



Victim Youth Conferencing Evaluation Report

July 2018 - June 2019

Prepared for the
Office of Dispute Resolution
Administrative Office of the Courts
and Probation
Nebraska Judicial Branch



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Center for Restorative Justice & Peacemaking

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Executive Summary

Background: The Office of Dispute Resolution (ODR) within the Administrative Office of the Courts and Probation, Nebraska Judicial Branch, initiated the Juvenile Victim Youth Conferencing (VYC) Pilot to address the negative impact of the deep immersion of youth into the juvenile justice system. The pilot was implemented March 2015 through July 2016 in the 3rd, 4th and 12th Judicial Districts by the ODR-approved mediation centers. The pilot was extended through 2017 with promising results, including growth from 70 VYC cases in year 1 to 142 VYC's held in year 2, 93% of VYC's resulted in reparations agreements, 85% of agreements were fulfilled by youth, and 97% of participants were satisfied or extremely satisfied with the overall VYC process. Last, initial recidivism data showed promise with a low rate of 16% of youth recidivating. Since 2018, VYC has expanded statewide with funding provided by The Sherwood Foundation. A total of 159 VYC conferences were held in 2017-18.¹

Evaluation Purpose: Following a strategic planning process, an evaluation plan with partner organizations is based on the VYC theory of change: Victim Youth Conferencing as a primary restorative justice intervention reduces youth involvement in the justice system. Specific long-term measures of change include: 1) reducing recidivism, 2) closing the gap in disproportionate minority contact with courts, 3) increasing safety in communities, and 4) sustaining capacity for VYC statewide.

Methodology: The evaluation framework is a non-experimental design guided by descriptive, normative and impact questions. Descriptive questions explore who is served by VYC and under what conditions. Normative, also known as process evaluation includes questions about what is working or not working and what systems changes will lead to improvements as well as sustainability. Impact questions focus on what is different as a result. Qualitative and quantitative methods are utilized to understand the progress made on short term goals and outcomes during fiscal year 2018-19. Nineteen key stakeholders are interviewed to add insight into the VYC process and future recommendations.

Limitations: Since implementation of VYC is still relatively new, long-range goals are not ready for analysis. The broader impact on community safety and reduction in disproportionate minority contact are for future evaluation. Second, time needs to pass to measure recidivism so that data is available on whether youth who have had their VYC cases concluded had a new offense within one year. Specifically, ODR must wait until the end of 2019 to conduct a recidivism check for youth who had VYC cases closed in 2018. This delay means recidivism data for the VYC Enhancement Initiative will not be available until 2020; however, will be made available on an annual basis moving forward.

Total VYC Cases: In 2018-19, a total of 271 youth cases referred for VYC were concluded by mediation centers. This number includes cases opened before July 1, 2018, that were closed during the report period, and cases that were opened and closed during the report period; however, does not include cases opened during the report period that were still open as of June 30, 2019.²

¹ For previous VYC evaluation reports, contact ODR via email at nsc.odr@nebraska.gov.

² Since the VYC Pilot, the definition of VYC cases to be included in annual outcome reporting has changed, so data for 2018-19 is not directly comparable to previous years. Total VYC cases in previous reports included all cases for which VYC conferences were held, both those that had been closed during the report period and those still open at the end of the fiscal year.

VYC Participant Outcomes: VYC's were held with 222 youth (82%) of the 271 cases referred during the 2018-19 fiscal year. Three primary success indicators were set as goals and tracked: 1) 95% will result in a reparations agreement, 2) 95% of reparations agreements will be fulfilled, and 3) 97% of participants will report satisfaction with the VYC process. Results are shown in the diagram below.

Goal 1: 95% of VYC's will result in a reparations agreement.

•**98.6%** (212 of 215 cases) resulted in a reparations agreement with the youths. Data was missing for 7 cases.

Goal 2: 95% of reparations agreements will be fulfilled.

•**97.1%** successfully fulfilled all (184 of 204) or at least more than half (14 of 204) of their reparations agreement. **2.9%** of youth (6 of 204) did not follow through on their agreement. Data was missing for 15 cases.

Goal 3: 97% of youth, their parents, those harmed and surrogates will report satisfaction with VYC.

•**91.3%** who completed a post-VYC conference survey reported being extremely satisfied (111 of 241) or satisfied (109 of 241) with VYC. **96.5%** (221 of 229) said they would recommend VYC for others.

Shift in Referral Sources Shows Trend Towards Prevention: Three tiers of referrals are defined based on the youth's point of access to VYC as an intervention to reduce court involvement. Tier 1 includes pre-court referrals considered pre-diversion intervention and prevention. Tier 2 includes Court Diversion referrals, while Tier 3 includes adjudicated cases referred by Courts with a probation order. In fiscal year 2018-19, Tier 1 pre-diversion included 58.5% of all VYC referrals, Tier 2 included 35.8% of all referrals, and Tier 3 included 14.8% of all referrals as part of probation.

Expansion of Counties Served: Since the initial VYC pilot, the reach of VYC has progressively grown with VYC referrals coming from 6 Nebraska counties during the pilot, to 16 counties during fiscal year 2018-19. In addition to the 16 counties reported as having VYC cases in 2018-19, another nine counties either had made referrals in previous years or have agreed to make referrals in the future.

Areas for Improvement: VYC data shows areas warranting further attention, as highlighted below.

Just 40% of those harmed participated in VYC conferences, demonstrating a significant reliance on surrogates.

36% of VYC cases were open longer than 60 days, the goal time limit.

38% of youth were not referred for VYC to mediation centers until 31 days or longer after an incident occurred.

Themes from Stakeholders Interviews: Variations in the use of VYC are identified along a continuum. VYC in some counties is a pre-diversion intervention without any other interventions, while in other counties VYC is most often one component of a youth's probation plan. Variations are also found in the ages of youth served, the criteria for appropriate offenses, whether the youth is a good fit for VYC, which action plans or services are compatible with VYC and which entity is responsible for

following up with the youth as they complete their reparations agreement. Priority areas for systems changes include educating and getting stakeholder buy-in, expanding school partnerships, addressing the cost, building the capacity of mediation centers, and improving the timeliness of VYC.

Discussion: Nebraska mediation centers and their partners have stayed on course with the enhancement of VYC and have achieved intended goals statewide. Systems change has begun at all levels of government in a relatively short time. The descriptive data for VYC implementation as well as stakeholder interviews surface a number of areas for future evaluation, program development and broader systems improvements.

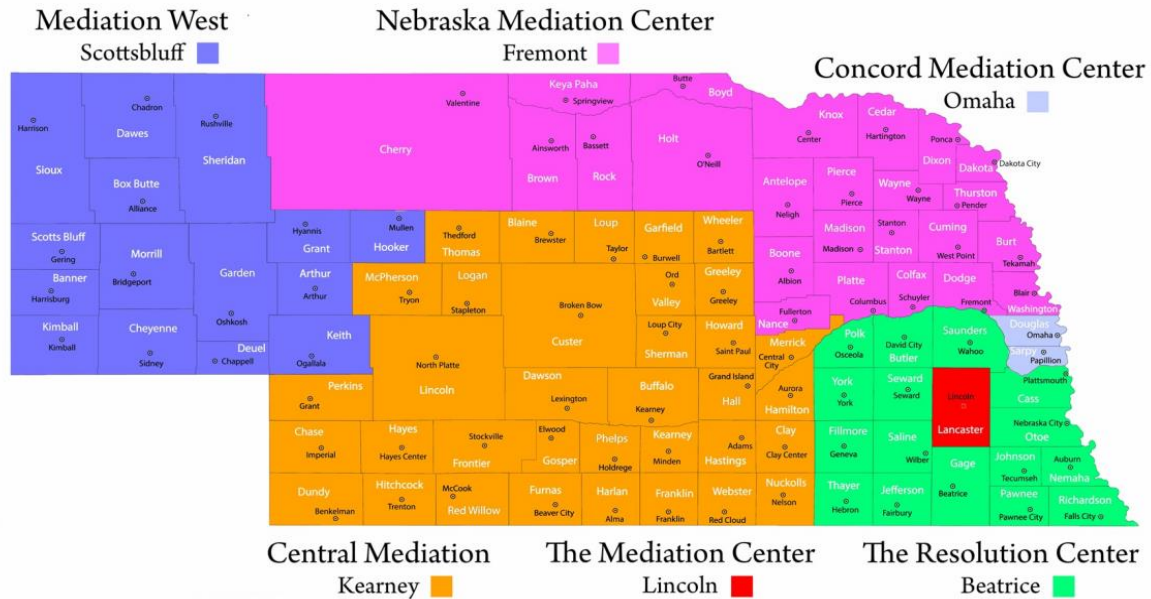
Recommendation Highlights



Collaborative Partners

The VYC Enhancement Initiative is a partnership between the Office of Dispute Resolution (ODR) of the Nebraska Judicial Branch and six ODR-approved regional mediation centers.

Nebraska Mediation Center Regions



Central Mediation Center

Email: info@centralmediationcenter.com

OFFICE: Kearney; (308)237-4692 & (800)203-3452

Website: www.centralmediationcenter.com

Concord Mediation Center

Email: contact@concord-center.com

OFFICE: Omaha; (402)345-1131

Website: www.concord-center.com

The Mediation Center

Email: info@themediationcenter.org

OFFICE: Lincoln; (402)441-5740

Website: www.themediationcenter.org

Mediation West

Email: info@mediationwest.org

OFFICE: Scottsbluff; (308)635-2002 & (800)967-2115

Website: mediationwest.org

Nebraska Mediation Center

Email: nmc@nebraskamediationcenter.com

OFFICE: Fremont; (402)753-9415 & (866)846-5576

Website: nebraskamediationcenter.com

The Resolution Center

Email: info@theresolutioncenter.org

OFFICE: Beatrice; (402)223-6061 & (800)837-7826

Website: www.theresolutioncenter.org

*Note: Each center serves their entire region and travels beyond their office location.

Overview and Background

The Office of Dispute Resolution (ODR) within the Administrative Office of the Courts and Probation initiated the Juvenile Victim Youth Conferencing (VYC) Pilot in 2015 as a means to address the negative impact of the deep immersion of youth into the juvenile justice system. After a successful pilot in three regions, the VYC Enhancement Initiative began in January 2018 to expand statewide.

Evidence-Based Practice

VYC (also known as victim offender conferencing or victim offender mediation) is an evidence-based restorative practice,³ with decades of research substantiating its potential to reduce youth recidivism, increase reparation and restitution to those harmed, and to be cost-effective (Nugent, Umbreit, Wiinmaki & Paddock, 2001; Latimer, Dowden & Muise, 2005; Aos & Drake, 2013). Throughout this report, *persons harmed* is used interchangeably with *victim* reflecting a systemwide shift in preferred language. VYC aligns with the Nebraska Crime Commission's evidence-based classification. Furthermore, researchers Wiener, Hobbs and Spohn (2014) have provided guidance for evidence-based juvenile justice interventions in Nebraska, and VYC implementation meets their recommended criteria.

VYC Implementation

VYC is one of several restorative practice models allowing young people and those they have harmed to attempt to repair the harm through safe, constructive dialogue. Trained facilitators first meet individually with the person harmed and the youth to listen to the stories of each, and to determine whether a VYC conference is appropriate. Often with youth, both parties caused harm and were harmed.

Participation in VYC is voluntary for youth as well as those harmed. If the person harmed chooses not to participate yet the youth who caused harm is ready to take responsibility for their actions, a volunteer surrogate will represent their side in the VYC. The VYC facilitator convenes a joint conference in which the person harmed and youth are guided to talk about the offense and its impacts, offer apologies, and propose a reparations plan. If the youth and those harmed mutually construct and agree to a reparations plan, it is signed and tracked for completion and fulfillment.

VYC Pilot 2015-2016

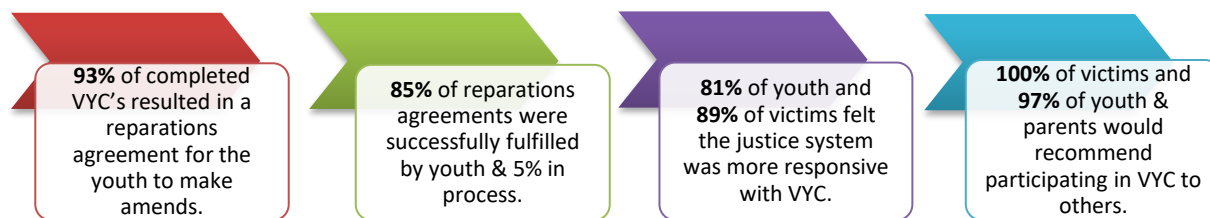
The initial VYC pilot began in March 2015 and continued through June 2016. Implementation occurred in the 4th Judicial District's Douglas County Juvenile Court, the 3rd Judicial District's Lancaster County Juvenile Court and the 12th Judicial District's juvenile courts, primarily in Scotts Bluff and Cheyenne counties. Partner organizations that carried out VYC included three ODR approved mediation centers: Concord Mediation Center, The Mediation Center, and Mediation West.⁴ Training, program protocol development and evaluation services were provided by the Center for Restorative Justice and

³ Evidence-based practice, consistent with foundations in evidence-based medicine, is informed by fidelity to an intervention model and its results supported by relevant research (Sox & Woolf, 1993).

⁴ The full VYC Pilot Evaluation Report can be retrieved from https://supremecourt.nebraska.gov/sites/default/files/Programs/mediation/CW_JJ/nebraska_juvenile_voc_evaluation_report_11.15.16.pdf.

Peacemaking, University of Minnesota. In addition to funding through ODR, the VYC Pilot and the Enhancement Initiative have received generous investment from The Sherwood Foundation.

Results from the first year of the pilot showed promise with 70 youth participating in VYC. A snapshot of VYC pilot outcomes is provided in the figure below. The VYC pilot was extended for another year and strategic planning was carried out for statewide expansion.



VYC Pilot Extension 2016-2017

The VYC Pilot in fiscal year 2016-2017 served 154 youth cases, more than double the first year of the pilot.⁵ Lancaster and Buffalo counties had the largest numbers of cases, followed by Adams and Douglas as shown in the chart on the right. Cases were referred to mediation centers from diversion programs, county attorneys, probation officers, directly from courts, and from a number of other youth support stakeholders.

During the one-year period, 142 of the 154 open cases had a VYC conference, of which 112 resulted in reparations agreements (78.9%), 12 did not result in reparations agreements (8.5%) and information was not reported for 18 cases. Victims in these cases totaled 199. Young males represented 64.3% and females 33.8% of cases. The age range of youth was eight to 18 years.

While outcomes were difficult to evaluate in the pilot extension year, two efforts provided added incentive for statewide expansion of VYC. First, tracking youth recidivism became possible according to the Nebraska definition of recidivism in Supreme Court rule § 1-1001.⁶ The results were promising with a low rate of 16% of youth recidivating.

Second, as part of the pilot in Lancaster County, The Mediation Center launched Project Restore in collaboration with Lincoln public schools, the county attorney's office, police department and other stakeholders. The goal was to prevent youth involvement in the courts through a pre-court VYC intervention after a school-related incident. Again, the results were promising.

County	Total Cases 2016-17
Adams	8
Buffalo	28
Dodge	4
Douglas	8
Fillmore	1
Lancaster	92
Pawnee	1
Red Willow	2
Sarpy	5
out of state	1
Total	154

⁵ For previous VYC evaluation reports, contact ODR via email at nsc.odr@nebraska.gov

⁶ Supreme Court Rule § 1-1001 can be retrieved from <https://supremecourt.nebraska.gov/supreme-court-rules/chapter-1-administrative-operations/article-10-uniform-definitions-recidivism-0>

VYC Enhancement Initiative 2017-2018

During the fiscal year, which overlaps with the first year of the three-year VYC Enhancement Initiative, VYC's were held with 159 youth out of 216 referred cases. Cases had been closed for 154 youth, while five youth continued to make progress in fulfilling their reparations agreements.⁷

Of the 216 VYC referred cases, 35.6% (n=77) of the youth identified as female, 61.6% (n=133) as male and gender was not reported for six youth. The mean age was 15.5 years, with a range from the youngest being 9.9 years old to the oldest being 23.6 years old. The largest demographic of youth identified their race as white (46.3%), while 16.2% identified as African American, 14.4% Hispanic/Latino, 1.9% Asian/Pacific Islander, 1.4% Native American, and 4.2% other. The cases included 223 victims, of which 104 were youth, 49 adults and 31 were cases involving mutual assault.

The mediation centers were successful in increasing the number of referral sources during the fiscal year, with nine new referral sources in six added counties, and 10 referral sources maintained in

six counties (with increased referrals in four of those counties).

VYC Goal Achievement 2017-18

100% of 159 VYC's resulted in a reparations agreement with the youths.



94.2% of 159 youth successfully fulfilled their reparations agreements, and 5.8% partially fulfilled their reparations agreements.



95% of youth, their parents, victims and surrogates who completed a post-VYC conference survey reported being extremely satisfied or satisfied with the VYC overall.

County Attorneys and Court Diversion each were responsible for 42.1% of all VYC referrals in the fiscal year, while 15.3% of referrals were made by courts for adjudicated youth, most who were assigned to probation. The data showed an increase in the use of VYC for youth as a pre-diversion intervention, especially for school-based offenses, rather than for adjudicated youth.

Outcome indicators established for the report period included: 1) 95% of VYC's will result in a reparations agreement, 2) 95% of reparations agreements will be fulfilled, and 3) 97% of youth, their parents, victims and surrogates will report satisfaction with VYC. The chart on the right shows the actual outcomes achieved for these goals.

2018-19 VYC Enhancement Initiative Goals and Outcomes

For fiscal year 2018-19, which overlaps with year two of the VYC Enhancement Initiative, the first goal is to reduce youth recidivism by continuing to expand the use of VYC in all six mediation center regions, targeting all 12 judicial districts over the three-year period of 2018-2020. For the fiscal year 2018-19 evaluation, recidivism data will not be available until early 2020, which is discussed under limitations on page 13.

Conducting outreach to regional stakeholders who may serve as VYC youth referral sources will occur throughout the three years for this goal. An increase in the number of counties served in 2018-19

⁷ For the full 2017-18 evaluation report, contact ODR via email at nsc.odr@nebraska.gov.

and in the number of VYC referral sources are indicators of successful outreach. Measurable indicators of success are projected based on VYC pilot outcomes and are outline below.

Goal 1 - Victim Youth Conferencing Outcome Indicators:

The total number of youths, parents/guardians, and those harmed coming together for VYC will increase statewide. Measurable indicators of success include

- 95% of VYC's result in a reparations agreement,
- 95% of reparations agreements are fulfilled,
- 97% of youth, their parents, those harmed and surrogates report satisfaction with VYC, and
- 82% of youth will not recidivate within one year of VYC.

Goal 2 - VYC Training and Education Outcome Indicators:

Training and education are provided to 24 VYC facilitators, 24 surrogates, six to 12 advanced facilitators to become VYC regional trainers of VYC, and 24 key stakeholders who may serve as referral sources. Measurable indicators of success include

- 90% of new trainers are confident in their ability to provide restorative justice and VYC training,
- 90% of people trained as facilitators are confident in their ability to conduct VYC's, and
- 20% of people trained as VYC facilitators and surrogates are from communities of color and other under-represented populations.

Having a pool of qualified VYC facilitators and surrogates is necessary for the program implementation and maintenance stages of development. Additionally, six to 12 advanced facilitators become regional trainers of VYC for ongoing maintenance and sustainability.

Twenty-four judges, probation officers, mediators, victim advocates, juvenile defense attorneys, county attorneys, diversion, police and school officials are educated about VYC, which is relevant for VYC planning in unserved districts, and ongoing implementation and maintenance statewide.

Goal 3: Organizational Capacity Building Outcome Indicators:

The third goal of the VYC Enhancement Initiative is to build the capacity of ODR and the six regional mediation centers to advance and sustain VYC as a youth restorative prevention and intervention strategy. Indicators of success during fiscal year 2018-19 include

- 85% of VYC's are held within 60 days of referral as an indicator of capacity,
- The number of referrals received either meet or exceed projections, and
- ODR and six regional mediation centers each secure at least one new source of funding for VYC.

In the planning stage of capacity building, ODR and six regional mediation centers each hired a restorative justice coordinator. For implementation and maintenance, mediation centers ensure appropriate VYC conference space is regularly accessible.

Planning for Sustainability

Utilizing a program sustainability framework developed by the Center for Public Health Systems Science at Washington University, St. Louis,⁸ eight sustainability domains are guiding ODR's VYC capacity building strategies. ODR and mediation centers are in year two of a three-year capacity building plan as VYC is expanded statewide.

Program Sustainability Domains



Evaluation Framework

The VYC Enhancement Initiative evaluation plan was developed with the engagement of ODR and mediation center directors following the results of the VYC pilot project in three Nebraska court regions and a sustainability planning process to expand statewide. The long-term evaluation plan is based on the VYC theory of change: Victim Youth Conferencing as a primary restorative justice intervention will reduce youth subsequent involvement in the justice system.

Specific long-term measures of change include: 1) reducing recidivism, 2) closing the gap in disproportionate minority contact with courts, 3) increasing safety in communities, and 4) sustaining capacity for VYC statewide. Future evaluation reports will address long-term measures, while this evaluation focuses on short-term goals and expected outcomes in fiscal year July 2018 through June 2019.

Evaluation Design

A non-experimental evaluation design is guided by descriptive, normative and impact questions. Still in the early implementation stages of development, the 2018-19 evaluation of the VYC Enhancement Initiative aims to deepen understanding of VYC impact and those who are benefiting from participation, while surfacing questions and gaps in knowledge for future inquiry.

Qualitative and quantitative evaluation methods, which are aligned with output and outcome measures specified in the VYC Enhancement Initiative Logic Model, are utilized to document the degree to which intended results are achieved. Process evaluation is incorporated in order to determine what is working well to achieve the desired outputs and outcomes, and what may need to be changed. Since the VYC Enhancement Initiative is a systems change model, the expectation is for ODR and mediation centers to be in an ongoing process of implementation, evaluation, reflection and positive change.

⁸ More information about the sustainability framework and assessment tool can be found at <http://www.sustaintool.org>.

Outcome Evaluation

Descriptive data for the VYC outcome evaluation is tracked through the Caseload Manager MIS data collection system utilized by ODR and mediation centers. Due to the confidential nature of the VYC data, the external evaluator receives anonymous data, whereby ODR redacts VYC case data, eliminating uniquely identifying information, and assigns a new ODR-generated unique identification number. Supplemental data for impact measures that are not VYC case-specific is provided directly from the mediation centers to the evaluator.

Post-VYC Evaluation Surveys for Satisfaction and Procedural Justice

Post VYC conference surveys with structured questions using a 5-point Likert scale, from strongly agree to strongly disagree, are self-administered at the end of the VYC conference. Surveys also include two open-ended questions for respondents to freely share their perspectives. Surveys are provided to youth and their parents, those harmed, support people and surrogate attendees (not including facilitators) through either an online survey link or as a hard-copy, whichever is deemed most appropriate by the VYC facilitator for that case. Post-VYC survey questions are designed for the following measures.

- Implementation measures: Questions related to preparedness, professional supportiveness and respect, and youth remorse.
- Satisfaction measures: Questions related to overall satisfaction, responsiveness, greater understanding, feeling heard and satisfaction with the reparations agreement.
- Procedural justice measure: A question is asked about whether the justice system is perceived to be more responsive to the needs of those harmed and youths based on participation in VYC.

Process Evaluation

ODR and the mediation centers, along with the external evaluator and program consultant from the Center for Restorative Justice and Peacemaking, are engaged in process evaluation through regular conference call meetings to discuss program activities, progress made and areas for improvement. Additional open-ended process questions were asked of mediation centers and information received by the evaluator during the second quarter of 2019.

Stakeholder Interviews

Interviews with key stakeholders can generate reflective feedback and produce ideas for desired systems changes. Each mediation center recommended three to five stakeholders to interview. After contacting stakeholders, 19 interviews were conducted with 20 people participating (one interview included two people). Interviews were qualitative in design utilizing an interview guide with 15 open-ended questions. Interviewees were selected through criterion sampling, with the criteria being they have professional expertise related to the mediation centers, juvenile justice system, and VYC implementation.

Six of the stakeholders are urban-based and 14 from rural Nebraska. Fourteen stakeholders are in positions to provide referrals to mediation centers for VYC, from county attorney's offices, diversion

programs and probation offices. Six stakeholders are administrators who don't make direct referrals, but supervise those who do or are involved in the VYC relationship, from county attorney's offices, schools and probation administration (four urban and two rural).

Limitations

The implementation of VYC as a restorative practice is still relatively new to Nebraska's Judicial Branch. As a result, the long-range goals embedded in the VYC Enhancement Initiative theory of change are not ready for analysis. The number of youths who engage in VYC is still a small percentage of the total who receive citations from local police or school resource officers, and become court involved. Thus, the broader impact on community safety and reduction in disproportionate minority contact are set aside for a future analysis.

While intervening early so youth do not enter or return to the judicial system is a top priority, recidivism as an outcome measure presents some challenges. First, it is inconsistently defined across programs and governmental units nationwide as well as in Nebraska, making the data on recidivism incomparable. In 2013, a uniform definition of recidivism was adopted by Nebraska's Supreme Court in an attempt to systematize its measure and future data interpretation; however, the use of this definition is in early stages.⁹ According to the Supreme Court definition, a person has recidivated if they have a new offense¹⁰ within one year of being successfully released from a probation or problem-solving court program.

One caveat is that tracking recidivism within one year is bound to be lower than longer term measures. Research has shown recidivism tends to increase when measured at two-year and three-year points after the intervention (Sickmund & Puzanchera, 2014). The majority of states tracking youth recidivism have opted to measure recidivism up to three years after whatever benchmark has been defined by their jurisdiction.

Specific to Nebraska, a baseline recidivism rate has not been established overall. Wylie and Hobbs (2016), in a report on Nebraska juvenile diversion programs, acknowledged the definition and ways of measuring recidivism varied greatly among diversion programs across the state, while 46% of diversion programs had no tracking of recidivism at the time of their inquiry. In their report, Wylie and Hobbs (2016) examined recidivism rates up to three years after youth completed diversion and found 30.2% of youth recidivated. They also found recidivism rates varied significantly between six months and three years after youth completed diversion, as well as varied between counties and programs. Even though their analysis is specific to diversion programs and had numerous limitations, the report is significant as it is the first in Nebraska to explore youth recidivism.

Since their report, Richard Weiner (2018) examined recidivism for adjudicated youth in Nebraska who served probation. Weiner followed the Nebraska Supreme Court's definition of recidivism and extended the tracking to three years after release from probation. He found the best estimate of the recidivism rate for all probationers regardless of outcome to be 29.8% (p.4). The range of 29.8% to

⁹ See § 1-1001. Uniform definitions of recidivism for Nebraska State Probation and Nebraska Problem-Solving Courts, retrieved from <https://supremecourt.nebraska.gov/>

¹⁰ See § 1-1001 for specific offenses included for youth in the Nebraska recidivism definition.

30.2% provides the closest to a baseline available for comparison between interventions. Comparisons should be done with caution, since as previously mentioned; an actual recidivism baseline for all court involved youth has not been established.

Last, with the VYC Enhancement Initiative beginning in 2018, time needs to pass so that data is available through the JUSTICE court database on whether youth who have had their VYC cases concluded incur a new offense within one year. Specifically, ODR must wait until the end of 2019 to conduct a recidivism check for youth who had VYC cases closed in 2018, in order to meet the Supreme Court’s definition and collect data for all cases. This delay means recidivism data for the VYC Enhancement Initiative will not be available until 2020; however, will be made available on an annual basis moving forward.

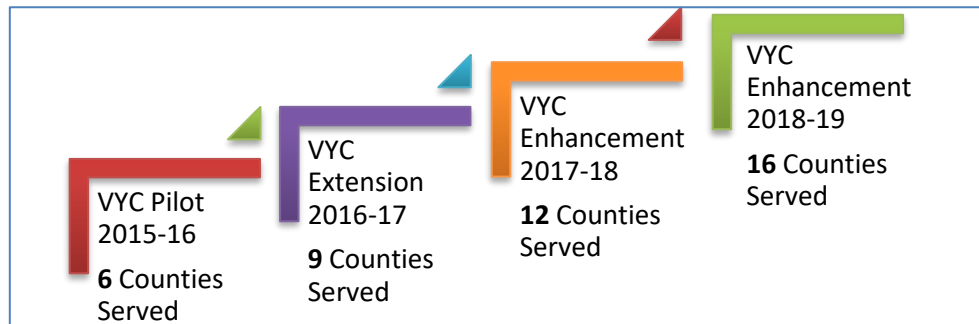
VYC Outcomes July 2018 – June 2019

Goal 1: Expanding the Use of VYC in all Six ODR Regions

One measure of successful VYC expansion is whether the number of counties served in the past year has increased. In Region 1, two counties have joined in the use of VYC, Hall and Red Willow. Gage and Otoe counties have been added in Region 4, and Kimball county in Region 2.

Increase in Counties Served

An additional four counties are reported by mediation centers as referring youth to VYC in 2019, bringing the total to 20 counties; however, these counties did not involve closed cases by June 30, 2019, thus are not included in this evaluation. Another five counties either made referrals in previous years or have agreed to make referrals in the future, bringing the number of counties ready for VYC to 29.



Increase in Referral Sources

The second indicator of successful VYC expansion is an increase in the number of referral sources from which the mediation centers receive cases. Twenty-three referral sources are responsible for the 271 referred youth cases in fiscal year 2018-19, compared to 19 referral sources the previous year; a 21% growth. Mediation centers report an additional 12 referral sources in the first half of 2019; however, they did not involve cases closed by June 30, 2019, so they are not identified in this report.

An itemization of total referred VYC cases by region, mediation center, and county is provided on the next page.

VYC Cases by Region, Mediation Center and County

ODR Region	Mediation Center	County	Total Referred Cases	Total VYC's Held	% VYC's of Referrals
1	Central Mediation	Adams	12	11	92%
1	Central Mediation	Buffalo	22	17	77%
1	Central Mediation	Hall	2	2	100%
1	Central Mediation	Lincoln	3	1	33%
1	Central Mediation	Red Willow	3	0	0%
	Central Mediation	Totals	42	31	74%
2	Mediation West	Keith	1	1	100%
2	Mediation West	Kimball	1	0	0%
2	Mediation West	Scotts Bluff	16	11	69%
	Mediation West	Totals	18	12	67%
3	The Mediation Center	Lancaster	144	124	86%
	The Mediation Center	Totals	144	124	86%
4	The Resolution Center	Gage	7	3	43%
4	The Resolution Center	Otoe	1	0	0%
4	The Resolution Center	Saunders	4	3	75%
4	The Resolution Center	York	1	1	100%
	The Resolution Center	Totals	13	7	54%
5	Nebraska Mediation	Dodge	26	22	85%
	Nebraska Mediation	Totals	26	22	85%
6	Concord Mediation	Douglas	25	23	92%
6	Concord Mediation	Sarpy	3	3	100%
	Concord Mediation	Totals	28	26	93%
		16 Counties	271 Referrals	222 VYC's	82%

Referral Sources: Pre-Diversion to Probation

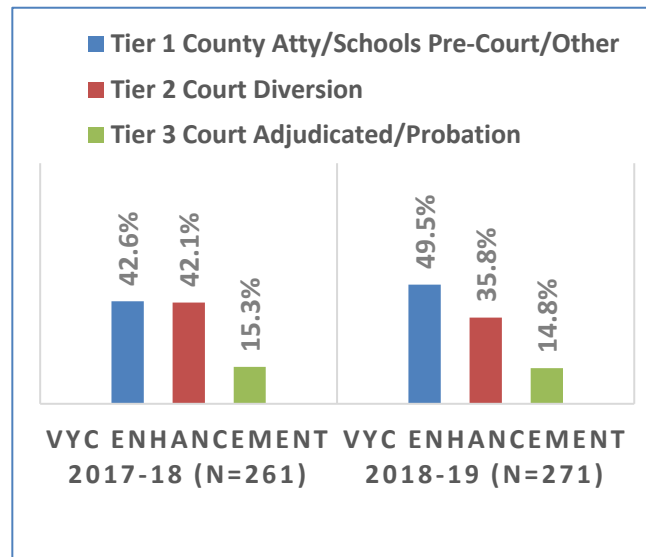
Three tiers of referrals are defined based on the youth’s point of access to VYC as an intervention. The tiers along a prevention continuum move from pre-diversion, to diversion, to adjudicated cases. Comparison to the previous year demonstrates a continued shift towards greater prevention before youth cases advance to adjudication. While the percent of referrals from courts for adjudicated youth dropped by only .5% between the two years, a greater percentage shift is seen from diversion to pre-diversion referrals.

Tier 1 includes pre-court/pre-diversion referrals coming from county attorneys, schools and other local entities.

Tier 2 includes Court Diversion referrals from county attorneys or Courts pre-adjudication.

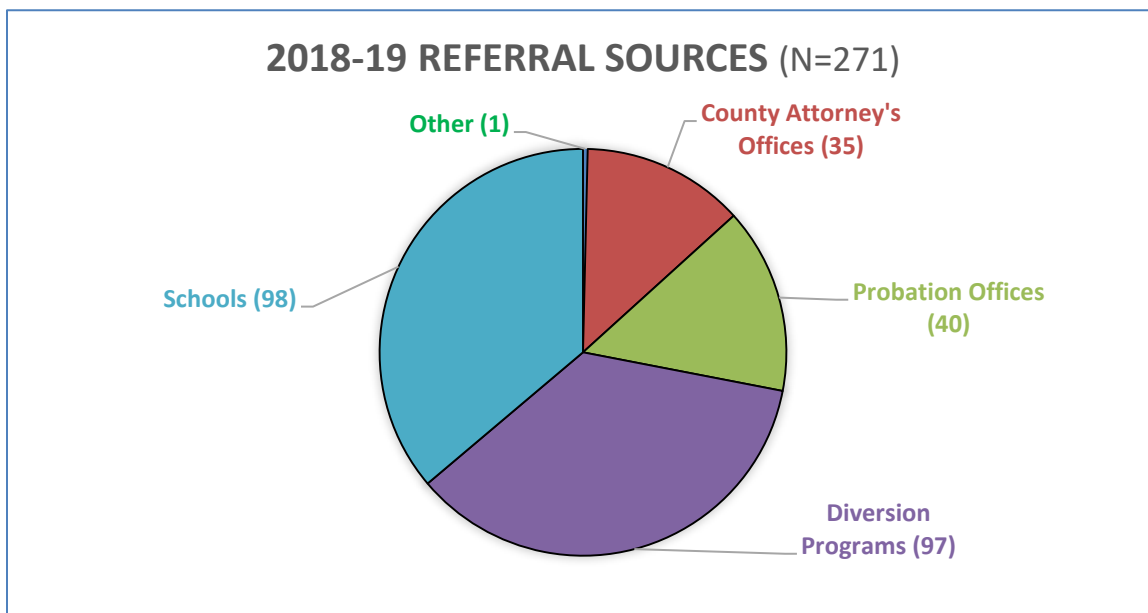
Tier 3 includes adjudicated cases with a probation order.

Referral Tier Changes 2017-18 to 2018-19

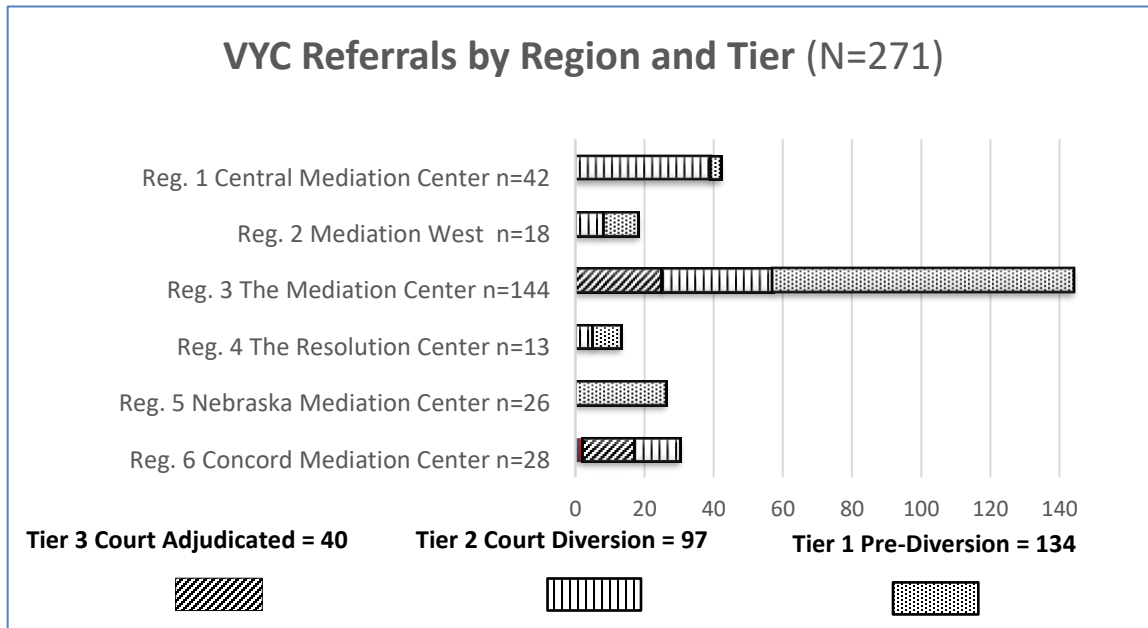


Referrals by Source Type, Region and Tier

The next chart illustrates the breakdown of VYC referral sources, the two most significant being schools and diversion programs.



When looking at the referral sources by Tier and mediation center, The Mediation Center in Lancaster county has the greatest diversity of referral sources from all three tiers. The chart below illustrates referrals by tier and by mediation center.



VYC Participant Outcomes

VYC's were held with 222 youth (82%) of the 271 referred cases during the 2018-19 fiscal year. Three success indicators were set as goals and tracked. All goals were exceeded, with the exception of goal three, for which less than 97% of VYC participants reported satisfaction with the VYC conference. Post-VYC survey data is incomplete (explained in the next section), so the satisfaction rate does not accurately represent the sentiment of all conference attendees.

Goal 1: 95% of VYC's will result in a reparations agreement.

•**98.6%** (212 of 215 cases) resulted in a reparations agreement with the youths. Data was missing for 7 of 222 cases.

Goal 2: 95% of reparations agreements will be fulfilled.

•**97.1%** successfully fulfilled all (184 of 204) or at least more than half (14 of 204) of their reparations agreement. **2.9%** of youth (6 of 204) did not follow through on their agreement. Data was missing for 15 of 219 cases.

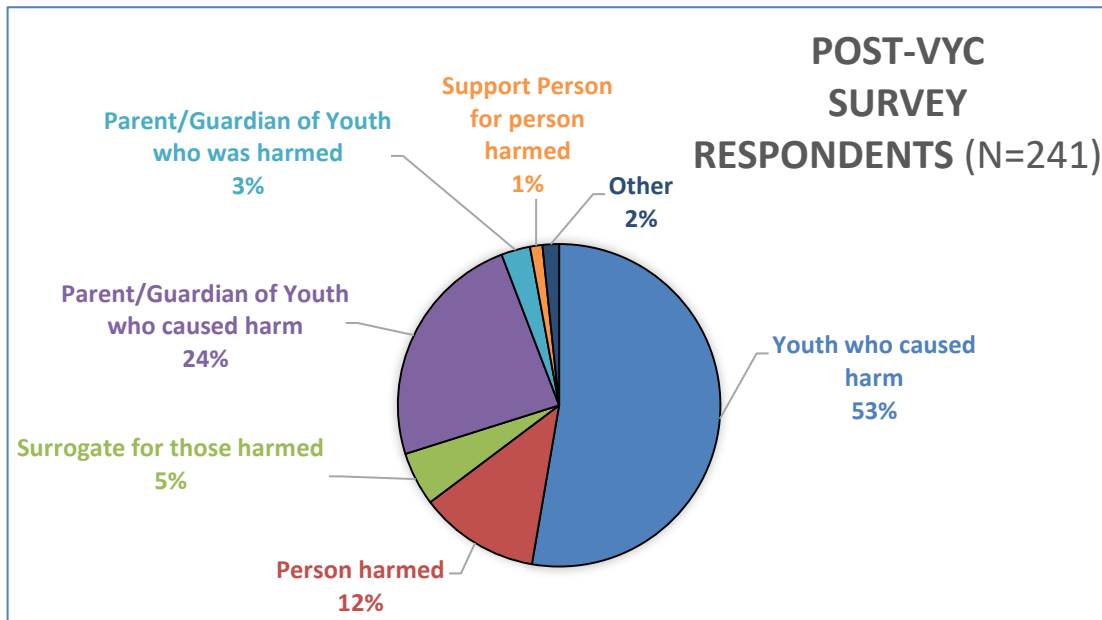
Goal 3: 97% of youth, their parents, those harmed and surrogates will report satisfaction with VYC.

•**91.3%** who completed a post-VYC conference survey reported being extremely satisfied (111 of 241) or satisfied (109 of 241) with VYC. **96.5%** (221 of 229) said they would recommend VYC for others.

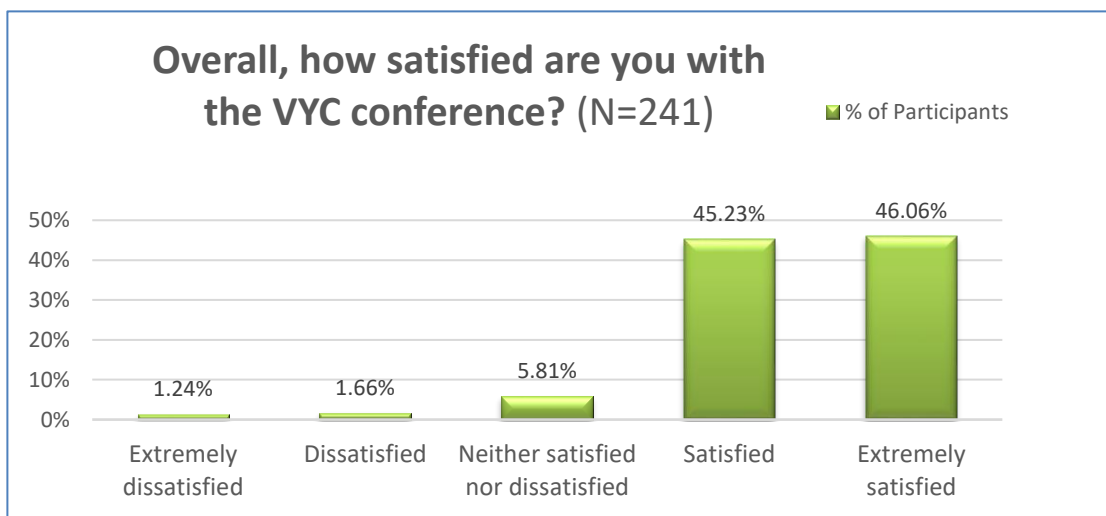
Participant Post-VYC Conference Evaluation Surveys

Post VYC survey results are available beginning January 1, 2019, rather than for the full 2018-19 fiscal year. Prior to 2019, four surveys were available, each for a different population of VYC participants. During the last quarter of 2018, the survey was rewritten to simplify the data collection

process and revise language to better match the restorative nature of VYC. One survey tool now is accessible to all participants. Since the beginning of January, 241 VYC participants completed the post-conference survey either online or in paper form. Not all respondents answered each survey question, so data for each question includes the total number of respondents who provided answers. The chart below identifies participants by their role in VYC. Three people reported their role as other; two supporters for the youth who caused harm and one as great grandmother (for which the participant is not identified).

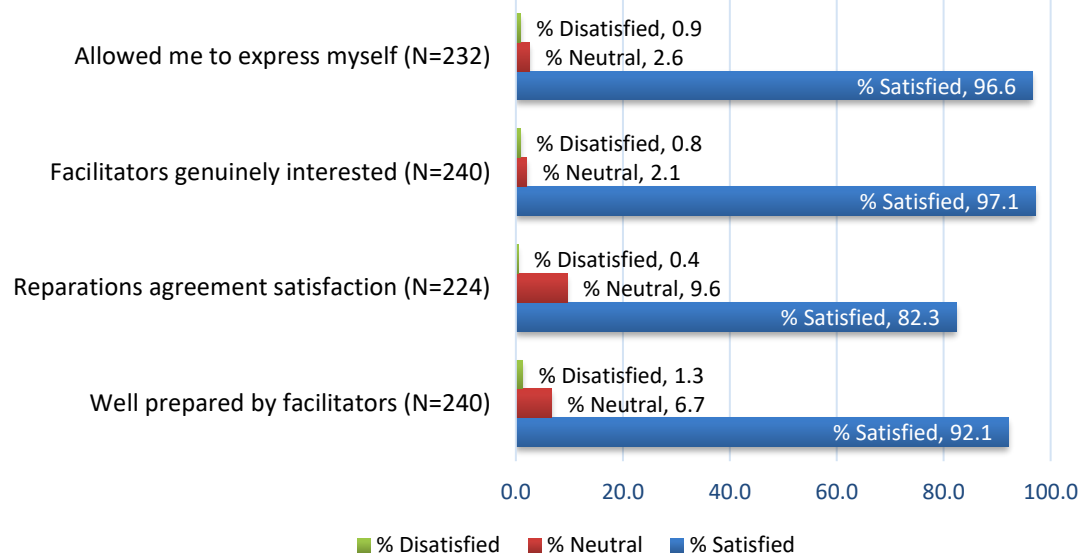


The next chart shows the overall satisfaction rate of VYC participants. Over 91% of VYC participants said they were satisfied or extremely satisfied with the conference overall.



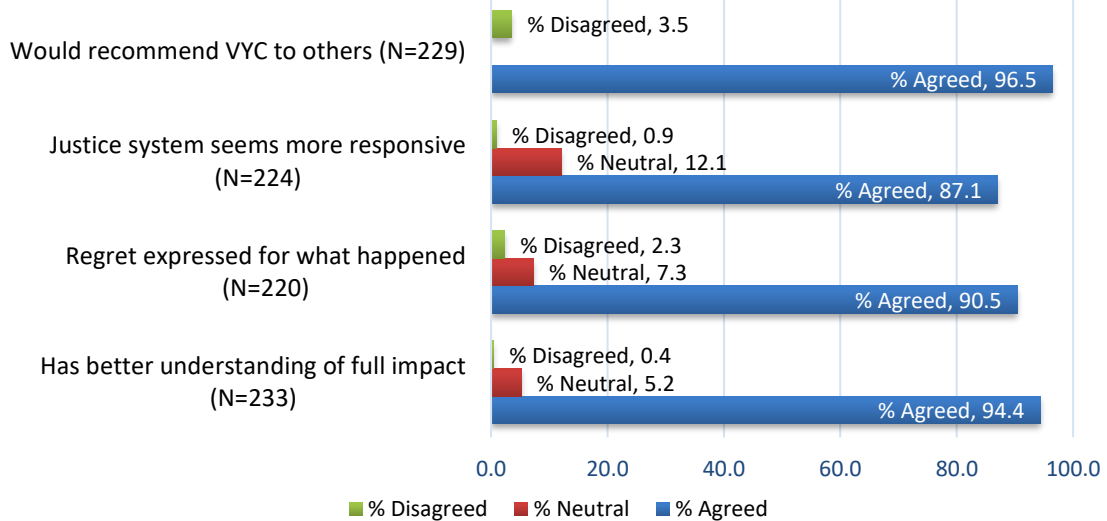
Additional survey questions asked all participants to evaluate how well prepared they felt they were by the VYC facilitators, their level of satisfaction with the reparations agreement, if they felt the facilitators were genuinely interested in their perspective and if they were allowed to express their thoughts and feelings about the situation. Responses are shown in the next chart.

Participant Satisfaction with VYC Process



VYC participants also reported if they had a better understanding of the full impact of the incident on others, if people expressed regret for what happened, if participation in the conference made the justice system seem more responsive to the needs of those harmed and those who caused harm, and if they would recommend VYC to others in their situation.

Participant Agreement with Evaluation Statements



Last, the revised post-VYC conference survey asked participants if they would consider being a volunteer for VYC in the future. Twenty-one percent answered yes, they would like to volunteer, and 25% answered they may be interested. Sixty-six VYC participants provided their names and contact information to talk with someone in the future about volunteering.

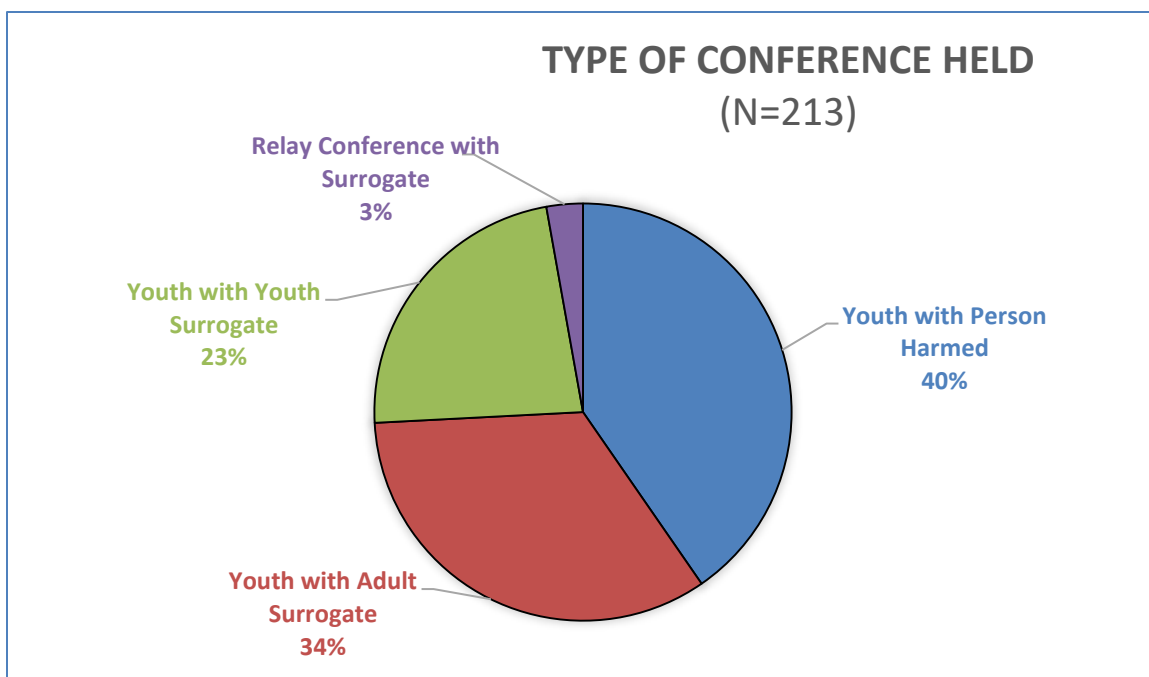
Persons Harmed and Their Participation in VYC

VYC is voluntary for all parties. Once a referral is received, mediation centers contact the youth and the person harmed to request their participation. For 212 VYC's, 40% (n=85) of those harmed chose to participate in VYC conferences. Overall, a total of 784 participants attended VYC conferences. Data on participation is missing for 10 of the 222 VYC conferences.

The chart at the right displays general categories of persons harmed for 127 VYC referrals. Data on the persons harmed was missing for 144 cases served by The Mediation Center, more than half of the total 271 referred. A number of stakeholders who were interviewed for this evaluation surfaced that not all who refer youth for VYC have information about those harmed or choose to make it available to mediation centers. Data has not been collected to confirm if mediation centers were given contact information by referral sources for all harmed in order to inform them of the option to participate. It is recommended that ODR and mediation centers include a discussion about engagement of persons harmed as a program component in future process evaluation.

Persons Harmed (N=127)	%
Adults over 19 years old	29.1%
Youths under age 19	34.4%
Businesses or Organizations	25.2%
Family	7.1%
School staff	3.2%

The next chart shows the types of VYC conferences held based on participation. Data was reported for 213 of 222 VYC cases.



Surrogates represented the perspective of those harmed in 60% of VYC conferences held. During the fiscal year, 40% of VYC's included the youth meeting directly with the person harmed, which

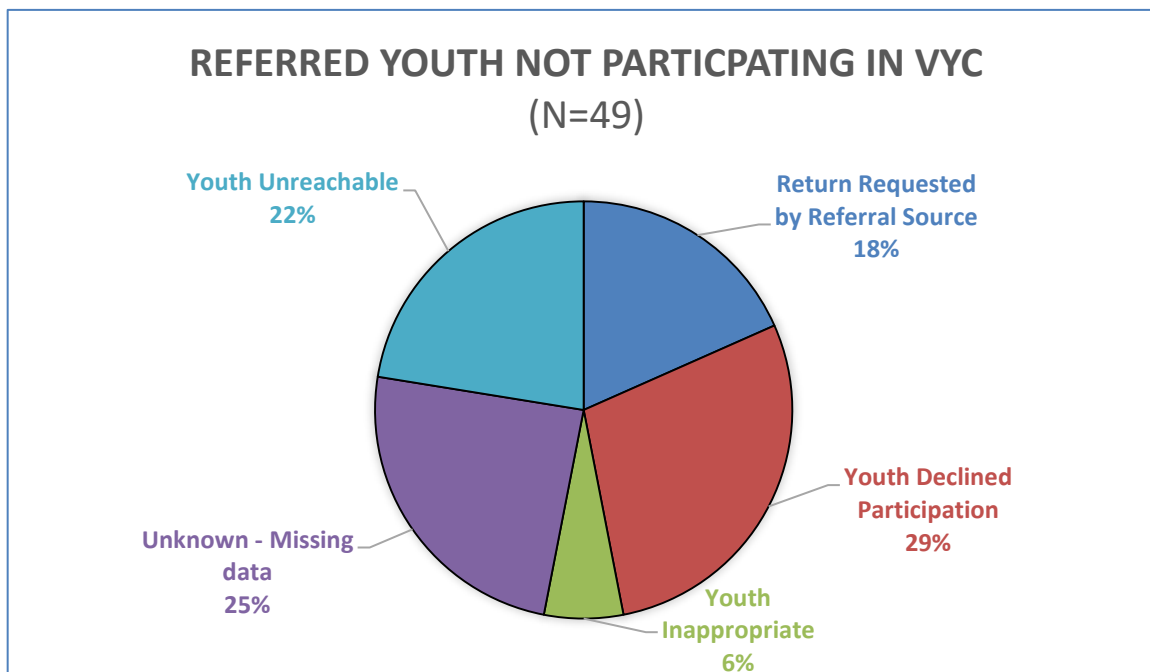
is a decline from 50% the prior year. Relay conferencing with a surrogate, meaning the youth and surrogate were not face-to-face in the same room, occurred in 3% of the cases.

Youth as Surrogates for Youth Harmed

While 34.4% of those harmed were other youth, the surrogates representing them were youth in just 23% of VYC conferences. Four mediation centers reported the use of youth surrogates. Two centers, Concord and Mediation West, engaged youth harmed in VYC with no need for youth surrogates. Central Mediation Center and the Nebraska Mediation Center each used adult surrogates to represent youth harmed in three cases. The Mediation Center did not provide a breakdown of those harmed by category, however reported 40 cases with a youth surrogate out of 124 total VYC conferences held. Due to 87 referrals to The Mediation Center coming from schools, it's likely that many of their cases with youth harmed did not include a youth surrogate. This suggests a potential need for more youth to receive training and serve as surrogates, so the representation of the person harmed best fits the situation. It also provides an opportunity for discussion about what may be hindering or supporting the engagement of youth harmed and what changes may need to be made to better engage them.

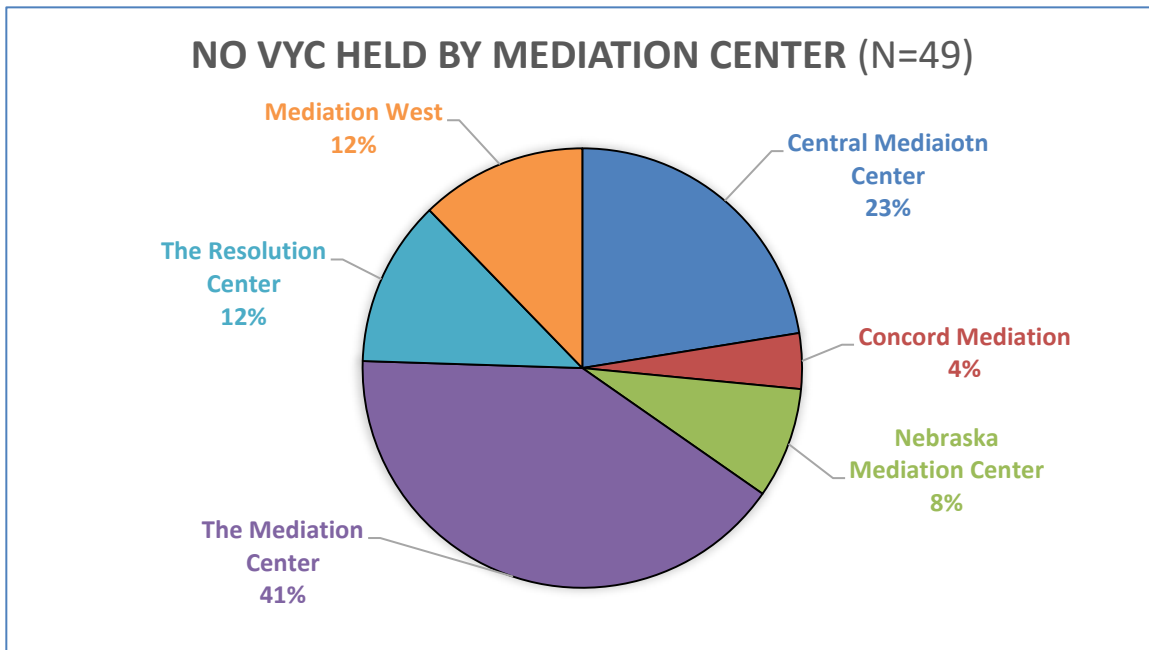
Reasons for Youth Not Participating

Youth, like those harmed, also have the option to choose whether to participate in VYC. The following chart displays the various reasons 49 referred youth did not move forward with VYC. Twenty-nine percent (n=14) of the youth didn't move forward with VYC by choice. Data about the reason for not participating was missing for 25% (n=12) of the youth and another 22% (n=11) were unreachable by mediation centers. Eighteen percent didn't move forward due to the referral source requesting mediation centers return the cases for reasons unknown, as well as 6% of youth determined to be inappropriate for VYC. Missing information leaves unanswered questions about the reason young people who were referred to VYC were not participating.

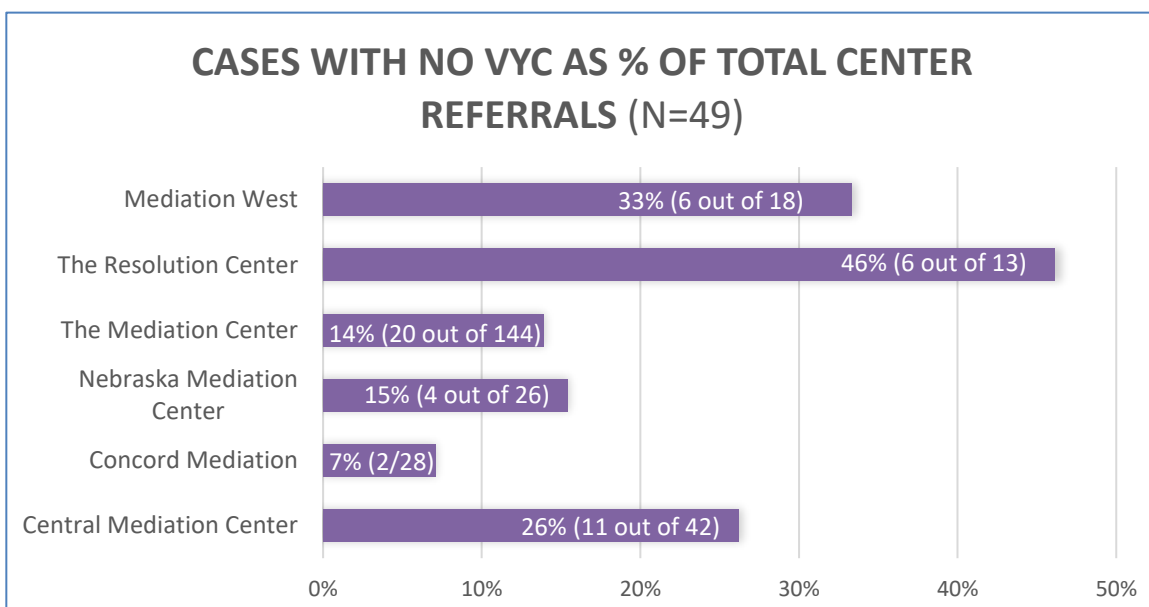


Descriptive statistics show no significant variation between youth moving forward with VYC and those who do not (age, race, gender, type of offense, school status and whether an interpreter was needed). The only difference worth noting is that youth who did not move forward with VYC were more likely to have another youth as the person harmed than youth who agreed to participate. Data was missing for 20 of the 49 cases that didn't move forward with VYC, so any interpretation is inconclusive.

The next chart shows the number of cases not moving forward with VYC by mediation center. The Mediation Center had the largest number of cases without VYC, followed by the Central Mediation Center. Concord had the lowest number of cases without VYC, followed by Mediation West.



Analysis of youth referrals without VYC as a percentage of the total referrals made to each mediation center shifts the breakdown as shown in the next chart.



Concord maintains the lowest percentage of youth not moving forward with VYC even when compared to their total referrals. Due to the high number of VYC cases managed by The Mediation Center, the percentage of their total referrals not moving forward with VYC demonstrates a 14% rather than 41% non-participation rate. The Resolution Center experienced a 46% non-participation rate followed by Mediation West that experienced 33% of referrals not moving forward with VYC. A deeper analysis of youth cases is warranted to identify any correlations between circumstances and whether youth participate in VYC, and if mediation center capacity to handle all referred cases is a factor.

Parent Involvement

Parents of the youth who caused harm did not attend VYC conferences in 24% (n=54) of cases, while 76% (n=168) did include parent participation. Numerous stakeholders who were interviewed emphasized the importance of parent involvement for VYC to be successful. However, 2018-19 data shows 98% of youth (n=52) without parent participation in the VYC conference successfully completed their reparations agreement (n=51) or partially completed it (n=1), compared to 97% of youth with a participating parent who fully completed (n=132) or partially completed (n=13) their reparations. One VYC without a parent and two with parent participation did not result in a reparations agreement. Data was missing for eight VYC cases with parent participation. Data is incomplete, yet it suggests youth without parent involvement may be as successful in VYC as youth with parental participation.

Use of Interpreters

An interpreter was needed in 27 cases, of which Spanish was the language for 19 cases, Somali for two cases, Arabic for four cases, Russian for one case and Kurdish for one case. Scottsbluff had the need for one Spanish interpreter, Buffalo and Dodge counties each had Spanish interpreters for two cases, Douglas county had eight cases for Spanish and two for Somali interpretation, and Lancaster county had the remaining 12 cases with interpreters. Parents of the youth referred to VYC requested interpretation services most often (in 20 cases), while in seven situations it was important for the youth and other participants as well. VYC's were held for all but one case assisted by an interpreter. It is unknown if language barriers were a factor in other cases that did not result in a VYC.

Gender and Age of Youth who Have Caused Harm

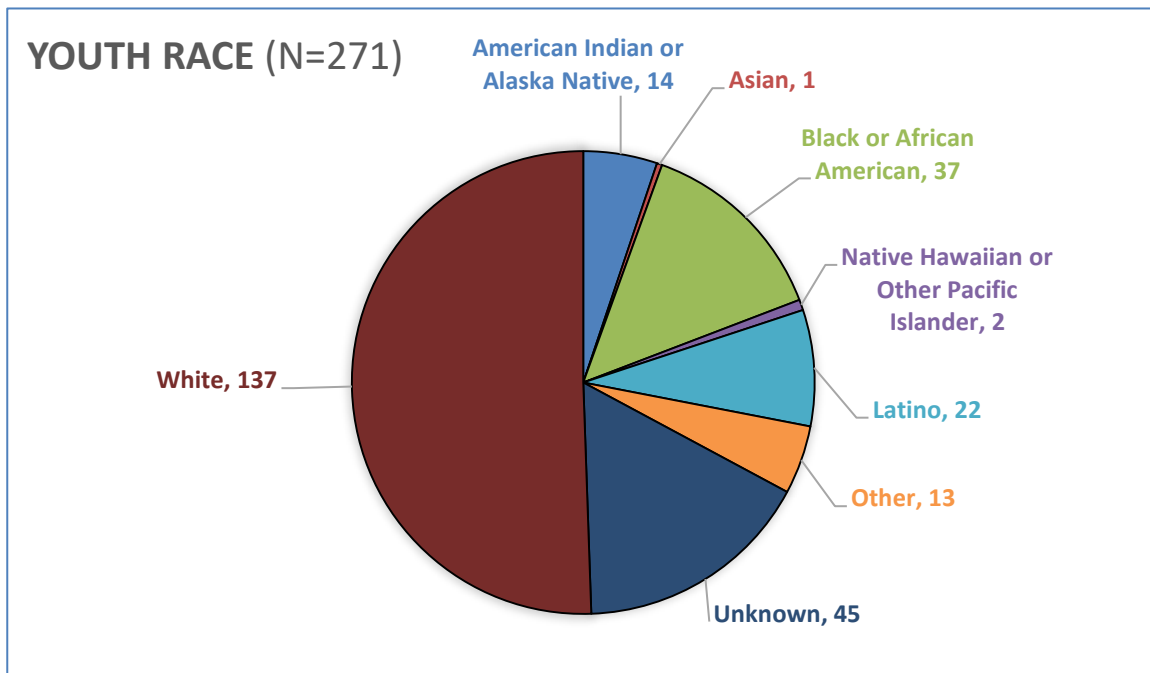
Sixty-seven percent of 255 youth referred to VYC identify as male, and 32.9% as female. Gender data is missing for 16 of 271 referred youth. The youth age is calculated at the time of offense, with data missing for 24 of 271 referred youth. The age range is ten to 18 years old. Two youth, less than 1% of all referred, are age 10, 26% are between the ages of 11 and 13, 40% are between the ages of 14 and 15, and 34% are between the ages of 16 and 18. The mean age is 16. Data on youth age and completion of reparations agreements (n=203; data is missing for nine of 212 VYC's that resulted in a reparations agreement) show the following percentages of youth who successfully completed all reparations.

- 87.5% of 8 youth 10-11 years of age
- 78.6% of 42 youth ages 12-13 years
- 91.7% of 84 youth ages 14-15 years
- 92.8% of 69 youth ages 16-18 years

Stakeholder interviews raised questions about age appropriateness for VYC, which warrants more attention as program adaptations are made.

Race of Youth Referred to VYC

The next chart shows the number of youths identified by race. Information on the race of youth referred to VYC was missing for 45 youth. For 13 youth who identified their race as “other,” six identified as Hispanic, five as Middle Eastern, one as Arabic and one as Cuban. The majority of youth identified as White and the largest minority identified as Black. Future inquiry should include demographic comparison of youth referred for VYC to the general Nebraska youth population, to the specific region where they live and to the youth in diversion or probation. This data may provide more insight into the implementation of VYC and its impact as an intervention from a systems perspective.



School Enrollment

Data on youth school status was missing for 31 of 271 youth referred to VYC. For the remaining 240 youth, 97.5% were enrolled in school at the time of the referral. Just 2.5% had been expelled, suspended or voluntarily left school.

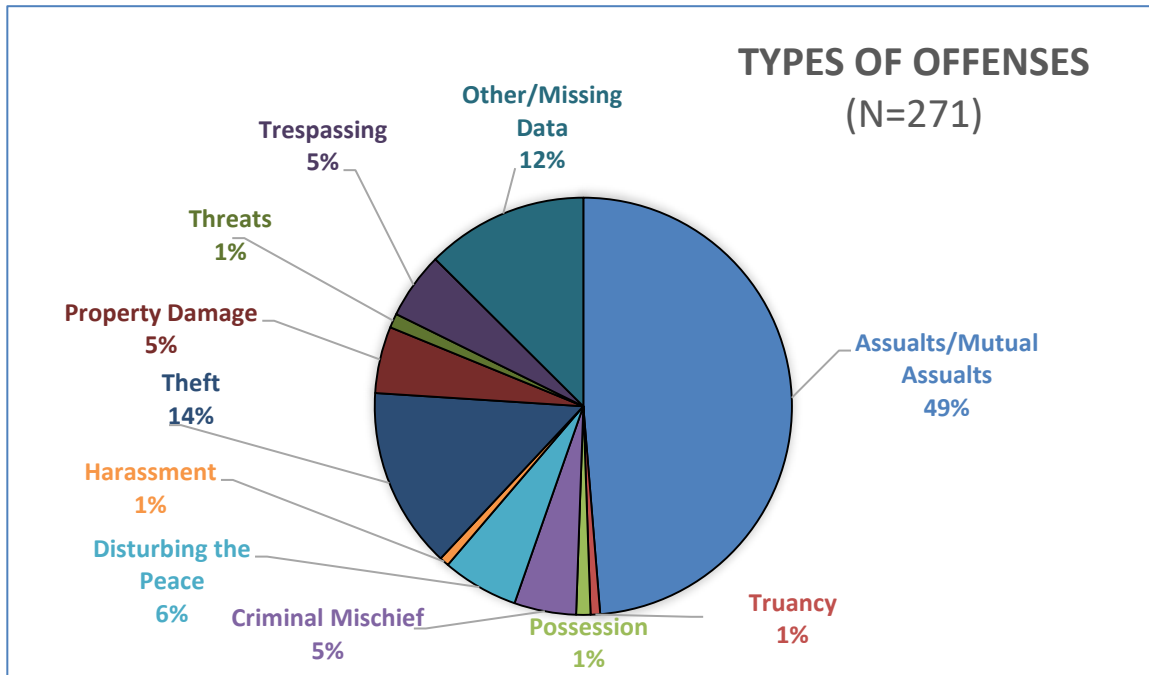
Other Youth Demographic Data

New data collection in 2019 included family status, family size, family income and youth employment, however, due to the early stage in collection there is insufficient data to make meaningful inferences at this time. This data is expected to be available by the end of 2019.

Types of Offenses

Youth who were referred to VYC had a variety of altercations that judicial system administrators and school administrators perceived to warrant a conference with those harmed. About half of 271

cases involved assault; 33% reported as assault and 18% as mutual assault. Often in altercations involving youth, both parties were harmed and have done harm, which is taken into account when VYC's are planned. The following chart shows the types of offenses and the percentage of youth who were referred for that offense. Again, a broader comparison to all juvenile citations in Nebraska, and to the specific region could provide insight into the use of VYC as well as other interventions to prevent future court involvement.



Goal 2: VYC Training and Education

To build capacity for VYC, mediation centers and ODR established goals for training VYC facilitators and educating stakeholders statewide. Each of the mediation centers has continued to focus on quality training of local VYC facilitators and surrogates to ensure a successful outcome for all involved. In the first half of 2019, a total of 31 people attended training on VYC facilitation, 43 people received training as surrogates to represent the perspective of those harmed when they opt out of the process, and 164 regional stakeholders attended informational presentations or training sessions to increase their knowledge of VYC. Four mediation center staff also attended training to become trainers of VYC, with the aim to increase training capacity and sustainability within Nebraska.

Of the 31 new VYC facilitators, 13 (39%) were from communities of color or other under-represented populations. This was also the case for 33% of newly trained surrogates and 25% of mediation center staff as new VYC trainers. All results significantly exceed the goal of 20% of people trained being from communities of color and other under-represented populations.

A post-training evaluation survey asked attendees to rate how ready they feel to facilitate VYC conferences on a scale from 0 to 5, 0 being not at all ready and 5 being fully ready. Of 27 attendees who completed the survey, 74% gave a rating of 4-5, 26% gave a rating of 3-3.5, and no ratings under 3 were received.

In ongoing process evaluation with mediation center directors and restorative justice coordinators, quality assurance protocol was developed during the fiscal year to make certain: 1) new VYC trainers are prepared to provide quality training, and 2) new VYC facilitators receive coaching as apprentices before facilitating VYC on their own. A VYC trainer feedback guide is now utilized to observe and coach new trainers, as is an apprentice feedback guide to ensure the preparedness of VYC facilitators.

Goal 3: VYC Capacity Building and Sustainability

One sustainability domain identified by mediation centers as needing attention is the ability to adapt the VYC model to meet the local community culture and partnership interests, while also maintaining the proven best practices of the VYC model.

Adaptability

Variations in case closure processes and the amount of ongoing follow-up with participants was identified as an area for further inquiry. To better understand regional adaptations and opportunities for improvement, open-ended interviews were held with 11 Restorative Justice Coordinators and key staff of mediation centers. Prior to interviews, a set of case closure evaluation questions to be asked of youth had been added to the program implementation protocol and tracked in the Caseload Manager database. Most mediation centers were not utilizing the formal case closure evaluation questions for a variety of reasons identified in interviews.

First, based on expectations of collaborative partners, not all mediation centers are responsible for maintaining a relationship with the youth after the VYC conference and for tracking reparations agreement completion. The Mediation Center in their partnership with the Lancaster county attorney's office for pre-diversion cases is an example. Once the VYC conference is held and reparations agreement made, the case is returned to the county attorney's office, which has staff assigned to follow-up with youth, close the case after completion of reparations and administer a post-evaluation survey.

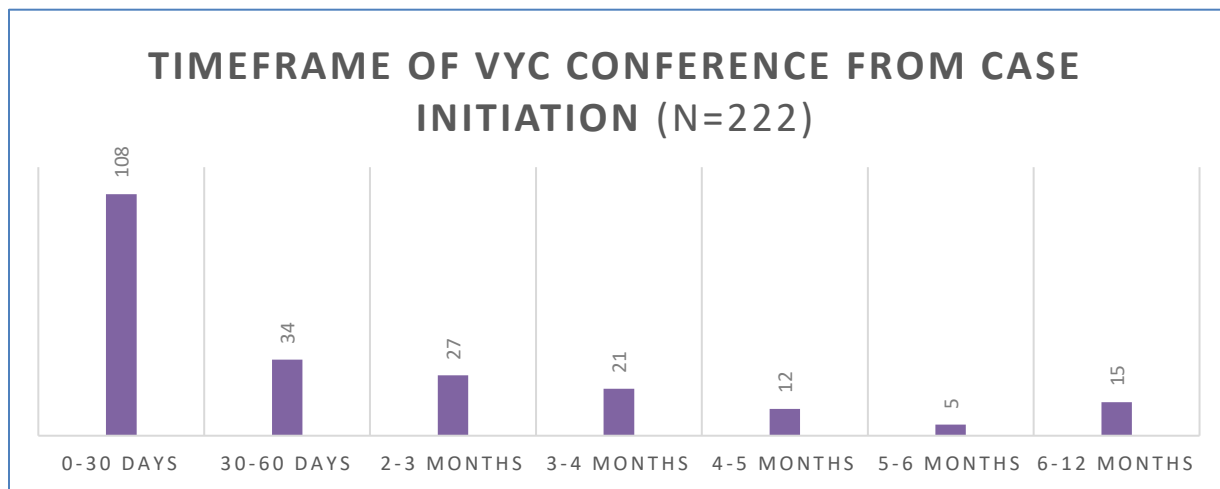
Other mediation centers for which staff maintain a relationship with the youth during reparations agreement completion and case closure found the formality of the case closure evaluation protocol to be awkward and not fitting with the youth relationship. Some mediation centers see youth on a set schedule until the reparations agreement is completed, while others do not. Staff who are more engaged with youth in the process suggested it would be appropriate to ask open-ended questions relating to how they felt about their participation and what they gained from the process. At the same time, one mediation center expressed comfort with the formal case closure questions and successfully incorporated the protocol into their data collection.

Staff of mediation centers stressed the importance of flexibility in the final youth conversation on a case-by-case basis in line with the VYC relational ethos. It was recommended to remove the formal closure evaluation questions as tracked in the database and replace them with an activity report used by mediation centers to add notes documenting the case closure conversation. With implementation differences, future evaluation should include a comparison of the local adaptations, an analysis of whether a difference in outcomes exists as a result, and if sustainability is most likely with such community cultural adaptations.

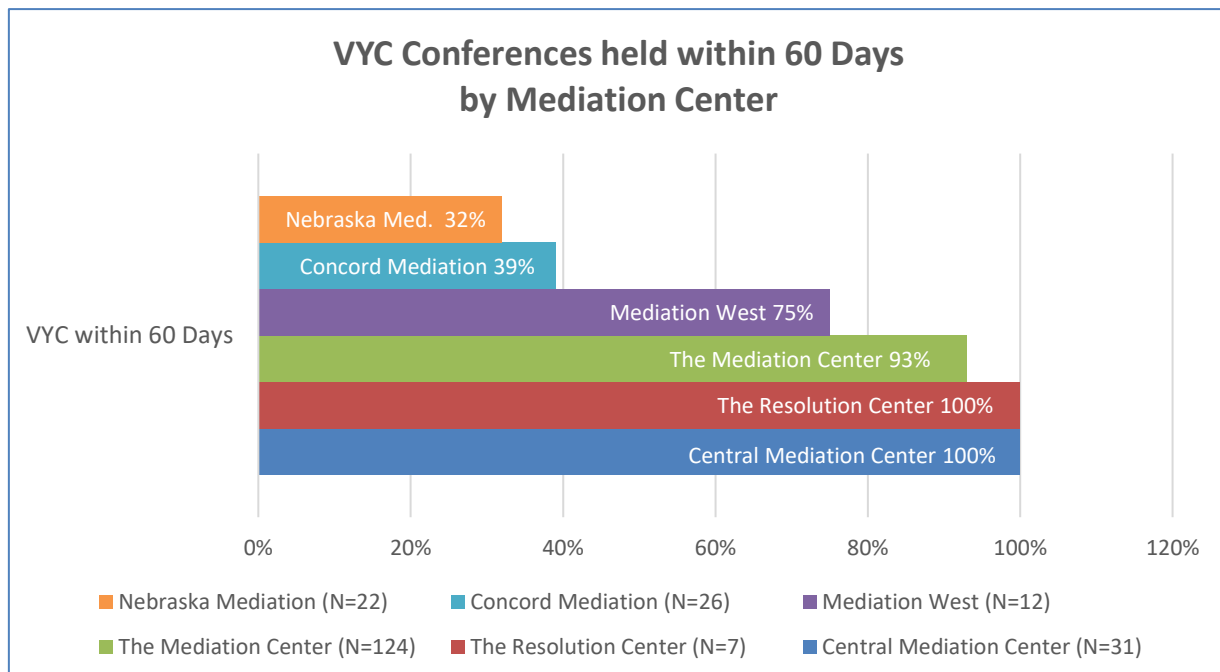
On another note, staff interviews surfaced a significant gap in follow-up with VYC participants who were those harmed or surrogates for those harmed. This gap could be due to priority setting when resources are limited, or seeing youth who cause harm as the primary participant. In any case, the degree to which those harmed are engaged in VYC is a topic to be addressed in the next year.

Timeliness of VYC Conferences

A capacity building goal is for 85% of VYC's to be held within 60 days of the case initiation (date referral received by the center). Sixty-four percent of VYC's held achieved this goal during the fiscal year, while 12.2% occurred within 2-3 months, 17.1% within 3-6 months and 6.7% within 6-12 months. During the fiscal year 2018-19, time of the VYC conference from the date of case initiation ranged from less



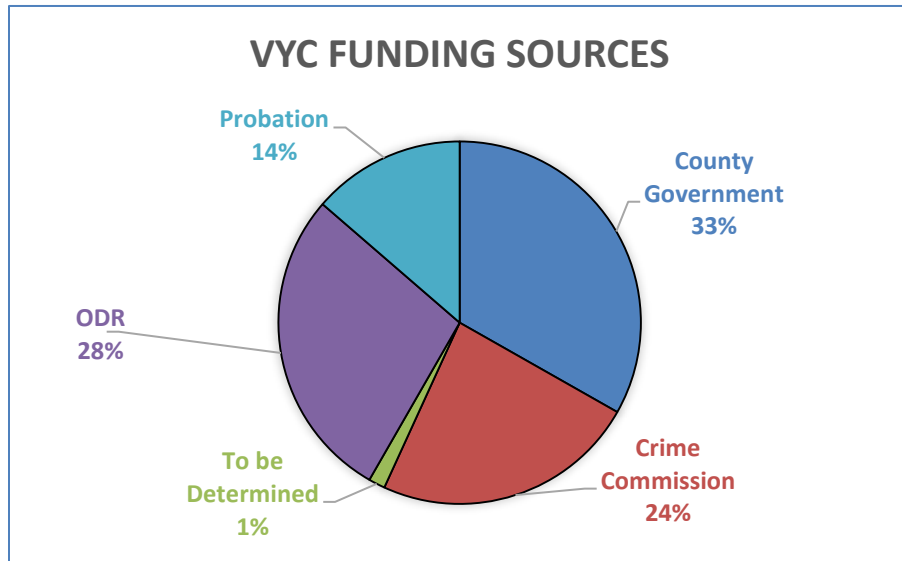
than a week to a full year after the referral. The next chart shows the percent of VYC conferences held within 60 days of case initiation for each mediation center. Three mediation centers exceeded the goal of 85% of VYC's occurring within 60 days. It's not uncommon for complex cases to require more time.



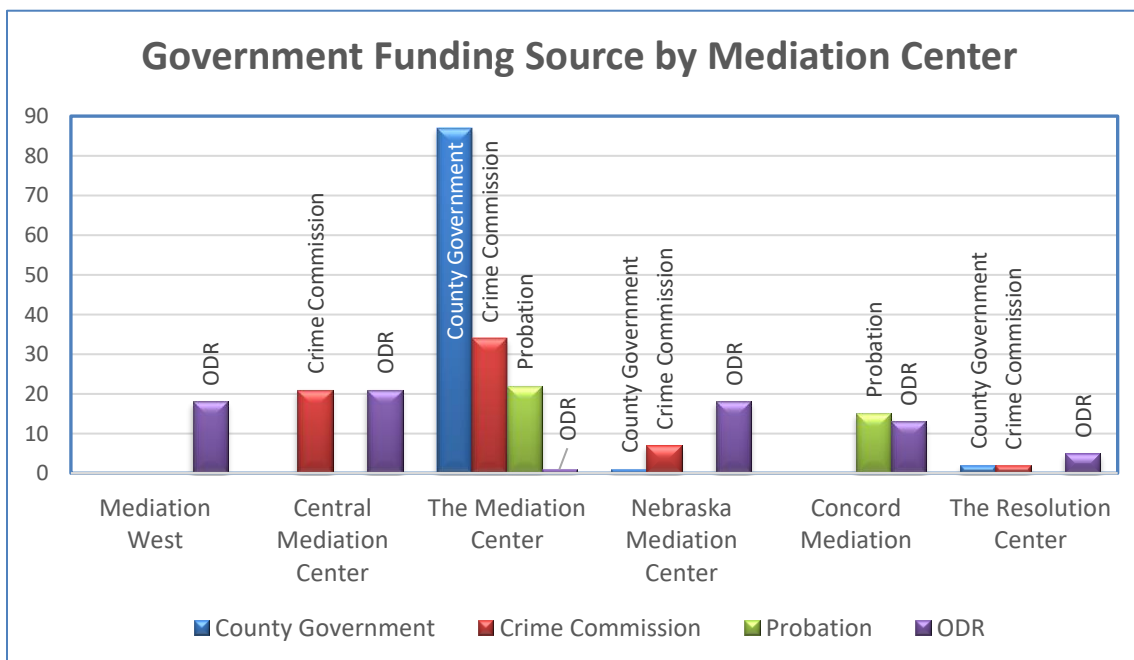
One factor that may impact the amount of time is the implementation agreement made with referral sources. For instance, probation offices that utilize a voucher system for VYC referrals may slow down the process. On the other hand, memorandums of agreement between centers and referral sources may require that school-based or pre-diversion cases are expeditiously handled, which is the case for Project Restore (The Mediation Center). Further investigation is needed to understand the variation in timing for the implementation of VYC as well as the impact on VYC participants and completion of reparations agreements.

Diversified Funding Sources

A new data point being tracked by mediation centers is the funding for VYC cases. Data available for the fiscal year includes the government sources of funding secured as shown in the charts to the right and below. Mediation centers diversified funding with private foundation revenue as well, outlined on the next page.



One major source of private financial support that has made the three-year VYC Enhancement Initiative possible is provided to ODR by The Sherwood Foundation.



The Sherwood Foundation funds support capacity building efforts statewide, including the hiring of a Restorative Justice Coordinator at each mediation center.

In the first six months of 2019, all mediation centers made progress in securing new funding to support VYC. The following sources had been secured or were pending at the time this information was collected (June 30, 2019, end of fiscal year).

- **Concord Mediation** had a pending proposal of \$78,000 from the Douglas county Community Based Aid Grant (July 2019 – June 2020) to initiate pre-ticket VYCs in Douglas County Schools.
- **The Mediation Center** secured \$55,285 from Lancaster county, \$46,000 as a pass through from the Lancaster county Crime Commission, and negotiated \$150/hour to a maximum of \$750/case for probation referrals.
- **Mediation West** in Scottsbluff secured \$31,999.50 from the Nebraska Crime Commission Juvenile Services Grant, \$6,000 from the Community Foundation Grant passed through Kimball Public Schools, \$1,000 from Soroptimists International, and \$218.64 from WyoBraska Gives.
- **The Resolution Center** secured \$2,500 a year from the Gage county Community-Based Juvenile Services Aid Grant, and negotiated a fee of \$80/hour from local diversion offices.
- **Nebraska Mediation Center** secured \$2,500 from a County Attorney's Office for diversion referrals, and negotiated a fee for service for probation referrals.
- **The Central Mediation Center** secured \$12,000 from local Crime Commissions, specifically \$5,000 each from Buffalo and Adams counties and \$2,000 from Sherman county.

Partnerships and Political Support

To increase awareness and the use of VYC statewide, mediation centers reached out to an impressive number of stakeholders in the first half of 2019. Collaborative meetings, one-on-one visits and presentations were made to 488 judicial system, school and community stakeholders.

In addition to outreach by mediation centers during the 2018-2019 fiscal year, ODR presented at the following conferences.

- Nebraska Judicial Branch – Fall Judges Conference (La Vista, NE, October 2018)
- Lincoln Bar Association Event/CLE (Lincoln, NE, April 2019)
- American Bar Association Dispute Resolution Section Annual Conference (Minneapolis, MN, April 2019)
- Nebraska Juvenile Justice Association Annual Conference (Kearney, NE, May 2019)
- National Association of Community and Restorative Justice Bi-Annual Conference (Denver, CO, June 2019)
- Society for the Psychological Study of Social Issues Annual Conference (Dan Diego, CA, June 2019)

Communications and Marketing

The last sustainability domain for capacity building according to mediation center assessments is broad-based communications statewide. As the VYC Enhancement Initiative moves forward, it is recommended that a comprehensive communications and marketing plan be developed.

The strategy to build capacity for the ODR and mediation centers to sustain VYC statewide has been comprehensive, including the activities already reported to expand awareness, increase referral sources, secure diverse funding sources, and train skilled facilitators and surrogates. Stakeholder interviews, discussed in the next section, have also been conducted to gain insight into priorities for further enhancement and what works best at the community level according to local stakeholders.

Stakeholder Interviews

Stakeholder interviews generate reflective feedback and produce ideas that can lead to positive systems changes. ODR and the mediation centers are 18 months into the expansion of VYC statewide, which has allowed for the cultivation of partnerships. While still being in the formative stage of implementation, it is an ideal time to seek and be responsive to feedback from other partners or potential partners. Accordingly, a decision was made to include stakeholder interviews in the VYC evaluation plan. Interviewees were selected through criterion sampling, with the criteria being they have professional expertise related to the mediation centers, to the juvenile justice system, and relevance to VYC implementation. Interviews were qualitative in design, utilizing an interview guide with 15 open-ended questions.

Each mediation center recommended three to five stakeholders to interview. After contacting them, 19 interviews were conducted with twenty people participating (one interview included two people). Of those interviewed, six were urban-based and 14 rural. Fourteen stakeholders are in positions to provide referrals to mediation centers for VYC, from county attorney's offices, diversion programs and probation offices. Six stakeholders are administrators who don't make direct referrals, but supervise those who do or are involved in a VYC partnership, from county attorney's offices, schools and probation administration (four urban and two rural).

The implementation of VYC across Nebraska is nuanced with great flexibility to adapt to the regional culture and varying interests of public partners. Local programming in pre-diversion, diversion and probation administration are equally varying from county to county, which reinforces the need for mediation centers to be flexible in their partnerships.

Systems Change and Variations in Youth Interventions

This report does not go into depth describing the significant local variations in decision making and implementation of juvenile services in relation to VYC; even though a deep dive into a comparative inquiry of intervention approaches would be valuable. It's important to note the expansion of VYC as a restorative justice intervention for youth court involvement is a systems change process at all levels. Mediation centers are changing within their own operations and local judicial systems are changing along with them.

The Judicial Branch Office of Dispute Resolution is changing as are their partnerships at the state level. Nebraska statutory expectations are also changing to be in congruence with shifting priorities.¹¹ It is expected that variance in implementation will occur statewide as systems changes are implemented. This presents an opportunity to learn from stakeholders at different stages. It also presents an opportunity to lift up what is working to develop community-based best practices.

The outline below illustrates some key areas where local stakeholders vary along a continuum in their approach and use of VYC. Along the continuum, VYC in some counties is the first option as pre-diversion without any other interventions. In other counties it's most often one component of a youth's probation plan.

VYC Implementation Continuum



VYC as only Pre-diversion VYC as only Diversion VYC with Diversion Plan VYC with Probation Plan

Other Variations Along a Continuum:

- **Youth Served:** Only youth who are first-time offenders, to youth needing second chances

"We're a second chance county, so youth can have a prior offense otherwise criteria is no priors, not being on probation currently and pretty much every case with a victim [is referred to VYC]," a stakeholder shared.

- **Age:** Youth under 11 years old referred as best fit, to the best fit being youth ages 14-17

As reported earlier, the youngest youth referred for VYC was 10 years old and the oldest was eighteen during the fiscal year.

- **Risk:** VYC only appropriate for youth in low-risk cases, to case by case assessment

Some stakeholders uphold a restorative mindset with healing being the most important outcome. As such, restorative practices are a way of being in relationship and seen as appropriate in most cases. VYC, however, is one of the most formalized restorative practices utilized in Nebraska as a specific intervention to decrease court involvement when harm is done. The potential danger in referring youth who are system-involved to VYC is net widening, which means increasing the number of youths who become system involved.¹²

- **Offense Criteria:** Define and adhere to specific criteria for VYC, to each case individually assessed to determine if it seems a good fit

"Every case is individualized, so we consider whether it seems the youth will benefit," a rural diversion stakeholder explained.

This sentiment was shared by five interviewees.

¹¹ See Nebraska Dispute Resolution Act, LB595 2019.

¹² Net widening may be an unintended consequence when stakeholders, enthusiastic about a new innovation, refer youth to VYC who typically would not receive systems intervention. Net widening can potentially worsen forms of discrimination when the intention was to reduce disparities (Prichard, 2010).

- **Use of VYC:** Rarely refer youth for VYC, to most often, to always refer youth for VYC first

“Generally, if they do VYC I don’t assign other services, activities or curriculum at first. VYC is first,” a diversion stakeholder explained. And a county attorney shared,

“We refer to VYC first, any case we see as a good fit, so people come up with a reparations plan and add what they believe is important rather than us telling them what to include.”

Other stakeholders do not share this perspective.

- **Priority:** Pre-diversion with VYC always first, to diversion, to youth/probation officer relationship most important

“About 60-70% of our youth qualify for VYC,” mentioned a county attorney.

“More important than services is the relationship between the youth and probation officer. Its success is relationship-based,” another stakeholder emphasized.

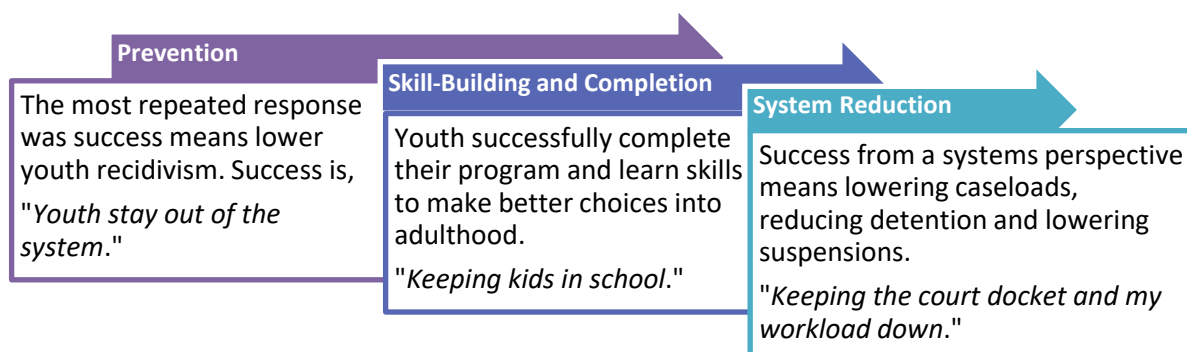
Restitution Agreements

One theme that stood out in rural Nebraska was the value of VYC in cases where the restitution amount was large and likely unmanageable for the youth. As one diversion stakeholder explained,

“We’ve had situations where kids have done \$10,000’s worth of damage, and they’re not able to pay that much. VYC is a best fit with restitution when it’s believed youth won’t be able to pay full cost. In these cases, mediation is the first referral option.”

What does success look like for you in your work?

Three themes for determining success in youth cases emerged from stakeholder responses as shown in the next chart: 1) prevention, 2) skill building and follow-through, and 3) system reduction.



How does VYC fit into the multiple services available for youth?

Are any services a good or bad fit in conjunction with VYC?

When asked this question, four stakeholders noted that they refer youth to VYC as the first and only intervention rather than assigning them to a multi-service plan. Two stakeholders stated that VYC may be a good fit with any service as part of a plan, so no service was seen as a bad fit.

"It all can fit. We really stick with evidence-based services, so the only problem may be offering too many things at once," a stakeholder explained.

Good Fit with VYC

Seven stakeholders identified specific youth participation components that were seen as a good fit with VYC. Youth plan components mentioned by stakeholders most often were part of a diversion or probation plan under the supervision of the county diversion or probation staff. The diagram on the right depicts various youth action plan components fitting with VYC. Community service was the response most often given. One rural stakeholder explained,

Youth Service Options Fitting with VYC



"VYC is a fit with youth who need to do community service and write letters of apology. This is similar to VYC, since it shows youth are willing to admit their mistake and take some responsibility. These types of diversion activities are managed by the diversion staff."

"Community service is a part of their diversion regardless if they go to VYC," another expressed.

Not a Good Fit

A small number of stakeholders interviewed identified situations and responses that would not be a good fit with VYC. When youth received a charge for possession or use of an illegal substance or alcohol, stakeholders followed protocols in place statewide. A stakeholder explained,

"Generally, for possession of illegal substance, our pre-diversion also has an alcohol and marijuana component without the mediation piece."

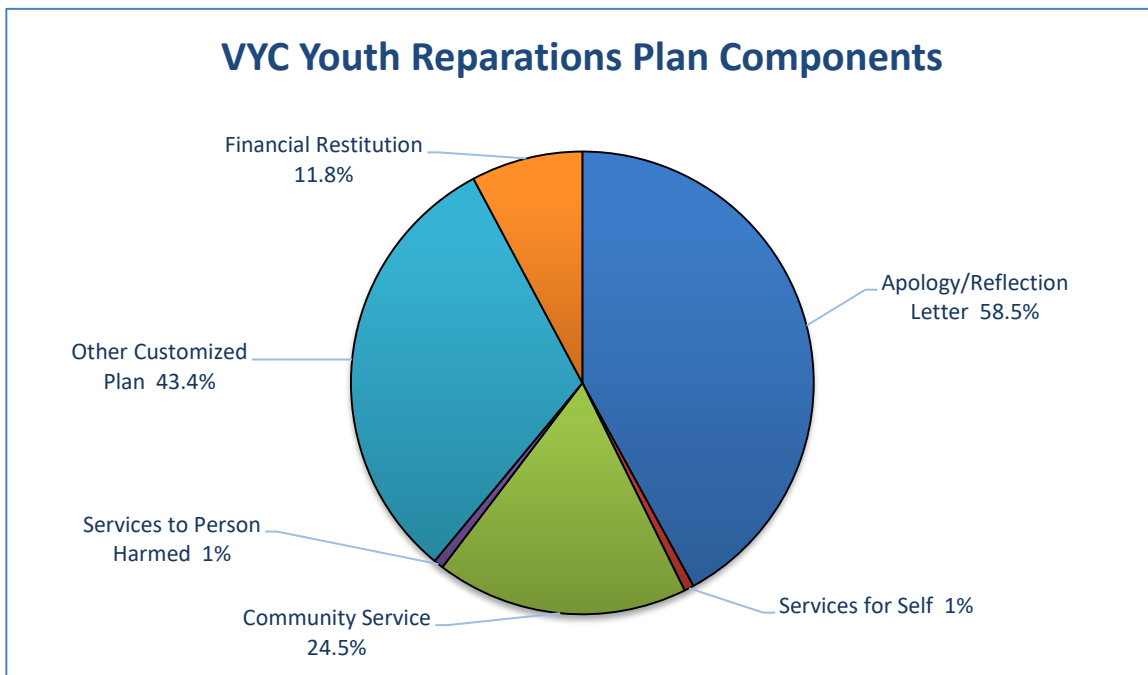
In counties where communication occurred between diversion programs and schools, a couple stakeholders were sensitive to not duplicating any process that the schools were already using to hold youth accountable for harms done within their school relationships. One stakeholder described, in school situations,

"...like damage to a classroom, the activity the mediation center would do with the school probably has already happened at the school through their own process, so would be duplicating efforts."

Another duplication mentioned by a stakeholder would be if the youth was assigned to an empathy class. VYC was perceived to be duplication of efforts.

Reparations Plans Stand-Alone or Duplication?

All of the youth plan components mentioned by stakeholders as being a good fit with VYC were also common components in a VYC reparations agreement. During fiscal year 2018-19, youth reparations agreements included the components depicted in the next chart.



Questions for further consideration include, to what degree mediation center staff either: 1) are aware of youth plans outside of VYC and thus don't duplicate in VYC reparations agreements, 2) intentionally coordinate and track successful completion of youth plans with systems stakeholders to prevent duplication, or 3) unknowingly duplicate youth plan components already in their plans with system stakeholders? Another question for consideration is, to what extent do stakeholders choose not to refer youth to VYC due to already incorporating youth reparations plans in their own casework?

What is the most important thing to get right in VYC implementation?

Common themes surfaced when stakeholders were asked what was most important for the mediation centers to get right in their implementation of VYC. These themes are explored in the order of most to least repeated responses, yet all emerged as important.

#1 - Initial Communication and Preparation with all Parties

First and foremost, the initial communication with all parties and their preparation for the process was identified as critical for VYC to be successful. In some cases, stakeholders who make referrals to VYC will explain what VYC is to youth and their parents, and they may express interest before being contacted by mediation centers. One stakeholder noted,

“Even before it gets [referred] to them, I think we need to get [the mediation center] all of the information they need to get it done.”

In other cases, the mediation center receives the referral and is the first point of contact to explain VYC as an option. Persons harmed by the youth are least likely to have been contacted before a VYC referral, so it’s an option new to them when they are contacted by the mediation center. In all cases, stakeholders emphasized the importance of mediation centers reaching out and very carefully engaging people, so they understand what to expect in order for things to go well.

“The power to choose makes a difference,” a stakeholder emphasized.

Another factor related to initial contact by the mediation centers is the timeframe for processing the case. The entity referring youth to VYC has their own screening process that takes anywhere from one day to longer than a year before the case is referred for VYC, at which point the mediation center is under pressure to move forward expeditiously. A stakeholder explained,

“Getting the case processed takes a while, about two to three weeks in the county attorney’s office before the referral, so the mediation center needs to quickly respond and get it done. Otherwise we lose people’s engagement.”

A stakeholder emphasized the mediation centers must,

“make sure everyone understands the goal of the conference and do the preparation and set up correctly, because if people don’t understand, then there are opportunities for it to go wrong.”

Another said the most important thing is,

“Having a good line of communication so everyone understands what the purpose is, and both parties are willing to sit down with each other to speak honestly and openly about the situation.”

“Contacting the victim and making sure the victim is in a good state of mind to participate in the process,” was added as important by another stakeholder.



#2 - Participant Engagement and Relationship

Continuation of a trusting relationship throughout the VYC process was also seen as important by stakeholders. This includes monitoring to be sure all parties feel safe, are being heard and are understood throughout the process. A stakeholder emphasized,

“I’m a firm believer in meeting in-person with youth and parents. Relationship is important. In many cases I’m the most consistent person in their lives.”

Another stakeholder explained that the youth will develop empathy through a well facilitated listening process to understand the impact of what they did, so they handle situations different in the future. Feeling safe throughout their involvement also means both parties are participating with good intentions. Another stakeholder shared,

“Making sure that the victim isn’t vindictive and is there for the right reasons,” is important for the process to be successful.

#3 Reparations and Accountability

Five stakeholders responded that the youth will be successful when mediation centers make sure a reparations plan is made between the parties, is fitting the circumstance, and the youth follows through in completing it. Mediation centers work with youth to make sure they show accountability and all parties, *“see something real happened,”* expressed one stakeholder. While this sentiment was shared among stakeholders, in other partnerships like Project Restore with The Mediation Center, the county attorney’s office is responsible for follow-up with the youth as they complete the reparations agreement. Another stakeholder described the most important thing in VYC is, *“The healing to all the parties,”* which is the result if all goes well in the face-to-face meeting and reparations process.

#4 Working with Schools

A fourth common theme expressed by three stakeholders was for VYC to be utilized to address behaviors and harms done in schools as a means to keep youth out of the system. One stakeholder commented,

“School resource officers are involved if there’s a law violation or safety issue. The goal is to prevent problems before reaching that point.”

#5 Cultural Competency

While discussed only by two urban stakeholders, the significance of cultural competency is worth mentioning as a necessity for successful VYC. An intentional focus on reducing disproportionate minority involvement in juvenile courts has been a driving force for the growth of VYC in Nebraska’s urban areas. When asked what is most important to get right, one stakeholder directly said,

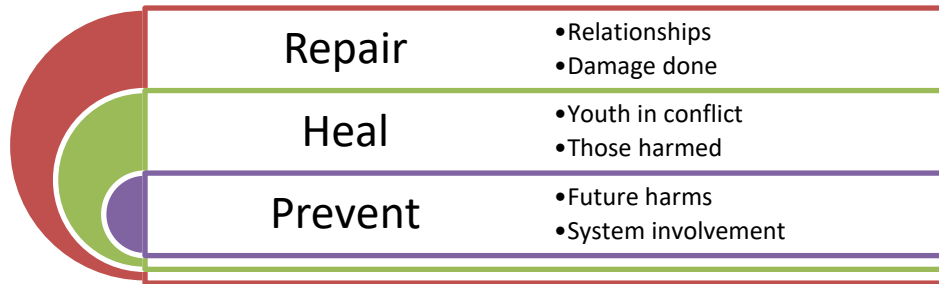
“Cultural competency. Most of our youth are in poverty, and black or brown skinned.”

What are the benefits; what would be your dream outcome for VYC?

The most common response about the benefits of VYC was that youth gain empathy and are accountable for their behavior. By achieving these outcomes, it’s possible to also repair relationships and harms done, heal those harmed, heal youth who have experienced conflict, and prevent future harms. Youth ultimately stay out of the system, according to stakeholders.

Stakeholders shared these perspectives:

"I truly believe many of the youth haven't thought about the consequences and the impact, so they don't have the skill to know about accountability."



Youth Gain Empathy and are Accountable

"It's healthier and beneficial for a kid to say, 'I understand what I did wrong and have to fix it.'"

"Overarching is the healing process and everyone has an opportunity to heal and grow."

"Hopefully it helps us channel youth out of the system."

What are the greatest barriers to not being able to get this outcome?

The greatest barrier to achieving VYC desired outcomes according to stakeholders is that people choose not to participate.

People Choose to Opt Out

VYC is a voluntary process for all potential participants; youth who have caused harm to themselves or others, their parents, and those harmed. One stakeholder simply stated the greatest barrier is,

"The people themselves. There's only so much we can do and sometimes people aren't willing."

Even though a VYC can still go forward with a surrogate for the person harmed if they don't participate, it may be difficult to identify a trained volunteer surrogate who can step in. One stakeholder shared, a VYC was not possible in a situation due to not having a surrogate when the person harmed opted not to participate. The process becomes more complicated and takes more time.

"Sometimes people just want to go to court and get it over with that day," a stakeholder offered as an explanation.

Another added,

"Parental involvement or lack of, is our greatest barrier."

Lack of Buy-In from Systems Stakeholders

Systems stakeholders also may opt out due to limited understanding of VYC. Stakeholders reflected,

“People limit its opportunity by seeing it only as being used in limited situations when in fact the research shows in other countries it’s happening in more serious situations and in different environments/settings.”

“I think we’re not using it enough.”

“The justice system in particular thinks it’s a little soft.”

“It’s a part of our work to integrate it into the system; however, I don’t know if our probation office is knowledgeable on restorative practices. Restorative practices are a mindset and restorative justice, victim youth conferencing, is a part.”

Another stakeholder thoughtfully shared,

“Giving away some of your control to another agency - that’s something that’s hard for us, because we have an internal process that we’re confident in. Even though we have confidence in the mediation center, we have confidence in what we can do as well in a timely manner.”

Timeframe

The last quote shared by a stakeholder aligns with another theme from interviews. From a systems perspective, referring a case to an external organization for an intervention adds a time challenge. One stakeholder noted,

“Sometimes the prep takes too much time, so other barriers creep in. It’s a balance of time.” Another added,

“By the time an individual is referred, there’s a delay in contacting youth and family, so by the time the mediation center is contacted it could be quite a way down the road for the process to happen. The more immediate the response, the better.”

Cost of VYC

Rural stakeholders in particular identified the cost of VYC, based on a fee for service to the mediation center, as prohibitive to its use. More on cost will be reported in the section on recommended changes to expand the use of VYC statewide.

Youth Capacity to Understand

A final barrier mentioned by a couple stakeholders is that youth may not have the processing capabilities to participate in VYC. A stakeholder explained,

“Especially due to age starting at 11 or those with developmental disabilities, then it’s a real specialty to work with the kids in a way they understand what is happening.”

What are the problems to be solved locally as well as systemwide?

The answers to two questions contributed to overlapping themes that have been combined here: 1) What problems need to be solved? and 2) What else do you think is important to consider?

Outreach, Education and Getting Buy-in

Eighteen responses supported the need for expanded outreach and education of systems representatives that could increase the access to VYC statewide. Expanded outreach and education aligns with the sustainability domains of communications, partnerships and political support. A rural stakeholder said what's needed is,

"Getting judges bought-in and making sure they will help legitimize VYC."

"More referrals would happen if the court directly made referrals for probation cases," a stakeholder shared.

Others asserted,

"More education is needed, for example our probation officers and private attorneys as well as nonprofits and guardians ad litem don't quite get it."

"Talk to prosecutors and public defenders. About 60% of youth have a public defender and 40% private attorneys, so any kind of education with them. Talk to schools."

Opportunities for outreach and education suggested by stakeholders included presenting at juvenile justice conferences and other professional events where ODR and mediation centers can share the work being done and results. As mentioned earlier in this report, ODR and mediation centers have been reaching out and educating others through professional conferences and will continue to do so. A stakeholder also suggested,

"It may be helpful to get who sees more juvenile cases to sit in on a [VYC] conference. There's something about experiencing the process."

Clarifying the Language

Along the lines of educating others and getting buy-in, stakeholders noted that language can be a barrier to others understanding and embracing VYC. In some cases, stakeholders referred to the use of VYC as mediation and in other cases stakeholders shared there is a need to get beyond the victim and offender dynamic by, *"understanding the restorative mindset."* Instead of victim and offender, the focus should be on the healing that occurs and the lessons learned, according to a number of stakeholders.

"People understand the bottom line, like the Father Knows Best show - people understand you broke a window, so let's figure out how to make it right," an attorney shared.

Expanding School-Community Partnerships

Aligning with the priority of reducing youth involvement in the judicial system, a second significant theme that emerged from interviews was expanding VYC with schools and community

“Get this in the schools!!! Offer it as a pre-diversion type service. Once it’s reported, there is a snowball affect into the system,” stressed a rural stakeholder.

partners. For the most part, stakeholders saw this as a preventive tool for keeping youth out of the system. One probation stakeholder commented,

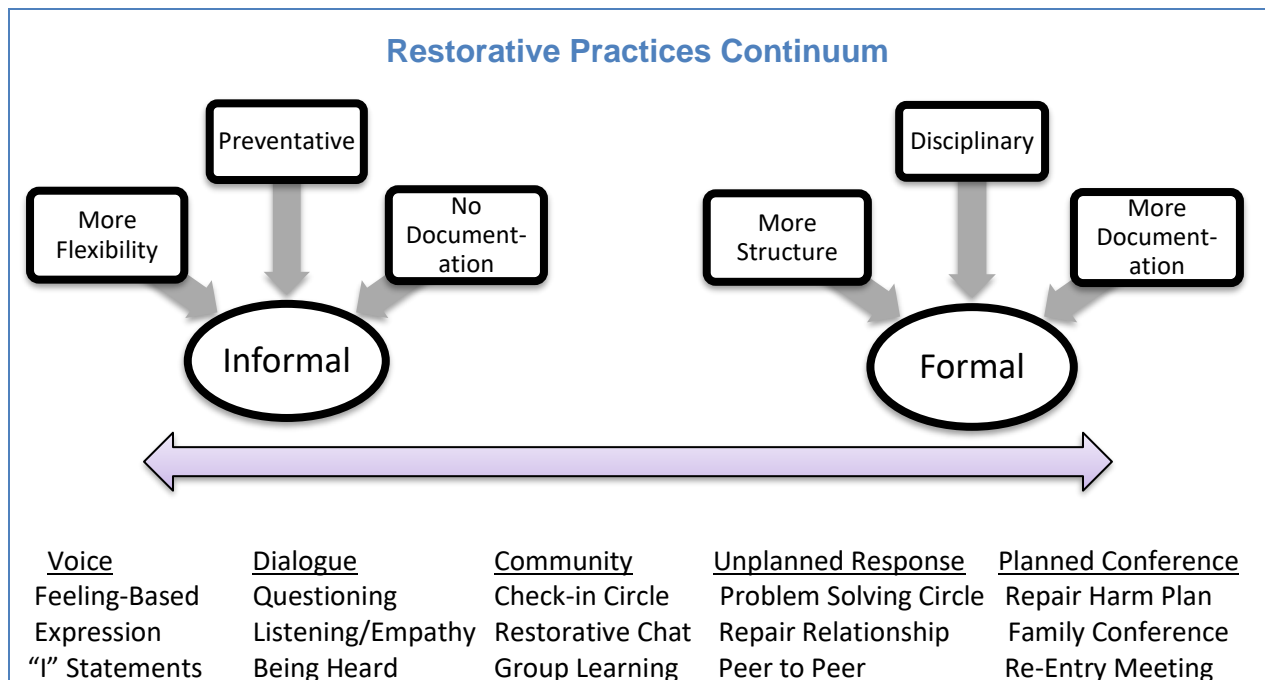
“It would be good if we could incorporate this as part of the culture further upstream like in schools or for families before police are called or charges filed.”

Another explained,

“Chicago schools has a tool box on restorative practice and they have four different levels. We’re missing an opportunity to deepen and broaden a restorative mindset. The biggest thing is we’ve been moving with this in a siloed way and I’m thinking we’re looking at being intentional about not staying in our silos.”

“I wish schools would use the VYC and not cite the youth. Quite a bit of referrals come from middle schools and also for youth drinking, and the referrals come from the school resource officer,” a rural stakeholder added.

A strength of school-based engagement is the ability to adapt VYC and the use of restorative practices with age-appropriate K-12 curriculum. The next chart shows a continuum of school-based restorative practices based on the work of Ted Wachtel (2009). School-based restorative practices are often combined with empathy development, social and emotional learning principles and trauma-informed responses.



Stakeholders interviewed also saw an opportunity to expand restorative practices in schools after an incident has occurred that results in suspension. One stakeholder commented,

“I would love to see circles in schools to help re-integrate youth back into community.”

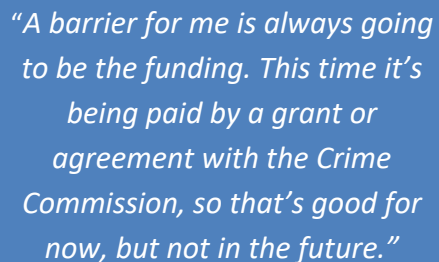
Those who were already engaged in school and community partnerships acknowledged the importance of collaborative partnerships to keep youth out of the system. In three counties, one urban and two rural, keeping youth out of the system included engaging community and systems stakeholders in pre-diversion interventions. In doing so, one stakeholder emphasized,

“Having partnerships in place is necessary to do something like this – police, schools, county attorneys, youth serving organizations, etc. We have MOU’s with all partners.”

Cost/Funding

A third theme needing a systems response was the funding to support and sustain the use of VYC. Most stakeholders who made this point acknowledged they have seen changes in government resources for VYC, particularly through the Crime Commission funds at the local level. Some suggested more should be done to increase Crime Commission resources for VYC, while others recommended a fiscal note through legislation. Rural stakeholders were feeling the most challenged by limited resources, even if local Crime Commission funds now supported VYC use.

The sentiment was that shifting local funding to VYC didn’t mean increased resources for supporting youth. Instead, VYC was an additional intervention taking resources away from already proven and established diversion and probation services. A rural stakeholder commented on the set fee for VYC services,



“A barrier for me is always going to be the funding. This time it’s being paid by a grant or agreement with the Crime Commission, so that’s good for now, but not in the future.”

“The cost is high. Dollar for dollar, what we’re getting is less than what [the mediation center] gets. We’re spending countless hours with the youth. If funds are to come from the county, then we need to pay attention to the direct service hours and the overall costs.”

Others shared,

“If we had to pay or if youth would have to pay, we wouldn’t be able to do it. In a rural community, our resources are more limited and so it’s difficult for an organization to have what they need to get timely services.”

“I usually refer what I can, but cost may be an issue. It’s still expensive with Crime Commission dollars, because they’re limited.”

Capacity Building and Adaptability of Mediation Centers

Another theme emerging from multiple stakeholders was aligned with the sustainability domains of capacity and adaptability. Mediation centers must be flexible and work closely with

stakeholders to ensure VYC is provided taking into account the nuances of the local environment. A related challenge to mediation centers is having the capacity to respond quickly when referrals are received. A stakeholder described,

“It’s like feast or famine. Sometimes we have no cases and sometimes we have six at once that we refer. They need to adapt quickly.”

Considering the need for mediation centers to adapt to the local environment, stakeholders posed a number of questions that should be considered in the implementation of VYC moving forward. For each, significant variation currently occurs in VYC implementation across Nebraska.

- ❖ Who first makes the pitch to get youth who have caused harm, their parents, and those harmed on board? Should it be the referral source or the mediation center?

“It’s about the credibility,” one stakeholder said.

- ❖ How is information shared about cases between the referral source and mediation center? One stakeholder said,

“We need more information if the case gets redirected back to us.”

- ❖ Where should VYC’s take place? While all mediation centers can support travel to the most convenient location for the VYC participants, some but not all stakeholders are aware of this option. Stakeholders shared,

“The travel piece is important because they will come to our office which takes away a barrier for participation.”

“I recommend they could improve availability by coming to us instead of families coming to them.”

- ❖ What can be done to address hostile victims that don’t want to participate? Getting victims on board with VYC is a challenge.
- ❖ What is the role of mediation centers in working with partners to address the scarcity of resources, particularly in rural Nebraska? A couple stakeholders mentioned the pressure of not having access to needed services for youth. One significant need mentioned was for mental health services. A stakeholder said that sometimes the nearest resource for mental health is 450 miles away.
- ❖ What services can and should the mediation centers provide? Not all stakeholders were clear on all of the options available to them. Some mediation centers offer a broader array of interventions than others. One stakeholder recommended the mediation centers re-align their services to be all restorative-focused and youth-focused, rather than include such services as parenting-time mediation.

- ❖ What criteria should be used to determine the appropriate age for VYC? Again, there is significant variation across Nebraska. One stakeholder asked if perhaps VYC is more appropriate for adult cases.
- ❖ What types of offenses should fit the criteria for VYC? A couple stakeholders, in considering the criteria for VYC, said it's important to not assign it to everyone. Stakeholders had different views about the degree to which youth may be a fit with VYC. A couple noted it shouldn't be assigned to youth who don't need that step. Questions did arise about whether VYC may be effective as a response to truancy, for altercations without another person harmed, and for youth who have history in the system. One stakeholder explained,

"We typically don't have very many cases with victims. Youth mostly have tobacco or alcohol charges or truancy/curfew violations."

Timeframe

A last theme for systems change was to address the timeframe for the VYC process. The greatest challenge was expediting the process after the referral entity already had the case open for assessment. A stakeholder explained,

"Our typical timeframe is 90 days from the time I get the case from the county attorney. We plan to meet with [the youth] in the next week. When we referred to VYC it took longer, closer to six months. It got more complicated as the victim backed out and we had to find a surrogate."

Another described,

"I would like it to be a quicker process. It's important to visit with youth and parents as quickly as possible. Our goal is two months for the entire diversion implementation, up to three months for 18-20-year old's, since they are working or in school and have less daytime flexibility. It takes a couple weeks just to get it to our office, and we have attorneys who read the file before deciding on a course. It takes about 30 days in-house before the case is referred for services."

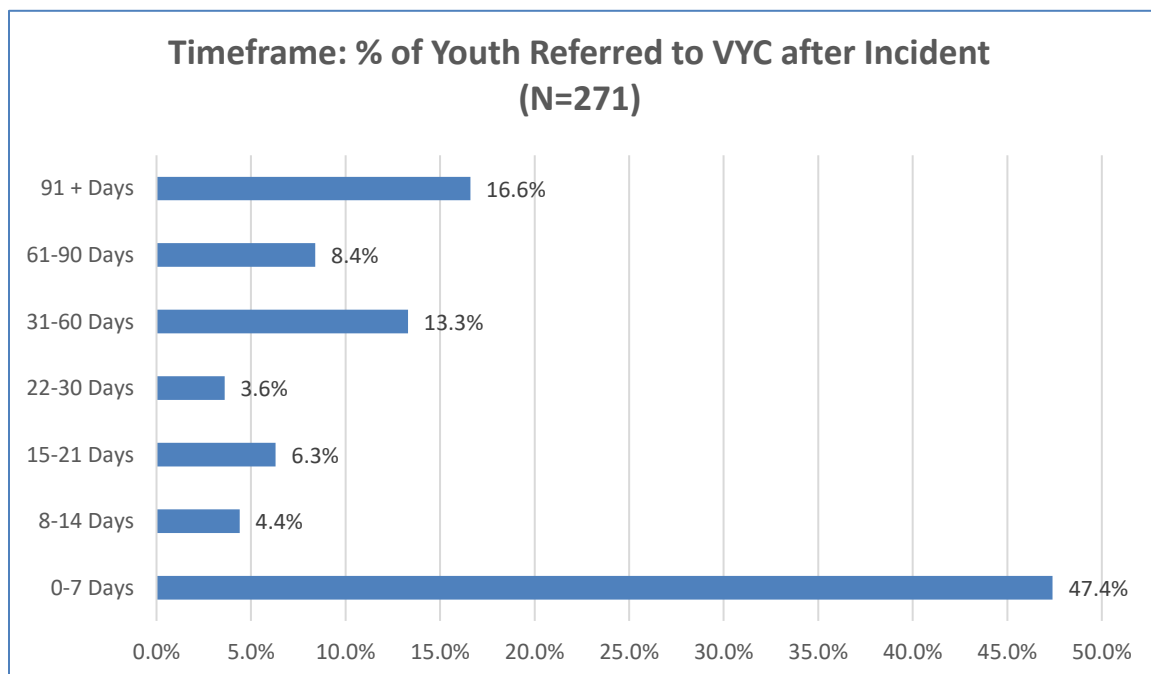
Looking at the type of referral source for VYC in fiscal year 2018-19, the time between an incident and a youth referral to VYC also shows variations as depicted in the chart below. The variation presents an opportunity for mediation centers and stakeholders to share their program protocol with each other, and learn what could happen in each locality to improve the VYC timeline.

Referral Source	Minimum Time between Referral and Incident	Maximum Time between Referral and Incident	% of referrals within 1 Week of Incident	Median Timeframe
Schools	0 Days	5.3 weeks	96%	Less than 1 day
Diversion Program	0 Days	23.4 weeks	26%	5.1 weeks
County Attorney Office	7 Days	28.4 weeks	3%	4.6 weeks
Court/Probation	0 Days	More than 2 years	10%	28.4 weeks

The data suggests that youth cases may be most consistently expedited through schools and pre-diversion engagement. Five of six mediation centers have worked with partners to some degree for pre-diversion intervention. The Mediation Center in Lancaster county received 60% of all referrals from schools and pre-diversion, with 100% of those cases being completed within 60 days. A stakeholder noted the goal is to refer youth who meet the criteria to The Mediation Center immediately, usually within one to three days after the incident.

Similarly, The Resolution Center received 62% of all referrals in Gage county for pre-diversion addressing school-based offenses, for which 100% of cases were completed within 60 days. The Nebraska Mediation Center received 100% of their referrals as pre-diversion in Dodge county, 56% of referrals to Mediation West were for pre-diversion, and 8% of the referrals to Central Mediation Center were also pre-diversion. A deeper exploration into the impact and best practices is timely as Nebraska expands the use of VYC as an early intervention and prevention strategy.

The amount of time for a youth with a citation to get referred to VYC, from schools to county attorney offices to probation, varied greatly as seen in the next chart. The shortest timeframe was getting the referral the day of the youth incident. The longest timeframe for a referral to reach a mediation center was two years, with 2% (n=5) of all cases referred to VYC more than one year after the incident.



What information would make a compelling case for expanding VYC?

Two questions have been combined that surfaced themes for future program evaluation: 1) what information would make a compelling case for expanding VYC, and 2) what would you want to ask the target audience (those served) in the future? Three themes emerged. In addition, some stakeholders recommended grounding VYC evaluation on the available research and literature on best practices from its use around the world. This could include the neuroscience that provides supportive evidence for VYC working better than punitive approaches.

Outcome Comparisons Among Interventions

Now that recidivism data is coming available in Nebraska, a number of stakeholders said it would be helpful to see outcomes for VYC in comparison to other interventions, such as probation and diversion programs. It would make a compelling case for VYC if the data shows its use is more beneficial than others. Also, it would be helpful to see evidence of VYC making a positive difference for youth who did not proceed with VYC versus those that did. Additionally, it would be helpful to compare the variations in VYC implementation and outcomes across Nebraska. Last, a look at involvement of those harmed and impact on youth outcomes may be beneficial, according to a stakeholder. When considering methods for reporting outcomes, it was recommended to incorporate case studies to illustrate the human impact.

Impact on Participants

Similar to comparing outcomes, stakeholders said they would be interested in hearing from youth what was most impactful among various interventions for them to make the changes necessary to prevent future system involvement. One stakeholder questioned,

“For youth, say three years from now, was this their turning point? Would they say this is what made a real difference in their lives?”

“I’d like to know if they received a benefit or something else that could be offered. I’d be interested in hearing what they see working or what should be different,” another shared.

Post-VYC surveys were seen as an important tool for gaining the perspective of participants soon after the VYC experience, which is a current practice. Another stakeholder mentioned it would be interesting to know from those harmed, who chose not to participate, what prevented them from opting in.

Impact on Relationships and Community Safety

Repairing relationships was mentioned as a selling point of VYC, and yet has been one of the most neglected factors in program evaluation. A couple stakeholders said a compelling case would be made for VYC if data showed broken relationships were healed as a result.

“We intuitively know it works but don’t have anything to show it or prove it,” a stakeholder explained.

Last, a long-term goal of VYC is to achieve safer communities, another difficult outcome to measure yet was raised as important by a stakeholder.

Discussion and Recommendations

Nebraska mediation centers and their partners have stayed on course with the enhancement of VYC statewide. The number of youths who have participated in VYC is meeting expectations and outcome indicators show positive results. The reach of VYC continues to spread in more counties with more referral sources. Additionally, mediation centers have increased partnerships that result in early

intervention and prevention of youth entering the court system rather than waiting until they are already court involved.

State legislation has been passed in line with shifting priorities that also broadens the potential use of restorative justice for youth cases. Nebraska's Crime Commission has become a strong partner, establishing a fee schedule for VYC services. Systems change has begun at all levels of government in a relatively short timeframe. Yet, sustainable systems change does takes time and patience, and can be difficult to navigate as readiness varies among people and institutions.

Mediation centers need to adapt to their local environments. With significant variation in the delivery of services for youth who have had an altercation or citation, a deeper look at what is working and under what circumstances would be helpful in understanding future implications for VYC sustainability. The descriptive data for VYC implementation as well as stakeholder interviews surface a number of areas for future inquiry and program development.

Recommendations are grouped according to the sustainability domains as developed by the Center for Public Health Systems Science at Washington University, St. Louis: Communications, Environmental/Political Support, Funding Stability, Partnerships, Organizational Capacity, Program Evaluation, Program Adaptation, and Strategic Planning.

Organizational Capacity

ODR and mediation centers have made great strides in capacity building, particularly by hiring restorative justice staff and training new facilitators as well as surrogates for conferencing. On an organizational level, mediation centers are in a position to expand restorative practices by changing the way they carry out their mission. A couple stakeholders also recommended mediation centers shift their work to either be fully restorative-focused in all services provided or fully youth-focused, which would require discontinuing services to adult-only populations. In the past year, mediation center staff have been called upon as experts to teach others about restorative practices, including VYC, restorative circles and other school-based applications. It is recommended that mediation centers take time to revisit their mission and priorities to identify capacity building goals in their own systems change process.

A number of questions have arisen from VYC data analysis that suggest a need for continued capacity building to ensure systems are in place for quality VYC implementation. Mediation centers along with community partners should address the following, establish priorities and decide on a course of action.

1. Those harmed are under-represented in the VYC process and in most cases do not receive communication from mediation centers after a VYC is held. Mediation centers may be limited in their access to those harmed. Whether this is a responsibility or priority of the mediation centers in partnership with referral sources should be discussed and decided. It's not clear the degree to which mediation centers are provided contact information for those harmed from referral sources. At least one referral source has shared concern about protecting confidentiality of those harmed and does not provide contact information.

2. Case closure is one area where mediation centers adapt to their environment, thus a standard protocol is not in place. To what degree is involvement of those harmed a priority, what does effective case closure look like, who leads this process and how is it documented?
3. While timely referrals and VYC implementation contribute to success, 36% of VYC cases extend beyond two months to a year from referral to case closure. It could be that the reparations agreement takes longer to complete in some cases, while equally valid reasons for delay may occur in other cases. The time lag is compounded by referral sources having their own assessment process that delays a referral for weeks to months. More information is needed to better understand the impact of delays on youth.
4. A disparity exists between the number of cases where youth are harmed and the engagement of youth as surrogates when the young person harmed chooses not to participate. Capacity building should include a plan to recruit and train youth as surrogates.

Partnerships

Within local judicial systems, diversion and probation staff have a great deal of overlap in actions required by youth with what is typical for inclusion in VYC reparations agreements. Community service, letters of apology, educational goal setting, and restitution arrangements are common place. Specifically, stakeholders work closely with the youth to support them in following through with their plan.

Under the circumstances with VYC being a relatively new intervention, it's important to acknowledge that county attorneys, diversion staff and probation officers share a common value for supporting youth in being successful, with a goal of preventing them from further system involvement. Having this mission and purpose in an already established system, VYC may seem like an expensive add-on that detracts or duplicates effort rather than compliments and brings value to achieve outcomes. With that acknowledgement, recommendations include:

1. Partnerships with county attorneys and schools are paramount to increase referrals. They are most in a position to build pre-diversion into the process, keeping youth from court involvement, and ensuring the timeliness of referrals. They are also in a position to ensure age-appropriate responses to harmful behaviors.
2. Building partnerships with police departments and school resource officers would provide another direct line to referrals for early intervention. Educating and training officers may be an effective outreach strategy to pursue partnerships.
3. In partnerships with diversion and probation staff, develop a collaborative team approach to reduce duplication and ensure each is adding value around shared goals. For resources to shift away from government and into community-based VYC or other restorative justice responses, system stakeholders need to understand and see what is different as a result. As one stakeholder recognized, VYC can reduce the overburdened court docket and lower overwhelming caseloads of public employees.

4. Where pre-diversion is an option being used by county attorney's offices and schools, collaborative partnerships are essential for success, including schools, mediation centers, other youth serving organizations, culturally relevant organizations, and diversion staff.
5. In partnership memorandums of understanding, include specific responsibilities for each partner. To begin, stakeholders emphasized the importance of the first communication with youth, parents and those harmed. Which organization will be responsible for explaining VYC and getting their agreement to participate? Next, which organization will be responsible for following up with youth as they complete reparations agreements? And, who will be responsible for final communications and closing the case? Variations currently exist among mediation centers and their partners, so it's important to identify the best plan under the circumstances and build in accountability to ensure quality implementation.
6. In cases where a relationship between youth, diversion and probation staff will be in place, their role should be considered in the implementation of VYC with stakeholders invited to attend VYC conferences. This will allow stakeholders to fully understand the process and impact of VYC on all parties, as well as validate their role in the youth's life.
7. Decentralize VYC by going to places where youth need to be or are on a regular basis. For instance, if a youth meets monthly with the diversion or probation staff, meet them there for VYC preparation, conference and follow-up. If the focus is on school-based incidents, then implement VYC in the school or a community location identified as a safe place for youth.
8. Explore options for remote conferencing using innovative technology in order to remove travel barriers and improve the timeliness of VYC.

Environmental/Political Support

ODR and mediation center staff already have a solid network of supportive leaders in Nebraska's judicial and legal system; however, these relationships may not result in political support under strained economic conditions. To solidify political support, relationship networks based on shared mission and priorities should be pursued or deepened, where they already exist.

Nebraska's Crime Commission has become an important supporter of VYC since the initial pilot. Partnerships with probation stakeholders at the state and local levels have also been formed. Given the strong growth and interest in expanding restorative practices with schools as an early intervention, the Nebraska Dept. of Education is also a potential supporter and partner. Another strategic alliance may be with the Nebraska Coalition for Victims of Crime. Collaborating on a training to help stakeholders understand the perspective of those harmed and how/when to best engage them in VYC may be a worthwhile action to increase the voices of those harmed in the process.

Adaptability

Clearly, nuances exist in the way mediation centers implement VYC, while maintaining the core aspects of the model as an evidence-based practice. In addition to a comparative analysis as part of the 2020 evaluation plan, a mini-conference could be held for mediation center staff, volunteers and key

stakeholders to share their innovative approaches, dig deeper into what is working and what needs to be improved, and explore options for adapting nuanced approaches in local environments.

Communications

Significant effort has been made by ODR and mediation centers to outreach to potential stakeholders, present at conferences, and communicate the benefits of VYC locally as well as statewide. At the same time, when mediation center staff completed sustainability assessments in December of 2018, communications received a low score warranting more development. Stakeholders interviewed were asked about receiving written communications about VYC outcomes, which substantiated a need for more communication.

Eighteen out of 20 said they had not received VYC outcome reports, but would like to receive information when available in the future. One stakeholder said it would be helpful to receive quarterly outcomes data on local cases that could be reviewed at meetings with other stakeholders. Communications is a sustainability domain that easily becomes neglected under the pressure of limited resources. Even so, a communications plan should be developed with sufficient resources to implement it. The plan should include the design of websites and include in the materials information that can be easily updated and adapted to regularly communicate local/regional data to stakeholders as well as statewide.

Funding Stability

Funding stability is the sustainability domain that received the lowest assessment score (weakest area) by mediation centers. Likewise, the cost of VYC was identified as a challenge through stakeholder interviews. Rural stakeholders felt the cost was a barrier. Mediation centers and ODR have made progress in diversifying the funding of VYC, which is provided at no cost to the parties involved.

Stakeholders noted that charging youth participants for this service would not be feasible. It is recommended that ODR and stakeholders pursue a State appropriation for VYC and restorative justice interventions as an ongoing source. Local resources may shift in time, which has begun with Crime Commission funds, however in rural Nebraska the institutional resources are already seen as insufficient and are closely protected.

Mediation center staff are also providing education and training to a variety of constituents on the use of VYC and other restorative practices. Stakeholders interviewed strongly voiced this as an important priority moving forward. Funding again is a challenge for ongoing education and training. It's recommended that mediation centers and ODR develop a fee structure and contract template that will improve the sustainability of ongoing education and training.

Evaluation

In addition to a comparative evaluation of VYC implementation among mediation centers, stakeholders have said it will be most compelling to know how VYC outcomes compare to other interventions, namely through diversion and probation. Recidivism data should be included in a comparative analysis. Given the number of school-based partnerships, including an evaluation of school

specific impacts would also be worthwhile. While variations among VYC processes exist, it's important to maintain practices that are integral to the evidence-based model.

A quality assurance audit for each center could be incorporated into the 2019-20 evaluation plan. Quality assurance audits generally include site visits for case document review, in-person interviews with implementers, and observation of VYC's. Incorporating case examples helps illustrate successful processes. ODR and mediation center staff should also develop a list of questions based on gaps identified in this evaluation report. For example, are there any patterns found in reparations plans for youth who did not complete all or any of their agreement? This may shed light on whether some reparations plan components are less likely to be fulfilled than others.

Along with the data collection and outcome indicators previously outlined to be repeated each year of the VYC Enhancement Initiative, it is expected VYC will contribute to long term improvements. Specifically, VYC will contribute to: 1) closing the disparity gap between minority and white youth involved in the judicial system, 2) reducing the number of court-involved youth overall, and 3) increasing the return on investment (social and financial) per case for the Nebraska Courts. Ultimately, communities will be safer as a result. By the end of fiscal year 2019-2020, an evaluation plan should be developed to measure and report on these long-term goals.

Last, stakeholders said it would be compelling to document the impact of VYC on repairing relationships. A qualitative method to explore this type of impact is ripple effects mapping developed by evaluators at the University of Minnesota (Chazdon, et al., 2017). It's a tool that can identify the web of relationships and impacts that occur from the people directly involved in restorative practices to those indirectly related. Using this tool would require the ability to contact VYC participants after their cases are closed and use snowball sampling to expand the relationships impacted.

While it would be a significant undertaking, ripple effects mapping could document the impact of VYC on healing relationships. ODR and mediation centers may want to identify one locality as a pilot to demonstrate impact and to gain support for a larger inquiry.

Strategic Planning

ODR and mediation centers engaged in a strategic planning process in 2017 that resulted in the three-year enhancement initiative. Currently in year two of implementation, all six mediation centers and ODR have been successful in goal attainment. The mediation centers included in the pilot now have four years of implementation experience on which to draw lessons learned. By June of 2020, ODR and mediation centers should set aside time for a strategic planning process with long term goal setting. Key partners should be identified and invited to participate in the process either for part or all of the planning.

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