

just news

Crime Victims Bill of Rights used against gaybashers

Multnomah County's Victims Assistance Program aims to walk crime victims through the legal system

BY ANNDEE HOCHMAN

Doug Beloof wants to hear more about gay-bashing. He wants to know about the lesbian with the bumperstickers who finds her windshield shattered, the gay teenager who gets threatened at the bus stop, the couple who has beer cans tossed at them around the corner from the gay bar.

Doug Beloof wants to know these things because he heads the District Attorney's Victims Assistance Program, and one of his goals is to boost services to crime victims who traditionally remain silent.

"One of the things I've been trying to do is improve our services to under-served populations — people of color, refugees, gay men and lesbians," he said. "When people do report crime, we want to make that as untraumatic as possible. And we want to increase the reporting of crime. The more it's reported, the more attention will be paid to it."

Locally, no one keeps statistics on violence against gays and lesbians. But some community leaders who hear about violence from victims say they believe such incidents are increasing. AIDS-related discrimination and backlash, the passage of Measure 8 and the simultaneous rise in Skinhead activity have provided fuel for anti-gay violence, they said.

Between February 10 and March 10, the Metropolitan Human Relations Commission received nine complaints of hate group activity, three of which concerned sexual orientation or HIV-status. A lesbian reported that while walking through a Southeast Portland park, a woman playing with some children noticed her and said, "Let's play Smear the Queer." Another caller reported that the "Homos Hurt Kids" were spray-painted on the side of a Southwest Portland bowling alley.

When MCC Pastor Gary Wilson was on vacation last month, the church received three death threats — a first-time occurrence in the three years Wilson has been there. And a *Just Out* reader survey early this year showed that 66 percent of respondents had experienced verbal abuse based on their sexual orientation; 15 percent said they had experienced physical abuse.

"Measure 8 gave clear permission to those people who are lunatic enough to think there is such a thing as permission," Wilson said.

National statistics, while spotty, indicate both an increase in anti-gay violence and a greater willingness to report and collect such data. An eight-city violence study published five years ago by the National Gay and Lesbian Task Force showed that more than one in five gay men and one in ten lesbians had been physically assaulted because of their sexual orientation.

A total of 7,008 incidents of violence and harassment against lesbians and gay men were reported to the NGLTF in 1987, compared to 4,946 incidents in 1986 and 2,042 in 1985.

"The increase in 1987 over 1986 probably represents, more than anything, an increase in reporting rather than an increase in violence," said Kevin Berrill, director of the NGLTF's Anti-Violence Project. "It reflects the fact that certain groups have gone to great lengths to document this. But there are whole states where we get absolutely no figures."

Even so, the data matters because it makes the issue of gay-bashing real, Berrill said.

One of the goals of the Anti-Violence Project is to raise awareness, both in and out of the gay community, about the actual threat of anti-gay violence. Having concrete numbers helps the task force and other groups to press for legislation protecting gays and lesbians and better police training to respond to gay-bashing crimes.

"Anti-gay violence is probably the least controversial issue on the lesbian and gay agenda," Berrill said. "I think this is an issue we can win at a time when we're losing battles on AIDS and civil rights. Violence is the most brutal manifestation of homophobia."

Before legislators or police can respond, victims must report the incidents — and that is a step many gay men and lesbians have traditionally been reluctant to take. Gay community leaders estimate that 80 percent of anti-gay attacks go unreported.

"The two reasons I hear people not reporting incidents are: they're in closets or they don't believe the system has any interest in working for them," said Wilson.

"People are afraid they'll be further victimized by the reporting process," said Cathy Siemens, former executive director of the Lesbian Community Project and currently a member of the Metropolitan Human Relations Commission.

Legal precedent gives some credence to those fears. In Multnomah County Circuit Court in March, the attorney defending Darrell Monical, who said he killed Eugene Doney after Doney "attempted to have homosexual contact" with him, held the victim partly responsible for the incident's outcome. In arguing for a five-year instead of a ten-year minimum sentence, the attorney, Wendell Birkland, said, "We're only saying Mr. Doney contributed to his own death... If he hadn't tried what he tried on Mr. Monical, he'd still be alive."

A 1985 report from the NGLTF on gay and lesbian victimization noted that many gay and lesbian crime victims stay away from the legal system to avoid further trauma.

"Because they fear exposure, stigmatization, and discrimination, many gay and lesbian victims suffer alone," the report said.

"Those who are not 'out' about their sexual orientation find that they must lie about the circumstances of the incident. 'Like victims of rape, victims of anti-gay violence are sometimes blamed for their victimization.'"

In some places police departments and justice systems are waking up to the reality of anti-gay violence. California and Wisconsin recently stiffened penalties for those convicted of hate crimes, including those based on sexual orientation. A bill currently in the Oregon legislature would mandate collection of statistics on such crimes. A similar bill has been introduced in the US House of Representatives.

Multnomah County District Attorney Michael D. Schunk proposed a bill that would have added "sexual orientation" to a law prohibiting intimidation on the basis of race, color, religion or national origin.

Wilson said gay men and lesbians must lobby about this and other measures to recognize and respond to anti-gay violence. "We have to say to people, 'Look, the system is not going to work for you until you get out of your closet and go talk to your legislator and demand that it work for you,'" he said.

Even if such legislation passes, its success ultimately depends on people reporting crimes. And that is where Doug Beloof comes in. He

and others in the Victims Assistance Program aim to walk crime victims through the legal system, informing them of their rights, talking to their partners or friends, accompanying them to hearings and to trial.

"It's my personal view that pursuing a valid case in the criminal justice system is empowering. The other choice you have as a victim is to give up," Beloof said.

Berrill of the NGLTF said the gay community is beginning to respond to the threat of violence by acting to prevent, as well as, report it. Some communities, following the lead of women's "Take Back the Night"

programs, have begun self-defense training and whistle campaigns for gay men and lesbians.

And, as in the movements to recognize rape and domestic violence, the first step toward stopping anti-gay violence is a determination that such crimes will not be tolerated.

Beloof said he is prepared to talk with gay and lesbian community groups about victims' rights and his program, to help spread the message that, "Just because you're gay, you don't have to be harassed and beaten on the street."

Crime Victims Bill of Rights

Under measure 10, the Crime Victims Bill of Rights, you now have certain legal rights as the victim of a crime. Among these are:

1. The right, if you request, to keep your address and phone number from the criminal defendant;
2. The right, if a defense attorney or his representative contacts you, to be told who they are, that you do not have to talk to them, and that you may have a deputy district attorney present if you do decide to talk to them;
3. The right to a court hearing if you are harassed or intimidated by the criminal defendant;
4. The right to be considered when court dates and hearings are changed;
5. The right to be in the courtroom during the trial of your case;

6. The right to appear personally or with your own attorney, in addition to the deputy district attorney, and express your views at sentencing;
7. The right to have compensatory fines imposed on convicted criminals to try and compensate you for the injury you have suffered;
8. The right, if you request and provide the Police Board with an address, to be notified of and appear at parole hearings; and
9. The right, again if you request, to be notified 30 days before a criminal is released from prison.

Know your rights and enforce them.

If you have any questions concerning your rights, please contact a deputy district attorney at 248-3162 or Victims Assistance Program at 248-3222.

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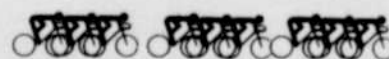
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