



NATIONAL DEFENDER INVESTIGATOR ASSOCIATION
2022 NATIONAL CONFERENCE
San Diego, CA



“Sharing Solutions”

CONFERENCE AGENDA

4:00 pm – 6:00 pm		REGISTRATION		TUESDAY, April 26	
8:00 am – 9:15 am		REGISTRATION and Coffee Bar		WEDNESDAY, April 27	
9:15 am – 9:30 am		Welcome and Opening Remarks			
Matthew Whalen, NDIA President					
9:30 am – 10:45 am		PLENARY			
<div>Thinking of the End at the Beginning: An Integrated Approach to Defense Investigation</div> <div>Susan Randall, Owner/Investigator and Mitigation Specialist, VTPrivateye, LLC, Burlington, VT</div> <div>An overview of the general timeline of investigating a criminal case, and explore how we as investigators, can prepare for whatever twists and turns a case will take, from the moment the case comes in. The presenter will discuss how to concurrently conduct a fact investigation and investigate the mitigating factors that make our client's story unique, regardless of budget. We can often work with a client's family to uncover facts in our clients' histories that change the narrative and make a huge difference in negotiations and at sentencing. Rather than waiting to prepare for a sentencing at the very end of a case, the presenter will discuss how we can combine a mitigation investigation with a thorough fact investigation, right from the get go. The presenter will share examples from 23 years of past cases she has worked on, where the defense was able to 'front end load' mitigation and use critical information about a client's history and unique circumstances in negotiations with the prosecutor. The presenter will discuss how we can sometimes effectively influence how a case is charged and greatly impact the ultimate outcome.</div>					
10:45 am – 11:00 am		Networking Break, Exhibits			
11:00 am – 12:15 pm					
<div>Understanding Immigration Consequences for Clients</div> <div>Heather Boxeth, J.D., M. Ed., Criminal Immigration Resource Attorney for the County of San Diego Office of the Public Defender, Law Office of Heather M. Boxeth, San Diego, CA</div> <div>Pacific Room</div> <div>This session will cover the various immigration consequences for our non-US citizen clients, including an overview of the different legal status.</div> <div>The presenter will also delve into what is necessary information to gather for our non-US citizen clients and how to find it.</div>		<div>Smartphone Capture and App Data - Part I</div> <div>Amber Schroader, Founder and CEO, Paraben Corporation, Aldie, VA</div> <div>Sunset Room</div> <div>Smartphone collection can vary by tool and technology used, but there are some fundamental standards that are always there. Learn what the different imaging techniques are and the expectation of the data that should be received with each technique. When cloud data can and cannot be captured and what the process is for that data. Both Android and Apple devices will be reviewed as well as a variety of tools in the smartphone forensic arena.</div>		<div>An Interactive Guide to Mitigation Madness</div> <div>Dawn Wilson, Wilson Investigative Services, AZ Diane Salvestrini, DSI Investigations, AZ</div> <div>Marina Room</div> <div>The purpose of a mitigation checklist is to identify the types and extent of information that an investigator/mitigation specialist needs to assess the likelihood of success of mitigation in a case.</div> <div>The presenters would like to conduct this session with active attendee participation, so please bring your own mitigation checklist(s) so all can compare and brainstorm together!</div> <div>*Repeat Session on Day 2</div>	
12:15 pm – 1:15 pm					
1:15 pm – 2:30 pm					
<div>Interviewing with Emotional Intelligence</div> <div>Lubna Debbini, Investigator, Orange County Alternate Defender, Santa Ana, CA</div> <div>Pacific Room</div> <div>Interviewing is the bread and butter of what defense investigators do. This class will discuss ideas intended to improve your existing skills and take your interviews to the next level. Learn how to handle difficult situations, people, and questions. When you learn to use empathy as a tool, you not only make better connections, but you learn valuable information that can change the outcome of your case.</div>		<div>Smartphone Capture and App Data - Part II</div> <div>Amber Schroader, Founder and CEO, Paraben Corporation, Aldie, VA</div> <div>Sunset Room</div> <div>Apps are the key to the data in smartphones and where people spend over 70% of their time. The process to capture those apps and the steps to make sure you do not miss any data is more than what meets the eye. Learn about the three different courses of App data and how to get the most from popular Apps found in Social Media (Facebook, TikTok, Twitter, Instagram) as well as other Apps that are common for users.</div> <div>Upon completion of Part I and Part II, the basics of data collection from smartphones will be shared, as well as the understanding of trending Apps and related data and the analysis of data from devices, cloud and compliance-related sources.</div>		<div>Case Management in The Digital Age</div> <div>Tamara McCormic, Paralegal, Orange County Associate Defender - Homicide Unit, Santa Ana, CA Kristen Widmann, Investigator III, Orange County Associate Defender - Homicide Unit, Santa Ana, CA</div> <div>Marina Room</div> <div>Whether you're starting a new career as a criminal investigator or you're a seasoned investigator, this session will offer case management tips that will help you in the current digital age of investigations.</div> <div>From document management, to task management to time tracking, this session will provide you with the tools you need to gain control of your time, caseload and help you feel less overwhelmed.</div> <div>*Repeat Session on Day 2</div>	
2:30 pm – 2:45 pm		Networking Break, Exhibits			
2:45 pm – 4:00 pm					
<div>Location, Location, Location: It's Not Just For Real Estate Anymore</div> <div>Benjamin Rose, President, Carden Rose, Inc., Cupertino, CA</div> <div>Pacific Room</div> <div>Call Detail Records (CDR) and Historical Cell Site Analysis records are obtained, analyzed, and admitted as evidence in most cases these days. This session is designed to provide an overview of Cellular networks, the records that are created, how they may be used and their limitations.</div> <div>This session will also cover the creation of geolocation information on cell phones that overlaps with the cell phone carrier's records.</div> <div>*Repeat Session on Day 2</div>		<div>Mitigation Sentencing Videos & Visual Advocacy in the Courtroom</div> <div>Susan Randall, Owner/Investigator and Mitigation Specialist, VTPrivateye, LLC, Burlington, VT</div> <div>Sunset Room</div> <div>It is our job to figure out how to make judges toss and turn at night, before sentencing our clients. If we 'think outside the box' we can give judges a reason to sentence our clients outside the guideline range. The presenter was a documentary filmmaker for many years in NYC, producing shows for the hit series <i>Biographies</i> at A&E Television, before bringing these visual storytelling skills into her work as a defense investigator.</div> <div>The presenter will discuss when we might want to use a mitigation video, what length and content is appropriate, and what a defense team looks for when they decide to produce a video. The presenter will also discuss the nuts and bolts of producing a video, what to include and leave out, and ways to get around budgetary concerns.</div> <div>The presenter will also discuss how to head off 'push back' from the prosecution, and share some examples of past videos that were effective in court, including great results with downward departures across state and federal court, and for death penalty cases throughout the country.</div>		<div>Tech-Related Topic Pending</div> <div>Name, Title, Agency, City/State</div> <div>Marina Room</div> <div>Session Blurb.</div>	



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8:30 am – 9:30 am		Coffee Bar / Opening Remarks (9:25am)		THURSDAY, April 28	
Matthew Whalen, NDIA President					
9:30 am – 10:45 am		PLENARY			
<p>Eyewitness Identifications: When Can They be Trusted?</p> <p>Julie A. Buck, Adult & Child Eyewitness Memory Consultant & Expert Witness, San Diego, CA</p> <p>Misidentifications are the number one cause of wrongful convictions and continue to be a significant concern in many legal cases. While the best practices in collecting and documenting eyewitness identification evidence are well established in the scientific community, these best practices are not always utilized by officers in the field. A subcommittee appointed by the American Psychology-Law Society (Wells et al., 2020) recently updated the best practices for collecting and preserving eyewitness identification evidence. These best practices will be discussed. While there are many ways in which the collection and preservation of eyewitness evidence influences its accuracy, factors outside of the control of the justice system (estimator variables) can also have a major impact on the accuracy of eyewitness identifications. This presentation will discuss how to evaluate the reliability of eyewitness identifications using the latest scientific findings regarding estimator variables and the collection and preservation of eyewitness identification evidence.</p>					
10:45 am – 11:00 am		Networking Break, Exhibits			
11:00 am – 12:15 pm		CONCURRENT SESSIONS			
<p>Location, Location, Location: It’s Not Just For Real Estate Anymore</p> <p>Benjamin Rose, President, Carden Rose, Inc., Cupertino, CA</p> <p>Pacific Room</p> <p>Call Detail Records (CDR) and Historical Cell Site Analysis records are obtained, analyzed, and admitted as evidence in most cases these days. This session is designed to provide an overview of Cellular networks, the records that are created, how they may be used and their limitations.</p> <p>This session will also cover the creation of geolocation information on cell phones that overlaps with the cell phone carrier’s records.</p> <p>*Repeat Session from Day 1</p>		<p>Cultivating Positive Interactions Between Investigators and Attorneys</p> <p>AJ Ruben, Investigator/Attorney, VTPPrivateye, LLC, Burlington, VT</p> <p>Sunset Room</p> <p>Investigators working with defense attorneys can increase their efficiency, effectiveness and sense of empowerment by better understanding the dynamics involved between the attorneys and themselves.</p> <p>An experienced investigator and an experienced criminal defense and civil rights attorney, now also working as an investigator, will share insight on the roles, pressures, and priorities impacting both sides of the crucial criminal defense equation that is the attorney/investigator relationship. Specific strategies and tactics based on the increased understanding of the dynamic relationship between investigators and attorneys will be provided. Discussion of examples of difficult, positive, and negative experiences from presenters and attendees will provide added assistance and impact to the improvement of these critical interactions.</p>		<p>An Interactive Guide to Mitigation Madness</p> <p>Dawn Wilson, Wilson Investigative Services, AZ</p> <p>Diane Salvestrini, DSI Investigations, AZ</p> <p>Marina Room</p> <p>The purpose of a mitigation checklist is to identify the types and extent of information that an investigator/mitigation specialist needs to assess the likelihood of success of mitigation in a case.</p> <p>The presenters would like to conduct this session with active attendee participation, so please bring your own mitigation checklist(s) so all can compare and brainstorm together!</p> <p>*Repeat Session from Day 1</p>	
12:15 pm – 1:15 pm		Lunch Break			
1:15 pm – 2:30 pm		CONCURRENT SESSIONS			
<p>7 Habits of Highly Effective Investigators</p> <p>Lubna Debbini, Investigator, Orange County Alternate Defender, Santa Ana, CA</p> <p>Pacific Room</p> <p>Do you feel burnt out, jaded, like your career has plateaued? Have you lost your excitement and drive, and find yourself just humming along from task to task? Then join us to invigorate yourself by rethinking what you do and how you do it. These highly effective habits will improve your interaction with your lawyers, clients, witnesses, support staff, and your friends and family.</p>		<p>Between an Ethical Wall and a Hard Place</p> <p>Solomon Chang, Supervising Attorney - SVP Unit, Office of the Primary Public Defender, San Diego, CA</p> <p>Sunset Room</p> <p>In an increasingly complex and digital world, evidence of crime can come in many forms. This presentation will address both ethical and strategic considerations in dealing with evidence of client criminality, addressing the critical questions, “Should we take it or not?”</p>		<p>Case Management in The Digital Age</p> <p>Tamara McCormic, Paralegal, Orange County Associate Defender - Homicide Unit, Santa Ana, CA</p> <p>Kristen Widmann, Investigator III, Orange County Associate Defender - Homicide Unit, Santa Ana, CA</p> <p>Marina Room</p> <p>Whether you’re starting a new career as a criminal investigator or you’re a seasoned investigator, this session will offer case management tips that will help you in the current digital age of investigations.</p> <p>From document management, to task management to time tracking, this session will provide you with the tools you need to gain control of your time, caseload and help you feel less overwhelmed.</p> <p>*Repeat Session from Day 1</p>	
2:30 pm – 2:45 pm		Networking Break, Exhibits			
2:45 pm – 4:30 pm		KEYNOTE			
<p>“The Mailbox Conspiracy”</p> <p>Alexander Silvert, Retired First Assistant Federal Defender / Author, Honolulu, HI</p> <p>Adam Choka, Investigator, Office of the Federal Public Defender - District of Oregon, Eugene, OR</p> <p>In 2013, the Chief of the Honolulu Police Department, Louis Kealoha, and his wife Katherine, the city’s third-highest ranking prosecutor, accused a relative of stealing their mailbox. Approximately six years later, this law enforcement power couple and several other police officers were convicted of framing the relative and are currently serving federal prison sentences. The presentation will focus on how First Assistant FPD Alexander Silvert and his team of investigators at the Hawaii Federal Defenders Office, including Adam Choka, one of the FPD investigators in the case, uncovered evidence of their client’s innocence, persuaded federal prosecutors to dismiss the case against their client and convinced the FBI to investigate the Kealohas. Silvert and Choka will tell the inside story of how defense investigation led to the exoneration of their client and helped uncover the biggest law enforcement corruption scandal in Hawaii history.</p> <p>The stranger-than-fiction events are chronicled in Silvert’s book, <i>The Mailbox Conspiracy</i>, which is available from fine retailers, including Amazon, iTunes, Barnes & Noble, and via the publisher’s website: https://bookshawaii.net/products/the-mailbox-conspiracy</p>					
<p>President’s Reception</p> <p>Mission Bay Ballroom Terrace</p> <p>4:30 pm – 6:30 pm</p>					



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8:30 am – 9:30 am		Coffee Bar / Opening Remarks (9:25am)		FRIDAY, April 29	
Matthew Whalen, NDIA President					
9:30 am – 10:45 am		PLENARY			
<p>What Investigators Should Know to Guard Against Wrongful Convictions</p> <p>Raquel Cohen, Staff Attorney and Volunteer Coordinator, California Innocence Project, San Diego, CA</p> <p>Guy Miles, Exoneree, TX</p> <p>The California Innocence Project investigates cases of wrongful conviction and looks for new , strong evidence of innocence. During the investigation and litigation phases, Innocence Project attorneys, investigators, and their clients explore issues that arose during the initial police investigation, during the trial, and/or during post-conviction proceedings that could point to actual innocence. Such issues include eyewitness misidentification, false confessions, forensic science errors/omissions, ineffective assistance of counsel, and prosecutorial misconduct, to name a few . These issues point to flaw s in the criminal justice system and the need for reform to prevent w rongful convictions from occurring.</p> <p>This session w ill identify key lessons learned while working on exoneration cases and include a discussion about w hat investigators should know and red flags to look out for to guard against w rongful convictions happening on their w atch.</p>					
10:45 am – 11:00 am		Networking Break, Exhibits			
11:00 am – 12:15 pm		CONCURRENT SESSIONS			
<p>‘Case Scenario Speed Dating’</p> <p>Presenters Pending</p> <p>Name, Role, Agency/Office, City, State</p> <p>Pacific Room</p> <p>Short (2-3 minute) role playing exercises using cue cards to cover various scenarios that can arise day-to-day within the work that we do.. The exercises will include some good and bad examples, with the intent of creating dialogue amongst attendees. Attendee participation is encouraged, as any shared experience(s) help everyone become better advocates for our clients.</p>		<p>An Exoneree’s Story</p> <p>Raquel Cohen, Staff Attorney, California Innocence Project, San Diego, CA</p> <p>Guy Miles, Exoneree, TX</p> <p>Sunset Room</p> <p>Exoneree to discuss their case, and share their experiences from w rongful arrest through to exoneration.</p> <p>https://californiainnocenceproject.org/read-their-stories/guy-miles/</p> <p>https://californiainnocenceproject.org/2017/06/guy-miles-release-imminent-18-years-prison/</p>		<p>Metadata in Social Media, Photos & Beyond</p> <p>Eric Hirst, Chief Information Officer, Public Defender Service for DC</p> <p>Matt Hanna, Supervisory Investigator, Public Defender Service for DC</p> <p>Marina Room</p> <p>What is Metadata? How does it impact your cases? In this Session, you w ill receive a general overview of the different types of metadata used in documents, emails and (some) social media. More Importantly, how to extract metadata from photos and videos from cell phones and then plot them on a map with just a few clicks.</p>	
12:15 pm – 12:30 pm		Networking Break, Exhibits			
12:30 pm – 1:30 pm		CONFERENCE CLOSING SESSION			
<p>Bridging the Gap: How to Work Effectively Across Generations of Investigators</p> <p>Presenter(s)</p> <p>One presenter is an investigator in her 50s, who has comprised a team of middle-aged investigators and investigators in their 20s. This Conference Closing Session will discuss how we can successfully bridge the gap between millennial investigators and those who were not born in the information age. Presenters will talk about how to effectively work as a team, using the strengths of each generation to fully investigate and defend a case. Presenters will share how we are able to ‘cover all the bases’ with this multigenerational approach to investigation and produce amazing results for our clients.</p>					