



Envisioning Queer Justice Podcast:

LGBTQ+ Centered Legal Services

Queer Politics & the Law: Ep. 1 | 01:09:26

Beau RaRa, Damion Mendez, and Diana Current with co-host Teigh McGee

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Content warning: police brutality, abuse of people who are incarcerated, mentions of suicide

[cool, ambient music fades in]

00:08 **Teigh McGee (Co-Host, They/them):** Hello everyone, welcome to *Envisioning Queer Justice Podcast*. My name is Teigh, and I am one of your hosts. I use they/them/theirs pronouns. I'm a writer, performing artist, and organizer. I am the creator of the [Black Disability Collective](#), an online platform dedicated to centering and uplifting Black Disabled lives. I also work for [Women for Political Change](#) as their director of access and community engagement. You can find me online [@astoldbyteighlor](#) on Instagram, and you can follow [@BlackDisability](#) on Twitter to keep up with the Black Disability Collective. *Envisioning Queer Justice Podcast* is a youth-led podcast where our goal is to transform stagnant ideas of justice into something more real, more tangible, and much more creative. Through conversation with people in the Queer community, we seek to use firsthand experience to find new ways to disrupt punitive and exclusionary conceptions of justice, and uplift people in the Queer community who envision justice as healing, creation, and transformation.

Before we introduce our guests. We are going to give a land and enslavement acknowledgement, which has been shaped by many voices, but we want to specifically name Dr Raj Sethuraju.

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I want to acknowledge that, no matter where most of us are currently located in the United States, we—most of us—spend today and every day on land stolen from Indigenous people and cultivated by the enslaved community. It is essential to understand the long-standing history that has brought us to reside and benefit from this land, and to seek to understand our place within the history of genocide, enslavement, settler colonialism, and racism.

Land and enslavement acknowledgments do not exist in the past tense or historical context. Settler colonialism and white supremacist ideology is a current, ongoing, and cultural and systematic knee, and we need to build the mindfulness of our present participation in the placement of the knee.

Land acknowledgments are not meaningful without intentional actions, so learn more about how you can constructively help to disrupt ongoing colonialism. In the show notes we offer some Indigenous led organizations for you to donate to or uplift, including [Honor the Earth](#), [the NDN Collective](#), and the [Black Hills Bail and Legal Defense Fund](#).

Today we will be listening to a conversation between Beau RaRa, Damion Mendez, and Diana Current. Beau Rara, who uses they/them pronouns, is a poet first, and a youth and disability attorney second. They believe fiercely in the power of relationship to transform conflict and create spaces for healing. Damion Mendez, who uses they/them pronouns, is a transnational adoptee from Bogota, Colombia. As someone who has been experiencing housing instability for several years, the idea of “home” is something they think about all the time. For Damion, home can be more than one thing: home can be exactly where you are, and also where you want to be.

3:52 **Voice 2:**

Damion plans on returning to their home country of Colombia. A core value of Damion’s is uplifting, centering, and celebrating the most marginalized voices. Too often, those voices are silenced, even as the most marginalized can always be found on the front lines fighting for what is right. Damion is passionate about many things. This includes, but is not limited to, immigrant rights, abortion rights, Trans and Queer liberation, Native and Indigenous rights, Disability rights, climate change, sex worker rights, Black liberation, transformative justice, and the dismantling of jails, prisons, and the police.



Something Damion read a while back still resonates with them today comes from an excerpt from the book [Queer \(In\)Justice: The Criminalization of LGBT People in the United States](#) by Joey Mogul, Andrea Ritchie, and Kay Whitlock. From Chapter 3, “The Ghosts of Stonewall: Policing Gender, Policing Sex”:

“In order to better understand the roots and forms of policing of LGBT communities, it is important to consider the power police possess and the role they play in society. Police and other law enforcement agents do not merely objectively enforce the letter of the law. Practically speaking, they also function as lawmakers in their own right. They are given considerable latitude in deciding which laws to enforce, how to enforce them, and which people to target for enforcement. And they often consciously and unconsciously exercise that broad discretion in ways that are anything but neutral. Far from being passive players just doing a job, law enforcement agents play a crucial role in manufacturing, acting on, and enforcing criminalizing archetypes.

“Social constructions of deviance and criminality pervade the myriad routine practices and procedures through which law enforcement agents decide whom to stop on the streets or highways, whom to question, search, and arrest, and whom to subject to brutal force. The statistics reflecting persistent and pervasive racial profiling are as familiar as they are dizzying. Behind the numbers are the stories of daily harassment and arbitrary police action premised on presumptions of criminality that attach to some, but not others.

“In addition to possessing the power to stop and arrest, police also have the ability to utilize force as a tool of order maintenance. Criminalizing archetypes framing particular individuals and groups as inherently dangerous, violent, mentally unstable, or disposable fuel and justify physical abuse by police. Statistics pointing to the disproportionate use of force against people of color—including LGBT people of color—abound, and there is no shortage of illustrations bringing the numbers to life.”

[Alok Vaid-Menon](#), they pronouns:

“Gender and sexuality don’t just intersect with other systems like race, they are created by and through them. What many people forget is that the gender binary was imposed on indigenous peoples across the world as part of a colonial project. Many societies have and continue to have alternative understandings of gender and sex outside of the white/Western definitions of “man” and “woman.” This is one of the many reasons why trans and gender non-conforming people of color (and especially Black and indigenous people) experience disproportionate rates of violence.”

Lorena Borjas, she/her pronouns:

“I don’t like injustice. I saw so much injustice like police arresting our friends walking in the street, women that lived in the neighborhood, they were deported instantly. Nobody hears them or sees them. One day I said no. Lorena Borjas will take care of these women who don’t have a voice or vote. I have the power to rally the people.”

adrienne maree brown, she/her pronouns. An excerpt from [*Emergent Strategy: Shaping Change, Changing Worlds*](#):

“We are in an imagination battle. Trayvon Martin and Mike Brown and Renisha McBride and so many others are dead because, in some white imagination, they were dangerous. And that imagination is so respected that those who kill, based on an imagined, radicalized fear of Black people, are rarely held accountable. Imagination has people thinking they can go from being poor to a millionaire as part of a shared American dream. Imagination turns Brown bombers into terrorists and white bombers into mentally ill victims. Imagination gives us borders, gives us superiority, gives us race as an indicator of ability. I often feel I am trapped inside someone else's capability. I often feel I am trapped inside someone' else's imagination, and I must engage my own imagination in order to break free.”

Laverne Cox, she/her pronouns:



“It is revolutionary for any trans person to choose to be seen and visible in a world that tells us we should not exist.”

[Sylvia Rivera](#), she/her pronouns:

“We didn’t take no shit from nobody. We had nothing to lose. You all had rights. I’ll be the first one to step on any organization, any politician's toes if I have to, to get the rights for my community.”

CeCe McDonald, she/her pronouns:

“They wanted to force me to be something I wasn’t. They wanted me to delegitimize myself as a trans woman- and I wasn’t taking that. As a trans woman- as a proud black trans woman- I was not going to allow the system to delegitimize and hyper-sexualize and take my identity away from me.”

11:22 **Teigh McGee (Co-Host, They/them)**: Now I'm going to pass it along to both Damion and Diana. Enjoy!

[cool, ambient music fades in and out]

11:31 **Beau RaRa (They/them)**: This is Beau RaRa. I am a Youth and Disability Law Attorney with [Mid-Minnesota Legal Aid](#), I use they/them pronouns, and I have two wonderful guests here today to talk about their experiences with the legal system as Trans individuals, and I will have them introduce themselves briefly before we jump in with some questions.

12:02 **Diana Current (She/her)**: My name is Diana Current, and my pronoun is she/her. I'm a Trans female, I'm a formerly incarcerated individual for a number of years, I do Transgender outreach services in the community, I'm involved in some committees and some other things that help change the policies in the Department of Corrections, and I'm happy to be here.

12:25 **Damion Mendez (They/them)**: So my name is Damion Mendez, I use they/them pronouns, and I am just really excited to be here. I've done a lot of different kinds of work and community for the past 10 years, including, you know,

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shot clinic and working with Trans folks around hormones. And so, yeah, I'm just really excited to be here and to talk about this really important topic.

12:49 **Beau RaRa (They/them):** Awesome. Thank you so much. There's a lot of wisdom between the both of you, and I'm really excited for you to share your stories so that other people can better understand the lived experiences of people in our community. So I would like to start to give you each an opportunity to talk about what... What kind of experience have you had at the first point of contact most people have, particularly with the criminal justice system—so, law enforcement—and how was it impacted by your gender identity? And this is setting aside how school, child protection, and so forth also push folks in this... into that situation.

13:40 **Diana Current (She/her):** Okay. Well, my first experience, after I came out to society and everybody, and my friends and family, it was a real negative experience with the police department. Yeah, they... they really were very disrespectful and it made you feel very... very degrading and stuff like that and a bunch of other stuff. Not all police officers are like that, but the majority of the officers or deputies or whoever within the jails and stuff like that, they are, that's how they are. They... I don't think they're going to change anytime soon, anytime fast. But I don't think it was any better with one of my public defenders I had in the past, when I really reached out, and this was the first time I have been in trouble as a Transgender person. And, yeah, he wouldn't give me no assistance at all, you know. And then I... I wrote a letter to the judge and the judge was, like, uncaring about the whole situation, but I ended up going to prison and that's what happened, I mean... But that's the beginning stages of that, so... I just found that nobody really... I don't think anybody really cared enough, you know, I mean... There was another time, I got incarcerated in jail, and I met some wonderful people, and they really cared, and they really helped change my life, you know... but not the first time around. It was terrible. Very terrible. So... I can't speak for everybody, but yes, I've had some bad, bad experiences, so... That was just... that was just in the jail system and in the courts, that wasn't in the prison system yet, so...

15:39 *[addressing Beau]* Do you want to take turns?

15:42 **Beau RaRa (They/them):** However, it feels best, yeah. So I was kind of speaking to—like you said, Diana—that first point of contact, so if, Damion... if, Damion, if you

want to speak to what happened at that first part, what- *[cuts off]* if you want to pick a specific story or speak to it broadly, however best?

16:01 **Damion Mendez (They/them):** Yeah, I mean, I feel like, you know, on top of my perceived gender identity, also my ethnic background, I think has both *[a computer chimes]* negatively impacted my experience with the criminal justice system and law enforcement *[a computer chimes]* ...made all of those spaces, for me, extremely dangerous. And I think that, with that gender and that ethnicity piece, I'm typically seen as, like, a very dangerous person, somebody that is very threatening, can be perceived as violent. And so that... that first point of connection that I have with those people has been, you know, them pulling guns on me. I've had multiple guns pulled on me. You just, like, very... just very immediate reactions, I think, to the perceived threat of who I am as a person.

17:13 **Beau RaRa (They/them):** Thank you. So... so I know that we've spoken before, a little bit, before this, spending time getting to know each other, but I would like to invite you each, now, to... to pick, like, a specific incident to show how, at each step, gender, or perceived gender, impacted your treatment, and if... and then maybe after that, we can speak to how what a restorative response would look like, all the way up to things we would like dismantled, but also, just, what could have happened differently in an interaction.

17:58 **Diana Current (She/her):** Well, I think... I think it would be beneficial if we had some kind of advocate for somebody to call. I mean, if somebody was to get in trouble, that there's somebody specifically trained to help people who are LGBTQ, go through this process, because, you know, we go through a lot of emotional things, so... Going through the court system is very traumatic. So I mean, yeah, I think... I think they really need to have some advocacy in the court systems, specifically for people who are Trans or LGBTQ because of the high suicide rates and everything else that are involved in our community, you know? So, you know, I mean...

18:51 I know there's... I know there's a lot of people who would attempt suicides and things like that. That's because of the pressure of everything that's going on, so, if... if we have assistance through some kind of organization or something like that, what it will really benefit not just us, but everybody else, you know? It would create less problems, it will make it a lot easier, I think, okay?



19:18 **Beau RaRa (They/them):** Right! Diana, and so you're speaking to what would restore that, and what was your experience in that... that last, like, encounter, where that didn't happen for you. Can you describe a little bit about what happened?

19:36 **Diana Current (She/her):** When I... I went through... I went through the court system down there in the county level and stuff like that, and I explained all my situation to my attorney, the judge and the... in the county attorney, and everybody... They just did not care about anything, and it just felt like... they said, "They'll help you when you get to prison." When I got to prison and I was going through the intake process, I talked with the psych services person and I explained my situation in great detail in tears. And... seeking help, I mean, and... they said they would help me, which, of course, they did not. And they said, "Well, Health Services is going to help you with some medication," and Health Services says, "No, we're not going to do this. If you weren't taking the medication prior to your arrival, then we don't have to give it to you." So, I mean, you know, there's different levels of people you got to go through, but... And, you know, you go through the officers, your caseworkers, psychiatry people... everybody you talk to, nothing's secret, so everybody's in your information. And, in the process while you're discussing this stuff, the door's probably open to wherever you're at, and another person out there is listening to you, or the guard's telling about what's going on, create more problems with the inmates and everybody else, so now you're gonna get threatened or extorted, or even worse, or beat up, or anything, you know? So I mean, yeah, there's a lot of different things that you have to juggle and think about, but...

21:16 You know what? I never really got any kind of help. And when I... when I tried to talk to psychiatry and get help, and prove myself, that, "Hey, listen, I'm Transgender, because..." they said, "Well, you weren't Transgender before." I said, "I just never came out, you know?" "Well, we're gonna treat you like the person that you were before." That's not right! You want me to change my life to be a better person and everything like that, and do positive things in society and for myself, but you tell me to be this old person? You won't help me, and I'm changing? I'm trying to do the right thing, and they throw you in segregation for that? That's not fair. So, you know what? I've had... I've had officers come and just threaten me in my cell and all kinds of things. Four guards would strip me down, and just... just strip searched me for no reason. Me and my roommate... my roommate is, "Why are they harassing you?" I said, "Because

I do a lot of legal work.” So I mean, that's what... that's what happens. They do beat people up, and... and then they throw them in segregation, they let ‘em heal up a little bit before they let ‘em out, you know? They won't let ‘em make a phone call to their family or something like that. They'll tell you, “Hey, you give us problems, we'll give you 30 days, we'll ship you up to Oak Park Heights or Stillwater. Have fun up there. Maximum security.” That's what they do. And that's how they get you: they threaten you, and they harass you, and they intimidate you, just like any criminal. That's what they do. It's not fair, but that's the system. And I would like to see a lot of changes happen, but, you know... we'll see what happens.

23:05 **Beau RaRa (They/them):** Right. And so what I'm hearing is that, some of that behavior happens just generally, and that there was some very specific stuff that happened to you around your identity when you were trying to advocate for yourself and seek treatment and gender-affirming treatment, and that sounds really painful and I'm sorry that that happened. Is there any more that you wanted to talk about that particular time that you tried to advocate for yourself?

23:38 **Diana Current (She/her):** Well, when I... when I attempted to try and do that, and when they sent me to segregation, that's when... that's when I got... I got, you know, I said I'm not gonna take it, and I know a little bit of legal stuff and I went and I... I put together a civil complaint for discrimination of me being Transgender within the Department of Corrections, and I filed a civil suit. And I was in Faribault, Minnesota prison, and I filed it down there at the Rice County court, and the Rice County judge accepted it, but he sealed the case so nobody would know nothing about it. He kept it quiet. You could- *[cuts off]* If you did not... if you did not have permission to know anything about that case, you weren't gonna know anything about that case. And... and I asked the judge why that was so, and he said, “You have a case, but it's for your protection, I'm sealing the case.” I wish the news would have got ahold of it, because then it would've... it would've made- *[cuts off]* helped make some changes and stuff like that, but you know what... Yeah I went... I went through the process, for the most part, and I got released, but... Yeah when I filed that civil suit, they really... they put a little bit more pressure on me for a little while, ‘til I filed some more stuff with the court telling them, “They're harassing me over here,” and the judge gave ‘em a court order telling them, “Look, leave me alone,” so... but, yeah... I wanted to do a lot more things with my... my civil complaint, but I could only go so far with it, because I really wanted to go to the High Courts and change Minnesota

statutes. I wasn't just trying to win a case, I was trying to set a *[stumbles on word]* precedent... precedent, so that way I could change the law, so that way people were Trans or LGBTQ could receive the right treatment that they deserve. Doesn't matter where you are, you're supposed to receive this treatment. You know... *[Beau affirms]* if you're taking- *[cuts off]* If you're within the Department of Corrections, it's their responsibility to take care of your medical needs. And these medical needs are mental and physical. You know, so that's that.

25:55 **Beau RaRa (They/them)**: Absolutely, thank you so much for sharing that difficult experience, and also the perseverance that you showed in advocating for yourself when, perhaps, you weren't able to get access to people who could do that for you at the time.

[cool, ambient music fades in and out]

26:17 **Beau RaRa (They/them)**: Damion, if you want to talk about a specific encounter and the different places, again, where gender was impacting the contact that you were having with the state.

26:28 **Damion Mendez (They/them)**: Yeah, so... *[clears throat]* It's interesting, I also have had multiple experiences with the Minneapolis- *[cuts off]* or, with the police. The first time was with the Minneapolis police in 2009, and I was actually physically assaulted, and they tried to say that I tried to attack them, but the charges were dropped. So, that was in 2009. But then, at the end of October of last year [2019], I was pulled over on I-94 going towards Minneapolis, and instead of it being like a routine traffic stop, you know, there were eight squad cars behind me. They all had their guns pointed at me. And, I mean, clearly, you know, racism, and just like, again, what I spoke about before, that perceived threat that I... that I could possibly have was at play. And so, everything was relatively normal up until the point when I was going through the booking process, and that's when my Trans identity became known. And when they were looking me up in the system, my dead name came up from that 2009 situation. And clearly, I could tell that the staff were confused, there were comments made *loudly* about the fact that I was- *[cuts off]* I look like a man, and I'm assuming that those people thought I was a Trans woman *[chuckles]*, I'm not 100% sure in that case, but, again, it seems like the staff were automatically very confused. And what should have taken, you know, I don't know, 10, 15, maybe 20



minutes, for me, ended up taking three hours, and that was like the booking process, and throughout that entire time I was asked multiple times by different guards about what genitals I had, and this was before and after getting strip searched.

28:52 And so, I probably would have been able to leave the jail had my lawyer been able to find me, but when she came to look for me, my- *[cuts off]* they were booking me under my dead name, so that made things, obviously, really difficult. After they strip searched me, they, again, repeatedly asked me about my genitals, what surgeries I had undergone... And, like Diana mentioned, there was at one point when I was asked this information and the door was wide open, and there were multiple guards walking, you know, right behind the female guard that was asking me, and then at one point a male guard came up and just waited until I answered the question. And so, after that, I was brought to the female section of the detention center and immediately placed into solitary. And again, as Diana stated, that was what they told me was for my own safety. And then finally I was allowed to make a phone call. I spent three days and two nights at the Ramsey County Detention Center, and the entire time, I was misgendered, dead-named, I was denied my mental health medication, because my prescription was under my legal name which didn't match the name that they were holding me under, which is absolute nonsense.

30:42 And, I think that, kind of like what Diana stated, too, is that the... It's not only the physical, which is extremely important as well, but it's also that mental health, that's, you know, not really discussed, and that's where, like, things got really tricky for me because, not only was I not on my... my medication, I was just obviously extremely anxious due to just, like, the situation in general. And so, because I wasn't on my meds, I was also going through withdrawal the entire time I was there. So I was experiencing, you know, sweats, night terrors, racing thoughts, increasing heart rate, body shakes, paranoia, and right at the end, I was very, very suicidal, and that was due to the fact that the guards were keeping information from me, they weren't allowing me to make phone calls to my lawyer, and that made me really anxious, just as far as not knowing whether or not I was going to get out. My lawyer told me that that was what was going to happen, but when you're in a very tiny cell, you haven't talked to anyone, you have access to nothing—I think they gave me, like, a book—you just... you're just sitting in your own thoughts, and for anyone, *[emphatically]* anyone, that, I think, can... can lead you to start to break, and that was

definitely where I was the last few hours of my time there. I was literally pacing the cell, talking to myself. I was going from, you know, moments of, like, convincing myself that everything was going to be okay to feeling almost hysterical. At one point I was literally on my knees praying to the universe, my ancestors, anyone that was listening, that just, like, to please get me out there, because I... I couldn't do it, like, I don't know... I honestly don't know, Diana, how you were there for so long and were so strong because I, at that point, I was... I was done, I was- *[cuts off]* there was no way I could be there any longer. And so, I just... yeah, I really want to reiterate that, like... that mental health piece is... is just as important as, you know, unfortunately, being beaten, or experiencing physical violence... but there's no marks. There's no bruises, there's... there's nothing to really prove that you experienced that other than your own, you know, your own personal knowledge. So...

33:46 **Beau RaRa (They/them):** *[sighs]* I just want to thank you for being really vulnerable and naming all of that. Something... something that struck me about both of your stories is that segregation, which is a punishment space, has been used for holding people who are Trans to keep them safe. And then additionally, I know, Diana, that, at some point, we spoke about it being used- *[cuts off]* It's also the mental health space, right?

34:18 **Diana Current (She/her):** Yes, yes it is.

Beau RaRa (They/them): *[crosstalk]* So...

Diana Current (She/her): Yes, if you... If you ask, if you reach out and you ask somebody, and you say "You know, I really feel scared and I wanna talk to somebody, you know, I'm feeling a little suicidal or something like that." If you say anything like that, you're on an automatic 72 hour hold in a... in a turtle suit, where you're naked wearing a little cover, you know, and that's that. And that's automatic, but how does that resolve the issue that you really wanted to get help for, because when you get out, you still have these issues? So now you can't ask nobody. And that's even if you ha- *[cuts off]* find somebody who's trained correctly, because they don't have anybody in the Department of Corrections, or in most jails, who are trained with Trans issues, or LGBTQ's, or... or gender dysphoria, or anything like that.

35:08 **Beau RaRa (They/them):** Right. And so I just want to name that, on the broadest level, mental health-wise, that response to ideation or suicidality is, like, punitive. And then it- *[cuts off]* and then we know that our community experiences

that mental health issue more frequently because of the discrimination. And so, yeah, I just wanted to draw attention to how corrections is handling that piece, and, yeah, that those are invisible things, like Damion said, that you can't see, but impact people for... for years until they access competent treatment, you know?

35:51 **Damion Mendez (They/them):** Right. Absolutely.

35:52 **Beau RaRa (They/them):** So, thank you both so much for sharing that. I would love to... to... I think you've addressed some of these things, because I wanted to ask what barriers you've experienced in seeking legal assistance on those things. And Damion, you spoke about how you couldn't get access to your lawyer. And then Diana, you kind of talked about having a public defender who didn't, maybe, understand, or zealously advocate the way that they might have.

36:24 **Diana Current (She/her):** Yeah, I did. That was- *[cuts off]* it was in Anoka County, that's where that was at, you know... I had it... I had... I had an issue come up where- *[cuts off]* it was in Hennepin County and stuff like that, and... You know what? I had the best public defender possible in my entire life, and she really cared for me and did everything she could to help me, she absolutely did, she went beyond anything I could expect. But you know what? I guess... I guess it really depends on the individual and training and a bunch of other stuff, you know, because a lot of these people need to take some Transgender sensitivity training and issues and stuff like that, you know? This is real stuff, you know, people are not- *[cuts off]* I know they have a lot to do and they're overburdened and stuff like that, but still. You have a sense to really care and really try and do your best, and they don't, some of them, you know? They just don't care.

37:25 **Beau RaRa (They/them):** Right. And you... you outed yourself in... in that situation with Anoka. What I guess I'm always curious about how folks make that choice and what you would want people to understand about... about that, like, when you're going through the- *[cuts off]* like, what are the things that you're looking for someone to flag for you that it is safe? And also, acknowledging that people will make different choices. Because, if you don't even feel comfortable telling the person who's representing you, or who is handling your physical safety in a corrections facility, then like... Yeah, I just- *[cuts off]* If you all want to speak to that a little bit?

38:10 **Diana Current (She/her):** Yeah, you know... you know, I did. I came out and I... I talked these people... and this was the first time that I've ever told anybody who's in any kind of like, you know, government, or state office, or anything like that... and so, I mean, I was really taking the chance, and I felt really let down because of that, because these are the people who have all the resources, and they're really supposed to care, and it- *[cuts off]* And they know, for the most part, who's being truthful with them, and... and who... who isn't, because they've been around a lot of the- *[cuts off]* a lot of different individuals, and you can trust people, you can see how it is, if you can trust them or not, for the most part. So, I mean, I was very sincere, I was pouring my heart out, for real, and... Unlike my old... my old self, my old, dead self who was another person, and was, you know, an active career criminal, hardened, in the game and stuff like that, I changed. And I came out to be my authentic self, and... and I felt like I was just getting, you know, pounded into the pavement, I- *[cuts off]* nobody wanted to help me, and I couldn't believe it! You know, I mean... It made me feel like I shouldn't trust anybody, but what am I supposed to do, because this is my life, this is who I am? I'm not going to go back to being that other person, I'm not, you know...

39:36 And so, I mean, that's... that's how it is, that- *[cuts off]* We need to... we need to find qualified people, and people who care enough, I mean... It's not always about money. You know what I mean? If you're doing something for money and you don't like what you're doing, well then, you shouldn't be doing it. Because I want a job where I'm helping people and I like what I'm doing, because it's more beneficial for them, and me, because I'm putting something into that. So, I mean, yeah, I just... I just felt it was really heartbreaking to me to see how the people who are supposed to be in charge and are supposed to help, that they really don't. That's... that's what really broke my heart about the whole thing, and that's why I'm out here doing what I'm doing out here in society now. That's what made me do all this stuff. So...

40:36 **Beau RaRa (They/them):** Yeah. And I just want to acknowledge that it shouldn't depend on what county that you're in that you get *[Diana affirms]* an advocate who can do that, like that- *[cuts off]* because not everyone- *[cuts off]* *[Diana affirms]* people can't just relocate to *[Diana affirms: "No!"]* "the safe county." Yeah. So, I want to make space for Damion to also speak to... to that.

40:59 **Damion Mendez (They/them):** Yeah, I mean, I think- *[cuts off]* So, the first thing that happened when I was assaulted by the police in 2009, I did not... I didn't say anything, I didn't out myself, and I didn't end up going- *[cuts off]* I didn't stay in jail, like, I got bail and was able to... was able to... to leave that... that night, which was kind of what I was expecting this second time around. But again, I did not self-disclose that, it came about because my dead name came up in the... in the booking process. So, I personally, just, since I have been more in community... and "community" being, you know, not only Queer and Trans, but also Black, Indigenous, PoC "community"....I've had and heard a lot of experiences from other people around, that, like, just not... not being safe around police, and so I personally would not ever self-disclose, because I just... I do not trust that system, that system is inherently, you know, based on, you know, body... body-policing. And so, I mean, I don't even know- *[cuts off]* even if somebody told me that they were safe in that space, I don't know if I would feel safe, if that makes sense.

42:39 **Beau RaRa (They/them):** No, it definitely does. And as someone who's working on and has access to these spaces and trying to build competency, it's very complicated and nuanced. And so, right, Diana, you spoke to how getting affirmed, actually, in that more recent situation, got you, like, competent advocacy and treatment, and like, *[Diana affirms]* now you are, you know, having- *[cuts off]* be able to live your life the way that you want to. And then, at the same time, in other situations, that might not play out like that, because of a different judge, a different public defender, a different *[Diana affirms]* county attorney. *[Diana affirms: "Absolutely."]* And so, I kind of wanted to shift to- *[cuts off]* It's not a criminal thing, it's the civil piece, you both have had a name change... and how... how did gender impact how- *[cuts off]* that experience... because I.. I also have had a name change, and I know what- *[cuts off]* most people w- *[cuts off]* were there, were not there for the same reason I was *[chuckles]*, which was gender... and the role that parties who can object play in that, and the perception of our community, if either of you want to speak to that.

44:00 **Diana Current (She/her):** As far as having our name changed, you know, that's a difficult process, especially if you have a criminal history. You know, the criminal history itself, if you got any fraudulent behavior, or if they think you're really a violent or dangerous criminal and stuff like that, and you're going to continue these criminal acts even if you change your name, by no means, they're not gonna allow you to

change it. But, you know, I mean, I- *[cuts off]* When I went to court, I have a long criminal history under my dead name, and that was my... my past life. It's not who I am now, and that's not who Diana is. But, you know, the judge- *[cuts off]* I absolutely had my name changed in Hennepin County, last year in October, and you know what, the judge... the judge got right to the point. I had a... I had a very good lawyer with me, I had two fabulous witnesses that I brought who've known me forever, and the judge said, "You need to convince me that I could change your name, that you're not a threat to society." So, I... I- *[cuts off]* You know what, I respect that, because the judge got straight to the point, she said that immediately. She said, "Listen. You did this, and you did that. Convince me you're not a threat to society." And so I did, I talked to her, I told... I told her the truth, exactly what happened, you know? And my attorney was like, "Yeah, don't say too much," but you know what? The judge wanted to know, because if you are not gonna- *[cuts off]* if you can't convince the judge, *[chuckles]* well, then you're not gonna get your name changed. And so I'm gonna be real honest with her.

45:46 And so I did, I spoke from my heart and I told her what happened, but I also said, "That's not who I am now, and this is all I could do to do to prove it, you know? And so- *[cuts off]* and then after discussing all my criminal history for about 15 years, she listened to my witnesses who testified that I absolutely am a different person, Diana is not the same person as my dead self was, and... and my attorney spoke up for me, and cited a couple cases, and the judge agreed that I am being my authentic self and I'm not a threat to society or to public safety. That's what the judge has to rule: that you're not a threat to public safety or anything like that. And that's what happened, and I... I was very, very thankful for that. That was actually the second time I had tried to change my name. So you know what, I thank God and everybody who helped me on that. *[Beau affirms]* It made me feel great. And she changed my gender marker too, from male to female.

46:53 **Beau RaRa (They/them):** *[crosstalk]* That's...

Diana Current (She/her): So, yeah, I'm legally- *[cuts off]* everything's legal and stuff like that. But, if I was to ever to get arrested again, I'm gonna get booked under my dead name, because that's what the policy is in the jail system. You get booked under your dead name. I noticed I had... I had a meeting with a major down there at the... at the Sheriff's Department in Hennepin County. Yeah.

Beau RaRa (They/them): *[crosstalk]* Wow. See, I'm not familiar with...

Diana Current (She/her): So, I mean, I'm... I'm... And- *[cuts off] [inaudible]* We're trying to get that changed, I'm try... I'm tr- *[cuts off]* I... *[stumbles on words]* *[exasperated sigh] [tsk]* These things, because this is... this is what... this is what... I... I don't want to be known anything under my dead name. Nobody does; that's why it's dead! You know? That's not who we are!

47:47 **Beau RaRa (They/them):** Right.

Diana Current (She/her): So, you know...

Beau RaRa (They/them): I just want to highlight that there's, like, this added layer of discrimination to trying to change your name. Like, somebody objected, right? That's why you had to even make that argument. As if... as if someone...

48:06 **Diana Current (She/her):** *[interjects]* The person... the person objected, but they never came to court. See, they're supposed to show up in court, but the person never came to court. So, yes. One person objected in... in another county about the stuff that happened in Hennepin County. It didn't have nothing to do with them, and they still objected. Still!

48:26 **Beau RaRa (They/them):** Right, it was part of the state, right?

48:28 **Diana Current (She/her):** Yes, yes.

48:31 **Beau RaRa (They/them):** And so, I just want to highlight that, like, the lens through which we're being viewed with a criminal record is that it's not a valid identity, it's a... it's a... an attempt to cover one's tracks, which, anyone who understands how aliases work in the system is, if you've got one birthday and one social [security number], like, it's not like the state isn't going to find you. So, I just... *[Diana affirms: "Yeah."]* Yeah, so it's just upsetting to hear that, and I didn't know about the policy, which kind of sheds light, Damion, on your experience. *[Damion: "Yes..."]* So, if that's actual law, yeah, that does need to change. But yeah, do you want to speak to- *[cuts off]* was there anything around your experience with the name change that, like, showed competence or incompetence in the system?

49:24 **Damion Mendez (They/them):** You know, when I had my- *[cuts off]* I've changed my name a couple times, and so... Every time I've changed my name, it's been fine. The issue that I had was when I needed to get my gender marker changed. And this was, like, not even that long ago, like maybe two years ago now? Within the past two years? And I had to actually hire an attorney to get that information done because, when I went to the court space to do it and I had all my paperwork, they wanted a bunch of information, and they were extremely transphobic. They wanted to know what surgeries I've had, they wanted to know when- *[cuts off]* they wanted to know if I was on, like, hormones, and I know the law, and I know that- *[cuts off]* I believe it was 2011, you know, Obama passed that law that said that, you know, you don't have to prove any of that information, you just have to have, I believe, a letter from your doctor... which I had. And so, I got a lot of pushback.

50:44 I even... Yeah, it was just a really gross experience, and so I feel like, again, it depends on who you're talking to, it depends on their political- *[cuts off]* or, like, their values on- *[cuts off]* around, like, the LGBTQ, you know, person that they're dealing with... There's probably a lot of layers, but the thing that distresses me on top of the fact that, you know, this is even- *[cuts off]* has to be such a giant issue, is that each individual person can have their own understanding of the law, or understanding of what they can and cannot do. And so, you know, for some people, it's a really easy process, and it goes through, and that's great, and then for other people, it can be a horrendous process, and, you know, maybe they'll bring up past, you know, criminal offenses, or things of this nature, and, if you ask any Trans person, or any Gender Non-Conforming person, or any person that wants to change their name because it doesn't align with the gender that they were assigned at birth, they're going to tell you that, like, that has nothing to do with it. The only reason why we want our names to be changed is because we want our identities to be... to be validated, right? Like, I changed my name from something to, you know... my... my given name to Daniel, and then I changed that to Damion, and I ended up taking my original last name, which is Mendez, which... I was transnationally adopted... and so... There was a lot of reasons why I chose the name that I chose, and why I did it multiple times, and each time was never to evade, it was actually never to hide that... that "person that I once was," I guess you could say. It's just like, now this is... this is who- *[cuts off]* how I see myself, and, like, I want that to be recognized, and I just don't feel like we should have our past... our, you know, our lives combed through with a fine tooth comb, you

know, “just in case.” I want to know what... what is the percentage of... of people that have actually changed their name, like, from either, like, a gender non-conforming name, or, like, clearly the opposite of the gender that they were assigned at birth, *solely* to evade, like, arrest, or solely to evade, you know, criminal... you know, criminality... criminally- *[cuts off]* behavior, and that to me would be a really interesting question, because I think that it's a lot less than they perceive and that is actually happening. So.

53:35 **Beau RaRa (They/them)**: Right. As we probably all are aware of, we are wrongly categorized as predators in different ways, and seen through that lens, and then, if you also- *[cuts off]* and then, also are over-policed. When I wrote my long paper in law school, it was like, you know, “17% of Trans folks”... I think, or something to that effect... “had been incarcerated,” and we're not the majority of the population, so like, just... it's really high. Yeah. But I'm preaching to people who are aware of these things. I wanted to just kind of shift, and, as we get closer to time, that- *[cuts off]* our time together, what would be, you know, a restorative response in a better world we're working on building together? What would you have wanted as a community response in any of these different situations? Yeah.

54:33 **Diana Current (She/her)**: I don't know. For me, I just... I... You know, I just would like to see some of these policies get changed, and some of these Minnesota statutes get changed, so that way, it can help resolve, like, a name change, and a dead name-change, and everything like that; if you were incarcerated, or if you, whatever, you're... Even if you get pulled over for a traffic stop or anything like that, that, you know, the dead name is to- *[cuts off]* does not even exist. You know, it shouldn't- *[cuts off]* it should not even come up, you know that? Yeah, I think that's confidential information, and I think it just defeats the whole process, because it's not like anybody's trying to go out here and avoid some kind of criminal behavior or anything like that after they get their name changed, I mean, you know, I think people do it for their own specific reasons, and that's good, you know? I mean, I did it to match my gender marker and everything like that, you know? So, I mean, I just think there needs to be some better system to oversee some of these issues and make these changes.

56:03 I know that I work with some people who go and they try and get these policy changes and stuff like that, but I don't think there's enough being done for this, okay,

because it's... There's people who, they go through this process, they get out of jail, they feel so crappy or whatever because of what happened to them through the police department and the court system, and they go and they- *[cuts off]* they're tired and they go commit suicide! And it's terrible! And people don't hear about it just for that reason, because nobody wants to talk about it, you know? It's... it's a terrible thing, you know what I mean? So, I think... I think there really needs to be somebody to oversee these policies and... and these... these laws, to help them get changed and stuff like this; somebody to really stand up and fight for us, you know, our community, our family you know? So I mean, I don't know, I just... I just want to see these changes, that's my whole thing. I just want- *[cuts off]* If... if I could do something to help really try and make some changes and stuff like that, for the most part, I will absolutely try and do that, you know that? So, I would like to see other people try and do that too, *[vehicle passes by loudly]* to make a better world for everybody.

57:21 **Beau RaRa (They/them):** Yeah. Thank you. What are some of your thoughts, Damion?

57:29 **Damion Mendez (They/them):** So I think,, you know, we can talk about two... two different things, right? Like, so I have... you know, what is the reality, and what... what can we do now? And I also have the larger dream for a lot of people, which is the dismantling of the criminal justice system; of the prison-industrial complex—because those systems are inherently based on white supremacy, anti-blackness, transphobia, homophobia, Islamophobia—I mean, we can go on and on and on, right? And those systems aren't just jails and prisons and detention centers; they're also, you know, ICE. They're also, you know, places for people who aren't considered to be legal citizens, right? So, I would love to see all of that dismantled, but we know that that's not necessarily going to be possible right away. And so, for right now, I think that it would be really helpful if we had mental health workers, mental health practitioners who are able to go with to situations where police are being called, because they are trained and they understand how to de-escalate situations. And we know that police are not trained that way; they are trained to literally shoot quest- *[cuts off]* shoot first and ask questions later. And so if you had somebody who *[somebody in background clears throat]* was there who could, you know, assess the situation and say, "This person is clearly, you know, mentally unwell, and not... doesn't pose a... like, a threat to anybody, like, let's get

them the kind of help that they need,” that would probably reduce some of the, you know, the... the violence that happens to people because they- *[cuts off]* They aren't mentally well, but that doesn't mean that they are violent.

59:44 And then, I also know that, you know, we've done this before, but I do think that it would be really cool if the legal community could pair up with people in the community who have experienced things, like Diana and myself—another person I can think of off the top of my head is CeCe McDonald—but, around creating trainings where interested community members can learn from our experiences, and learn information to better arm themselves, so that, if and when they do get into situations where the police are called, that they have more understanding of how to advocate for themselves, maybe they have legal resources, just, like, in the top of their head... Just things to think about, so that, when you are in those situations, that you are not so... you don't know what's going on, because—thankfully—because that happened, I've been- *[cuts off]* went to jail, the first time, the second time around, I was just a little bit more equipped—which, you shouldn't have to have these experiences to be equipped in the first place—but that's... that's why I think that, in doing trainings like this, would really, just, help our community be able to be, like, slightly more prepared, because, like you just stated, we are at a higher rate of incarceration.

1:01:19 **Diana Current (She/her):** Yep.

1:01:20 **Beau RaRa (They/them):** Yeah. Yeah. I... Well I'll just say, off the... off the cusp, that that's something that is a dream of mine, too, and I've talked with Diana about that, how to partner- *[cuts off]* because people who, like you all, who are willing to share, because nobody has to share this story, it's painful, and we go through a lot when you do that. But, if I can leverage my privilege to get in those spaces with you all to do that, and for our own community, I absolutely want to do that. I came out in law school. I debated beforehand, and I was like, “I don't really want to try to navigate that,” but on the way out, I didn't- *[cuts off]* there was nobody else, like... I met one other- *[cuts off]* one Trans student, who just graduated, and I was like, “I need to do this so that, like, I can be, like, ‘the nice Queer,’” um... *[laughter]*

1:02:13 *[Beau, talking while laughing]* It was real... real patient. *[laughter]*

1:02:17 And then I came out- *[cuts off]* The last space I came out was the Ramsey County Attorney's Office, because I was really nervous, but I was using a different name in different spaces and it was starting to make me feel really unwell. *[Damion and Diana simultaneously affirm]* Yeah. And now I have judges- *[cuts off]* I worked for a judge who used my prefix, and the bench was interested in, like, "We want to get this right, like, we don't want to get it wrong." Not all- *[cuts off]* you know, obviously, it's not everyone, but there are some good people more recently appointed who want to get- *[cuts off]* do right by our community. And so, yeah. That's the dream, is definitely collaborating with folks who haven't had access to the privileges that I have, to get in the spaces, so you can be represented in the decision-making.

1:03:05 **Beau RaRa (They/them) & Diana Current (She/her):** *[simultaneously]* Yeah.

1:03:07 **Beau RaRa (They/them):** So, the last question that they just, kind of, posed to us for this project—this really beautiful project that belongs to all of us, like, justice transformation—is, what would Queer justice look like to you? So, I know we were naming some specific things, but, I guess, in the most heartfelt of ways, I'd love to hear from both of you on what Queer justice would look like.

1:03:32 **Diana Current (She/her):** I don't know, in a dream world, Queer justice would look like you could contact to people, and really get some positive assistance and try and move forward without, you know, if it was about that name change stuff or if it was about medical issues, you know what I mean? I don't know, it's just... it's just really hard to find a lot of these resources, you know, I mean, I was out here putting together information and stuff for a minute, but you know what, it's just really hard to do all this, so... You know, I don't know, I... I would like to think that could be one organization that somebody could contact and find out anything that they need to find out, or get any kind of assistance that they... they absolutely would need, and... and for these people to stand there and want to help you, and... and make something happen. I just want to see these changes happen. And that dead name stuff? It really complicates a lot of stuff. It does. And it's.. and it's... you know, I mean I... I don't explain in great detail to some people, but- *[cuts off]* because they're not going to understand, or they don't want to understand, but, you know, people who do want to know, I explain to people, and... and give them knowledge, so that way they can move forward and treat the next person better. But, yeah, I don't know I

just... I just want to see Trans people get counted as being human, and have some respect, and have a say so out here in society, and not have to go through so many traumatic issues and stuff like that, you know? I mean, it's... We don't deserve that. So...

1:05:20 I don't know. *[Diana and Beau, simultaneously]* Damion?

1:05:23 **Damion Mendez (They/them)**: Yeah, I mean, I... I think... Yeah, a lot of what you said... just, like, self-determination. Absolutely. Just being able to really... be able to self-determine who you are and how you are seen in the world, and how you are treated in the world, and that you can... you can actually *[chuckle]* get that. And I would like to see, you know, my community not be targeted so much by folks that just, like, don't... don't understand, or don't have the knowledge around who we are, and just the fact that we're people. We're not... We're not... I don't know, I don't know how else to say it. We're people, we... we breathe air, we eat, we love, we cry, we care, we have dreams, and hopes, and aspirations, just like everybody else, and I would just hope that, you know, we could be seen as people, and not have to be re-victimized, re-traumatized by systems that are, you know, quote-unquote, 'supposed to be there to help us, to protect us, to, you know, keep us from harm,' but, in fact, are doing the opposite.

1:06:46 **Beau RaRa (They/them)**: Thank you. That's... Yeah, I appreciate you sharing, like, your... your dreams and visions for what justice would be. I chose to write- *[cuts off]* write my long paper on Trans prisoners in Minnesota, because I firmly believe that that is the intersect- *[cuts off]* incarceration is the intersection of all oppressions, and that, if there's justice for that—which, ultimately, yes, I'm an abolitionist as well—but if we start there, we will raise everyone up. And so, that- *[cuts off]* I think we have to start there. If we don't raise the bar there, we're leaving people behind. *[Damion affirms]* And, so, I love everything that you all shared, and I appreciate so deeply you taking the time. And this conversation may be coming to a close, but I like to think that we are beginning a conversation that will be ongoing in our community. I mean, it has been ongoing, but, I'm just excited to, maybe, partner with you all moving forward. So, thank you! Thank you both so much.

1:07:45 **Damion Mendez (They/them)**: Yes. Thank you.



[cool, ambient music fades in]

1:07:50 **Teigh McGee (Co-Host, They/them):** Thank you so much to our guests for joining us today on Envisioning Queer Justice. We are grateful for your voice, visions, and values. Thank you to the [Hamline University Center for Justice and Law](#) and [PeaceFirst](#) for their fiscal support of this project. The opinions expressed in this podcast solely reflect the individual speaker.

The [Envisioning Queer Justice Collaborative](#) is a digital platform that seeks to disrupt punitive and exclusionary conceptions of justice, and uplift people in the Queer community who envision justice as healing, creation, and transformation. Through research, storytelling, and content curation and creation, we offer resources to bring people together for safer, more inclusive, and liberated communities. To read our research findings from the LGBTQ+ youth justice circles, community toolkit, or curated [resources](#), please go to our website, www.envisioningqueerjustice.org, and check us out on social media by searching “Envisioning Queer Justice Collaborative.” Thank you for joining us!

[cool, ambient music fades in and out]