

Episode 61 Thomas Abt

Hello and welcome to Episode 61 of the corporation nation podcast about radically reimagining America's criminal justice system. I'm Josh Oh, among other things, I'm formerly incarcerated a freelance writer, criminal justice reform advocate and the author of the book, writing your own best story, addiction and living hope.

We'll get to my interview with Thomas Abt about his book bleeding out in just a moment. But first, the news. It was a huge week this week. As many of you know, I worked for seven months to make sure that the first step back passed. I was amazingly grateful. I was actually in tears when it passed, which is pretty rare for me. Since it passed well over 1000 people have come home. And just last week, the Bureau of Prisons finally did the good time recalculation, which means over 3000 more people have come home this week. In fact, for the first time in a long time, the Federal Bureau of Prisons is reporting that their overall prison population is well below 180,000 people, which is a huge breakthrough and something that hasn't happened in a long time. I'm so happy, thankful and profoundly just, I'm just grateful that this has happened. This also means that the Bureau of Prisons will start allowing many of the folks who remain in federal prisons to start earning what are called earned time credits from programming that will start bringing them home earlier. Obviously, I would prefer that everybody in some way, shape or form is getting a road home. But at least we're starting to work toward a place where decarceration is possible. For me the core of why I do this work is to bring people home. I'm just so very happy that people are coming home. Of course the Tom Cotton and John Kennedy wing of the Republican Party are kicking up a fuss and of course they're playing fast and loose with the truth. But that is to be expected. They lost and they refuse to lose with grace. I'm just happy people are coming home.

In addition I want to thank Just Leadership USA for hosting an emergency. Sorry Emerging Leaders training in Detroit this past weekend, inviting me to participate. What a great experience. It was good to see so many of my JL USA friends like Ron Simpson Bay, Megan French Marcelin and of course their president DN Hoskins, the training was really amazing. I guess it was a well over 100 people showed up which is one of the largest trainings for Emerging Leaders they've ever had. If you have a chance to take part in the future, I would highly recommend it.

Okay, let's get to my interview with Thomas Abt.

Thomas Abt is a senior research fellow at the Harvard Kennedy School of Government. Previously, he served as a policy maker in the Barack Obama Justice Department. He also worked for New York Governor Andrew Cuomo overseeing all criminal justice and homeland security agencies in the state of New York. He was also a former prosecutor in New York, and is the author of the newly released book bleeding out the devastating consequences of urban violence and a bold new plan for peace in the streets. Welcome to the decarceration nation podcast, Mr. Abt

It's a pleasure to be here. Thank you.

I always ask a version of the same first question What led you from wherever you started to being at the Harvard Kennedy School of Government and to writing a book about urban violence?

Well, I spent, I've spent most of my career in government working on this issue of urban violence in one capacity or another. I got my start, as you heard, as a prosecutor working in the New York City, District Attorney's Office, the Manhattan District Attorney's Office, but even before that, I've been working on various criminal justice issues. And I kept over my career keep coming back to this issue of urban violence. And I've explored it at the local, state and federal levels. And when, when I just excited to join the Kennedy School, it just seemed like a great opportunity to reflect on some of those experiences. And to really delve deeply into the research the science about what really works in this area.

Do you feel like there's anything in your own personal story or anything from when you were starting out maybe in law school or something like that, that kind of led you in this direction, it just kind of end up there, or?

Well, I'm I'm 47. And so I grew up during the time when violent crime was at its highest in the late 80s and early 90s. And so, during that time, urban violence was not sort of a niche issue that seemed relevant only to, you know, poor communities of color, as sometimes I worry, it seems today, it was a front page subject that everybody was concerned about, and that everybody felt like it could have some impact on their lives. And while I would never want us to go back to that, that time when our homicide rate was double what it is today, I do, I do want to, by writing this book, you know, give a sense of urgency to this problem, once again, because while the while the issue of urban violence, thankfully doesn't impact all of us as directly as it may have in the past. poor communities of color are still suffering, and they desperately need belief.

I don't mean to jump around too much. But can you tell us a little bit about working in the Obama Justice Department?

Sure, working for the Justice Department, under the leadership of President Obama, also under the leadership of Eric Holder, and then my direct boss, Assistant Attorney General Lori Robinson was a an extraordinary privilege. For me, I had been up till that point, really focused on the law and justice on a case by case basis, I had been a prosecutor at the local level, and I had been a white collar defense attorney. And so it was really my initiation into the policy making process. And I was very fortunate to have very experienced and very strong leaders. To help me along the way, I served as chief of staff to the Office of Justice Programs, which puts out two to \$3 billion in grant programming for research, statistics and programs and programs every year. And it really offered me a somewhat unique 360 degree perspective on criminal justice in the United States.

You had a pretty big portfolio at Governor Cuomo, his office too, would you like to talk about that a little bit?

Sure. If anything, it was an even broader portfolio, but only focused on the state of New York. My responsibility as Deputy Secretary for public safety was to manage the state's criminal justice, Homeland Security and Emergency Management. agencies. So it was sort of like being the the Attorney General and the Secretary for DHS, the Department of Homeland services, all rolled into one. So it was a massive responsibility. But it was also an extraordinary opportunity to get some good work done.

So somehow, you made it through all that. And your book starts out with a simple but disturbing statistic in 2017 17,284 people were murdered the United States, can you put that in some context for us?

Sure. 17,000 murders per year breaks down to about 47 per day, or roughly two per hour. And we're not all equally impacted by Urban violence, as I mentioned earlier, for young for young men. For white young men in the United States, Homicide is the third leading cause of death. For Latino young men in the US, it's the second leading cause of death. And for African American young men, it's the first leading cause of death, and it causes more deaths than the nine other leading causes of death combined.

That's a pretty staggering. And your plan. You know, I mean, we're going to talk about the different elements quite a bit. But if you had to boil down your plan for dealing with this to kind of the core basic elements, what would it include?

I think in my book, The takeaway is that 30 years of rigorous social science can be boiled down to a relatively simple statement, which is to reduce urban violence, you need to focus on urban violence, and address it directly by focusing on the people, places and behaviors that disproportionately drive that violence. Urban violence is highly concentrated among small numbers of people, places and behaviors in every urban jurisdiction. And so rather than thinking big, about root causes, such as poverty, inequality, and other issues, it's, we can, we can have a lot of we can make a lot of progress today by thinking small, and getting very focused and very concrete.

And you say that particular the poor is one of the best anti poverty programs we can undertake. And also that violence is not simply a manifestation of poverty, but also what is a force that perpetuates poverty as well, could you talk a little bit more about addressing violence directly as a means of addressing poverty?

Sure. So I think that many of us are, are used to thinking about issues like crime and violence as the inevitable consequence of structural factors like poverty, like inequality, like lack of opportunity, like sister, systemic racism, and other forces. And that leads us to a natural but

incorrect, incorrect assumption that to impact urban violence that you first have to address all of these issues. And fortunately, that's not the case. And and, and, in fact, we also don't look at the fact that this relationship between these root causes and crime and violence actually also runs in reverse and may even be stronger in reverse. In my research, I discovered that urban violence really acts as a linchpin for concentrated poverty, meaning that it holds all of these structural disadvantages into place in a particular community or neighborhood. It holds inferior education and housing in it, it pulls together poor health outcomes, lack of economic opportunity, and other things. And one of the essential ways to unlock the potential of these communities is to pull that pin of urban violence. In the book, I make this point that, that reducing urban violence is not the only thing we need to do to address concentrated poverty, it's not even the most important thing we need to do. But it may be the first thing that we need to do simply as a matter of sequence.

And the reason for that if you could delve a little deeper into the reason for why it has to be first in the sequence.?

Well, because urban violence strangles the opportunities for people living in neighborhoods where it concentrates. So everything is harder in a, in a neighborhood that has high levels of urban violence. It's harder for kids to get to and from school, because they're crossing over gang boundaries and their threat. They're threatened as they as they go through these places. It's harder for them to focus and pay attention in school, when they're suffering from the trauma of witnessing and being exposed to violence in their communities. It's harder to attract businesses when they are when they are afraid that customers won't come to these communities because of the stigma of high rates or stigma or fear of high rates of violence. It's harder to deal get positive health outcomes. If people are deeply traumatized by violence. They don't use public parks because they're afraid to use them. And all of these other things, urban violence makes every other part of urban revitalization harder. And no one should be satisfied with with a nation that or with a community that is poor and equal, but say, but it is critical to address safety first, or at least simultaneously, in order to address these broader, more structural issues.

I think a lot of people who live in communities are impacted communities, I guess, technically, I'm one of them. might suggest might be curious about the difference between your idea of dealing with violence first and what's happening now because I I think a lot of us probably feel like our communities are at least over policed compared to other communities right now. So what's the difference between what you're suggesting and what we're already experiencing?

Well, I'm not sure I would actually agree with the that thesis. I have met with community members all over the country in more than a dozen cities. And I've looked at polling and and research. And overwhelmingly, my experience is that people in these actual communities feel both over pleased and under pleased. They feel overburdened by intrusive law enforcement, but they also feel under protected. They also feel like some that people are not solving crimes, and particularly the most violent crimes. So I don't think it's so simple to say that people just are

unhappy with the police, they are unhappy with the police, but they want they want more effective, more just law enforcement, they're not looking for less law enforcement.

Well, I guess my question then becomes, what is the difference between the law enforcement that they're experiencing now and maybe unsatisfied with and how to make it more productive?

Well, I think they're definitely dissatisfied with it. And that's quite understandable. I think what we're seeing is, in a lot of these communities, we're seeing overbroad and indiscriminate law enforcement measures where, where law enforcement is not recognizing the highly concentrated nature of urban violence. So for instance, I think New York City is a great example, most people think of New York City policing as a story all about stop and frisk, I think it's actually more an example of hotspots policing, done to excess. And here's what I mean, in New York City. At its height, police officers were focusing on the most dangerous neighborhoods and communities. And so they were targeted geographically. But they were not targeted in terms of once they were in these hotspots, as they're known. They acted somewhat discriminatory, they would stop every young man of color, regardless of whether they knew them specifically. And that is offensive to communities, because it's not recognizing that even in the most allegedly dangerous communities, the vast majority of people of young men are not dangerous. And even in these, even in the most allegedly dangerous communities, the vast majority of the places in those place in those communities are not dangerous. So people want to be seen, and they want and they want to be sure that aggressive law enforcement measures are restricted to the most dangerous places and individuals. And I don't think we're seeing that yet in many jurisdictions in the United States.

And so how do you get from where you've identified a neighborhood that you're calling a hotspot? And what I think you talked about in the book is kind of more micro targeted people and hotspots? Right?

So I think you need to be focused not just in terms of geography. So yes, you need to do your crime mapping, and go to where the, those hot spots. But once you're in those hot spots, you need to do a further analysis to say, who are the few individuals here who are driving the disparate, disproportionate amount of the violence, shootings and killings in this area. These individuals are not mysteries to law enforcement or to the community, they stick out they have lengthy criminal records, often were for weapons offenses, or for violent offenses. They've often been shot multiple times. People are, they're well known to people in the community, and the community is afraid of these individuals. And so it's not a mystery who these people are, we need to, but we need. And so when we focus on those individuals, and I don't think we should focus on them just as a matter of law enforcement, but in terms of law enforcement, when we focus on those individuals, then the community feels feel seen and and that we can distinguish between people and their varying levels of dangerous. But just to that second point, I hope we get a chance to talk about the fact that even with the highest risk individuals, we shouldn't be intervening just with law enforcement, we should also be intervening with treatment support and services.

And I think at some point in the book, you talk about that part of the reason why perhaps I mean, identifying these particular people is ok is because it ultimately could bring them more benefits is that not necessarily punishment? Is that correct?

It can also, most immediately save their lives. I think that the legitimacy of punishment is often based on the offering of support and treatment and alternatives in advance, focus, deterrence, or the group violence introduction. Strategy is a well known strategy. And according to the most rigorous social science is the most effective anti violence strategy. Using focus to turns a group of partnership of community members, service providers, and law enforcement officials confront the highest risk individuals in a particular jurisdiction, and they offer them a clear choice, they say the shooting has to stop. And if it stops, we're willing to help you. If it doesn't stop, we are going to stop you. And that choice gives legitimacy to the partnerships actions, both within the impacted communities, but even among the the individuals that are being confronted themselves.

you suggest that, in a lot of instances, punitive policies can actually be counterproductive. And you say that non enforcement strategies can often be more effective. But you also seem to think that punishment is still a pretty critical part of this. This plan, can you explain that a little bit more?

Sure. over my career, in connection with working on urban violence, I spend a lot of time talking with law enforcement officials about the need to use their discretion to be less intrusive, less severe, and really restrict their their aggressive, their aggressive policies to only the most dangerous people in places. But then I go to work with advocates and activists, who are fundamentally uncomfortable with any type of law enforcement. And then I have to talk to them and say, Look, for the most dangerous individuals, for those people who persist in violence for those people who have shot and killed not one person, but multiple people. We have to separate those people from society. It's the only right and fair and just thing to do for the rest of the community. And so I'm often trying to find this middle ground between constituencies and a very polarized conversation.

So one of the I think the more to me, at least one of the more real interesting parts of the book is this notion of legal legitimacy. That's kind of throughout the center portion of the book. It seems like and you talk about Ferguson and kind of communities in color, but you seem to see an ongoing crisis of legal legitimacy in many of these communities. Do you feel that our laws are applied fairly?

Now that's a that's a difficult question. I do think we're having a crisis of confidence in the American criminal justice system. And I do think that we need to rebuild trust and confidence in law enforcement. And I used the term rebuild, but in certain cases, we need to build it because there was never trust or confidence in the criminal justice system. And so I think that there's a tremendous amount to be done in the criminal justice reform, we have to aggressively reduce mass incarceration, we have to reform police say, we have to address the the injustice

associated with excessive fees and fines in our criminal justice system. But at the same time, we also need policies that are focused, balanced and fair to reduce urban violence. Does that answer your question?

Sure. I guess, where do you see that the crisis of legal legitimacy is it is really, where does it come from? Do you think?

I think it comes from the from a long, I mean, where do you want to begin? I think it wherever you want. I think it I think that it comes from a long history of illegitimacy that goes right back to the nation founding and is inextricably intertwined in time with the issue of racial injustice in the United States. And, and so we have to be constantly examining ourselves and our policies in that context. And so and so that's an incredibly critically important issue is dealing with the lasting impacts of racism and racial persecution in this country?

Do you feel like that when we build up, or when we change these policies, or when we start to address violence, that that that that somehow gets to the question of legitimacy was, will that by itself rebuild legitimacy? Or does there need to be more work done to?

Well, you know, as I was writing the book, I launched into a pretty comprehensive examination of legitimacy in the academic literature, both in political science legit literature and in the criminology literature. And limited legitimacy means a number of different things to a number of different different people. But in the book, I summarized it and broke it down into two basic concepts, which is legitimacy in this context is really a matter of both effectiveness and fairness, police and the criminal justice system will not be viewed as a as fair, or excuse me as legitimate. If they can't do the job that they were set up to do, if they can't protect people, in their homes and communities, and uphold the law and keep people safe, they're not going to be perceived as legitimate. And you can see that in poor communities of color. And you can see that in, especially so in nations that are suffering from high rates of violence, the United States, such as Latin America, but there's another very important component to legitimacy, which is the legitimacy of fairness, the legitimacy of process, the legitimacy of equity, it's not just about achieving public safety, it's about how you do it, and do you do it in a fair and equitable way. And that's what much of the criminal justice conversation is revolving around today. And that's a good thing. But I think it is important to recognize that we need both fairness and effectiveness. And we are often I find, being asked to make a false choice between the two, we're often asked to sort of assume that we can improve justice at the expense of safety, or we can achieve safety at the expense of justice. And I believe that's a false choice. I don't believe that's a trade off that we should be making. I think we need more safe and more justice at the same time.

So you make I think, a really interesting point, which is the law is most powerful when self executing and self perpetuating, and works best when citizens not police regulate their communities conduct. You also say that the brute force of formal social controls expensive. So I assume this means that even within this solution that the should the answer should be more rooted in communities? Or should it be rooted in more enforcement with the cooperation of

communities? How do we get it so that communities more or less are taking care of the legitimacy of the law by themselves?

Well, I think that what we need to understand is that ultimately, what we want is a partnership between police and or the criminal justice system and communities. And if that partnership is healthy, we will need the formal criminal justice system less and less over time. And so I think what we need to aspire to, is to promote the community enforcement of norms and, and rules and morals around conflict resolution. So that the community is addressing those conflicts before they turn violent and law enforcement becomes necessary. And I think that if we, if we have a good partnership between communities in the criminal justice system that can happen, but there's also just some sort of, you know, important accountability measures that have to be that have to be addressed. We need to rein in excessive force, we need to rein in wrongful shootings, we need to make sure that we are not racially profiling. And, and so, you know, while there are measures such as the use of procedural justice or procedural fairness, to teach communities and the criminal justice system, how to get along how to communicate, at the same time, we just need to say, you know, we need better outcomes on certain things as well.

And I think part of the problem, I think, on that end of things seems to be that a lot of our laws, for instance, governing police misconduct or the shootings that you refer to seem somewhat inadequate to address the concerns of impacted communities. Do you have any thoughts about how that could maybe be addressed? In addition to just?

Yeah, I guess, I guess I'm not sure I agree that the laws are inadequate. I know that that's a popular and conventional idea. But perhaps because I've worked inside the criminal justice system for a long time, I actually think the problem is somewhat deeper in it's really about the culture, and policies associated with policing. So for instance, let's take the reasonable officer standard. This is the common standard that's used to judge whether police force was appropriate and whether it was criminal or not. And if a jury or a judge finds that the officer acted reasonably in their perspective, then the conduct is not criminal. Many people are unhappy with this standard. And they think that it lets too many officers off. I'm not sure the problem is with the standard, I think it may be with what is currently understood as reasonable. In the United States, the police are trained to seize control of any situation as quickly as possible and to use escalating force in order to do so they are trained that the safest thing to do for everyone is to establish immediate control over a situation. And that is why in many situations, you will see please move from a verbal command to a physical action to a weapon very, very quickly. That is not how police operate everywhere. In the in the UK, for instance, police are trained to de-escalate situations and to draw them out and to and to take additional time and to even retreat if necessary, in order to avoid a violent conflict. If we change the underlying premises of the way we use force and the way we engage with the community, what is reasonable will also change. And I think that that's a very important thing. So I am a big proponent of promoting new de-escalation policies across the United States in law enforcement that changed the definition of what reasonable is under that standard?

I believe so not not immediately, but I believe it would over time. And you know, what, because what does a prosecutor do? a prosecutor looks to the facts and evidence and what is part of what will be part of the evidentiary record the policies of that police department, if the police department's policies say you must de escalate, you must use force, not when not when allowable, but only as a last resort, then prosecutors have a a piece of evidence that they can that they can can work with to establish that someone did not act reasonably. I'm not saying that this will happen all at once or that it's a it's the only answer. Far from it. I think that I think there's lots of different things that we need to be doing in terms of police reform. But it's one area where I think we oversimplify solutions, and where we actually, the real solutions are somewhat deeper.

You don't seem to think community policing has a very good record either. Is that correct?

I don't think that because I've reviewed the evidence. And the evidence is pretty clear. That the that the results coming from community policing are mixed it best. There's been a number of systematic reviews, community policing, community policing does not deliver enhanced community safety and safety. And while it does deliver some modest improvements, and please community relations, we've invested in millions and millions of dollars in this concept over decades, and yet here we are in this massive crisis of legitimacy in relation to policing. So no, I don't believe that it's been particularly effective. I believe in the values of community policing, but the way it's been implemented, it hasn't been successful. It's mostly lip service among many police agencies today.

So we've kind of got a more targeted area of a neighborhood, we've identified some people who are pretty important to identify. So what happens next what you talked a little bit about focus deterrence? I know that you think about that, that what is traditionally known as prevention doesn't necessarily have a very high success rate. So what are some interventions that occur at this point, now that we've got the people, and we've got the particular place in the neighborhood?

Sure, well, I think there are some forms of early prevention that I'm I'm very supportive of things like the things like early parent training, and the Nurse Family Partnership, family functional therapy for, for adolescence. So there are things that we can do and should do. But but they are targeted to the to the highest risk, you know, people and families, and then they're administered in a rigorous clinical way. What I'm suggesting is that when you are focusing on these most dangerous places, and these highest risk people, we really need higher quality interventions. And that's not just in terms of law enforcement, you know, one of the fundamental principles of effective violence reduction is focused. But the second fundamental is balance. You can't just focus on arrests and prosecutions, you have to be also offering high quality services, high quality treatment, like cognitive behavioral therapy, and supports. Many of these individuals who are at risk for shooting or being shot, candidly, have been through hell and back, they are highly traumatized, they are suffering from PTSD. And they need help. And while they while we also need to hold them accountable, if they if they commit violent acts, we need to be doing

everything we can to give them alternatives to help them not make those not make the wrong choices.

One of my probably my favorite part of the book, thing that you said in the book is that you've met plenty of shooters, even some killers, why look carefully about what they've been through? In many cases, I must admit, I might not have done things much differently than they did. You also say that under the worst conditions, we could all be killers. What led you to this, this coming up to coming to this point?

I think that's based on my personal experience. I've been doing this a long time, I've talked with hundreds of people about these issues. I've and you know, many of them have been deeply involved, as victims and as perpetrators. And and when you really understand their lives and their circumstances, and you really put yourself in their shoes. My, my experience of doing that really promoted a tremendous amount of empathy and sympathy. And as as I said in the book, and as you mentioned, when I when I think about what I might do in these desperate circumstances, it's not clear to me that I would make different choices. I hope that I would, but I don't know that I would. And I think that this is something that's really important to understand, I think we often talk about this violence as quote, unquote, senseless. But in reality, a lot of this violence makes sense. In a certain context, it makes sense to the people who are perpetrating it, given all that they've been through. And so one of the things that I hope is that people will approach this subject. And these individuals and these communities with a greater sense of empathy and a greater sense of, you know, it could have been me.

So you make reference to one of my favorite shows the wire, and David Simon. And you talked about the war of drugs, war on drugs, kind of having moved away from violence. And but one of the points that you make is that often people who buy arresting somewhere incarcerating someone who was involved with drugs, really all you were doing was creating a new job opportunity for the next person down the road. Is that also the case when we target specific people in situations of violence with the same person or with the same need exist, for instance, for a gang? to have someone else fill that role, the minute you have successfully address the problems of one of these people?

That's a great question. And thankfully, the research strongly points to know there is not a substitution effect. For violence, either when you concentrate on particularly violent people, or particularly violent places, many people believe that crime has a quote unquote, balloon balloon effect, which is that if you squeeze one, and that the other end expands, and that you can never really reduce crime, because it just, you know, moves down the corner. 30 years of social science research tells us that that is simply not the case. There is something sticky about these particular crime locations. And there's something you know, particular that is happening amongst these potential or actual shooters. And if we address address those, those people in those places there. If there are displacement effects, they're quite minimal.

You also seem to suggest that perhaps maybe we focused way too much on trying to solve gangs. And then maybe there's another another way to address that.

Yes, candidly, I think we've been walking in the wrong direction on gangs for four decades. You know, I think that the concept of a gang is fetishized. I think that people believe that gangs are these large hierarchical very structural criminal organizations, when the vast majority of quote unquote gangs or groups or clicks are highly informal, highly disorganized, it's a bunch of guys who grew up on the same block. And we really need to think more in terms of groups or networks and less about gangs. I worry that we are demonizing whole classes of people with this gang label. If you grow up in certain parts of the United States, you have to loosely affiliated with the quote unquote gang on your corner simply to get by on a daily basis. But that doesn't mean that you're involved in gang violence. I've talked to dozens of gang members, maybe over 100 in total, and all of them say, look, you know, in gangs, we have our shop colors, and we have our shooters, but we also have the guy who sells weed, we also have the guy who likes to come to the parties, and we even for the most dangerous gangs, we have to know that not all of the gang members are equally dangerous. And so while we might need very aggressive enforcement measures to get a certain shooter or soldier off the streets, we don't need those same measures for everybody in that game.

I think another thing that people say or feel, I think that the way to deal with this is to somehow deal with the problem of guns. You talk about that a little bit in your book, too?

Yes. You know, I think we just as we over generalize with gangs, we over generalize with guns. In the United States, we'd like to say that we're facing a, a crisis in relation to gun violence, but we're actually facing four separate but related crises. The first is in relation to urban violence, which would, which is what we're talking about. But there's also a crisis related to domestic gun violence, mass shootings, and suicides. And the solutions for each of these four separate phenomena are different. And policies that might work for one will not work for another. And in fact, one of the biggest disconnects between these different forms of violence is between urban gun violence and all the others because urban gun violence is overwhelmingly committed with guns that are already illegal. under the laws that we have today. Most people who are using guns to commit urban violence on the streets of our cities, are not legally allowed to own those guns, they've either got a criminal record that prevents it, they're too young to have it or some other restriction. So urban violence, we need different strategies. I am a proponent of reasonable restrictions on gun owning and carrying, I support those things. But I think we have to be realistic about what those strategies will do for urban violence. And we need to have a separate strategy set of strategies to go along to complement those other strategies for those other forms of violence.

So we have a problem, you know, a lot of the work that I do is based in kind of changing incarceration. And we have a problem when we're trying to close prisons are reduced mass incarceration, that so much investment has been made in the system of incarceration, that the system tends to resist change in a lot of ways, if we so I get what you're saying about trying to

kind of target be more specifically targeting specific areas and specific people, and that that reduces the violence, which then hopefully spills over into the ability for communities to take care of their own problems. But how do you ensure that the, that that the success of this program or this plan? In other words, how do you? How do you How can you be sure that fixing these hotspots doesn't turn into what used to be called broken windows policing in a larger sense, you know, that it doesn't start to be that the logic doesn't seem to doesn't allow it to grow?

Sure. Sure, so let me just first off, throw in with you, it is extremely difficult to reduce the footprint of the correction system in the United States and to close those prisons and there is tremendous resistance to doing so. I saw that firsthand when I was working for Governor Cuomo, one of the few governors who's actually been able to reduced to close prisons, just despite enormous resistance. So we saw that every day, and we were, we were able to make progress, but it wasn't without strong leadership, from the governor. So I think that but to the second part of your question, as I said, this principle of focus is, is, is crucial, by limiting the most aggressive types of law enforcement only to the most dangerous people in places. And by having balanced approaches where you use enforcement, as a last resort, you can really make sure that the collateral consequences of these things that, that you can hold incarceration to a minimum, but I am not an abolitionist, I do believe that we need prisons. And I do believe that certain people should be in prison, maybe not for as long as they are today. And so on. I am not willing to jeopardize lives in poor in poor communities of colors of color, for an extremist view of decarceration. I want to do both things, but compromises and trade offs do meet need to be made. And I'm not going to back off of saving lives by reducing urban violence simply because some people will have to be incarcerated. I just think that's an unrealistic view.

I think that some people on the abolitionists side might push back that their alternative isn't nothing. It's frequently other forms of, of solutions, like for instance, restorative justice, or, you know, alternative alternatives to incarceration that are, are less punitive. Do you see these as zero sum or?

No, and I, I believe in restorative justice, and I believe in alternatives to incarceration. But I also believe these issues are extremely important and lives are at stake. And so when lives are at stake, we need to look at the evidence. And the evidence shows that the strategies that I've identified in the book are most likely to work. restorative justice has a merging body of evidence in favor of it, and I think we should be exploring it. But it's never been used in this context. And restorative justice is certainly not appropriate in cases of murder or attempted murder. Similarly, we should be doing alternatives to incarceration for a wide variety of offenses, but again, for the most serious, violent offenses, and defenders, it's not appropriate. And this idea and so these alternatives to the strategies that, that I put out in the in the book are worthy of exploration, but they're not proven yet. And I don't think I don't think that we can just hang lock lives, lives can be held in the balance. Until we get that evidence, we need to do what we we need to do what we know works right now.

I think I know what your answer to this will be. But I'm going to ask anyway, I think it seems to me that you know, that the system of incarceration and arrest and all these things is not exactly perfect, either. A lot of people under report crimes, you know, the the outcomes of incarceration aren't always particularly good. You know, is it you know, when you say that we need to lives are on the line, and we need to stay with kind of status quo methods? Have those methods actually been proven to be the most successful in? Or at least? Are they just the most successful the things that we've considered so far?

Well, I hope I haven't been misunderstood. I'm not advocating for the status quo, I wouldn't write a book to justify the status.

Oh, yeah, I don't know. You're saying don't change the, That's not right.

I'm also not happy with the status quo of law enforcement, I'm not happy with the status quo of how many people are incarcerated in the United States, I'm not happy with the massive amount of racial disparities that we see throughout the American criminal justice system, from arrest prosecution, to charges to incarceration. So I'm not happy with any of those things. I've spent my career working on remedy many of those things. But the solutions that are in this book are not the status quo. They are the they are a set of carefully implemented and targeted strategies that have not yet received enough attention in this city report to become the status quo. I'm arguing for a new status quo, where we can save lives and promote public safety, while promoting criminal justice reform at the same time, and what I want to argue to my fellow to my fellow progressives, and to advocates and activists and abolitionists, is to not see this as a zero sum game. And to and to recognize that we need both of these things at the same time, and that if we are truly dedicated to helping poor people of color, in these communities that are suffering, both from high levels of intrusive law enforcement and from high levels of violence, they need relief from both. And we need to speak to both. And it's not enough to speak to one or the other.

Okay, I always ask the same last question. I think we've covered an awful lot of ground. But what did I mess up? What questions should I have asked but did not?

Oh, that's such a hard question. It's a good question. But

I'm always pretty suspicious that I missed some stuff. And some more questions.

Um, no, I think I think that we've had a great conversation. And I know some of your listeners will not agree with everything that I've said here. But I hope that we can keep the conversation going. Because at the end of the day, a lot of these disagreements are ultimately about strategy. If you are committed progressive as I am, and as you are, we're really talking, we want the same things. We want improved equity, and justice and equality. And the disagreement is about how we go about it. And that does, and that's a healthy disagreement to have. But I hope we can keep talking.

So thanks so much for doing this. I really enjoyed the book. And I've certainly enjoyed the discussion. Is there any thing else you would like to say about the book? Before we go? Please read it. Let me know. And let me know what you think.

Great. Okay. Well, thanks again. It's very nice talking with you. I really appreciate the time and hope to talk to you again soon. Bye.

It's been a pleasure. Thank you.

And now my take. There's one part of Mr. Apts book that I 100% agree with his argument that the law works best when it is self executing. That isn't to say that any system is perfect. But is to say that we will know we have reached a just society when all of the government feel that the system is actually just I really enjoyed I was at a the first meeting of the prisons. I mean, sorry, the jails task force here in Michigan, the jails and pre trial incarceration task force that the governor put together here in Michigan this week. And my friend Amanda Alexander said something that I thought was particularly persuasive in this vein, which was that incarceration is always a policy failure, which means that if we end up with someone in prison, that means we have failed as a society to deal with a societal problem in a better way. I agree with that we should always be trying to find better solutions to incarceration, incarceration, then incarceration, incarceration should never be the first response. It should always be a reluctant response, and only used in situations where we have not come up with a better answer. Thanks so much for Thomas Thomas for such a great interview. And for an important book. I'm not sure if everyone, you know, understands, there are a lot of different ways to address this problem of violence in the inner cities. He's dedicated a ton of time to coming up with good solutions to this. I hope everybody gives his book a read is very well worth your time. So I'm not sure if everybody saw this or not this week, but I got some really good news this week. For those of you don't know, I've lived in Michigan for a long time. But I've also lived all over the country. I used to live in Texas, Oklahoma, Arizona, Kansas City, Missouri, and a few other places. But I'm originally from the borough of Manhattan, New York City. I was born in Roosevelt Hospital. Anyway, my good friend Yunus Martin is running as a progressive prosecutor in my home borough of Manhattan for district attorney. I could not be happier. I've worked with the NS. I know firsthand that he is the real deal when it comes to decarceration and criminal justice reform. I rarely if ever publicly back candidates, but I'm 100% all in for Janos. And even though I don't live in Manhattan. I hope everybody who does live in Manhattan is excited and contributing and working to help get you know selected. And I hope everybody else who's listening to the podcast, who knows he knows is going to help try to get him elected to some of you might remember the NOC was was my guest to discuss the criminal justice reform outcomes of the 2018 election during Episode 39. No matter where you live, this move toward progressive prosecutors is important to changing the landscape of mass incarceration across this country. And electing progressive prosecutor in the heart of our nation's most storied citizen city will send a strong message. Next week, my guests will be Eli Savage, who's a candidate running for progressive. He's running as a progressive candidate for prosecutor Ross net County, Michigan

here where I live. Speaking of politics, I'm excited that I'll be attending both nights of the CNN 2020 Democratic candidate debates this week in Detroit. Those of you who follow me on twitter know that I've been deeply researching the different candidates criminal justice reform pop up policy plans, and I'm hopeful that will be an issue during the debates this week. I will report back to you on how that goes. You probably be able to follow me and live tweets as well. Finally, I hope everyone will check out the final season of my Orange is the New Black recaps. I put out my recap of the first episode which is called the beginning of the end a few days ago, and new craps. New recaps will come out every weekend until all 13 episodes in the season and the series will be complete.

As always, you can find the show notes or leave us a comment at [decarceration Nation com](http://decarcerationNation.com). Make sure to check out our new t shirts, sweatshirts and hats from the website. If you want to support the podcast directly you can do so from patreon.com slash on [pirate satellite](https://pirate-satellite.com). You can also support us by leaving a five star review from iTunes or like us on [Stitcher](https://stitcher.com) [Spotify](https://spotify.com). Special thanks to Andrew Stein who does the editing and post production for me and Robert Alvarez has been helping with the website. Thanks so much for listening to the decarceration nation podcast. See you next time.