JUVENILE DIVERSION IN NEBRASKA

CY 2025 Annual Report to the Governor and Legislature

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Executive Summary

Eighty-one counties reported having juvenile pre-trial diversion services available to youth in their community during calendar year (CY) 2025. Of those 81 programs, 65 counties reported referral data to the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission) by January 30, 2025.

In CY2025, 3,293 youth were referred to a diversion program in Nebraska with 90% (2,950) enrolling after referral. Of the youth discharged from diversion programs during CY2025, 83% completed the program successfully. Eighteen-year-olds accounted for the majority of successful discharges.

The most common reasons for referral to a diversion program in CY2025 were assault, minor in possession of alcohol, traffic offenses, and truancy. 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 referred on a misdemeanor.

Data points to the existence of significant racial disparities at key stages of the state's juvenile justice system. Disparities have been a recurring feature of the system and affect mostly youth of color. For example, although Black youth represent 6% of Nebraska's youth population, they accounted for 15% of juvenile citations. Among youth who were arrested, 20% of Black youth were referred to diversion compared to 37% of white youth. Black and Native American youth experienced arrest rates 2 – 5 times higher than their white peers and were less likely to be referred to diversion.

Based on data from 2005 to 2024, an analysis of recidivism shows that average reconviction rates, which is this report's primary measure of recidivism, increased from 15% at one year to 25% at two years and 32% at three years.[1] Average rearrest rates followed a similar pattern, increasing from 21% to 33% and 42%, respectively.[2]

For comparison, the average one-year rearrest rate among youth discharged from diversion in this report was lower than the 33% rate reported in a recent multi-state study of youth discharged from probation (21% vs. 33%). In contrast, the one-year reconviction rate for youth discharged from diversion was slightly higher than the 12% reported in that study (15% vs. 12%).

When disaggregating the diversion data by discharge status, the results point to consistently lower average reoffending rates among youth who successfully completed diversion. Among successful completers, 14% experienced a subsequent reconviction within one year, 22% within two years, and 28% within three years. Among youth who were unsuccessfully discharged, the corresponding rates were 23%, 35%, and 43%. The difference was particularly pronounced for rearrest rates, with the gap widening as the follow-up period increased. Within one year, 18% of successful completers experienced a new arrest, compared with 34% of youth who were unsuccessfully discharged. At two years, the corresponding rates were 29% and 49%, and at three years, 37% and 59%. Importantly, the association between successful completion and lower recidivism remained after accounting for baseline risk as measured by the Nebraska Screen and Assessment Tool (NSAT).

[1] In juvenile court, a finding of guilt is referred to as an adjudication or delinquency finding, whereas in adult court it is referred to as a conviction. Because the longitudinal data in this report include some youth with subsequent cases in adult court, "(re)conviction" is used throughout this report as an umbrella term for both juvenile adjudications and adult convictions.

[2] For each discharge cohort, the rearrest and reconviction rate was first calculated separately. These cohort-specific rates were then averaged across all cohorts with sufficient follow-up for the respective one-, two-, or three-year period.

For context, the one-year reconviction rate among successful diversion completers was 14%, compared with 17% among youth successfully discharged from probation in Nebraska in 2023, as reported by the Nebraska Judicial Branch.

Additionally, the report examined whether the passage of LB 561 in 2013, which was designed to strengthen diversion programs through evidence-based practices, affected recidivism outcomes. Results from a quasi-experimental analysis indicate that statewide reconviction rates declined substantially following the implementation of this legislation. Specifically, the interrupted time-series analysis found that the earlier upward trend in one-year recidivism shifted downward after the passage of LB 561. Using a conservative counterfactual projection, the analysis estimated approximately 1,479 fewer recidivism events than would have been expected if the earlier trajectory had continued, a reduction of approximately 23%. Similar reductions were observed among successful and unsuccessful discharge groups.

Finally, the report evaluated the validity of the risk assessment tool (NSAT) in predicting recidivism. Based on the results, the observed recidivism rates generally increased with higher NSAT risk levels, indicating that the tool generally ordered youth in the expected direction. However, the tool's ability to predict individual recidivism was limited in the current validation sample. As such, there is a need for periodic recalibration of the tool to ensure that it accurately informs decisions regarding appropriate levels of intervention for youth.

Overall, the findings in the report show that diversion can help prevent youth from further system-involvement. This is especially the case when youth successfully complete the diversion program. At the state level and over a longer timeframe, average recidivism rates have gradually declined, with a notable decline after 2013 that coincided with the passage of LB 561. These findings point to the need for continued state investment in diversion programs. Diversion service providers can help strengthen state efforts by ensuring equitable access to diversion for youth of all backgrounds and providing effective services for higher-risk youth.

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 to Nebraska Revised Statute § 81-1427. This 2025 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 a 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) provide eligible juvenile offenders with an alternative program in lieu of adjudication through the juvenile court; 2) reduce recidivism among diverted juvenile offenders; 3) reduce the costs and caseload burdens on the juvenile justice system and the criminal justice system; and 4) promote the collection of restitution to the victim of the juvenile offender's crime.[3]

In Nebraska, a county or city attorney has statutory authority to develop a juvenile diversion program with the concurrence of their governing board.[4] 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.[5] 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.[6]

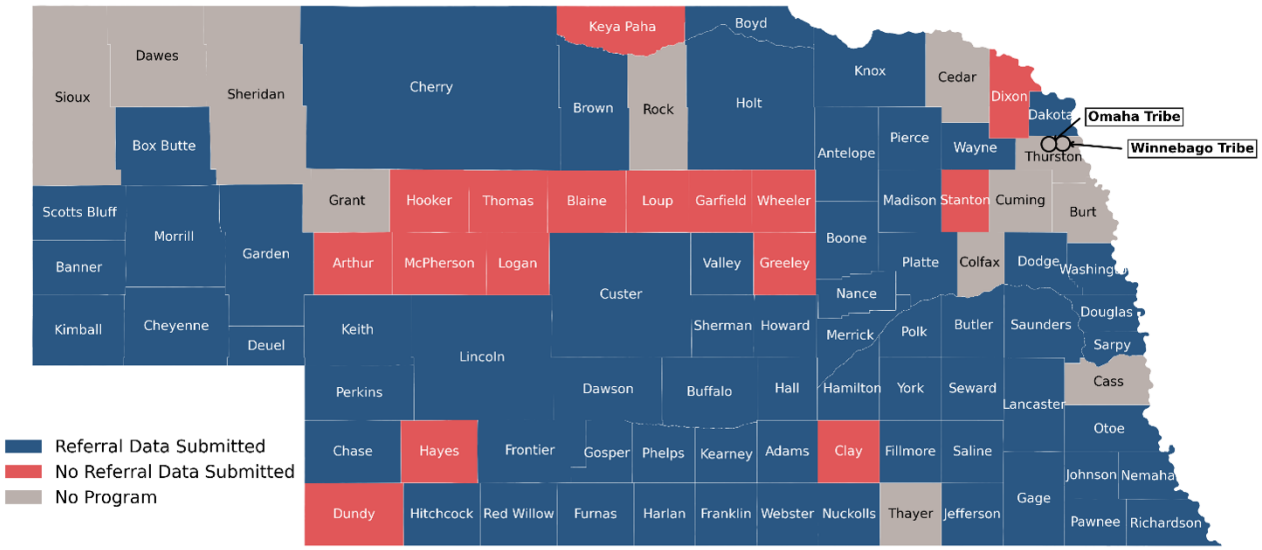
The Nebraska Screen and Assessment Tool (NSAT) was created for juvenile diversion programs in Nebraska to screen for criminogenic risks and needs and assist in developing an appropriate diversion plan. This tool has been made available to all Nebraska diversion programs for utilization to meet the requirements of NRS 43-260.04(5).

[3] Neb. Rev. Stat. § 43-260.03
[4] Neb. Rev. Stat. § 43-260.02
[5] Neb. Rev. Stat. § 43-260.04
[6] Neb. Rev. Stat. § 43-260.04 -.06

Juvenile Pretrial Diversion Programs in Nebraska

In Nebraska, 81 counties offer a juvenile pretrial diversion program (Figure 1).

Figure 1: Juvenile diversion data



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.[7] The juvenile pretrial diversion data reported in this report is based upon data reported directly to the Nebraska Crime Commission (NCC) 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, 65 counties reported the required 2025 diversion data into JDCMS.[8] Sixteen counties did not report the data,[9] and 12 counties and two tribes[10] had no active diversion program in calendar year 2025.

Referrals to Diversion

Annual Trends

Over a 12-year period from 2013 to 2025, juvenile diversion referrals in Nebraska remained relatively stable, ranging from roughly 2,800 to 4,000 annually. As illustrated in Figure 2, referrals went down during the 2020–2021 pandemic period, rebounded to 3,572 by 2025, but have not returned to their mid-2010s peak (Chart A). Over the period, the state averaged 3,595 referrals per year, with the lowest in 2020 (2,835) and the highest in 2016 (3,994).

Similarly, among counties that submit referral data to NCC, youth participation in diversion programs remained stable, increasing from 47 reporting counties in 2013 to 66 in 2025 (Chart B). On average, about 66 reporting counties had youth participate in diversion annually. Reporting county involvement in diversion programs was the highest in 2024 and the lowest in 2013. With roughly two-thirds of counties maintaining active programs throughout most years, the State of Nebraska continues to

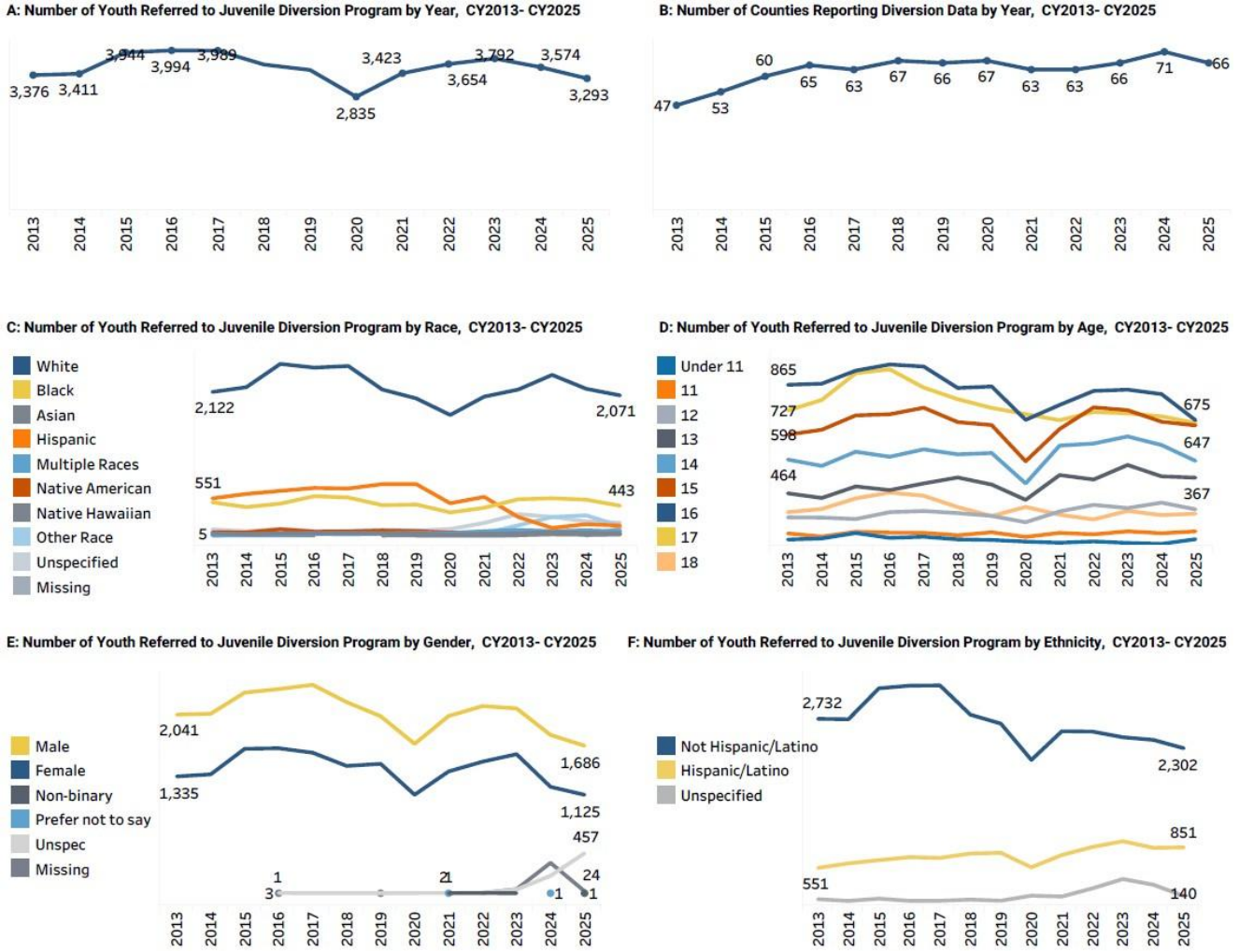
[7] Neb. Rev. Stat. § 43-260.07

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

[9] Reflected on the map, these counties include Arthur, Blaine, Clay, Dundy, Dixon, Garfield, Greeley, Hayes, Hooker, Keya Paha, Logan, Loup, McPherson, Thomas, Stanton, Wheeler.

demonstrate a strong commitment to diversion as an alternative to traditional prosecution. The data shows consistent demographic trends, with white youth comprising the largest proportion of referred cases, followed by Black and Hispanic youth (Chart C). This pattern is consistent with the overall population distribution, as these three groups represent the largest segments. Older teens ages 16-17 dominated referrals with roughly 800-900 cases each annually (Chart D), while males were referred at significantly higher numbers than females (Chart E).

Figure 2: Number of youth referred to juvenile diversion programs by year, race, age, and gender, CY2013- CY2025



Referrals in 2025

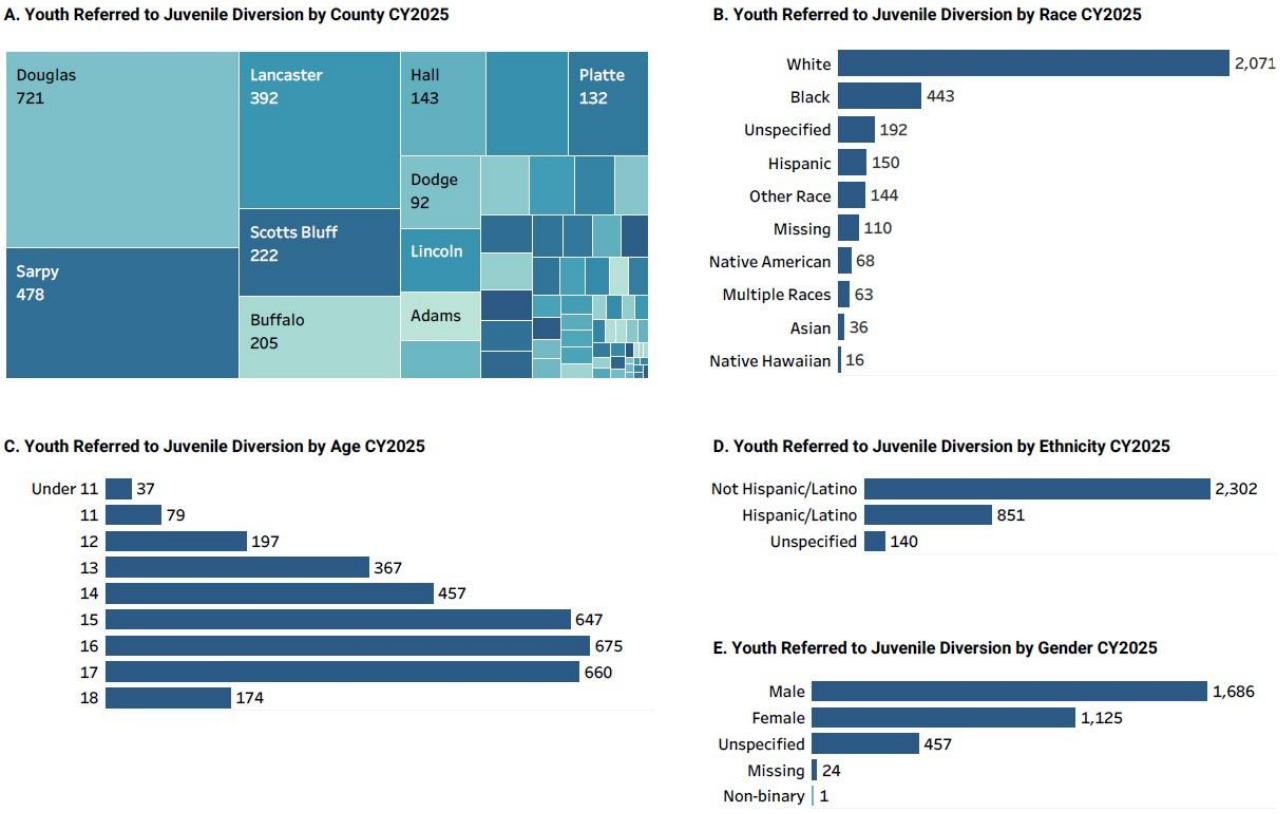
From January 1, 2025, to December 31, 2025, 3,293 referrals to a juvenile diversion program in Nebraska were reported to the Nebraska Crime Commission.[11] Figure 3 illustrates the distribution of referrals for that year across geographic, demographic, and age categories. Douglas County dominated referrals with 721 cases[12], followed by Sarpy County (478) and Lancaster County (392), reflecting the concentration of youth populations in these major metropolitan areas (Chart A). With 2,071 cases, white

[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] 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 CY2025: "Completed diversion program" (516), "did not complete diversion program/referred back to County Attorney (CA)" (93), "open docket" (111), "DHHS involved" (1), "new charge –CA request back" (20), and "miscellaneous" (1). Not included is "assessment no show" (3).

youth comprised most referrals. Their 63% referral rate is the highest statewide, but slightly lower than their 65% share of the overall youth population (Chart B). Black youth are significantly overrepresented, accounting for 13% of referrals (443 youth) despite comprising only 6% of the youth population. While non-Hispanic youth had the highest rate of referrals to juvenile diversion, like Black youth, Hispanic/Latino youth were referred at a higher rate than their youth population proportion (Chart D). The age distribution shows a clear peak among older adolescents, with 16-year-olds accounting for the highest number of referrals, while referrals drop for 18-year-olds and remain minimal for children under 12 (Chart C).[13] Males were referred at higher rates compared to females, though a significant number of records (481) were missing gender information (Chart E).

Figure 3: Distribution of juvenile diversion referrals in 2025 across geographic, race, age, ethnicity and gender categories



Enrollments after Referral

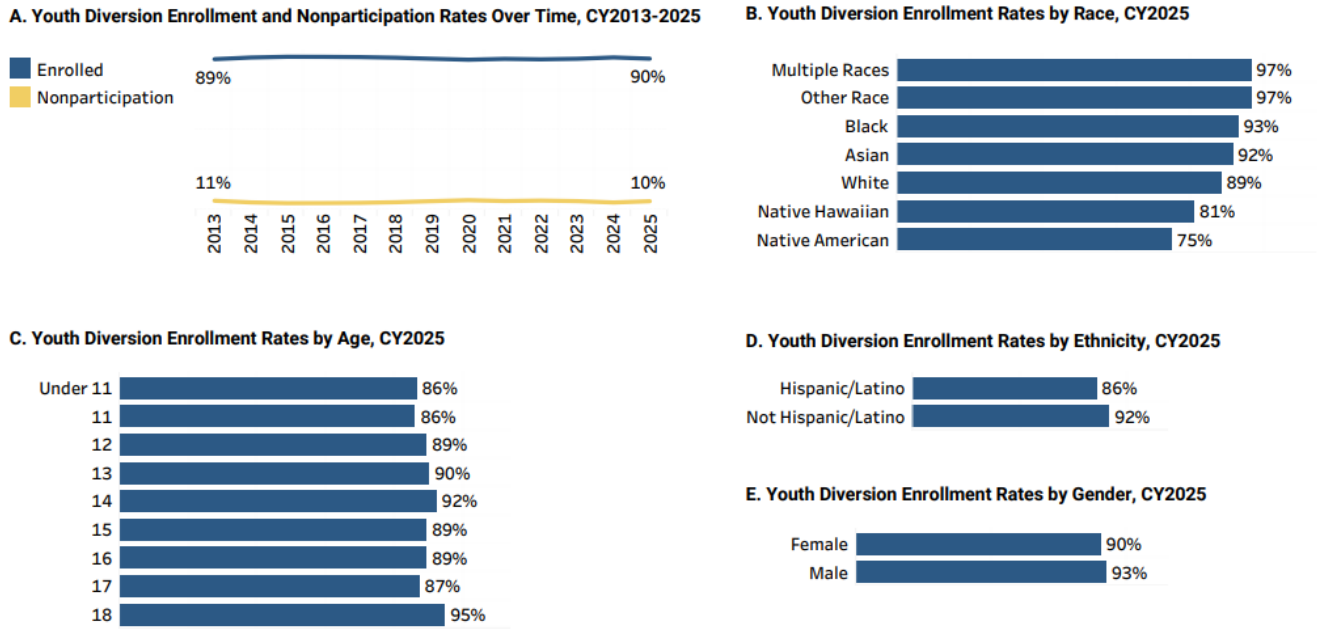
Between 2013 and 2025, youth diversion program enrollment rates in Nebraska demonstrated consistently high participation levels, with overall enrollment increasing from about 89% in 2013 to 90% in 2025, while nonparticipation rates correspondingly decreased from 11% to about 10%. The reasons youth did 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 (for truancy diversion).

Statewide, 90% of youth referred to a juvenile diversion program in CY 2025 enrolled (2,950 youth), and about 10% (343 youth) did not participate after referral. The 2025 data shows varied but generally high

[13] For purposes of this report, the reported diversion cases include youth ranging in age from 5 to 18 years. These cases include youth who participated in truancy diversion programs.

enrollment rates across different groups, perhaps suggesting that the programs are accessible regardless of youth's demographic characteristics.

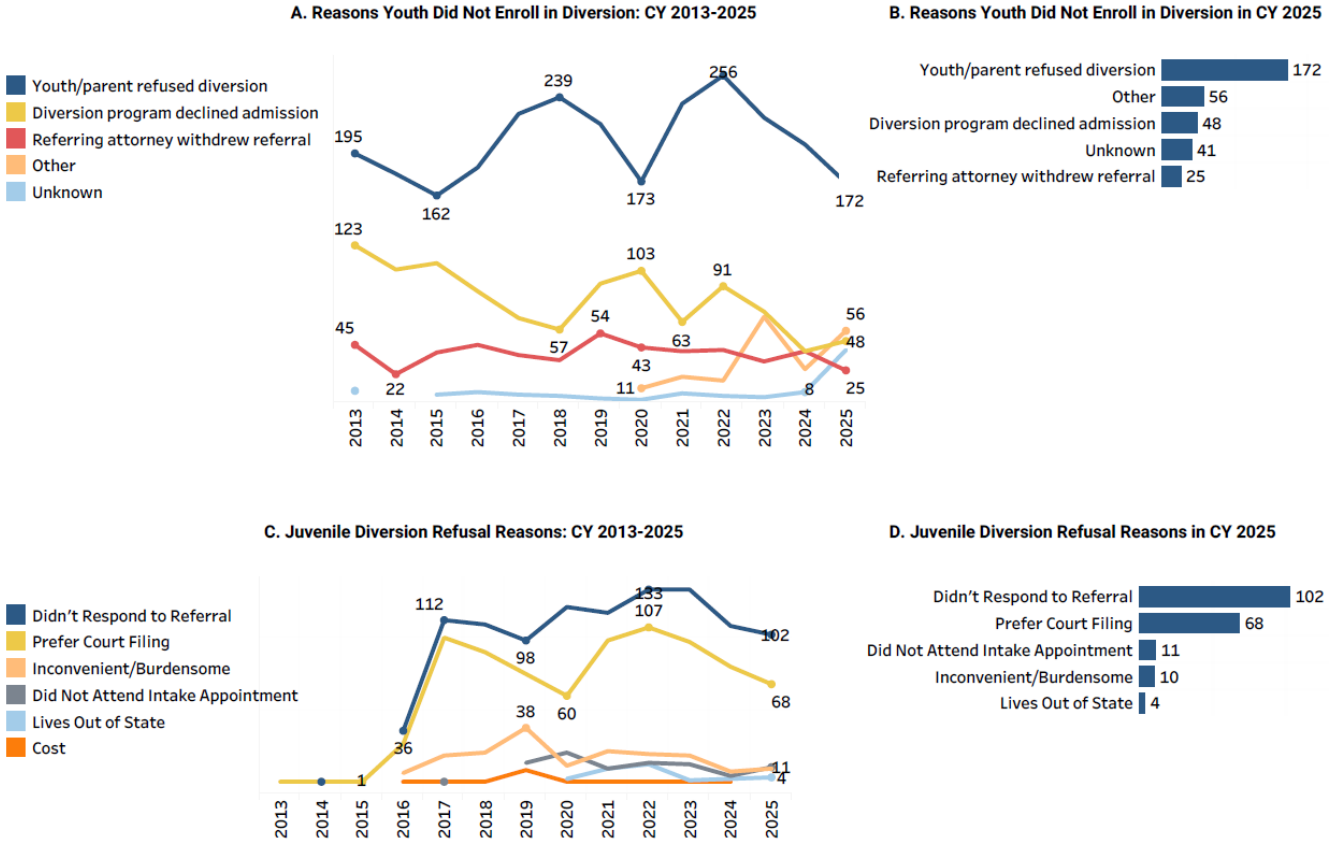
Figure 4: Youth diversion program enrollment rates: temporal trends and demographic patterns in Nebraska: CY2013-2025



Reason Youth Did Not Enroll

A total of 343 youth did not enroll in juvenile diversion after referral in 2025. Figure 5 (Charts A and B) display the reasons for non-enrollment in the diversion program over time and in 2025. Between 2013 and 2025, youth/parent refusal consistently emerged as the main reason for non-enrollment in juvenile diversion programs across Nebraska. As the figure shows, parental/youth refusal reached the highest count of 256 cases in 2022 before decreasing to a total of 172 cases in 2025. By contrast, "program admission declines" show a downward trend, suggesting that it is becoming less an issue as an obstacle for enrollment over time. Despite lower occurrence, "Attorney referral withdrawals" trended slightly downward, reaching a low of 25 cases in 2025. After a period of being consistently low, instances categorized as "Unknown" have increased to 48 cases in 2025. Still, the lower numbers indicate that agencies have improved their documentation practices. The "Other" category, which includes youth who did not enroll because they were transferred to other diversion jurisdictions, or had a warning letter, showed great fluctuation in cases in recent years. Nonetheless, similar to "Unknown", it continues to be the least common factor for nonparticipation.

Figure 5: Reasons for youth non-enrollment in diversion programs: Trends and status in CY2025



As youth/parental refusal accounts for the majority of non-enrollment cases, it is worth examining the underlying motivations behind these refusal(s). As Figure 5 (Charts C and D) illustrates, youth/parent not responding to referral consistently accounted for the highest number of refusal reasons, peaking at 134 cases in 2022 and continuing at a high level with 102 cases in 2025. Preference for court filing over diversion was the second most cited reason over time and in 2025. Other reasons, such as inconvenience, missing intake appointments, living out of state, and costs, represented smaller but persistent barriers.

Overall, these data display some promising trends. Obstacles associated with agencies denying clients admission to diversion programs have become less common over time. However, given the persistently high rate of nonresponse to referral, the primary challenge for diversion programs remains engaging youth and families, particularly those who do not respond to outreach or opt for formal court involvement. Diversion programs could benefit from focusing more on strengthening their communication and engagement strategies.

Discharges from Diversion

The number of youth successfully completing the diversion program has varied over the years. As shown in Figure 6 (Chart A), there was a decline in discharge numbers around 2020–2021, induced by COVID-19, and a strong rebound afterward. However, the changes in the number of successful discharges did not lead to much change in the overall successful completion rate. From 2013 to 2025, those rates remained relatively steady at around 80% to 83%. For example, in 2025 about eight out of

every ten youth successfully completed diversion (Chart B).[14] Even so, a look at completion rates by demographic group in 2025 shows a more nuanced picture.

Of the youth referred to diversion from January 1, 2025, to December 31, 2025, a total of 2,701 cases were discharged from a formal juvenile diversion program in Nebraska after enrollment.[15] Statewide, 83% (2,236 youth) of the discharged cases successfully completed the diversion program, and 17% (465 youth) did not successfully complete the diversion program.[16] White (85%), Asian (83%), and Black (82%) youth had the highest completion rates, while Native American youth (60%), and those belonging to either Native Hawaiian and Other Pacific Islander (70%) or multiple races (72%) had significantly lower rates. Successful completion rates also varied by age (Chart D). While 18 and 17-year-olds had the highest (91%) and second highest (87%) completion rates, those under 11 and 14 years olds had the lowest (70%) and second lowest (77%) rates.[17] As illustrated in (Chart E), Hispanic/Latino youth completed at a lower rate (77%) compared to non-Hispanic youth (84%). Gender differences are minimal, with females (84%) and males (83%) showing comparable completion rates (Chart F).

While the overall diversion success rate remained strong, the 2025 demographic data highlighted important disparities. As in a previous year, these disparities mainly affected youth from Native American and Native Hawaiian backgrounds, younger participants, and Hispanic/Latino youth who had lower rates of successful completion.

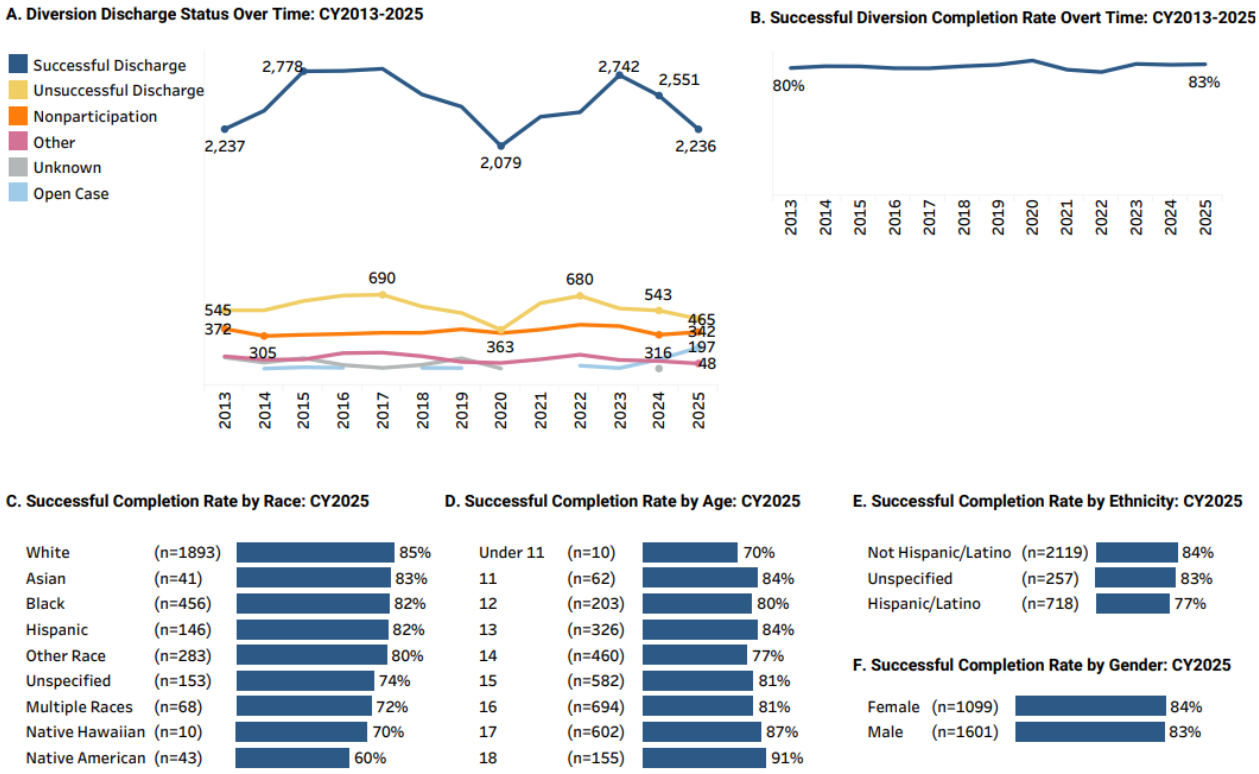
[14] These rates were calculated by dividing the number of youth who successfully completed diversion by the total number of diversion cases, which includes both successful and unsuccessful outcomes.

[15] This number represents discharges either successfully or unsuccessfully, and does not include youth who did not participate (342), were still enrolled in the program as of December 31, 2025 (197), left the program for reasons outside their control (48), and those who are missing discharge information (5).

[16] 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.

[17] Since the sample size for youth under age 11 is small (n=10), any conclusions about their success rate should be interpreted with caution.

Figure 6: Program outcomes and successful completion rates over time and by race, age, ethnicity and gender, CY2013-2025

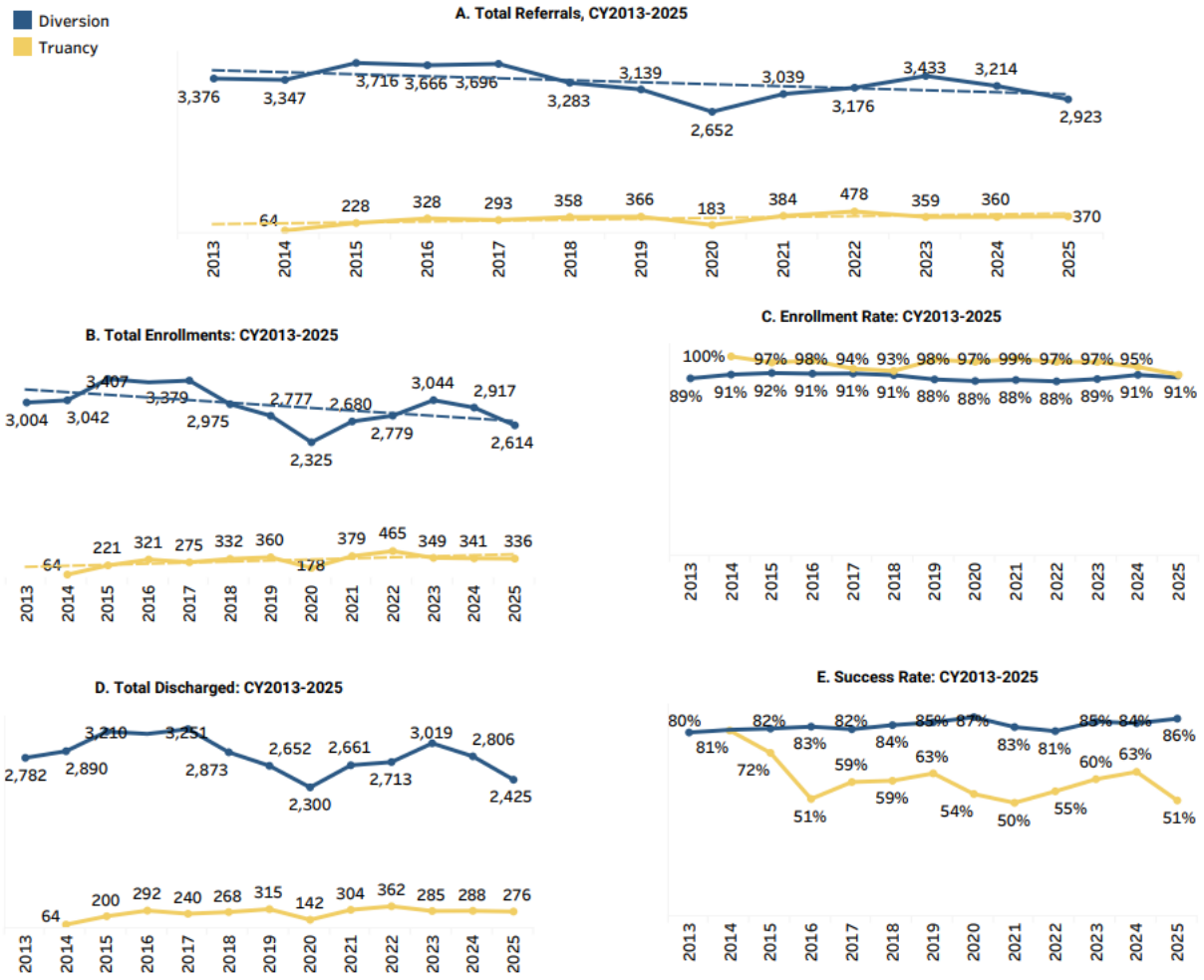


Success Rates by Diversion Referral Type

A comparison of diversion and truancy programs reveals divergent trends in how these two major intervention approaches performed in Nebraska from 2013 to 2025. Truancy diversion programs address excessive absenteeism from school, while other diversion programs deal with other status offenses and law violations.[18]

[18] Truancy diversion program data does not include Douglas County truancy diversion. Additionally, truancy program data in the present report reflects only cases assigned for formal diversion and does not include youth served through truancy monitoring or intervention efforts.

Figure 7: Truancy diversion vs. other diversion cases: CY2013-2025



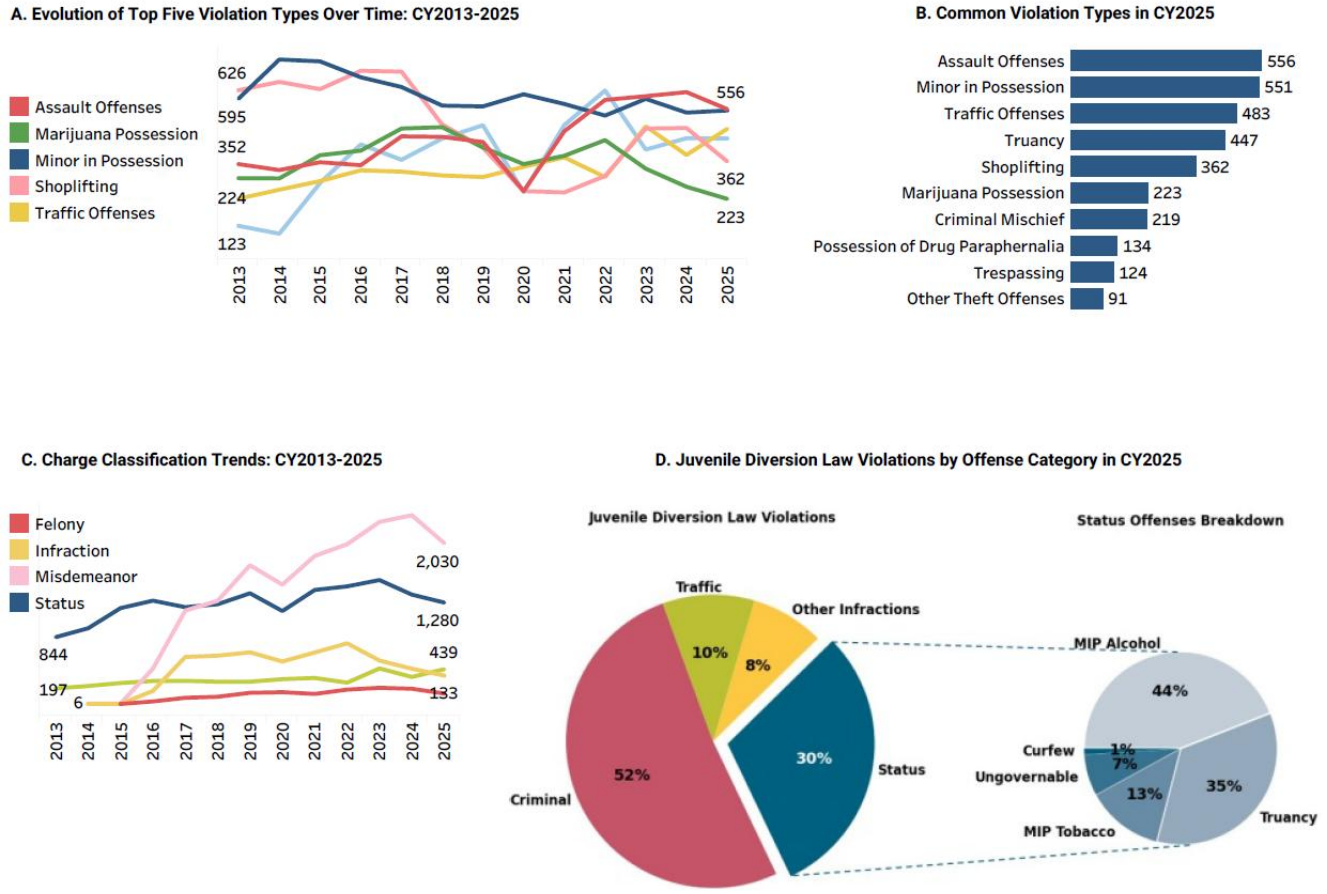
As Figure 7 (Chart A) illustrates, diversion programs operate on a much larger scale, averaging 3,281 referrals annually compared with 314 for truancy. Diversion referrals generally declined over 2013-2025, although there were fluctuations from year to year. Truancy referrals, while considerably lower in volume, increased substantially from the beginning of the period and fluctuated in later years. Both programs had high enrollment rates, with truancy generally showing slightly higher rates than diversion (Chart C), indicating that most referred youth proceeded to enrollment. Discharge patterns broadly followed those of referrals and enrollments, with diversion showing an overall decline and truancy fluctuating at much lower levels (Chart D). The clearest difference between the two programs emerges in successful completion. As shown in Chart E, diversion programs consistently reported substantially higher successful discharge rates, generally remaining in the 80–86% range in recent years. In contrast, truancy success rates were considerably lower and more variable, generally ranging from 50% to 63% and declining to 51% in 2025.[19]

[19] Truancy programs might apply stricter criteria for determining success, such as requiring perfect attendance, which could contribute to lower reported success rates over time.

Law Violations

Between 2013 and 2025, Nebraska's juvenile diversion program primarily addressed low-level offenses. As illustrated in Figure 8 (Chart C) misdemeanor charges comprised the vast majority of cases.[20] In 2025, the most common violations included assault offenses, minor in possession of alcohol, and traffic offenses (Chart B). [21] The first two offenses were consistently among the top violations over the years (Chart A). While criminal offenses made up 52% of diversion referrals, status offenses, such as truancy and underage alcohol possession, accounted for 30%, with MIP alcohol and truancy comprising the largest shares within this category.

Figure 8: Law violations referred to diversion CY2013-2025



[20] Approximately 28% of charge classification data in Chart C is missing, primarily affecting the period prior to 2019, therefore caution is warranted in interpretating early-year trends.

[21] The sample consists of 4,306 cases with known information on specific law violations and 143 cases where this information is missing. A single youth may have multiple charges. Included within the law violation 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. Assault offenses include assault, 3rd degree assault, assault by mutual consent, domestic assault, sexual assault violations, assault officer with bodily fluid, and assault officer/health care professional. Traffic offenses include 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. Other theft offenses include theft- unlawful taking; theft- receiving stolen property, theft by deception, theft of lost or mislaid item, and theft of services.

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).[22] Felony charges remained rare. This pattern is to be expected, since diversion programs are primarily used for less severe offenses.

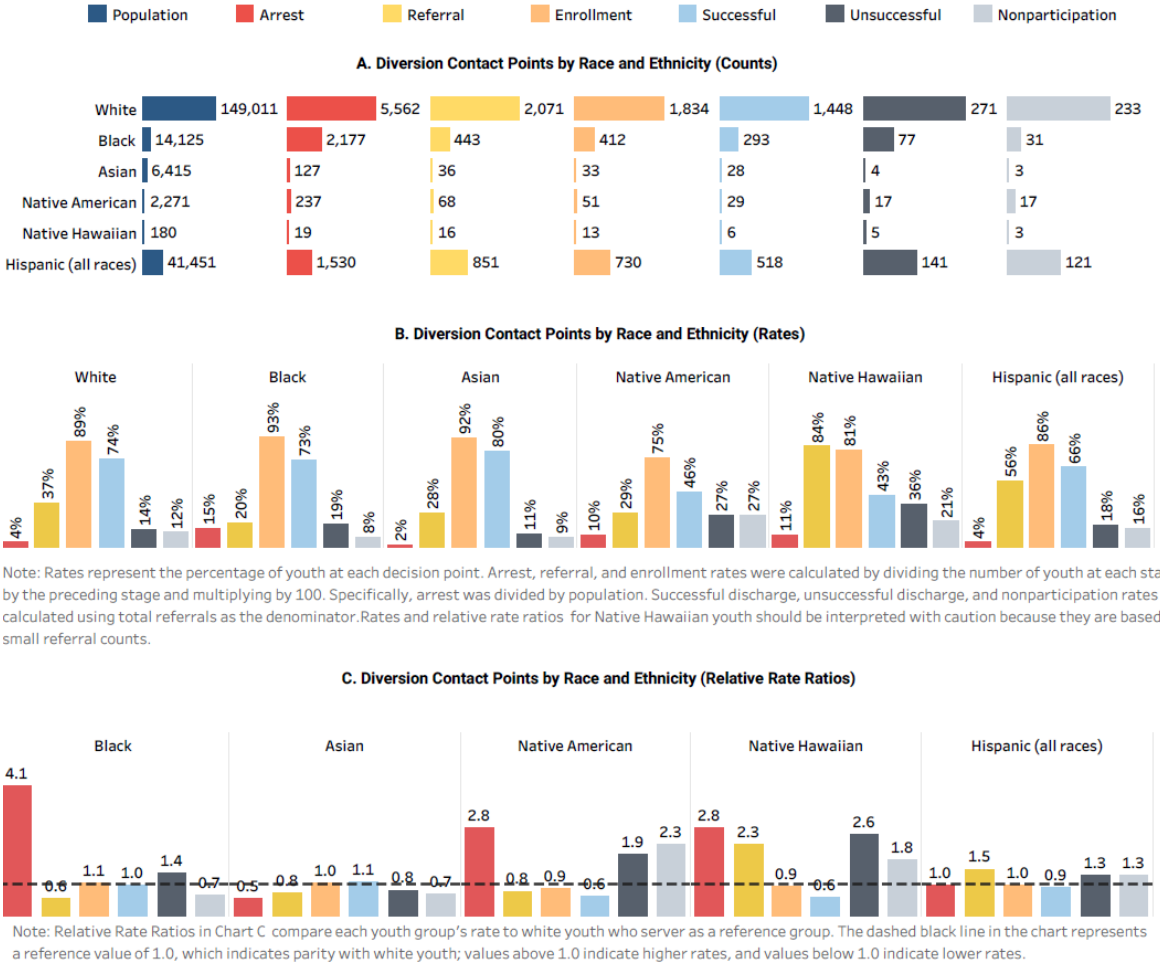
Disparities in Diversion

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 9 illustrates juvenile population, arrest, and referral, enrollment, completion, and nonparticipation percentages in the diversion program by race and ethnicity.[23] Data on arrest is examined in relation to youth population data. Data on referral to diversion program is examined in relation to 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 relation to enrollment rates.

[22] 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.

[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 9: Diversion points by race and ethnicity



Note: Rates represent the percentage of youth at each decision point. Arrest, referral, and enrollment rates were calculated by dividing the number of youth at each stage by the preceding stage and multiplying by 100. Specifically, arrest was divided by population. Successful discharge, unsuccessful discharge, and nonparticipation rates were calculated using total referrals as the denominator.Rates and relative rate ratios for Native Hawaiian youth should be interpreted with caution because they are based on small referral counts.

Note: Relative Rate Ratios in Chart C compare each youth group's rate to white youth who server as a reference group. The dashed black line in the chart represents a reference value of 1.0, which indicates parity with white youth; values above 1.0 indicate higher rates, and values below 1.0 indicate lower rates.

Looking across Charts A, B, and C, the racial and ethnic disparities are most noticeable at the earlier stages of the juvenile justice process. Black and Native American youth had higher arrest rates than white youth. For example, as indicated in Chart C, about 15% of Black youth in the population experienced an arrest compared with 4% of white youth. This corresponds with the relative rate ratio of 4.1 in Chart C, which means that the arrest rate for Black youth was about four times the rate for White youth. As it pertains to referrals, Hispanic youth were referred to diversion at a higher rate among those who were arrested. As shown in Charts B and C, however, some of these early-stage differences narrow once youth enter diversion. For example, Black youth had enrollment and successful discharge rates that were close to those of white youth. Native American youth showed a different pattern, with lower successful discharge rates and higher rates of unsuccessful discharge or nonparticipation than white youth.

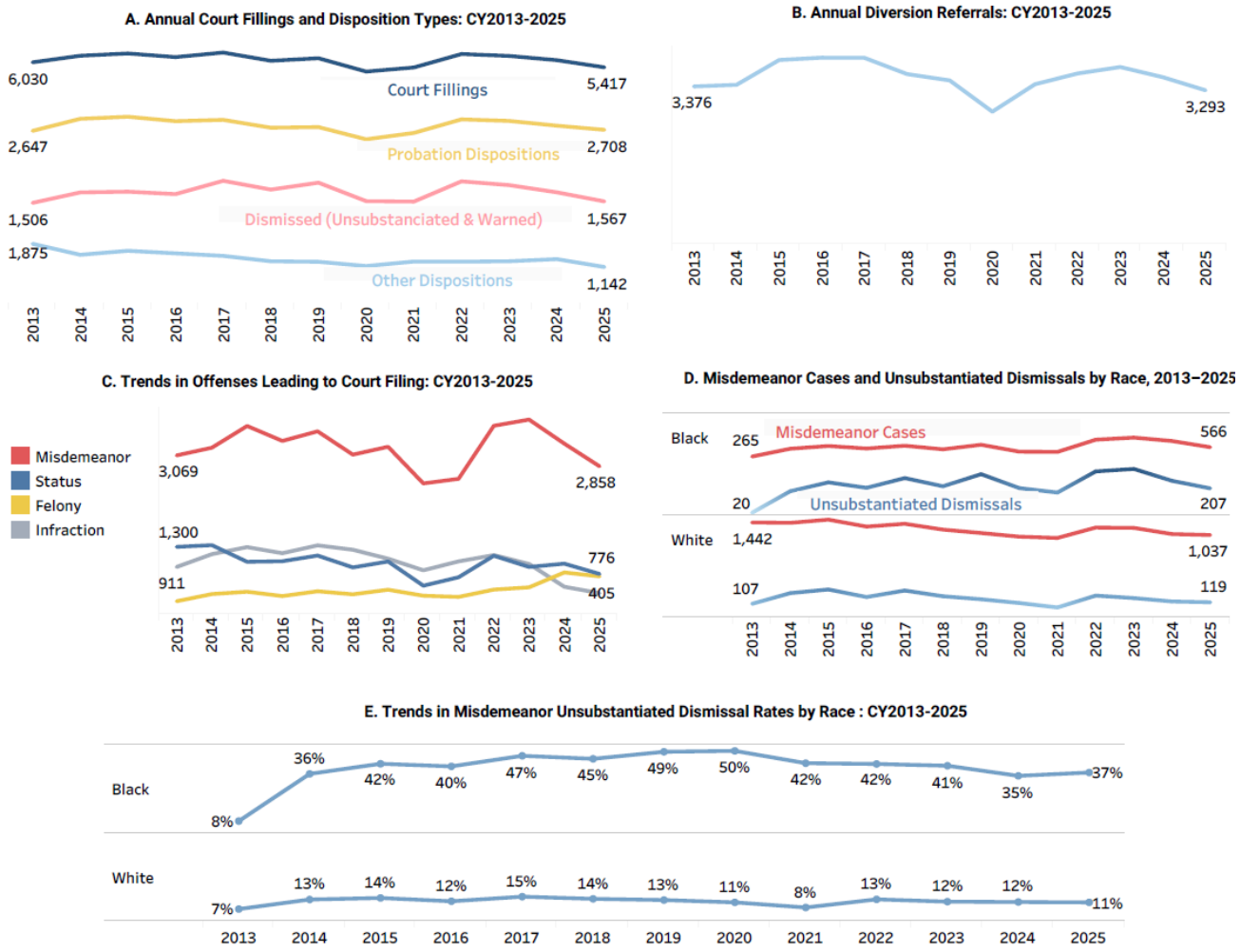
System Involvement

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 youth are provided the opportunity to participate in diversion. Figure 10 shows the number of diversion referrals compared to court filings and probation placements and other dispositions between 2013 and 2025.[24] As shown in Chart A, annual court filings fell from about 6,030 in 2013 to 5,417 in 2025, a decline of roughly 10%. Other dispositions declined more substantially, from 1,875 to 1,142, while formal probation and dismissed/unsubstantiated and dismissed-warned cases remained relatively stable. The overall decline in court filings is driven more by reductions in other types of dispositions than by a broad decline in probation or dismissal outcomes. In contrast to court filings, the number of diversion referrals remained fairly stable over the same period.

Misdemeanor offenses continued to account for the largest share of offenses leading to court filing (Chart C). Racial differences are particularly evident in misdemeanor case outcomes. The number of misdemeanor cases involving Black youth increased from 265 in 2013 to 566 in 2025, while cases involving white youth declined from 1,442 to 1,037 (Chart D). The rate of unsubstantiated dismissals among misdemeanor cases involving Black youth increased from 8% to 37% over the period, compared with an increase from 7% to 11% among white youth. By 2025, the unsubstantiated dismissal rate for Black youth was more than three times that of white youth (Chart E).

[24] While court filings and probation placement data are based on JUSTICE, diversion referral data derives from Juvenile Data Case Management System (JDCM).

Figure 10: System involvement overview: Court filings, dispositions, and racial disparities in case outcomes, CY2013-2025



As shown above, Black youth experience a disproportionately high arrest rate relative to their share of the youth population. This disparity is especially concerning when considered alongside the increase in dismissed misdemeanor cases among youth with no prior record. Taken together, these findings suggest that Black youth may be more likely to enter the justice system through an arrest that ultimately does not result in a substantiated misdemeanor case. While these data cannot establish conclusively whether the arrests were false or explain why the disparity exists, they raise important questions about whether differences in enforcement, referrals, or case screening may contribute to the disproportionate system involvement for Black youth.

Diversion and Recidivism

This section uses data on 53,971 youth discharged from diversion between 2005 and 2024. It examines whether completing diversion successfully is associated with reduced rates of recidivism. The analysis compares outcomes for youth who completed the program with those who were unsuccessfully discharged or who did not participate in diversion at all. It also considers these outcomes by adjusting for baseline risk levels. Recidivism data comes from juvenile court reports submitted to the Nebraska Crime Commission through the JUSTICE system, while program participation data derives from the Juvenile Diversion Case Management System (JDCMS) and the Douglas County Juvenile Assessment Center.

The report uses two measures of recidivism: rearrest and reconviction. The rearrest measure includes new felony, misdemeanor, or status offense referrals, infractions, and city or village ordinance violations. The reconviction measure includes felony or misdemeanor adjudications, or a final conviction for Class W misdemeanor that is based on a violation of state traffic laws or city or village ordinances. The reconviction measure is based on Nebraska's uniform definition of juvenile recidivism established in Nebraska Supreme Court Rules § 1-1001.

Both recidivism measures are tracked over one- and three-year periods following discharge from diversion. Each youth's follow-up period begins on their individual discharge date. Youth were included in each recidivism calculation only if sufficient data were available to observe the entire one-, two-, or three-year follow-up period.

Across both measures and all follow-up periods, the results show that youth who successfully completed diversion had lower recidivism rates than those who did not complete the program. Additionally, an analysis of recidivism over time using an interrupted time-series model found that the reconviction rates significantly declined statewide following the passage of LB 561 in 2013. The relationship between diversion completion outcome and recidivism remained after accounting for baseline risk levels. When examining risk levels independently, results show that youth with higher risk levels had higher recidivism rates and are more likely to recidivate than youth with lower risk levels. Those who did not successfully complete the program have higher risk of recidivism even after accounting for differences in baseline risk levels.

Average Recidivism Rates following Discharge from Diversion, 2005-2024

Table 1 summarizes data on rearrest and reconviction rates for youth discharged from diversion, based on one-, two-, and three-year follow-up periods. The rates represent averages across diversion discharge cohort from 2005 through 2024 with complete follow-up for each period. For each discharge cohort, rearrest and reconviction rates were calculated separately and then averaged across cohorts with sufficient follow-up time. Because more recent cohorts have not yet accumulated enough time for longer periods of observation, the cohorts included in the one-, two-, and three-year estimates are not identical.

As shown in the table, the average one-year rearrest rate across cohorts was 21%. The average rearrest rate increased to 33% within two years and 42% within three years. Reconviction rates were lower but followed a similar pattern, increasing from an average of 15% within one year to 25% within two years and 32% within three years.

Table 1: Average rearrest and reconviction rates following discharge from diversion, 2005-2024

Follow-up period after discharge	Number of discharge cohorts	Rearrest Rate	Reconviction Rate
1 Year	20	21%	15%
2 Years	19	33%	25%
3 Years	18	42%	32%

Both measures of recidivism communicate the same trend, i.e., as more time elapses after discharge from diversion, a greater proportion of youth relapses into criminal behavior.

How do these results compare with other studies? In a multi-state study of youth discharged from probation across 20 sites in five states, researchers found that one-year rearrest and reconviction rates were 33%, 12%, respectively. [25] By comparison, the State of Nebraska diversion youth had rearrest and reconviction rates of 21% and 15%, respectively. Although the populations and methods differ, Nebraska's diversion youth had a lower rearrest rate but a slightly higher reconviction rate.

Recidivism by Diversion Discharge Status, 2005-2024

Recidivism rates also varied substantially by diversion discharge outcome from 2005 through 2024. Table 2 shows average rearrest and reconviction rates for youth by discharge status. To reiterate, the rates represent averages across diversion discharge cohorts with complete follow-up for each period. As indicated in the table, youth who successfully completed diversion consistently had the lowest recidivism rates, with rearrest increasing from 18% within one year to 37% within three years, and reconviction rates increasing from 14% to 28% over the same period. Youth who did not successfully finish the program had the highest rates across all follow-up periods, with rearrest increasing from 34% within one year to 59% within three years, and reconviction increasing from 23% to 43% over the same period. For those who were referred but did not participate in the diversion program, the rates generally fell between the two groups. The widening gap between successful and unsuccessful participants over time suggests that program completion has longer lasting protective effects against reoffending.

Table 2: Average rearrest and reconviction rate by diversion discharge status

Diversion Discharge Status	1-Year	2-Year	3-Year
Successful Discharge	18% / 14%	29% / 22%	37% / 28%
Nonparticipation/Other	24% / 15%	36% / 25%	45% / 31%
Unsuccessful Discharge	34% / 23%	49% / 35%	59% / 43%

Note: Each cell reports the rearrest rate followed by the reconviction rate

For context, these outcomes can be compared with recidivism among youth discharged from probation. As shown above, the one-year reconviction rate for youth successfully completing diversion was 14%. According to data by the Nebraska Judicial Branch, youth who successfully completed probation in 2023 had a 17% recidivism rate.[26] While the two groups may differ in their risk profiles, the lower rate among successful diversion completers suggests that diversion can achieve comparable or slightly better outcomes than probation in preventing youth from becoming system-involved.

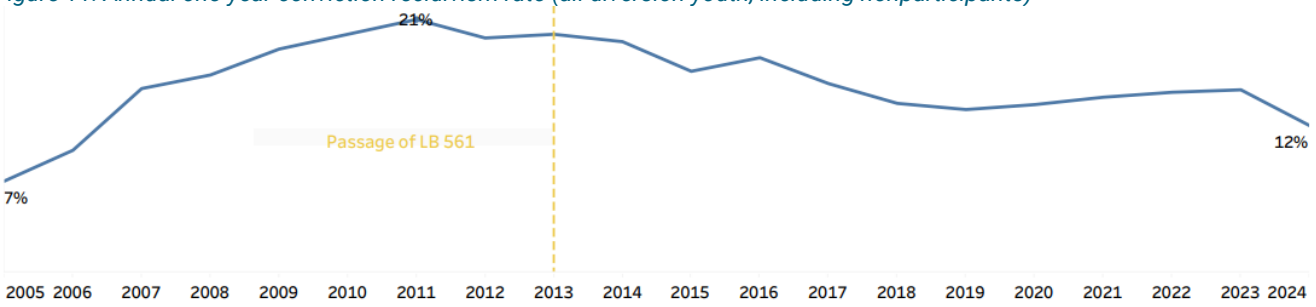
[25] Robertson AA, Fang Z, Weiland D, Joe G, Gardner S, Dembo R, McReynolds L, Dickson M, Pankow J, Dennis M, Elkington K. Recidivism Among Justice-Involved Youth: Findings From JJ-TRIALS. Crim Justice Behav. 2020 Sep;47(9):1059-1078. doi: 10.1177/0093854820922891. Epub 2020 May 25. PMID: 35846112; PMCID: PMC9285988. https://pmc.ncbi.nlm.nih.gov/articles/PMC9285988/ (last accessed 9/22/2026)

[26] Summary data on recidivism rate for probation program is from State of Nebraska Judicial Branch's Juvenile Justice System Statistical Annual Report, 2024 (last accessed 9/22/2026).

Recidivism Trends Over Time

Figure 11 illustrates one-year reconviction rates from 2005-2024. The charts show that rates increased substantially from the earliest discharge cohorts, reaching approximately one-quarter of youth during the early-to-mid 2010s. Rates subsequently declined, with recent complete cohorts generally falling below the levels observed during that earlier period. This decline coincides with the passage of the legislative bill (LB 561) in 2013 shown in dashed vertical yellow line in the charts. This legislative initiative established the Juvenile Diversion Program Administrator within the Nebraska Crime Commission to strengthen the local juvenile diversion programs. The commission has done so by providing funds, supporting monitoring and evaluation services, and promoting best-practice guidelines to these programs.

Figure 11: Annual one-year conviction recidivism rate (all diversion youth, including nonparticipants)



To examine whether the 2013 statewide diversion reform coincided with a change in recidivism trends beyond what might be observed in a simple before-and-after comparison, Figure 12 presents results from an interrupted time-series (ITS) analysis of quarterly diversion discharge cohorts. Charts A, B, and C visualize the trajectory of recidivism for all diversion participants, successful diversion completers, and unsuccessful diversion discharges, respectively. Table 3 reports the corresponding ITS estimates for all three groups, while Table 4 compares observed post-reform recidivism events with those expected under the preferred quadratic counterfactual projection.[27]

As indicated in Table 3, among all youth discharged from diversion, one-year recidivism was increasing before the reform, rising by about 0.31 percentage points per quarter. After the reform, that pattern changed noticeably. The trend shifted downward by about 0.43 percentage points per quarter compared with the pre-reform trend ($p < .001$). There was also an immediate decline of about 2.5 percentage points in recidivism ($p = .028$). After that initial decline, recidivism continued to decrease, although more gradually, by about 0.13 percentage points per quarter.

Chart A helps put this change into perspective. The pink dashed line shows what would have been expected if the upward pre-reform trend had simply continued. The green dotted line represents a more conservative estimate that takes into account the fact that recidivism had already begun to level off before the reform. Under this more conservative estimate, about 6,556 recidivism events would have been expected between 2013 Q1 and 2024 Q4. In reality, 5,077 events were observed,1,479 fewer events than expected, or about 23% fewer than projected (see Table 4).

The decline was even more pronounced among youth who successfully completed diversion. As indicated in Chart B and Table 3, before the reform, the one-year recidivism rate was increasing by about 0.34 percentage points per quarter. After the reform, the trend shifted downward by about 0.46 percentage points per quarter ($p < .001$), along with an immediate decline of about 2.6 percentage

[27] Because recidivism is measured quarterly, the analysis used a four-quarter Newey–West adjustment to account for the possibility that results from one quarter may be related to results from previous quarters. Although the strongest autocorrelation was observed at one quarter, using four quarters provides a conservative adjustment that accounts for potential patterns occurring over the course of a year.

points (p = .020). Recidivism then continued to decline by about 0.12 percentage points per quarter. If the pre-reform pattern had continued, the more conservative counterfactual estimates that approximately 4,769 recidivism events would have occurred after the reform. Instead, 3,620 events were observed,1,149 fewer than expected, or about 24% fewer than projected.

A similar pattern was seen among youth whose diversion ended unsuccessfully. As shown in Chart C and Table 3, their recidivism rate was increasing by about 0.36 percentage points per quarter before the reform (p < .05), the steepest increase of the three groups. After the reform, the trend shifted downward by about 0.50 percentage points per quarter (p < .01), the largest change observed among the three groups. There was also an immediate decline of about 3.1 percentage points, although this change was only marginally significant (p < .10). Under the more conservative counterfactual, approximately 1,826 recidivism events would have been expected, compared with 1,457 observed events, 369 fewer events, or about 20% fewer than projected (see Table 4). The results show a clear shift in recidivism after the reform. Before the reform, recidivism was increasing among all youth, as well as among both successful and unsuccessful discharges. After the reform, recidivism declined in all three groups. Compared with what would have been expected if the earlier trends had continued, there were approximately 20% to 24% fewer recidivism events after the reform.

The fact that recidivism declined among both successful and unsuccessful discharges suggests that the change was not limited to youth who successfully completed diversion. Instead, it may reflect broader changes affecting youth in the diversion system. However, there is an important limitation. Recidivism had already begun to level off before the reform, with the estimated turning points occurring about one to two years before the reform. Therefore, while the timing of the reform coincides with a substantial decline in recidivism, these results alone cannot establish that the reform caused the decline.

Figure 13: One-year conviction recidivism following diversion discharge

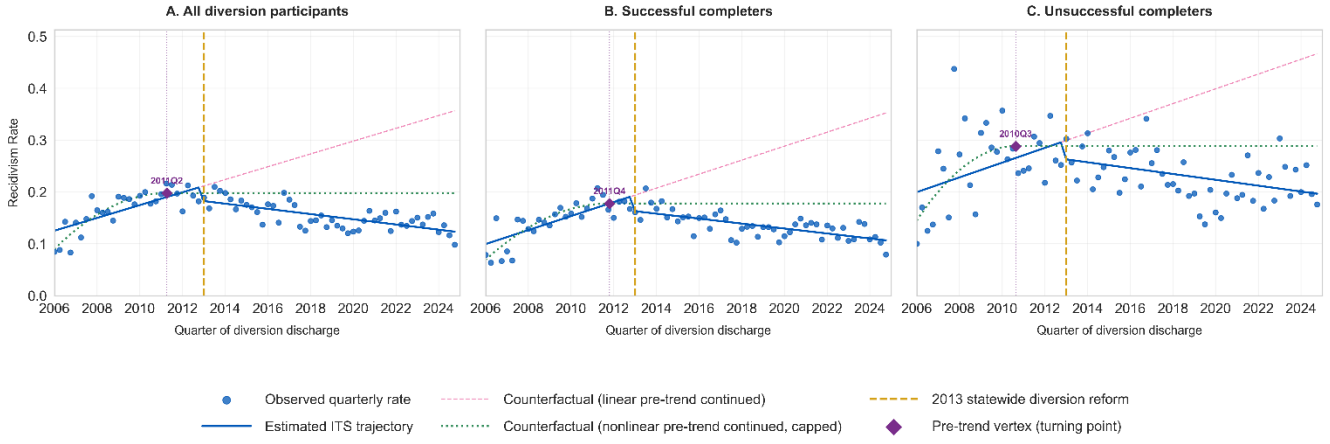


Table 3: Interrupted time-series estimates of changes in one-year conviction recidivism following the 2013 diversion reform.

	All Discharges	Successful Discharges	Unsuccessful Discharges
Pre-reform trend	0.0031***	0.0034***	0.0036*
Immediate level change	-0.0249*	-0.0264*	-0.0313†
Change in post-reform trend	-0.0043***	-0.0046***	-0.0050**
Post-reform trend	-0.0013	-0.0012	-0.0014
N (quarters)	76	76	76
Pre-reform quarters	28	28	28
Post-reform quarters	48	48	48

Notes: Coefficients represent changes in the quarterly one-year conviction recidivism rate. Standard errors are HAC (Newey-West, 4 lags).
*†p<.10, *p<.05, **p<.01, ***p<.001*

Table 4: Observed and counterfactual one-year recidivism following the 2013 diversion reform.

	All Discharges	Successful Discharges	Unsuccessful Discharges
Observed recidivism events	5,077	3,620	1,457
Expected events under quadratic counterfactual	6,556	4,769	1,826
Estimated events below counterfactual	1,479	1,149	369
Difference from counterfactual (%)	22.6%	24.1%	20.2%
Pre-reform quadratic term	-0.00024***	-0.00020***	-0.00042**
p-value	0.000	0.001	0.006

One-Year Conviction-Based Recidivism Rates and Youth Baseline Risk Level

The analysis in this subsection examines whether differences in recidivism are related to diversion discharge status and baseline risk level as measured by the Nebraska Juvenile Service Assessment Tool (NSAT). The analysis tracks recidivism one year following discharge from diversion for juveniles who underwent risk assessment in 2023-2024. Recidivism is defined as receiving a new conviction within one year following discharge from the diversion program. This subsection addresses three related questions: (1) whether diversion completion rates vary by NSAT risk level; (2) whether subsequent recidivism rates differ across risk levels; and (3) whether successful completion of diversion is associated with lower rates of recidivism among youth with similar assessed levels of risk.

The original sample included 1,651 youth for whom diversion outcome, one-year conviction recidivism, and NSAT risk information were available. There were no missing values for any of the variables included in the analysis. Since comparing successful and unsuccessful completers was of primary interest, the final analytic sample chosen for the analysis included 1,323 youth (80%) who successfully completed diversion, and 328 youth (20%) who did not successfully complete the program. Figure 14

provides information about the distribution of diversion participants and risk levels and other charts that bear on the aforementioned questions.

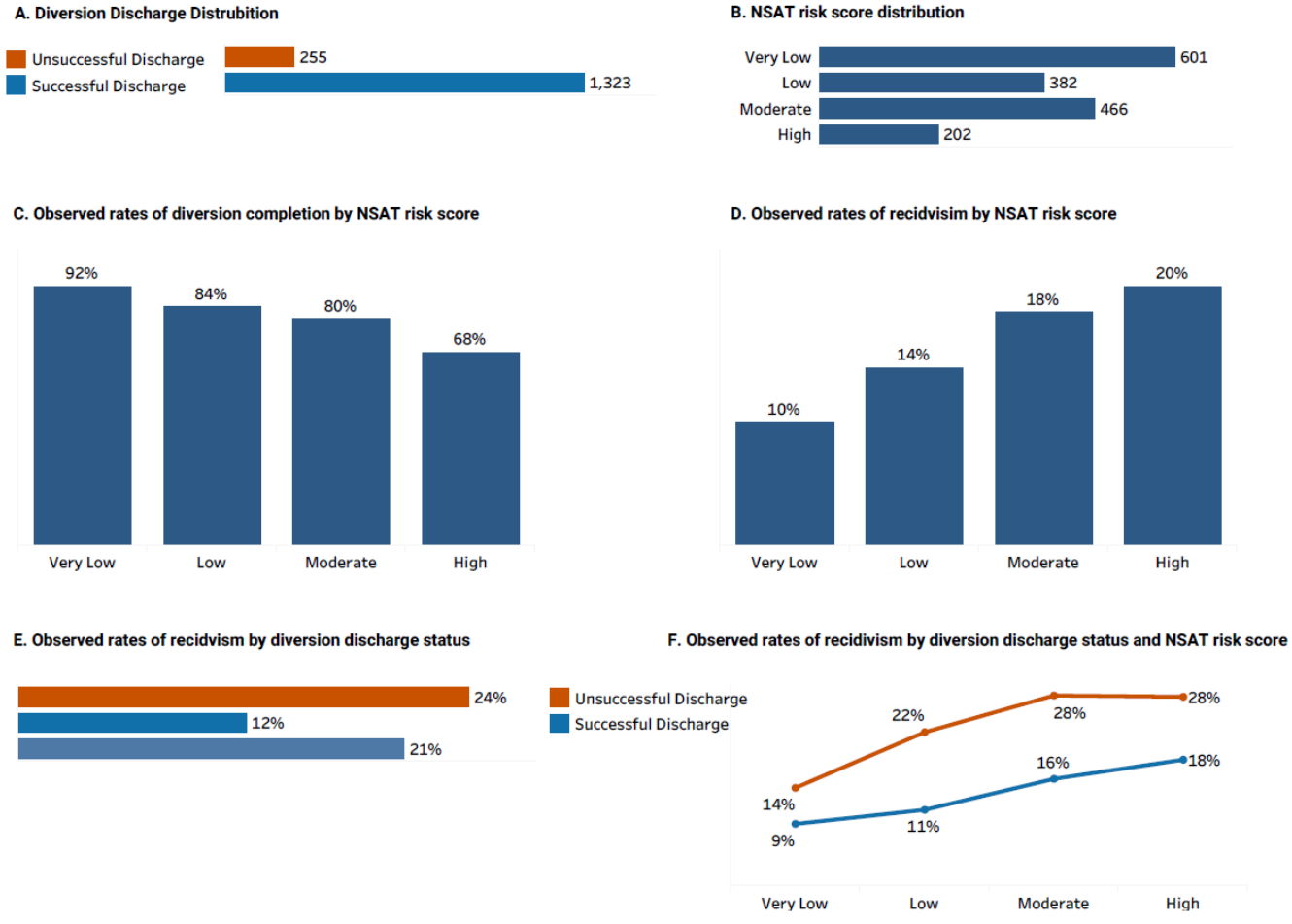
Does diversion completion rate vary by NSAT risk level?

Yes. Diversion completion is strongly associated with youth's assessed risk level. As indicated in Chart C , completion rates declined in stepwise fashion as risk level increased, ranging from 92% among youth classified as very low risk to 68% among youth classified as high risk. The 24-percentage-point gap between the very low and high-risk groups is substantively meaningful, and the overall association between diversion completion status and risk level is statistically significant ($\chi^2(3, N = 1{,}578) = 63.21$, $p < .001$).

Does one-year recidivism rate vary by NSAT risk level?

Yes. One-year reconviction rate also varies significantly by NSAT risk level, $\chi^2(3, N = 1{,}578) = 24.41$, $p < .001$. As illustrated in Chart D, reconviction rates rose monotonically with risk classification. This pattern is consistent with the NSAT's intended ordering of risk: youth classified at higher baseline risk experienced higher rates of subsequent reconviction. While this result provides evidence that NSAT risk classification is associated with subsequent outcomes within the diversion population, the broader validation presented in the Appendix provides a more comprehensive assessment of the tool's predictive performance.

Figure 14: Diversion discharge status, NSAT risk levels, and recidivism.



Does recidivism vary by risk level and diversion completion?

Yes. As a first step, the analysis looked at reconviction rates by diversion completion status. As illustrated in Chart E, youth who successfully completed the program had a significantly lower recidivism rate than youth who did not successfully complete the program. This difference was statistically significant (Chi-square = 23.463, df = 1, p = 0.00000127). When examined in combination with risk level, the analysis shows that at every level of assessed baseline risk, youth who successfully completed diversion had a lower observed recidivism rate than youth who were unsuccessfully discharged. As shown in Chart F and Table 5, the gap was largest among youth assessed as being a moderate risk.[28]

Table 5: Observed rates of recidivism by diversion discharge status and risk level.

NSAT Risk Level	Successful Discharge	Unsuccessful Discharge	Absolute Reduction	Relative Reduction
Very Low	9%	14%	5%	37%
Low	11%	22%	11%	51%
Moderate	16%	28%	12%	44%
High	18%	28%	10%	33%

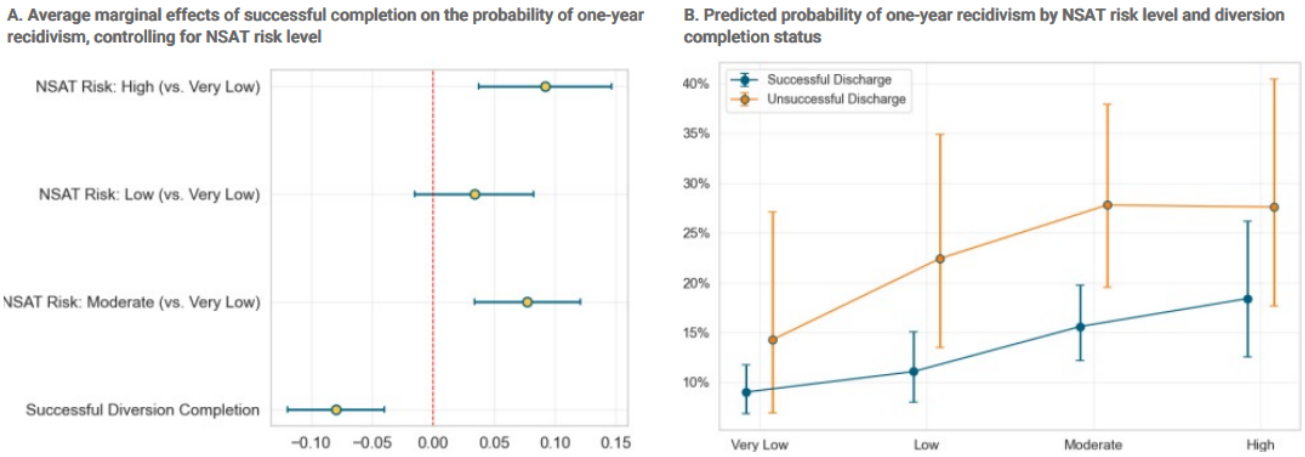
Results based on regression analysis provide strong evidence that successful completion of diversion is associated with lower one-year recidivism, even after taking a youth's baseline NSAT risk level into account. Youth who successfully completed diversion had approximately 49% lower odds of recidivism than youth who received an unsuccessful discharge (OR = 0.51, 95% CI [0.36, 0.72], p < .001). Put simply, among youth with the same level of assessed risk, those who successfully completed diversion had about half the odds of a new conviction as those who did not successfully complete the program.

The size of this difference is also meaningful when expressed as probability. As shown in chart A, across the 1,578 youth in the analysis, successful completion was associated with an average 8-percentage-point lower predicted probability of one-year reconviction (AME= −0.080, 95% CI [−0.120, −0.040], p < .001), after accounting for baseline risk. In practical terms, this represents about 8 fewer predicted recidivism events for every 100 youth who successfully complete diversion. Across the full analytic sample, the model-estimated difference corresponds to approximately 126 fewer predicted recidivism events. To reiterate, these are adjusted model-based estimates of the difference associated with successful completion, rather than as a count of convictions definitively prevented.

In the model baseline risk levels are important as well. As indicated in Chart B, compared with low- risk youth, those classified as high and moderate risk had significantly higher predicted recidivism, while low-risk youth did not differ significantly from the very low-risk group. Although the interaction term between successful completion and risk level was not statistically significant($\chi^2(3) = 0.54$, p = .909), the size of the difference varied somewhat across risk groups as displayed in Chart B. At every risk tier, youth who successfully completed the program had lower predicted probability of recidivism than youth who did not successfully complete the program.

[28] Tested independently within each level, this association reached statistical significance at Low risk ($\chi^2 = 4.63$, p = .031) and Moderate risk ($\chi^2 = 6.42$, p = .011), but not at Very Low risk ($\chi^2 = 0.90$, p = .34) or High risk ($\chi^2 = 1.48$, p = .22).[28] The pooled, unadjusted association between completion and recidivism across the full sample was strong: $\chi^2(1, N = 1,578) = 23.46$, p < .001.

Figure 15: Overall effect of diversion completion on one-year recidivism by NSAT risk level.



Three main findings stand out from this analysis. First, a youth's baseline NSAT risk level is closely related to how likely they are to successfully complete diversion. Lower-risk youth completed diversion at substantially higher rates than higher-risk youth. Second, NSAT risk level was also related to one-year conviction recidivism, recidivism increased as assessed risk increased. This pattern is consistent with the NSAT doing what it is intended to do, identify differences in the likelihood of future offending. Third, and most importantly for evaluating diversion, youth who successfully completed diversion had lower one-year recidivism than youth with an unsuccessful discharge at every NSAT risk level examined. The overall association remained strong after accounting for baseline risk, even though the difference did not reach statistical significance within every individual risk group.

These findings should be interpreted with caution. Diversion participants were not randomly assigned. Youth who complete diversion successfully may differ from those who do not in ways that are not captured in the data, such as motivation, family circumstances, or available support. These factors could influence both the likelihood of completing diversion and the likelihood of later reoffending. For that reason, the finding that successful completion is associated with lower odds of recidivism should not be interpreted as proof that successful completion itself caused the reduction. Rather, it represents a strong association that remains after accounting for the youth's baseline NSAT risk.

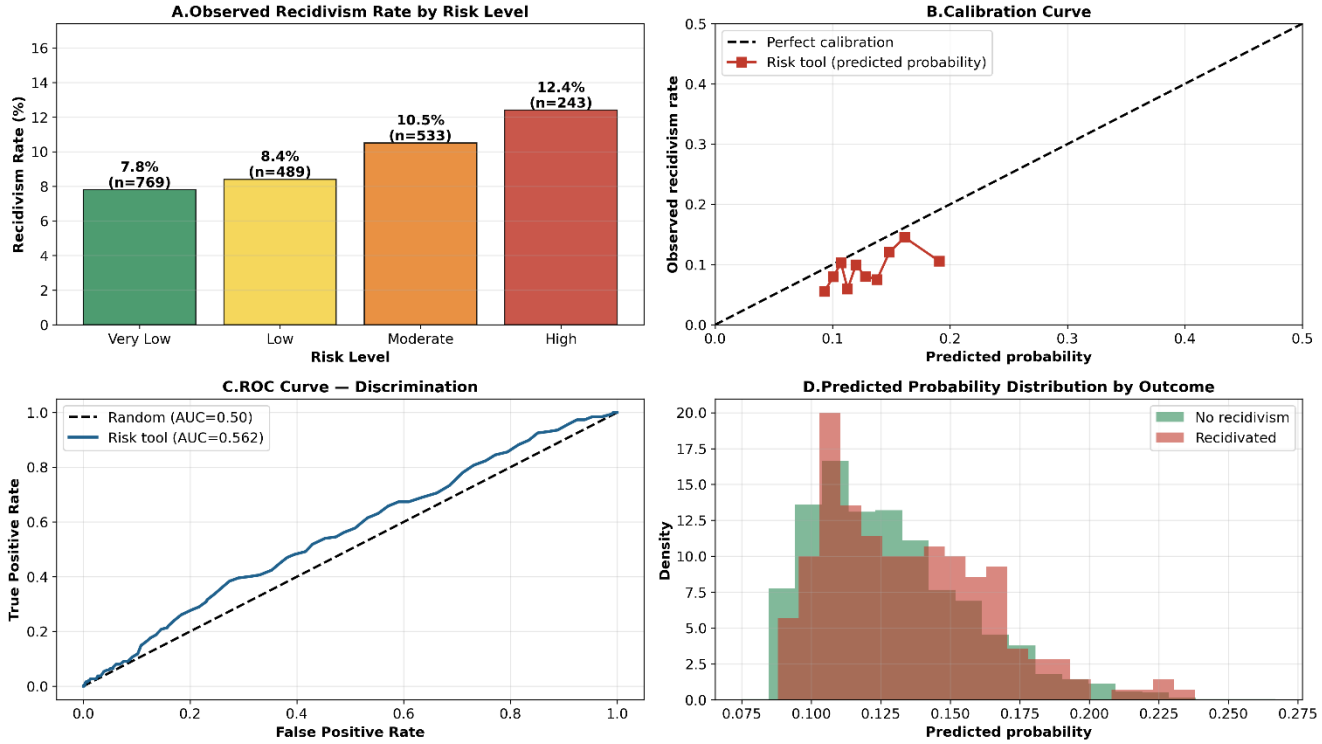
Nebraska Screen and Assessment Tool (NSAT)

This section evaluates the validity of the Nebraska Screen and Assessment Tool (NSAT) in predicting recidivism. Developed in collaboration between the Nebraska Crime Commission and the University of Nebraska's Nebraska Center for Justice Research (NCJR), the NSAT standardizes assessments of youth referred to juvenile diversion programs in Nebraska. The NSAT data is housed within the Nebraska Criminal Justice Information System (NCJIS), a secure online platform used for administering and storing assessment records. As a comprehensive risk and needs assessment system, NSAT features a brief risk screener, an optional hybrid screener that can expand to assess additional need domains as needed, and a full risk and needs assessment. The tool was validated using data from Nebraska's diversion programs alongside a nationally representative sample to identify the most relevant questions and weighting for Nebraska youth. Following its initial statewide implementation, the NSAT has been undergoing validation and refinement to enhance its predictive accuracy over time.

To examine how well risk scores predict one-year recidivism, 2023–2024 intake screening data were matched with juvenile court records through 2026. Recidivism is defined as a new conviction occurring within one year after the assessment date, with both the underlying offense and conviction occurring after the assessment date. The reconviction measure follows Nebraska's uniform definition of juvenile

recidivism established in Nebraska Supreme Court Rules § 1-1001. It includes felony or misdemeanor adjudications and final convictions for Class W misdemeanors resulting from violations of state traffic laws or city or village ordinances. The pooled sample includes 2,034 youth from 44 counties. In the sample 1,986 youth completed screeners and 48 completed assessments. Youth ranged from ages 9 to 20, with most between ages 15 and 17. Males comprised 60% of the sample and females 40%. White youth represented 69% of the sample, followed by youth in the combined Other category (15%), Black youth (12%), and approximately 5% with unspecified race.

Figure 16: NSAT risk assessment: one-year recidivism validation.

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VALIDATION SUMMARY
  Monotonicity:                    ✓ PASS
  Chi-square (nominal assoc.):  χ² = 6.159    p = 0.1041    (not significant)
  Cochran-Armitage (trend):     Z = 2.413     p = 0.0158    (✓ significant trend)
  AUC (ordinal risk level): 0.550      AUC (continuous probability): 0.562
  Brier Score (model):      0.0847
  Brier Score (baseline — always predict 9.2%): 0.0835
  BRIER SKILL SCORE (BSS): -0.0146   → model does NOT outperform the base-rate forecast
```

The overall one-year recidivism rate in the sample is 9%. Of the 2,034 youth assessed, 187 had a new conviction within a year of assessment. The distribution of risk classifications ranges from very low, low, moderate, and high. Based on intake assessments, 38% of the youth (n=769) were rated as very low risk, 24% (n=489) as low risk, 26% (n=533) as moderate risk, and 12% (n=243) as high risk for reoffending. Risk calculation refers to the risk of the youth of further justice system involvement within one year of assessment. 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 of reoffending.

Figure 16 presents several measures of the NSAT’s predictive performance. As shown in Chart A, one-year recidivism increased across the four risk levels, from 7.8% among very low-risk youth to 12.4% among high-risk youth. This represents a 4.6-percentage-point difference, with the high-risk group experiencing about 1.6 times the recidivism rate of the very low-risk group. Based on the trend test, this increasing pattern is statistically significant ((Z=2.413, p=.0158), even though the overall differences in

recidivism rates across risk categories is not (χ^2 = 6.159, p = .104). Chart B shows how well NSAT is calibrated using the Brier score. Brier Score measures how accurately the recidivism probabilities assigned to each youth by the NSAT match the actual outcome. Lower Brier scores are preferrable as they indicate more accurate predictions; a Brier score of 0 represents perfect accuracy.
Based on the results, NSAT tends to overestimate recidivism risk, with observed rates falling below the predicted probabilities across most of the range. The Brier score was 0.0847, slightly worse than the 0.0835 score obtained by simply assigning every youth the overall 9.2% recidivism rate. The resulting Brier Skill Score of −0.015 indicates that the NSAT did not improve prediction over this simple baseline.

The NSAT also showed limited ability to distinguish between youth who did and did not recidivate. Chart C displays Area Under the Receiver Operating Characteristic Curve (AUC). As a statistical tool, AUC assess how well a predictive tool distinguishes between individuals who experience an outcome of interest and those who do not.[29] For purposes of this report, AUC measures how often a randomly selected youth who recidivated had a higher predicted risk score (assigned by the NSAT) than a randomly selected youth who did not recidivate. An AUC score of 1.0 indicates perfect discriminatory ability, whereas a score of 0.5 means that the tool's performance is equivalent to random chance. As illustrated in Chart C, the AUC score was 0.562, only modestly above chance (0.50). In other words, only in about 56 % of cases, NSAT correctly gave a higher risk score to the youth who recidivated than the youth who did not recidivate. Chart D further illustrates the NSAT's limited ability to discriminate between youth who did and did not recidivate. The two groups show substantial overlap in their predicted probabilities, rather than the clear separation that would be expected from a highly discriminating tool. Ideally, youth who subsequently recidivate would have consistently higher predicted probabilities, while those who do not recidivate would have lower predicted probabilities, with relatively little overlap between the two groups. The substantial overlap depicted in Chart D is indicative of the risk assessment tool's limited ability to separate between the two groups. Hence, the relatively low AUC of 0.562.

These results provide an opportunity to further refine the NSAT. As stated, the tool generally ordered youth in the expected direction, but its ability to distinguish between youth who did and did not recidivate is limited. Therefore, periodic validation and, if appropriate, recalibration using State of Nebraska court data may help ensure that the tool performs as intended for the population in which it is being used.

Limitations within the 2025 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, the Nebraska Crime Commission is unable to determine if the youth enrolled or completed the program successfully. Further, race and ethnicity were reported together as one field in some data sources but not others, and lack of arrest data for multiple race categories precluded a comprehensive analysis of racial disparities. Finally, incomplete risk score data is an ongoing concern that limits the ability to fully assess program outcomes.

[29] https://bja.ojp.gov/program/psrac/validation/risk-validation