

Technology-enhanced Restorative Justice (TeRJ™)

"In my twenty-plus year's experience practicing law, I have found that our judicial system is overburdened and underfunded. Of the three branches of government, the judicial branch receives less than one-half of one percent of our state budget. Both Judges and court personnel are overworked and underpaid.

ResolvNow is positioned to fill this void with a dispute resolution system that is swift and cost-effective, integrating user-friendly technology where appropriate."

**-Paul S. Kimsey, Esq. Tampa Attorney and
Certified Mediator**

Certified Mediator

"The 'school-to-prison pipeline' and zero-tolerance school discipline policies do not promote safety, and transform too many educational institutions from doorways of opportunity into gateways to the criminal justice system... Racial discrimination in school discipline is a real problem today, and not just an issue from 40 to 50 years ago. We must tackle these brutal truths head on—that is the only way to change the reality that our children face every day.

There is no single formula, no silver bullet for ensuring school discipline is equitable and effective. This work is too complex and too important to try to simplify it in that way. [There is a need] for locally-developed approaches to promote positive school climates and equitable discipline practices. Yet at the same time, we think those locally-tailored approaches should be grounded in research and promising practices--instead of being based on indiscriminate zero tolerance policies, or, at the other extreme, ad-hoc approaches to discipline... The school-to-prison pipeline must be challenged every day.

- US Secretary of Education, Arne Duncan & US Attorney General Eric Holder (2014)

Today's public schools and the juvenile justice systems are facing an uphill battle and, quite frankly, lack the necessary tools required to subsist. Customarily, the juvenile justice system has the responsibility of responding to troublesome adolescents and providing proper treatment. However, much of the system has moved from addressing the needs of the victims and offenders to the more simple, retributive form of justice, giving focus to punishment over rehabilitation.

Victim, offender, and community members alike are forced to work with a system that does not cater to them. Crime leads to distrust and isolation in society, which leads to even more crime. The safety of a community is heavily reliant upon the self-restraint of its individual members, who in turn feed off of the example, expectations, and reaction of the community itself. If a community is well connected and fosters a proper environment, the more effective it becomes at restraining the impulses of the individual. This rule applies on an even greater scale with youth, who are at a critical stage of their development and are looking for a place to feel valued.

Lack of communication between the people who matter, including teachers, community members, resource officers, parents, and the juveniles themselves, has exacerbated the issue greatly. Students with learning disabilities or disadvantaged backgrounds do not receive the attention they require to avoid repeat offenses.

Fortunately, there is a completely new adjudication platform for juvenile justice that utilizes technology to improve communication and effectiveness between all interested parties in a cost effective manner. Technology-enhanced Restorative Justice (TeRJ) implements the proven practices of restorative justice, integrated with an innovative technology platform, highly trained professionals, and invaluable resources. This paper will explore the challenges faced by public schools and the juvenile justice system, as well as the benefits of evolving the currently troubled procedure with TeRJ.

The Disturbing Data

One Strike, Zero Tolerance and No Child Left Behind are all national movements that were created with the best of intentions at the time; however, the systems are no longer proving effective. A 2013 Civil Liberties report described the consequences of removing students from school as "devastating". The report continues with evidence from the largest disciplinary study ever conducted, which tracked the educational careers of nearly one million public school students in the state of Texas. It found that "students who were suspended or expelled, especially repeatedly, were more likely to be held back a grade or drop out of school than other students." Nearly a third of these students were forced to repeat a grade, a dramatic number compared to the only 5 percent of students who have not been expelled.

The results allow us to reach a clear conclusion; suspension and expulsion lead to massive increase in the possibility of a student entering the juvenile justice system.

Perhaps the most truly disturbing fact about this experiment is that the vast majority of these suspensions and expulsions were merely discretionary punishments and not at all necessary. Only 3 percent of such removals were required by state law.

Zero tolerance has become a one-size-fits-all solution to all problems that schools confront. It has redefined students as criminals, with unfortunate consequences."

- American Bar Association, 2001 Resolution

The study also found that minority students, especially Blacks, were much more likely than any other student to be disciplined during their career in grade school. Blacks were also more likely to receive "discretionary" expulsion than White or Latino students, even for lower-level violations.

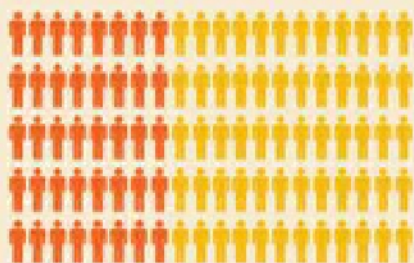
MOST YOUTH CONFINED FOR NONVIOLENT OFFENSES

In every year for which data are available, the overwhelming majority of confined youth are held for nonviolent offenses.



**IN 2010
ONLY 1 OF
EVERY 4**

confined youth was locked up based on a Violent Crime Index offense (homicide, aggravated assault, robbery or sexual assault).

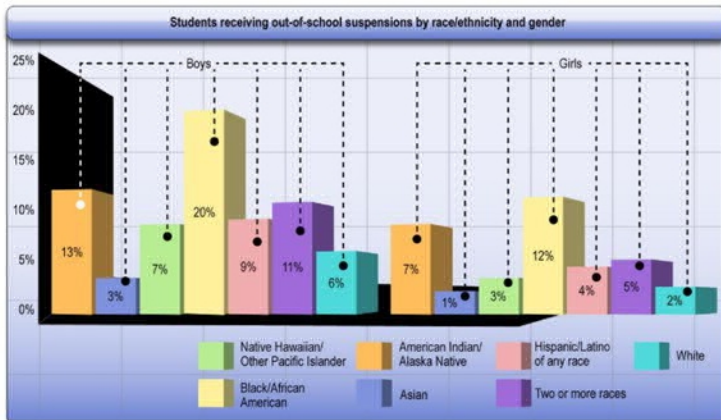


**40% OF JUVENILE COMMITMENTS
AND DETENTION ARE DUE TO**

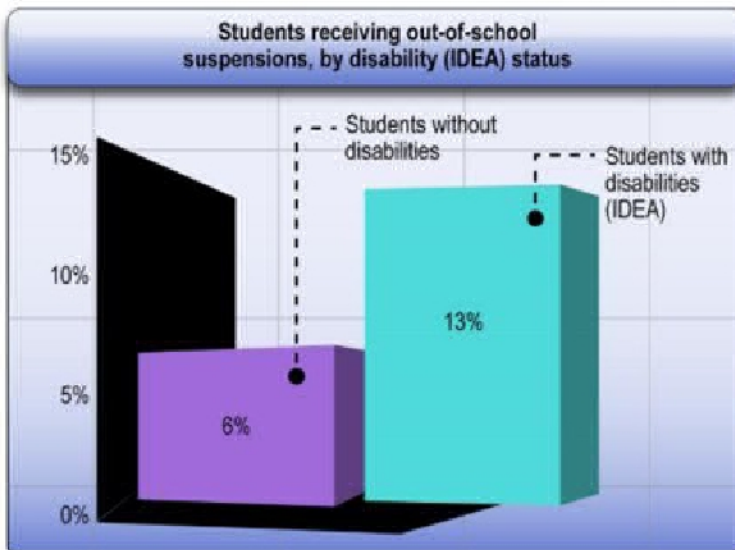
technical violations of probation, drug possession, low-level property offenses, public order offenses and status offenses (activities that would not be considered crimes as adults, such as possession of alcohol and truancy). This means most youth are confined on the basis of offenses that are not clear threats to public safety.

National Problem of Discrimination

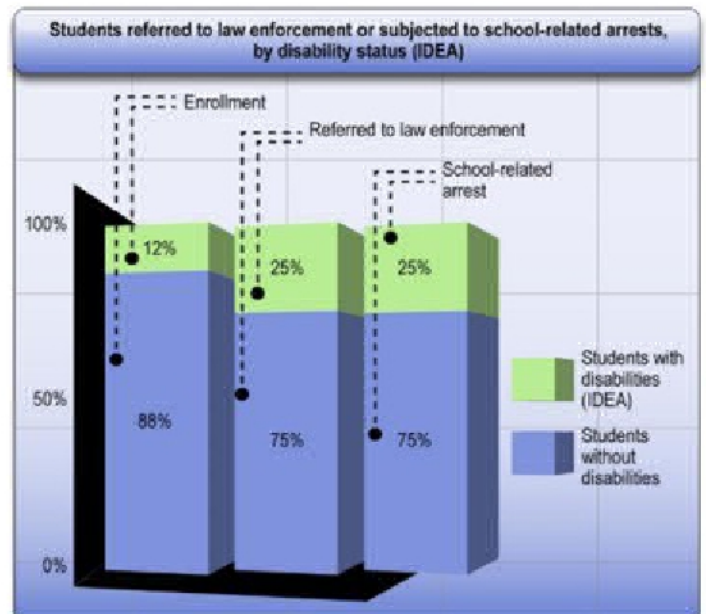
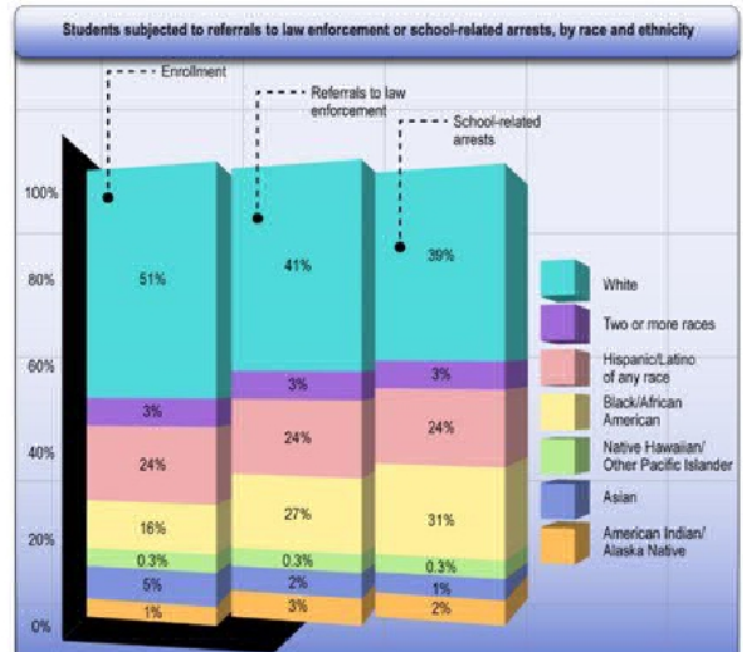
Minority students are expelled at a rate three times higher than white students (4.6% of white students compared to 16.4% of black students). Nearly twenty percent of black male students receive out of school suspension during their academic careers.



Students with disabilities are twice as likely to receive out of school suspension in comparison to non-disabled students.



Unfortunately, the data does not stop there. In many cases public schools refer their students to law enforcement for further punishment. Black students and children with disabilities are disproportionately entered into the juvenile system in comparison to their white cohorts.

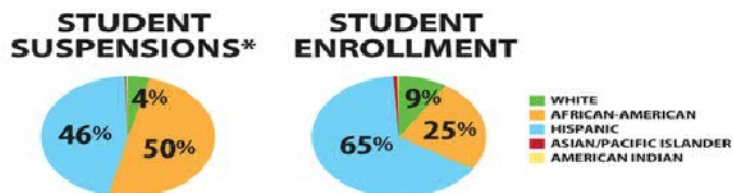


Florida Discrimination

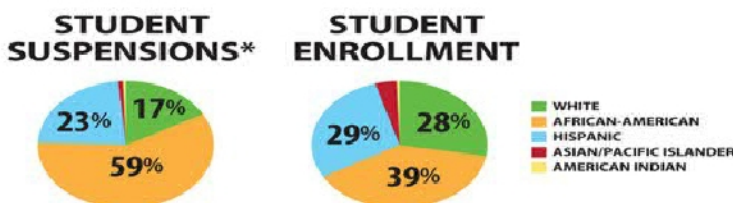
Florida is no exception to the national issue of discrimination. In fact, some of the statistics coming out of Florida are even more disturbing upon examining the raw data.

The following charts contain data from three of the ten largest districts in the nation, all located within Florida.

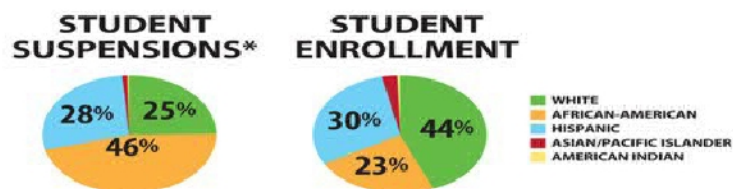
4. Dade County Public Schools Florida



6. Broward County Public Schools Florida



8. Hillsborough County Public Schools Florida



As seen within the data, even though there are far less African-Americans enrolled in our schools, they are significantly more likely to be suspended than any other ethnicity, outnumbering even the highest enrolled ethnicity in every instance.

The Problem

In order to examine the issue, one must focus on more than the schools and Juvenile Justice itself. Zvi Gabbay, a former international prosecutor and author, has noted that prosecutors have ceased to consult with the victims of the crime on how to deal with the cases that they themselves were involved in.

Proceedings have become centered almost entirely on the offender. If the evidence can convict the offender beyond a reasonable doubt, the "discussion moves to the appropriate sanctions or treatment that is to be imposed on the defendant". The criminal system has begun to lose track of its initial purpose, which is to protect the interests of the commonwealth and the offender's victims.

"[I]f we believe victim's interests should be addressed by the criminal justice system...it must be concluded that the existing system suffers a serious deficiency."

- Zvi Gabbay, Former International Prosecutor

The Solution is Restorative Justice

The current juvenile justice system needs to be transformed using a more restorative model. Developing new roles, creating new priorities, and redirecting resources can revamp the system to make needed services available for victims of crime, involving them in the juvenile process. Restorative justice involves both community members and offenders to resolve issues, providing juveniles with the encouragement they need to take responsibility for their offenses. Bridges must be built between all interested members of the community, actively involving them in the healing process.

TeRJ as a Convenient, Reliable, and Cost Effective Platform

Technology-enhanced Restorative Justice is a cloud based adjudication system that links together all community members who need to be involved in the juvenile justice process. Victims of juvenile offenders will find that with TeRJ, and with little inconvenience to themselves, they will be actively involved with the treatment the offender receives and will be given the opportunity to be made "whole" again. Retailers, for example, will be able to take lead in the fight against shoplifting, which costs them millions of dollars in theft every day. Law enforcement will have to waste less time and manpower on store visits. The courts will not have to deal with a backlog of petty theft cases.

RestorEDU is our proprietary system for delivering TeRJ to clients.

TeRJ will use facilitators trained in mediation and negotiation tactics as well as ResolvNow's proven technology-enhanced dispute resolution platform to connect all who need to be involved in the adjudication process.

[There is a need for] locally-developed approaches to promote positive school climates and equitable discipline practice.

- US Secretary of Education, Arne Duncan

TeRJ not only applies restorative justice tactics to aid students on their path to improvement, it also gives overburdened schools, local police, school resource officers and juvenile courts much needed respite. TeRJ is cost effective and acts as a complimentary tool meant to make things easier for all of the included parties with no added cost to any budget. Not only will the involved parties find themselves dealing with a well-organized and easily accessible system, they will be utilizing a new approach of restorative justice tactics that will offer them the solution to reintegrating students to normal classroom life.

The process begins with the assessment of juvenile offenders via the system for their current reading and math-analytical grade levels. Their scores are considered in the overall adjudication process with a focus on blending eLearning courses to improve the student's deficient. Their track to improvement is a part of their punishment and restitution process, incorporating restorative justice principles. Student's progress will be tracked and considered not only during the remaining of the adjudication process, but for future offenses as well.



RestorEDU Integration Platform



e-Learning Platform

Because illiteracy and crime are closely related, ResolvNow has incorporated e-learning tools into the TeRJ platform. The Department of Justice states, "The link between academic failure and delinquency, violence, and crime is welded to reading failure." Over 70% of inmates in America's prisons cannot read above a fourth grade level.

85 percent of all juveniles who interface with the juvenile court system are functionally illiterate.

Taking into account the relationship between disadvantaged students and their poor reading and math levels, RestoreEDU's e-learning platform, developed by certified educators, will allow school resource officers to resource officers to keep track of the student's progress.

RestorEDU™ Key features include:

- **A revolutionary platform for increasing the efficiency and effectiveness of the juvenile adjudication process via Restorative Justice best Practices and eLearning integration**
- **Integrated Massive-Use online communication platform plug-ins such as: (Skype™, WebEx™, GoToMeeting™)**
- **Staffed by professionals to augment the district Schools resource officers as a complementary Platform-as-a-Service (PaaS)**
- **Innovative e-learning program with useful progress tracking system**
- **Completely integrated system and offered as a low-cost transactional system to complement the school districts existing capabilities focused on helping at-risk students**



David Puckett
CEO & Founder of ResolvNow Corporation

David has been in the enterprise technology consulting industry for more than 25 years. He served as a consulting Practice Manager for KPMG/Bearing Point both domestically and internationally. His area of focus in the last decade has been technologies and processes to improve overall corporate IT performance including Cloud Computing solutions. His current area of concentration is utilization of Technology-enhanced Dispute Resolution and Dispute System Design to create new business processes and technology platform solutions using the industry's best practices for mediation, arbitration and restorative justice for US Courts and Fortune 1000 companies. He is a national and international speaker and publisher author on the topic of online dispute resolution, Technology-enhanced Dispute Resolution (TeDR) and modern best practices of corporate dispute resolution.

Prior to founding ResolvNow in 2010, David founded three other technology-consulting start-ups, two of which were later sold to public companies. His entire career in the technology business has had him focused on emerging technology that bring disruptive but very valuable innovation to various leading market verticals including but not limited to: Legal, Retail, Education and the Public Sector.

David graduated from the University of Hawaii with a BS degree in Political Science and obtained his Master of Science degree in Conflict Resolution from Nova Southeastern University and is currently a doctoral student in the College of Education at the University of Florida.

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