

You Might Be Right - Crime - Transcript

Jennifer Doleac: So one big thing that we've learned that is guiding a lot of research and policy at this point is that we are much more likely to respond, to be deterred, by an increased probability of getting caught than we are by the punishment.

Ja'Ron Smith: Well, I think we just want to take a nuanced approach towards how we reform our system in a way that protects public safety, and at the same time creates fair accountability for crimes or things that people do that's against the law.

Marianne Wanamaker: Welcome to "You Might Be Right," a place for civil conversations about tough topics, brought to you by the Baker Center for Public Policy at the University of Tennessee. In this episode, our hosts, former Tennessee Governors Bill Haslam and Phil Bredesen, and their guests, take on crime. What is really going on with crime rates in the United States? Do the statistics match the rhetoric? Why are certain areas of the country struggling? What are the policy responses that might help?

Phil Bredesen: Bill, it's great to be back with you one more time. This should be interesting.

Bill Haslam: I think so. Crime is, unfortunately, a very present reality. When we're mayors, governors, you're continuously dealing with that, sometimes in very tragic situations, but always with an eye to what a big problem it is. I think one of the things I struggled with so much is it's really hard to measure. People could talk about crime rates are going up or down. One of the things I quickly figured out is when you compare with other states, other cities, this isn't an apples versus apples comparison.

Phil Bredesen: No. There's obviously differences in everything, from how you account to things to how— I certainly found how carefully people report these sorts of things. It is an important topic, though, because I mean one of the most important reasons to live in a civilization is to protect yourself. When people feel that they're at risk because of crime, it really gets right to the heart of what they think the world should be about.

Bill Haslam: The boxer Mike Tyson famously said, "Everybody has a strategy until they get punched in the face." I think crime is one of those that's theoretical. It's all, "Here's what I think about it" until it happens to you or someone you care about. Both of our guests today, I think, are going to bring a perspective that I hope brings real insight.

Phil Bredesen: Good. I'm looking forward to it.

Bill Haslam: We have, I think, a guest that's going to bring a lot of enlightenment to the whole difficult issue of crime and how we look at it, and sentencing and what causes it, how we best deal with it. Jennifer Doleac is an associate professor of economics at Texas A&M. She got her B.A. in Economics and Math at Williams, and then got a Ph.D. in Economics from Stanford.

But her focus is on the intersection of crime and discrimination. She's done a lot of work on things like DNA databases, gun violence, unintended consequences of ban-the-box policies, so some real-life things that you and I dealt with when we were in office.

What we hoped to do is to have a conversation around the research that she's done on the economics of crime and discrimination. She's had a real focus on prisoner reentry. We both have thought through how do we fight the huge issue of recidivism.

So, Jennifer, we're very pleased to have you with us. Thanks for taking time.

Jennifer Doleac: Well, thanks so much for having me.

Phil Bredezen: Yeah. Jennifer, I'd like to start off with this. I mean I spent 16 years in elected office in my past, obviously, and I don't think there was a day during that when there wasn't a number of people who thought that crime was really at the worst place it had ever been in American history during that particular instant of time. Maybe start us off – and I'm speaking specifically about violent crime now, not white-collar crime and the like – but maybe start us off with a benchmark. Where are we today relative to other places we've been at other times in our history?

Jennifer Doleac: That's a great question and the context here is super important. We are worried about violent crime right now, but we are certainly doing much better than we used to be doing. So violent crime in the United States peaked in the early '90s and basically has been declining ever since, with small blips here and there. We can get into why it was declining so much since the early '90s. It's a bit of a mystery. We've been getting safer and safer as a country, especially in our big cities, since that time period.

Basically during 2020, we saw a relatively large increase in homicides and shootings. That came as a big surprise because we had been going through this very long period of just becoming safer and safer and safer. Violent crime is up now relative to what it was in 2019, but we are still much, much safer. Violent crime rates are much lower than they were in the early 1990s.

Bill Haslam: I love your focus on data, because I think Phil and I both have learned, well, there's always going to be a lot of opinions and thoughts, but the data is really what we need to come back to.

But I think it's helpful in this world: one of the things I've learned is that for most Americans, if you've been fortunate and you're middle class and above, you really probably haven't had any interaction with the prison system or with the judicial system or crime unless, like I said, you've had an unfortunate circumstance and then maybe you stumble into it. It's like, "Oh, wow. I didn't understand this."

So if we're sitting on an airplane next to each other and I say, "Well, what would surprise me

about what you've learned about crime, the interaction, the intersection of economics and crime, et cetera?" Could you give us a summary statement?

Jennifer Doleac: Probably a lot of things. Our criminal justice system definitely doesn't work the way it looks like it works on TV. The vast majority of cases going through the criminal justice system every year are low-level misdemeanor offenses. That's the huge volume of cases that prosecutors and judges need to deal with. Something like 95% of felony cases, even the more serious crimes, are pled-out. They never actually go to trial. So a lot of our criminal justice system is really focused on just shuttling all this stuff through and making it work quickly, not having a huge bottleneck. That's probably the biggest thing that surprises most people is that there's such a volume of cases that everyone's just focused on moving things through really quickly.

Phil Bredezen: I listened to what you're saying there. One of the concerns that it certainly raises in my mind is you have a large number of people who are pleading out cases, who probably, in large part, are not people with lots of resources and so on. Is the system oriented in a way that's fair, or does it give prosecutors way too much power to take someone who's basically powerless and can't hire their own private lawyers and so on and really force them into these plea deals?

Jennifer Doleac: Yeah. I guess the way I'd put it is there's a lot of unfairness in the system. I think there is some fairness in there, too. It's not totally random who winds up convicted of a crime or arrested, but there is a lot of unfairness there. There's been more and more recent evidence looking at the effects of being detained pretrial, in particular, on the outcomes of individual defendants.

What that research has shown, basically all looking at what's the causal effect of being detained, being locked up instead of released on bail, say, and what all that research has shown is that if you are someone who is on the margin of being detained, one judge would lock you up, the other one would let you go. You get unlucky, you're locked up before your trial. You are dramatically more likely to wind up, not only pleading guilty and being convicted in that one case, which gets to your point, but you're also more likely to commit more crime down the road. You're more likely to lose your job. A whole bunch of bad things are going to happen to you. That's going to be all a function of you didn't have the money to pay the bail.

That kind of research and those sorts of concerns that, not only are we locking up people, at least in part because they don't have the money to pay their bail to get out, but also it's getting them to a point where they actually have a conviction on their record that they wouldn't have had otherwise. This has all led to this push for bail reform that, of course, is a really hot political topic right now.

Bill Haslam: But keep going. Talk to us about bail reform, because we've both been thinking through sentencing reform, judicial reform, et cetera. Talk about bail reform specifically, because

I have learned just recently what you were talking about, that it makes a lot of difference for your defense whether you're incarcerated during that period or not before the trial.

Jennifer Doleac: Yeah. It can make a difference in a couple of different ways. So if you're not locked up, maybe you can actually— you have time to meet with your lawyer more often, help build your case, find some witnesses, stuff like that. But also if you're sitting in jail and the prosecutor says you can get out right now if you just plead guilty or you can sit here for six more weeks and wait for trial. It's pretty tempting to just plead guilty. There are a bunch of ways in which you could wind up being convicted in that case, even if you didn't do it.

There's a lot of interest in reforming the system, and the system really has two parts. So there's this detention piece, this locking people up before their trial piece, and then there's the cash bail piece. I think they're often used and referred to as if they're the same thing, but those are two separate steps.

So the way that we currently operate when we have cash bail is that a judge considers whether they want to detain you, whether you seem like a flight risk. If they think you are and you need some incentive to come back, then they try to guess how much you can pay, and they try to set bail accordingly. You could imagine a system where they just detained you or not without that cash bail piece, but, in theory, the cash bail provides an actual incentive. You basically are putting down collateral and you lose that money if you don't show up back in court, or if you commit a new crime while you're out.

There's the hope that there's a financial incentive there, but of course it's also used in practice as one of the steps that we go through to figure out who is actually locked up before their trial.

Bill Haslam: If you got to have free reign to implement some changes on bail policy, what recommendations would you make?

Jennifer Doleac: I think of this as a space where we need a lot of places trying different things because we don't have great answers yet. One type of policy reform that's been really popular in recent years is increasing the use of risk assessment scores, giving judges basically algorithmic-based risk scores for the defendants that are in front of them to help them decide whether this person's a real risk, and decide who to detain and who not to detain.

It turns out that, in practice, the judges just ignore those scores and do what they want. So that doesn't really seem to do anything. We've also seen that there's a huge bail reform in Philadelphia. Larry Krasner, the progressive prosecutor there, implemented. When he came into office, he basically said, "I'm going to eliminate cash bail for 50%, 5-0 percent, of the defendants going through the Philly court system."

That sounds like a huge number. It seems like it's going to make a big difference. It had zero impact on who was actually detained. It turned out everyone who got out would've gotten out

before. They just would've had to put some money down first.

One of the challenges here is it's just really hard to guess how things are going to play out in the real world and all the ways that human behavior is going to interact with these policy changes and push against change to get back to the equilibrium we were at before.

In Kentucky, they're using these risk scores, but they do it in a really automated way. So basically if you are in court, or have been arrested and booked on a really low-level charge, and your risk score is relatively low, you're just automatically released. You don't have to go to a judge first. There's no individual who has to say, "Yes, I'm putting my name on this. You can go." So that seems really effective, basically taking it out of the hands of the human judges entirely. It turns out judges don't like that very much.

Phil Bredeesen: Tell me about it.

Bill Haslam: How can we use good data to respond to crime? We were both, by the way, mayors before we were governors. The whole evidence-based policing idea of make certain that we're putting our manpower where the need is. But with that, you could be accused of overpolicing in certain neighborhoods with certain demographic. How should we think about that?

Jennifer Doleac: For the most part, with policing somewhat as an exception, there's been a lot of research on the effect of police on crime, in general, that all shows that putting more police on the streets does reduce crime rates, especially if you're looking at murder rates in particular. We see big reductions in murder. But this question about overpolicing raises the possibility that there might be other costs involved and police have other effects than just on crime. That's the thing that we're starting to have more of a conversation about as a country.

That's possible to quantify. People are working on that. So, for instance, there's a study looking at what happens to kids that live in the neighborhood of a police killing, for instance. It turns out they're going to graduate from high school at lower rates, especially if the person who was killed by the police didn't have a gun. So it seemed especially unfair.

And so, you can actually – Look, it's like, all right, well putting more police on the streets, that police use of force actually led to less educational attainment. That's a real social cost. Trying to actually quantify stuff like that, I think, is really important and should be part of the conversation. Outside of policing, we do this much less. And so, this is really the drum I spend a lot of time beating is trying to get us all to focus on rigorously evaluating the stuff that we're trying so that we can be sure we're moving in the right direction.

Phil Bredeesen: So we're both retired from the governorship now, but suppose I was still the governor and I called you up and I said, "Look, I'd like to do something to improve this instead of just continuing on the same way we did a decade ago and two decades ago with the marginal

changes." You're an economist. I mean tell me where the slope is the greatest here. What are the first couple three things that I should do that really would make a change in the safety and the fairness of the system?

Jennifer Doleac: There's a bunch we could do. So it depends on what your timeline is. I know that, in general—

Phil Bredeesen: Four years.

Jennifer Doleac: —we all want changes tomorrow. Yeah.

Bill Haslam: Maybe eight. Maybe eight if you're lucky.

Jennifer Doleac: Yeah. I mean the fastest return you're going to get is putting police on the streets, honestly. And so, that's why we see a lot of emphasis there. If we're willing to back up a little bit and invest a little bit for a long-term payoff, we know, for instance, that in the slightly longer term, a couple of months, summer jobs programs for teens are really effective at reducing violent crime.

We also know that, even longer term, things like exposure to lead and pollution is really bad. So exposure to lead as a kid when you're really young, it changes your brain development. 15 years later, we're going to see much higher rates of juvenile delinquency, suspension from school, much less violent crime later on. If it were up to me, if I had a magic wand, I would spend a whole lot of money on getting lead out of the environment.

Phil Bredeesen: Give me some more ideas about, that are in the area of things like bail reform and where you think you could see some results, changes in the system, the legal underpinnings of it.

Jennifer Doleac: So one big thing that we've learned that is guiding a lot of research and policy at this point is that we are much more likely to respond, to be deterred by an increased probability of getting caught than we are by the punishment. So if we think that people— as an economist, I think everyone responds to incentives, or at least most people respond to incentives. They're thinking about the expected cost of committing a crime when they're deciding whether to do this thing.

For a long time we thought we can deter a lot of crime by saying the punishment for this is going to be really, really long and really harsh. It turns out the typical person who is considering committing a crime is not thinking very far ahead. They're not thinking five years ahead or 10 years ahead, they're thinking till maybe tonight.

So that long sentence doesn't have any deterrent effect, but increasing the probability of getting caught does. It has a huge deterrent effect. I have researched looking at law enforcement DNA

databases, both in the U.S. and in Denmark, where there's much better data. In both cases I find that adding more people who have been charged or convicted with criminal offenses to a DNA database, which increases the likelihood that they'll be identified as a suspect in a future crime, reduces future re-offending. In the Danish study, it was by like 40%, like a huge amount. The same principle applies to putting more cameras on the streets, for instance. Anything where you're going to increase the likelihood that someone's identified as the offender and face consequences is hugely effective and has a huge deterrent effect.

Deterring crime, it turns out, is really cheap because there's no actual punishment you have to pay for after the fact. It's way better if we can stop the crime at the front end than if we have to wait to punish it afterwards.

Bill Haslam: That's actually interesting if you think about particularly a world that's more focused on instant gratification, and that's even more true if— the thought of not having my freedom tonight probably scares me a lot more than the difference between 30 years and 40 years.

Jennifer Doleac: Exactly.

Bill Haslam: Okay. Final question that we ask all of our guests, in the spirit of Senator Howard Baker, who coined the phrase you might be right, can you think of a time when you've realized that somebody on a different side of the argument or a different perspective than you have or had was right, a time when you said, "Yeah, you're right?"

Jennifer Doleac: I love that you ask all your guests this question. So for me, the first thing that comes to mind is actually something I learned from my own research, which is great. It's the reason I do research. I think it's really important because it often surprises us.

So I have a paper with some colleagues, looking at the effect of basically being more lenient on first-time offenders, and particularly for non-violent misdemeanor offenders. So if it's your first time in court, your first arrest for a non-violent misdemeanor offense like shoplifting or disorderly conduct or something, should the prosecutor just drop the case, let you go, or should they throw the book at you and really pursue the case going forward?

This is being debated. A lot of progressive prosecutors are saying, "Pushing that case forward, has an active— it actually does more harm than good. It increases crime. It's now pulling people into the system. It's not deterring crime."

My hunch going into this was that it had, on net, a deterrent effect for most people. And so, if we scale back, if we become more lenient on people, maybe that saves a whole bunch of court time. There are costs, obviously, to pursuing every single case and every single charge. But my hunch is if we just let them go, we'd see some small increase in crime. The question for me was what's the trade off and is it worth it?

It turns out there's no trade off. Letting people go actually dramatically reduces the likelihood that they come back with a new charge by like 50%, 5-0 percent. The progressive prosecutors are right, that it actually does seem like – especially for first-time offenders, if this is the first time you're in court – it turns out– it doesn't mean there are no consequences. You've been arrested, you have to show up to court for your arraignment. But for most people, that's enough of a wake-up call. They don't come back. That has convinced me that the progressive prosecutors are onto something here, and it's really changed the way I think about it.

Phil Bredesen: You may be convincing me at this point because I certainly– I was mayor in the '90s here in Nashville, and certainly the– I mean the progressive ethic at the time was by going after these little frontend incidents and making them costly, you in fact were decreasing crime. Remember the–

Jennifer Doleac: Broken windows.

Bill Haslam: The broken window theory.

Phil Bredesen: –the broken windows and the police in New York who were going after the squeegee–

Bill Haslam: Squeegee guys.

Phil Bredesen: –and all that kind of stuff. What you're saying is you're just wrong. That's not what the data shows.

Jennifer Doleac: Exactly.

Phil Bredesen: I've had a Howard Baker moment here, I think.

Bill Haslam: Hey, Jennifer. You've been a great guest. Thank you. It's been very entertaining. I love that you have some very specific conclusions. Like I said, for these two data nerds, you've been great for us to give us some real-life–

Phil Bredesen: We may be the only governors who were called data nerds in real life.

Jennifer Doleac: I love it.

Bill Haslam: Well, we're only calling ourselves that because other people call us a lot worse.

Phil Bredesen: That's right.

Bill Haslam: Thanks so much.

Phil Bredesen: Yeah, it was really great. Thank you very much.

Jennifer Doleac: Thank you. This was very fun.

Phil Bredesen: I thought that was really, really interesting.

Bill Haslam: I did, too. Now are there specific things maybe that Jennifer said, in conclusion, that resonated with you?

Phil Bredesen: Certainly confirming that more police is good, is helpful. Obviously, police presence, at several levels, is contentious these days, but that does. I thought the notion that a lot of people who commit these crimes, that their time scale is very short and that the fear of being caught or the likelihood of being caught is a much greater deterrence than whether it's a 25 or a 30-year sentence for the crime when it ultimately occurs. But those were both useful, actionable things.

And the stuff she talked about in bail reform. I don't think that system has changed in centuries. There's technology in how that can address this and there's also just data about what works and what doesn't.

Bill Haslam: I thought her point was – and I've talking to people that have been there – there's a big difference between being in jail and trying to put together your defense and being out. We need to make certain that it's a just system for everyone. If there is that much of a difference in making your defense, that it's not just a question of who can pay to get out.

Phil Bredesen: Yeah. But those decisions, I mean they're pretty arbitrary. I mean I would never want to go to a set of rules like minimum sentences you could have done and so on, but maybe better defining how you measure who is a flight risk and who isn't and who can be let out. I mean it's in everybody's interest to have somebody out not in jail during this period of time, either because they can't afford the bail but they can otherwise be out, or just because they don't need to be in jail.

All right, Governor, our guest here is Ja'Ron Smith. Very interesting background. He's a partner at Dentons Global Advisors at the moment, works on issues of economic mobility and social justice, housing and urban development. Grew up in Cleveland, graduate of Howard University with a bachelor's degree in finance and economics, and a Master of Divinity. That really is moving from the lions to the Christians there.

Served in the Trump administration in various roles, including director of urban affairs and revitalization. Was a policy strategist, advisor to the president, managed the HBCU initiatives, managed the White House Faith and Opportunity Initiative. Was also a special assistant to President Trump for domestic policy and special assistant for legislative affairs during one

period.

In April 2019, he was appointed deputy assistant to the president and deputy director of the Office of American Innovations. He is a man of a vast experience and I think it's going to be a great person to talk about this issue of crime today.

Bill Haslam: Ja'Ron, thanks again for joining us.

Phil Bredezen: Both Governor Haslam and I were, as governors, always pressured to be tough on crime, to make sure sentences were long enough and crimes were punished. You often heard about crimes that need to be punished more severely, violent crimes and so on. There must also be crimes that are not as important, that maybe more leniency is appropriate, which could ease some of the pressures that we're all feeling on this and make the whole system more rational. Are there, in your mind, categories of crime that we are too harsh on in this country today?

Ja'Ron Smith: In my mind, yes. It's two areas where we've taken a strong look at, and that's what we've determined to be violent crime, which I think nationally is a very technical term that hasn't really been defined. I think both sides of the aisle have disagreements on how do you define violent crime. Put that to the side. Then the other category is non-violent crime. So these are some crimes that may be white collar. No one really died from it. It may be theft without a weapon or it can be selling drugs without a weapon.

There's a whole category of crimes that are considered non-violent. The question is that are we taking a more nuanced approach to how we hold individuals who commit those type of crimes accountable? What happened in the mid-'80s and the mid-'90s is that, specifically on non-violent crimes that involved the selling of drugs, we created what we call mandatory minimums.

We also created this whole infrastructure since the '70s on War on Drugs, to where we essentially have got most of our law enforcement to focus most of their time on crimes dealing with drugs. I think the statistics are around 95% of their time, or 95% of the time they're getting convictions on those drug crimes. But on the back end of that, we created these mandatory minimums.

So you have a lot of individuals, first-time drug offense, may just have simple possession of a drug and as a result, they may be doing 20, 30 years more time than they would if they had a violent act. In some cases, they've pleaded down from a violent crime and pled guilty to, or was prosecuted for the drug crime, and they dropped the violent crime because you got more years for the drug crime.

That's what a lot of reform advocates have been spending a good amount of time, because the issue around drugs in America has a lot of reasons why people get into it. Again, we want to hold people accountable, but to the point where you're locking up a person like Alice Marie

Johnson – the person that President Trump pardoned with the help and advice of Kim Kardashian – for 30 years. She was able to get out through a presidential pardon. She had a lifetime sentence for first-time drug possession. We were able to get her out of prison. Now she's an advocate with transforming communities to not only make them safer, but to create opportunity for underserved Americans.

I just think that we need to think about our justice system in a way that's going to hold people accountable, but have fair judicial system that's not a blanket approach, which is just mandatory minimums, because we've seen that not to work. In some cases, you've made some people worse criminals or traumatized by the prisons. I mean they come out and be worse off than they were if they had maybe just served a year or two.

That's become an issue. It's become an issue in many different cases where you've had a non-violent person locked up and get traumatized so much that then they come out and then do traumatic things to other people. And so, I think we just want to take a nuanced approach towards how we reform our system in a way that protects public safety and at the same time creates fair accountability for crimes or things that people do that's against the law.

Bill Haslam: I think it would probably surprise some people that the Trump White House focused on judicial reform. Tell us where– as people who have been involved in government, we're always interested not just in what happened but how it came to happen. Tell us how that happened.

Ja'Ron Smith: I would say that the beginning of reform efforts really started in the states. It started in states like Texas and places like Georgia, where you had advocates and groups like Right on Crime or Americans for Prosperity work with their state legislators on an issue around the amount of spending that they were doing for prisons.

In Texas, specifically, they were looking to try to shrink the size of government. And so, I think the story that I've heard from Texans is that Rick Perry asked everyone to – "I'm going to charge you. Everyone we're coming back with cuts."

I mean off of that, people found a way to reform the prisons by not just making them a warehouse for people who do crimes, but allowing for recidivism reduction or changing the statistics around people returning to prison in a way that would help them become productive citizens.

Their strategy, that was also adopted in Georgia, was recidivism begins on day one when a person's in prison. And so, they matched everybody's recidivism reduction programming to every person's criminology, or whether it was vocational training, whether it was on drug addiction, whether it was family reunification, on trauma or mental health. They offered those services. If a person was a low-level individual, low-level recidivating, if they made it there, they could spend some of their sentence in home confinement, if they were able to prove to the

Department of Corrections that they wouldn't recidivate based off of evidence-based research, that there were low likelihood to return to prison.

What that ended up doing over time was they were able to take more resources to focus on their violent offenders. But with those non-violent offenders, they were ever able to go home early. Texas then needed less prisons. As a result of that, focusing on making sure people don't return to prison, they created less crime. And so, they was able to lower crime, cut their budgets by closing the prisons.

That model was adopted on the federal level under President Trump. It wasn't a blanket approach of letting everyone home early, specifically violent offenders. It only focused on non-violent offenders in all the federal prisons. It applied the research that we found from Texas and Georgia about reforming the prisons to focus on reentry on day one.

As a result of that, the federal prisons were maybe about 180,000 people. It's more like 150,000. Recidivism rates for the federal prisons was around 35%. They got lowered to less than 12%. And so, again, that's less crime.

Then, ultimately, we were able to roll back what was historically called the three-strike rule. President Biden led on that during the Clinton's administration. Very bipartisan, in essence, when they created these mandatory minimums where they created these three-strike rules. We changed the third strike and the second strike not to allow for a person to be in prison for a lifetime or 20 years, and specifically around non-violent felons.

And so, it reformed our prison systems in that type of way. Again, we signed that bill into law on the same day that the government shut down. We never really got to define what smart on crime reforms look like. That's what we would call smart on crime, which is, Governor, it allows for you to be tough on crime, especially tough on those violent offenders, but be very nuanced around non-violent offenders, and not putting a one-size-fit-all approach across everyone that's in the system, because there are some people who can be reformed, and we know that 95% of the people who go into prison are coming home.

And so, what type of person is returning into society? We want to make sure that that person returning into society doesn't commit crime again and that they become productive citizens.

Bill Haslam: You talked a little bit about the different crime rates in different places, et cetera. One of the things that I think we, again, both experienced as mayors is police departments who came talking about evidence-based law enforcement. Is that a good idea to use that data in that way, or does it cause us to overpolice our minority populations?

Ja'Ron Smith: I think that you can have both. You can have police be focused on where crime's the worst. In most cases, you have less than 1% of a given locality causing 70% of the crime. You can really target those areas. But in targeting those areas, you need to work with those

communities so that you can build trust and don't make the mistake that's happened in many communities, where there's no trust and you put a one-size-fit-all approach and just start profiling people because they look a certain type of way.

I think that's the nuance that we're trying to do. We're promoting our public safety solutions with the Public Safety Solutions for America.

Phil Bredezen: If you had the opportunity, you're back in the White House for some president and had an opportunity to do one thing, one policy change, reform that you'd like to push that you think would have the biggest impact on reducing violent crime, what would that be?

Ja'Ron Smith: I want to say that it's one thing, but what I've learned is that I think there's many facets that have led us to where we are now. I wrote a book called *Underserved*, which focuses on harnessing the principles of Lincoln's vision for reconstruction for today's forgotten communities.

Since the War on Drugs, or the work that we did for impoverished neighborhoods with the Great Society or the War on Poverty, what we've done is not created the right infrastructure as a country to help facilitate opportunity. And so, safe communities is a part of it, but it also feeds into education and workforce, economic development, entrepreneurship, and affordability. And so, what I've been promoting is holistic approaches, and that holistic approach includes partnerships between the federal, state, and local government, as well as the private sector, corporate, small business, nonprofits, and churches. My magic wand would create that infrastructure of opportunity that looks at the holistic pieces that leads people to a life of crime and a life of violence. Our coalition looks at some of those root causes, especially when you're thinking about mental health and why a kid shoots up a school, or why a kid violently does drive-bys in the communities, or stabbings.

I think for us as a country, we need to look at an all-of-the-above approach and bring all parts of our communities together to bring these holistic responses so that we can prevent future crimes, especially violent crimes, from happening in the future.

Bill Haslam: Final question, one that we ask all of our guests on this show. The name of the podcast is "You Might Be Right." It's taken from Senator Howard Baker's quote, "Always remember the other person might be right." Can you think of a time, maybe particularly on this issue, when you've realized the other person might be right?

Ja'Ron Smith: Sure. Well, I can tell you what, before joining the Trump Administration, I was a person who advocated for the Sentencing Reform and Corrections Act. It was the piece of legislation President Obama had worked on with that current Congress that never got across the finish line.

I thought that that legislation was good. And so, when I joined the Trump Administration, I

wanted to see if we could pass that piece of legislation. But then I found that maybe allowing for certain people to come home early that were not ready to come home may have been the wrong decision to go in, which is why a lot of conservatives weren't supportive of that legislation, including people like Mitch McConnell and Ted Cruz.

I had to think on my feet and realize that they might be right. I can't take the risk of not doing criminal justice reform in the right way. There's consequences to doing criminal justice reform the wrong way, and the consequence of that is someone losing their life or making communities less safe. That was my experience, and certainly the conservatives. We were able to get Senator Cruz and Senator McConnell on as supporters. But working with some of the folks who were more on the right side of the aisle made us create a better piece of public policy that protected public safety.

Phil Bredeesen: Thank you very much. Enjoyed the conversation.

Bill Haslam: Ja'Ron, thanks for your time. We appreciate the insight and your commitment to this.

Ja'Ron Smith: Thanks so much.

Bill Haslam: Well, Governor, Ja'Ron and Jennifer obviously are coming from different experiences and different backgrounds and even different things that they focus on, but I do think there was some commonality, in that Ja'Ron was saying, well, we've learned something. The data will show us that a holistic approach to this and looking at there are some things government can do, there's a lot of things that really is up to a family, and then there's a lot of things that a community can provide that will actually impact the crime results that we see.

I think it even reminds me, going back to the conversation we had with Arne Duncan back in the fall on gun control issues. One of the things that struck both you and me about what Arne said was, "Hey, the best way to solve this is a job that will pay \$15 an hour, that people will actually leave the drug trade on the street for a real job like that."

Phil Bredeesen: Yeah, I thought it was a nice combination. I mean Ja'Ron was talking more, I guess, he used the word holistically, but the longer range, larger solutions, including the economic underpinning of a lot of this stuff like you've just described. Whereas Jennifer was really talking about, okay, here's a technique that was tried and here's what the data showed about it.

But I think both of us have been in the position of you kind of want to pick and choose. You want one of those longer range things to work on, but you also want some tools you can use in the shorter run, more specific. I thought it was helpful.

Bill Haslam: Another interesting topic. As always, I learned a lot.

Phil Bredesen: I hope there's a good reason for all this. Now, I've learned a lot about each of these, and hope our listeners find them the same way.

Marianne Wanamaker: Thanks for listening to "You Might Be Right." Be sure to follow on Apple Podcasts, Spotify, or wherever you listen to your favorite shows. And please help spread the word by sharing, rating and reviewing the show.

Thank you, Governors Bredesen and Haslam for hosting these conversations. "You Might Be Right" is brought to you by the Baker Center for Public Policy at the University of Tennessee, with support from the Boyd Fund for Leadership and Civil Discourse. To learn more about the show and our work, go to youmightberight.org.

This episode was produced in partnership with Relational Marketing and Stones River Group.