Topic list: Consultation

Introduction

* Introduction of the lawyer.
* Role of the lawyer.
* Explanation of the right to legal assistance (and financing).
* Waiving the right.
* Confidentiality.
* Right to an interpreter and the process, if applicable.
* Right to information.
* Right to have a third person (and consulate if applicable) notified.
* Contact with other persons.
* Assessing fitness to be interviewed.
* Information on receiving medical care.
* Identifying and addressing client’s immediate worries and specific needs.
* Explanation of the procedures concerning police detention.
* Possibilities to challenge the legality of arrest / police detention.
* Right of legal assistance during the interrogation.
* Objective of the interrogation.

Advice

* Gathering background information:
  + Personal details.
  + Personal circumstances: family, accommodation, employment, medical treatment.
  + Previous contact with the police.
  + Previous convictions, prison and probation.
  + Involvement with social services.
* Simple legal explanation of the offense.
* Obtaining client’s version of the events.
* Information about the actual or potential evidence (disclosed by the police/likely to exist/likely to be obtained).
* Client’s response to actual or potential evidence.
* Multiple suspects and conflicts of interest.
* Presenting the options and check that client understands the options.
* Obtaining and responding to client’s preferences.
* Respective roles in the interview:
  + Lawyer’s role in the interview.
  + Client’s role in the interview.
* The interview procedure, set-up and stages.
* Advice on how client should handle the interview when she/he decided to remain silent.
* Advice on how client should handle the interview when she/he decided to (partly) respond to questions.
* Advice on how and when to seek lawyer’s advice during the interview (including in private by asking for a pause in the interview).
* Tactics used by police to pressure client to speak and how to react to them (if relevant).
* Advice on other police investigative procedures (e.g. identification, searches, taking pictures) and the right of access to a lawyer in those situations.
* Reading and checking the written record of the interrogation (if exists in the given country).

Course of events at the police station

* Complaints by client.
* Requests by client.
* Possibilities to review detention.
* Course of events after consultation.



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