

5 Critical Lessons Learned from a Child Molest

Prosecution 27 Years After the Crime

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How to investigate and prosecute a child molest case after 20 years with...

- No DNA
- No physical evidence of the suspect
- No confession
- No known witnesses – with the victim never having told anyone prior?
- *Case about how to obtain a search warrant and potentially find critical evidence – including a witness – after 20 years*

5 critical lessons

Background –

- 28-year-old Andy reported March 15, *1994*
- Occurred July – October, 1974 (*V: 8 years old / S: 35*)
- Multiple acts of repeated substantial sexual abuse at suspect's residence – 8855 Madison Ave., La Mesa
- Victim never told anyone – had no contact with suspect since *October, 1974*.
- Victim only knows suspect's name and address – *Harold Sowers*
- Historically – Statute of limitations... 3 years

Legal Background –

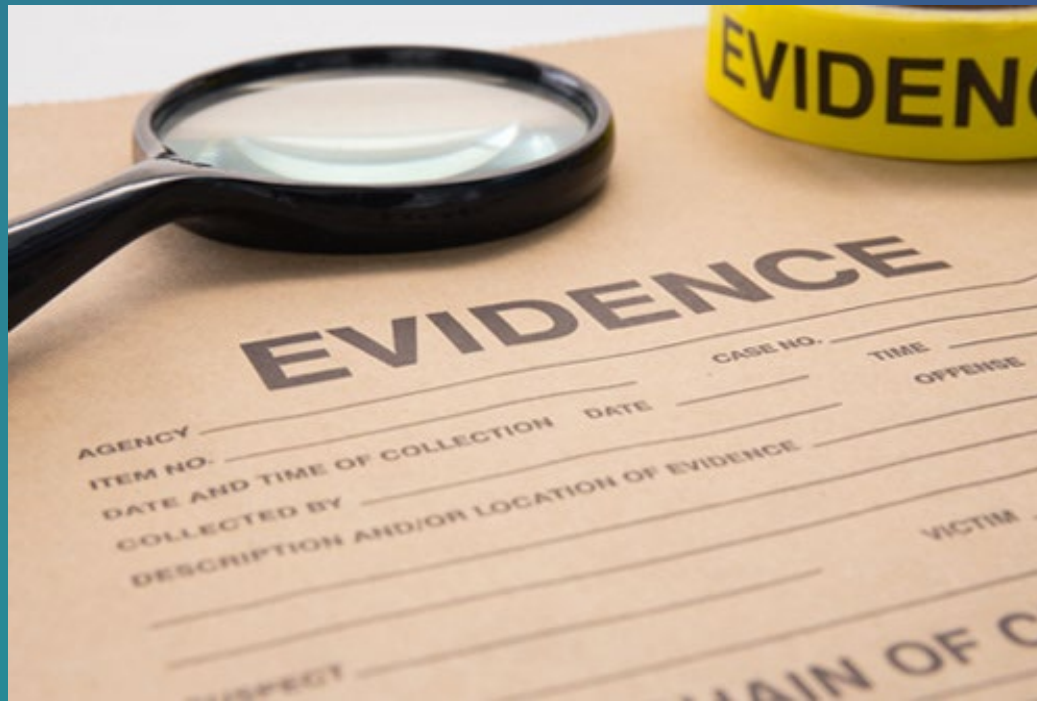
Effective January 1, 1994 –

803(g) California P.C. – California eliminates statute of limitations for sexual child abuse...*If* –

1. Prosecution is begun within one year of a victim's report to police.
2. There is “*substantial corroboration*” of victim’s allegations
3. Authorizes prosecution of child sex crimes where the statute of limitations has expired.

“Substantial Corroboration” defined as –

Credible eyewitness testimony and/or significant physical evidence of the crime having occurred.



Potential Law –

288.5 P.C. – *Continual Sexual Abuse of a Child Under 14*

...three or more instances of “**substantial sexual abuse**” (oral copulation or penetration) over a duration of three months or longer...

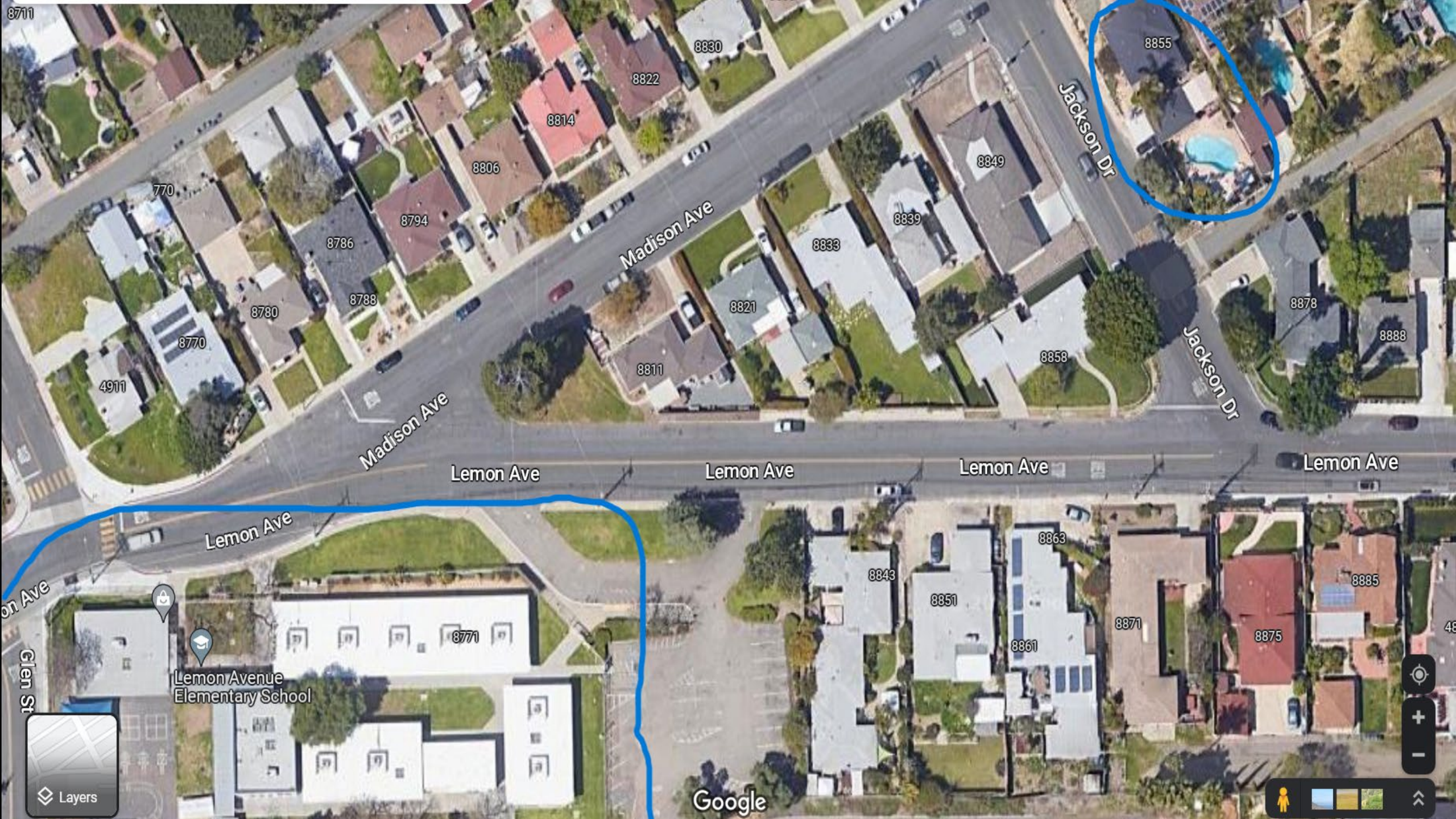
Felony punishable by 6-12-16 years in state prison.

Victim's Initial Statement – March 15, 1994

Suspect – Harold Sowers, age 35 in 1974

Seduction Pedophile who prefers boys 12 or younger.





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Madison Ave

Madison Ave

Jackson Dr

Jackson Dr

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Lemon Avenue Elementary School

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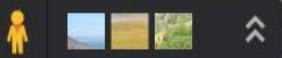
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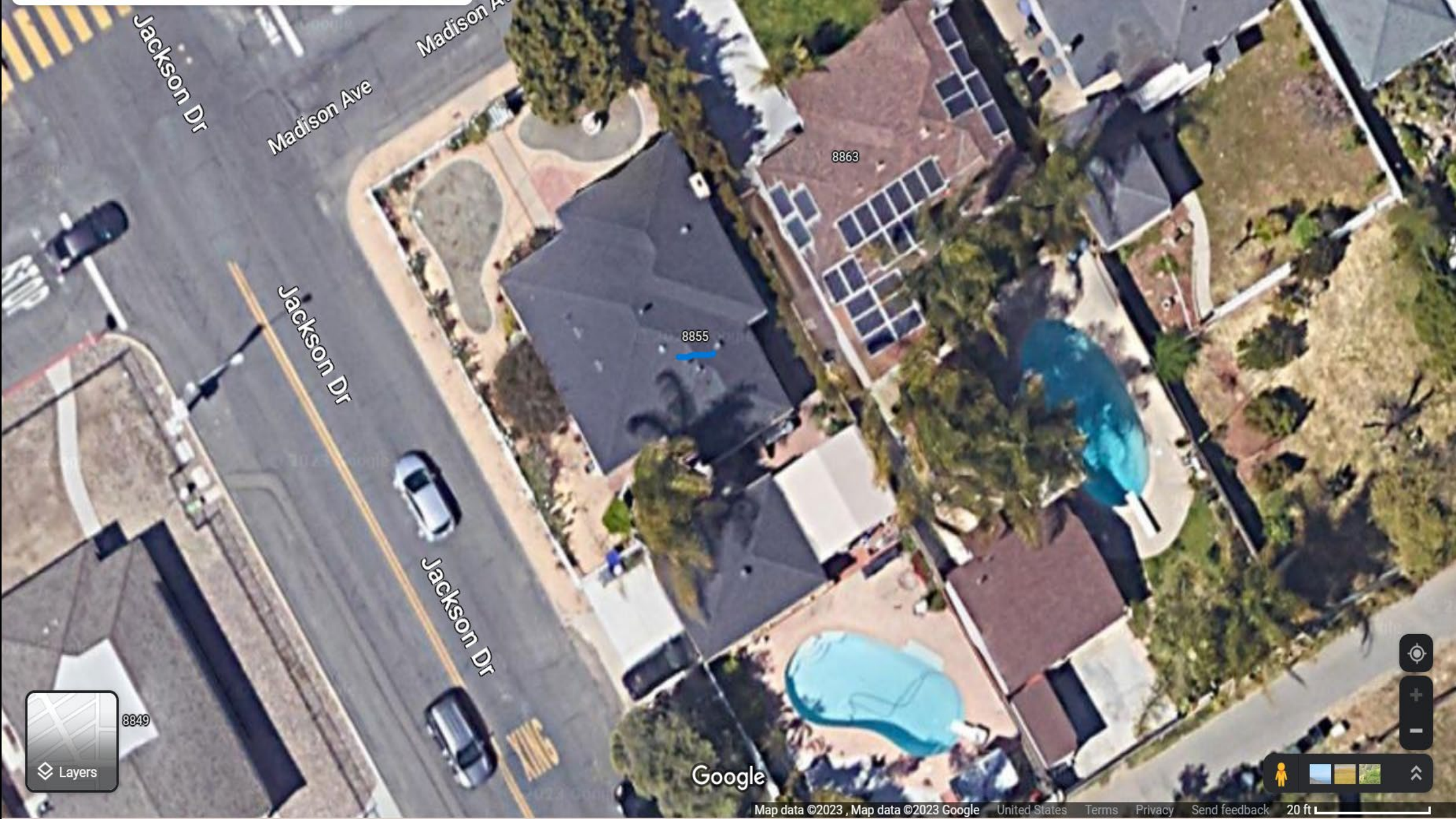
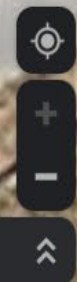
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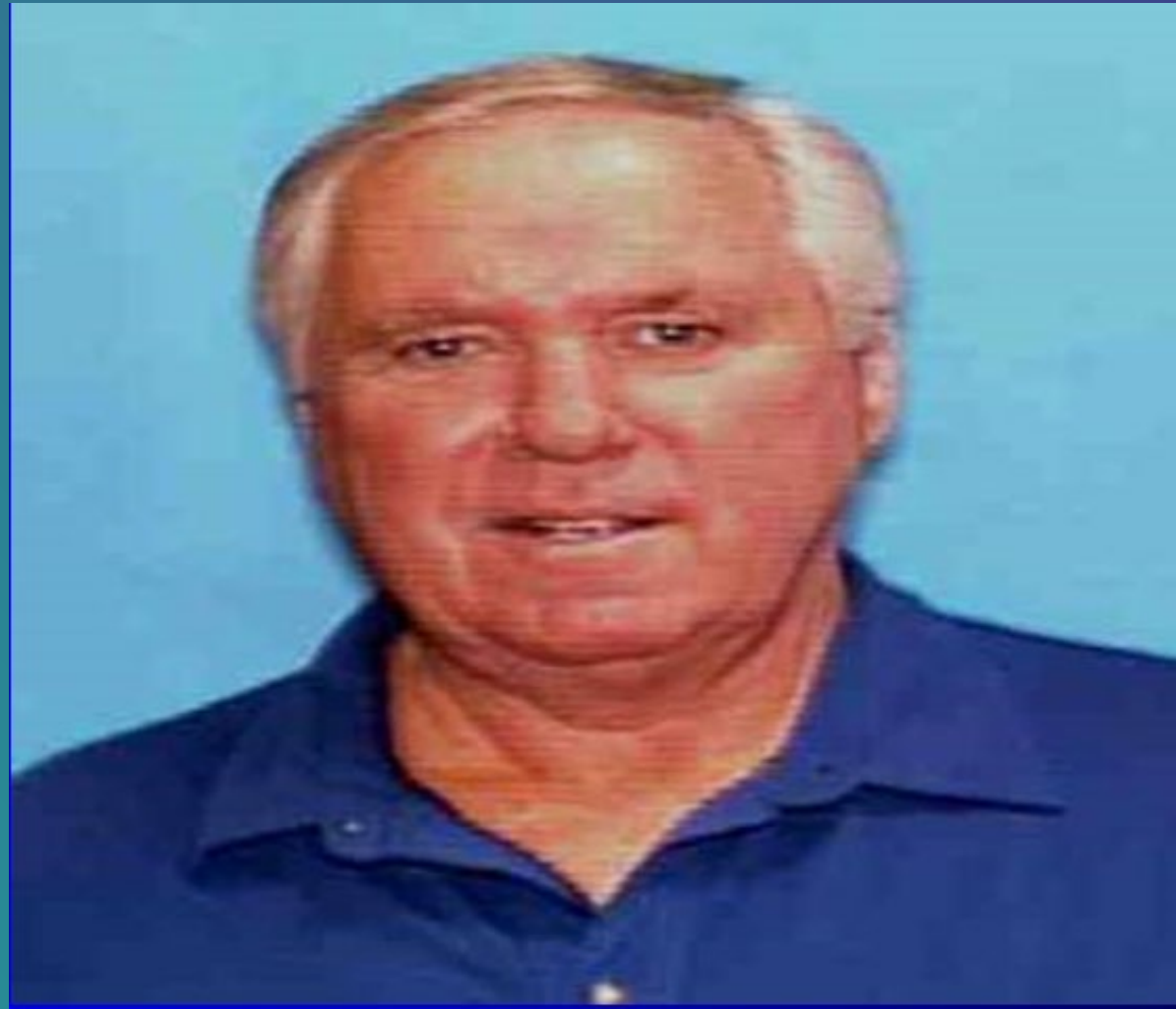
Victim's Initial Statement – March 15, 1994

Suspect – Harold Sowers, age 35 in 1974

Seduction Pedophile who prefers boys 12 or younger.



Harold Sowers – age 55
(at time of his arrest in 1994)



Understanding the psychological compulsion and sexual fantasies of child molesters

- Mementos
- Questions to ask victim...



Lesson 1

Ask victim about mementos – photos, gifts exchanged, written communications, recordings...*anything of the victim kept by the suspect*

- *Many cases involve mementos – but little evidence that the majority of cases do.*
- *If a suspect takes photos of their victim – especially sexually explicit ones – they are more likely than not (standard for search warrant affidavit) to keep them for life as one of their most prized possessions.*

Lesson 2

Victim's delay in reporting child sexual abuse is *not* indicative of being deceptive...

- 86% of child sexual abuse victims *never* report their abuse – the majority of those who do will wait well into adulthood (*U.S. Department of Justice*)
- Only between 6-15% ever report to legal authorities – for males the figure is much lower.

Lesson 3

The successful investigator's mindset...

- ... *“Investigate every case as if it was your mother’s murder.”*
- Believe the victim until the evidence proves otherwise...
- If the victim is being truthful – there is always a path toward prosecution... *you just have to find it.*

Search Warrant

Probable Cause standard means “*more likely than not*” that *the evidence sought will be at the location described.*

In 1980 suspect moved to the nearby city of El Cajon.

District Attorney ridiculed me and refused to authorize the first search warrant affidavit or for me to see a judge.

Eyewitness Located

20-year-old witness check in the neighborhood

Witness statements...



Search Warrant

Recovered a dozen 8” X 10” framed photos of my naked and posed 8-year-old victim inside a cardboard box in his bedroom closet...

...kept for 20 years as his most prized possession

- Numerous other photos of naked teenage boys
- Suspect’s statements...

Lesson 4

Ways to corroborate the victim...

- DNA – physical evidence / physical markings – wounds, scars, tattoos, physical abnormalities
- Photos / Recordings / Social media
- Victim's description of things they wouldn't normally know...
- Diaries / journals – people told contemporaneous to the molests
- Witness checks
- Suspect's own statements (*interrogation or victim confrontation*)
Beheler interviews / Pre-text phone calls

Court Process – *6 years*

- Trial court ruled 1994 law was not meant to be retroactive and violates the constitution – *Case dismissed.*
- District Court of Appeals affirmed trial court's ruling – *Prosecution barred.*
- CA Supreme Court (November of 2000) in a 5-4 decision over-ruled the Appeals Court and allowed prosecution.
- April 2001 Sowers plead guilty – Sentenced 1 year work furlough on November 8, 2001 – *27 years after the crime*

Stogner v. California, 539 U.S. 607 (2003) –

6-3 U.S. Supreme Court Decision ruled a law that allows prosecution *AFTER* statute of limitations has expired is unconstitutional (violation of *ex post facto* and *due process*).

However – Extending indefinitely the statute of limitations *for crimes that have not yet expired is legal.*

Follow-up

Additional Victims and conviction

Victim Andy Today...

Lesson 5 – Self-care

Trauma Recovery, Resilience, and Wellness

- What is trauma?
- What is resilience?
- Daily practice of physical, mental, emotional, and spiritual wellness strategies
- What is EMDR (Eye Movement Desensitization and Reprocessing – (EMDRIA.org))

DAILY PRACTICE OF WELLNESS AND RESILIENCE

- Practice gratitude
- Practice positives – Thinking, speaking, believing
- Remain active, engaged with life / Nature...
- Practice mindfulness/ Living in the present
- Have a purpose *beyond your self-interests* in doing as much good as possible

Remember our purpose: To serve and to do good – having the will and the compassion to help others in meaningful ways.

Takeaways...

1. Ask victim specifically about photos, mementos, gifts, recordings, writings shared, etc...
2. Victim's delay in reporting is not indicative of deception
3. Investigate every case as if it's your mother's murder
4. Determine if the victim kept a diary or told anyone about the suspect or the crimes.
5. Never underestimate the potential of a witness check
6. Essential to daily practice mental, emotional, physical, and spiritual wellness and resilience

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FOREWORD BY DON BOSTIC

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CAPTAIN DAN WILLIS

International Academy of Public
Safety Instructor, and retired
police captain

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— SHELLEY ZIMMERMAN,
Chief of Police (ret.), San Diego
Police Department

CAPTAIN DAN WILLIS, RET.

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