Thank you very much.

CHAIRMAN WALTON: You're welcome.

Ms. Totten.

MS. CYNTHIA TOTTEN: (As read):

"Good morning. I am honored to be here today to speak before the National Prison Rape Elimination Commission. I hope that what I share with you today, though painful, will assist the Commission in reviewing the policies and practices currently in place in the nation's prisons and identifying ways to ensure that corrections personnel do not abuse their power and authority by sexually abusing the inmates in their care.

"On April 10th, 2004, I was incarcerated in the receiving yard at central -- California Central Women's Facility in Chowchilla. I was housed in a cell with seven other women. I decided not to go to dinner that night because I was
not feeling well.

"So when Nathan Thomas Lesher, a corrections officer assigned to my housing area, passed by the cell during a regular security check between 5:30 and 6:00 p.m., I was alone in the cell, laying on my bunk, reading a book.

"About five minutes later Officer Lesher came back to the cell and tapped on the window, directing me to come to the door of the cell. He then unlocked the cell door and I immediately saw that his pants were open and his penis was sticking out. I also noticed right away that fluid from his penis had dripped onto the floor.

"I initially thought that maybe this was some sort of sick joke, but Officer Lesher entered the cell and ordered me to turn around and put my hands up against the wall to be searched.
"When he stated a second time in a voice that was almost a growl that he was going to search me, I realized that my worst nightmare was coming true. The guttural tone of voice he used and the glazed, scary look in his eyes made it clear that he was not kidding and that I'd better not question what he told me to do.

"When I turned around, Officer Lesher grabbed my left breast and squeezed it extremely hard. At the same time he pulled down my pants and began to shove what felt like his fist into my vagina in a very forceful manner. He rammed his fist into me so hard that I instinctively rose up onto my tiptoes so that it wouldn't hurt so much.

"As he was doing this, he whispered into my ear several times, quote, 'I know you have been around a long time and that you
know how to keep your mouth shut.'

"Then he abruptly stopped and walked out of my cell, locking the door behind him. Once I was certain he was out of the hallway, I took a very small piece of a plastic trash bag that was in the cell and used it to wipe up from the floor the fluid that had dripped from his penis. I folded it very small and proceeded to hide it with my belongings.

I was so afraid to report what Officer Lesher had done to me that I didn't tell anyone. I was incredibly relieved, however, when my cellmates came back from dinner so that I didn't have to be alone in the cell anymore.

"That night I laid awake, devastated and outraged. My vaginal area was still very sore from the pain of his ramming his fist into it, and the area around my left breast was bruised and
tender. While the soreness went away, I felt burning and itchiness in my vagina for several days after the attack, leading me to believe that Officer Lesher's hand was dirty and that he must have given me some sort of an infection.

"Other women prisoners had told me that Officer Lesher often stopped at the windows of their cells, looked in, and told the women he wanted to see their breasts. I was even aware of one of my cellmates flashing him in this manner.

"I was also told that he would ask women to open the shower door while they were showering so that he could watch. However, I had not heard of him raping anyone, and I never expected that something like this would happen to me in custody.

"At the same time I couldn't stop worrying about whether I had hidden the DNA evidence well
enough. I believed that if Officer
Lesher suspected that I might have
tried to save any evidence of the
attack, he would file a false
report with Internal Services,
claiming that I had contraband in
my cell just to have my belongings
ransacked and the evidence lost or
destroyed.

"In the days after the attack,
I moved the small piece of plastic
many times, trying to determine the
safest place to hide it.

"I had also decided against
reporting Lesher because I knew
that if I did, I would be placed in
administrative segregation where I
would be treated as if I had done
something wrong -- isolated, housed
with inmates who are there for
serious disciplinary infractions,
with no access to programming and
very little time outside of my cell
each day.

"I stuck to my decision not to
report the assault in large part because I was afraid of what would happen to me if Officer Lesher or other corrections officers he was friends with found out that I did not keep quiet.

"I did not want to be seen as a snitch, and I knew that I needed to take Lesher's warning to keep my mouth shut seriously because I could risk spending life behind bars if I didn't."

"When Lesher assaulted me, I had two strikes against me under California's three strikes rule. If Lesher or another corrections officer issued a disciplinary charge against me, it could count as an additional strike and result in my sentence being extended to life. So I needed to keep as low a profile as possible for my own good."

"I did not see Officer Lesher at all in the days following the
attack, and on about April 14th I
found out that he had been arrested
for lewd and obscene conduct after
his neighbors reported that they
had seen him expose himself
publicly.

"He was released from jail on
$100,000 bail. Within days of
this, Officer Lesher was terminated
from his job at the prison, and I
never saw him again. I felt some
small sense of justice that at
least action was being taken
against him for one of the crimes
he had committed and that he
couldn't hurt me again.

"Fortunately, I was only at
CCWF temporarily while it was
decided where I would serve my
time, and I was transferred for the
California Institution for Women
only ten days after the assault, on
about April 20th, 2004.

"I was incredibly relieved to
no longer be at CCWF, and I quickly
made up my mind that since I no
longer faced a threat from Officer
Lesher or corrections officers at
CCWF whom he was friends with, I
was going to report him.

"I wrote a letter to the
Internal Affairs division at CIW,
California Institution for Women,
on about April 27th detailing the
assault.

"On May 5th I was called in to
speak with an investigator who
worked at CIW, and my tape-recorded
statement was taken.

"I then met with a regional
CDCR Internal Affairs officer who
also took a tape-recorded statement
from me.

"I turned over the DNA
evidence to this officer the same
day. While I heard that several
other women were interviewed about
Officer Lesher's inappropriate
conduct, to my knowledge, no effort
was made to prosecute him for
abusing other women.

"Several months after my report in August 2004, one of the two Internal Affairs agents I had met with came to the prison to meet with me. He told me, to my disbelief, that DNA evidence had not -- that my DNA evidence had not been tested yet due to priority cases, including the Scott Peterson case.

"I have since come to learn that while many corrections officers work hard to maintain a safe and orderly environment, sexual abuse against prisoners by corrections officials is not uncommon. Short of outright abusive behavior, male corrections officers regularly violent rules in the course of their daily routine, that are supposed to provide unnecessary privacy invasions.

"For example, on many occasions I have seen male
corrections officers enter communal
shower stalls without warning as
groups of naked female prisoners are
in the middle of bathing.

"I have also felt humiliated
as I showered in stalls where male
corrections officers in an elevated
tower looked directly down into my
stall.

"Male corrections officers
know that they are supposed to
provide a verbal warning before
they enter areas where women
prisoners are in states of undress,
but these rules are often ignored.

"Throughout the past two and a
half years since Officer Lesher
assaulted me, I have continued to
feel the impact of the attack.
This situation has been very
difficult to deal with, and I have
often felt desperate, scared, and
at my wit's end. Sometimes I
simply want to give up and just
forget what happened to me and my
need to find justice.

"I don't trust anyone, especially corrections officials, and as a result, I have no support system to help me with what I have been going through. That is why I am speaking to you today using a pseudonym.

"After I testify here, I must return to the custody of the prison where I am currently incarcerated. I have done everything I could to ensure that officers there do not learn of what happened to me. I do not talk to any of the inmates about it, and I'm even afraid that speaking to a mental health counselor at the prison would be a bad idea.

"I know how easy it is for corrections officials to get ahold of a prisoner's central file. And I fear that if my attack were made public, I would either be retaliated against or become a
target of predatory corrections officers.

"In the midst of all this stress, I have struggled with depression and low self-esteem, unlike anything I ever felt before this all happened. And I regularly have very distinctive flashbacks and nightmares where I relive the feeling of Mr. Lesher's arm around my body, grabbing my breast.

"I continue to be very intimidated by corrections personnel and other authority figures. For over a year after the assault, I walked around with my eyes pointed at the ground, afraid to look corrections officers in the face.

"I often feel overwhelmed and defeated when I think about my efforts to obtain justice for the attack. I initially brought a civil suit against Mr. Lesher, but ultimately withdrew it because I
could no longer afford a lawyer.

And every time I received legal
mail from the lawyer who was
representing me in the suit, the
memories it brought up were just
too painful to deal with.

"It felt as if being involved
in a civil suit was making it
impossible to put what happened
behind me. As much as it killed me
not to feel strong enough to hold
him accountable, it seemed that my
mental health was more important.

"I have been extremely
frustrated with the criminal
justice system in this whole
process. In about June of this
year I finally learned that the
results of the testing on the DNA I
turned over to the authorities were
inconclusive. I was told that this
had something to do with the fact
that DNA evidence on plastic
disintegrates over time.

"Thus, Mr. Lesher will never
be prosecuted criminally for what he did to me. I can only hope that at some point soon I will be able to resume my civil case against him.

"My difficulties coping nearly reached a breaking point earlier this year when I found out that I was going to be transferred from California Institution for Women back to California Central Women's Facility.

"I became extremely anxious and emotionally distraught during the days after hearing this news. I could not bear the thought of returning to the same place where I was sexually assaulted and facing corrections officers who might be aligned with Mr. Lesher.

"I spoke with a counselor for the unit in which I was housed about my concerns that I would be retaliated against if I were sent back to CCWF, and he responded in a
manner I felt was very dismissive, stating, 'A lot of women make these allegations and nothing happens to them.'

"I then spoke with other prison officials who acknowledged how upset I was and, fortunately, my concerns were heeded and I was transferred to a prison other than CCWF."

"During the last year I have noticed significant improvements in the way male corrections officers carry out their duties and maintain proper boundaries with women prisoners."

"For example, the male staff I've interacted with since that time have abided by recent rules prohibiting male corrections officers in California from pat-searching or touching women prisoners except in an emergency."

"Also, supervisory male staff are careful not to have a woman
prisoner in their offices with the
door closed.

"However, I believe that there
are a number of areas in which the
CDCR, the California Department for
Corrections and Rehabilitation, and
the California prosecutors' offices
still need to improve their methods
of preventing and responding to
sexual abuse against prisoners.

"First, I don't understand why
two years passed before I received
the results of the DNA test on the
evidence I managed to save. After
the initial investigation into my
case, my letters to the
prosecutor's office and Internal
Affairs were no longer returned.

"This typifies the overall
nonresponsiveness of the entities
charged with responding to these
cases.

"I would also like to note
that I have yet to receive an
inmate handout addressing sexual
abuse at the facility where I am
now housed, although I have been
here for months.

"In addition, there must be
improved hiring processes for
corrections personnel, including
more thorough background checks and
mental health screening to weed out
predatory applicants.

"Given his arrest for public
lewd conduct, Mr. Lesher was
clearly a sexual predator who
displayed such conduct both in his
role as a corrections officer and
out in the community.

"In order to lessen the
potential for predatory corrections
officers to target vulnerable
prisoners, lower-level corrections
staff should have only restricted
access to inmates' files. A great
deal of the fear of retaliation I
feel to this day is based on my
concern that a corrections officer
who decides to pull my file will
learn of the sexual assault because it is documented there.

"In addition, effective personnel monitoring processes must be put into place that will allow prisoners to feel more comfortable voicing their concerns about specific corrections employees and will catch those who are sexually harassing prisoners.

"Mr. Lesher should have been terminated when he was leering into women prisoner cells and asking them to expose themselves. He should not have been allowed to patrol women prisoners' housing areas, making it possible for him to enter my cell and rape me without being detected.

"I am hopeful that the concerns I have explained here will be addressed now that the Prison Rape Elimination Act is starting to really take effect in California. I greatly appreciate the steps that
the National Prison Rape
Elimination Commission has taken to
make it possible for me to testify
here today and to do so without
putting myself at further risk of
retaliation.

"Thank you."

CHAIRMAN WALTON: Thank you very much.
And, please, on behalf of the Commission,
relate to the witness that we appreciate her
submitting her written statement.

MS. CYNTHIA TOTTEN: I will. Thank you.

CHAIRMAN WALTON: Questions?

COMMISSIONER KANEB: Ms. Martinez --

MS. KATHERINE HALL-MARTINEZ: Yes.

COMMISSIONER KANEB: -- you voiced concern
about retaliation against prisoners who communicate
with your agency.

Knowing something of your activities and,
as you know, being a great admirer of your efforts,
I have periodically asked -- it may have been to
another staff person -- if, in fact, this phenomenon
of potential retaliation, you know, has been on your
mind, has surfaced before, and so on.

And my impressions of having made that