

Governing in Crisis Teaching Guide

President Judge Kim Berkeley Clark
Fostering a Fairer and Less Costly Criminal Justice System

Interview Summary

The COVID-19 pandemic has created unique challenges for the criminal justice system. These include the general challenge of maintaining the system in a time of social distancing and stay-at-home orders. They also include the more focused issue of dealing fairly with those confined in jail who would not pose a serious risk to the community if released but who are at a high risk of contracting COVID-19 if they continue to be held in the close quarters of the jail. President Judge Kim Berkeley Clark of Pennsylvania's Fifth Judicial District discusses how Allegheny County has responded to those challenges as well as the reform efforts underway to make Allegheny County's criminal justice system fairer and less costly, without compromising public safety.

Please watch or listen to the interview using your favorite video or podcast app: *YouTube, iTunes, Spotify, Google Podcast, Stitcher, Amazon Music.*

The Governing in Crisis series videos, podcasts, and resource materials are available at: www.iop.pitt.edu/governing-crisis.

Video Topics

- (0:00) Introduction
- (4:13) Fostering procedural justice
- (8:50) The Allegheny County criminal justice system's response to COVID-19
- (29:12) Allegheny County criminal justice reform efforts
- (33:24) The need for policing reform

Potential Uses

- Post a governance series video on Canvas and ask students to respond to a discussion question about the video, as well as comment on 1-2 of their classmates' posts.
- Show a clip of the video during class to enrich learning, emphasize a point, and/or contextualize a topic.
- Create a resource folder on Canvas that includes governance series videos, accompanied by "learn and do more" documents, as well as other links to support student growth related to current events.
- Incorporate a governance series video into pre-class readings for a live discussion using or adapting the questions below.

Suggested Written Reflection Questions

- Implicit biases are favorable and unfavorable attitudes and stereotypes that unconsciously affect a person's understanding, actions, and decisions. According to Judge Clark, what impact do implicit biases have on the criminal justice system? What unconscious biases do you have, or have you experienced? How can biases impact your work?
- What was one thing that you found interesting in the interview? What is something that you disagreed with?

Suggested Classroom Discussion Questions

- What are 2-3 trauma-informed court practices discussed in this video? What lessons can be learned from trauma-informed court practices? Do you think these practices should be expanded to other areas of the justice system? Why or why not?
- According to Judge Clark, how has technology improved the court system? What are some potential positive and negative consequences of this increased use of technology?
- The COVID-19 Pandemic has led to temporary reforms in the Allegheny County criminal justice system. How do you think this precedent will inform future criminal justice reform policy? Which of these temporary reforms has the potential to stick? Explain.
- After watching the video, what ideas do you have to foster a fairer and less costly criminal justice system?

Related Reading

- RAND Corporation reports its key findings and recommendations for *Identifying Research and Practice Needs to Preserve Fairness While Leveraging New Technology*.
- The Prison Policy Initiative* is tracking nationwide decarceration in jails and prisons, reductions of in-person parole and probation check-ins, eliminations of medical co-pays for incarcerated individuals, and decreases in cost of phone and video calls for incarcerated individuals.
- An op-ed from USA Today answers the question, *What will prisons look like after pandemic?*
- In the summer of 2020, the PA General Assembly passed legislation to *strengthen oversight and training requirements* for law enforcement officers.
- In partnership with the Fifth Judicial District of Pennsylvania, the Institute of Politics established reforms for fostering a fairer and less costly Allegheny County criminal justice system, without compromising public safety in its report, *Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County*.

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