



The Changing Role of Criminal Defense Investigation

CONFERENCE AGENDA

4:00 - 6:00 pm

REGISTRATION

TUESDAY, April 3

7:30 – 8:45 am

REGISTRATION and Coffee Bar

WEDNESDAY, April 4

8:45 - 9:15 am **Welcome and Opening Remarks**

Matthew Whalen, NDIA President
Avis Buchanan, Director, Public Defender Service for the District of Columbia, Washington, DC
Rudy Acree, Deputy Director, Public Defender Service for the District of Columbia, Washington, DC

9:15 – 10:45 am

KEYNOTE

Causes of Wrongful Convictions

Elizabeth (Eily) P. Raman, Esq., Screening Director, Mid-Atlantic Innocence Project
There are many causes of wrongful convictions, and more than one can be present in a given case. This session will discuss information on six of the most common causes and the role they have played in the cases of MAIP exonerations: Eyewitness Misidentification, Unreliable or Improper Forensic Science, False Confessions, Informant Testimony, Government Misconduct, and Inadequate Defense.

10:45 – 11:00 am

Networking Break, Exhibits

11:00 – 12:15 pm

CONCURRENT SESSIONS

The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement

Professor Andrew Ferguson, University of District of Columbia, David A. Clarke School of Law

Behind the data are real people, and difficult questions remain about racial discrimination and the potential to distort constitutional protections.

In this session based on his first book on big data policing, Ferguson offers an examination of how new technologies will alter the who, where, when, and how we police. These new technologies also offer data-driven methods to improve police accountability and to remedy the underlying socio-economic risk factors that encourage crime.

The Dark Web and Social Media Discovery Part 1

Karhrman Ziegenbein, CEO, Founder, Toonari, Inc., Karel Stepanek, Client Partner and Research Instructor, Toonari, Inc., Valery Satterwhite, Analyst and Researcher, Toonari, Inc.

This comprehensive training course is specifically designed for criminal defense investigators who want to know how to conduct safe and effective online discovery. It is a proven and practical course that will take you from zero experience in gathering intelligence on the Dark Web, Internet, and Social Media Web to becoming a proficient and active Deep Web-OSINT-SOCMINT investigator who understands the terminology, pitfalls, and complexity of Internet-based intelligence gathering.

Video and Audio Editing Part 1 (Workshop)

Matt Hanna, Supervisory Investigator, Public Defender Service for DC, Washington, DC, and Eric Hirst, Chief Information Officer, Public Defender Service for DC, Washington, DC

Learn the ins and outs of video and audio editing, including Body Worn Camera (BWC) footage. This hands-on Tech Workshop will go over some basic tools and software for editing video and audio – including adding subtitles. This is a two-part session, so try not to miss out. Spoiler Alert: we may start the discussion about Virtual Reality (VR) in investigations, which is a later session.

12:15 – 1:15 pm

LUNCH BREAK

1:15 – 2:30 pm

CONCURRENT SESSIONS

The Grand Jury Process: Behind the Curtain

Professor Roger Fairfax, Senior Associate Dean for Academic Affairs, Professor of Law, The George Washington Law School

A discussion of the role the prosecutor plays in the grand jury process. "The Grand Jury and Police Violence Against Black Men," by Roger Fairfax (Grand Jury 2.0), illuminates this little-discussed stage of the criminal process.

The Dark Web and Social Media Discovery Part 2

Karhrman Ziegenbein, CEO, Founder, Toonari, Inc., Karel Stepanek, Client Partner and Research Instructor, Toonari, Inc., Valery Satterwhite, Analyst and Researcher, Toonari, Inc.

Continuation of Session.

Video and Audio Editing Part 2 (Workshop)

Matt Hanna, Supervisory Investigator, Public Defender Service for DC, Washington, DC, and Eric Hirst, Chief Information Officer, Public Defender Service for DC, Washington, DC

Continuation of Session.

2:30 – 2:45 pm

Networking Break, Exhibits

2:45 – 4:00 pm

CONCURRENT SESSIONS

Defending Our Defenders: The Military Criminal Justice System - Part 1

Kevin Smith, Defense Investigator, Washington Navy Yard, DC

The discussion will center on the unique environment of the military criminal justice system and some of the obstacles that hinder how the defense work these cases, along with the differences between dealing with a military client versus a civilian.

We will touch upon the roles of Defense Investigators within the Dept. of Defense and how the program evolved.

The Dark Web and Social Media Discovery Part 3

Karhrman Ziegenbein, CEO, Founder, Toonari, Inc., Karel Stepanek, Client Partner and Research Instructor, Toonari, Inc., Valery Satterwhite, Analyst and Researcher, Toonari, Inc.

Continuation of Session.

Virtual Reality (VR) Introduction (Workshop)

Matt Hanna, Supervisory Investigator, Public Defender Service for DC, Washington, DC, and Eric Hirst, Chief Information Officer, Public Defender Service for DC, Washington, DC

In this session, there will be a Virtual Reality (VR) demonstration and a discussion of how VR is used in Investigations now and in the future.

4:00 – 4:15 pm

Networking Break, Exhibits

4:15 – 5:30 pm

CONCURRENT SESSIONS

Defending Our Defenders: The Military Criminal Justice System - Part 2

Kevin Smith, Defense Investigator, Washington Navy Yard, DC

Continuation of Session. There are various resources within the Dept. of Defense for inquiry during an investigation. The session will explain specifically what to look for in discovery.

We will review one or two cases as teaching points throughout this presentation.

The Dark Web and Social Media Discovery Part 4

Karhrman Ziegenbein, CEO, Founder, Toonari, Inc., Karel Stepanek, Client Partner and Research Instructor, Toonari, Inc., Valery Satterwhite, Analyst and Researcher, Toonari, Inc.

Continuation of Session.

Hypnosis and De-Stressing Techniques

Jonathan Lyon, Certified Hypnotherapist and Legal Investigator, Kevin W. McClain Investigations, Chicago, IL

Allow your daily grind to come to a halt - at least for an hour or so. This session will give you the tools to reduce your stress and re-charge your energy. Let Jon help you re-energize your batteries and relax in a comfortable setting that will, by the end of the session, teach you how to accomplish this on your own!



The Changing Role of Criminal Defense Investigation

CONFERENCE AGENDA

8:00 – 8:45 am

Coffee Bar

THURSDAY, April 5

8:45 - 9:15 am

Opening Remarks

Matthew Whalen, NDIA President

9:15 – 10:45 am

PLENARY

Overview of Immigration Cases, Defenses and Strategies in Federal Court

Maria Jacob, Esq., Assistant Federal Public Defender, Office of the Federal Public Defender - Eastern District of VA
Kevin Wilson, Esq., Assistant Federal Public Defender, Office of the Federal Public Defender - Eastern District of VA

Discussion focusing on the immigration hurdles that criminal defendants face in the Eastern District of Virginia. Real case examples will be presented, identifying specific challenges and strategies used to combat these challenges. Cases will include individuals charged with illegal re-entry and naturalization fraud who had unique immigration issues.

10:45 – 11:00 am

Networking Break, Exhibits

11:00 – 12:15 pm

CONCURRENT SESSIONS

**How Angry Are They?
Interviewing Victims or Their Families**

Jonathan Lyon, Legal Investigator,
Kevin W. McClain Investigations, Chicago, IL

The hardest conversation turned into an opportunity. We can help bring closure to the hardest day of their lives. This session will give you some pointers on when, how, and the kinds of things to pay attention to, so that facilitating the best outcome for your case becomes possible.

Immigration Issues – Part 1

Kathryn D'Adamo, Esq., Public Defender Service for
DC, Washington, DC

Immigration issues have the potential to arise in any criminal case, either as a consequence of your immigrant client's arrest, or as often overlooked, in the context of the non-citizen witness in your client's matter. This session will cover how common charges affect your immigrant client, as well as explore avenues of cross-examination for the non-citizen witness.

**How to Protect your Personal
and Business Assets**

Michael Yergey, Yergey Insurance

The session will give an understanding of insurance and how to protect yourself while you work in the field and when writing a report.

12:15 – 1:15 pm

LUNCH BREAK

1:15 – 2:30 pm

CONCURRENT SESSIONS

Police Face Recognition

Clare Garvie, Associate, Center on Privacy & Technology,
Georgetown University Law Center

State and local police departments have been using face recognition systems as investigative tools for years. Major police departments are exploring real-time face recognition on live surveillance camera video in the absence of comprehensive laws or regulations, and often without robust policies governing the use of the technology. This session will update attendees on the status of face recognition technology, how law enforcement agencies are using it in investigations, and the questions of system accuracy, possible bias, and other issues to consider when examining how face recognition is used in your jurisdictions.

Immigration Issues – Part 2

Kathryn D'Adamo, Esq., Public Defender Service for
DC, Washington, DC

Continuation of Session. Discussion of recent policy changes and developments in the law regarding how immigration courts view these offenses, including a discussion of recent Supreme Court cases. Also discussed will be the process and practice of immigration detention when a non-citizen has a removable conviction or arrest. Lastly, we will also include a discussion of the non-citizen witness and possible impeachment motivations arising out of immigration status (e.g., U Visa or prior crimes).

**Developing a Defense in Sex Offense Cases:
Interviewing Women, Children, and Members
of the LGBTQ Communities
Part 1**

Bruni Marrero, Investigator, Paralegal Trainer,
Legal Aid Society, New York, NY

Establishing rapport is important in criminal defense cases. This session will discuss ways in which we can best interview women, children, and members of the LGBTQ community in sex cases. You don't want to get off on the wrong foot with someone by using the incorrect pronoun or otherwise labeling them in a way that makes them uncomfortable and makes it difficult to establish a rapport. This session will discuss ways in which we can successfully interview these communities.

2:30 – 2:45 pm

Networking Break, Exhibits

2:45 – 4:00 pm

CONCURRENT SESSIONS

**Sentencing Videos: How to Bring the Right Kind
of Drama to the Courtroom**

Lindsay Prado, Mitigation Specialist,
Prado Sentencing Solutions

At sentencing, the judge has heard it all, but has he/she seen it all? Sentencing videos act as a more tangible mitigation medium and allow the judge or jury to see and understand an aspect of your client's story that may otherwise be overlooked. This session will discuss how to conceptualize and create persuasive and compelling sentencing videos, including the pre-production considerations, the production phase and equipment required, and lastly the post-production focusing on video editing options.

**How to Work with an Interpreter in the
Community: Overcoming Linguistic and
Cultural Barriers**

Dinah Manning, Moderator, staff attorney for the
Public Defender Service for DC; Ana Maria Builes
and Molly Thomas, Investigators for the Public
Defender Service for DC, Rosa Carrillo, Language
Services Director at Multicultural Community Service,
David Steib, Language Access Director at Ayuda

Clients who speak a foreign language should be interviewed by a trained certified investigator, or a hired professional interpreter who speaks and understands the same language. Unfortunately, there are a very limited number of well-trained multi-lingual professional interviewers; therefore, the necessity of an interpreter. When recruiting an individual to serve as an interpreter during an interview, what are the best practices? This session will discuss what those best practices should take into consideration.

**Developing a Defense in Sex Offense Cases:
Interviewing Women, Children, and Members
of the LGBTQ Communities
Part 2**

Bruni Marrero, Investigator, Paralegal Trainer, Legal
Aid Society, New York, NY

Continuation of Session.

4:00 – 4:15 pm

Networking Break, Exhibits

4:15 – 5:30 pm

CONCURRENT SESSIONS

Discovery

Marilyn Nevy Cruz, Paralegal/Investigator, Office of the
Federal Public Defender - Eastern Dist. of VA

Learn how to utilize and shed light on research tools to help you perform more thorough, factual discovery for your investigation.

Introduction to Firearms

Philip Crumbacker, United States Secret Service
Firearms Instructor

Learn the basics of firearms safety. This session will help you become familiar with how to properly and safely handle handguns, rifles, and shotguns. See many different types of firearms and learn how they work.

Cell Phone Extraction 101

Matt Hanna, Supervisory Investigator, Public
Defender Service for DC, Washington, DC, and Eric
Hirst, Chief Information Officer, Public Defender
Service for DC, Washington, DC

This session will center around the basics of Cell Phone Extraction, incorporating simple-to-use (paid) software, to better prepare any cases involving a cell phone. All equipment and software is not forensic grade – so experts still may be required on your cases. The information presented is to better inform you and your attorney(s) on any cell phone questions, case facts, and whether or not experts are needed in your case.



The Changing Role of Criminal Defense Investigation
CONFERENCE AGENDA

8:00 – 8:45 am

Coffee Bar

FRIDAY, April 6

8:45 - 9:15 am

Opening Remarks

Matthew Whalen, NDIA President

Trish Slater, Chief Investigator, Office of the Federal Public Defender for Maryland, Baltimore, MD

9:15 – 10:45 am

PLENARY

Doing More with Less: Strategies for Effective Defense Investigations Under the Criminal Justice Act

A.J. Kramer, Federal Public Defender, Washington, DC

Heather Pinckney, Esq., Partner, Harden & Pinckney, PLLC

Brandi Harden, Esq., Partner, Harden & Pinckney, PLLC

Michael Rucker, Supervisory Investigator, Public Defender Service for DC, Washington, DC

Trevor R. Hewick, Investigator and Security Consultant, Protocol Security Agency, Laurel, MD

10:45 – 11:00 am

Networking Break, Exhibits

11:00 – 12:15 pm

CONCURRENT SESSIONS

Ethics for Investigators: Navigating Duty to Investigate When Using Facebook and Other Social Media Sites

Bruni Marrero, Investigator, Paralegal Trainer, Legal Aid Society, New York, NY

This course will discuss the ethical pitfalls faced by investigators and attorneys when gathering social media evidence to be used at hearings or trials. The course will also address the ethical dilemmas faced by the defense investigators when searching through witnesses' social media - "what to do with that evidence."

Deconstructing the Confession

James Trainum, Owner, Criminal Case Review & Consulting, Washington, DC

This presentation will highlight the problems associated with current accusatorial interrogation practices, discuss how contamination of statements can occur, and outline how the reliability of statement evidence can be tested. The goal is to give the investigator or attorney the tools to identify the red flags that will assist them in discrediting a client's confession or a witness/victim statement – even without the help of an expert.

Challenging Firearms Evidence: Gathering Ammunition for your Defense

Kate Philpott, Esq., Forensic Scientist

The accuracy of examinations purporting to link a bullet to a particular gun is no longer a foregone conclusion in the wake of a series of scathing reports by groups of nationally renowned scientists. This primer on recent developments will introduce you to the practice and subjectivity of firearms and toolmark examinations. Discussion will include guidance on avenues to explore in discovery, when and how to challenge admissibility, and how to ensure the opinions and language of testing surrounding the reliability of this type of evidence. Finally, participants will be introduced to the standards and guidelines governing this type of evidence advanced by leading academics and practitioners in the field.

12:15 – 1:15 pm

LUNCH BREAK

1:15 – 2:30 pm

CONCURRENT SESSIONS

Investigations

Rudy Acree, Deputy Director, Public Defender Service for DC, Washington, DC, and Brian Ruffin, Investigator, Public Defender Service for DC, Washington, DC

This session will explore issues that new investigators have with time management, professional writing skills (memoranda, report writing), interviewing police officers or other professionals, how to handle demanding attorneys/supervisors and "managing up" best practices.

False Confessions

James Trainum, Owner, Criminal Case Review & Consulting, Washington, DC

False Confessions: An Inside Look at the Interrogation Room reveals the tactics that investigators use that can not only lead to false confessions, but bad witness statements and false guilty pleas as well.

The ability to obtain information from witnesses, victims, and suspects that is admissible, accurate, and reliable has been called the most important and most frequently used skill set of law enforcement. Unfortunately, the way law enforcement is currently trained to accomplish this goal greatly contributes to the problem of unreliable statements from witnesses and false confessions from defendants.

The Opioid Crisis

Michael Dayoc, Chief of Investigations, Montgomery County Public Defender, Norristown, PA

This presentation will cover what exactly is classified as an Opioid drug, the effects they have on the body, and why we get addicted so quickly. Overprescribed Opioids, death statistics, and Opioid death investigations, what crimes are associated with usage, why this is everyone's problem, and possible solutions to the crisis.

2:30 – 2:45 pm

Networking Break, Exhibits

2:45 – 4:00 pm

CONCURRENT SESSIONS

A-Z Internet and Social Media Sites You Never Knew Existed Can Help You on Your Cases

Jonathan Lyon, Legal Investigator, Kevin W. McClain Investigations, Chicago, IL

This session will cover web sites and software you probably never knew existed or could access, that can provide necessary information needed for your investigation, right at your fingertips.

Each letter of the alphabet has a web site, and, as a bonus, you'll see a piece of software and an app as well. All this will happen in a fast-paced, fun, and useful presentation that can impact your cases today!

Working With Gang-Involved Clients

Susan Cruz, Forensic Social Worker, Public Defender Service for DC, Washington, DC

Exposure to injury, trauma, and risk-taking associated with gang culture and gang violence complicates mental health development and general well-being. Susan Cruz will discuss best practices based on her on-the-ground experience with youth. She will also discuss what hasn't worked. She will highlight the importance of building a personal relationship with youth, assessment, collaborative approaches, and special considerations, such as immigration status and gender. An interactive discussion will allow participants to share with one another their experiences and how to apply concepts learned during the session.

Participants will obtain an understanding of gang culture and gang dynamics, be able to identify their role to their gang-involved clients and understand how they view that role, and will practice communication strategies that can facilitate rapport and build mutual respect and trust.

Statement and Report Writing

Larry Carlson, Investigator, Washoe County Alternate Public Defender, Reno, NV, and David Young, Investigator, Office of the Public Defender, Paterson, NJ

Interviewing crime victims and Report Writing 101 for the new Investigator.

CERTIFICATE PICK-UP