

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/05/03/woman-prisoner-sent-to-solitary-for-reporting-rape-by-guard/>

Campaign and Advocacy

close

Search

close

close

by [Jean Casella and James Ridgeway](#) | May 3, 2010

Michelle Ortiz was serving one year at the Ohio Reformatory for Women, a state prison in Marysville, when she was molested by a male guard. A recent article in the [Columbus Dispatch](#) describes what happened next:

When Ortiz reported the first assault to prison official Paula Jordan, the official told the inmate that the male guard was being transferred from the facility and was just a dirty old man. That same evening, the male guard assaulted her again.

Rebecca Bright, another prison official who launched an investigation, ordered Ortiz placed in solitary confinement, where she was handcuffed. Bright reportedly argued that Ortiz was talking about the incident with other inmates.

Other accounts were more specific: In the first assault, Ortiz was fondled by the guard, who then told her "I'll get you tomorrow, watch." In the second, which took place after she had appealed for help, the guard returned while Ortiz was asleep and raped her. The assaults took place back in 1996. Subsequently, Ortiz sued both prison officials in federal court for doing nothing to protect her from the guard and punishing her instead. A jury awarded her \$625,000 in damages.

But Bright and Jordan appealed the verdict, and the U.S. 6th Circuit Court of Appeals ruled 2-1 that the prison officials had qualified immunity, shielding them from paying damages to Ortiz. The third judge, however, issued an outraged dissent. As the [AP reported](#):

It is extremely rare for a prison inmates civil rights complaint to overcome preliminary legal obstacles and persuade a jury there was a violation, said Judge Martha Craig Daughtrey, the dissenting appeals court judge. Given the statistics, Daughtrey said, I view this result as a legal travesty.

The evidence against Bright and Jordan was strong, she said. The majority's decision to overturn the jury's verdict strikes me not just as an unfortunate result in this case, but as one that is thoroughly senseless.

Against the objections of Ohio Attorney General Richard Cordray, the U.S. Supreme Court also not known for its sympathy to prison inmates civil rights complaints has now agreed to review the case, and will hear arguments in the fall.

The wheels of justice move slowly, when they move at all. Back in 2003, the organization Stop Prisoner Rape now renamed [Just Detention International](#) published a report on the sexual abuse of prisoners by guards at the Ohio Reformatory for Women (ORW). Alerted to the problem by a prison psychiatrist, Stop Prisoner Rape (SPR) interviewed several staff whistleblowers, as well as prisoners, and discovered a climate of abuse.

Inmates described a range of incidents, including violent encounters, threats and pressure to submit to sexual advances, trading sex for goods and favors, and relationships that were seemingly consensual. However, for women under near-total control of prison staff, the concept of consenting to sex is virtually meaningless (and Ohio law reflects this). The problems arising from this power imbalance are compounded by the past history of sexual abuse that many female inmates have endured.

SPR learned that women who report sexual misconduct are routinely sent to solitary confinement, unusually harsh conditions in the hole at ORW may compound the trauma. This use of isolation emboldens perpetrators who know that the practice discourages women from reporting abuse.

SPR concluded that the problem was compounded by the Ohio prison systems institutional response or lack of it. They found a culture of silence and denial at the Ohio Department of Rehabilitation and Correction that began its director, Reginald Wilkinson. Head of the sixth-largest prison system in the country, Wilkinson repeatedly made public statements denying that any problem exists and discouraging suggestions for reform, including the Prison Rape Elimination Act (PREA), which was passed unanimously by Congress in 2003. In an op-ed opposing the legislation, Wilkinson argued that the data on prison sexual assault was highly exaggerated and based on disingenuous data (self-reporting).

While investigating allegations at the Ohio Reformatory for Women, SPR interviewed Warden Deborah Timmerman. According to SPRs

report:

Timmerman-Cooper confirmed that prisoners who complained of sexual abuse were transferred to segregation, losing their privileges while there. She justified this policy by saying that it was necessary in order to protect the inmate while officials investigated the incident, but could not explain why those inmates should be stripped of basic privileges and locked in isolation for 23 hours a day.

In summary, SPR has found extensive and credible evidence that an environment consistently conducive to sexual abuse exists at the Ohio Reformatory for Women and that a pattern of abuse may exist at other Ohio womens facilities

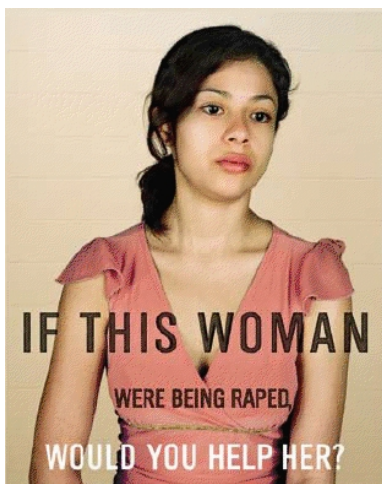
The isolation and punishment of inmates who report sexual assault is a practice that punishes victims and encourages staff misconduct. In Ohio, it is a policy that has fostered a climate of abuse and intimidation and undercut respect for human rights.

This happens to be a pivotal moment in the effort to combat the epidemic of sexual assaults in detention. The National Prison Rape Elimination Commission, which was created by the PREA in 2003, has [issued recommendations](#) for a new set of national standards to address the problem. As David Kaiser and Lovisa Stannow wrote earlier this year in their two excellent articles in the *New York Review of Books* on [prison rape](#) and [how it can be stopped](#):

One of the most pernicious myths about prisoner rape is that it is an inevitable part of life behind bars. This is simply wrong. In well-run facilities across the country it is being prevented and this shouldn't be surprising; the government has extraordinary control over the lives of those it locks up. Stopping sexual abuse in detention is a matter of using sound policies and practices, and passing laws that require them.

Attorney General Eric Holder has until June to [review the recommended standards](#) proposed by the National Prison Rape Elimination Commission and turn them into federal regulations, which would make them binding on prisons and other detention facilities. Predictably, they are being opposed by some leaders of the powerful corrections industry, and questioned on the basis of cost.

The Department of Justice has opened a 60-day public comment period on the standards. That comment period ends in one week, on May 10. Just Detention International is hosting a petition urging Attorney General Eric Holder to enact the strongest possible standards. You can sign the petition on JDI's web site [here](#), or its Facebook page [here](#).



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James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets [@solitarywatch](#).

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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I want to say that I also spent time at ORW. The very first day in Admissions, the guard who gave the talk said that it will do you NO GOOD at all to report ANYTHING that happens here at ORW because I guarantee you they will believe US and NOT YOU. We will pass a polygraph and you will NOT. So keep your mouths SHUT. I was terrified. There was indeed a couple guards who raped and molested so many women there, you have NO IDEA!!! The place is a trash hole. The food they serve is rubbish. Maggots, mold, just crap. They tell you that you are nothing but an animal with NO RIGHTS, that you belong to the state. I watched a female guard antagonize the living day lights out of my friend who then SNAPPED..she was taken to the hole and strapped naked to a table for weeks. Then got a charge of felonious assault. 5-8 more years!!! We were told that the guards stand up for each other against you animals who are NOTHING. I know that the only NICE guard there QUIT her job because she was asked to testify for the guard who was mentally and emotionally abusive. She saw what happened and witnessed the incident, but refused to testify for the guard so she left her job. I feel disgusted right now.

My girlfriend just got sentenced to prison and I'm scared and worried about what could happen to her. I haven't told her about these fears but they tend to keep me up sometimes. @becca if you don't mind me asking when were you there? and anyone else who has been there feel free to email me at bert111a@netzero.net and share what you know about the place.

It never ceases to amaze me what the American public will put up with from those whom they entrust with power. I guess if you can have a government that's allowed to away with torture and starting illegal wars, it's not so surprising that other lower forms of authority within the same hierarchy will get away with lesser crimes like rape and mistreatment of the underprivileged members of society.

Everyone needs to read the report of the Correctional Institution Inspection Committee. <http://www.ciic.state.oh.us/reports/orw.pdf>

I would like to leave my opinion about this because I was incarcerated at the Ohio Reformatory for Women. From being there I know first hand how things are done. I have spent a total of 4 1/2 years there. When an inmate accuses a staff member of anything, that inmate is immediately taken to Arn-4 (the hole). I have seen the inmate spend months under D.I. while the prison staff members say that they are conducting an investigation. In the end the inmate gets out of A-4 and the staff member continues to work there. There have been women get pregnant and have to send their child home. Do you think they really care about the inmates? Let me be the first to put it out here. They don't give a damn about the inmates. The medical help there is awful. They get clothes that are falling apart. They only serve breakfast on holidays and weekends they now have brunch. They get fed chicken with every meal. The food is in unsanitary conditions. The Health Department would probably shut that prison down if they wanted to. Urine leaks through the floors in one cottage. If you want to know anything about that place, just ask me I will tell the truth!
Becca

This is standard practice in many states. Supposedly to protect the woman from retaliation by the accused guard, it has the obvious effect of dissuading women from reporting abuse.

How utterly heartbreaking.

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