



**NATIONAL DEFENDER INVESTIGATOR ASSOCIATION
2019 NATIONAL CONFERENCE
San Diego, CA**



“Facts Matter”

CONFERENCE AGENDA

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| 4:00 pm – 6:00 pm | | | REGISTRATION | <i>MONDAY, April 22</i> |
| 7:30 am – 8:45 am | | | REGISTRATION and Coffee Bar | <i>TUESDAY, April 23</i> |
| 8:45 am – 9:15 am | | | Welcome and Opening Remarks Matthew Whalen, NDIA President | |
| 9:15 am – 10:45 am | | | PLENARY Human Trafficking Phil Stackhouse, Military Defender, San Diego, CA Renee Stackhouse, Co-Chair, Human Trafficking Task Force, San Diego, CA Course description TBA | |
| 10:45 am – 11:00 am | | | Networking Break, Exhibits | |
| 11:00 am – 12:15 pm | | | CONCURRENT SESSIONS | |
| Cell Phone & Computer Forensics Bryan Dykstra, Atlantic Data Forensics, Elkridge, MD Course description TBA | Discovering the Story in a Capital Case Kristen Widmann, Investigator, Orange County Associate Defender, Santa Ana, CA Walter Ott, Investigator, Federal Community Defender, Inc., Louisville, KY Investigators often view their job as simply gathering the facts. However, your job is so much more than just ‘the facts’. You have a responsibility to assemble the puzzle pieces into a coherent and persuasive narrative that best represents your clients’ case. This session will describe that process and provide case studies from state and federal capital cases. | Building Witness Relationships Billy Little, Capital Defense Attorney, Military Defender, San Diego, CA A discussion about building trusting relationships in order to gather information from reluctant witnesses and victims. | | |
| 12:15 pm – 1:15 pm | | | Lunch Break on Your Own | |
| 1:15 pm – 2:30 pm | | | CONCURRENT SESSIONS | |
| Tools for Self-Care: Sharing Our Knowledge Melanie Mueller, MSW, Investigator, Mitigation Investigator, Paralegal for Criminal Defense, Glendale, CA In the day-to-day work of listening to the stories of our clients, we as practitioners encounter grief and trauma. We do this in the context of the stresses of everyday living as well as personal losses and trauma. How do we take care of ourselves mentally and emotionally in order to maintain a reservoir from which to draw for ourselves and for our clients? We will explore best practices for self-care in the context of a supportive environment. | Investigating Beyond the Facts Presented Dawn Wilson, Wilson Investigations, AZ Diane Salvestrini, DSI Investigations, AZ Looking beyond the “snapshot” version of events presented by Law Enforcement and recovering all the details surrounding the event by thinking outside the box. | The Challenges and Ethics of Investigating Intimate Partner Violence (Part I) Bruni Marrero, Trainer of Investigator/Paralegal Staff, Legal Aid Society, New York, NY We will explore the many defenses in domestic or intimate violence that we see in our cases from an accidental, false accusations, lack of intent, self-defense and defense of others, diminished capacity, intoxication, alibi, necessity, and a parent’s right to discipline a child – to name a few. Let’s discuss who witnessed the incident? Was it intentional? Are the witnesses credible? Are there injuries? Who called 911? Social media evidence? Were the parties consuming alcohol and/or drugs? Severe mental health issues during the incident? Who started the conflict and why did it start? Was the issue about the discipline of the child, and not assault? What if the client shows up in the middle of the interview? Is the investigator a witness to the violation of an order of protection? The answers to these questions and more could provide you with the foundation for the best defense for client. | | |
| 2:30 pm – 2:45 pm | | | Networking Break, Exhibits | |
| 2:45 pm – 4:00 pm | | | CONCURRENT SESSIONS | |
| Title Presenter TBA | The More You Know Stacey DeVille, MFS, Texas Forensic Investigative Consultants, Austin, TX A crime scene consultant’s overall analysis of how to process a crime scene properly. Procedures, protocols, and traps to watch for. Session repeated on Wed. April 24 th at 9:15am. | The Challenges and Ethics of Investigating Intimate Partner Violence (Part II) Bruni Marrero, Trainer of Investigator/Paralegal Staff, Legal Aid Society, New York, NY Continuation – Intimate Partner Violence Part I | | |
| 4:00 pm – 4:15 pm | | | Networking Break, Exhibits | |
| 4:15 pm – 5:30 pm | | | PLENARY The Science of Eyewitness Memory: Understanding and Preventing Identification Errors Jennifer Dysart, Ph.D., John Jay College of Criminal Justice, New York, NY An experimental forensic psychologist, Dr. Dysart conducts research on eyewitness accuracy and the prevention of eyewitness errors. Dr. Dysart will discuss the science of memory and the various factors that contribute to the false identification of innocent suspects. Dr. Dysart will also present safeguards that may be implemented to reduce identification errors. This plenary session will also focus on the value of eyewitness evidence, the role of the eyewitness and whether errors can be identified. | |



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| 8:00 am – 8:45 am | | | Coffee Bar | WEDNESDAY, April 24 |
| 9:00 am – 9:15 am | | | | |
| Opening Remarks | | | | |
| Matthew Whalen, NDIA President | | | | |
| 9:15 am – 10:30 am | | | CONCURRENT SESSIONS | |
| <p align="center">Defending the Heinous Crimes: Child Pornography and Sex Offenses in an Online World (Part I)</p> <p>Al Olsen, Chief Investigator, Justice Investigations Services, Inc., Fort Myers, FL Marie Olsen, Manager/Private Investigator, Justice Investigations Services, Inc., Fort Myers, FL</p> <p>These sessions will provide an overview of how online, sexually related crimes are investigated and how they can be defended. We will address the elements of the various crimes, the proof necessary for the prosecution to bring a winnable case and the manner in which these proofs can and should be contested on behalf of your Defendant.</p> <p>The types of crimes reviewed in this session will include child pornography, online sexual encounters, online sexual seduction/enticement, catfishing, cyberstalking and trolling. Please note that due to the nature of these crimes, the language, case examples and topics covered during these sessions may be disturbing to some individuals.</p> | <p align="center">The More You Know</p> <p>Stacey DeVille, MFS, Texas Forensic Investigative Consultants, Austin, TX</p> <p>A crime scene consultant’s overall analysis of how to process a crime scene properly. Procedures, protocols, and traps to watch for.</p> <p>*Repeat Session from Tues. April 23rd at 2:45pm</p> | <p align="center">Digesting Discovery (Part I)</p> <p>Eric Hirst, Chief Information Officer, Public Defender for DC Matt Hanna, Supervisory Investigator, Public Defender Service for DC</p> <p>The amount of discovery produced in a case can be exhaustive and time consuming. Cataloging and categorizing it for the team can seem overwhelming. Join us in this hands-on demonstration using Excel to assist in the process. Participants will be shown how to gather all the data easily into an Excel spreadsheet with some tips on how to simplify the process with the addition of some free tools. Participants will then get the opportunity to try this out on their own.</p> | | |
| 10:30 am – 10:45 am | | | Networking Break, Exhibits | |
| 10:45 am – 12:00 pm | | | CONCURRENT SESSIONS | |
| <p align="center">Defending the Heinous Crimes: Child Pornography and Sex Offenses in an Online World (Part II)</p> <p>Al Olsen, Chief Investigator, Justice Investigations Services, Inc., Fort Myers, FL Marie Olsen, Manager/Private Investigator, Justice Investigations Services, Inc., Fort Myers, FL</p> <p>Continuation – Defending the Heinous Crimes Part I</p> | <p align="center">Artificial Intelligence in Criminal Justice</p> <p>Stephanie Lacambra, Criminal Defense Staff Attorney, Electronic Frontier Foundation, San Francisco, CA</p> <p>Course description TBA</p> | <p align="center">Digesting Discovery (Part II)</p> <p>Eric Hirst, Chief Information Officer, Public Defender for DC Matt Hanna, Supervisory Investigator, Public Defender Service for DC</p> <p>Continuation – Digesting Discovery Part I.</p> | | |
| 12:00 pm – 1:00 pm | | | Lunch Break | |
| 1:00 pm – 2:15 pm | | | CONCURRENT SESSIONS | |
| <p align="center">Making the Most out of your Social Media Investigations</p> <p>Rob Douglas, CEO and Co-Founder, SkopeNow, New York, NY</p> | <p align="center">Algorithmic Tools Used in the Criminal Justice System</p> <p>Stephanie Lacambra, Criminal Defense Staff Attorney, Electronic Frontier Foundation, San Francisco, CA</p> <p>Text.</p> | <p align="center">EEK! I’m going to include Mitigation in my Investigation?</p> <p>Dawn Wilson, Wilson Investigations, AZ Diana Salvestrini, DSI Investigations, AZ</p> <p>Looking beyond the Who, What, Where, When and How and focusing on the WHY.</p> | | |
| 2:15 pm – 2:30 pm | | | Networking Break, Exhibits | |
| 2:30 pm – 5:30 pm | | | KEYNOTE | |
| “The Staircase” | | | | |
| David Rudolf, Attorney, Rudolf Widenhouse, Charlotte, NC | | | | |
| <p>In 2001, Kathleen Peterson was found dead at the bottom of the stairs in the North Carolina home shared with her husband, author, Michael Peterson. Michael Peterson was found guilty of first-degree murder for the killing of his wife. David Rudolf, the defense attorney for Michael Peterson, will talk about his case and the theories told in “<i>The Staircase</i>” – as well as the verdict.</p> <p>“<i>The Staircase</i>” explores the lengthy, sixteen-year legal battle that ensued for Michael Peterson after the suspicious death of Kathleen Peterson. The 13-part documentary is available on Netflix.</p> | | | | |
| <p>President’s Reception Mission Bay Ballroom Terrace 5:30 pm – 7:30 pm</p> | | | | |



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| 8:00 am – 8:45 am | | Coffee Bar | THURSDAY, April 25 |
| 9:00 am – 9:15 am | | Opening Remarks | |
| Matthew Whalen, NDIA President | | | |
| 9:15 am – 10:45 am | | PLENARY | |
| <p>Roles and Responsibilities of Capital Defense Team Members Ed Ungvarsky, Attorney/Principal, Ungvarsky Law, PLLC, Alexandria, VA</p> <p>The ABA Guidelines make clear that a capital defense team should be comprised of no less than 2 attorneys, at least 1 fact investigator, and at least 1 mitigation specialist. Every member of the capital defense team has different background and skill sets. And every member of the team is working toward the same goal - to save the life of the client. The presenter will talk about how through the dedication of all team members and mutual respect among all, a team-based approach to representation can obtain the best outcome for the client.</p> | | | |
| 10:45 am – 11:00 am | | Networking Break, Exhibits | |
| 11:00 am – 12:15 pm | | CONCURRENT SESSIONS | |
| <p>Representing US Service Members and Veterans Ed Ungvarsky, Attorney/Principal, Ungvarsky Law, PLLC, Alexandria, VA</p> <p>Representing Service Members and Veterans in Capital Case: The representation of current and former U.S. Service members provides unique challenges and opportunities in identifying, developing, and presenting mitigation evidence. This session will provide a primer on how to investigate and present evidence of military experience. With regard to investigation, the presenter will address records collection, locating and interviewing witnesses, learning about possible "PTSD" and other mental health concerns, and the gathering of awards, photographs, and other documentary evidence in mitigation. With regard to presentation, the presenter will address the different potential audiences, including victims, the prosecutor, the judge, and the jurors, and effective ways to communicate to all decision-makers that a sentence less than death is appropriate. Through the presentation, the presenters will thematically address the need for cultural competency as it relates to this special background associated with the 1% of Americans who have served in our Armed Forces.</p> | <p>The Difference Between Capital Mitigation and Mitigation for Re-Sentencing Juveniles in Light of Miller & Graham Heather Holmes, Ph.D., Forensic Psychologist, Principal Consultant, Psychological Consultants Fort Lauderdale, FL</p> <p>Dr. Holmes will use her expertise in the areas of mental health, sex offenders, and mitigation for capital cases to examine the differences between normal capital mitigation and those of the recent decisions that hold it to be unconstitutional for juveniles to be sentenced to life imprisonment without the possibility of parole in non-homicide cases</p> | <p>The Different Approach to Interviewing: P.E.A.C.E. Framework of Interviewing (Part I) Jonathan Davison, President, CEO, Forensic Interview Solutions, Raleigh/Durham, NC</p> <p>A critical component of any investigation is the ability of the investigator to obtain accurate and reliable information from victims, witnesses and suspects. The interview process is an essential part of the information gathering procedure. In this 3-part Workshop, we will examine the evolution of investigative interviewing, the benefits of adopting the P.E.A.C.E. interviewing approach, and examine the principles of conducting investigative interviews.</p> | |
| 12:15 pm – 1:15 pm | | Lunch Break | |
| 1:15 pm – 2:30 pm | | CONCURRENT SESSIONS | |
| <p>Homicide Investigations: Creating Standard Operating Procedures for the Defense Investigator Bruni Marrero, Trainer of Investigator/Paralegal Staff, Legal Aid Society, New York, NY</p> <p>More than a checklist, this will be an in-depth discussion on how to work up a homicide case.</p> | <p>Detection and Etiology of Substance Abuse: How to Use it as a Mitigator & Investigator Heather Holmes, Ph.D., Forensic Psychologist, Principal Consultant, Psychological Consultants, Fort Lauderdale, FL</p> <p>Attendees will learn how a client's medical and mental health history, as well as family history, can help detect the presence of substance abuse. Clinical examples of cases from both federal and state courts in which substance abuse can be explained as a result of an illness, will be discussed.</p> | <p>The Different Approach to Interviewing: P.E.A.C.E. Framework of Interviewing (Part II) Jonathan Davison, President, CEO, Forensic Interview Solutions, Raleigh/Durham, NC</p> <p>Continuation – P.E.A.C.E. Part I Workshop.</p> | |
| 2:30 pm – 2:45 pm | | Networking Break, Exhibits | |
| 2:45 pm – 4:00 pm | | CONCURRENT SESSIONS | |
| <p align="center">Title Presenter TBA</p> <p>Text.</p> | <p>Winning the Unwinnable Cases... Billy Little, Capital Defense Attorney, Military Defender, San Diego, CA</p> <p>...or at least not getting laughed out of the courtroom. This session will discuss strategies for investigating cases where there appears to be no defense.</p> | <p>The Different Approach to Interviewing: P.E.A.C.E. Framework of Interviewing (Part III) Jonathan Davison, President, CEO, Forensic Interview Solutions, Raleigh/Durham, NC</p> <p>Continuation – P.E.A.C.E. Parts I & II Workshop.</p> | |
| 4:00 pm – 4:15 pm | | Networking Break, Exhibits | |



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4:15 pm – 5:30 pm

CONFERENCE CLOSING SESSION

The Future of Defense Investigations: Informal Roundtable Discussion
Presenter(s) - TBD