

Training for Effective Interviewing and Legal Assistance in Garda Detention

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SUPRALAT

Strengthening suspects' rights in pre-trial proceedings through practice-oriented training for lawyers



▶ EU Procedural Rights Roadmap Directives

- Information
- Interpretation & Translation
- Access to a Lawyer

▶ Salduz

▶ Gormley and White

- (DPP v Doyle [2017] IESC 1)

▶ DPP's circular

▶ Garda Code of Practice

▶ Law Society Guidance

- No training for solicitors

- “By attending the Garda Station you are undertaking a hugely onerous task. The burden of responsibility upon you to not only advise your client but to protect their interests ... during interview is mammoth. To think that solicitors have been expected to do so without any formal training is actually ludicrous in my opinion.”

SUPRALAT participant pre-training survey

Real need for legislative clarification of the right of access to legal advice, including the right to have one's solicitor present during interview

Advising in Garda Detention

Things to consider...



- Disclosure

- Strength of the Evidence

- Nature of the Offence

- Suspect-specific considerations

- Future Case Strategy

Aims of SUPRALAT programme

- ▶ Developing a more active, client-centred criminal defence practice
 - Not simply advising clients – actively defending clients
- ▶ Also:
 - Raising awareness of the crucial communication skills necessary to effectively defend suspects at police stations
 - Interdisciplinary knowledge base
 - Training communication skills in context
 - Not just *what* you say, but *how* you say it
 - Promoting a more reflective mindset in criminal defence practitioners
 - So as to enhance decision-making capabilities
 - “How does this align with my professional values?”

Implementation

- ▶ Law Society Masterclass
 - First collaboration of this nature
- ▶ National Project Committee and Experts
 - Practitioners, academics, NGO reps...
- ▶ Training Programmes
 - Train-the-Trainer
 - Pilot Training
 - Several training runs since
- ▶ Almost 100 SUPRALAT-trained solicitors in Ireland
 - + 24 in Scotland



Belgium – 868 SUPRALAT-trained lawyers

NETPRALAT – Spain, Lithuania, Poland

E-Learning Modules

- ▶ EU Regulations on Suspects Rights
- ▶ Lawyers' Role at the Police Station
- ▶ The Irish Stance on Suspect Interviews
- ▶ Communication Skills
- ▶ Suspect Interviews
- ▶ Vulnerable Suspects

- *Interactive modules*
- *Video lectures*
- *Reflective Entries*

Face-To-Face

Facilitator,
not lecturer

- ▶ Role of the Lawyer
 - Discussion and Problem-Based Learning
- ▶ Communication Skills
 - Open questions, building rapport, active listening...
- ▶ Consultation
 - Video exercise
 - Role-play
- ▶ Interview
 - Video exercise
 - Role-play – internal
 - Role-play with gardaí



I now realise that most other solicitors have encountered the same difficulties as I and struggled with the same issues and that is very reassuring.

I now realise - I AM NOT ALONE!!! I feel I now have a number of colleagues that I can contact for advice also.

New Programme – EmpRiSe

The Right to Silence and Related Rights in
Pre-Trial Suspects' Interrogations in the EU

EmpRiSe



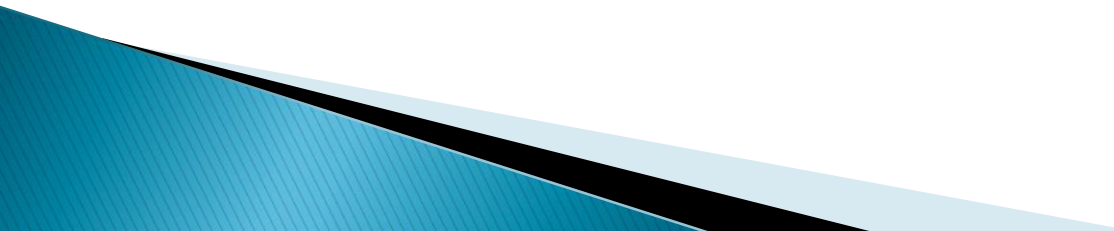
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The Future...

- ▶ Ongoing need for bespoke training for criminal defence solicitors on their crucial role in advising and representing detained suspects
 - ▶ Need to review uptake of legal assistance in Garda detention
 - ▶ Joint training initiatives for Gardaí and Solicitors?
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Increased professionalism and professional understanding of one another's roles enhances communication and outcomes for all parties.

