

**STALKING, from page 5**

protective order.”

He said the “missing link” was that Chi had not explicitly threatened Montana with physical harm.

Ghastin told a visibly distressed Montana that if Chi does “something else,” she could always return to court. “I don’t know how else to comfort you,” he said.

Montana said that after everything she’d been through, she was not surprised with the outcome.

She said she wonders what women are supposed to do if their driver decides to stalk them, or any other person who finds out where they live or work during the course of a business transaction. Is there no recourse? Isn’t her address supposed to be privileged information?

“This is how I feel right now – nobody is taking me very seriously, and I feel like I’m in harm’s way and everyone is brushing me off,” she said. “I’m a human being.”

In Oregon, a victim has to have had a relationship with their perpetrator in order to get a restraining order against them.

For victims like Montana who don’t know their antagonist, they must apply for a stalking protective order.

“When a stranger does this stuff, it gets tricky,” said Martha Strawn Morris, director at The Gateway Center for Domestic Violence Services.

“It’s purposefully harder to get a stalking order because once you get one, it’s permanent, whereas the rest of the protective orders expire after a year. It’s just a higher standard,” she said.

Strawn Morris said that if Montana were working with her center, she’d be looking for follow-up from the police and District Attorney’s Office.

“I would be pounding down their door, saying there’s no other options for court protections for this person; we need the criminal justice system to step up, right here, right now and hold this person accountable,” she said.

But Chi’s case has not been submitted to the Multnomah County District Attorney’s Office for prosecution, Deputy District Attorney Jeffrey Lowe said. He said that a

**IF YOU ARE BEING STALKED**

If you are being stalked, you may be on the receiving end of: unwanted phone calls, including hang-ups; unwanted gifts; letters; texts or emails; someone following you or driving by your place of work or home; threats to you or your family; or using technology to track you or going through your garbage. If you think you are a victim of stalking, you can contact the Oregon Crime Victims Law

Center to find out if you might qualify for a stalking protective order. Call 503-208-8160 or email [info@ocvlc.org](mailto:info@ocvlc.org).

If someone you’ve been in an intimate relationship with is stalking you and you live in Multnomah County, The Gateway Center will connect you with resources to help your situation. Call 503-988-6400.

query of the Portland Police Bureau database didn’t render any matches for Chi either, but that Montana should continue to report any contact.

That Chi continued his contact through the mail is another barrier to getting protection. Unless he sends a letter containing threats of violence, the First Amendment protects his ramblings under free speech provisions, no matter how alarming.

“In Oregon,” said Melanie Kebler, senior staff attorney at Oregon Crime Victims Law Center, “we have a strong freedom-of-speech provision in our law. So if any of the unwanted contacts are communicative in nature: texts, letters, emails, calls – any kind of speech-based contact has to meet an even higher standard in order to qualify the person for stalking.”

She said the victim also has to be able to articulate to the judge that they are having reasonable apprehension or alarm regarding their personal safety, and if they can’t do that, it makes it difficult for a judge to grant a stalking protective order.

“It’s a difficult standard,” Kebler said. “And yeah – there is a lot of bad behavior you can engage in and not be subject to a stalking protective order.”

In 1999, the Oregon Court of Appeals heard a challenge to the stalking law arguing it violated free-speech laws (Oregon v. Rangel). But the court found that if threatening speech was involved, than it was not in violation of the U.S. or Oregon

Constitution, because threatening speech is not protected.

It set the precedent for requiring that communication from the stalker contain a threat to qualify for a stalking order.

“Letters in general, that does get tough,” Kebler said. “Unfortunately, some folks do end up moving.”

The Oregon Department of Justice offers an Address Confidentiality Program for victims who move and want to conceal their whereabouts.

While Chi’s behavior was inappropriate and unsettling, were Montana’s fears justified? Street Roots asked a stalking expert.

Eric Hickey, Dean of the California School of Forensic Studies at Alliant International University, is a criminologist often called on as an expert witness and consultant in stalking and other criminal cases.

Hickey said the reason Chi isn’t threatening Montana is because he’s infatuated with her.

“Most of these creepers tend to go away with time and simply ignoring them,” he said. “Sounds simple, but not if you are the subject of their admirations. Police tend to see it as not that big an issue because no threats are being made, but at the least it is harassment.”

“If he is obsessed with her, then rationality goes by the wayside, and he will continue to stalk her, and often they escalate,” Hickey said. “The fact that he has met her, been to her home and work, and is

making efforts to contact her against her wishes places him higher on the threat scale. On a scale of 0 to 10, he is around a 6-7 in level of dangerousness. That means he probably won’t do anything to harm her, but because the threat is reasonably high, she needs to protect herself physically and emotionally. The longer this goes on, the more it can undermine her psychologically.”

Twelve days after she was denied the stalking protective order, Montana got another letter from Chi.

Oddly, it was postmarked July 3 but arrived on July 22. Did he retrieve it from her mailbox and put it back at a later date?

In this letter, Chi wrote:

“I saw your FB page for the first time last night. Saw a picture of myself and got really scared. I’m way to scared to click on the photo of me or to continue looking further on your page. I freaking look like Jabba the Hut. Hey, so, are you still mad at me? I can’t imagine you still being mad at me after that 5 page apology/explanation... I saw your instagram post with the Oregon coast rock. Is that a message for me? I do think it is, but there’s no way I can be 100% sure. ... Hey so when you go to Costa Rica since Latin America is really dangerous, I should be your bodyguard I’ll just stay a few blocks away, you don’t have to talk to me during the yoga program and I’ll get binoculars and just keep a lookout. ...”

Montana is glad to be leaving the country for a while, but terrified that Chi knows where she is going. She said she’s done with bartending and has since made her social media profiles private. She’ll be going on another trip shortly after she returns.

She said it’s unlikely she’ll return to court because at least for now, Chi doesn’t know her real name and she’d like to keep it that way if she’s only going to get denied again.

“I had this crazy stress dream,” she said, “where the dude came for me, no one was around, and he stabbed my arm into the wall, and I was like, OK. I’m going to let him rape me because then I will finally have hard evidence against him.”

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