

**Report to the
Nebraska Crime Commission:**

**A STATE OF CHANGE:
THE NATURE OF NEBRASKA'S JUVENILE
DIVERSION PROGRAMS IN 2005**



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**A State of Change: The Nature of
Nebraska's Juvenile Diversion Programs in 2005.**

Introduction

In 1997, the Nebraska Commission on Law Enforcement and Criminal Justice conducted a preliminary study on juvenile diversion programs throughout the state (Westland, 2002). Prior to their research, very little was known about how diversion programs operated. The goal of the study was to determine the nature and the extent of juvenile pretrial diversion programs in Nebraska. The study found that there was very little consistency in the requirements for and the administration of juvenile diversion programs throughout the state (Westland, 2002). To ensure consistency in the administration for diversion programs, the Nebraska State Legislature passed LB1167 in 2000. This legislation created the Juvenile Diversion, Detention, and Probation Services Implementation Team, which developed guidelines for juvenile diversion programs statewide. However, these guidelines were not written into Nebraska statute until 2003 with LB43. In addition, LB43 designated the Nebraska Crime Commission with the task of collecting data on juvenile diversion programs throughout the state. In order to meet requirements of statutes, the Crime Commission collaborated with the Juvenile Justice Institute in the task of developing a standardized framework for juvenile diversion data collection throughout the state.

To develop this standardized system, the JJI first conducted a multi-faceted examination of all juvenile diversion programs in Nebraska, which included direct input from program administrators. JJI then established an infrastructure which standardized the data reporting requirements to the NCC. The resulting Juvenile Diversion Case

Management System (CMS) was designed to ensure uniformity among juvenile diversion programs by providing administrators throughout the state with a single means of tracking diversion program activities. In addition, the CMS fulfilled the statutory requirements outlined in LB43 by serving as the tool for data collection and routine reporting between county juvenile pre-trial diversion programs and the NCC.

Juvenile Diversion Case Management System

The CMS has improved standardization of diversion programs across the state and allows for more consistent and uniform data reporting. The database provides administrators with a way to input and monitor data and fulfill the diversion programs' quarterly reporting requirements. The data to be reported is extracted from the CMS database and submitted to the NCC on the Nebraska Criminal Justice Information System (NCJIS). Because data is extracted from the CMS, researchers and program administrators are able to examine diversion practices on the state and local level. In the past, such comparisons have been problematic due to the inconsistencies in how various diversion programs are managed.

Juvenile Diversion in Nebraska

Nebraska juvenile diversion programs vary in their specifics, but all can be fairly described as sharing the following characteristics:

- Each operates under the authority of the County Attorney who has the discretion to either divert a juvenile offender to alternative programming or prosecute the youth's misconduct
- Juveniles who satisfactorily complete diversion requirements avoid prosecution

- When a juvenile fails to satisfy diversion requirements, the County Attorney must determine whether to prosecute the original charge
- Diversion programs can be divided between two general orientations: 1) programs aimed at providing individualized case-management, and, 2) programs which funnel broad classes of offenders into group programs (e.g., all juveniles arrested for an alcohol violation are diverted to a substance abuse education class).

Currently, there are 23 out of 44 juvenile diversion programs reporting data to the NCC using the standardized CMS or a similar data management system.¹ Table 1 below highlights those counties participating in reporting data with an asterisk (*). In order to understand the nature of these programs, the JJI developed a tiered classification system for every county in the state. Although data collection from diversion has been standardized throughout the state, this classification system acknowledges that variation will exist between the smaller programs and the larger programs that serve a greater number of youths and have more resources. The classification system is composed of four tiers. Tier 1 counties serve over 120 juveniles per year and account for approximately 75%-90% of the NCC's pre-trial diversion data (see Table1). Tier 1 programs typically provide more individualized case management for clients. Tier 2 counties typically serve a moderate number, 60-120, of youths per year. Tier 2 diversion programs provide less individually based services and more group oriented treatment diversion options. Tier 3 counties are characterized by a low volume of juveniles in diversion programs and minimum case management procedures. These counties typically

¹ Diversion programs not using the CMS already have a case management system collecting data or service a small number of youth per year and choose to report the data by submitting written reports.

serve fewer than 60 juveniles a year. The last classification, Tier 4, consists of counties in which there are no diversion programs.

Table 1: County by Tier

Tier 1	Tier 2	Tier 3	Tier 4	Tier 4 (cont.)	Unknown
Buffalo*	Adams*	Boone	Antelope	Logan	Chase
Douglas*	Cheyenne	Box Butte	Arthur	Loup	Dawes
Hall*	Dodge*	Boyd	Banner	Morrill	Harlan
Howard*	Lincoln*	Burt*	Blaine	Nance	Kimball
Lancaster*	Madison*	Cass	Brown	Nuckolls	McPherson
Sarpy*	Merrick*	Cumming*	Butler	Pawnee	Rock
	Platte*	Dakota	Cedar	Pierce	Saline
	Red Willow	Dundy	Cherry	Polk	
	Saunders*	Fillmore	Clay	Richardson	
	Thurston*	Frontier	Colfax	Sheridan	
		Furnas	Custer	Sioux	
		Garden	Dawson	Stanton	
		Hayes	Deuel	Valley	
		Hitchcock	Dixon	Wayne	
		Kearney	Franklin	Webster	
		Nemaha	Garfield	Wheeler	
		Otoe*	Gosper		
		Perkins	Grant		
		Phelps*	Greeley		
		Scotts Bluff	Hamilton		
		Seward*	Holt		
		Sherman*	Hooker		
		Thayer	Jefferson*		
		Thomas	Keith		
		Washington	Keya Paha		
		York*	Knox		
		Johnson			
		Gage*			

Of the counties reporting data, the majority of the counties are classified as Tier 2 or Tier 3 diversion programs (see Table 1). However, the six counties classified as Tier 1 accounted for the majority of youth participating in diversion in 2005. Douglas County accounted for almost half (43%; n=2451) of the youth reported to the NCC (see Table 9). The number of youth reported from all of the Tier 1 counties (n=4562) accounted for 80% of the youth reported to the NCC. This finding is consistent with the expectation that Tier 1 counties would account for 75% or more of the youth reported to the NCC.

Data Collection

The CMS represents a rigorous data management tool. The data collected by the CMS can be applied by decision makers in many ways. Analysis of the data extracted from the CMS supports the decision making process in many key areas in diversion.

Decision making applications for this data include:

- Identifying disparities in treatment;
- Identifying disproportionate representation;
- Identifying the need for specific services and special needs associated with specific populations of youths and their parents;
- Identifying changing distributions in status or vital characteristics so program services may be modified to reflect those needs;
- Determining the amount of time to open a new case;
- Determining the amount of time a youth was in the program.

Table 2 suggests how the particular fields currently collected correlate to these applications.

Table 2: Decision Making Applications for Data Collected				
	Disparities in treatment	Disproportionate representation	Need for specific services	Identify changing distribution
Race/Ethnicity	X	X	X	X
Age at Intake	X	X	X	X
Gender	X	X	X	X
Charge	X	X	X	X
Discharge Reason	X	X	X	X
Intake & Discharge Dates	X	X	X	X
Custody Status	X	X	X	X
Family Size & Economic Status	X	X	X	X
School Enrollment Status	X	X	X	X

One of the goals for this report was to analyze the CMS data and draw conclusions to assist diversion professionals in these decision areas. The accuracy of the conclusions that can be drawn from collected data, is directly related to the quality of the data collected. Missing data diminishes the overall quality of any data set. Tabulation of the data from the CMS reflected that information was not input for several categories. Therefore, the accuracy of the conclusions presented is limited. It is advisable to note the numbers in the “Missing” category of each tabulation while drawing inferences.

Race/Ethnicity, Age, and Gender

A total of 5,665 youths participated in diversion at some point during 2005. The majority of juveniles reported they were white (60%), male (58%) and ranged in age from 14 to 17 (61%).

Race/Ethnicity

The CMS incorporates the five racial categories that have been adopted by the United States Office of

Race Description	Total	%
White	3394	59.91%
Missing	1014	17.90%
Black or African American	864	15.25%
Unspecified	171	3.02%
American Indian or Alaska Native	38	0.67%
Asian	33	0.58%
Other	141	2.49%
Mixed Race	6	0.11%
Native Hawaiian or Other Pacific Islander	4	0.07%
Total	5665	100.00%

Management and Budget (OMB) for federal reporting purposes. Youth can choose from any combination of the five categories:

American Indian or Alaska Native; Asian Pacific Islander; Black or African American;

Native Hawaiian or Other Pacific Islander; White. The majority of juveniles (60%)

Ethnicity	Total	%
Not Hispanic or Latino	2870	50.7%
Missing	2178	38.4%
Hispanic or Latino	434	7.7%
Unspecified	178	3.1%
White	5	0.1%
Total	5665	100.0%

involved with diversion were White (n=3394) while Blacks or African Americans (n=864) comprised the second most reported racial category, accounting for 15% of the overall sample (see Table 3). Of those reporting ethnicity, Hispanic or Latino youths accounted for 8% of the total (see Table 4).

Age

The majority of youth in juvenile diversion programs ranged in age from 13 to 17 at the time of intake (61%) and at the time of the offense (64%) (see Table 5). At the time of both intake and offense, youths age 12 and under comprised approximately 8% of the sample.

In 2005, there was a 30 day delay from the time the juvenile was referred to diversion by the county attorney and the actual intake (see Table 6). The delay was equal for both males and females. Youths who were 18 or older experienced the shortest average delay with 15 days between referral and intake while youths who ranged in age from 13-17 experienced the most delay with an

**Table 5: Age Offense and Intake
N=(5665)**

Age in Years	At Offense	%	At Intake	%
<i>Missing</i>	1228	21.68%	1399	24.70%
20 or Older*	26	0.46%	28	0.49%
19	41	0.72%	40	0.71%
18	95	1.68%	158	2.79%
17	886	15.64%	916	16.17%
16	945	16.68%	885	15.62%
15	880	15.53%	800	14.12%
14	639	11.28%	595	10.50%
13	458	8.08%	414	7.31%
12	271	4.78%	239	4.22%
11	114	2.01%	114	2.01%
10	52	0.92%	47	0.83%
9	20	0.35%	18	0.32%
8	3	0.05%	2	0.04%
7	2	0.04%	2	0.04%
6 or Under	5	0.09%	8	0.14%
Total	5665	100.00%	5665	100.00%

Table 6: Lag Period between Referral and Intake

Age (N=4100)	Avg # of Days	Frequency
18 and Over	15.38	67 (1.6%)
13-17	30.21	3606 (88%)
12 and under	28.51	427 (10.4%)
Gender (N=5596)		
Male	29.84	3303
Female	29.56	2293

average of 30 days.

Males have a slightly higher lag time between offense and referral than females.

Table 7 shows that males have a 30 day delay while females have a delay of 27 days.

Table 7: Lag Period between Offense and Referral		
Age (N=4258)	Avg # of Days	Frequency
18 and Over	36.75	225 (5%)
13-17	29.17	3606 (85%)
12 and under	23.5	427 (10%)
Gender (N=5596)		
Male	29.18	3303
Female	27.50	2293

Youths who are '18 and Over' experience the longest delay with an average of 37 days while youths who are 12 and under experience the shortest with an average of 24 days

(see Table 7). Diversion program administrators need to be aware of these delays and determine why the delay occurs.

By examining this data, diversion administrators can determine whether county attorneys or the diversion programs are responsible for the delay in juveniles entering diversion. The delay is relevant because prior to intake the youths are not getting the supervision that they need. A lack of supervision opens the door to further delinquency. A longer delay increases a youth's likelihood of committing a new offense. Youths who commit a new offense before services begin typically have their referrals withdrawn and are no longer eligible for diversion. In addition to facing prosecution of the new offense, these youths have their original offense reinstated as a prosecutable charge. For these reasons, it is important for diversion programs to monitor intake and referral delay by collecting and recording offense dates, referral dates, and intake dates. Individual diversion programs need to routinely check their own data for incomplete records and/or typing errors. To facilitate this process, the counties that are using the CMS have access

to built-in reports that can be used to examine the data for problems prior to uploading their data for the quarterly reporting.

Gender

In 2005, there were slightly more males (58%; n=3303) than females (41%; n=2293) participating in juvenile diversion (see Table 8).

Gender	Total	%
Missing	69	1.2%
Male	3303	58.3%
Female	2293	40.5%
Total	5665	100.0%

Referrals and Charges

Referral Source

The Referral Source was defined in the CMS as the County Attorney, City Attorney, School, or Other. However, Table 10 shows that additional referral sources were listed (i.e. Juvenile Court, Unspecified). These referral categories were reported by diversion programs not using the CMS. As stated previously, counties not using the CMS have their own case management systems and thereby, their own definitions for these categories. In spite of these differences, the majority of youths were referred to diversion programs by the county attorney (90%) (see Table 10).

Referral Source	Total	%
County Attorney	5109	90.19%
City Attorney	414	7.31%
Unspecified	122	2.15%
Missing	11	0.19%
Other	6	0.11%
Juvenile Court	3	0.05%
Total	5665	100.00%

Charges and Juvenile Diversion

The CMS defined charges according to the National Crime Information Center (“NCIC”) Charge Code. The NCIC Charge Codes were then incorporated into the

database, allowing diversion administrators to choose the correct offense by simply clicking on the charges listed in the system. Using the NCIC Charge Code standardized the charges used by various diversion programs and allowed for comparison across charge types. However, some variation in charge definition could still exist if the counties not using the CMS also do not use the NCIC Charge Code. If the counties not using the CMS or the NCIC Charge Code have to collapse their charge data into the definitions used by the NCC, the door is opened to misclassification creating problems when interpreting the relevance of charge data.

Table 11: NCIC Charge Descriptions (Top 20 Charges) N=(5665)

Charge Description	Total	%
<i>Missing Charge Description</i>	1234	21.78%
Shoplifting	1153	20.35%
Minor in possession	751	13.26%
Criminal mischief	331	5.84%
Disorderly conduct	245	4.32%
Assault	193	3.41%
Theft	174	3.07%
Assault - 3rd degree	162	2.86%
Marijuana possession-less than 1 oz	161	2.84%
Disturbing the peace	119	2.10%
Liquor-minor sell,dispense,possess	116	2.05%
Traffic offense	115	2.03%
Trespassing	111	1.96%
Obstruction	73	1.29%
Tobacco; use by underage	67	1.18%
Violation of curfew, juvenile	67	1.18%
Narcotic equip.-possess-paraphernalia	55	0.97%
Theft by unlawful taking	52	0.92%
Burglary	46	0.81%
False information	36	0.64%
Larceny	25	0.44%

The most common charge among diversion participants was Shoplifting which accounted for 20% of the youth in diversion in 2005 (see Table 11). The second largest category of charges was Minor in Possession accounting for 13% of the total youths. Overall, 64% of the youths charges were of a non-violent nature such as shoplifting, possession, burglary, and disorderly conduct. Assault and Assault-3rd Degree, the only violent charges in the top 20 reported charges, accounted for approximately 6% of the charges reported.

These findings suggest that diversion is primarily reserved for youths whose offenses are non-violent and/or considered less threatening.

Reasons for Discharge

The CMS incorporates seven different reasons that a youth can be discharged from diversion. There is an eighth category of 'NA/Not Discharged' which indicates that the juvenile is still participating in diversion and has not been discharged. The seven discharge reasons are the following:

1. Youth/Parent refused diversion
2. Diversion program declined admission
3. Referral withdrawn
4. Juvenile discharged from diversion, no further legal action
5. Juvenile failed to comply with program conditions
6. Juvenile had new law violation(s)
7. Other (moved away, death, etc).

The categories 'Youth/Parent refused diversion', 'Diversion program declined admission,' and 'Referral withdrawn' describe the cases in which the youth has been

referred to diversion but does not go through the intake process. The category ‘Juvenile discharged from diversion, no further legal action’ describes those cases in which a youth has successfully completed the necessary requirements outlined by the diversion program and will not be officially charged for the offense for which he entered diversion. The categories of ‘Juvenile failed to comply with program conditions’ and ‘Juvenile had a new law violation(s)’ describe those cases in which the youth has been discharged and the cases return to the county attorney for formal processing.

At the end of 2005, approximately 18% (n=1059) of the diversion participants remained active in a diversion program while 43% (n=4606) had been discharged at some point during that year (see Table 12). Of the youth discharged, 2221 or 39% were successfully discharged from diversion (see Table 12). Only 3% of the sample was discharged do to failure to comply with the conditions outlined by the diversion program and only 1% was

discharged for a new law violation. In other words, only 4% of the youth with recorded discharge reasons could be described as failing to complete diversion (see Table 12).

Forty percent of both males and females were discharged from diversion with “No further legal action” (see Table 13). Similarly, there was no difference in gender for youths who were discharged for failure to comply with program conditions (see Table 13). However,

Table 12: Total # of Youth per Discharge Reason N=(5665)		
Discharge Reason	Total	%
N/A – Not Discharged	1059	18.69%
<i>Juveniles Discharged from Diversion</i>		
Juvenile discharged from diversion, no further legal action	2221	39.21%
Juvenile failed to comply with program conditions	150	2.65%
Juvenile had new law violation(s)	53	0.94%
Missing	2182	38.52%
Total	5665	100.0%

males (1.2%; n=41) were more likely to be discharged for a new law violation than females (0.5%; n=11).

Table 13: Discharge Reason by Gender					
N=(5596)					
Discharge Reason	Female	% Female	Male	% Male	Total
Juveniles Not Discharged (Open Cases)	412	18.0%	609	18.4%	1021
<i>Juveniles Discharged from Diversion:</i>					
No further legal action	914	39.9%	1306	39.5%	2220
Juvenile failed to comply with program conditions	55	2.4%	95	2.9%	150
Juvenile had new law violation(s)	11	0.5%	41	1.2%	52
Discharge Reason-Missing	901	39.3%	1252	37.9%	2153
Total	2293	100.0%	3303	100.0%	5596

The Discharge Date reflects the average number of days a youth participates in the diversion program. Researchers and administrators use discharge information to examine the effectiveness of a program in meeting the youth’s needs. The following sections compare the reasons for discharge across age categories. This comparison demonstrates the utility of using discharge reasons to plan and allocate resources of the diversion program.

Discharge Successful: No Further Legal Action

Table 14 shows that the majority of youths who successfully complete diversion (No further legal action) were in the program an average of 130-132 days (n=1974). The average number of days was consistent for youths age ‘13-17’ and ‘18 and over’. However, youths age 12 and under were in diversion an average of 157 days. This data suggests that diversion programs devoted more time and resources to youths under the age of 12. This might result from a lack of planned programs and services for young youths, or these youths might have been considered the most at risk for future delinquency.

New Law Violation

On average, youths ‘13-17’ who were discharged from diversion with a new law violation committed new offenses within the first 79 days. Youths ‘12 and under’ were in the program an average of 86 days before being discharged for a new offense. Youths ‘18 and Over’ who were discharged for new law violations committed new offenses in a shorter period of time (54 days) than the other age categories (see Table 14). These findings can impact diversion programs in two ways. Diversion programs that focused on reducing the likelihood that a youth will commit a new law violation will allocate more resources to the treatment of the youth during the initial days of the program. However, diversion programs that prioritize resources for youths who do not re-offend

Table 14: Lag Period between Intake and Discharge by Age (N=2527)		
Discharge Reason	Avg # of Days	Frequency
<i>AGE: 18 and Over</i>		
Juvenile discharged from diversion, no further legal action	132.06	102
Juvenile failed to comply with program conditions	137.00	16
Juvenile had new law violation(s)	54.50	2
<i>AGE: 13-17</i>		
Juvenile discharged from diversion, no further legal action	130.48	1872
Juvenile failed to comply with program conditions	122.05	116
Juvenile had new law violation(s)	79.53	43
<i>AGE: 12 and under</i>		
Juvenile discharged from diversion, no further legal action	157.95	220
Juvenile failed to comply with program conditions	210.36	14
Juvenile had new law violation(s)	86.33	3

will allocate more resources to the treatment of the youth is at a lower risk for offending.

For example, a diversion program may spend more time and money on the youths age 13

to 17 after the initial 79 days have passed, preserving resources for those who did not re-offend.

Failure to Comply with Program Conditions

Youths age 12 and under who were discharged for failure to comply with program conditions were in the program an average of 210 days, 73 days longer than any other age category (see Table 14).

These results suggest that younger youths were given a second chance and/or additional time to comply with the conditions outlined by the diversion program. Youths under the age of 12 could possibly be in diversion longer because they were considered the most at risk for future delinquency. Therefore, diversion programs might allow more chances for the younger offenders to comply with the programs regulations, rather than return them to the criminal justice system.

Discharge Reason, Race and Ethnicity

Of the juveniles who are discharged from diversion with “No further legal action,” 75% are White and 9% Black or African American (see Table 15). Of the youths discharged due to “Failure to comply with program conditions,” 59% are white and 6% Black or African American.

An accurate comparison of discharge reasons by race and ethnicity shows administrators any disparities in the number of minority youth that are discharged. For example, 58% of the youth who are discharged for ‘Failure to comply with program conditions’ are classified as white while 10% are classified as minority suggesting that no disproportionality (see Table 15). However, 30% of the youth had a missing or unspecified race. If the missing youth are racial minorities, then minorities are

disproportionately represented among those who fail to comply with program conditions. If that is the case, diversion administrators need to develop services to reduce the risk that minority youth will fail the conditions outlined by the diversion program.

Race	Not Discharged	No further legal action	Failure to comply with program conditions	New law violation	Missing Discharge Reason	Total
<i>Missing Race Description</i>	140 (13.2%)	156 (7.2%)	27 (18%)	10 (18.9%)	681 (31.2%)	1014
Unspecified		112 (5.2%)	18 (12%)		41 (1.9%)	171
American Indian or Alaska Native	9 (0.8%)	10 (0.4%)	4 (2.7%)		15 (0.6%)	38
Asian	6 (0.6%)	22 (1%)	2 (1.3%)		3 (0.1%)	33
Black or African American	64 (6%)	210 (9.6%)	9 (6%)	2 (3.8%)	579 (26.5%)	864
Mixed Race	3 (0.3%)	3 (0.1%)				6
Other	5 (0.5%)	17 (0.7%)	2 (1.3%)		86 (3.9%)	141
Native Hawaiian or Other Pacific Islander	1 (0.1%)	3 (0.1%)				4
White	831 (78.5%)	1657 (75.7%)	88 (58.7%)	41 (77.3%)	777 (35.6%)	3394
Total	1059	2190	150	53	2182	5665

Of the cases reporting both discharge reason and ethnicity, 10% of youths discharged with ‘No further legal action’ were Hispanic or Latino compared to 81% defined as ‘Not Hispanic or Latino.’ Similarly, 10% of the youth discharged for a new law violation were ‘Hispanic or Latino’ with the majority defined as ‘Not Hispanic or Latino’ (76%) (see Table 16). Hispanic youths were more likely to be discharged for failure to comply with program conditions (20%), which could show a need for Spanish speaking services. Although the percentage difference between Hispanic youths and Not Hispanic or Latino youths who failed to comply with program conditions was closer than for any other discharge reason, ‘Not Hispanic or Latino’ youths still accounted for the majority of youth discharged for failure to comply (57%).

**Table 16: Discharge Reason by Ethnicity
N=(5480)**

Discharge Reason	Hispanic or Latino	Not Hispanic or Latino	Unspecified	Missing Ethnicity	Total
N/A - Not Discharged	122 (11.6%)	685 (65%)	74 (7%)	173 (16.4%)	1054
<i>Juveniles Discharged from Diversion</i>					
No further legal action	210 (9.7%)	1766 (81.6%)	74 (3.4%)	114 (5.3%)	2164
Juvenile failed to comply with program conditions	30 (20.1%)	86 (57.7%)	11 (7.4%)	22 (14.8%)	149
Juvenile had new law violation(s)	5 (9.4%)	40 (75.5%)	4 (7.5%)	4 (7.5%)	53
Missing Discharge Reason	67 (3.3%)	293 (14.2%)	12 (0.6%)	1688 (81.9%)	2060
Total	434	2870	175	2001	5480

Custody, Family, and School

Custody Status

In forming an understanding of juvenile delinquency, there are a variety of factors that need to be examined when a juvenile enters into a diversion program. The CMS incorporates several key factors that examines familial and community relationships including custody and household size, economic status, and participation in school. In the CMS, custody is defined as the following types: Parent, Guardian, State Ward, and Unspecified.

**Table 17: Youth per Custody Status
N=(5665)**

Custody	Total	%
Parent	2408	42.51%
Missing	1879	33.17%
Legal Guardian	705	12.44%
Unspecified	461	8.14%
Guardian	63	1.11%
Sister	53	0.94%
Brother	50	0.88%
State Ward	14	0.25%
Grandmother	14	0.25%
Aunt	6	0.11%
Other Relative	4	0.07%
Grandfather	4	0.07%
Other	3	0.05%
Uncle	1	0.02%
Total	5665	100.00%

Although these are the categories defined by the CMS, there are several other types of custody listed in Table 17 such as ‘Sister,’ ‘Aunt,’ and ‘Grandfather’. These custody types are included due to differences in definitions of custody among the diversion programs not using the CMS. Table 17 clearly shows the problems associated with multiple definitions. For example, the classification of ‘Sister’ can be the same as a ‘Legal Guardian’ or the two definitions can be mutually exclusive.

**Table 18: Custody by Discharge Reason
N=(5665)**

Custody	N/A - Not Discharged	No further legal action	Failure to comply with program conditions	New law violation(s)	Missing Discharge Reason	Total
<i>Missing Custody</i>	123 (11.6%)	734 (33%)	7 (4.7%)		1015 (46.5%)	1879
Aunt		3 (0.1%)			3 (0.1%)	6
Brother		19 (0.8%)			31 (1.5%)	50
Grandfather		1 (0.1%)			3 (0.1%)	4
Grandmother		7 (0.3%)			7 (0.3%)	14
Guardian	16 (1.5%)	37 (1.7%)	4 (2.7%)	2 (3.8%)	4 (0.1%)	63
Legal Guardian		8 (0.4%)			697 (31.9%)	705
Other		2 (0.1%)			1 (0.1%)	3
Other Relative		2 (0.1%)			2 (0.1%)	4
Parent	630 (59.5%)	1256 (56.5%)	110 (73.3%)	44 (83%)	368 (16.9%)	2408
Sister		24 (1.1%)			29 (1.3%)	53
State Ward	4 (0.4%)	7 (0.3%)	3 (2%)			14
Uncle					1 (0.1%)	1
Unspecified	286 (27%)	121 (5.4%)	26 (17.3%)	7 (13.2%)	21 (1%)	461
Total	1059	2221	150	53	2182	5665

The majority of juveniles (42%) were under the custody of a Parent (n=2408) regardless of their discharge status (see Table 17). The custody status of 33% of juveniles was missing (n=1879).

Family Economic Status

The CMS divided income into the following standardized ranges: Unspecified, \$ 40,000 or over, \$25,000 - \$39,999, \$ 10,000 - \$ 24,999, \$0 - \$9,999 (see Table 19). However, when asked to report family income, over half (61%) failed to specify an income range (see Table 19). The failure to specify income could be attributed to the resistance of families to reporting financial data, or to the inability of the

Family Income	Total	%
Unspecified	3455	61.0%
\$ 40,000 or over	940	16.6%
\$ 25,000 - \$ 39,999	485	8.6%
\$ 10,000 - \$ 24,999	444	7.8%
\$ 0 - \$9,999	294	5.2%
<i>Missing</i>	47	0.8%
Total	5665	100.0%

diversion programs to collect the data.

The data shows that 17% reported an income of \$40,000 or over, 9% had an income within \$25,000-\$39,999 and 8% reported \$10,000-\$24,999. The lowest income bracket (\$0-\$9,999) accounted for only 5% of the youths for which an income was reported. However, 61% of the sample not specifying income reduces the ability to determine the need for services tailored to income levels. For example, diversion programs that have a high percentage of their participants with low levels of income may need to develop services for those youths such as fee waivers.

Family Size

The CMS defined family size as the total number of people living within the household. This definition focused on the size of the household and not just the size of the youth’s immediate family. In doing this, the CMS takes into account all individuals who reside with the youth and influence the youth’s behavior.

In the cases that reported the family size (see Table 20), around 22% of juveniles stated that they lived in a household with 3 or 4 individuals while 11% of the sample lived in households of 5 or 6. With this information diversion administrators can design service

Family Size	Total	%
Missing	2465	43.51%
0	972	17.16%
4	698	12.32%
3	553	9.76%
5	458	8.08%
6	186	3.28%
2	178	3.14%
7	85	1.50%
8	32	0.56%
9	15	0.26%
1	8	0.14%
10	6	0.11%
11	6	0.11%
50	1	0.02%
12	1	0.02%
13	1	0.02%
Total	5665	100.00%

plans around the needs of the youth and their family. Diversion programs can incorporate members of the youth’s household into the treatment plan for the youth.

School Enrollment

School Enrollment allows diversion administrators to monitor a youth's participation in school.

Enrollment status describes whether a youth is currently enrolled in school, has graduated or obtained their GED, or is not currently enrolled in school.

School Enrollment	Total	%
Enrolled (includes home school)	2563	45.2%
Missing	2461	43.4%
Unspecified	547	9.7%
Graduated High School Diploma	43	0.8%
Not Enrolled	40	0.7%
Completed GED	11	0.2%
Total	5665	100.0%

Table 21 shows that 45% of the youths participating in diversion are enrolled in school while less than 1% is not enrolled.

Conclusion

To develop a standardized framework for juvenile diversion in Nebraska, the JJI created the CMS, a data management tool that provided diversion administrators with a means of collecting, monitoring, and reporting their data. By the end of 2005, the CMS was installed in 23 diversion programs throughout the state and used to collect and monitor diversion data. Diversion programs could also electronically report their data to the NCC through a secure website fulfilling their legislative quarterly reporting requirements. The standardized data collected and reported by the CMS allowed for meaningful comparisons of diversion programs across the state.

This report examines a total of 5,665 youth participating in diversion across 23 diversion programs during the calendar year 2005. The majority of diversion participants were:

- White;
- Not Hispanic or Latino;

- Age 13 to 17;
- Delayed 30 days from offense to referral and from referral to intake; and
- Referred by the county attorney on non-violent offenses.

The results of this research are promising, but, there are still problems that need to be addressed before this research can be used to its greatest potential. The most significant problem is the large amount of missing data. Missing data is information which diversion programs can reasonably be expected to report but is not present in the reports submitted to the NCC. Without complete data samples, no conclusive inferences can be made.

There are several steps that diversion programs can take to correct the problem of missing data in the future and allow researchers to make more accurate conclusions about the effectiveness of diversion programs.

1. Diversion staff must identify the cases that have problematic/missing data and input or record the corrected information;
2. Diversion programs need to reevaluate how they are gathering sensitive information such as Race and Income levels and incorporate new strategies for collecting the desired information.
3. Diversion administrators need to periodically evaluate the collection of data and train their staff on how to utilize the functions built into the CMS

Every case that is reported to the NCC needs a Date of Birth, Date of Offense, Date of Referral, Date of Intake, and Date of Discharge. Because of the way the CMS is designed, each of the cases will either state a reason for discharge or be labeled as still participating in diversion. Program administrators and staff need to understand how the

system work and utilize the reporting features designed in the CMS to maximize effectiveness.

Although any missing data is concerning, missing race and ethnicity data is the most problematic because it has the potential to mask disparities in treatment. Race and ethnicity data is required to fulfill each diversion programs legislatively mandated reporting requirements, therefore, programs must strive to report this information consistently and accurately. Diversion programs can ensure that the data is reported by incorporating the definitions of race/ethnicity on their Intake forms. Diversion staff must explain that the race is defined by the youth and allow them to choose any combination they believe is an accurate description.

Similarly, other information that is sensitive in nature, like economic status, will be met with less resistance by the participants if the information is presented in a way to minimize potential problems. For example, diversion programs could incorporate a section on the intake forms for parents with income divided into the range discussed in this report to reduce the likelihood that the information is not collected. To further the collection of financial information, diversion staff should inform parents that this information is collected in an effort to improve the program's ability to meet the needs of its participants.

Diversion programs need to refrain from placing options on the forms that allow the participants to refuse to answer. Although the staff cannot coerce this information, several programs have reported that participants are more likely to fill in the information if not given the choice of refusing to answer. Participants may still refuse to answer a question by leaving the information blank. To minimize this risk, diversion staff should

review the forms and point out the fields left blank by the youth or parent and ask them to complete the information.

Diversion programs have the means and responsibility for improving the collection and reporting of their data to the NCC. As the diversion programs improve their collection practices and report complete and accurate data, the research generated from the CMS will provide diversion programs with valuable information regarding the program's effectiveness in meeting the needs of the youths in their programs. Accurate information will enable diversion programs to identify the youths most at risk of not completing the program and develop strategies to reduce unsuccessful discharges. In addition, it will assist diversion programs in deciding if they need to develop services that meet specific needs of the participants such as youth and parents with English as a second language, participants who are economically disadvantage, and/or an age specific group. By paying careful attention to data collection and reporting diversion programs have the ability to greatly improve the quality of diversion services provided to Nebraska's youth.