For Sociologist Nicole Gonzalez Van Cleve Getting Latinos to Care about Justice Reform Is Personal

Her cousin's incarceration punctuated the ten years she spent studying the largest criminal court in the country. So she decided it was time to act, not just observe. Now a Brown University professor, Nicole still grapples with how to make people care about police killings, generalized corruption in the system, and the biases within Latino communities that detract from real progress.

Alicia Menendez:

Whenever the news turns to criminal justice, social justice, and reform, I turn to Nicole Gonzalez Van Cleve. She's a Professor of Sociology at Brown University, she's written two books about race, the law, and criminal justice, and she is just really gifted at breaking down complex systems and concepts in a way that always keeps the focus on the people who are most impacted. We talk about what it will take to reform the justice system, biases in our own communities, and the very personal ties that for Nicole, make this work much more than theoretical.

One of the reasons that you and I have spent so much time talking in the past few weeks and months is because the issue that you study has been front and center in our national discourse. While police reform is not actually the thing that you study, I would say tangential to the thing you study, I wonder what you think police reform and policing can tell us about the broader criminal justice system?

Nicole Gonzalez Van Cleve:

Studying policing actually was somewhat accidental to the larger project that I was exploring, which is as a young person I walked into the criminal courthouse in Chicago. It's the largest unified court system in America. And I became embedded with the prosecutors, the public defenders, the judges, and really began a decade-long study of the space really focused on lawyers. I didn't really have any intention to think about policing until I realized that the police were everywhere in the court system. They controlled and somewhat intimidated judges who stood up against them. The prosecutors talked in these kind of clandestine ways about be careful around the police if they harassed you as a young woman in the prosecutor's office, if they got too close, they harassed you, called you too many times, make sure you put up big barriers and send them lots of signals, but be very kind about it.

So, there was like this undercurrent of fear that these seemingly powerful attorneys had of police officers that are supposed to in some ways be the partners of prosecutors. And so, on a very personal level, I began to question what is it about policing that gives them so much power? Not just of what we see in the public, but that they were able to control multiple institutions. Namely the prosecutors as well as even judges. That led me to really say, "You know, this is something much bigger than one institution and for reform to happen, we have to first acknowledge that policing in America extends so far." It even

extends I would say into the jails, because in some cases if they want to intimidate witnesses, they will arrest them at the scene and use the jail as a coercive tactic to terrify people or to terrify witnesses.

That was kind of my entry point, is to understand how did they get so powerful to control so much of the criminal justice system as we see it? And then if you kind of scale back even farther, you realize that they have so much influence even how prosecutors lobby for new laws that vastly expand police power, so they are working alongside prosecutors to create a more punitive social world where more facets of our everyday lives are criminalized. At first, I would think, "Well, this is about mass incarceration. The more you can criminalize a broken taillight, give people fines and fees, arrest them for not paying child support, but then also not employ them because they've had a criminal charge, the more you expand the web of mass incarceration." But I think it's going deeper.

Because at this point, we realize that almost every interaction with police could possibly end as a deadly encounter. So, these new laws that police have been so instrumental about alongside prosecutors that criminalize people, especially poor people of color, become the reason why these encounters begin. Loose cigarettes. A counterfeit $20 bill, right? A traffic stop. Tiny little crimes that most reasonable Americans don't think involves the death penalty.

Menendez: So, of course the question growing out of that is how did they become so powerful?

Gonzalez Van Cleve:

That's such a big question. I mean, when we think about the story of mass incarceration, it was a bipartisan effort. Elizabeth Hinton is a scholar, a historian that talked about even when we think about the Democrats, they had a role in this. And I think we heard that in the election, where Biden was having to kind of account for the fact that he was part of that super predator myth that said, "These kids," which was code for mostly Black kids, mostly Black and Brown kids, "These kids are different. They're monster-like. They can't be reformed." And so, there was this political momentum and will around incarcerating more people, and certainly, I think that's an undercurrent of racism, the legacy of racism. Seeing Black children or Latino children as different from what children, as not being able to be reformed. That's one piece of it.

And so, the important part of that political gain that so many politicians got, there's funding associated with policing, and there's funding and political wins associated with that for prosecutors, and so I think it was seen as career suicide to say, "I'm gonna scale back on arrests." As a general wisdom, it was advantageous to people, elected officials, to say, "I'm gonna be tough on crime." And what that meant was largely arresting Black and Brown people in urban communities.

Menendez: I wonder if there was a person you met or something you saw during those 10 years that shaped your thinking around this or captures for you what it is that you learned and saw in that time?

Gonzalez Van Cleve:

Well, when I was writing the book, Crook County, the book starts and I'm 22 years old, and the book ends and I'm in kind of my mid-thirties, and I'm reflecting upon all those years, and I think time is really important because that demarcates how many years people are

going into the system. It felt like time was an important currency. It was an important currency to the judges because they just give out 12 years or 15 years like it doesn't matter. And they give out five or eight years to a brand-new mother, not realizing that by the time that mother gets out of prison, her baby will be in third grade.

I mean, when you think of it like that, that to me felt astounding. And when you thought that the mostly white attorneys did not see the time for people of color as being meaningful, that their lives did not matter, that sitting in the jail for six more months is not a big deal, that kind of disregard for human life, that to me made this kind of a calling that I said, "You know what? You're gonna have to be very patient and sit with this for a long time."

So, I went in there by myself, but the other thing I did was because so many white people were skeptical of a Latina going into a field site and embedding, and many of them would say, "Well, you were looking for racism, and so you found it," or, "Are you a reliable set of eyes?" I remember Sotomayor got so much heat when she said, "I see the law through the vantage point of a wise Latina." And I remember thinking, "Gosh, if someone says that about my research, that's almost like the demise of your career."

Menendez: No, it's TKO.

Gonzalez Van Cleve:

Yeah, because you're not seen as a researcher, and so therefore you can't be impartial. And you know, it is a double standard because there's white men that study white people, white attorneys all the time, and they're never questioned. This is like this double burden that I think a lot of researchers of color have to account for.

Menendez: And I think this plays out in a lot of fields, but I've watched it play out in journalism.

Gonzalez Van Cleve:

Oh, in journalism, too. My solution was that I trained 130 court watchers to go into the field site over two years and I had them dress down in plain clothes and almost disguise themselves as regular people, so no one would know that they were watching the courts. And that's when I saw the most abuse. I think you had asked for like one impactful event. We had three court watchers, all white, and they saw a child who was just kind of fiddling on a cell phone, and the guards pointed through this bulletproof glass. They talked to the prosecutor and kind of looked and shook their heads, and they went after this child, and they put her in lockup. They literally take the child from their mother and put the child in lockup, and you can hear according to these court watchers the child wailing in the jail, just wailing, and the mother is just beside herself, going, "Please give me back my baby."

And I remember thinking after I read this account, you know, it was sometimes like being gaslit. I was like I had seen those types of encounters over and over again, but seeing it through fresh eyes of people that had never been in that court system, I realized that I had to make sure that I didn't normalize that level of violence because I had just seen it so much. And to see it played out through the vantage point of three different people seeing the same thing, I could almost imagine, like imagine a Black mother at the turn of the century and her son is being taken away to be lynched, right? She would beg the sheriff, please give me my child back. Please, please.

I had read historical accounts like that, but what I was seeing in broad daylight, in an American court system, in a major city, was something quite similar being played out, and I call it kind of extralegal violence, meaning there is no law school that teaches you to do that. These are just practices that become ritualized every day because they're just part of the normal "gallows humor." And to me it was racial abuse, and so that was my goal. How do you show racial abuse to mostly white people who don't understand or believe it exists? And that was a tall order at the time.

Menendez: Why pursue this through the lens of sociology rather than become a practitioner in the law? And was there any part of you that said, "I'm done watching this. I want to be a part of it."

Gonzalez Van Cleve:

So, I was actually accepted to be in the joint degree program at Northwestern, so I thought about getting a law degree, and I guess it would have been somewhat free. It was like included. It's like a package deal or something. But I turned it down because I felt like we can convince ourselves that this is okay if… You know, there's always a procedure. I mean, we've seen it in policing. They say, "Well, is this what a reasonable officer would do?" And I think that's not the question. Is this what a reasonable American would do? Would a reasonable American kneel on someone's neck for nine minutes and then look flagrantly into the camera as people begged them? No.

And what I realized is so many attorneys were normalizing these practices as though they weren't abuse. James Baldwin said, "You know, I became a witness. I became an observer." And to me, the most important thing was to chronicle in an overwhelmingly convincing way that this type of abuse was happening in American courts in Chicago, which is one of the largest systems in America, but also all over the nation. And that became enormously important from an academic standpoint, but then I also felt a commitment to sharing it publicly.

Menendez: Looking back, what is it about your own life that led you to that courtroom?

Gonzalez Van Cleve:

Walking in there, I think I was always fascinated by victimization, and I had a very tough childhood, and was separated from my family, and to me that was a type of devastation. And I think there was something really empowering by thinking that I was going to be a prosecutor, like I was like, "I'm going to advocate for victims." And there was part of that story was true. I just didn't realize that the victims were sometimes the defendants. And sometimes the victims themselves were not being advocated by the prosecutors that had sworn that they would.

And so, I think there was something about that. I think the way to sometimes heal from our own personal traumas is to have your story told, and retold, and heard. But the other very personal thing is that while I was finishing this story, my family, my paternal family, told me a very painful secret. And it wasn't totally a secret, but it was news to me, which was my first cousin was incarcerated in the same system I was studying. So, here I am as an undergraduate, I'm entering the system as a researcher, and then I get this tragic news that my cousin has been charged with attempted murder. He is incarcerated in 1988 and is not freed until I'm finishing my PhD. I think about 2009.

And so, here you have two cousins that have equal potential in life, and I think that personal connection and that collision with your professional life made it feel that this is personal on so many levels. And that it's also meaningful, and that I always had felt like the lineup of both defendants, as well as victims, could have been my neighbors, families, friends. It could have been your cousin, and your aunt, or your uncle, and then it became true. Because it's also touched my life, I just try to use that as a connection between all the people impacted.

My second book, called The Waiting Room, I did with The Marshall Project. I was literally outside the Cook County Jail doing field work and I get a text from another cousin saying that my cousin was incarcerated again. You know, again. Mental illness and addiction often comes with mental illness, it creates these patterns that you just cannot get out. And so, here I am standing on one side of the Cook County Jail and my cousin is on the other side, and I can't go in the jail to visit him. They have a list that exposes any person. You go through a background check. And they match the name and the person, and so this would... There would be an enormous amount of worry about retaliation, about speaking out against the police, speaking out against the sheriffs if they can match my name to my cousin's. Would that be a danger to him? Again, this is the type of violence that extends through families and has like a cascading effect, a ripple effect that even someone who now has PhD and now can advocate and do all these great things that are somewhat empowering, that you still are subjected to that very same system because it's just so vast.

Menendez: You moved very quickly through that early part of your life and I wonder if that is because you prefer not to talk about it or if you want to share a little bit of that context?

Gonzalez Van Cleve:

Yeah. I think growing up I did not grow up with my biological father and you know, it was a really tough divorce between my parents. Not being with them, not being with the Gonzalez side was such an impactful kind of tragedy, and so I was kind of to them... I was like a missing daughter for so many years. They used to put little ads in the Sun Times and the Tribune, and it would say, "Happy birthday to our baby. Nicole Gonzalez, you are five. Happy birthday to our baby. Nicole Gonzalez, you are 10."

Seeing that as an adult and now as a parent, I think of the tragedy of that. And so, it's been lots of years kind of healing. But then also, lots of purposeful years feeling that all those years being away from them, I thought at first they were lost years. However, the time that we've made up in my adulthood, I mean, I have so many cousins that I didn't get to grow up with but have been my family, and some of them are young enough to have a fresh new start, so some of them were so young that when they saw me in my very... You know, 21, they're like, "That's cousin Nicole. Cuz Cole." You know, they never knew that I was missing, and so there was this kind of hope that it was a wonderful way to be a part of the Gonzalez family.

And so, now there's so much that I do that I just try to make them proud, because I think when you lose so many years together due to family conflict, or that happens to so many families, it's so healing to have that time, just to truly value it. And what's been wonderful is just having my father and my aunts just be a part of this part of my life and career, because it feels very purposeful. After them sharing with me some of the tragedy of what I had missed, namely my cousin's incarceration and how that impacted my aunts, and my father, and my cousins, man, this felt like a healing... a way of righting a wrong, you know?

So, I take them along the way all the time. I feel like we're always texting. A couple times, I've brought my father to the PBS studios in Chicago, and I hope it's purposeful. It's healing. But it does take a long time.

Menendez: There was a headline that I saw, and it caught my attention and I wanted to bring it to you to see what it raised for you. It's from the L.A. Times and it posits this question: What will make people care about the police shootings of Latinos? Did you see that piece?

Gonzalez Van Cleve:

I have not seen that piece, but I've probably asked that question in my own head. I've asked that question in my own head. I think this is such a complex question because there could be so many answers, and this has been a really tough week. This is my research, but you cannot research this without feeling it, too. I think there is a moment where I do these media blitzes because there's been so many police shootings, and I think the week after, I just... There's probably one day that I'm just like, "Oh my gosh." You just have to stop and cry, or yell into a forest or something, or a pillow. That I think happened to me when I heard about the death of Adam Toledo, who was in Chicago, and I'm on all these websites. Facebook. I'm on like a Little Village website, which is the Latino community. The Mexico of the Midwest, as they call it, is right near the Cook County Jail, which I study, so I've spent a lot of time. I have great pictures of my aunts and my father around in the area growing up, so it's got a very personal connection, and to think that the police shot a 13-year-old, and then they seem to have lied about it in what has become a very predictable pattern.

The beginning of that, a lot of the Latino community was yelling at the parents, and they were blaming the parents. How could you let your kids wander the streets? How could this happen? There was a lot of vilifying the victim. And I think that was really painful because I guess I... In my vantage point, I just don't believe that anybody, no matter how "bad" they are, deserves to die in that fashion. And what we've seen is that when there's mass shooters that are white, they are taken, they're fed, they put bulletproof vests on so that they're taken alive and in custody. We know police can do this, but they don't seem to do it for us. And even if you're a child that's complying.

And so, I think there was this interesting push, which is at first people were vilifying his family, and vilifying the child, and then they pushed to saying, "Oh my gosh, the police made this up." But then there was still a faction of people saying, "But he shouldn't have been out. This wouldn't have happened to him." It reminded me a lot of when sexual assault victims... Well, why were you out there walking at that hour, and why were you wearing that skirt, and why were you... Right? There's always a questioning of the victim.

And so, kind of what will it take? And I think are we asking these questions because it makes ourselves feel like it couldn't happen to our children or our families? I wonder. Because it's much easier to say, "Well, you're to blame for that and there's something we could do to prevent it," than to except the fact that Adam was shot because he was in a Latino neighborhood that police deemed dangerous and he is Latino, therefore him surrendering was not enough to be unseen through that lens, that he was seen as dangerous and therefore he had to be killed within seconds. That's really hard to accept if you love your community if you love your children. It's just so terrifying.

And so, I think I do feel like we do have a hurdle here. And I wonder too if there is a… You know, we don't talk about this enough, but there is this undercurrent of anti-Blackness that is in Mexican communities, Latino communities. I heard stories from my aunts about my birth, and how dark is she, does she look like this person, does she look like that person. I think a lot of our families, we won't want to admit it, but a lot of people did that, right? What's the baby look like and how dark are they? This is the legacy of kind of anti-Black racism that has seeped into our communities. And because of that, a lot of Latinos don't want to accept their adjacency to this type of racism. We want to think that we have these protections, and we don't, and I really just caution us to think about it. Why are we making these arguments? That to me is the larger issue, is that we don't want to accept that we do have this proximity to Blackness, and it is okay, and it is a problem of white violence, and not Black inferiority, or Mexican, or Latino inferiority. The lens needs to be shifted to the criminality and that is on the white institutions that have protected this violence against people of color.

Menendez: As someone who has such proximity to the problem, what do you envision as the solution?

Gonzalez Van Cleve:

When I was… It was probably 2015, and that was the shooting death of Laquan McDonald in Chicago, and the cover up by the Chicago police, the failure to charge by Anita Alvarez, another Latina from Little Village. She was the prosecutor, so I always say we also can create harm in particular ways, and we gotta reckon with that. That case came out and they were just gonna fire the chief of police and that was it, and I had never really said to myself, "Okay, you're gonna do media." And I remember meeting a gentleman named Bryan Monroe. He's the former head of the NABJ. And he just passed away this year. And he was at Temple University at the time when I was there, and he said, "How much do you care about these issues?" And I said, "Gosh, I would… So much. I spent a decade of my young life doing this so far." And he said, "What was your greatest fear?" I go, "My greatest fear is that people don't care. Is that I present them all this data on racial abuse, these real stories of real people, and nobody cares."

And he goes, "Well, then you have to work a full year on making the world care." And I was like, "The world?" And he's like, "I said making the world care." And when that shooting death happened of Laquan McDonald, and the city was treating it like… and the journalists, too, where it's like, "Story's done here. We got the video. It's okay. The police chief is fired." I was like, "No, I know so much about this. I'm gonna go after that prosecutor. And I'm gonna go after the judges, too." And I wrote my first op-ed for NBC News and within three days, I was on the Rachel Maddow show, kind of breaking the portion of the story about how the prosecutors were connected to this police violence, that they knew about it, the judges too.

I remember thinking, "Man, this is how you change minds. This is how you start to slowly, slowly tell the public that the police can lie, like all witnesses, and the prosecutors are in on it, and that this Law & Order image of policing and prosecutors is a far-fetched myth, and that if jurors knew that they would act differently and vote differently." And you know, I kind of felt like in the Chauvin case, I was like, "I feel like they're acting differently and voting differently." This was unheard of. I mean, the Philando Castile case, they said the officer was not guilty. This has taken a long time.

I think the hope comes is that we can start to change people's minds. And I think it's really, really hard work, and I think it's done by a coalition of people. I think it's academics, and people doing the research, and then it's working with journalists, and then it's arming protestors and activists with data, and it's putting political pressure on. That prosecutor, Anita Alvarez, she lost her job. She lost her job. She was voted out by the people. And after her came the first Black prosecutor, and our first Black woman prosecutor, and I think that's not cultural change. It's certainly not institutional change. But it shows accountability, too, that maybe no longer is it politically advantageous just to be tough on crime and cover up for the police. Maybe we put all prosecutors on call, even the Black and Brown ones. If you cover up for police violence, and you are not brought to task for it, we're gonna come for your job. We're gonna come for your office.

And I think to me, that felt very effectual. But it's gotta have the political will to kind of back it up.

Menendez: Nicole, what did I miss?

Gonzalez Van Cleve:

For everyone listening that cares about these issues and just feels like their heart is being ripped out, please make sure that you're consuming them with a lot of moderation, and make sure that you are not exposing yourself just openly to being inundated with these images. I try to do the best I can to prepare myself mentally before I see a police shooting a child, a person. I sometimes don't look at the images and I listen to sometimes the audio narration. I guess the fact is is that I try to be very, very cautious about how I go into these videos of trauma, and then also how I exit. And so, I leave time to just honor the victim, as well. For instance, in the moments before the Rachel Maddow show, I have this chain. My great aunt gave me this chain of St. Joseph and the hand of God, and so I always wear it. I imagine that it's like a protective force. So, I will hold onto it, and I literally will close my eyes and say like the name of the person that passed away, so I always just be like, "Laquan McDonald." And then I just think, like what would his mom, or his aunt, or his dad, or whomever say? And then I think. Like, "ayudame a ayudar." Like, help me to help.

And I do that meditation because I sometimes feel so powerless. I do. I honestly just feel so powerless sometimes. And I think sometimes feeling that... That process helps me feel a little more empowered, so I can do this work and then do it another day.

Menendez: Nicole, thank you so much.

Gonzalez Van Cleve:

Thank you.

Menendez: So beautiful.

Gonzalez Van Cleve:

Awesome. Thank you.

Menendez: I love that. I love that.

Thank you for joining us. Latina to Latina is executive produced and owned by Juleyka Lantigua-Williams and me, Alicia Menendez. Paulina Velasco is our senior producer. Our lead producer is Cedric Wilson. Kojin Tashiro is our associate sound designer. Manuela

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