

"A riveting tale told with care and expertise."

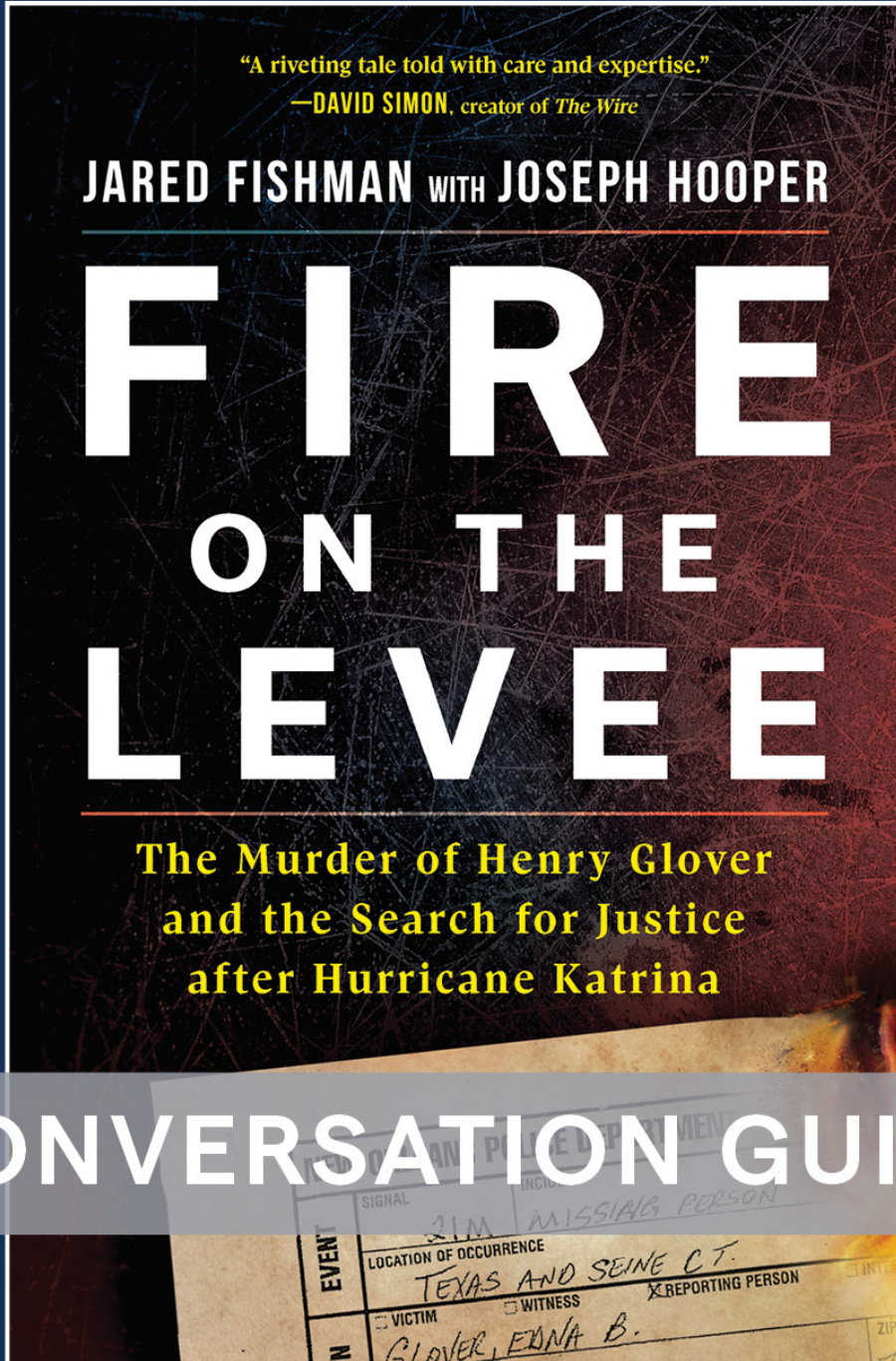
—DAVID SIMON, creator of *The Wire*

JARED FISHMAN WITH JOSEPH HOOPER

FIRE ON THE LEVEE

The Murder of Henry Glover
and the Search for Justice
after Hurricane Katrina

CONVERSATION GUIDE



Introduction

Dear Reader,

I wrote *Fire on the Levee* to contribute to the dialogue about what is broken in our justice system, and invite you to join that discussion in your communities. My hope is that this conversation guide will serve as a companion document as you consider themes that weave throughout the book. You can use this guide in a book club, with friends, or as a personal guide to help you reflect on what you've read and what steps you might take next.

Keep chasing justice,

Jared Fishman

Justice Innovation Lab Founding Executive Director

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Worldview

The concept that most shaped Jared's worldview was the medieval Jewish ideal of Tikun Olam, an exhortation to "repair the world." In Chapter 6, he writes, "*I accepted the fact that the world was broken, and that I had an obligation to try to fix it.*" (p. 104)

- ⇒ What are some examples from the book where someone's actions appear to be shaped by their specific worldview?
- ⇒ What are some of the experiences/people/events that have shaped your worldview?
- ⇒ How has your worldview changed over time?

In Chapter 6, Jared recounts an epiphany he had in Morocco as a 20-something that would impact his perspective in the years to come. He writes, "*Sitting by the campfire, it struck me how narrow my worldview had been. I saw the Arab peoples exclusively through the lens of the Jewish-Arab conflict, a perspective defined primarily by fear. And yet these men had shown hospitality to a stranger for no other reason than kindness. At that moment, I felt at ease.*" (p. 114)

- ⇒ Have you ever had an experience in which your worldview has been turned upside down? What was it and how did it change your perspective?
- ⇒ Share about a time when you witnessed groups of people being divided into "us and them." What was the result of this kind of labeling?
- ⇒ When have you seen a person (or group of people) "othered" or treated as intrinsically different from oneself?

In the United States, there is a history of stereotyping the Black man as a criminal. We see this play out in *Fire on the Levee*.

- ⇒ What were some of the moments in this story where someone made assumptions about another person based on stereotypes?

⇒ Can you think of times when you became aware that you were seeing the world through the lens of a stereotype, especially a negative or dismissive one? How did you work through those attitudes?

In Chapter 12, Jared cites research showing that incarcerating people for low-level crimes has a “criminogenic” effect, increasing future crime. However, *“In an effort to combat violence, police often target low-level offenses that they can see with their own eyes, things like public intoxication, prostitution, and drug use. Most of the people who get caught are lower-income people of color. There is little evidence this approach reduces serious crime.”* (p. 208-209)

⇒ What was your reaction to this finding?

⇒ Did you find this intuitive or counterintuitive?

⇒ Why do you think aggressively policing and prosecuting low-level crime increases subsequent criminal involvement?

⇒ In the United States, most public safety conversation center around the role of police. Who else should be included on the topic of public safety?

Jared recounts how, as a young civil rights prosecutor, he encountered more complicated, subtle forms of racial bias. In Chapter 12, he writes, *“Nowhere was the historical legacy of racism easier to discern than in the criminal legal system. The links between slavery, Jim Crow, and the legal system I operated in were becoming more obvious to me by the day.”* (p. 211)

⇒ Where was racial bias disguised in the Henry Glover case? Where was that bias more obvious?

⇒ What subtle forms of bias have you seen or experienced in your own life?

⇒ When have you experienced being othered or marginalized? What was it like?

Justice

The restorative justice movement suggests that justice requires *“acknowledging responsibility for one's actions and the impact that it has had on others. It requires a genuine expression of remorse and the taking of concrete actions to repair the harm.”* (p. 412)

⇒ Do you agree? What else is required to achieve justice?

In Chapter 12, Jared recounts experiences in the Middle East, Bosnia-Herzegovina, Kosovo, and Rwanda in which applications of “justice” varied greatly. In witnessing these, he writes, *“Of all the attempts to achieve justice after societal collapse, none of them, I think, hit the mark. Honestly, I'm not sure any ever could. If we won convictions, I wanted to believe that we had contributed to “justice.” But I had my doubts.”* (p. 205)

⇒ How do you define “justice”? What do you think is required to have a “just” result? What would “justice” look like in the Henry Glover case?

⇒ Share a moment in your life when you felt that justice was achieved. How did it come to be?

⇒ Were you ever involved in, or even just witnessed, a situation that called for a just resolution and justice wasn't achieved? What factors contributed to these outcomes?

Chapter 12 discusses a motion filed to exclude evidence that officers were just *“following orders.”* (p. 202-203)

⇒ Have you ever been in a situation in which you were encouraged or expected to “just follow orders”? Have you ever been ordered to do something you felt was wrong, immoral or unjust? What was your response? Would it be different now?

In 2005, Keyalah Bell was a 26-year-old patrol officer who immediately suspected that the shooting victim and the man bleeding out in the white Chevy were one and the same. *“But as a young Black female rookie, she assumed, correctly, I’m sure, that no one in the NOPD rank wanted to receive that message, certainly not from her. She kept her mouth shut.”*

Five years later, she testified at trial, wanting to make right what she couldn’t as a rookie cop – to help expose the truth about what happened to Henry. (p. 264)

⇒ Are there wrongs you observed earlier in life that you would want to correct? What are they? What could you do?

Power

Throughout *Fire on the Levee*, the reader is confronted with the unequal power dynamics between officers of different ranks, between men and women, between White people and Black people, between those with money and those without.

- ⇒ Which of these unequal power dynamics stood out most to you? Was one more harmful than another? Was one more shocking than another?
- ⇒ What was a time when you had more power? Less power? How did you use it?

In the book, different people step up to battle injustice.

- ⇒ Who did you find heroic? What makes them heroic?
- ⇒ Share a time when you were confronted with an injustice and stood up. Was there a time when you didn't stand up? What factors contributed to your action/inaction in each situation?

In the Epilogue, Jared recounts that it's been the passage of time that helped him *“appreciate more deeply what it took to speak out against injustice, especially for those with less power to make their voices heard.”* (p. 427)

- ⇒ What does it take to speak out from a position of less power?

“While violence in lower-income communities is real—and that violence disproportionately affects people of color—what's often glossed over are the lives ruined by aggressive, racially biased enforcement of those rules. Henry Glover—and David Warren—were both products of that system.” (p. 212)

- ⇒ Do you agree? In what ways were both Henry Glover and David Warren products of this system?

During the jury selection process, Defense Attorney Frank DeSalvo claims he struck a juror because he thought he was, “*a cool cat or something.*” Jared remembers thinking, “*I think that is just a code word for ‘Black.’*” (p. 222)

- ⇒ Where do you see examples of coded language in your everyday life? Why do you think some people use this type of language?

Prosecuting police, who abuse their power, is an expensive, labor-intensive, and an after-the-fact remedy that doesn't do enough to prevent future harm. In Chapter 25, Jared writes, “*Roughly a thousand people lose their lives in police shootings every year, a rate that has stayed relatively constant for the past seven years, increased prosecutions notwithstanding.*” (p. 411)

- ⇒ What changes to policy or culture, within or outside the law enforcement system, are necessary to reduce the likelihood of future harm? What is one step forward to make those changes?

Accountability

“Genuine apologies create space for changing hearts and minds. They allow us to hit the ‘reset button,’ as Asel always wanted. Then we must begin the arduous process of fixing the problems that got us here.” (p. 413)

- ⇒ Have you ever given or received a genuine apology? What did it do for you? Why are people reluctant to apologize?

When Jared and Ashley visited Edna Glover, the mother of Henry, in 2009, they learned that her older son, Edward King (one of the three men who tried to rescue Henry after he was shot), was in jail for unpaid municipal fines.

It seemed unfathomable to me that a person could be jailed for owing the government money. But every year, thousands more people just like him are jailed across America for nonpayment of fines and fees connected to minor traffic and municipal code violations and misdemeanors. Across the US, many municipal governments fund their criminal legal system and other government services on the backs of the poorest in their communities, using fines and fees associated with law enforcement. Nonpayment regularly results in escalating penalties, including additional fees, license suspension, loss of voting rights, and far too often, imprisonment. This cycle of punishment and poverty can lead people to lose their jobs, their homes, and even custody of their children. (p. 52)

- ⇒ What was your reaction upon learning that Edward and thousands other like him are sent to jail for unpaid tickets?

In Chapter 21, Jared grapples with holding individuals accountable for their misconduct without over sentencing. He writes, *“I loathed what [David] Warren did, and I strongly believed that society needed to send a strong message that his conduct was intolerable. And yet, it seemed to me perverse that the prize for a hard-fought victory in court is another human winding up in a cage.” (p. 358)*

- ⇒ What is your reaction to Jared’s ambivalence? What ideas do you have for alternatives to long prison sentences as punishment?

In 2015, Walter Scott, a 50-year-old Black man, was gunned down by Officer Michael Slager. Jared led the U.S. Department of Justice team that successfully prosecuted Slager for federal civil rights violations, which resulted in a twenty year prison sentence. In the aftermath of this victory, Jared recounts, *“The truth was, my “triumph” felt empty. “Now what?” I thought. Was anything going to change? The fact that Michael Slager was going to spend at least the next 17 years in prison wasn’t likely to ameliorate any of the conditions that gave rise to the killing in the first place, such as the targeted law enforcement that disproportionately harms people of color. If “winning” felt this bad, I needed a new job.”* (p. 410-411)

⇒ How could we expand what 'winning' really means in the context of law enforcement?

After the Walter Scott case, Jared was *“frustrated that our society keeps “criminalizing” problems that the system was not designed to solve, such as addiction, mental health, and poverty. Communities are awash in unaddressed trauma, which often manifests itself in new violence.”* (p. 414)

⇒ How might society address problems like addiction and mental health issues without resorting to criminal punishment as the default solution?

In the Epilogue, Jared writes: *“In law enforcement, we want to know that we got the “bad guy,” as if there is such a thing as “good guys” and “bad guys.” Most of the time, I don't think that's true. There are humans and there is context.”* (p. 436)

⇒ Do you agree with this assessment? Why or why not? What does this mean for our system of punishment?

Teams

“The Glover case was that rare instance where the team came together the way it’s supposed to.” (p. 132)

- ⇒ What was the worst team you were a part of? Why was it the worst?
- ⇒ What was the best team you were a part of? Why was it the best?
- ⇒ Share about a time when you were empowered by someone else.

Empathy / Emotion

In *Fire on the Levee*, many individuals recount that their actions were driven by fear:

[The photographer-cop] gave the clearest explanation to date of why he was seemingly incapable of attaching a cop's name to the crime. He was afraid. He said he knew better than to "go around asking a whole lot of questions," because then you get labeled a "rat." Then he said, "It is my ass that is out there. I have to look in my bushes. My life is on the line. And I live with that every single day." (p. 133)

"Just fear of everything," Bell responded. "If the investigation wasn't going the way it was supposed to, and it was like no one cared...or me to say, oh, you know, I have this information, but I didn't know how to tell you because of fear of what may happen to me." (p. 265)

"Because I was scared," [Simmons] said. "I was afraid. I was afraid of losing myself, losing my life and Linda's life. It was not a happy time, a good time there." (p. 274)

- ⇒ Can you think of a situation where fear caused you to act, or not act, in a way you later regretted?
- ⇒ What role does untreated trauma play in a community and on violence. How can we collectively heal those traumas?

Moving Forward

In May 2020, Jared launched Justice Innovation Lab with the hope of analyzing data to identify everyday practices that lead to unfair outcomes. *“The power of digging into the data is that we can step back and see the collective impact of decisions—any of which can be justified in isolation—in a broad, system-wide context. The numbers allow us to ask different and better questions about whether we are really achieving what we want to achieve: safe and fair communities.”* (p. 415-416)

- ⇒ Where else have you seen data used to ask different and better questions?
- ⇒ What should we be counting to determine whether a justice system is “fair”?
- ⇒ What should we be counting to determine whether a justice system is effective?

Analysis of the data in Charleston, SC, *“unearthed a ‘system’ problem that doesn’t require ‘bad intent’ on anybody’s part. Even when prosecutors treat cases ‘equally,’ Black defendants receive massively unequal outcomes. Deeply rooted economic and social inequities, a fact of life for many communities of color, are only exacerbated by the criminal legal system, which, counter to its professed goal, produces more crime.”* (p. 417)

- ⇒ How can we begin to address the deeply rooted economic and social inequities in this country?
- ⇒ What forums outside the legal system could address the economic and social injustices in your community better than the status quo?

We must remember that the moral arc doesn’t bend on its own. As King noted, *“Human progress is neither automatic nor inevitable... Every step towards the goal of justice requires sacrifice, suffering and struggle; the tireless exertions and passionate concerns of dedicated individuals.”* There are countless people in the trenches fighting every day to reimagine what justice looks like. (p. 418-419)

- ⇒ What are you doing to bend the moral arc?



Justice Innovation Lab (JIL) builds data-informed and community-rooted solutions for a more equitable, effective, and fair justice system. JIL's team of data scientists, visualizers, human-centered design experts, prosecutors, policy makers, and community advocates, support local leaders in identifying unfair procedures and practices and developing effective alternative solutions.

JIL's process helps decision makers develop actionable changes to policy and practice, to improve system outcomes, reduce unnecessary incarceration, and develop alternatives to prosecution. Using a data-informed and human centered design approach, JIL helps offices identify opportunities for new diversion programs and increase referrals to current diversion programs.

Learn more at www.JusticeInnovationLab.org or @Lab4Justice.

