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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/11/02/prisoner-sent-to-solitary-for-reporting-rape-takes-her-case-to-the-supreme-court/>

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by [Jean Casella and James Ridgeway](#) | November 2, 2010

Back in May, we [wrote about the case](#) of a woman prisoner named Michelle Ortiz, who was first chastised and then shackled and sent to solitary confinement as punishment for reporting her molestation and subsequent rape by a male guard. As the *Columbus Dispatch* reported:

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.

Michelle Ortiz's case will be heard today by the Supreme Court. Here is a [summary](#) provided by [Just Detention International](#), the organization dedicated to ending prison rape.

For survivors of prisoner rape, seeking justice for the abuses they have endured is exceptionally difficult. Today, when the U.S. Supreme Court considers the case of [Ortiz v. Jordan](#), it is only the second prisoner rape case ever to be heard by the Court. In the landmark 1994 case [Farmer v. Brennan](#), the Court acknowledged that rape in detention may amount to cruel and unusual punishment, in violation of the Eighth Amendment of the Constitution.

Michelle Ortiz was sexually assaulted by an officer while incarcerated at the Ohio Reformatory for Women. After courageously reporting the abuse, Michelle suffered repeated retaliation by other corrections officials. A jury found that the retaliating officers violated Michelle's civil rights and awarded her monetary damages. An appeals court overturned the jury's award, concluding that the officers were immune to being sued. The Supreme Court will review whether this reversal of a jury verdict was proper.

Michelle's case is extraordinary in that she was able to get into court at all. The [Prison Litigation Reform Act](#) (PLRA) of 1996 makes it enormously difficult for incarcerated individuals to have constitutional violations heard in court, even in the most egregious cases of rape by prison officials. The PLRA imposes harsh procedural requirements on incarcerated rape survivors, such as obliging them to complain to a specific officer even if that officer was involved in the abuse. Many corrections systems also demand that rape victims file complaints within days of an assault, ignoring the fact that emotional trauma and, in many cases, physical injuries make such deadlines entirely unrealistic. Worse still, the PLRA requires proof of a physical injury in order to seek monetary damages and, shockingly, courts have held that some forms of sexual abuse do not amount to a physical injury.

Here's [more on the case](#) from the SCOTUS blog.



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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Bright reportedly argued that ms. Ortiz was talking about the incident with other inmates.

Yeah, how dare ms. Ortiz tell other people that she was raped!

A travesty indeed, that the money she was ultimately awarded was taken from her again, because of immunity of the prison officials.

It's a pity though that the whole case before the SCOTUS is a very technical case, and not really about the guts of the prison to appeal the case (why not just admit that faults are being made, and wholeheartedly give ms. Ortiz the money? one wonders).

But as the woman before me wrote about information being an ultimate disinfectant I guess that rings true.

This is so unfair and so revolting. I do not know what, if anything, the Roberts Court will do. But this reporting puts me in mind of Justice Brandeis' observation that information is the ultimate disinfectant.

just a dirty old man. and we wonder why chomos and perverts seem to do such little time if they ever actually get convicted at all, while defenders of children get life sentences
this sick, sad world is out of control.

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