

NBPA 2017 Conference July 16 -22, 2017
Westin Cleveland Downtown, Cleveland, Ohio
Honoring the Legacy: Black Prosecutors as Agents of Social Change
Course Descriptions

MONDAY

10:30am- 12:00pm Cleveland Consent Decree: Its Process & Effects On The Police Department & Community

In May 2015, the City of Cleveland agreed to reform its police department, by way of a settlement, known as a "Consent Decree," after a United States Department of Justice investigation showed that city police officers often used excessive force and lacked even a minimum level of accountability to residents. Two years have passed; the U.S. has a new President and Administration. This panel, comprised of the key people involved, will discuss the investigation, reform, progress made, and what is left to be done as well as the process of monitoring the "City of Cleveland Consent Decree."

Moderator Tony Ganzer, Host (Producer), 90.3 WCPN, ideastream
Carole S. Rendon, Former U.S. Attorney for the NDOH, Partner at Baker Hostetler LLP
Calvin Williams, Chief of Police, City of Cleveland
Barbara Langhenry, Director of Law, City of Cleveland
Ayesha Bell Hardaway, Consent Decree Monitor, Asst. Professor of Law, Case Western Reserve University School of Law
Mario Clopton-Zymler, Co-Chair, Cleveland Community Police Commission (CPC)

2:00pm- 4:00pm Shared Trauma: How Can the Criminal Justice System & Communities of Color Heal from the Violence- International Association of Chiefs of Police Panel

It is clear that every day, high-profile incidents between officers and citizens are happening, and serve to strain community-police relationships, fuel prejudices, inflame emotions and erode trust. This distrust leads to cycles of anger and civil unrest, further damaging the relationship between the police and the citizens they serve. The trauma is not only felt in communities of color, it is also felt by the police who are a part of those communities, especially when their brothers and sisters in blue become the target of retaliation. This panel will discuss the problem and how the victims of the shared trauma can heal.

Facilitator, Derrick Chase, President/Founder Standup Baltimore
Darryl DeSousa, IACP Visiting Fellow, Deputy Commissioner, Baltimore City Police Department
Ivan J. Bates, Attorney at Law, Baltimore Maryland.
Dr. Robin Engel, University of Cincinnati, Vice President for Safety and Reform
Glenn Bailey, retired NFL player

4:00pm – 5:00pm Body Worn Cameras: From a Prosecutor's Perspective

As police body worn cameras (BWCs) increasingly make their way into police departments, criminal investigations, and prosecutions across the United States, it is important for prosecutors to be made aware of the issues that surround this new technology. This panel of two seasoned prosecutors will touch on the policy considerations; discuss the capabilities and limitations of BWC technology; the utilization of storage systems for BWC recordings; and the practicalities for use of the evidence at trial.

Kristine Hamman, Executive Director, Prosecutors' Center for Excellence,
Patrick Muscat , Deputy Chief, Wayne County Prosecutor's Office, Detroit , Michigan

TUESDAY

9:00am – 10:00am Questioning & Interrogation of Juveniles in Custody

Juveniles, like adult defendants, are entitled to due process protections when being questioned or interrogated in the course of a criminal or juvenile delinquency proceeding. However, a juvenile's comprehension skills, mental and emotional development and cognitive abilities can make them particularly vulnerable when being questioned or interrogated by law enforcement. Courts therefore place a high scrutiny on the circumstances surrounding the questioning of juveniles when determining the admissibility of their confessions or other statements at trial. This program will discuss best practices and legal factors to consider when questioning or interrogating juveniles at the investigatory stage of a criminal proceeding through arrest and formal court proceedings. Included in the program will be a discussion on the admissibility of expert testimony in determining the effect of a juvenile's development and cognition on their ability to make a knowing, voluntary and intelligent waiver of their constitutional right against self-incrimination. The role of a parent/guardian and factors to consider when a juvenile is already represented by counsel in a separate criminal or non-criminal proceedings will also be discussed.

Shakoya Womack, Senior Assistant Corporation Counsel, New York City Law Department

10:00am- 11:00am Rise of Alternative Currencies In Criminal Prosecutions “New Age” Approach To Age-Old Crime

When cyber criminals use advanced techniques, law enforcement needs to use equally sophisticated tools to identify, locate, and apprehend them. This presentation will use real-world examples to discuss advanced cyber investigative tools used to investigate and prosecute complex cyber crimes United States and overseas and track down the cyber proceeds. The presentation will also discuss the proper legal process required to use these advanced techniques.

Om Kakani, Assistant United States Attorney, Northern District of Ohio

Michael G. Gerfin, FBI Special Agent, Cleveland Office

11:00 am- 12:00pm Responding To the Innocence Project

On April 19, 2014, the Cuyahoga County Prosecutors Office created the first Conviction Integrity Unit in the State of Ohio. The mission of this Unit is to review convicted offenders' legitimate extrajudicial post-conviction claims of innocence. The Conviction Integrity Unit is comprised of a Conviction Integrity Coordinator and a Conviction Integrity Committee. Jose A. Torres serves as the Conviction Integrity Coordinator and is responsible for the coordination of the activities of the Committee and leads all re-investigations of any cases that resent a meaningful claim of actual innocence. The nine-person unit serves to safeguard the public and to fulfill the office's ethical duty to seek justice in every case. Since its creation, the Unit has received 162 requests. There are 15 open investigations. The rest have been concluded, including 43 vacated convictions that were the result of misconduct by three detectives of the East Cleveland Police Department.

Jose Torres, Assistant Prosecuting Attorney, Cuyahoga County Prosecutors Office

Russell Tye, Criminal Chief, Cuyahoga County Prosecutors Office

John Martin, Appellate Supervisor at Cuyahoga County Public Defender's Office

1:30pm- 3:00 pm Heroin and Synthetics: The New Drug War

In 2015, 12,989 U.S. citizens died from heroin overdoses. Deaths from synthetic opioids, including fentanyl, accounted for 9,580 lost lives. And prescription painkillers, like OxyContin and Vicodin, killed 17,536 people. These numbers show that more Americans died as a result of heroin overdoses than gun homicides. Overdose deaths were higher in 2016 than deaths caused by car crashes and suicide. Because of the severe and sincere opioid epidemic in this nation, American's life expectancy dropped for the first time in more than 20 years. This panel will discuss the drugs and the new challenges in fighting their proliferation in the U.S. Fentanyl, the opioid so potent it can cause an overdose through accidental contact, will be explained. The

difference between the dangers of the deadly Heroin/Fentanyl crisis and the Crack Cocaine epidemic of the 80s will be discussed.

Marisa T. Darden, Assistant United States Attorney, Northern District of Ohio
Thomas P. Gilson, M.D. Cuyahoga County Medical Examiner's Office
Marc Bullard – Assistant Prosecuting Attorney, Cuyahoga County Prosecutors Office

3:00pm – 5:00pm “Title III-The Original Surveillance: Are your home appliances really recording you?”

Students will receive an overview of the legal requirements of conducting a wiretap investigation, developing a pre-wiretap investigative plan and strategy, drafting affidavits and all other electronic intercept orders needed in the investigation.

Brooklyn Sawyers Belk, Assistant United States Attorney, Eastern District of Tennessee

WEDNESDAY

9:00am – 10:00 am Intelligent Prosecution

Intelligence Driven Prosecution focuses the collective resources of a prosecutor's office on the goal of reducing violent crime, through timely information sharing and close coordination with law enforcement and community partners. The presentation will survey Intelligence Driven Prosecution models around the country and provide insight to incorporating intelligent driven prosecution principles.

Saleh Awadallah, Major Trial Unit Supervisor, Cuyahoga County Prosecutors Office

10:00am – 11:00 am Safeguarding Victim Privacy in a Digital World: Ethical Considerations for Prosecutors.

Victims of gender-based violence often disclose intimate details of their private lives and their victimization to multiple professionals over the course of a case. Furthermore, a victim's cell phone, computer, or social media accounts may contain relevant evidence, which raises additional privacy concerns. Prosecutors have an obligation to provide to the defense all evidence in the government's possession or control that is material to a defendant's guilt or punishment. How can we fulfill that obligation, while at the same time safeguarding victim privacy against unnecessary disclosure? How do these privacy considerations and obligations affect the practice of victim attorneys? These cases present unique ethical challenges related to privacy and confidentiality, prosecutorial discretion, recantation, and disclosure of evidence.

Jane Anderson, Attorney Advisor, Aequitas

11:00 am- 12:00pm Ethics 101: The Good, The Bad, And The Ugly

This presentation will discuss the special responsibilities of a prosecutor and will focus on the ethical pitfalls that prosecutors face on a daily basis. Topics include, but are not limited to, the following: the limits of prosecutorial immunity; how to make ethical charging decisions; how to avoid Brady violations; the do's and don'ts of media contact; ethical plea negotiations; and avoiding common ethical mistakes during trial.

Shawn Clayton Fuller, North Unit Chief, Protective Services, Arizona Attorney General's Office

2:00pm- 3:30pm Cybercrime Against Children - An Emerging Global Threat

Offenders are becoming increasingly more sophisticated about hiding their identities online. This seminar will discuss investigative tactics and techniques pertinent to combating internet-facilitated crimes against children and address some of the legal challenges prosecutors encounter when investigating and prosecuting cybercrimes against children.

Reginald E. Jones, U.S. Dept. of Justice Criminal Division, Child Exploitation and Obscenity Section

3:30pm – 5:00pm #GUILTY: Identifying, Preserving, and Presenting Digital Evidence

We are becoming increasingly reliant on computers, smartphones, and other digital devices to accomplish a variety of personal and professional tasks. As our use of technology continues to grow, offenders continue to identify ways to exploit technology and our use of it to facilitate crimes, including as a means to intimidate and assert power and control over current and past intimate partners. Where technology is used to perpetrate crimes, investigators and prosecutors can use evidence of its use to strengthen cases, support victims, and hold offenders accountable for the full range of their criminal activity. This seminar focuses on the importance of identifying and preserving digital evidence; explores theories of admission, rules of evidence, and case law; and demonstrates how to properly authenticate and introduce digital evidence in civil and criminal proceedings.

Jane Anderson, Attorney Advisor, AEquitas

THURSDAY

11:00 am – 12:30pm Cold Case Backlog Sexual Assault Kit Investigations with a View Toward Overcoming Defenses

This panel discussion addresses how investigators and prosecutors can collaborate to effectively work CODIS DNA cases from beginning to end – from the many aspects of the investigations phase to the challenges of trial to issues arising in appeal.

Nicole DiSanto, Special Investigator, Cuyahoga County Prosecutors Office

Oscar Albores, Assistant Trial Prosecuting Attorney, Cuyahoga County Prosecutors Office

Brett Hammond Assistant Appellate Prosecuting Attorney, Cuyahoga County Prosecutors Office

2:00pm – 3:30 pm The Importance Of Civil Liberties For Prosecutors

Civil Liberties. The phrase and topic is one that has come to the forefront in recent months. With the new administration taking actions that have been considered by some to be contrary to civil rights and liberties, what can be done? How does this apply to prosecutors? Do prosecutors have an ethical responsibility to act; if so, what boundaries exist? What can prosecutors do in their daily work to assist in upholding the Constitution? Can protest and other acts in your personal life affect your professional life? These and other questions will be covered in this panel discussion.

Melba Pearson, Deputy Director, ACLU of Florida

Rashad Robinson, Executive Director, ColorofChange.org

Whitney Tymas, Consultant

Ian Friedman, Friedman & Nemecek, L.L.C., Volunteer Attorney, ACLU of Ohio

Professor David Harris, John E. Murray Faculty Scholar, Professor of Law University of Pittsburgh

3:30pm – 5:00 pm Fatal and Severe Child Abuse: An Overview Medical Perspective of Child Torture, Medical Neglect, Abusive Head Trauma, Forensic Controversies, Disability Outcomes and Ongoing Quality of Life Medical Adherence Concerns

The recognition and diagnosis of child abuse continue to be challenging for clinicians. As research in the field expands, a greater understanding of the mechanisms resulting in abusive injury is being developed, as is an understanding about the far-reaching impact of abuse. In 2010, 'Child Abuse Pediatrics' became a board certified specialty in 2010. This seminar presents two doctors in the field working to diagnose, to save, to treat and try to heal these victims of abuse.

Joshua Friedman MD, MetroHealth Medical Center, Cleveland, Ohio
Irene Dietz MD, MetroHealth Medical Center, Cleveland, Ohio

FRIDAY

9:00am – 10:00 am Calculating the Moves of Power In Our Midst: Dissecting The Hidden Forces Of Exclusionary Power From Classical To Contemporary Times

Law professor Blanche Bong Cook dissects the hidden forces of exclusionary power from classical to contemporary times.

Blanche Cook, Adjunct Professor, Wayne State University

10:00 am- 11:30am Police School Diversion Program Diverting Juveniles From Arrest To Intensive Prevention Services

All types of arrests, especially school-based arrests, push young people into the juvenile justice system and can have severe long-term consequences such as a severely disrupted education or limited employment opportunities as a young adult. Diversion programs provide a true second chance for youth—a second chance not only to avoid formal juvenile justice involvement, but a chance to avoid arrest altogether. The Philadelphia Police Department, Philadelphia Department of Human Services (DHS), School District of Philadelphia and other community stakeholders created the Police School Diversion Program for youth who commit a first-time low-level summary or misdemeanor act on or near school property. In the first year of the program, school arrests dropped 54% across the city, with approximately 850 fewer youth arrested. Re-offending among diverted youth was low. This seminar will discuss the successes of this and other programs like it.

Kevin Bethel, Diana A. Millner Youth Justice Fellow: Stoneleigh Foundation

11:30 am- 12:30 pm Building Partnerships To Stop Surge In Youth Violent Crime

Gregory Mussman, Assistant Prosecuting Attorney, Cuyahoga County Prosecutors Office
Lorraine Debose, Assistant Prosecuting Attorney, Cuyahoga County Prosecutors Office
Eleina Thomas, Assistant Prosecuting Attorney, Cuyahoga County Prosecutors Office
Jewel Jones, Ohio Department of Youth Services Representative
Lt. Ali Pillow, Homicide Lieutenant Former Gang Unit Detective, Cleveland Police Department
Dennis Hill, Deputy Chief Safety and Security, Cleveland Public School District

*******Prosecutors are encouraged to contact their state bar association in reference to application requirements and related fees. A universal attendance form will be provided to registrants and will be placed in the NBPACLE2017 password protected cloud.**