Collaborative Defense Self-Assessment

**Collaborative Defense** is an innovative framework for client-led representation that confronts the underlying causes and prevents many of the most dire consequences of criminal legal system involvement. It consists of the following 6 tenents:

* **Have Vision**: An office has a clear vision for holistic, collaborative representation that is communicated internally and externally.
* **Ask The Right Questions**: An office has an intake process that screens for client needs and conveys that information to the appropriate staff.
* **Empower The Client**: Clients are treated professionally and with respect, and their representation works in service of their expressed goals and priorities.
* **Connect With Social Services**: Clients are systematically assisted in accessing community-based social services.
* **Access Legal Expertise**: Clients have access to civil, family, and immigration legal expertise to address concerns caused by involvement in the criminal legal system.
* **Change The Narrative**: The office systematically creates and documents persuasive mitigation, drawing on both the client’s personal history and the office’s Collaborative Defense work.

**Part I** of this self-assessment provides a framework for Collaborative Defense’s six tenets of practice, along with example indicators to suggest the level at which the practice is currently implemented. Each level builds on the last.

* **Preparing (Level 0):** The practice is not yet evident.
* **Emerging (Level 1):** Thought has been given to this practice or the necessary foundation for it has been laid. There may be a plan or procedure in place, but it has not yet been implemented or acted upon.
* **Developing (Level 2):** New strategies and techniques are being initiated, but they are not yet fully developed or implemented consistently. This practice may only engage some clients or only be available intermittently.
* **Providing (Level 3):** The practice is established and consistently implemented. Relevant staff have incorporated this practice into their work. The benefits of this practice are available to most clients.
* **Sustaining (Level 4):** The practice has become rooted in the culture. There are means by which to improve, adapt, and innovate. There are successful efforts to track, measure outcomes for, and get feedback on this practice. Resources may be shared with practitioners, clients, or community members.

In addition to the elements of Collaborative Defense, PFJ suggests offices assess the strength of two foundational enablers, organizational alignment and zealous representation that we have found necessary precursors to implementing a collaborative model. Organizational alignment has or can create pathways to ensure there is sufficient vision and support in implementing collaborative practice. Additionally excellent criminal legal representation is necessary both to fulfill a public defender’s constitutional mandate and to realize the improvements in outcomes that can result from practicing collaboratively.

# PART I: COLLABORATIVE DEFENSE FRAMEWORK

| **Have Vision** | | | | |
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| The office has a clear vision for holistic, collaborative representation that is communicated internally and externally. | | | | |
| Level | Level 1 | Level 2 | Level 3 | Level 4 |
| Examples of Practice | The office has a mission, vision, or values statement that is aligned with the principles of Collaborative Defense | Staff within the office are aware of the vision and values, and how they shape their work | The office takes action to share that vision externally, and acts in ways that make its vision and values apparent to the communities it serves | Community members are aware of the office and associate it with its stated values  The office solicits feedback from community members on community engagement |
| Success Indicators | The mission, vision, or values statement exists and is available to those in the office | A large percentage of staff agree that they have a clear understanding of the office’s vision and that it has a strong set of values | Statement is shared with the community online and at events  The office regularly participates in community events  The office established partnerships with community-based orgs | Community members state an awareness of the office and its values  The office has a system for collecting and tracking community feedback or suggestions |
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| **Ask the Right Questions** | | | | |
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| The office has an intake process that screens for client needs and conveys that information to the appropriate staff. | | | | |
| Level | Level 1 | Level 2 | Level 3 | Level 4 |
| Examples of Practice | The office has a standard intake process when first meeting with clients | Clients are commonly asked a minimum set of questions to elicit non-legal client needs or enmeshed penalties  Intake staff are trained on how and why to ask intake questions sensitively and effectively | Robust intakes are completed for a majority all clients  Intake information is accessible and utilized by the right people within the office | Results of intakes are captured and readily available to staff and attorneys  Results are reviewed to develop systemic improvements to client services |
| Success Indicators | The office utilizes a form or some other data capture mechanism to record information  Clients have a similar experience when engaging with the office | There is a standard/standardized intake process, including roles, forms, training, and information systems that clearly incorporate this set of questions  Intake staff have participated in client interview training | A very high percentage of recent clients have a completed intake form  Attorneys identify enmeshed penalties based on intake forms | A high percentage of both attorneys and relevant non-attorney staff regularly access intake information |
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| **Empower the Client** | | | | |
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| Clients are treated professionally and with respect, and their representation works in service of their  expressed goals and priorities. | | | | |
| Level | Level 1 | Level 2 | Level 3 | Level 4 |
| Examples of Practice | Clients feel they have access to the defense team | Staff treat clients with respect  Staff are trained on the fundamentals of client-led service | Staff treat clients with respect, intentionally elicit their goals, and center client priorities  The Office has a system for collecting client feedback | Feedback is utilized for improving client experiences and for staff performance management |
| Success Indicators | Clients have their attorney’s contact information, there are clear expectations for response times, and attorneys speak to clients outside of court appearances, etc. | Office has standards in place regarding client contact and a client feedback process  Staff have received specific training on how to be client-led, receptive, and professional | Client feedback indicates that a high percentage of clients agree their defense team treated them with dignity and respect, and that they were kept updated about their case and service goal progress | Office communicates to staff that the practice of centering clients’ directives is key to professional advancement and organizational priorities |
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| **Connect with Social Services** | | | | |
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| Clients are systematically assisted in accessing community-based social services. | | | | |
| Level | Level 1 | Level 2 | Level 3 | Level 4 |
| Examples of Practice | The office has made some progress on creating a resource guide and dedicating staff capacity to helping clients connect with services | The office resource guide is fairly comprehensive  Someone in the office is tasked with reaching out to social service partners to build relationships and update the resource guide | Clients receive consistent, systematic assistance accessing community resources  There is dedicated staff capacity with appropriate training to make social service referrals | Staff follow up with clients to ensure they were able to successfully access services and received proper referral information  Staff are engaged in relationship building with service providers |
| Success Indicators | The office has identified the resource guide’s format  Staff have identified who will be responsible for outreach and updates  The office has identified contact sheets, online lists, and other relevant resources to incorporate into the resource guide | The resource guide is up-to-date in major service categories  The office has dedicated staffing and those staff members have received initial training  Staff have developed referral pathways with or collected referral forms from some providers | A high percentage of clients are receiving social services of various types  Staffing levels are appropriate and may include dedicated roles (advocate, navigator, community liaison)  Training for relevant staff is ongoing and consistent | Client service follow-up is explicitly expected of relevant staff  A high percentage of referrals are successfully initiated and completed  Staff regularly schedule meetings to foster stronger connections with service providers |
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| **Access Legal Expertise** | | | | |
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| Clients have access to civil, family, and immigration legal expertise to address concerns  caused by involvement in the criminal legal system. | | | | |
| Level | Level 1 | Level 2 | Level 3 | Level 4 |
| Examples of Practice | The office has identified any existing relationships with civil attorneys (nonprofit or pro bono)  The office has determined whether there are structural constraints to providing civil advice and counsel in-house | The office is developing or strengthening partnerships with attorneys in at least one civil legal area to provide counsel on issues intersecting with criminal case (e.g., housing, family, immigration, education) | The office provides access to resources for *pro se* representation for common issues  There are dedicated office staff with capacity to make referrals and/or the office has in-house civil attorneys | Clients consistently receive support with civil legal issues in more than one area  The office continually seeks to strengthen partnerships with civil legal attorneys |
| Success Indicators | The office’s resource guide reflects any existing relationships with civil attorneys  Office has identified any legislation specifying or constraining the office’s legal representation; office may have consulted county or general counsel | Dedicated staff have added new partners to the resource guide and are actively contacting partners  *Note: Further progress on this element of practice is highly dependent on local resource landscape and availability of community providers.* | The office follows an effective process for getting clients consultations or representation (in-house or referral)  Clients with non-criminal legal needs are identified and, of those, many have received consultation or representation | *Pro se* materials exist for most common issues that may arise for clients; these materials are easily available or regularly distributed  Staff regularly check in with civil legal partners, who may occasionally provide office trainings |
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| **Change the Narrative** | | | | |
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| The office systematically creates and documents persuasive mitigation, drawing on both the client’s personal history and  the office’s Collaborative Defense work. | | | | |
| Level | Level 1 | Level 2 | Level 3 | Level 4 |
| Examples of Practice | The office has communicated to attorneys and staff that mitigation is a critical and persuasive tool to use in criminal cases | Staff are supported and encouraged to compile mitigation information and document clients’ histories | Mitigation is part of routine practice for a range of cases and support is widely available  Mitigation and service provision are interwoven | The office tracks outcomes of mitigation and incorporates findings in training sessions and materials |
| Success Indicators | Mitigation trainings and resources describe mitigation as persuasive argument, rather than neutral reporting  Office materials and trainings contextualize mitigation as a routine practice rather than an “above and beyond” option | Mitigation instructions, templates, or samples are readily available to staff  Creating mitigation is included in the appropriate staff’s job description  Attorneys are aware of the process to request mitigation memos or research from staff | CMS indicates that mitigation requests and mitigation memos are relatively common  Mitigation is often used in serious misdemeanors and low-level felonies (e.g., first-time DUIs)  Staff help clients access services that are then featured in their mitigation argument | An outcome-tracking process is in place  Examples of the impact of mitigation on criminal legal outcomes is gathered and reported  The office regularly provides mitigation trainings, which also incorporate insights from outcome tracking |
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