



Socio-Legal  
Research Centre



# The Right to Legal Assistance in Police Interviews

22 September 2017, 9.00 – 17.30

Presidents' Hall, Law Society of Ireland, Blackhall Place

LAW SOCIETY  
PROFESSIONAL TRAINING

Centre of Excellence for  
Professional Education and Training



## Introduction

Since May 2014 the DPP has permitted solicitors to attend suspect interviews in Garda stations. This parallels developments in other European countries and a recent strand of jurisprudence from the European Court of Human Rights which has clearly enunciated the right to such legal assistance. Early in 2017 the Irish Supreme Court in DPP v Doyle refused to recognise this as a constitutional right in Irish law, however the practice of attending interviews is permitted to continue. It does so without clear legislation or regulation guiding the practice.

Over the past 18 months the Socio Legal Research Centre in DCU, in partnership with both the Law Society of Ireland and colleagues in the Netherlands, Belgium and Hungary have developed and piloted a training programme (SUPRALAT) which sought to develop solicitors' confidence and skills in attending garda interviews. This work has been funded by the Justice Programme of the European Commission.

These changes in solicitor practice mirror reforms in an Garda Síochána where a new approach, the Garda Síochána Interview Model, is being rolled out.

This one-day conference will consider the right to legal assistance from a range of perspectives, bringing together experts from different jurisdictions and sectors. The morning sessions will focus on the developing jurisprudence in Europe and Ireland and assess the practical realisation of suspects' rights in those jurisdictions. The next session will consider the necessity of training: lessons that can be learned from the experience of England and Wales who took this step in the 1980s, and the nature of the SUPRALAT training. We will then consider some of the particular issues which arise for more vulnerable participants in the system before a panel discussion on key themes emerging from the day. We will also be awarding certificates to all those who successfully completed the SURPALAT training earlier this year.

This conference is free to attend but registration through [this site](#) is essential. Solicitors will receive 6.5 General CPD Hours.

Organised by: Dr Vicky Conway, Dr Yvonne Daly, Socio Legal Research Centre, Dublin City University

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## Conference Programme

*9am Registration*

*9.30 – 10.30 Session 1: The Role of the Interview and the Lawyer*

- Prof John Jackson, School of Law, University of Nottingham
- Jodie Blackstock, Legal Director, Justice

10.30 – Coffee

*10.50 – 12.20 Session 2: The Irish context*

- Dr Vicky Conway, Socio Legal Research Centre, DCU
- Shalom Binchy, solicitor and member of the Criminal Law Committee of the Law Society of Ireland
- Liam Herrick, Executive Director of the Irish Council of Civil Liberties

12.20 -1.10 Lunch

*1.10 – 2.40 Session 3: The Role of Training*

- Prof Ed Cape, School of Law, University of the West of England
- Anna Pivaty, Maastricht University
- Dr Yvonne Daly, Socio Legal Research Centre, DCU
- Michael Finucane, Finucane Solicitors and SUPRALAT participant

2.40 Coffee

*3.00 – 4.30 Session 4: Vulnerabilities in the Interview*

- Dr Michael Brennan, School of Nursing and Midwifery, Trinity College Dublin
- Saoirse Brady, Legal and Policy Director, Childrens' Rights Alliance
- Pavee Point
- Dr Mary Phelan, School of Applied Languages and Intercultural Studies, DCU
- Gillian McNamee, Rehab Group

4.30 – 5.15 Session 5: Panel Discussion - Where to next?

5.15- 5.30: Conference Close

## Speaker Bios

	<p>Prof John Jackson is Professor of Comparative Criminal Law and Procedure in the School of Law at the University of Nottingham. He has expertise in criminal process across Europe and has published numerous books on this topic. His 2016 article in the Modern Law Review, "Responses to Salduz: procedural tradition, change and the need for effective defence" provides an in-depth analysis of recent ECtHR jurisprudence on the right to representation and the role of the lawyer.</p>
	<p>Jodie Blackstock is JUSTICE's Legal Director and a barrister. She has previously taken case interventions to the UK Supreme Court on the rights of access to a lawyer. She was a lead researcher on Inside Police Custody, an empirical study focused on three procedural rights – the right to interpretation and translation, the right to information and the letter of rights, and the right to legal assistance before and during police interrogation – in four EU jurisdictions – France, Scotland, the Netherlands and England and Wales.</p>
	<p>Dr Vicky Conway, Assistant Professor, Socio Legal Research Centre, DCU. Vicky is Ireland's leading academic expert on policing and has published a number of books on policing and criminal procedure. She has been a member of the Policing Authority of Ireland and is a member of the Commission on the Future of Policing in Ireland. With Dr Yvonne Daly she has been leading the SUPRALAT project in Ireland.</p>
	<p>Shalom Binchy has been a criminal defence solicitor for over 20 years and is partner in Shalom Binchy &amp; Co Solicitors. She is a member of the Criminal Law Committee of the Law Society of Ireland. She has previously worked with the Irish Council of Civil Liberties on the issue of legal representation. She is a SUPRALAT qualified trainer.</p>
	<p>Liam Herrick was appointed Executive Director of the Irish Council of Civil Liberties in late 2016. He served as Advisor to President Michael D Higgins for a number of years previously. Liam was Executive Director of the Irish Penal Reform Trust (IPRT) for seven years. Previously, he was the first head of legislation and policy at the former Irish Human Rights Commission. He is a member of the Irish Human Rights and Equality Commission (IHREC).</p>
	<p>Prof Ed Cape, University of Western England, is an internationally known researcher in the field of criminal justice, and is also the author of a range of practitioner texts. His recent research projects include examining effective criminal defence in a range of European countries. He was a core researcher in the Inside Police Custody project and has recently published a study of pre-trial detention decision-making in England and Wales. The 7<sup>th</sup> edition of his 'Defending Suspects at Police Stations' has just been published.</p>
	<p>Anna Pivaty is a doctoral candidate at Maastricht University with expertise in police custody. She was a researcher on the Inside Police Custody project and is the primary investigator on the SUPRALAT project, coordinating efforts across the European partners.</p>

	<p>Dr Yvonne Daly is Associate Professor in the School of Law and Government at Dublin City University, where she lectures in criminal law and the law of evidence. She has published broadly on criminal justice and procedure and has an ongoing specialist interest in pre-trial rights to silence and legal advice. With Dr Vicky Conway, Yvonne has designed and delivered the Irish SUPRALAT training programme for criminal defence solicitors.</p>
	<p>Michael Finucane is a practising criminal defence solicitor and partner in Finucane Solicitors. He is a human rights activist who has previously chaired the Human Rights Committee of the Law Society of Ireland. Michael has been a board member of the ICCL and is a SUPRALAT qualified trainer.</p>
	<p>Dr Michael Brennan, School of Nursing and Midwifery, Trinity College Dublin is a registered psychiatric nurse who previously worked with the National Forensic Mental Health Service. He is Programme Coordinator for a Masters in Mental Health(CAFS). He was a member of the advisory sub-group, A Vision for Change, Report of the Expert Group on Mental Health Policy. He has conducted studies on mental health and the Irish Criminal Justice System.</p>
	<p>Saoirse Brady, Legal and Policy Director, Childrens' Rights Alliance. Saoirse joined the Alliance in August 2016. Prior to taking up the role she held positions in a number of leading rights organisations including the Alliance, the Free Legal Advice Centres (FLAC) and Front Line Defenders. Early in her career she interned with the Office of the High Commissioner for Human Rights in Geneva and was a paralegal with the Ryan Commission. She is on the Board of Directors of EQUATE.</p>
	<p>Pavee Point is a Dublin-based, national, non-governmental organisation established in 1985 and committed to the realisation of human rights for Irish Travellers and Roma living in Ireland. The organisation is a partnership of Travellers, Roma and members of the majority population working together to address the needs of Travellers and Roma as minority ethnic groups who experience exclusion, marginalisation and discrimination.</p>
	<p>Dr Mary Phelan, School of Applied Languages and Intercultural Studies, DCU. Her research interests encompass the historical provision of interpreters to the courts for the Irish language and for foreign languages as well as current interpreter provision in the courts, garda stations and medical settings. Mary has been a member of the executive committee of the Irish Translators' and Interpreters' Association for a number of years and chairperson since 2013.</p>
	<p>Dr Gillian McNamee is the Integrated Services Manager for Galway and Roscommon for RehabGroup with over 13 years' experience working and supporting people with various disabilities. Gillian is the first author of "Supports for Offenders with Learning Disabilities in the Irish Judicial System: A Critical Review", recently published in the Irish Journal of Applied Social Studies.</p>