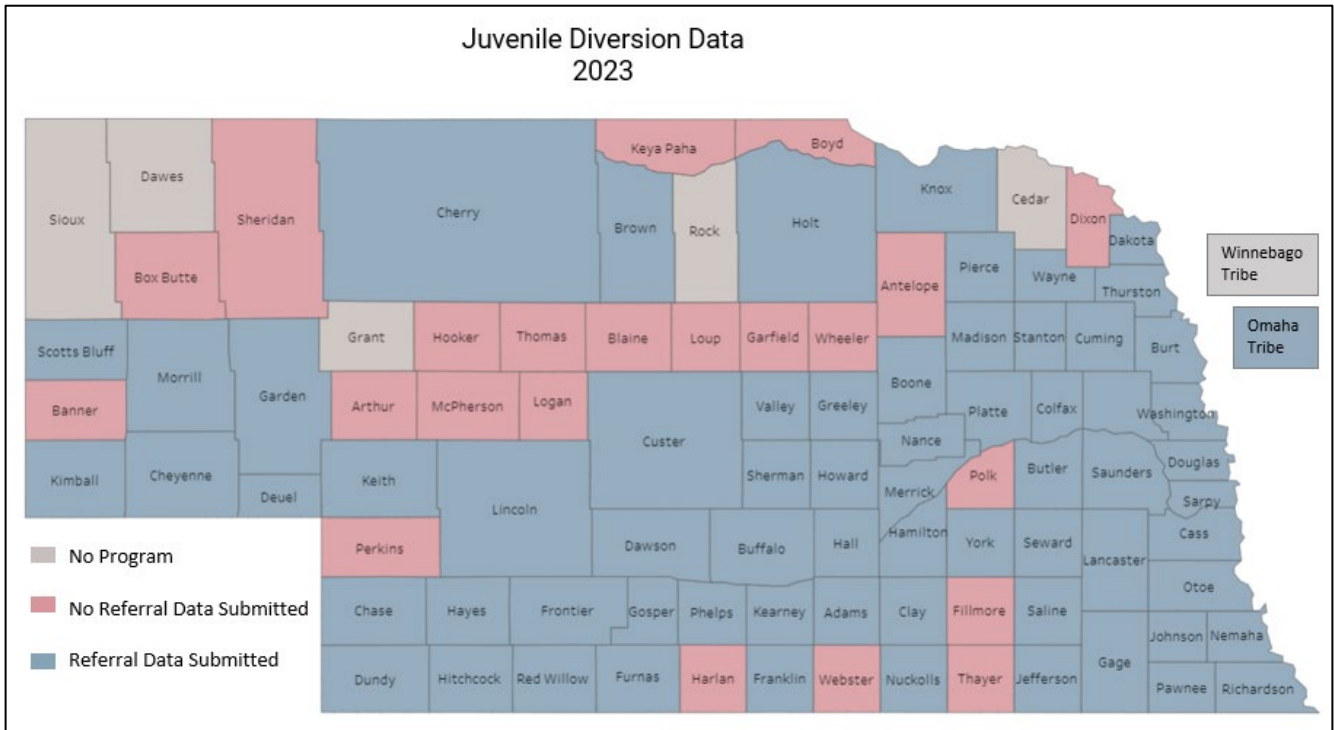


Figure 1

Juvenile Pretrial Diversion Data

Every county or city attorney of a county or city which has a juvenile pretrial diversion program is required to report juvenile diversion data to the Director of Juvenile Diversion Programs annually.⁶ The juvenile pretrial diversion data reported in this report is based upon data reported directly to the Nebraska Crime Commission at the user level through the secure Juvenile Diversion Case Management System (JDCMS) on the Nebraska Criminal Justice Information System (NCJIS) as required by 78 NAC 8. As shown in Figure 1 above, sixty-six counties reported the required 2023 diversion data into JDCMS.⁷ Twenty-two counties did not report the data,⁸ and five counties and two tribes⁹ had no active diversion program in calendar year 2023.

⁶ Neb. Rev. Stat. § 43-260.07

⁷ Douglas County did not report data pursuant to NRS 43-260.07 and 78 NAC 8 but did provide statistics upon request.

⁸ Reflected on the map, these counties include Antelope, Arthur, Banner, Blaine, Box Butte, Boyd, Dixon, Fillmore, Garfield, Harlan, Hooker, Keya Paha, Logan, Loup, McPherson, Perkins, Polk, Sheridan, Thayer, Thomas, Webster, and Wheeler.

⁹ Winnebago Tribe previously ran a diversion program but during CY23 the program was no longer active. Omaha Tribe created a program to utilize as diversion, but it became a broader community-based program outside of the court. Santee Sioux Nation has expressed a desire to start a juvenile diversion program in the coming years.

Referrals to Diversion

From January 1, 2023, to December 31, 2023, 3,939 referrals¹⁰ to a juvenile diversion program in Nebraska were reported to the Nebraska Crime Commission.¹¹

Characteristics of the Population

Race and Ethnicity

Table 1 provides data on referrals to diversion programs by race. White youth had the highest rate of referrals, 63% of referrals statewide, which is slightly lower than their 65% share of the overall youth population. Black or African American youth are significantly overrepresented, accounting for 17% of referrals (679 youth) despite comprising only 6% of the youth population.

Figure 2: Youth Referred to Juvenile Diversion by Race CY2023

	Number of Youth Referred	Percent of Youth Referred	Percent of Youth Population ¹²
White	2464	63%	65%
Black	679	17%	6%
Unspecified	347	9%	
Hispanic ¹³	129	3%	20%
Other Race	115	3%	
Multiple Races	68	2%	4%
Asian	61	2%	3%
Native American	55	1%	1%
Native Hawaiian	21	1%	Less than 1%
Total	3,939	100%	100%

Table 2 presents referral data by ethnicity.¹⁴ While non-Hispanic youth had the highest rate of referrals to juvenile diversion, data shows that Hispanic/Latino youth were referred at a higher rate than their youth population proportion.

Figure 3: Youth Referred to Juvenile Diversion by Ethnicity CY2023

	Number of Youth Referred	Percent of Youth Referred	Percent of Youth Population
Hispanic/Latino	987	25%	20%
Not Hispanic/Latino	2329	59%	80%
Unspecified	399	10%	
Missing	224	6%	
Total	3,939	100%	100%

¹⁰ For purposes of this report, Douglas County referrals include the following data categories received from Douglas County Juvenile Assessment Center (JAC) for youth with law violations referred for assessment by the Douglas County Attorney Office in CY2023: "Completed diversion program" (524), "did not complete diversion program/referred back to County Attorney (CA)" (87), "refused diversion" (1), "ineligible" (38), "open docket" (7), "out of jurisdiction" (26), "DHHS involved" (10), "new charge -CA request back" (20), and "miscellaneous" (7). Not included are "informal diversion" (274), "assessment no show" (139), "refused assessment" (56), and "Nolle Pros" (56). Additionally, the present analysis excludes 146 missing data.

¹¹ Because not all counties are complying with the statutory duty to report, there remains missing data. Data only represents what was reported to the Nebraska Crime Commission. Data includes individuals under 19 years of age.

¹² Data is based on the Census Bureau's Population Estimate Program.

¹³ Referral data for "Hispanic" comes from only Douglas County JAC.

¹⁴ Ethnicity data was collected by answering if the youth is "Hispanic/Latino" with dropdown options of yes, no, unspecified.

The age range of reported diversion cases for purposes of this report include from 5 years to 18 years of age. As illustrated in Table 3, sixteen-year-olds had the highest number of referrals to diversion in CY2023 with 869 youth statewide. County level data on referral, enrollment and completion rates are in the Appendix.

Table 3: Youth Referred to Juvenile Diversion by Age CY2023

Age	Number of Youth Referred	Percent of Youth Referred	Percent of Population
Under 11	17	Less than 1 %	60%
11	82	2%	5%
12	228	6%	5%
13	451	11%	5%
14	611	16%	5%
15	787	20%	5%
16	869	22%	5%
17	718	18%	5%
18	176	4%	5%
Total	3,939	100%	100%

Enrollments after Referral

Statewide, 88% of youth referred to a juvenile diversion program in CY 2023 enrolled (3,465 youth), and 12% (474 youth) did not participate after referral. The reasons youth did not participate include the referring attorney withdrew the referral, the diversion program declined admission after referral, the youth or parent refused to participate, or the youth transferred to another school or homeschool. Table 4 provides enrollment and nonparticipation data by race/ethnicity and age. As the table indicates, white youth had the highest enrollment numbers, with 2,196 participants. Eighty-nine percent of white youth enrolled, and eleven percent (268 youth) did not participate in diversion programs. Black youth had an eighty-eight percent enrollment rate. Youth identified as belonging to multiple races and other race had the highest and second highest enrollment percentages, respectively. Hispanic/Latino youth had eighty-six percent enrollment rate. Overall, the data illustrates a generally high participation rate across most racial and ethnic groups.

Enrollment was highest among 16-year-olds, with 760 enrolled (87% participation), followed by 15-year-olds with 683 enrolled (87% participation). The youngest group, those under 11, had the lowest enrollment at 13 (76% participation). The 12-year-old group had the highest participation rate, with 93% (211 enrolled). Overall, participation rates ranged from 76% to 93%, with a small percentage of youths in each age group not participating, varying from 7% to 24%.

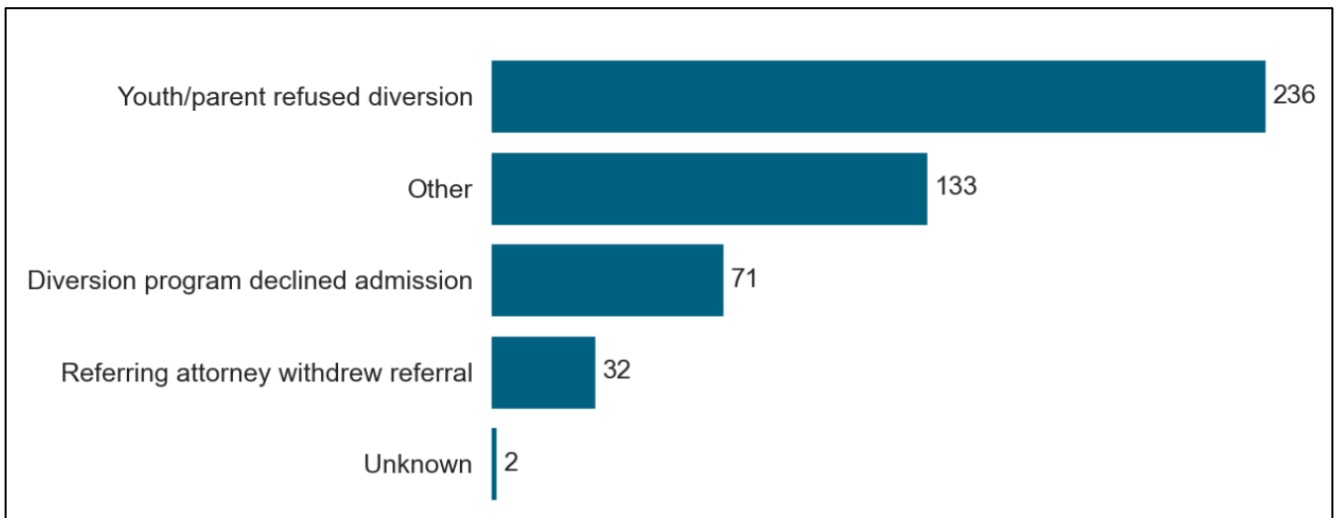
Table 4: Youth Enrolled in Juvenile Diversion by Race & Age CY2023

Demographic		Enrolled	% Enrolled	Did Not Participate	% Did Not Participate
Race/ Ethnicity	White	2196	89%	268	11%
	Black	595	88%	84	12%
	Unspecified	260	75%	87	25%
	Hispanic	122	95%	7	5%
	Other Race	110	96%	5	4%
	Multiple Races	66	97%	2	3%
	Asian	55	90%	6	10%
	Native American	46	84%	9	16%
	Native Hawaiian	15	71%	6	29%
Ethnicity	Hispanic/Latino	850	86%	137	14%
	Not Hispanic/Latino	2108	91%	221	9%
	Unspecified	349	87%	50	13%
	Missing	158	71%	66	29%
Age	Under 11	13	76%	4	24%
	11	72	88%	10	12%
	12	211	93%	17	7%
	13	406	90%	45	10%
	14	528	86%	83	14%
	15	683	87%	104	13%
	16	760	87%	109	13%
	17	628	87%	90	13%
	18	164	93%	12	7%

Reason Youth Did Not Enroll

A total of 474 youth did not enroll in juvenile diversion after referral. Figure 2 displays reasons for non-enrollment in the diversion program. In most cases, juveniles did not enroll because youth or parents refused to participate. As the second most common reason, the "Other" category includes youth who did not enroll because they were transferred to other diversion jurisdictions, or had a warning letter. In about seven percent of cases, nonenrolments resulted from referring attorney withdrawing referral. Unknown reasons for nonenrolment make up less than one percent of the cases. Overall, sixty five percent of the non-enrollments were due to youth/parent refusals and program declining admission.

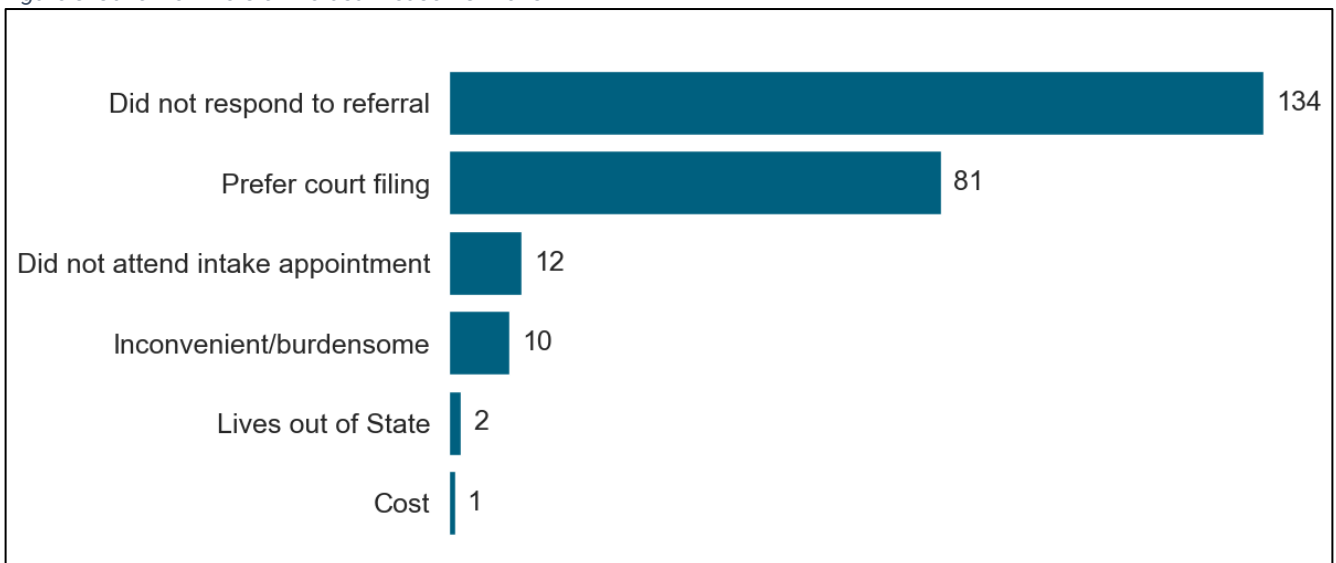
Figure 2: Reasons Youth Did Not Enroll in Diversion CY2023



Refusals

Fifty percent (236) of the youth that did not enroll after referral refused to participate in juvenile diversion. Figure 3 illustrates the specific reasons youth and their parents refused to enroll in a diversion program. The most common reason, accounting for 134 instances, was they did not respond to referral, perhaps indicating a significant communication or engagement issue. The second most prevalent reason was they preferred court filing, which occurred 81 times, suggesting a preference for formal legal proceedings over diversion. Additional reasons include not attending the intake appointment (12 instances), perceiving the program as "inconvenient/burdensome" (10 instances), living out of State (1 instance), and perceiving the cost participation to be high (1 instance). These data points highlight that a lack of response and preference for court filings are the primary barriers to enrollment in diversion programs.

Figure 3: Juvenile Diversion Refusal Reason CY2023



Discharges from Diversion

Of the youth referred to diversion from January 1, 2023, to December 31, 2023, a total of 3,196 cases were discharged from a formal juvenile diversion program in Nebraska after enrollment.¹⁵

Success Rates

Statewide, 83% (2,658 youth) of the discharged cases successfully complete the diversion program, and 17% (538 youth) did not successfully complete the diversion program. The number of unsuccessful completions include situations such as: the youth dropped out of the program, had another law violation while in the program, did not comply with the program requirements, or was moved to a higher-level intervention. Table 5 provide discharge information by race, ethnicity, and age.

Youth of multiple races were discharged from diversion unsuccessfully at the highest rate at 40%. Despite accounting for a smaller number of participants in the program, the rate of unsuccessful discharges among Hispanic/Latino youth is higher (19%) compared to non-Hispanic/Latino youth (16%). At nineteen percent, 13- and 16-year-olds had the highest rate of unsuccessful discharges. By contrast, 18- year-olds were most successful in diversion.

Success by Race and Age

Table 5: Success Rates of Youth Discharged by Race & Age CY2023

Demographic		Successful Discharge	Unsuccessful Discharge	Rate of Unsuccessful Discharge
Race	White	1769	302	15%
	Black	406	107	21%
	Unspecified	205	43	17%
	Other Race	79	30	28%
	Hispanic	81	18	18%
	Multiple Races	35	23	40%
	Native American	31	12	28%
	Asian	40	2	5%
	Native Hawaiian	12	1	8%
Ethnicity	Hispanic/Latino	642	147	19%
	Not Hispanic/Latino	1688	320	16%
	Unspecified	264	58	18%
	Missing	64	13	17%
Age	Under 11	11	1	8%
	11	56	9	14%
	12	165	28	15%
	13	306	71	19%
	14	404	79	16%
	15	506	113	18%
	16	563	135	19%
	17	501	89	15%
	18	146	13	8%

¹⁵ This number represents discharges either successfully or unsuccessfully; does not include youth who did not participate (474), were still enrolled in the program as of December 31, 2023 (180), left the program for reasons outside their control (81), and those who are missing discharge information (8).

Success Rates by Diversion Referral Type

Enrollment and successful completion rates vary by the type of diversion program. As illustrated in Table 6, truancy diversion programs exhibit a high enrollment rate but face challenges in achieving successful outcomes compared to other diversion programs. Truancy diversion programs address excessive absenteeism from school, while other diversion programs deal with other status offenses and law violations. Truancy diversion program data does not include Douglas County truancy diversion.

Table 6: Truancy Diversion vs. Other Diversion Cases

	Referrals	Enrollments	% Enrolled	Successful Completion	Unsuccessful Completion	Success Rate
Truancy Diversion	357	348	97%	160	107	60%
Other Diversion	3582	3117	87%	2498	431	85%

Law Violations

Table 7 demonstrates the most frequent law violations referred to a juvenile diversion program in CY2023. Included within the law violations statistics are status offenses; violations criminalized only because of the age of the offender, including truancy from school, curfew violations, ungovernable, tobacco use and minor in possession.¹⁶

Table 7: Law Violations Referred to Diversion CY2023

Law Violation	Number of Law Violations Referred
Assault Offenses ¹⁷	604
Minor In Possession	592
Shoplifting	496
Truancy	404
Traffic Offenses ¹⁸	415
Marijuana Possession	335
Tobacco Use by Minor	232
Criminal Mischief	227
Possession Of Drug Paraphernalia	221
Disorderly Conduct	168
Trespassing	165
Disturbing the Peace	138
Other Theft Offenses ¹⁹	116
Ungovernable Juvenile	114
Obstructing Police	114
Remaining Law Violations (less than 100)	633
Total	4,974

¹⁶ Table total does not include 180 cases with missing information on specific law violation.

¹⁷ Includes assault, 3rd degree assault, assault by mutual consent, domestic assault, sexual assault violations, assault officer with bodily fluid, and assault officer/health care professional.

¹⁸ Includes violations related to permits, licenses, license plates, registration, insurance, speeding, reckless driving, leaving the scene of an accident, school bus stop signal, and violation of traffic signals.

¹⁹ Includes theft- unlawful taking; theft- receiving stolen property, theft by deception, theft of lost or mislaid item, and theft of services.

Figure 4 provides a breakdown of law violations among juveniles. The main pie chart illustrates the distribution of general offense categories, including criminal, status offenses, traffic offenses and other infractions. A secondary pie chart illustrates the distribution of specific offenses within status offense category.²⁰ Together, these charts show that criminal offenses constitute the largest proportion of the total offenses, and within the status offense category, issues related to alcohol possession and truancy are particularly prevalent among juveniles. The significant presence of alcohol related offenses and truancy among juveniles aligns with past research that emphasize a connection between these behaviors. Studies show that truancy often leads to unsupervised time, which raises the risk of substance abuse. Alcohol consumption, in turn, undermines decision-making, reduces motivation, and contributes to increased absenteeism. Additionally, the long-term effects of truancy have been linked to adverse outcomes such as poor health, low-income employment, and poverty (Baker et al., 2021).²¹ Perhaps, these findings reveal that more can be done to target truancy and substance use among youth through, for example, introducing school programs that resonate with students interests, and implementing alcohol education and prevention programs for both students and parents.

Figure 4: Juvenile Diversion Law Violations by Offense Category CY2023

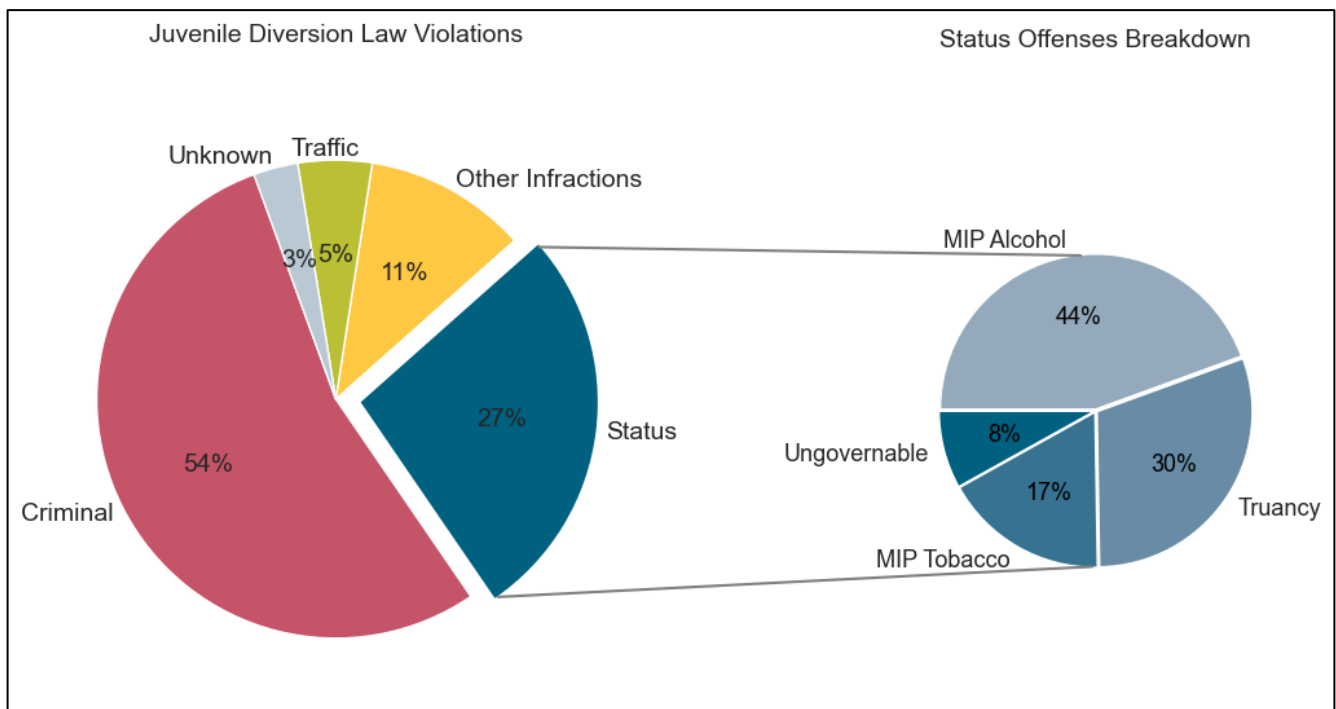


Figure 5 illustrates the distribution of charges leading to youth diversion.²² As indicated by the chart, most youth involved in diversion programs are charged with misdemeanor, which account for 51% (2484 cases) of the known charges. Status offenses account for 28% (1364 cases) and infractions for

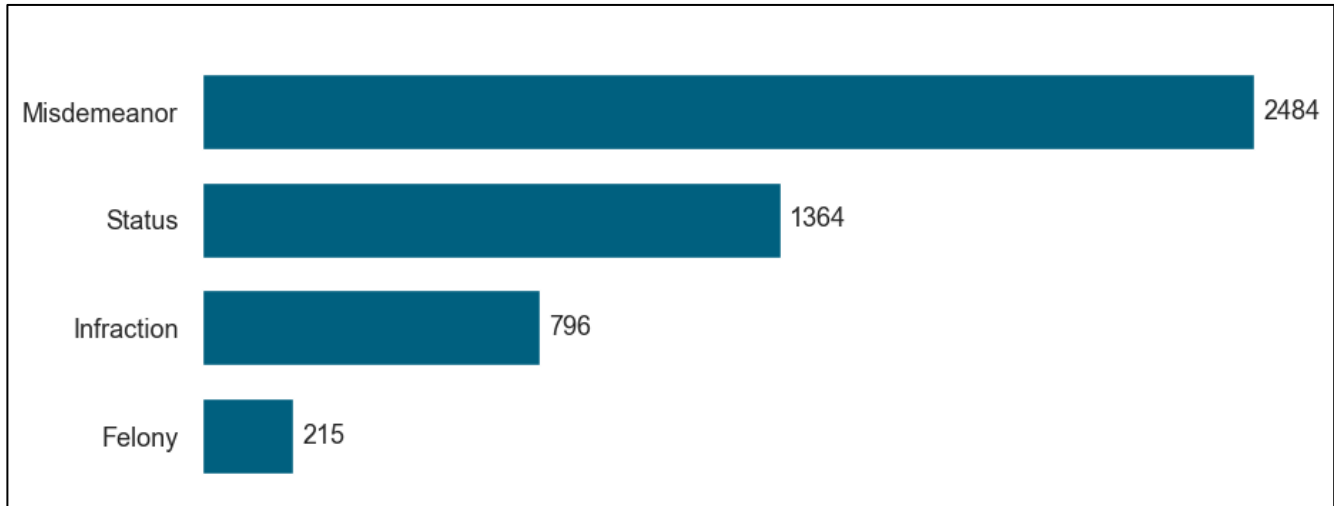
²⁰ In producing the secondary pie chart, "runaway" and "minor in possession of weapon" were excluded because each had one observation.

²¹ Baker, Myriam L, Jade Nady Sigmon and M. Elaine Nugent. 2021. "Truancy reduction: Keeping Students in School". Office of the Juvenile Justice and Delinquency Prevention.

²² Information on specific charge was missing for 150 cases.

16% (796 cases) of the charges. Felonies constitute 4% (215 cases) of the charges. Overall, diversion programs are primarily utilized for less severe offenses.

Figure 5: Juvenile Diversion Law Violations by Offense Category CY2023



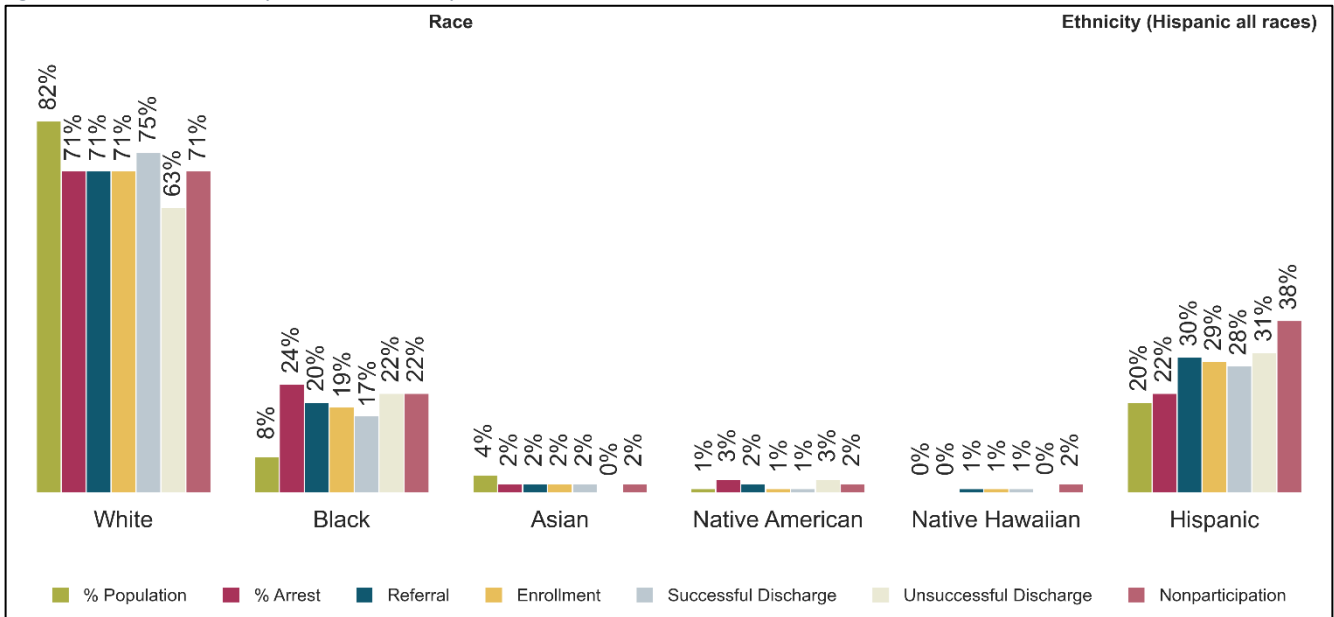
Disparities in Diversion

Racial and ethnic disparities (R/ED) means that a minority group's rate of contact at specific points in the juvenile justice system is disproportionately higher than the rate of contact of non-minority youth at the same system point. Figure 6 illustrates juvenile population, arrest, and referral, enrollment, completion, and nonparticipation percentages in the diversion program by race and ethnicity.²³ Data on referral to diversion program is examined in relation to juvenile population and arrest data, with arrest representing the first sequence at which youth encounter the justice system. Enrollment and nonparticipation data are compared to referral data, and data on completion rates are examined in relations to enrollment rate.

The chart reveals significant disparities in arrest, referral, and program participation within each race/ethnicity, especially at it pertains to Black youth. While comprising only 8% of the population, Black youth are disproportionately represented in arrests (24%). Additionally, unlike other groups, they have lower proportion of referral to diversion compared to their arrest percentage, indicating that they may be less likely to be referred to diversion programs. The disparities in referral versus arrest percentages could reflect differences in how cases are handled post-arrest. Diversion offices are provided referrals based on law enforcement citations screened by county attorneys so considering the race of the youth at these system points would also be vital to the R/ED discussion.

²³ Arrest data is based on National Incident Based Reporting System (NIBRS). Population data derives from the Census Bureau's Population Estimate Program. Population percentages would not add up to 100%, because "Multiple Races" category was omitted from the analysis for lack of corresponding arrest data. NIBRS does not have an option for "Multiple Races" category. Rerunning the analysis without arrest data, "Multiple Races" category accounts for 5% of the total youth population, 2% of referrals, 2% of enrollments, 1% of successful discharge, 5% of unsuccessful discharge and 2% of nonparticipation.

Figure 6: Diversion Points by Race and Ethnicity



System Involvement

The intent of diversion programs is to divert youth from becoming involved in the court system. While some cases are not eligible for diversion and require a court filing, many youths are provided the opportunity to participate in diversion.

Figure 7 shows the number of diversion referrals compared to court filings and probation placements.

Court filings and probation data are based on the Nebraska Judicial Branch Juvenile Justice System Statistical Annual Report 2023²⁴. As indicated by the chart, a higher number of juvenile cases proceeded to diversion than formal intervention. The lower number of probation placements suggests that post-filing, courts are using a variety of dispositions, not just probation.

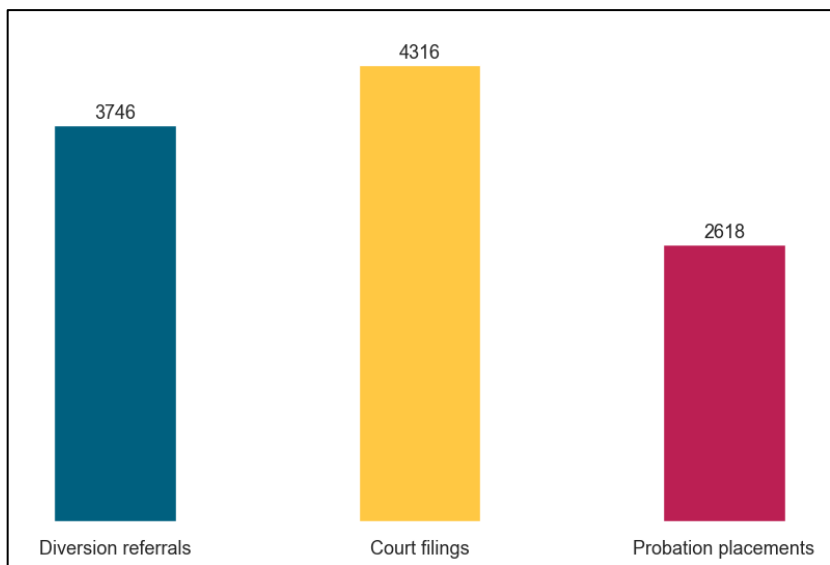
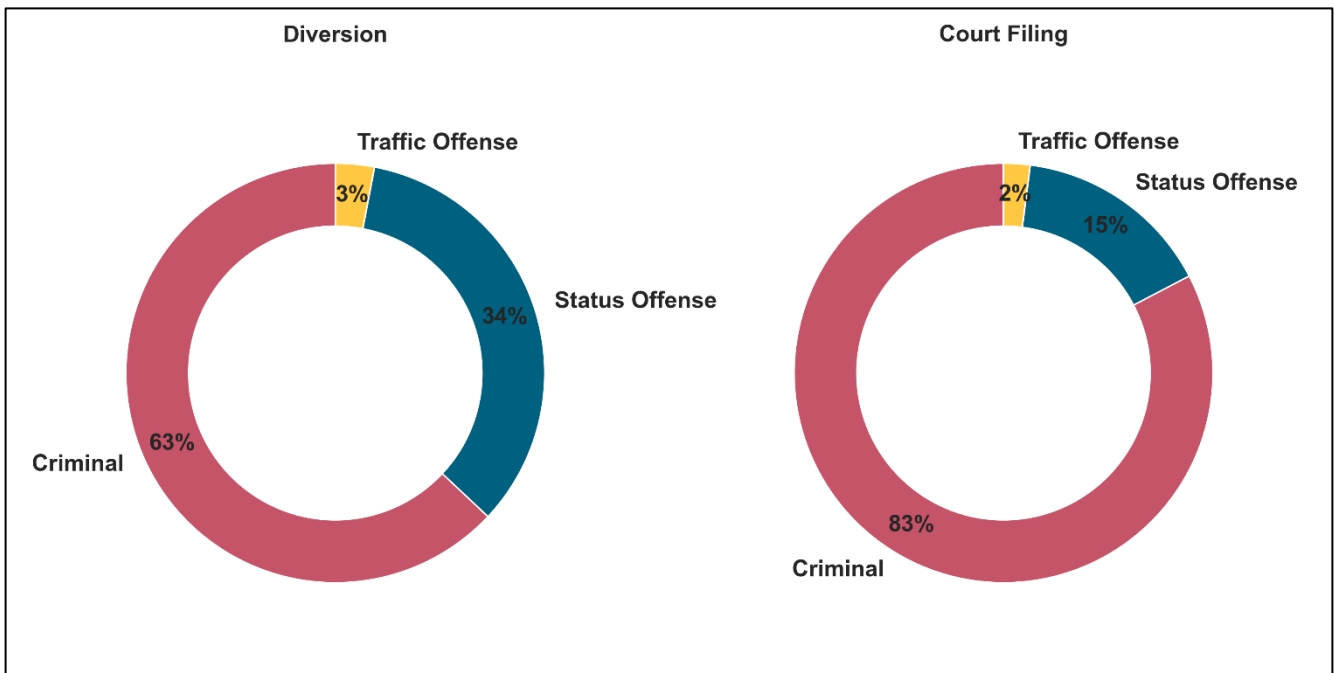


Figure 7: Total Youth Diversion Referrals, Court Filings, and Probation Placements in 2023

²⁴ Data on court filings and probation placements is based on State of Nebraska Judicial Branch’s Juvenile Justice System Statistical Annual Report for calendar year 2023, which can be accessed here https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Supreme_Court/567_20230718-094145.pdf. In the report, filings are recorded for youth aged 11 to 17, while probation data covers ages 11 to 18. To maintain consistency, this analysis focuses on youth aged 11 to under 18. Therefore, diversion referrals, court filings, and probation placements all include youth between the ages of 11 and 17.

Figure 8 compares the distribution of offense types between diversion programs and court filings in the juvenile justice system.²⁵ To ensure comparability, the most severe charge was selected for each youth in the diversion data. While criminal offenses are prevalent in both pathways, they are more likely to lead to court filings than to diversion. In contrast, status offenses and traffic violations are more commonly addressed through diversion programs.

Figure 8: Total Youth Diversion Referrals, Court Filings, and Probation Placements in 2023

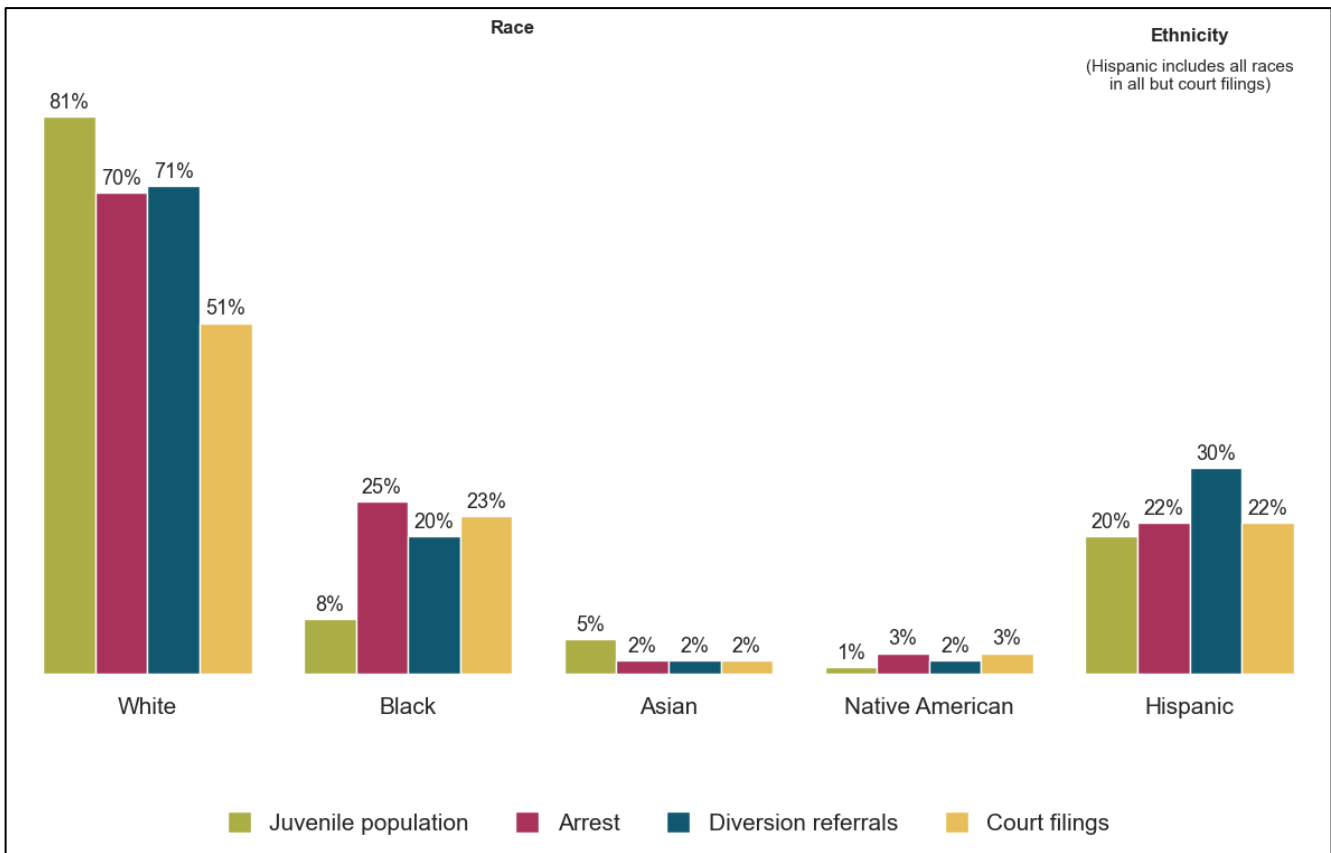


As R/ED should be considered at multiple juvenile justice system points, the report also compares court filings to diversion referrals by race and ethnicity.²⁶ As indicated in Figure 9, white youth are significantly underrepresented in court referrals (51%) relative to diversion referrals (71%). Black youth are slightly overrepresented in court referrals (23%) versus diversion referrals (20%), with both these figures more than double their representation in the juvenile population (8%). Like Black youth, the proportion of court filings for Native American youth (3%) exceed the proportion of their diversion referrals (2%). For Asian youth, diversion and court referrals are evenly matched (2%). Hispanic youth are significantly underrepresented in court filings (22%) than diversions referrals (30%).

²⁵ As noted in the footnote above, due to the limitations of the court report data, these charts are based on the age range of 11 to 17.

²⁶ Since the Nebraska Judicial Branch's Juvenile Justice System Statistical Annual Report combines race and ethnicity in the same column, the court filing data for Hispanics is reported as a percentage of the overall total for that column. To ensure consistency with the court filing data, the chart includes only youth aged 17 and under for the population, arrest, and diversion referral data.

Figure 9: Diversion Referrals and Court Filings by Race in CY2023



Overall, the most striking differences are seen for white and Hispanic youth, with both groups having lower representation in court filings compared to diversion referrals.

Table 8 compares the proportion of offenses filed in court or referred to diversion, categorized by race.²⁷ As shown in the table, white youth make up 40% of felony court filings, but 71% of felony diversion referrals, indicating that a higher proportion of White youth facing felony charges are diverted from the court system. Black youth, on the other hand, represent 36% of felony court filings, but only 41% of felony diversion referrals, suggesting that Black youth facing felony charges are less likely to be diverted compared to their white peers. Similarly, the distribution of status offenses show a stark contrast, with white youth making up 52% of court filings but 92% of diversion referrals, indicating a significantly higher likelihood of being referred to diversion. In contrast, Black youth represent 15% of court filings and just 9% of diversion referrals, highlighting a major disparity in how these cases are handled between the two racial groups. In all, the data corroborates the findings by the Sentencing Project, which shows that disparities between Black and white youth appear in every major offense category.²⁸

²⁷ Data on court filings is based on the State of Nebraska Judicial Branch's Juvenile Justice System Statistical Annual Report for the calendar year 2023. When calculating the share of court filings and diversion referrals by race, only cases with known race categories were included, excluding any 'unknown' or 'unspecified' entries."

²⁸ The Sentencing Project.2022. "Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice."

<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>

Table 8: Diversion Referrals and Court Filings by Race and Offence Category in CY2023

Offences	Number of Court Filings			Number of Diversion Referrals		
	Total	White	Black	Total	White	Black
Felony	486	40%	36%	168	71%	41%
Misdemeanor	2107	52%	23%	1586	68%	47%
Status	473	52%	15%	886	92%	9%
Traffic	95	61%	7%	78	97%	3%

The unequal distribution of cases between court and diversion pathways underscores the need for further research into underlying causes and potential reforms to ensure all racial and ethnic groups are treated fairly in the justice system. To fully understand racial disparities in the juvenile justice system, it is essential to go beyond examining percentages of arrests, diversions, and court filings within each racial/ethnic group. While percentage-based charts illustrate differences within each race, they may obscure the comparative relationships between groups. Following the recommendation by the Office of Juvenile Justice and Delinquency Prevention, this report uses ratios to determine the extent of racial and ethnic disparities. Ratios allow for a direct, clear comparison by showing how much more or less likely one group is to experience an event—such as arrest, diversion, or court referral—relative to another group. By emphasizing the relative disparities between races/ethnicities, this method offers a more precise understanding of over- or under-representation in the justice system.

Table 9 provides information about the ratios of minority racial groups relative to white youth across various justice points.²⁹ As shown in the table, the most pronounced racial disparities tend to be between Black and white youth. Black youth were arrested at 3.77 times the rate of white youth, yet their diversion-to-arrest ratio is only 0.82 times that of white youth. In other words, they were referred to diversion programs at a rate that is 18% lower than that of white youth. Furthermore, Black youth faced a higher rate of court filings compared to white youth. They were referred to court at a rate that is 30% higher than that of white youth. The same pattern of disparity holds when comparing Native American to white youth.

Table 9: Racial disparities in the juvenile justice system

	Race	White	Black	Native American	Asian
Population		314,645	29,608	4,752	14,538
Arrest	Number	4,558	1,616	206	117
	%	1.45%	5.46%	4.34%	0.80%
Diversion	Number	2312	676	54	80
	%	50.72%	41.83%	26.21%	68.38%
Court Filing	Number	1,593	733	93	51
	%	34.95%	45.36%	45.15%	43.59%
Arrest	Ratio to whites		3.77	2.99	0.56
Diversion			0.82	0.52	1.35
Court Filing			1.30	1.29	1.25

²⁹ To maintain consistency with the court filing data, the population, arrest, and diversion referral data in Tables 9 and 10 are restricted to youth aged 17 and under.

Table 10 examines the ratios of Hispanic to non-Hispanic youth by focusing on the same set of juvenile justice points. The data shows that Hispanic youth experience an 11% higher arrest rate compared to non-Hispanic youth and a 56% higher rate of diversion from the court system. However, they have a 1% lower rate of court filings than their non-Hispanic counterparts, indicating a more pronounced diversion from traditional court proceedings despite higher arrest rates.

Table 10: Ethnic disparities in the juvenile justice system

	Ethnicity	Non-Hispanic	Hispanic
Population		384580	96418
Arrest	Number	4,239	1,182
	%	1.10%	1.23%
Diversion	Number	2,201	956
	%	51.92%	80.88%
Court Filing	Number	2,470	682
	%	58.27%	57.70%
Arrest	Ratio to non-Hispanic		1.11
Diversion			1.56
Court Filing			0.99

In short, the results indicate the existence of disparities across racial and, to a lesser extent ethnic, groups at key decision points in the juvenile justice system. These disparities particularly affect Black and Native American youth warranting further investigation into the reasons for this difference.

Diversion and Recidivism

A primary goal of the pre-trial juvenile diversion programs and the juvenile justice system as a whole—is to diminish recidivism rates among young offenders. The financial impact of juvenile delinquency on the court system, along with its long-term negative implications for society, is well-documented. Evaluating and reporting recidivism is crucial for assessing the effectiveness of interventions, monitoring probation outcomes, and informing resource allocation. However, there remains a lack of agreement on how to define recidivism or the appropriate duration of follow-up periods for identifying recidivism occurrences. In a comprehensive review, Deal and coauthors (2015) show that measures of recidivism vary across states, with some states using rearrests, whereas others relying on delinquency adjudications for subsequent arrests as the primary indicators of recidivism.³⁰ For their part, Robertson and coauthors (2021) measure recidivism using both re-arrest and conviction, arguing that relying solely on re-arrest can inflate recidivism rates since not all arrests result in adjudication. Furthermore, they note that the length of the follow-up period is also critical in measuring reoffending, as extending the tracking duration increases the likelihood of youth re-engaging with the justice system. According to these authors, while recidivism events are most frequently observed within the first year, the proportion of individuals who recidivate tends to increase with longer follow-up periods.

³⁰ Deal, Teri, Anne Rackow and Andrew Wachter. 2015. "Measuring Subsequent Offending in Juvenile Probation." *Juvenile Justice, Geography, Policy, Practice and Statistics*. https://www.ncj.org/pdf/JJGPS%20StateScan/JJGPS_Measuring_Subsequent_Offending_in_Juvenile_Probation_2015_6.pdf

For the purposes of this report, recidivism is defined as juveniles receiving a court disposition of either formal probation, a fine or a waiver to criminal court within one- or two-years following discharge from diversion or release from probation. The focus of the report is on reoffending within the one- and two-year windows. Out of the 949 recidivism cases, 98% resulted in formal probation, while fines and waivers to criminal court each accounted for 1% of the dispositions. The dominance of formal probation in the sample aligns with previous research identifying it as the most common outcome for court-involved youth.³¹ For this reason, Deal and coauthors (2015) recommend that juvenile justice agencies track re-offending rates not just for serious offenders in secure placements, but also for those receiving less severe sanctions.

This section of the report explores the relationship between successful completion of the diversion program and recidivism. First, it compares recidivism rates among three groups referred to the program: juveniles who completed it successfully, those with an unsuccessful discharge, and those who did not participate. Second, it contrasts reoffending rates between juveniles who successfully completed the program and those placed on formal probation. Data on formal probation, fines, and waivers to criminal court—used to estimate reoffending rates—are based on juvenile court report provided to the Nebraska Crime Commission via the JUSTICE system. Results from both exploratory data analysis and statistical models show that successfully completing the diversion program significantly reduces the likelihood of juvenile recidivism, even after accounting for demographic and offense-related factors. These findings align with a recent multistate study utilizing a quasi-experimental approach, which demonstrated that prosecutor-led pretrial diversion programs significantly reduced instant case convictions, jail sentences, and re-arrests within a two-year period.³²

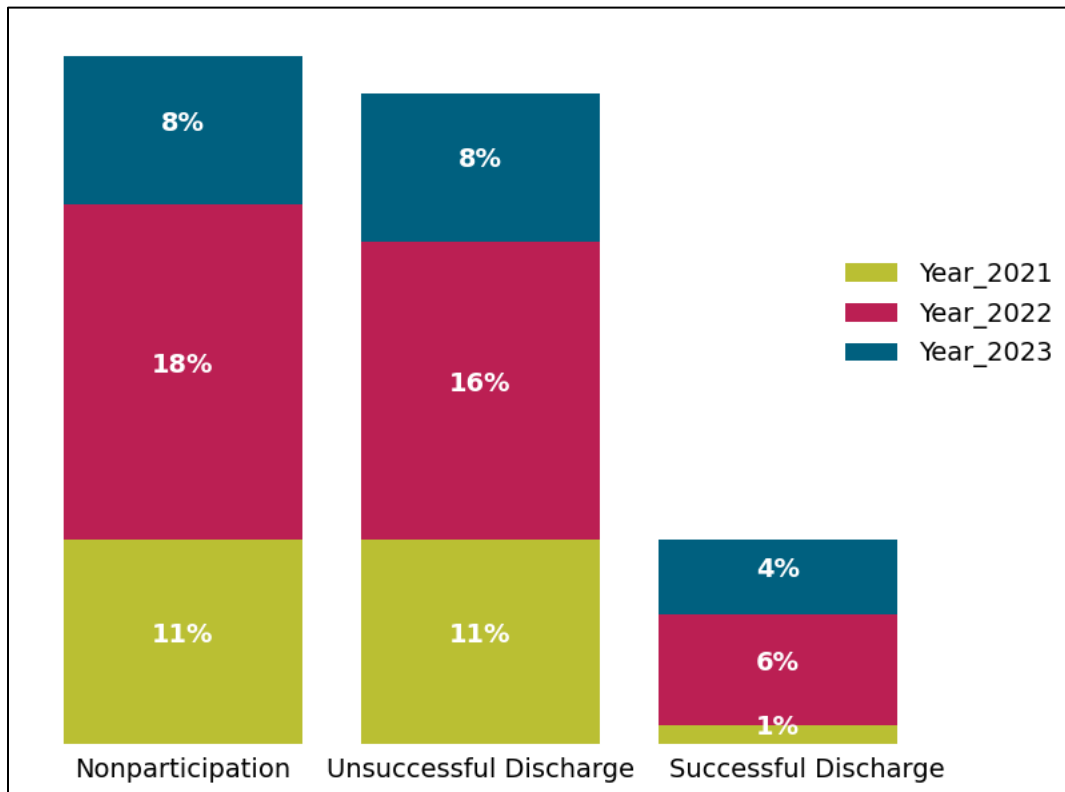
Comparing Successful Diversion Discharge, Nonparticipation and Unsuccessful Diversion Discharge

Figure 10 displays juvenile reoffending rates across three diversion referral categories: successful diversion discharge, unsuccessful diversion discharge, and nonparticipation. In the sample, 2208 youth had a successful discharge, 500 had an unsuccessful discharge, and 341 did not participate in the diversion program. The chart shows a clear link between participation in the diversion program—especially successful completion—and lower reoffending rates. Over the three-year period examined (2021-2023), juveniles who successfully completed the program consistently demonstrate the lowest recidivism rates, ranging from 1% to 6%. In comparison, those who did not participate in the program or were discharged unsuccessfully had substantially higher rates of reoffending. The one-year recidivism rate for those who successfully completed the diversion program (7%) is much lower than the rate for those who did not participate (29%).

³¹ Torbet, Patricia M. 1996. "Juvenile Probation: The Workhorse of the Juvenile Justice System." *Juvenile Justice Bulletin* <https://ojjdp.ojp.gov/library/publications/juvenile-probation-workhorse-juvenile-justice-system>

³² Davis, Robert C., Warren A. Reich, Michael Rempel, and Melissa Labriola. 2021. 'A Multisite Evaluation of Prosecutor-Led Pretrial Diversion: Effects on Conviction, Incarceration, and Recidivism.' *Criminal Justice Policy Review*, 32(8), 890-909.

Figure 10: Juvenile Reoffending Rates by Diversion Program Outcome (2021-2023)



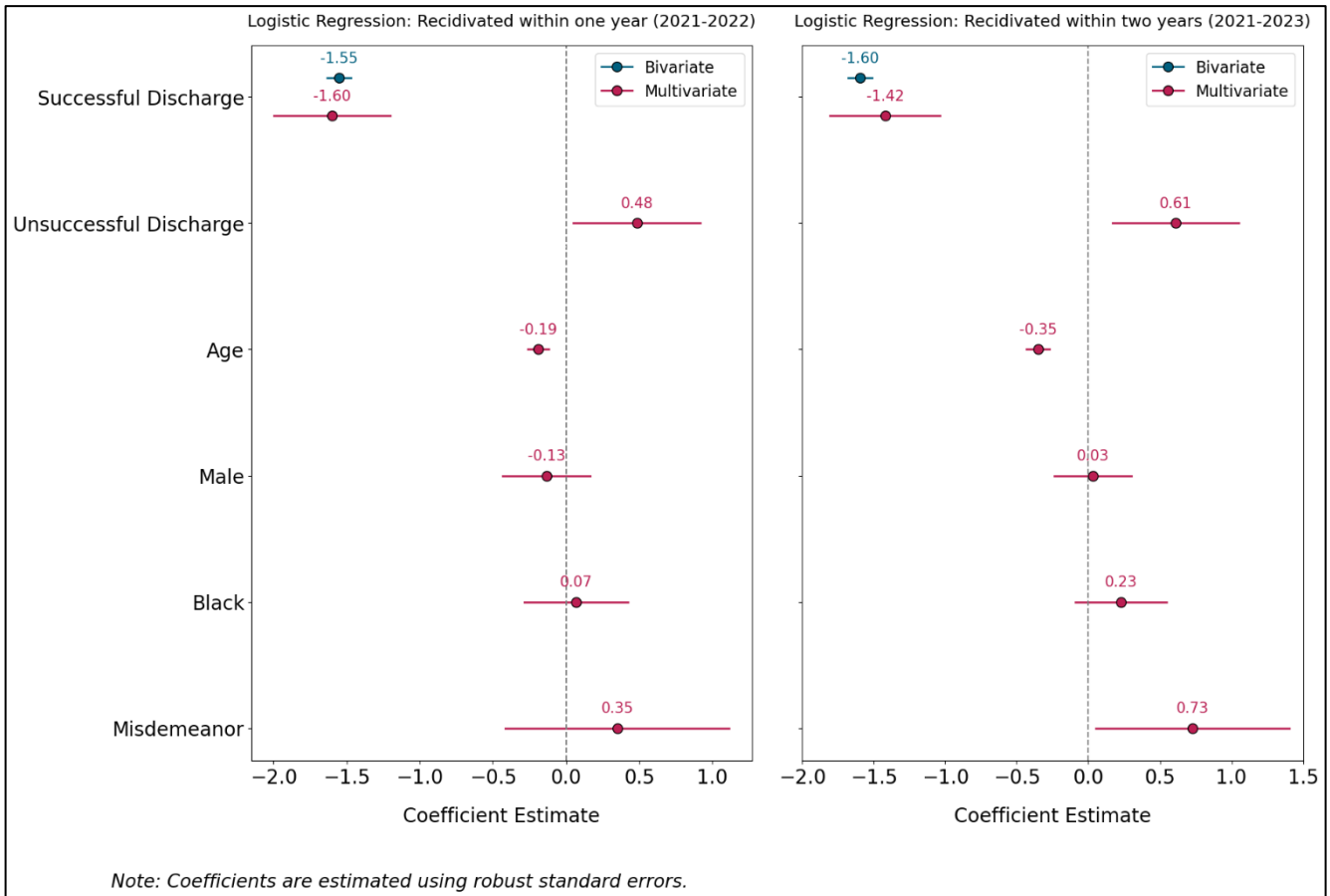
The differences in recidivism rates among these groups, especially between those who successfully completed the diversion program and those who did not participate in the program is statistically significant.

Figure 11 displays the findings from a logistic regression analysis performed over two distinct time frames (2021-2022 and 2021-2023), examining the association of various factors with recidivism rates. The reference/comparison categories are nonparticipation, white, female, and felony.³³ The horizontal lines that extend to the left and right of the dots show the confidence interval, which is a range of values where we expect the true effect of the variable to lie. These lines represent uncertainty. The wider the lines, the less confident we are about the true value of the coefficient. The shorter the line, the more precise our estimate is. If the coefficient is on the right of the line, it suggests a statistically significant positive association (the variable increases the likelihood of recidivism), and if it is to the left, it suggests a statistically negative association (the variable decreases the likelihood of recidivism). If the line crosses or touches the 0 line, then the relationship is unlikely to be statistically significant.

³³ The model applies class weights to account for class imbalances in both the dependent variable and the predictor variable. Higher weights are assigned to underrepresented categories ("recidivated" and "nonparticipation") to ensure the model does not overly favor the more frequent categories ("did not recidivate" and "successful discharge"). The Variance Inflation Factor (VIF) was calculated for each predictor variable to assess multicollinearity. A VIF value above 5 typically indicates problematic multicollinearity. In this model, all independent variables have VIF values well below 5, with the highest being 1.97 for "Successful Discharge". These results suggest that there is no significant multicollinearity between the variables, and the model is unlikely to suffer from inflated standard errors due to collinear predictors.

The most important result is the coefficient for successful discharge, which is negative in both the bivariate (blue dot) and multivariate models (red dot) across the two time periods, indicating that juveniles who successfully completed the diversion program have a substantially lower likelihood of reoffending. In the 2021-2022 bivariate model, the coefficient of [-1.55] for successful discharge indicates that the odds of recidivism for youth with a successful discharge are about 0.21 times the odds of recidivism for youth who did not participate.³⁴ This suggests that the odds of reoffending are approximately 78.8% lower for youth with successful discharge compared to those who did not participate. In terms of probability, the observed data shows that successful completion of the diversion program is associated with a reduction in recidivism from 29.3% for nonparticipation to 7.0% for successful discharge, reflecting a reduction of 22.3 percentage points in the likelihood of recidivism.

Figure 11: Logistic regression models comparing rates of recidivism among juveniles who did not participate in diversion program, and those who either successfully completed the diversion program or failed to do so (2021 - 2023 disposition years).



³⁴ The predictor variable "Successful Discharge" decreased the deviance by 1,433.4, from 16,146.6 in the null model to 14,713.2 in the fitted model, indicating its significant contribution to explaining the variability in recidivism.

In the multivariate model for the same period, the coefficient for successful discharge is also negative [-1.60], suggesting that successful completion even when controlling for other factors, is associated with about 79.8 % reduction in the odds of reoffending compared to nonparticipation.³⁵

With coefficient estimate of [0.48], youth with unsuccessful discharge have 1.623 times higher odds of recidivism compared to those who did not participate in the diversion program. In other words, unsuccessful discharge increases the likelihood of recidivism by about 62% compared to nonparticipation. The coefficient is statistically significant and the result is intriguing, as one might expect that exposure to diversion—regardless of the outcome—would reduce the risk of recidivism compared to those who did not participate at all. Age is also a statistically significant predictor of recidivism. The coefficient of [-0.19] means that for each one-year increase in age, the odds of recidivism decrease by 18%. In other words, older juveniles tend to have lower odds of recidivism than younger juveniles.

The odds of reoffending for those who successfully completed the diversion program do increase from the 2021-2022 period to the 2021-2023 period. However, this increase applies only to the multivariate model. Despite this increase, successful discharge is still associated with significantly lower odds of recidivism compared to nonparticipation in both time periods and in both types of models. In the 2021-2023 bivariate model, the coefficient of [-1.60] indicates that successful discharge from diversion is associated with an 79.7% decrease in the odds of recidivism compared to nonparticipation. This implies that the protective effect of successful discharge is stable over time, reducing the odds of recidivism by approximately 79% in both time periods. In terms of probability, the observed data shows that successful completion of the diversion program is associated with a reduction in recidivism from 36.9% % for nonparticipation to 11% for successful discharge, reflecting a decrease of 25.8 percentage points in the likelihood of recidivism.

In the multivariate model over the same period the coefficient of [-1.42] implies that the odds of recidivism for youth with successful discharge are about 0.24 times the odds for youth who did not participate, after controlling for other factors. In other words, successful discharge is associated with a 76 % decrease in the odds of recidivism compared to nonparticipation. As stated, while successful discharge maintains its strong protective effect against recidivism, the effect diminishes somewhat over the longer time period, with the reduction in odds stronger in 2022 (80% reduction) compared to 2022-2023 (76% reduction).

As it relates to control variables, age continues to have a statistically significant negative relationship with the likelihood of reoffending in the 2021-2023 period, similar to the 2021-2022 findings. Gender and race, however, show no statistically significant association with recidivism. The type of offense plays a significant role, with misdemeanor offenses increasing the odds of reoffending over the two-year period, though not over the one-year timeframe.

³⁵ The deviance reduction from the bivariate model (Log-Likelihood = -7356.6, Deviance = -14,713.2) to the multivariate model (Log-Likelihood = -619.98, Deviance = -1239.96) was 13,473.24. This decrease indicates a significant improvement in model fit with the inclusion of additional predictors.

Figure 12: Marginal Effects for Recidivism (2021-2022 and 2021-2023 Models)

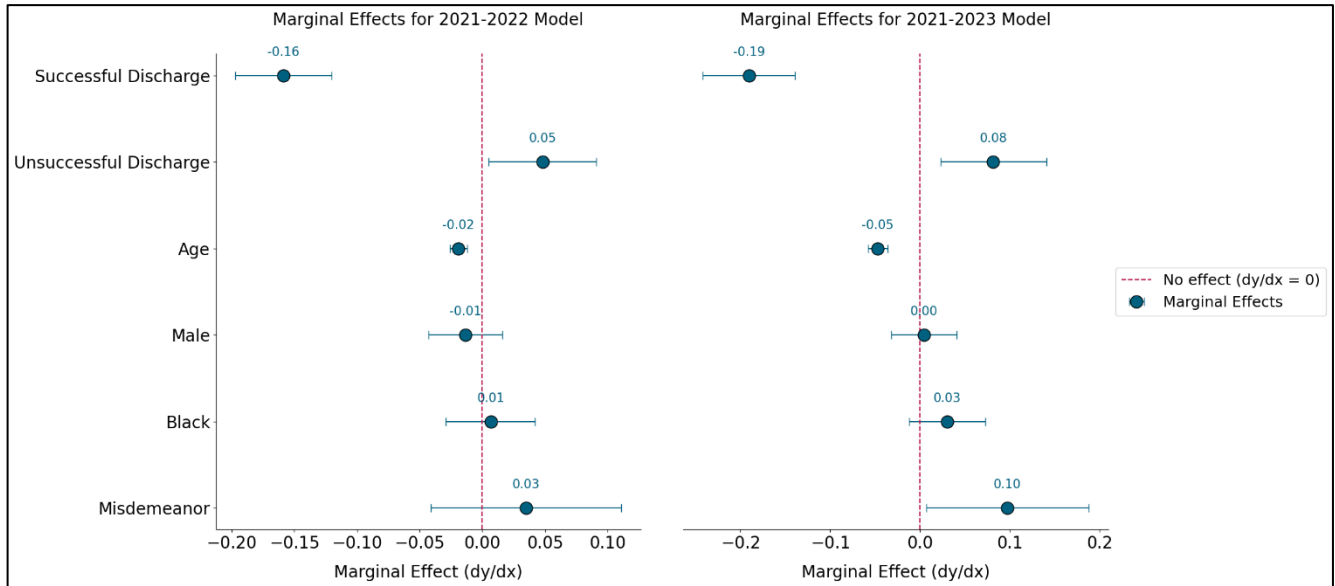
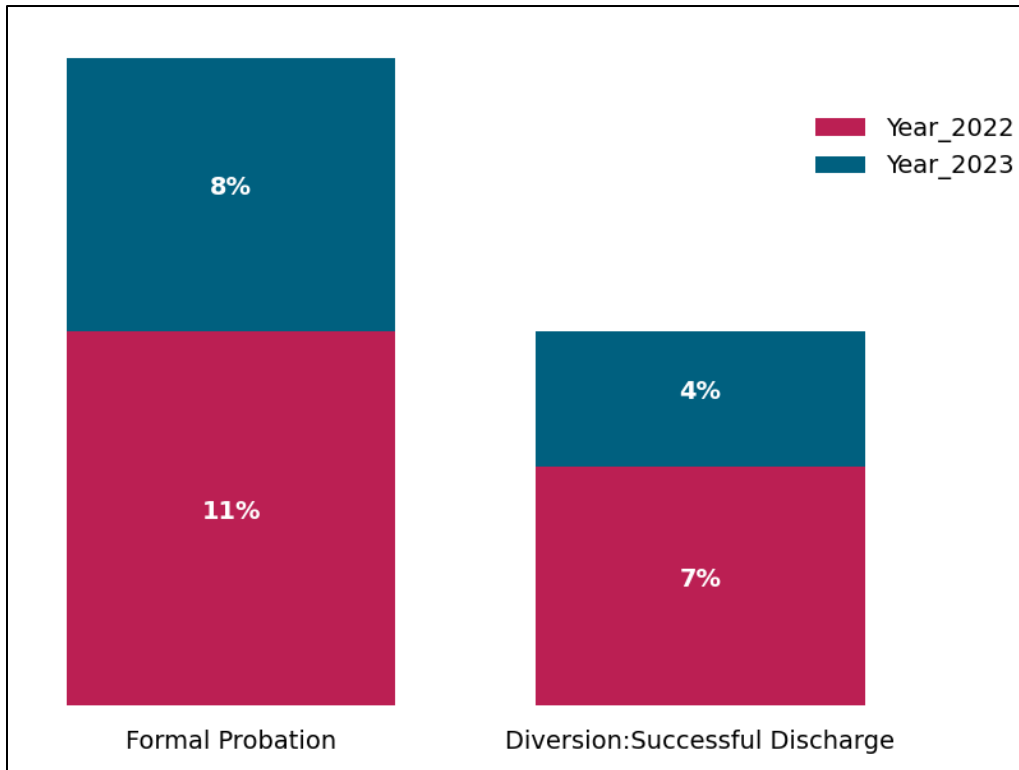


Figure 12 presents the marginal effects from the 2021-2022 and 2021-2023 regression models. A major benefit of using marginal effects instead of odds ratios is that they provide a clear interpretation of how a one-unit change in an independent variable (e.g., a change from nonparticipation to successful diversion discharge) influences the probability of an outcome. In contrast, log odds or odds ratios can be less intuitive and harder to interpret, particularly when the odds are far from 1. The charts reveal a significant reduction in the probability of recidivism for youth who successfully discharged from the diversion program compared to those who did not participate, with other variables held constant at their mean. In the 2021-2022 model, youth with successful discharge experienced a 16% reduction in the probability of recidivism, while in the 2021-2023 model, this reduction increased to 19%. For context, if all youth who were nonparticipants had instead successfully discharged from the program, approximately 218 fewer youth would have recidivated in the 2021-2022 model, and 258 fewer youth would have done so in the 2021-2023 model. These results indicate that, when accounting for the effects of other variables, successful discharge from the diversion program is associated with a lower likelihood of recidivism, and the association appears to have strengthened over the two time periods analyzed.

Comparing Successful Diversion Discharge and Formal Probation

Figure 13 compares the recidivism rates of youth on formal probation to those who successfully completed the diversion program in 2022 and 2023. In 2021, a total of 2,184 youth were on formal probation, and 2,208 successfully completed diversion programs. As indicated by the chart, youth on formal probation show higher recidivism rates, with 11% reoffending in 2022 and 8% in 2023. In contrast, those who successfully completed diversion have lower recidivism rates, at 7% in 2022 and 4% in 2023.

Figure 13: Comparison of recidivism rates between youth on formal probation and those successfully discharged from diversion programs (2021-2023)



The consistent reduction in recidivism for youth who went through the diversion program suggests that successful completion of diversion may be associated with lower likelihood of reoffending compared to formal probation.

Figure 14 presents both bivariate and multivariate logistic regression models to compare recidivism rates between youth on formal probation (the reference category) and those who successfully completed a diversion program.³⁶ In the 2022 bivariate model, the coefficient of [-0.74] indicates that youth who successfully completed diversion have 52.3% lower odds of recidivating compared to those on formal probation, and this relationship is statistically significant.³⁷ In terms of probability, the observed data shows that successful completion of the diversion program is associated with a reduction in recidivism from 11.2% for nonparticipation to 7% for successful discharge, reflecting a reduction of 4.2 percentage points in the likelihood of recidivism.

In the multivariate model for the same period, the estimated coefficient [-0.28] means that successful diversion completion is associated with 24.3% lower odds of recidivism. However, this relationship is only marginally significant at the 0.05 level.

The 2022-2023 period shows a stronger and statistically significant negative association between successful diversion completion and the risk of reoffending. In the bivariate model, a coefficient of [-0.79] implies that successfully completing the diversion program is associated with 54.5% lower odds of recidivism, compared to 52.3% in 2022. In the multivariate model for 2022-2023, which adjusts for various factors, the coefficient of [-0.43] suggests that youth who successfully completed the diversion program have 35% lower odds of recidivism compared to those on formal probation. Overall, the multivariate results highlight that a successful discharge significantly reduces the odds of recidivism, ranging from 24% lower odds in 2022 to 35% lower odds in 2022-2023.³⁸ Among the control variables, both age and race are statistically significant predictors, with age remaining significant in both multivariate models. As age increases, the odds of recidivism decrease. Black youth are more likely than white youth to have higher odds of recidivism within two years of being released from probation.

³⁶ The model applies weights to account for class imbalance in the dependent variable. Higher weights are assigned to underrepresented category ("recidivated") to ensure the model does not overly favor the more frequent category ("did not recidivate"). In this model, all independent variables have VIF values well below 5, with the highest being 1.17 for "Successful Discharge". These results indicate that there is no significant multicollinearity between the variables.

³⁷ For the 2021-2022 model, the predictor variable "Successful Discharge" explains 544 units of deviance reduction. For the 2021-2023 model, "Successful Discharge" explains 614 units of deviance reduction. Thus, the models with the predictor variables account for a significant portion of the variability in the outcome compared to the null model.

³⁸ The deviance decreases by 1379.6 from the bivariate model 2022 (Log-Likelihood = -8073.3, Deviance = 1433.4) to the multivariate model 2022 (Log-Likelihood = -705.12, Deviance = 53.8), highlighting a notable improvement in model fit with the inclusion of additional predictors. Similarly, for the 2022-2023 model, adding more variables leads to a significant enhancement in model performance, as evidenced by the deviance reduction of 446.5, from the bivariate model (Log-Likelihood = -11393, Deviance = 614) to the multivariate model (Log-Likelihood = -917.95, Deviance = 167.5). This indicates that incorporating additional variables captures more variability, thus improving the explanatory power of the model in both cases.

Figure 14: Logistic regression models comparing rates of recidivism between juveniles who successfully completed diversion program and those placed on formal probation (2022-2023 disposition years)

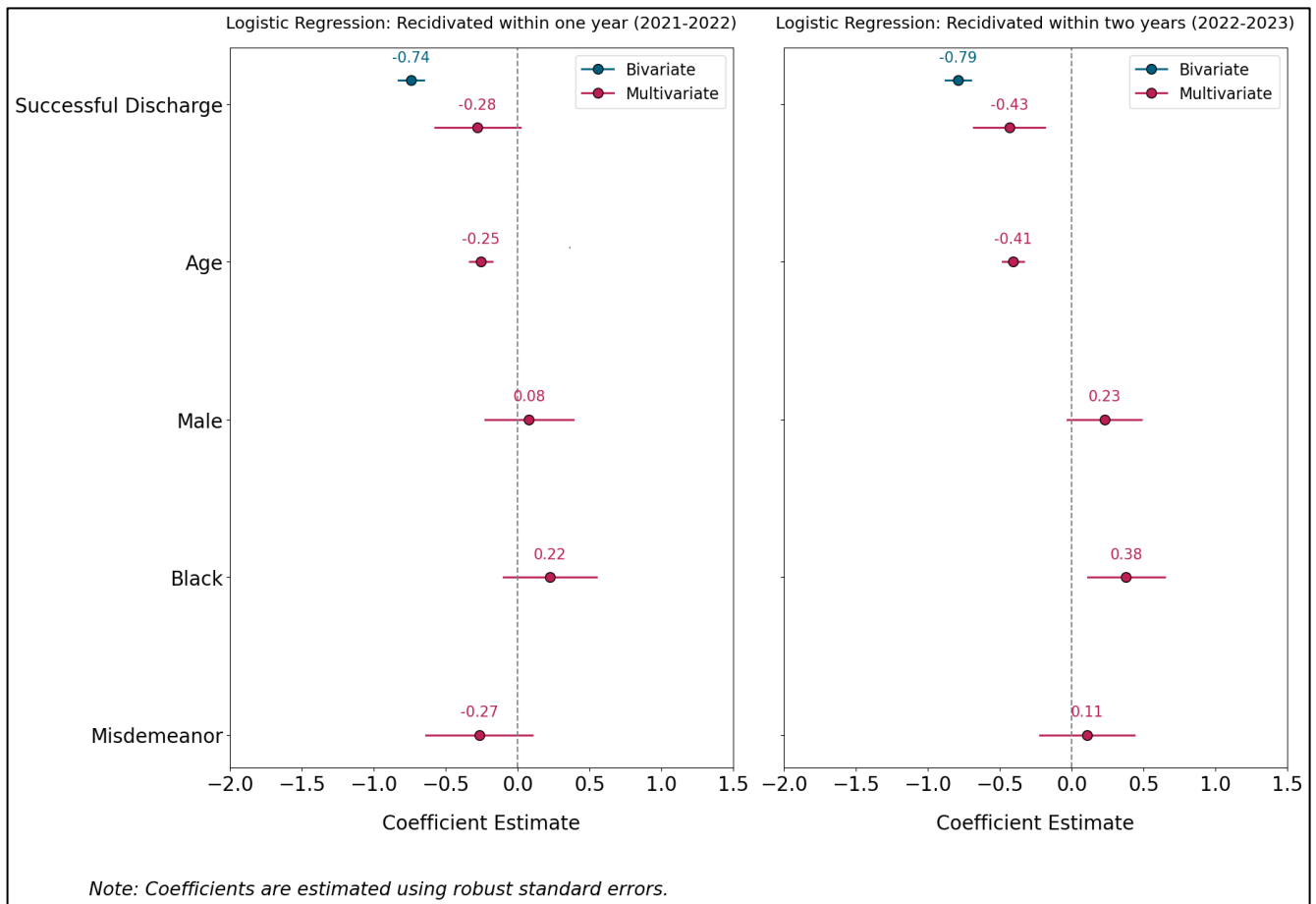
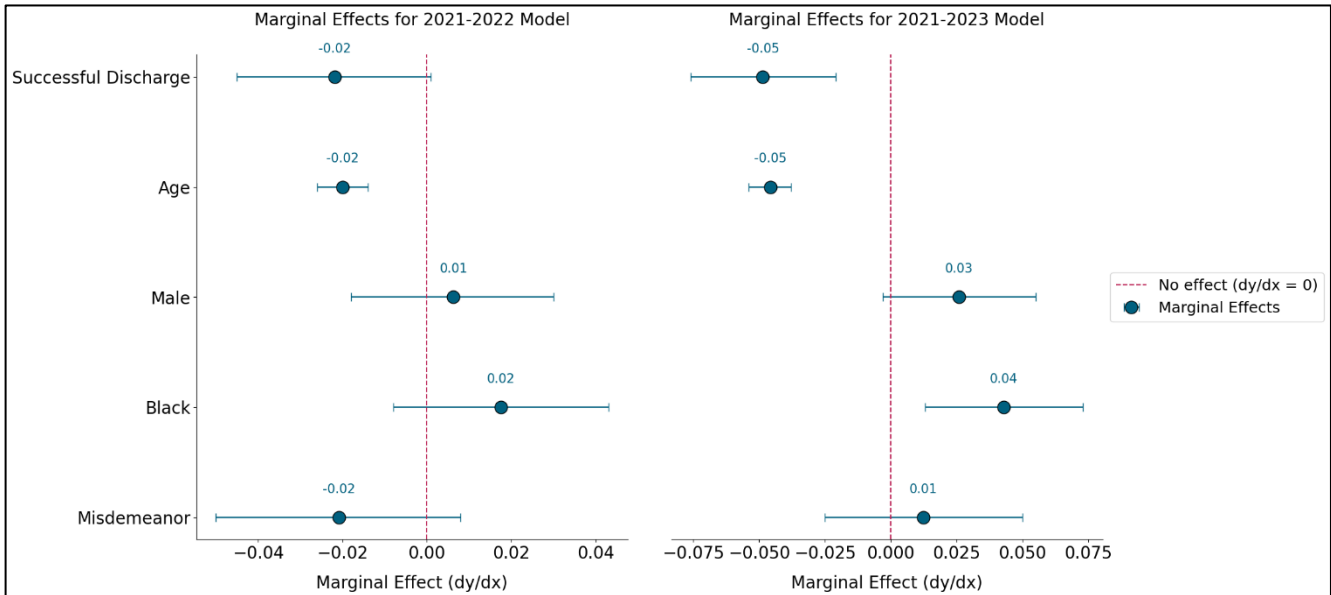


Figure 15 presents the marginal effects of various factors on the likelihood of recidivism. It shows that holding other variables constant at their mean, a successful discharge reduces the probability of recidivism by [-0.05] percentage points. Based on the marginal effect of [-0.05], if all 983 youth on formal probation had been successfully discharged from diversion instead, approximately 49 fewer youth would have recidivated.

Figure 15: Marginal Effects for Recidivism (2022-2023 Multivariate Model)



The sample data shows that successful completion of the diversion program is associated with a reduction in recidivism from 19% for nonparticipation to 11.1% for successful discharge, reflecting a 7.9 percentage point decrease in the likelihood of recidivism.³⁹ Based on the sample data, the difference in recidivism rates between successful discharge and formal probation grows larger over the longer time period (from 4.2 to 7.9 percentage points).

While the recidivism comparison between formal probation and diversion offers valuable insights, the results would be more compelling with data on youth risk levels. Both formal probation and diversion programs serve higher-risk youth, with probation possibly involving a larger proportion of such cases. Including data on youth risk levels would make the recidivism comparison more robust, as the differences in the risk profiles could influence the outcomes and affect the validity of the analysis. Additionally, while the analysis shows a strong correlation between successful diversion completion and lower recidivism rates, causality cannot be inferred. A quasi-experimental design, such as propensity score matching, would better assess the true effect of diversion versus formal probation on recidivism.

³⁹ Note, the observed reduction of 7.9 percentage points in the observed data represents the overall, unadjusted difference in recidivism between kids who were successfully discharged from diversion and those who completed formal probation. In contrast, the marginal effect of 0.05 percentage points captures the specific impact of successful discharge on recidivism, accounting for other factors such as age, race, and offense type, which explains why the marginal effect is smaller.

Nebraska Screen and Assessment Tool (NSAT)

Nebraska law requires diversion programs to “provide screening services for use in creating a diversion plan utilizing appropriate services for the juvenile.”⁴⁰ There was no one tool recommended for this purpose, and no tool existed specific to Nebraska youth, particularly lower risk youth participating in juvenile diversion. In an effort to standardize assessments of youth referred to juvenile diversion programs in Nebraska, the Crime Commission now has the Nebraska Screen and Assessment Tool (NSAT) created specifically for the juvenile diversion population to meet this statutory requirement.

While the county attorney determines eligibility criteria generally, and on a case-by-case basis, the diversion program is responsible for determining needs and matching those needs to appropriate services. “Appropriate services” meaning those that are designed to reduce the risk of future system involvement and supported by evidence of effectiveness.

The NSAT is a risk and needs assessment designed to assist juvenile diversion programs in developing a diversion case plan that meets the needs of the youth. Developed by the Nebraska Crime Commission (NCC) with the assistance of Lancaster County and a local nationally recognized justice system risk assessment expert, Dr. Zachary Hamilton, the assessment determines the risk of future involvement in the justice system (1 year). Split into three separate tools, the NSAT accommodates custom assessment of a youth based on empirical evidence. The NSAT has a short screener that can be used to estimate risk along with any of six domains that measure a youth’s global needs. The full version is customized each for boys and girls. The NSAT is theoretically based on the Risk, Need, Responsivity (RNR) model for justice systems and provides categories of risk for assessed youth – Very Low, Low, Moderate, or High. The categories’ ranges were adjusted to match or minimize the difference from current case load balances for diversion programs in Nebraska. They are intended to be used to prioritize services and inform next steps in the case management process.

The NSAT allows the diversion program to standardize the identification of the youth’s criminogenic needs – those factors that are empirically related to criminality and can be changed with services/intervention. The NSAT needs domains include:

- | | |
|-----------------|-----------------------------|
| 1. School | 4. Alcohol and Drugs |
| 2. Family | 5. Mental Health |
| 3. Associations | 6. Cognitions and Behaviors |

These domains can be used by programs to make referrals to clinical or non-clinical services, develop action steps and goals for case plans, and measure the progress a youth makes in reducing criminogenic needs. The domains can also be used by an agency to provide summaries of its population characteristics and identify gaps in services. Finally, the NSAT can be used as an assessment of responsivity characteristics that can help a diversion program to customize a case plan to increase a youth’s likelihood of successful completion of the diversion program.

The NSAT is a validated evidence-based assessment tool, normed to Nebraska. The NSAT was validated using data from Nebraska diversion programs with a nationally representative sample to determine the questions and weights relevant to our Nebraska youth and meet the needs of Nebraska juvenile diversion programs. After an initial implementation of the tool statewide, the tool will continue to be re-validated and modified accordingly to continue to make the tool more predicative.

⁴⁰ Neb. Rev. Stat. §43-260.04(5)

During CY2022, the Nebraska Crime Commission partnered with Dr. Michael Campagna from UNO's Nebraska Center for Justice Research to assist in the implementation roll out of the NSAT to Nebraska juvenile diversion programs statewide. During this time, the tool was piloted by multiple diversion programs statewide, modified and adjusted based on user feedback. Resources and training materials were created, including the NSAT User Manual and interview guides. The Nebraska Crime Commission contracted with the Nebraska Office of the Chief Information Officer (OCIO) to create the online system for the tool securely located within the Nebraska Criminal Justice Information System (NCJIS). All diversion staff implementing the NSAT into their programs must participate in an initial training and annual booster trainings. To date, 65 individuals have been trained from 68 counties and 1 tribe, and the tool is now available to be implemented into all diversion programs statewide.

In CY 2023, 665 NSAT screeners and/or assessments were entered into the online portal, 657 of which are completed. There were 22 completed assessments and 635 completed screeners. Table 13 shows the risk level of the completed screeners and assessments.

Table 13: Risk levels of completed screeners and assessments.

	Screeners	Assessments	Total	Percentage
Very Low	256	0	256	40%
Low	149	13	162	25%
Moderate	164	8	172	26%
High	66	1	67	10%
Total	635	22	657	100%

Risk calculation refers to the risk of the youth of further justice system involvement with one year of being assessed. Caution should be taken when considering risk level as "high" does not mean a youth is more likely to reoffend. Rather, when compared to other youth in the system, they have a higher likelihood to reoffend. Table 14 shows the range of risk classification bounds for both screeners and assessment.

Table 14: Risk classification ranges.

	Risk Classification	Lower Bound	Upper Bound
 Screener	Very Low	-29	-1
	Low	0	11
	Moderate	12	29
	High	30	124
Assessment	Very Low	-93 (girls), -91 (boys)	12 (both boys and girls)
	Low	13 (both boys and girls)	29 (both boys and girls)
	Moderate	30 (both boys and girls)	124 (girls), 109 (boys)
	High	125 (girls), 110 (boys)	291 (girls), 321 (boys)

Between the screener and assessment, the raw score averaged to 6.9, with a median of 4.5. Within the assessments, the highest raw score is 139 and the lowest score being -29. In the screeners, the highest raw score is 73 and the lowest score is -23.

Limitations within the 2023 Data

Data entry errors with dates of birth, referral dates, and discharge dates cause cases to be excluded from the timeframe being reported at an unknown rate. Other issues discovered were duplicate youth, conflicting discharge reasons, no activity or data reported beyond the referral date, missing charges, and blank discharge reasons. When enrollment and/or discharge data is missing, we are unable to determine if the youth enrolled or completed the program successfully. Race and ethnicity were reported together as one field in some data sources but not the others. Lack of arrest data for multiple races category precluded a comprehensive analysis of racial disparities.

Appendix

Diversion Referrals by County

County	Number of Youth Referred to Diversion	Youth population in County ⁴¹	Percent County youth population referred to Diversion	Percent youth population in County
Adams	83	8313	1%	27%
Boone	10	1396	1%	26%
Brown	<10	676	0%	24%
Buffalo	256	13465	2%	27%
Burt	<10	1647	0%	24%
Butler	11	2237	0%	26%
Cass	<10	6832	0%	25%
Chase	<10	996	1%	27%
Cherry	<10	1450	1%	26%
Cheyenne	39	2392	2%	25%
Clay	<10	1691	0%	28%
Colfax	44	3502	1%	33%
Cuming	19	2437	1%	27%
Custer	13	2789	0%	26%
Dakota	80	6777	1%	32%
Dawson	43	7308	1%	30%
Deuel	<10	417	1%	22%
Dodge	131	10303	1%	28%
Douglas	828	163160	1%	28%
Dundy	<10	313	3%	20%
Franklin	<10	649	0%	23%
Frontier	19	646	3%	25%
Furnas	<10	1080	1%	24%
Gage	50	5293	1%	24%
Garden	<10	361	0%	20%
Gosper	<10	426	0%	23%
Greeley	<10	577	1%	26%
Hall	199	18564	1%	30%
Hamilton	<10	2516	0%	26%
Hayes	<10	227	1%	27%
Hitchcock	10	651	2%	26%
Holt	13	2812	0%	28%
Howard	16	1695	1%	26%

⁴¹ Youth population data by county derives from the U.S. Census Bureau, Population Division (2024). Available at: <https://www2.census.gov/programs-surveys/popest/datasets/2020-2023/counties/asrh/>. Youth are defined as individuals aged 19 and under. Due to the structure of the census data, it was not possible to use the "18 and under" age range, which is the juvenile measure used throughout the report.

Jefferson	<10	1764	0%	25%
Johnson	<10	1041	0%	20%
Kearney	<10	1822	0%	27%
Keith	33	1848	2%	23%
Kimball	<10	707	1%	21%
Knox	<10	2208	0%	27%
Lancaster	517	84735	1%	26%
Lincoln	85	8325	1%	25%
Madison	158	10032	2%	28%
Merrick	<10	1922	0%	25%
Morrill	10	1125	1%	25%
Nance	<10	841	0%	26%
Nemaha	<10	1953	0%	28%
Nuckolls	<10	913	0%	22%
Otoe	40	4286	1%	26%
Pawnee	<10	626	1%	25%
Phelps	<10	2420	0%	27%
Pierce	<10	2042	0%	28%
Platte	199	9888	2%	29%
Red Willow	<10	2602	0%	25%
Richardson	13	1796	1%	23%
Saline	32	4429	1%	30%
Sarpy	483	56550	1%	28%
Saunders	50	6330	1%	27%
Scotts Bluff	148	9449	2%	26%
Seward	36	4950	1%	28%
Sherman	<10	710	0%	24%
Stanton	<10	1528	0%	26%
Thurston	<10	2503	0%	38%
Valley	<10	1015	0%	25%
Washington	49	5396	1%	26%
Wayne	11	2910	0%	29%
York	49	3781	1%	26%

Enrollment and Nonparticipation by County

County	Number of youths enrolled after referral	Percent enrolled	Percent nonparticipation
Adams	82	99%	1%
Boone	10	100%	0%
Brown	<10	100%	0%
Buffalo	245	96%	4%
Burt	<10	100%	0%
Butler	10	91%	9%
Cass	<10	100%	0%
Chase	<10	80%	20%
Cherry	<10	100%	0%
Cheyenne	25	64%	36%
Clay	<10	100%	0%
Colfax	27	61%	39%
Cuming	17	89%	11%
Custer	12	92%	8%
Dakota	65	81%	19%
Dawson	37	86%	14%
Deuel	<10	100%	0%
Dodge	129	98%	2%
Douglas	757	91%	9%
Dundy	<10	100%	0%
Franklin	<10	100%	0%
Frontier	13	68%	32%
Furnas	<10	100%	0%
Gage	50	100%	0%
Garden	<10	100%	0%
Gosper	<10	100%	0%
Greeley	<10	100%	0%
Hall	182	91%	9%
Hamilton	<10	100%	0%
Hayes	<10	100%	0%
Hitchcock	10	100%	0%
Holt	13	100%	0%
Howard	16	100%	0%
Jefferson	<10	100%	0%
Johnson	<10	100%	0%
Kearney	<10	100%	0%
Keith	33	100%	0%
Kimball	<10	86%	14%

Knox	<10	100%	0%
Lancaster	487	94%	6%
Lincoln	83	98%	2%
Madison	157	99%	1%
Merrick	<10	67%	33%
Morrill	10	100%	0%
Nance	<10	100%	0%
Nemaha	<10	100%	0%
Nuckolls	<10	100%	0%
Otoe	36	90%	10%
Pawnee	<10	100%	0%
Phelps	<10	60%	40%
Pierce	<10	100%	0%
Platte	135	68%	32%
Red Willow	<10	100%	0%
Richardson	12	92%	8%
Saline	27	84%	16%
Sarpy	344	71%	29%
Saunders	46	92%	8%
Scotts Bluff	102	69%	31%
Seward	30	83%	17%
Sherman	<10	100%	0%
Stanton	<10	100%	0%
Thurston	<10	71%	29%
Valley	<10	100%	0%
Washington	49	100%	0%
Wayne	11	100%	0%
York	48	98%	2%
Boone	10	100%	0%
Brown	<10	100%	0%
Buffalo	220	95%	5%
Burt	<10	100%	0%
Butler	10	83%	17%
Cass	<10	100%	0%
Chase	<10	80%	20%
Cherry	<10	100%	0%
Cheyenne	23	62%	38%
Clay	<10	100%	0%
Colfax	27	60%	40%
Cuming	17	89%	11%
Custer	11	92%	8%
Dakota	63	83%	17%
Dawson	37	86%	14%

Deuel	<10	100%	0%
Dodge	128	98%	2%
Douglas	751	87%	13%
Dundy	<10	100%	0%
Franklin	<10	100%	0%
Frontier	<10	75%	25%
Furnas	<10	100%	0%
Gage	40	100%	0%
Garden	<10	100%	0%
Gosper	<10	100%	0%
Greeley	<10	100%	0%
Hall	174	91%	9%
Hamilton	<10	100%	0%
Hayes	<10	100%	0%
Hitchcock	<10	100%	0%
Holt	13	100%	0%
Howard	<10	100%	0%
Jefferson	<10	100%	0%
Johnson	<10	100%	0%
Kearney	<10	100%	0%
Keith	26	100%	0%
Kimball	<10	86%	14%
Knox	<10	80%	20%
Lancaster	480	94%	6%
Lincoln	83	98%	2%
Madison	132	99%	1%
Merrick	<10	67%	33%
Morrill	10	100%	0%
Nance	<10	100%	0%
Nemaha	<10	100%	0%
Nuckolls	<10	100%	0%
Otoe	33	89%	11%
Pawnee	<10	100%	0%
Phelps	<10	67%	33%
Pierce	<10	100%	0%
Platte	137	67%	33%
Red Willow	<10	100%	0%
Richardson	10	91%	9%
Saline	26	84%	16%
Sarpy	344	68%	32%
Saunders	43	91%	9%
Scotts Bluff	95	66%	34%
Seward	30	77%	23%

Sherman	<10	100%	0%
Stanton	<10	100%	0%
Thurston	<10	71%	29%
Valley	<10	100%	0%
Washington	47	100%	0%
Wayne	11	100%	0%
York	38	97%	3%

Incompletion Percentages by Race

County/Race	%Unsuccessful Discharge
Adams	
Black, African American	0%
Multiple Races	0%
Other Race	22%
Unspecified	0%
White	12%
Boone	
White	10%
Brown	
Other Race	0%
White	0%
Buffalo	
Native American	0%
Asian	0%
Black, African American	0%
Native Hawaiian	0%
Unspecified	0%
White	14%
Burt	
White	0%
Butler	
Other Race	0%
White	11%
Cass	
White	0%
Chase	
Other Race	0%
White	0%
Cherry	
White	0%
Cheyenne	
White	18%
Clay	
White	0%
Colfax	
Other Race	50%
Unspecified	32%
White	33%
Cuming	

Other Race	0%
White	17%
Custer	
Other Race	0%
White	0%
Dakota	
Native American	0%
Black, African American	0%
Native Hawaiian	50%
White	7%
Dawson	
Native American	0%
Black, African American	67%
Other Race	43%
Unspecified	0%
White	16%
Deuel	
Asian	0%
White	0%
Dodge	
Black, African American	0%
Multiple Races	67%
Other Race	22%
White	23%
Douglas	
Asian	10%
Black, African American	18%
Hispanic	18%
Native Hawaiian	0%
Other Race	0%
Unspecified	0%
White	9%
Dundy	
Black, African American	67%
White	17%
Franklin	
White	0%
Frontier	
Unspecified	0%
White	8%
Furnas	
Unspecified	0%
Gage	

White	15%
Garden	
White	100%
Gosper	
White	0%
Greeley	
White	25%
Hall	
Native American	50%
Asian	0%
Black, African American	10%
Multiple Races	0%
Unspecified	6%
White	11%
Hamilton	
White	14%
Hayes	
White	0%
Hitchcock	
Unspecified	0%
White	0%
Holt	
White	0%
Howard	
Native American	100%
White	7%
Jefferson	
Other Race	0%
White	17%
Johnson	
White	0%
Kearney	
Native American	0%
Other Race	0%
White	0%
Keith	
Other Race	0%
Unspecified	33%
White	12%
Kimball	
Multiple Races	0%
White	0%
Knox	

Multiple Races	0%
White	0%
Lancaster	
Native American	44%
Asian	0%
Black, African American	18%
Multiple Races	50%
Native Hawaiian	0%
Other Race	35%
Unspecified	22%
White	23%
Lincoln	
Black, African American	0%
Multiple Races	0%
Other Race	60%
White	18%
Madison	
Native American	14%
Asian	0%
Black, African American	75%
Multiple Races	40%
Native Hawaiian	0%
Other Race	100%
Unspecified	0%
White	17%
Merrick	
White	0%
Morrill	
Other Race	0%
White	14%
Nance	
White	0%
Nemaha	
White	0%
Nuckolls	
White	0%
Otoe	
White	10%
Pawnee	
White	0%
Phelps	
Other Race	0%
White	0%

Pierce	
Unspecified	0%
White	0%
Platte	
Native American	0%
Black, African American	17%
Native Hawaiian	0%
Unspecified	33%
White	16%
Red Willow	
Other Race	0%
White	13%
Richardson	
Multiple Races	0%
White	0%
Saline	
Black, African American	0%
Other Race	57%
Unspecified	0%
White	6%
Sarpy	
Native American	100%
Asian	0%
Black, African American	41%
Multiple Races	50%
Unspecified	31%
White	22%
Saunders	
Black, African American	33%
Multiple Races	0%
White	10%
Scotts Bluff	
Native American	25%
Asian	0%
Black, African American	50%
Multiple Races	67%
Other Race	50%
Unspecified	25%
White	16%
Seward	
Native American	100%
Black, African American	0%
Other Race	0%

White	8%
Sherman	
White	0%
Stanton	
Native American	0%
Multiple Races	0%
White	0%
Thurston	
Black, African American	0%
White	25%
Valley	
White	0%
Washington	
Multiple Races	0%
Native Hawaiian	0%
White	11%
Wayne	
Multiple Races	100%
Unspecified	0%
White	11%
York	
Native American	0%
Black, African American	50%
Multiple Races	100%
Other Race	0%
Unspecified	0%
White	5%

Incompletion Percentages by Ethnicity

County/Ethnicity	% Unsuccessful Discharge
Adams	
Not Hispanic/Latino	11%
Unspecified	0%
Hispanic/Latino	9%
Missing	18%
Boone	
Not Hispanic/Latino	10%
Brown	
Not Hispanic/Latino	0%
Hispanic/Latino	0%
Buffalo	
Not Hispanic/Latino	15%
Unspecified	14%
Hispanic/Latino	5%
Missing	50%
Burt	
Not Hispanic/Latino	0%
Unspecified	0%
Hispanic/Latino	0%
Butler	
Not Hispanic/Latino	11%
Hispanic/Latino	0%
Cass	
Missing	0%
Chase	
Not Hispanic/Latino	0%
Hispanic/Latino	0%
Cherry	
Not Hispanic/Latino	0%
Cheyenne	
Not Hispanic/Latino	23%
Hispanic/Latino	0%
Clay	
Not Hispanic/Latino	0%
Colfax	
Not Hispanic/Latino	33%
Hispanic/Latino	33%
Cuming	

Not Hispanic/Latino	17%
Hispanic/Latino	0%
Custer	
Not Hispanic/Latino	0%
Hispanic/Latino	0%
Dakota	
Not Hispanic/Latino	5%
Unspecified	0%
Hispanic/Latino	10%
Dawson	
Not Hispanic/Latino	31%
Unspecified	0%
Hispanic/Latino	23%
Deuel	
Not Hispanic/Latino	0%
Hispanic/Latino	0%
Dodge	
Not Hispanic/Latino	23%
Hispanic/Latino	23%
Missing	100%
Douglas	
Not Hispanic/Latino	14%
Hispanic/Latino	13%
Missing	18%
Dundy	
Not Hispanic/Latino	38%
Hispanic/Latino	0%
Franklin	
Not Hispanic/Latino	0%
Frontier	
Not Hispanic/Latino	10%
Unspecified	0%
Hispanic/Latino	0%
Furnas	
Unspecified	0%
Missing	0%
Gage	
Not Hispanic/Latino	12%
Hispanic/Latino	67%
Garden	
Missing	100%
Gosper	
Hispanic/Latino	0%

Greeley	
Not Hispanic/Latino	25%
Hall	
Not Hispanic/Latino	12%
Hispanic/Latino	7%
Hamilton	
Not Hispanic/Latino	14%
Hayes	
Not Hispanic/Latino	0%
Hitchcock	
Not Hispanic/Latino	0%
Unspecified	0%
Holt	
Not Hispanic/Latino	0%
Hispanic/Latino	0%
Howard	
Not Hispanic/Latino	14%
Unspecified	0%
Jefferson	
Not Hispanic/Latino	17%
Hispanic/Latino	0%
Johnson	
Not Hispanic/Latino	0%
Missing	0%
Kearney	
Hispanic/Latino	0%
Missing	0%
Keith	
Not Hispanic/Latino	9%
Unspecified	33%
Hispanic/Latino	0%
Kimball	
Not Hispanic/Latino	0%
Knox	
Not Hispanic/Latino	0%
Lancaster	
Not Hispanic/Latino	29%
Unspecified	20%
Hispanic/Latino	27%
Lincoln	
Not Hispanic/Latino	18%
Hispanic/Latino	41%
Missing	0%

Madison	
Not Hispanic/Latino	19%
Hispanic/Latino	20%
Merrick	
Not Hispanic/Latino	0%
Morrill	
Not Hispanic/Latino	14%
Hispanic/Latino	0%
Nance	
Not Hispanic/Latino	0%
Nemaha	
Not Hispanic/Latino	0%
Nuckolls	
Not Hispanic/Latino	0%
Otoe	
Not Hispanic/Latino	8%
Hispanic/Latino	17%
Pawnee	
Not Hispanic/Latino	0%
Phelps	
Not Hispanic/Latino	0%
Hispanic/Latino	0%
Pierce	
Not Hispanic/Latino	0%
Platte	
Not Hispanic/Latino	13%
Unspecified	17%
Hispanic/Latino	18%
Red Willow	
Hispanic/Latino	0%
Missing	13%
Richardson	
Not Hispanic/Latino	0%
Missing	0%
Saline	
Not Hispanic/Latino	10%
Hispanic/Latino	24%
Sarpy	
Not Hispanic/Latino	24%
Unspecified	8%
Hispanic/Latino	39%
Saunders	
Not Hispanic/Latino	11%

Hispanic/Latino	0%
Scotts Bluff	
Not Hispanic/Latino	18%
Unspecified	0%
Hispanic/Latino	32%
Missing	0%
Seward	
Not Hispanic/Latino	11%
Hispanic/Latino	0%
Sherman	
Not Hispanic/Latino	0%
Missing	0%
Stanton	
Not Hispanic/Latino	0%
Thurston	
Not Hispanic/Latino	20%
Valley	
Not Hispanic/Latino	0%
Washington	
Not Hispanic/Latino	10%
Hispanic/Latino	0%
Wayne	
Not Hispanic/Latino	11%
Hispanic/Latino	50%
York	
Not Hispanic/Latino	10%
Hispanic/Latino	11%

Incompletion Percentages by Age Group

County/Age Group	% Unsuccessful Discharge
Adams	
11	0%
12	8%
13	17%
14	11%
15	19%
16	9%
17	7%
18	11%
Boone	
14	50%
16	0%
17	0%
Brown	
16	0%
17	0%
Buffalo	
Under 11	0%
11	17%
12	0%
13	18%
14	23%
15	29%
16	9%
17	7%
18	4%
Burt	
15	0%
16	0%
17	0%
Butler	
15	0%
16	50%
17	0%
Cass	
15	0%

Chase	
15	0%
16	0%
17	0%
Cherry	
14	0%
15	0%
16	0%
17	0%
18	0%
Cheyenne	
12	25%
13	50%
15	0%
16	20%
17	0%
18	0%
Clay	
16	0%
Colfax	
13	0%
14	75%
15	22%
16	50%
17	14%
Cuming	
14	33%
15	0%
16	14%
17	0%
Custer	
14	0%
15	0%
17	0%
Dakota	
12	0%
13	0%
14	0%
15	0%
16	12%
17	20%
18	0%
Dawson	

12	100%
13	33%
14	50%
15	13%
16	0%
17	14%
Deuel	
15	0%
17	0%
18	0%
Dodge	
11	25%
12	27%
13	30%
14	16%
15	26%
16	29%
17	16%
18	0%
Douglas	
11	8%
12	12%
13	18%
14	12%
15	15%
16	19%
17	9%
18	0%
Dundy	
14	100%
15	20%
16	50%
17	0%
Franklin	
15	0%
Frontier	
14	0%
15	0%
16	0%
18	10%
Furnas	
15	0%
17	0%

18	0%
Gage	
12	0%
13	17%
14	25%
15	0%
16	20%
17	0%
18	22%
Garden	
15	100%
Gosper	
13	0%
Greeley	
16	0%
17	33%
Hall	
11	11%
12	8%
13	11%
14	15%
15	6%
16	15%
17	0%
18	0%
Hamilton	
17	14%
Hayes	
Under 11	0%
12	0%
Hitchcock	
14	0%
15	0%
17	0%
18	0%
Holt	
12	0%
14	0%
15	0%
16	0%
17	0%
Howard	
13	0%

15	0%
16	0%
17	100%
18	13%
Jefferson	
12	0%
14	0%
15	100%
16	0%
17	0%
Johnson	
12	0%
13	0%
14	0%
17	0%
Kearney	
11	0%
12	0%
14	0%
15	0%
16	0%
18	0%
Keith	
14	0%
15	25%
16	9%
17	11%
18	14%
Kimball	
13	0%
15	0%
16	0%
17	0%
Knox	
14	0%
15	0%
16	0%
Lancaster	
11	22%
12	20%
13	22%
14	17%
15	28%

16	35%
17	19%
18	0%
Lincoln	
11	33%
12	0%
13	17%
14	11%
15	38%
16	17%
17	28%
Madison	
11	50%
12	25%
13	25%
14	36%
15	14%
16	13%
17	21%
18	12%
Merrick	
13	0%
14	0%
16	0%
17	0%
Morrill	
13	100%
14	0%
15	0%
16	0%
17	0%
Nance	
13	0%
Nemaha	
15	0%
16	0%
17	0%
Nuckolls	
13	0%
15	0%
16	0%
Otoe	
12	0%

13	0%
14	0%
15	0%
16	18%
17	20%
18	0%
Pawnee	
11	0%
12	0%
13	0%
14	0%
15	0%
Phelps	
13	0%
18	0%
Pierce	
15	0%
16	0%
17	0%
18	0%
Platte	
11	0%
12	33%
13	14%
14	0%
15	12%
16	16%
17	30%
Red Willow	
14	0%
15	100%
16	0%
17	0%
18	0%
Richardson	
12	0%
13	0%
14	0%
15	0%
16	0%
17	0%
18	0%
Saline	

14	40%
15	0%
16	25%
17	0%
18	0%
Sarpy	
11	0%
12	11%
13	23%
14	27%
15	26%
16	28%
17	31%
18	0%
Saunders	
11	0%
12	0%
13	20%
14	0%
15	22%
16	8%
17	10%
18	0%
Scotts Bluff	
Under 11	100%
11	33%
12	29%
13	18%
14	4%
15	28%
16	32%
17	13%
18	17%
Seward	
11	0%
12	0%
13	50%
14	0%
15	17%
16	14%
17	0%
Sherman	
14	0%

15	0%
17	0%
Stanton	
15	0%
16	0%
17	0%
Thurston	
16	33%
17	0%
Valley	
15	0%
Washington	
12	0%
13	0%
14	0%
15	18%
16	20%
17	5%
18	0%
Wayne	
13	0%
14	33%
15	0%
16	33%
17	0%
York	
13	0%
14	0%
15	0%
16	0%
17	18%
18	20%
12	0%
16	0%
18	0%