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THE MUTUAL AGREEMENT PROGRAM
A STUDY OF SYSTEM INTERVENTION
IN THE
WISCONSIN DIVISION OF CORRECTIONS

A PROCESS REPORT

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DIVISION OF CORRECTIONS
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Contracting by mutual agreement was introduced throughout Wisconsin's Corrections system in 1974. Its source was a cooperative attempt among the Department of Labor, Corrections administrators, and paroling authorities to coordinate the delivery of three systems: offender training programs in Corrections, their link with manpower employment services, and parole decision-making. The purpose was practical: to improve employability planning for offenders through timing the release date to coincide with completion of training.

The mechanism invented to ensure conditions for this timing was a face-to-face negotiated agreement through which the offender would contract to complete self-selected education/employment-related programs, with guaranteed delivery by Corrections, in exchange for a specified release date. In Wisconsin the concept came to imply offender access to the Corrections system's resources and decision-making processes, as well as correctional system change toward rationalized processes, with equity and accountability in service delivery. MAP's dual purpose signaled a shift from both punitive and rehabilitative models to resource provision and negotiated exchange of interests.

To monitor and guide the process of change, a process study was undertaken by the Office of Systems and Evaluation to enable observation of and participation of the researcher in the intervention process. Design of a qualitative process methodology included not only documentation of MAP's interaction with and impact on the total Corrections system, but also became a means for reporting and consultation to program direction regarding identified problem-areas.

Implementation of MAP's ambitious concept was partially successful. To Corrections residents MAP has delivered the certain release date and the promised services. Offenders released through MAP experience an overall 6.5% reduction in length of stay, and, by their report, a sense of having "finished something," of accomplishment and chance to plan ahead. In as much as follow-up study showed slightly less recidivism, cost effectiveness was demonstrated.

MAP has improved Corrections program integration and accountability to its clients. Actual delivery of training, education and counseling programs, and of Work/Study Release placements to increased numbers of offenders has required system adjustments: policy change to accommodate MAP procedures across the system, close communication and shared decision-making among middle levels of staff and among institutions, program staff accountability, establishment of due process standards, subtle changes in roles and behaviors of institution staff.

These modest yet significant accomplishments amounted to a minor revolution in the organizational behavior of Corrections: an entire system geared toward release and reintegration and a different perception of the offender's role while incarcerated -- one assuming the offender's capacity and right to make choices and be involved in program decisions.

Continued...

Achievement of system coordination toward guaranteed release date appears to be a subtle and obscure success, however, in comparison to the more visible failures: loss of the Manpower connection (which was to link training and jobs) early in the program; deterioration of the negotiation process through Parole Board dominance; inadequate number and quality of training and education programs to meet requests, and lack of identification of these in the Corrections budget process; domination by the discipline component, rather than program completion, in determination of contract success or violation; the stance of the Parole Board against substantially earlier release.

MAP's failures have been due essentially to a lack of Department and Division commitment to the negotiation dynamic. Leadership consistently accommodated MAP to demands of the Parole Board and the institutions. MAP was grafted onto an operating corrections and paroling system without substantive support through planning processes, re-defined roles, adequate commitment of program resources, or change in the traditional control-oriented behavior of a corrections organization. Failure to achieve MAP's ambitious and eventually conflicting goals has served to illuminate the deficiencies and constraints of a control agency for which MAP became a scapegoat. MAP revealed a fundamental malaise of Corrections nationally: lack of adequate theory and a conceptually integrated policy to guide planning and decision-making at all levels.

The question of MAP's value became ultimately enmeshed in the politics of expediency. As a model of an alternative relationship between keeper and kept, one designed to produce a qualitatively different outcome from the usual results of imprisonment, MAP and its idea of negotiation was conceptually advanced. In an economic and political climate of increased conservatism, however, the idea of bargaining with inmates was not taken seriously.

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How one arrives at a definition
of the relationship of humans' basic nature
to their culturally conditioned control systems
is of crucial importance.

In American culture,
depending on our philosophical orientation,
we blame failures on either the individual
or the social system.
Seldom do we look to our lack of understanding
of the processes themselves
or entertain the notion that
there might be something wrong
with the design of our institutions
or the manner in which the individual personality
and the culture mesh.

Edward T. Hall, Beyond Culture

We shall try to improve (society)
in one respect or the other,
where excess or defect is evident;
we must try at the same time
to embrace so much in our views
that we may avoid,
in putting one thing right,
putting something else wrong.

T. S. Eliot, Notes toward a Definition of Culture

PREFACE

The first of its kind and magnitude in the Wisconsin Division of Corrections, the process study of the Mutual Agreement Program (MAP) was conceived to enable observation and interactive participation of the researcher in a process of intervention in a corrections system. The assignment of the process research analyst was to examine qualitative changes in the corrections system, in the Mutual Agreement Program, and in the lives of corrections clients.

What is a Process Study?

A process study is a description and analysis of the operation of a program within an environment, i.e. the policies, procedures, and behaviors of an organization. It examines what is happening and why. It is qualitative because it focuses not on numerical measures but on human and organizational interactions and impacts. By providing information, comment, and analysis, a process study aims to contribute to decision-making. An assumption of the method is that public administrators can learn to plan the evolution of organizations, as social infrastructures, to meet pressures for change. Ultimately, its purpose is the understanding of program-in-system so that organizational changes can be gradual and continual rather than meteoric and catastrophic.

The method employed in this study is based on a model of "illuminative" evaluation conceptualized by Malcolm Parlett, University of Surrey, England. Using similar principles, an approach termed "qualitative" has been adapted to evaluation of criminal justice programs through the influence of Richard A. Ball, West Virginia University.

Drawing on social anthropological and historical research models, the illuminative or qualitative process study bears little resemblance to the conventional elaborate statistical methodologies which currently dominate research in human services, although a collaborative effort is not only possible but advisable. The method does not proceed from a hypothesis nor use a deductive methodology as in the experimental comparisons and mental/attitudinal testing traditions of sociology and psychology. It is a holistic, open-ended and heuristic research strategy. On the premise that each new problem requires an individually designed approach, the type of method is determined by the problem, instead of the choice of problem or subject being determined by the limitations of an established and standard methodological package.

Whereas sociological research designs measure primarily client outcome, isolating and "controlling" a small number of variables, process research gathers qualitative information about interactions and takes systems instead of clients as subjects. Rather than seeing humans as objects of research, process study incorporates their perceptions also into the planning of the study itself. This "participative planning" contributes not only to getting at successive layers of "realities" but to the discovery of factors and issues not initially included in the study.

The burden of program evaluation is put not on the client but on program performance in relation to intent. Further, the primary purpose of process

research is not to test and measure success or failure of programs and clients for the sake of scholars, legislators, or funding agencies, but to clarify and interpret the major issues of an agency's activity, to "enlighten" its policymakers.

Because the in-house process analyst aims to impact program quality itself, the feedback is speeded up. The more appropriate term would be "feedforward," i.e., preventive feedback before faulty results occur. In this active and interactive process of researching, the analyst does not withhold information until a final report but provides continuous and maximized feedback to program administration. Longitudinal studies, where program administrators wait for results much like a report card, do not serve a formative, or cybernetic function.

The combination of feedforward, participative planning, and the interactive role of the in-house researcher results in what Hargrove calls implementation research, "a continuously unfolding process in which there are no final answers." 1

A comprehensive, qualitative process study is therefore a fundamentally different research strategy from mainstream sociological methodologies. It postulates that to know whether a program "works" one has to look not only at the manuscript but at the performance. To avoid the shallowness of judgment based only on recorded information, a variety of techniques derived from social anthropological and naturalistic field-study paradigms, is utilized: observation of program and institution operations (particularly events in which daily decisions about clients are made) and of client-decision maker interactions, broad-based interviews in depth with actors and policymakers throughout the process, follow-up interviews with key persons, extensive background research and issues inquiry, and participant observation in meetings and committees, particularly during the formative period of the program.

All field activity is conducted within the context of perceptual (phenomenological) theory. The interviewer tries to situate her/himself in the consciousness of persons acting within their world, or, "get in their skin" sufficiently to see situations as they do.

Systematic, thorough, and open-ended information gathering and the progressive focusing (Parlett's term) of qualitative data accumulates an enormous range and amount of specific information--and emerging patterns by which to "code" it--as the researcher continually integrates material. These patterns produce insights, identify recurring problems, and eventually suggest not only explanations of "what is going on" but also a sense of the larger inter-related issues. It is the researcher's task not to shave corners arbitrarily but to reflect accurately the complexity of human activity in some sensible order. The statistical average is not the reality. Utilizing the criteria of program intent, information and collected perceptions gathered from the field study, and that theorizing derived from literature and background inquiries, the researcher interprets and inductively develops those "handles" on complex realities which are called theories.

Conventional evaluation reports generally avoid the risk of confronting facts with theory. Yet there is a critical need for theory evolving

from the study of corrections practice. An important function of process research is to bring people in organizations to think through their conceptual assumptions, to consider why they do what they do. A process study thus works toward and culminates in theory development.

Differing sharply from sociometric methods, qualitative/illuminative process study examines "the shadings of value and clashes of ideologies with which different participants view a given . . . situation."² In the words of the leading conceptualizer of this approach, Malcolm Parlett, "The task is to provide a comprehensive understanding of the complex reality (or realities) surrounding the program, in short, to 'illuminate.' In the report, therefore, the evaluator aims to sharpen discussion, disentangle complexities, isolate the significant from the trivial, and to raise the level of sophistication of debate."³

MAP Process Research in Wisconsin

MAP process research was invented in the Office of Systems and Evaluation to study and guide the process of change in the Wisconsin corrections system. The Office anticipated an elemental struggle between organizational change and bureaucratic stability as the Corrections system confronted a shift from a medical model to an exchange model. MAP could affect the administration and procedures of an entire system and thus introduce new behaviors in Corrections. Conversely, the processes of administering and implementing could have important bearing on the success of the project itself. It became the task of the process researcher therefore to observe those impacts and forces behind them, and to monitor the "process integrity" of MAP, that is, whether the intervention strategy was performing as it had been conceptualized.

Eventually MAP process research acquired six functions:

1. Description and assessment of qualitative impact of MAP on the corrections system, its management, resources, policies, and decision-making processes.
2. Analysis of the impact of these system processes on the integrity of MAP concept and operation, watching for the adjustments and compromises made in order to implement a program.
3. Analysis of the negotiation process, the core mechanism of MAP.
4. Ongoing feedback of observations, to guide process revision, in the form of memos, verbal communication, issue and working papers, recommendations, and as consultant/resource person in MAP-related meetings.
5. Participative development of strategies/program activities responsive to needs identified during the study process; policy consultation.
6. Theory construction relative to emerging issues.

The scope of the study amounted to analysis of a total system. Because MAP was to be operative in every adult facility in the Wisconsin corrections system, it would penetrate into institution processes of six major

institutions, seven camps, and five urban centers, with the potential of affecting eventually thousands of residents and hundreds of staff.

Because the study was not to yield merely a final report but also to provide ongoing feedback reporting to influence policy and program direction, an "hourglass" method of three study phases was utilized:

1. January 1975 - July 1976. Exploratory sweep of the MAP "field" through observation and documentation of process development and decisions; continuous feedback and consultation to program director and staff (via verbal communication, memos, meeting participation, and in-house work papers) to sustain or modify policy and operation.
2. July 1976 - June 1977. "Pulling in" to research and theorize critical elements, issues, and indices of concept integrity; incorporation of these in instrument design; analysis of program problem-areas and development of responses; observation and documentation of change.
3. July 1977 - June 1978. Field study of mature MAP model (post-change), with research assistants; broad interviewing and events analysis based on indices identified in phase two; progressive focusing and integration of information; analysis and interpretation.

During phase three, assessment of process change involved complex cross-checks of information (data validation) through use of structured, open-ended interview protocols and events observation checklists. Participative planning involved MAP actors, particularly resident committees, in implementation of the study. Because a key task was the testing of program assumptions and whether MAP was operating as it was described on paper, in-depth interviews of 164 residents were conducted, individually and in small groups.

In-depth interviews were conducted also with 23 supervisors and a cross-section of 48 key staff members, with 183 additional line staff responding to questionnaires. An attempt to reach parolees netted 32 responses. Forty-two persons with policymaking influence were interviewed, including superintendents, top and middle administrators, MAP staff and supervisor, Program Review Coordinators, and personnel of the Wisconsin Council on Criminal Justice. All nine Parole Board members and twelve community agency directors and legal personnel were interviewed.

The unique opportunity of an in-house researcher to access both staff and residents in corrections yielded the complex information on organizational and human activity that makes the stuff of process studies. In all, over 500 MAP-related persons contributed to illumination of what has happened to MAP as a concept, to the system and its clients, and why.

The writing of the study report was completed in September 1978; thus the period from which information was gathered encompasses January 1975 through August 1978. An in-house synopsis of findings and responsive recommendations was presented to the Division Administrator in August 1978. Devoid of explanations and conditions and intended for in-house use only, the synopsis

was purposely critical of the program's current operation in order to call the attention of the Administrator to policy areas needing action. (Appendix D). It was an attempt to rescue an endangered concept.

The MAP process study report, on the other hand, has a more public purpose. It is intended to:

1. Facilitate informed decision-making in Corrections policy and program direction.
2. Make MAP processes understandable and accessible to residents and staff in institutions.
3. Illuminate, through a case study, a concept of intervention in a corrections system.

Guide to the Reader

An attempt to de-mystify a complex process can itself seem a maze. As layers are peeled off to expose less visible dynamics and mechanisms, these also require explanation. Getting at the "truths" of a situation means explaining reasons for decisions, each actor's experiences and perceptions, and the conditions under which everything interacts. The result cannot be more than an approximation of a collective "reality," but neither can appropriate, sound decisions be made without drawing back for a comprehensive look at programs in their milieux.

Because the structure is inductive, the report may also be read backwards, using earlier chapters as references for interpretive conclusions. A guide to the layers is in order:

Chapters VI and V can be read first by the reader interested primarily in evaluation of MAP's impact and value. Chapter VI presents the researcher's interpretation of evaluative findings as summarized in Chapter V, which assesses MAP's impact and goal attainment.

Chapter IV summarizes the problems with MAP operation (detailed in Chapters II and III) and analyses the reasons for these. Careful examination of the plethora of interacting elements which condition an intervention tactic may be of interest to students of system intervention, but it is intended particularly to help planners and policymakers comprehend why a program may fail and to identify institutional and environmental factors that must be considered in program implementation in a corrections system.

Chapter III, at the center of the study, describes the core of MAP -- its negotiation -- in a concept paper. The practice of contractual exchange is contrasted with the theory in an evaluative section and includes residents' perceptions of the MAP negotiation as they experience it.

Chapter II, the longest section, defines Wisconsin's MAP, traces the politics of changing goals, defines the roles of the actors, and contains a detailed description of the way MAP actually operates in Wisconsin. (Part of its intent is to de-code the complex MAP process for residents and staff). The reverse, or flip-side, of Chapter V, because it describes how the system

impacts MAP, Chapter II details problems as they are experienced throughout the process. In that it contains the data gleaned from field study, it serves as a reference for the analytical Chapter IV.

Chapter I provides background explanation of both the concept and the Wisconsin political milieu into which it was introduced.

While the Introduction describes the larger theoretical issues and environment in which MAP is framed, the Epilogue develops that theory construction toward which qualitative process research aims. It responds to the questions raised in the Introduction by proposing an alternative direction for Corrections activity.

If the Department/Division were willing to take MAP seriously, attempt to repair the damage, and plan appropriate implementation of the concept, resource documents could be Chapters IV, VI, and the Recommendations (Appendix D).

Acknowledgements

In an era of reliance on statistical methodologies as the sole source of valid information about program performance, it is the rare professional in state government who risks supporting an unconventional research approach. It was the idea of Perry Baker (Deputy Director, Statistics and Evaluation, Office of Systems and Evaluation) to create the possibility for observing a process and determining why programs often run into trouble. Convinced that a proper function of an in-house researcher should be to impact policy and improve programs, he has defended the participative-interactive role of the in-house researcher in program and policy development and been consistently supportive during the evolution of the qualitative process method. Throughout the writing, Perry has "philosophized" with me, discussing concepts and issues, given thought to finding the "right word," and endured in editing the manuscript.

To the research assistants I am very grateful -- Susan Kramer for her keen sensitivity, inventiveness, and endurance in recording the experience of those imprisoned, and Monica Davis for being a steady and enthusiastic sister in conceptualizing and organizing method and content patterns -- both for their comprehension of the special value of working with process.

For being a buffer in his tolerance of the process research in a time and environment hostile to it, I am grateful to Paul Kusuda, Director, Office of Systems and Evaluation.

It would not have been possible to reach and have credibility with so many residents in the interview process without the cooperation and good ideas of the residents' RAP (Reintegration Advisory Planning) committees. They took seriously the concept of participative planning and showed us how superbly it can work.

The study made it through the trauma of drafts and revisions only through the careful work of Cindy Arnold, Debbie Warren, Teresa Peterson

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NOTES

1. Hargrove, Ervin C., The Missing Link: The Study of the Implementation of Social Policy. Washington, D.C., The Urban Institute, July 1975, p. 49.
2. Parlett, Malcolm and Garry Dearden, ed., Introduction to Illuminative Evaluation. Pacific Soundings Press, Cardiff-by-the-Sea, California, July 1977, p. iv.
3. Parlett, p. 24.

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INTRODUCTION

Conflict of Paradigms

MAP is a barometer of the Wisconsin Corrections system. Those fundamental problems which the Division of Corrections confronts daily are also the primary causes of MAP's difficulty in realizing its potential. Conflicting public and political pressures, an identity of Corrections as a scapegoat social institution, lack of blocks of direct federal monies for offender resources, a paroling process which reflects a new alliance of politically conservative pragmatists, and, above all, a mandate essentially to contain, control and regulate persons selected for incarceration -- all these constraints dictate the corrections system's, and thus MAP's, directions and dilemmas.

Above all, however, MAP epitomizes that conflict which characterizes criminal justice in particular and human services in general in American society: a conflict between opposing thought structures, ideologies or paradigms. On the one side ranges an alliance of alarmed conservatives, disillusioned liberals, and a new breed of social analysts and scientific managers who approach social problems and institutional tasks with positivist formulas, statistical methodologies, fragmented "solutions," and an operational rigidity ultimately repressive of human rights. On the other side are those who refuse to settle for a fragmented world view. They are those "humanists" who persist in seeing ambiguities and striving for synthesis, who believe it is possible to retain a philosophy of responsible discretion and self-management if all persons have on-going access to decision-making, and who comprehend justice-oriented movements not as idealistic but as necessary for a society's survival. It is a fundamental conflict of ways of seeing human nature and social institutions, with consequences for the course of all human society.

MAP's pieced-together design was a perhaps unwitting attempt to reconcile these conflicting values, for it was given a dual purpose: first, rationalization of the corrections/paroling systems, through requiring them to be accountable and therefore more effectively managed; and second, improvement of offender capacity for employment and self-management through increased access to the system's resources and decision-processes. (The latter purpose eventually became associated with the term "equity.") Practically, MAP was to lead the way out of a labyrinth of arbitrary decision-making and lack of accountability, opening system processes to the users.

Although their connection apparently seemed logical and integral at the time, the two purposes of MAP may have become oppositional given the current art of policymaking. After four years of MAP experience in Wisconsin, during a period of increasing pressure toward conservatism, social scientism and scientific management, it has become evident that MAP embodies a basic conflict of what have always been deeply opposed philosophies.

One form of the conflict is evident in failure to rationalize the parole process. The Parole Board, which embodies a legally and socially sanctioned release decision-making discretion, closed to client input, strenuously resists rationalizing and opening its decision-processes to offenders as subjects (movers of events) instead of objects of decisions. As a result, the paroling

system controls the MAP negotiation outcome absolutely, a basic reason for MAP's malfunction.

It is equally disquieting, however, to observe that MAP's relative success in rationalizing the corrections system has had an apparently adverse effect on its offender-oriented goals. Indeed, MAP has forced corrections' units to become more coordinated, rationalized, and accountable. There has been, however, less corresponding increase than expected in resident participation in making choices and decisions. The decision-making processes at every event-point have not been de-mystified but in fact further bureaucratized, complicated, and distanced from residents through a hidden discretion. The MAP principle of resident responsibility has gradually been diluted.

At each point where a snag in MAP procedures was discovered, a rub between MAP-imposed change and the system, there was a boomerang response. Although correction of the snag might have been directed at system change, the reverse often occurred. The response was to tighten and adjust MAP, to the detriment of its offender-oriented goals, rather than to plan and carry out the more complex consideration of changing the way the system operated. Slowly, people in Corrections began to comprehend and to react to what MAP demanded.

When the Parole Board or corrections facilities, units, or programs found their operations disrupted or pressured by MAP-contracted commitments, their administrators have requested and generally received changes in MAP policy. Instead of the problems being directed to a central MAP policy and planning committee with authority to review policy, re-direct resources, and strengthen the MAP concept, actions were taken to "correct" MAP itself.

MAP has affected the system, for it has caused subtle but significant changes in coordination and procedures in order to contract for and deliver existing services. MAP "got Corrections organized," as many staff attest. It is precisely the management-oriented trend toward control, however, with its quantified objectives aimed only at outcomes or products, its efficient, information-controlling decision bodies, its drawing-board mentality and rule-book philosophy that has lessened staff and resident capacity to use judgment and make decisions. "Effective management" turned out to mean less discretion and more control. MAP has been used much more as a tool for management than as a vehicle for opening system processes to client use, thus rendering it incapable of accomplishing its full purpose.

Ultimately, MAP's failures and successes cannot be evaluated in isolation. MAP has been less the primary cause of correctional changes in recent years than a timely response to larger phenomena pressuring Corrections, such as the inmate rights movement, a threatened society forced to bargain with diverse and assertive cultures, and, most of all, the assumed rationality of modern management techniques. Similarly, MAP's inability to fulfill its complete mission is at least partially due to the force of traditions and trends in criminal justice and society as a whole.

MAP implementation in Wisconsin is a story of a good idea that persists despite dilution in the system. Study of MAP's impact and absorption illuminates the state of Wisconsin Corrections in general, its strengths in embracing progressive ideas and its deficiencies in those processes and resources which could support the ideas. Such a study has also deep implications for the policy and behavioral transformation of a corrections organization.

If alternative mechanisms for dealing with the context of corrections are to be discovered and implemented, the traditional approaches of sociological and organizational theory are inadequate. Focus of analysis must be not on how the system maintains its status quo, but rather how attempts at change are defeated. Above all, this analysis may suggest clues to that construction of theory needed by a deeply conflicted society.

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CHAPTER ONE
THE CONCEPT

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CHAPTER ONE
THE CONCEPT

A. Origins of the Concept of Mutual Agreement in Corrections

The presence in the Wisconsin Division of Corrections of the Mutual Agreement Program (MAP) has been felt in every facet of operational behavior in the corrections system. No other program pervades the entire continuum of institutional movement, from initial assessment of resident in maximum-security institutions to pre-release efforts in minimum-security facilities and community corrections centers. It affects all Bureaus, Offices, and units in the Division, and requires cooperative activity of formerly insular groups, whether among separate institutions, within those institutions, or between Corrections and the Parole Board.

Because of the extensive system acceptance of MAP, Wisconsin has been seen, more than any other state, as the pioneer of MAP. National observers found in 1975 that Wisconsin Corrections "led the nation in developing the basic concepts of MAP and putting them into operation."¹

An outline of the evolution of this concept and the circumstances of its introduction in Wisconsin can illuminate current operation and understanding of its limitations.

1. Design of American Corrections Association and Department of Labor

Just as in the society at large, where convulsions in the 1960's manifested an unhealthy social fabric, criminal justice in general and corrections specifically were undergoing drastic reassessments of their enterprise. Since the most recent reform movement in corrections, which directed massive treatment efforts at rehabilitating persons, the expectations that crime would be reduced had not been met. It took a decade of riots to raise the possibility that the sources of problems might be less simply located, and that society's institutions themselves might need treatment, or correcting.

The President's Commission on Law Enforcement and Administration of Justice in 1967 defined the task of corrections as "building or rebuilding solid ties between the offender and the community, integrating or reintegrating the offender into community life. . ." It recognized that "this requires not only efforts directed toward changing the individual offender, which has been almost the exclusive focus of rehabilitation, but also the mobilization and change of the community and its institutions." (Emphasis added.) In the same year, a seminar of correctional and parole administrators documented their lack of communication as a major difficulty in offender reintegration.² The logical cooperation of corrections and the parole process was essential to coordinating placement of residents in institution programs with parole release criteria.

Through a federal priority to help the "disadvantaged," the United States Department of Labor (DOL) had, since 1964, been funding token resident training programs to teach work skills to improve residents' chances of getting jobs on release. Evaluation of these by the Manpower Development Training Program (MDTP) showed lack of coordination of training and release date to be a major problem.

"Although training was taking place, training cycles were not coordinated with an inmate's possible release date, nor were parole boards either consulted or considering such training in release decisions. It became apparent that for the inmate training programs to be fruitful and financially justifiable, it would be necessary to find some type of vehicle which would allow a man to be released upon training completion, and placed in a training-related occupation."³

Employability planning for offenders depended on specifying the duration of training cycles within the sentencing structure. Uncertainty of parole release dates made such planning impossible.

When the national workshop for corrections and parole administrators met in February, 1972, two major practical problems were identified:

- a. The time lag between corrections training completion and parole release date, which affects employability of offenders;
- b. Lack of communication, common goals, and coordination between corrections and parole authorities.

Simultaneously, one of the important issues before the courts was the alleged denial of parole without clearly stated justification. The United States Supreme Court in 1972 ordered the chairman of the United States Board of Parole to spell out parole criteria.

Pressures to rationalize corrections and parole peaked in 1972. As corrections and parole administrators sought a mutual solution to these pressures, the coordination of their efforts with community employment services seemed a timely and attractive partnership. The Corrections-Parole-MDT-Project was thus conceived and its workshop, resource documents, and experimental projects funded by Department of Labor Title I money under the authority of the Manpower Development and Training Act.

The ACA proposal submitted to the Manpower Administration in May, 1972 presented a national model and guidelines for resident training programs based on an older prescription concept, which was a legacy of the treatment era. It provided for Parole Board formulation of program. The Mutual Agreement vehicle would "improve opportunities for the employment and stability of the offender after release by creating a timetable and acceptable performance standards, leading to release on parole." The project was designed to obtain "maximum utilization from MDTA inmate training programs." (pg. 4) Contract items were only education and/or training, and parole release date. Work, treatment, and discipline components were not originally contract items, but appeared in the contracts of two of the three states when their pilot projects were implemented. No commitment was made by DOL to provide direct services to residents.

The common purpose of the three agencies was described by ACA in 1973 as a strategy for planned change, "a collaborative effort to improve the operation of human systems."⁴ (Growing recognition of this resulted in the emphasis on equity and accountability as goals in the third year funding proposal.) Neither Manpower nor Corrections

concerns originated in a clinical or social service model aimed at changing people. The idea of a Mutual Agreement Program was a response to a practical systems difficulty: the aggravation of the problem of offender employment when completion of training does not coincide with release. The design was intended to change institutions, to make them deal with each other and with the common purpose of offender employability.

2. The Theory

The mechanism conceived to ensure conditions for the timing of resident training completion and release was simple: a negotiated, legally-binding agreement. The logic behind this invention seemed to be that it would be futile to attempt parole policy reform and massive system coordination, planned system change, if active resident involvement were left to chance. What good would it do to coordinate these parts of the criminal justice system, institution programs and services, parole release, and Manpower services, if the residents were not induced to take advantage of them? Preparation for reintegration into the community and its work-life makes sense to a resident only if he/she can see release and has some control over the process. Thus, negotiation and a legally binding agreement seemed necessary. Since MAP was conceived initially in the context of prescription programming, it must have seemed a harmless tampering with the system, both innovative and attractive.

Contracting would serve as a motivator of resident involvement because it would guarantee the coordination of Corrections and the Parole Board and delivery on their promises. Past non-delivery on promises was not assumed to be a matter of ill will by the workshop conceivers, but rather a result of massiveness, traditional isolation of units, and habits in ways of operating. The reason that negotiation is basic and central to MAP therefore is that it is the motivator and glue to the organizing of system-wide program planning and release. If there is no negotiation, there is no MAP.

Conceptually, a summary of the accumulating elements in the original MAP theoretical design include:

- a. Corrections change, involving rationalization and accountability, a coordinated and thus proceduralized Corrections/parole process, a shift from a philosophy of rehabilitation to the role of institutions serving as resource to the user or resident consumer.
- b. An exchange of interests.
- c. A legally binding agreement, implying negotiability or choice.
- d. Individualized participation of residents in positive decision making (not "pure" prescription), implying a self-management model of resident responsibility in his/her own reintegration.

These elements, selected to compose MAP so that it would work, were recognized by Wisconsin Corrections research administrators as also elements of a theory of equity. The term "equity" was thus a MAP descriptor in Wisconsin from its inception.

As a contract-centered process, MAP has a unique theoretical base. The character of the theoretical MAP concept which emerged in Wisconsin cannot be simplistically defined. It cannot be labeled as just another rehabilitative program because it did not originate from the medical model. Although a MAP contract may contain a treatment component and its motivation stems from essentially humanitarian concerns, the total construct of MAP does not center on changing people.

MAP is also not solely a legal model, although a legal agreement is central to the MAP process. In requiring that the concept of individualized programming be framed in a contractual, rationalized framework, MAP was meant to put a check on discretionary judgments in the broad administrative process of corrections. Effective and legal MAP operation requires rules, guidelines, and procedures. MAP in theory speaks to a basic problem of equity in corrections without, however, being a simplistic, legalistic solution to the problem of incarceration.

What MAP is, in theory, is a negotiated exchange. This is a morally and theoretically neutral and alternative approach between the extreme theories of punitive and reformation models, both equally coercive in different forms. Negotiated exchange is closer to the roots of criminal law than either of these, and it contributes to a change in philosophy in corrections which is reflected in the new Division Mission Statement. MAP provides an administrative device for managing and delivering equitably those skills and resources to individuals which are necessary for reintegration. It identifies the Corrections role to be resource-provider rather than people-reformer. The term "exchange" avoids both the psychological overtones of rehabilitative/treatment models and the impersonality of legalism, while preserving the essential humane concern for reducing injustice.

The concept of negotiated exchange is increasingly significant in a massive society of loose social bonds and conflicting interests. It already serves as an alternative to arbitrary and authoritarian solutions in situations as diverse as family quarrels, negotiation of individualized graduate programs in universities, environmental conciliation, community labor and disputes, neighborhood peer negotiations with juveniles, and within the federal Department of Justice. To Corrections it may offer a more appropriate model than that of social deviance and consequent rehabilitation punishment, in that it provides a theory of empowerment of the weaker party and of movement from threat to exchange.

What Wisconsin MAP means is not one more innovative treatment program, nor a simplistic legal solution, but a development of theory which has potential to impact profoundly the activity of Corrections and be a practical illustration of conflict regulation to society as a whole. It is, in fact, a test of Corrections' maturity as a modern institution.

B. Introduction of MAP into Wisconsin

1. Wisconsin Corrections Milieu

MAP's anomie, i.e., its rootlessness and devalued identity, and the entire history of its struggle for existence, can be understood only in the context of the environment in which it was introduced.

The introduction of MAP into the Wisconsin Corrections system accompanied and was occasioned by a significant shift in the image of Corrections in the state.

Until the early 1970's, the Wisconsin Division of Corrections operated without public notice or notoriety. Its image was that of a monolithic institution, feared by those few who wished to penetrate it, respected or ignored by the larger public because it was thought that Corrections knew what it was doing--and what it was doing was "protecting society" and "rehabilitating offenders" in what appeared to be one of the more progressive Corrections systems in the country. Its Administrator, given the hands-off policy and his secure position, could "single-handedly stave off onslaughts." Since the Governor related to agencies mainly on the basis of their political power, Corrections was allowed to operate without interference.

Lack of public scrutiny and a secure administration allowed a confidence to build in Corrections, an unquestioning sense among staff that "we thought we knew what we were doing and why, and what others in the system were doing." There was approbation and unanimity of thought in the years 1964-71, and a high level of mutual support. If one proposed something, others backed it up.

In the wave of anti-institution, anti-establishment movements which took until the early 1970's to reach Wisconsin Corrections, the myth of a rational, competent, and humane Corrections system shattered. The politics had turned, and Corrections activities were no longer shielded from citizens. Pressured by reformists, the Governor named a Citizen's Study Committee on Offender Rehabilitation in 1972, known ever since in Corrections as "The Task Force." When its members set about observing, interviewing, and discussing with fervor, Corrections staff saw the Committee as out to get them and as a "cruel hoax on the residents," the beginning of many citizen, legislative, and academic research studies which, staff believe, have resulted in few tangible changes.

The Committee had no commitment from the Governor regarding backing or resources responsive to their recommendations. Many of the proposals were either not feasible (because other "publics" would not tolerate them), or depended on resources which the Division did not have, or had already been proposed by Division staff. Corrections staff particularly resented those recommendations where impetus for the suggested reform had come from within Corrections but had not been implemented because of resistance from legislators or citizens. Corrections persons now say that the Task Force ironically helped them get funding for programs that had already been on paper or were already in operational development before the pressure for change, such as Assessment and Evaluation, Work Release, and MAP itself.

Reform of social institutions, Corrections administrators insist, is predicated on many other things than that institution's willingness. Change in State agencies depends on current social values and economic capacity, but mainly on the political environment. Fundamental change requires either the mandate and funding of the Legislature of the people of the State or administrators who can gauge and sell the political viability of different allocations of its limited resources.

Task Force statements which accused Corrections of not knowing what it was doing became self-fulfilling prophecy. Staff morale dropped. Staff questioned what they were doing, and became ashamed to be associated with the Division. Cynicism grew as reformers developed series of demands which could not be met, with the blame being laid on Corrections as the "bad guys." With staff confidence shaken and questions to be answered, it was a time ripe for a new philosophy and strong statements of "what we are about." These were not forthcoming, however. The Administrator ordered MAP to be implemented and resigned soon after. (The Acting Administrator professed a strong commitment to MAP, placing the top MAP position directly under himself.)

Corrections had to respond to an eroded image. The public felt deceived in its belief that Corrections was protecting society since recidivism and crime rates were up. Experts were rushing to verify that rehabilitation had failed. Public trust and cooperation had disappeared. Reformers "hacked away indiscriminately." The truth was out; someone needed to be blamed.

Even as Corrections moved to correct itself, however, it met legislative resistance and hostility. Tamperings in the Division left the staff not knowing what was happening. Reasons for Central Office decisions seemed to be political, as they made little sense to the staff. Programs were introduced because they looked good, because monies were available, because some group pushed. Corrections seemed out of control, and reformers who had "engineered" it could not put it back together. One Central Office person said, "They destroyed Corrections' image to gain control. Once control was gained, they didn't know what to do with it."

Attempting to salvage its progressive image, Wisconsin Corrections moved to professionalize its personnel and to make a conscious effort to develop a rational basis, an "integrated Corrections program." In pursuit of the professional and liberal cloak, however, and having been burned, Corrections was looking carefully for what was marketable politically to the Governor, the Legislature, and to the public.

MAP suited the needs of Corrections perfectly in 1973. Its rhetoric "sounded so good" for a system in which, as one Task Force member recalls, "Things were so bad because in Wisconsin things were supposed to be and did look better than in most prison systems." MAP seemed made to order as a response to the push for revisionism and reform, to the Task Force, and to court decisions alleging arbitrariness. Its promise of early release in exchange for completed training was attractive to all critics.

Most significantly, the MAP idea represented the first major shift in focus from residents as the problem to the institution agency as the problem. This grandiose premise was well-suited to the growing sense that the attempt to "rehabilitate" people was hypocritical and doomed to failure in light of the unjust nature of the society to which they were to be returned. MAP was not to pretend to change people, to "normalize" their values, but was to be a change model for an entire Corrections system.

MAP preserved the progressive professional reputation of Wisconsin's correctional administrators by providing a model of innovation. Wisconsin was to pioneer a really new idea. It was not, however, undertaken seriously but for political purposes.

No preparation within the system preceded this change plan in Wisconsin Corrections therefore. As one administrative person now sees it, "We were hanging baubles on a tree, rushing headlong into chaos."

2. History of Changing MAP Purposes and Expectations in Wisconsin

The history of MAP's system-wide implementation provides a record of changing purpose. The original Department of Labor motivation, oriented toward vocational rehabilitation and MDTA since 1964 and into the early 1970's, intended that MAP provide an incentive to train and employ offenders. The interests of ACA's Corrections-Parole-MDT Project were coordination and rationalization of training and release processes and involvement of residents in their release planning.

a. Pilot project

When MAP was piloted at Fox Lake Correctional Institution in 1973, no clear and specific statement of purpose appeared in Wisconsin MAP documents, but only general descriptions of how MAP was to operate. Wisconsin staff were suspicious of ACA-imposed goals, and MAP was so unformed that it worked according to the perceptions of its first operators and through brush-fire management as MAP hit the system.

In the pilot stage, the contract contained treatment and discipline components in addition to educational components, such as academic school courses, adult basic education and HED, and vocational training. The Department of Labor's vested interests were soon submerged, as the importance of treatment and discipline grew.

They were eventually lost entirely when that agency's political orientation changed, and its funds for offender-related projects dried up. Instead of the Department of Labor's employment aims being accepted as a MAP planning objective, MAP became eventually rather a reward system for resident accomplishment of programs, treatment, and "good behavior." Already in MAP's early stage in Wisconsin, its concept took on additional meanings.

There is little comparison between the pilot project and the existing (1976 and after) model of system-wide MAP. The pilot was implemented at a single institution, and delivery of services functioned only within that institution; contracts were of short duration (three to six months); procedures were much simpler; negotiations were longer and more individualized; monitoring of each resident's progress was close and personal. There was no formal Assessment and Evaluation program and no Program Review Committee as such in existence. All MAP-related activity was personally handled by the Institution Representative at Fox Lake. No advocacy or representative role of a MAP coordinator had been defined, although the MAP supervisor/coordinator of the project functioned as a negotiation facilitator at that

institution. The Parole Board chairman of that time was very supportive of MAP, and the few Parole Board members who "MAPped" were not hostile to the concept. The Intensive Employment Project funded briefly by the Department of Labor provided an operational link to the labor market with special job preparation services.

Objectives then were simple: involve residents in programs they might not otherwise have been in, rationalize program planning to link release with parole plan and relieve anxiety, shorten length of stay and thus save money.

b. Expectations of system-wide program

As with all programs, there were unnamed goals, the hopes or "hidden agenda" of organizational behavior. These grew as MAP was considered for system-wide implementation.

1) MAP offered a means of taking the political pressure off the Division of Corrections. Under strong attack by the Governor's Study Committee on Offender Rehabilitation in 1972, the Division needed an innovative program to save its progressive image.

As the WCI pilot funding was nearing its terminal date of August 1974, MAP's program directors and directors of several Bureaus of the Division recommended that the Division should initiate a pilot of its own with LEAA money, and not yet go systemwide. There was at that time no hard data about program effects on client outcomes. In its grant application to the Wisconsin Council on Criminal Justice in early 1974 the Division stated: "There is presently a lack of research and analysis about employability planning with institutionalized offenders, completion of specific training programs, and resulting employment," although it suggested a positive relationship. Nevertheless, the Division Administrator at that time made the decision to implement MAP system-wide only a few months before his resignation in July 1974.

Except for an administrative order from the Department Secretary to the Parole Board in February 1975 to participate in MAP, there was no legitimation for MAP in the Division of Corrections, no statute (resembling that for Work Release), no administrative order, no mandate or top-level direction. There was in fact no Division Administrator in this period of 1974 and 1975. MAP staff in the institutions felt this illegitimate role distinctly. They felt perceived as merely a temporary federal project, not as permanent employees, and got no backing from Central Office top administrators regarding policy impact on institutions. As one said, "Wardens don't want to negotiate on an 'if.'" MAP struggled against the image of no Division commitment, its staff having the strong suspicion that it was all being done "for show."

2) Division administrative expectations of MAP loosely fit into the "planned change" intent, although few policy makers realized at the time exactly what this could mean. MAP roused administrators' hopes for more rational corrections and parole administrative policies and planning.

Improvement of corrections in-house operation. For several reasons MAP seemed to be an efficient way to move people (classification changes and transfers) and to provide and evaluate services:

(a) Guarantee of delivery of services demanded that the Division would have to be accountable. It would require a rationalized method of planning and distributing programs and services, particularly training, to MAP and non-MAP residents. It was expected to impose uniformity and standardization among institutions and a holistic approach to residents' movement through the system, from initial assessment through lessening degrees in security while incarcerated to parole.

(b) Contracting would present an opportunity for a much-needed evaluation of available resources in the corrections system. MAP would call attention to the need for a much greater variety and expansion of training programs, therefore affecting the budgeting process. The result might be not only more program and service resources to institutions, but more importantly the ability to identify services more truly responsive to actual resident needs than existing inappropriate rehabilitative ones.

(c) The need to keep track of service delivery to contractees would require a system for reserving spaces in facilities and programs and had potential as a "physical locator," or head count for all residents of the system, i.e., an integrated information system.

(d) Operating MAP would affect and even threaten the traditional institution setting because it could change the way institution staff operate on a day-to-day basis. Social Service staff could internalize new roles and more positive behaviors because they would be consulted by residents in program development. Clinical Services staff would have to operate differently, offering short-term, goal-oriented, and practical counseling. Communication and planning carry-over with parole officers should improve.

Corrections personnel in general would have to be less paternal and oriented more to resident self-management concepts. One administrator admitted to hoping that MAP "would be a way to get staff off their asses." MAP could become the key to parole orientation or what came to be called reintegration.

(e) It was admitted that MAP could aid security in institutions by "keeping the lid on" through the discipline component.

Improvement of the parole decision process. The Parole Board's involvement in contracting would demand accountability from this agency also. It would be held to a definite parole date; asked to articulate explicit, objective parole selection criteria based more on the resident's proposed program than solely on past performance; and required to follow procedures, such as giving individualized reasons for decisions.

Requiring the Parole Board to negotiate was seen as fundamental, because it would shift some responsibility for arriving at a

target parole date to the resident. The Parole Board would leave the monitoring role to Corrections, supposedly eliminating the "testing period" for release date setting. This was regarded by project personnel as representing a "major improvement in the parole decision-making process."⁵

Change for residents

Certain Division staff and administrators, as well as interested non-Division agencies in criminal justice, had hopes that a negotiated agreement could "change the residents' lot."

To a few institution persons, MAP's "improvement of resident behavior" meant the easing of resident management. (To such persons this is not a conflict at all; they see residents as needing to learn to control their behavior, and enforced conformity to rules as aiding this.)

MAP was expected to impact strongly on residents' relation to the corrections system through the following measures:

(a) A shift of some of the control and closure concentrated in the organization to the persons (consumers) whom it serves. If a resident could assess needs, make choices, select resources, set certain goals for him/herself, and accomplish these, it was believed that this opportunity for planning and making choices and decisions should improve morale, self-image, and encourage responsibility. Above all, it would put the person back on a time-scale, which is the foundation of motivation and hope. This was seen as a highly practical preparation for release.

(b) Provision of a tool for residents. Entering open negotiation with the Division was to motivate an individual to be able to survive. As a Clinical Services administrator expressed it, MAP could provide an introduction for the resident to "the way the free world operates," i.e. survival through bargaining.

(c) Reduction of length of stay by more than 2-3 months and certainty of that early release date. Early release meant not only savings of dollars but a reduction in the high human cost of loss of motivation and waste of human resources of incarcerated individuals. (Little analytical thought went into the problem of how to measure this.)

(d) More realistic planning and preparation of offenders for post-release employment. Even when the direct link with federal manpower monies was broken, the assumption remained that MAP residents would acquire work skills through improved job training, which should improve the offender's chances for getting and keeping a job and thus economic stability. The Division expected reduced underemployment of its clients.

Where decrease in recidivism was identified at all, it was as a possible spin-off of better employment and skill preparation for postrelease realities. It was not anticipated in the Division that MAP would reduce recidivism. As it was part of the political climate to demand this of Corrections, however, reduced recidivism was included in the funding proposal goals.

The local criminal justice planning agency, the Wisconsin Council on Criminal Justice (WCCJ), had four basic interests:

(a) Because of LEAA priorities, WCCJ looked for MAP to reduce time served and simultaneously number of people in institutions. No Corrections person is interested in keeping people in; therefore, Division persons perceived this demand as political, even while agreeing that the corrections system can influence length of stay. (At the time it ranged between 16 and 22 months.) The Division felt it had to play by the rules of the game and accept WCCJ's values and politics.

(b) Using DOL studies of the Manpower Development Training Act, WCCJ criticized training as not relevant to employment, and, where relevant, not coordinated with release. It wanted to force Corrections to respond by providing appropriate services to link training and jobs.

(c) Disenchantment with the parole grant mechanism caused WCCJ to hope that MAP would be a way to get the Parole Board to use post-commitment data instead of solely the information judges use. For the first time, the parole Board would consider institution programs in their decision. WCCJ hoped the main criterion of the decision process would be whether a person was job-ready, i.e., had adequate skill training.

(d) The contract was seen by WCCJ as establishing reciprocity between the resident and system, giving some autonomy to the resident in choice and decision-making.

The Legislature was interested in increased accountability in all institution departments and some defusing of resident tension. The possibility of need for reform legislation was also of interest, since for some years debate had not resolved whether to change release laws to allow for employment interview release and academic participation.

c. Summary

Two observations can be made:

First, many of the expectations were intermediate goals, things Corrections people themselves identified as possible and right for the Division to be expected to accomplish. Most were not long-range goals, such as reduced recidivism or increased "rehabilitation," for which it is difficult to hold corrections responsible. (See appendix on Recidivism as an Evaluative Measure of Corrections Activity.) They reflect, rather, staff-identified needs which it was hoped could be met through a multi-dimensional intervention.

Second, the expectations exceeded the purposes articulated by ACA in its literature of 1972 and 1973.⁶ ACA goals were primarily managerial improvement, including the integration of program delivery in large institution settings, and coordination of institution, paroling, and employment service functions. ACA's original program description presented MAP as a behavior control device, emphasizing prescription and improved behavior. For ACA, the purpose of resident involvement was mainly to make sure the managerial efforts would work and programs would be used.

Wisconsin expectations reflected a liberal state's awareness of the rhetoric of equity, justice and prisoner rights as well as an anticipation of the coming wave of political demand for corrections accountability. Progressive and concerned corrections administrators who fully backed the move toward equity and accountability had vainly hoped that MAP's purposes could be met more informally and with less commotion than it turned out.

Certain administrators expected that MAP's presence would open up a closed system. Closed systems result either from paternalistic domination or the superrationality of management systems which require jurisdictions, hierarchies, chain of command, categorizing of persons and functions, and setting of objectives, plans, and timetables. They disregard human variables and see clients as outsiders to decision-making. Closed systems center on management planning. Open or natural systems assume that a system contains more variables than can be comprehended and managed and that these are subject to unpredictable influences. Uncertainty is allowed to intrude (such as client involvement and negotiation).

Wisconsin's MAP was to allow the intrusion of the client variable. It was initiated system-wide in an interim in Division administration, between the "old reign" and the new scientific management. In its turbulent beginnings, healthy clashes of philosophy bode signs of change. By 1976, however, a reconnoitering, reclosing system had absorbed MAP, ironically using its existence to rationalize more tightly for management purposes (e.g., Program Review, DSIS, accountability through numbers, redefined Work Release rules, etc.). Organization of the system so that residents could make sense of it was turned, through pressures on and within the system, into a more conflicted and entangled maze of rules in the name of rationality.

C. Wisconsin Definition and Critical Features of Model

In preparing the request for continued LEAA funding in 1975, the MAP process researcher gathered a summation of definitions and features identified as critical to the concept of MAP by Wisconsin corrections administrators, research administrators, and the existing literature:

"The Mutual Agreement Program is a procedurally-secured system of exchange whereby the resident, institution, and Parole Board agree on a certain parole release date on completion of resident-specified program goals. This exchange is sustained in a negotiating process requiring active resident responsibility, institution accountability in delivery of guaranteed services, and specifically articulated parole criteria. The process results in a legally-binding contract.

The intent of the agreement is the coordinated timing of program completion and release date in order that education and training programs can be better utilized upon release. Close coordination with state and community agencies is integral to achieving the full MAP purpose."

Critical elements of Wisconsin's Mutual Agreement concept were identified as measures for MAP program evaluation.

1. Coordination and accountability of corrections system
 - a. In operational decision-making
 - b. In standardized procedures and roles
 - c. In a system of inter- and intra-institutional resource allocation, development, organization, and delivery (coordinated resource utilization)
 - d. With state and community agencies.
2. Negotiation of legal agreement
 - a. Standards and procedures in a rationalized process, including appeal and due process
 - b. Exchange of interests and responsibilities (contractual bargaining)
 - c. Choice
 - d. Focus on merit
 - e. Individualization
3. Resident responsibility
 - a. Active personal involvement in total negotiation process, as in goal-setting, bargaining, decision-making, and goal completion
 - b. Shift of some control for selection and management of resources from organization to persons served.
4. Qualitative change in parole interviews and decisions
 - a. Content guidelines, explicit criteria
 - b. Procedures
 - c. Defined bargaining role and method
5. Practical preparation for release
 - a. Focus on training, employment preparation, and reintegrative services and skills, less on traditional treatment
 - b. Coordination with parole personnel and services
6. Impact on corrections philosophy through systems change: the "planned change" intent
 - a. Toward resource provision as distinct from medical model of treatment and rehabilitation (avoiding coercive approach of both the punitive and the care models)
 - b. Toward community orientation and coordination with parole agents and community/manpower agencies .

For MAP to be true to its conceptual definition in Wisconsin, for it to have "concept integrity," would have required drastic measures. Only a few corrections administrators recognized that it demanded from the Division a commitment of special staff and financial resources far beyond what has traditionally been delivered to rehabilitation and parole activities. Institutions would also have to provide individualized programs and support services in a continuum throughout the system and specify individualized performance standards which could signify, without arbitrariness, a resident's completion of contract, thus changing corrections modus operandi totally.

"Above all, Parole Board members must be prepared to relinquish the autonomy and discretion they have historically exercised in the parole decision-making process; be willing to work with the institution representatives to develop programs and performance standards; and be prepared to bind themselves contractually."⁸

MAP struggles still to overcome the conflict between a contract-centered theory and the behavior and processes of the people-changing theory traditional in Wisconsin Corrections. Bargaining, a legal agreement, and resource provision demanded a process to which corrections and paroling personnel were not accustomed or trained.

MAP's implementation has caused headaches and been messy, as was expected. If it were to be absorbed totally into traditional processes, it would not be MAP but should be called something else, perhaps prescriptive agreement, contingency contracting, or contract of adhesion.

CHAPTER ONE

NOTES

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2. Proceedings; The National Workshop of Corrections and Parole Administration, American Correctional Association Resource Document No. 2, 1972
3. The Mutual Agreement Program: A Planned Change in Correctional Service Delivery, ACA Resource Document No. 3, 1973, p. 3
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CHAPTER TWO

STATE OF MAP: PROCESS INTEGRITY AND CHANGE

- A. Wisconsin MAP Model: Distinguishing features of the operation
- B. Program Goals
 - 1. Funding proposals, 1974 & 1975
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CHAPTER TWO
STATE OF MAP: PROCESS INTEGRITY AND CHANGE

Given the shaky circumstances of its introduction, MAP has survived with the level of integrity it has largely through the pluck, determination, and horse-trading skills of its healthily diverse MAP staff. Since 1974, MAP operation has been hammered out in hundreds of meetings, formal and informal, a case study in the slow steady efforts of a handful of people who recognize and believe, each in his own fashion, in bargaining. MAP staff themselves have to be good bargainers, with one another and with the system. Some have left MAP as this faith in negotiating has been disappointed, as MAP tightened and the capacity for bargaining was eroded. Some continue to struggle.

MAP staff have formulated and operated MAP through a diversity of philosophies, argumentation, persuasion, compromise, and the constant change which characterizes an open system. Through this non-hierarchical method of negotiating MAP into the system, MAP staff have managed to preserve a basically intact structure, despite major content erosion by the paroling system. A few bureau administrators saw to it that MAP was not reduced to single institution implementation or select populations as in other states. Above all, through the efforts of both these groups, MAP has not lost entirely the critical features that defined it in the first place. It has, in fact, added elements which were realized to be necessary to preserve the integrity of the MAP process.

A. Distinguishing features of current MAP operation in Wisconsin

MAP operation in Wisconsin, throughout its changes since 1973, still basically retains the same elementary features with which it was begun system-wide. Its retention of the first five elements listed below is what gives Wisconsin MAP the reputation of being closest to a "pure" MAP concept. The remaining features are Wisconsin inventions considered essential to make MAP operational or to preserve its unique characteristics from absorption in the larger system.

1. Negotiation, where the resident and the MAP Coordinator sit down face-to-face with the Institution Representative and two members of the Parole Board and employ a "bargaining" method of proposal and counter-proposal to reach an agreement on contract content.
2. An agreement signed by the resident and the Secretary of the Department of Health and Social Services, which is assumed to be a legally-binding, contractual relationship.
3. Involvement of an autonomous Parole Board as a negotiating party. (The Parole Board uses the same method and parole release criteria in MAP as it does in regular parole interviews, however.)
4. Separate MAP-identified staff, including seven teams of MAP Coordinators, Institution Representatives, and typists, employed specifically to make MAP principles operational; MAP Coordinators (formerly called advocates) to represent residents and conduct negotiations; Institution Representatives representing the administration to check out and reserve services and to monitor resident performance and institution service delivery.

5. Contract components, forming the substance of the agreement, which contain five negotiable elements, plus one element of limited negotiability and one which is nonnegotiable. These are to be performed during incarceration and concluded at parole release.
 - a. Vocational/skill training.
 - b. Education.
 - c. Work assignment (preference only is negotiable).
 - d. Treatment.
 - e. Discipline (non-negotiable).
 - f. Parole release date.
 - g. "Other," such as Work or Study Release, and/or transfer to another facility.

The discipline and work assignment components are required in each agreement. Any one or combination of the other elements constitutes the contract content to be performed by the resident in exchange for the specified parole release date, which is the central constant in every contract.

6. Resident access to the Parole Board upon request, with certain administrative limitations.
7. System-wide, coordinated, resource delivery among all adult maximum, medium, and minimum facilities in the Wisconsin corrections system, including institutions, camps, and urban centers.
8. Integration of the MAP process into the centralized Classification system. This is a system-wide continuum, coordinated through Institution Program Review Committees, of classification and graduated release (movement through the system to minimum security), program planning, and coordinated service delivery. This was to be accomplished through the common supervision of Assessment and Evaluation, Program Review, and MAP by the Classification Chief in Central Office. This integration was presumed necessary to ensure system-wide client movement and continuity in delivery of services.
9. Standardized operating procedures for the total MAP process, from referral to release, as specified in the MAP Manual.
10. Provision of due process hearings by impartial Departmental Hearing Examiners as a part of an agency-initiated move for cancellation.
11. In-house resident/institution information system to track service input, monitor activity, and to measure and evaluate outcomes.
12. Reservation system, still manual, but currently being developed into a computerized Delivery of Service Information System and serving broader needs than simple scheduling.
13. Process analysis and feedback reporting regarding process integrity relative to stated MAP program concepts.

B. Program Goals

When the Division of Corrections applied for the first LEAA funding grant for MAP in February 1974, an attempt was made to translate and telescope some of the expectations of MAP (documented in September 1973 and outlined in Chapter I) into goal statements.

The following are the objectives cited in the funding proposal of February, 1974:

1. Decrease the average length of stay in correctional institutions.
 - a. Decrease the time lag between completion of education, treatment, and training program, and return to the community. (This objective was meant to coordinate the activities of residents, corrections staff, and parole authorities.)
 - b. Motivate offenders to participate in and complete agreed-upon programs designed to meet his/her individual needs.
 - c. Establish release dates at an early point in the correctional process. (This refers to the guaranteed and specific target parole release date of the contract.)
2. Improve the availability and utilization of rehabilitative programs.
 - a. Involve all levels of correctional staff in planning and implementing individualized rehabilitation programs, with mutually agreed-upon objectives for each offender.
 - b. Monitor involvement in, completion of, and effectiveness of individualized agreements. (This objective was not among the statements of expectations in 1973.)
3. Decrease incidence of return.
 - a. Increase and improve inter-agency and community cooperation and coordination in working in behalf of persons served by the Division of Corrections.
 - b. Increase and improve opportunities for employment through cooperative implementation of the WSES (WJS) proposal, offender manpower development and placement program.
 - c. Establish formal channels for communication and coordination between offender, prison, and parole authority with respect to institution and related programs, recommended release to parole, and employment of offenders.
 - d. Increase resident participation in development and decision making about their own programs.

Two of the major goal statements of the 1974 funding proposal did not appear in the 1973 statement, i.e., references to average length of stay and recidivism.

Process Observation

Significant process change in Wisconsin MAP can be observed in these early objectives.

1. Vaguely worded, they are for the most part long-range impact goals. None identifies specific intermediate goals for accomplishing motivation, improvement, involvement, monitoring, etc. No distinction is made between agency output or effort and that long-range impact which may not necessarily be within control of the agency.
2. The vague goal statements reflect a dilemma continuing to afflict the Division of Corrections. Although MAP requires significant agency cooperation between Corrections and Parole Boards, because the whole mechanism depends on a decision for parole release, it was solely the Division of Corrections which applied for the MAP funding grant. The Division has no authority over the Parole Board and, therefore, could not hold the Parole Board accountable. Ironically, the primary objective is reduction in average length of stay, an element over which the Division has but very limited and indirect control.
3. The inclusion of decreased incidence of return, or recidivism, another objective over which the Division has little control, signifies the political tenor of the times in which Corrections is held accountable for the primary prevention of crime. The assumption that rehabilitation programs affect whether offenders return to prison means that promises to cut recidivism had to be tacked onto any application to LEAA for funding.
4. Although the desire for an "employment connection" was strong, vague references to agency coordination reflect the Division's reluctance and real incapacity to be directly responsible for delivery of jobs and job preparation services. (It did not necessarily reflect any Division belief that employment alone prevents recidivism.) When the Department of Labor funding was no longer available for the Intensive Employment Program (an intensive employment service and pre-release job preparation program connected with MAP during the pilot project), the Division took no effective measures to fill this gap. Persistent absence of a system-wide connection with sustained employment training and placement was to plague MAP and mock its original purpose.
5. Coordination with Probation and Parole (now the Bureau of Community Corrections) is significant by its absence from the proposal since parole orientation was to have been a vital part of MAP.
6. The funding proposal even made the Division responsible for resident responsibility, since resident motivation, participation in planning and performance (completion and effectiveness) became objectives. To be sure, the Division was held responsible for provision of the means for this presumably voluntary participation by residents in programs, i.e., the programs, staff space, and resources for the mechanism of negotiation. However, the implication was that the Division would be held accountable if residents did not buy it, or for any failure in motivation or performance of residents.
7. One expectation documented in 1973 is conspicuous for its absence in the 1974 proposal; "Focus attention on the treatment and rehabilitation of the person related to individual needs, so that the individual may develop attitudes, knowledge, and skills for law-abiding, self-supporting behavior in the community." Deletion of

this cut treatment verbiage from the funding proposal and signified a conscious decision to shift away from theories of rehabilitative prescription toward a more consumer-based resource provision.

WCCJ Conditions

In 1973 special conditions were imposed by WCCJ on the second-year funding proposal. These special conditions were:

1. Clear and specific statement of goals and objectives.
2. Definition and clarification of roles in MAP decision-making process, especially those of the Parole Board and Institution Representative, including a suggestion to reduce Parole Board members in negotiation to one.
3. The broadest possible eligibility.
4. Negotiability of the work and discipline components.
5. Clarification of the meaning of the goal referring to availability of rehabilitative programs.

Administrators and program operators in the Division provided written responses to these special conditions. Responsive statements of clarification, however, did not open eligibility at that time, or relax work and discipline components, nor did it change the roles of the Parole Board or the Institution Representative. The goals statements were already being refined in preparation for the third year funding statement. Resources available were indeed "clarified" but not committed.

MAP's purpose changed before it even began to operate because of practical constraints, the hidden agenda of political necessities, and lack of identification of specific intermediate goals. The 1974 (and 1975) funding proposals of the Division of Corrections shifted more responsibility for MAP from the Parole Board to Corrections and changed its focus from client employment to Corrections-oriented goals, such as resident involvement, use of programs, and recidivism. The Division of Corrections shouldered sole responsibility for MAP. It could not control the other agencies, yet MAP could not work without them. In addition, in order to get funding the Division had to incorporate the political demands of the time. Goal ambiguity injures a program but may be functional in a correctional system "because it allows coexistence of unresolved differences, all of which must be accommodated." (Gresham Sykes, Society of Captives, p. 11)

Ambitious measures of success insisted on inter-system activity which the Division of Corrections does not control and held the Division accountable for client activity. What had begun as a Department of Labor program to get systems to move, i.e., to link job training for residents with jobs after release and to link parole decisions with practical readiness, had taken on the contemporary pressures of Corrections.

The Wisconsin Council on Criminal Justice attempted again to intervene in MAP with a list of concerns outlined in July 1976, just prior to the third-year funding statement. Its revised concerns included: eligibility, inclusion of conduct reports as items in contracts, unfilled positions and attempts to create new staff positions, MAP training of negotiating parties, cancellation and appeal procedures, coordination of MAP with Probation and Parole, Parole Board role "at dual levels" in both MAP and regular parole hearings, lack of measurable goals and objectives, and service delivery.

WCCJ did impact expansion of eligibility eventually and did provide monies to plan a service delivery information system. The substance of the other concerns remained untouched. WCCJ accepted explanations from the Division and the Parole Board of constraints requiring a discipline component, additional staff, retention of two Parole Board members in negotiation, and an unchanged appeal process; plans for training were quickly outlined. Finally, goals and objectives were already being refined for another reason.

Third-Year Funding Proposal

Because operational experiences of 1974 and 1975 illustrated the difficulties of operating with vague and misdirected goal statements, the MAP program director undertook to refine the third year funding proposal. With the assistance of the MAP research team, a more precise program statement resulted in a section entitled "Review of Goals and Objectives," which defined MAP in Wisconsin and identified specific goals in qualitative as well as quantitative terms. A self-critical section identified specific problem areas and proposed responsive activities as additional goals.

In the Third Year Funding Proposal, the Mutual Agreement Program was explicitly defined. (See Chapter I, Section C.) Following this definition was a brief explanation of the purpose of the process.

"The central operational content is the coordination of program completion and release date with the purpose of utilizing the program upon release. Because this process involves exchange, or a bargaining process, and a signed agreement, its legal framework must have structure and procedure. The broad negotiation process thus requires administrative coordination and accountability as well as a practical imperative to implement the concept of equity. These two core elements of accountability and equity serve as goals of MAP implementation."

These two concepts, accountability and equity, thus became the main goals of MAP, and were explicated in the following:

Accountability was seen as "effective management and utilization of Division of Corrections services and coordination with release-linked agencies." Equity in MAP is "an ameliorative device contained in a mutual exchange and contracting mechanism, a balancing of interest. It involves choices unique to the individual, specificity as to release expectation, and regularized procedures to develop structured discretion."

Related objectives of these two goals and measures of their accomplishment were identified and are discussed below.

Accountability

In every area of correctional activity, MAP requires rational and methodical operation because of the legal nature of the institutions' role in guaranteeing delivery of services. This affects administrative policy, the process of communication and coordination, program organization, parole authorities, resource identification, utilization, and coordination with resources outside the Division of Corrections as release links.

Effective management and utilization of corrections services included:

1. Measures of scope and effort, such as extent of resident involvement with MAP (relative to social background of residents).
2. Use of information from the delivery of service information system to facilitate the budget process, in assessing, allocating, and developing resources in the Division. Programs desired or requested were to be monitored and compared to programs received and to programs needed but not available.
3. Problem solving and decision making were to be documented through analysis of MAP team progress reports, problem solving actions by administrators, and monitoring of contract withdrawals, violations, cancellations, and renegotiations.
4. Training of MAP-related staff was to be identified and assessed as well as orientation of residents and other institution staff.

Measures to promote linking of program completions with resident release to more effectively integrate the resident into the community included:

1. Involvement of field agents in selecting contractual components, and assessment through follow-up questionnaires of agent knowledge of residents' involvement with MAP.
2. Pre-release orientation of residents, including Work and/or Study Release, survival education programs, vocational and/or educational counseling, and other therapeutic release programs such as AETP.
3. Identification and use by Division staff and residents of non-Division interagency services.

Equity

The broad negotiation process of MAP decision making was meant to lessen the arbitrariness of institutional routine. Through opportunity for individualized choice and bargaining, bound in substantive and procedural safeguards, the MAP exchange process was expected to be a potential vehicle of equity. Resident choice and decision-making were to initiate a developmental model of training and experience in self-management, distinct from the dependent, medical-rehabilitative model of treatment. At the same time, it would provide a means for an exchange, in this case

goal completion for a certain parole date. Equity goals, therefore, were seen as individual choice, individualized goal setting, and increased responsibility within the corrections setting.

Criteria for entry into MAP (eligibility) and for the selection of program components (negotiation) were to be determined according to specified standards in order to assure resident involvement and bargaining in contract negotiation. These standards included:

1. Identification and types of residents entering MAP and types of programs for which they contract, as related to social background characteristics and components.
2. Identification and documentation of the nature of negotiations to observe whether MAP procedures were clear and followed, whether residents had access to information, and whether criteria for decisions were clear, the nature of the parties' participation, and timely decision making.
3. Identification of the roles of the negotiating parties, and documentation of the quality of advocacy for residents.

A range of choice for bargaining was to be assured through two means: negotiability was to be preserved through maintaining the availability of programs and transfers to facilities, and guidelines were to be used, including:

1. Identification of work, program, and treatment components, and differences between desired and contracted component items.
2. Identification of renegotiations which resulted from violations or problem occurrences. Decision-making processes were to be examined for the reasons for rejecting or accepting renegotiations, conditions, and results of renegotiations, and documentation of major changes resulting from negotiations.
3. Observation of behavioral controls or restraints with emphasis on the impact that behavioral infractions have on residents maintaining or losing their contracts.

Maintain equitable due process standards through agency manual procedures and content appropriate to the MAP concept, and assure each resident voluntary involvement in return for reasonable consideration of specified release date.

1. Identification of MAP Manual development, observation of multi- and uni-lateral decision making affecting MAP concept, and analysis of advisory committee staff meetings and documents.
2. Continued review of current MAP appeals in the problem-solving system.
3. Identification of activities surrounding the involvement of courts in review of decisions regarding MAP contracts, and analysis of decisions submitted by the Attorney General's staff.

Specific problems for which goals were designed in the third year funding proposal were:

1. Plans for an automated service delivery information system.
2. Widened eligibility to include most of the adult institution population.
3. Coordinated employment planning with non-Division agencies.
4. MAP orientation and training plans.

Process Observation

A theoretically mature MAP model is reflected in these revised goal statements. Through involvement of the MAP research team, the third year funding proposal accomplished a number of things:

1. It anticipated the direction of a revised Wisconsin Division of Corrections mission statement by emphasizing resource management, offender reintegration, agency accountability for and use of services, promotion of resident self-reliance, rights, and opportunity to develop life-coping skills.
2. It integrated MAP conceptually with an evolving corrections philosophy that sought an alternative to the "justice model" and its association with determinate sentencing. Engagement with resident responsibility, and all the system accommodations that meant, became identified as the equity concept. This represented Division acceptance of its share of responsibility for long-range impact.
3. It pinned MAP to intermediate goals, specific activities for which corrections could be held accountable. Since many of these were process activities, they were difficult to specify in measurable, quantitative terms, but were stated in quasi-MBO format.
4. It identified, in candid self-criticism, particular problem areas needing intensive work and proposed responsive activities.

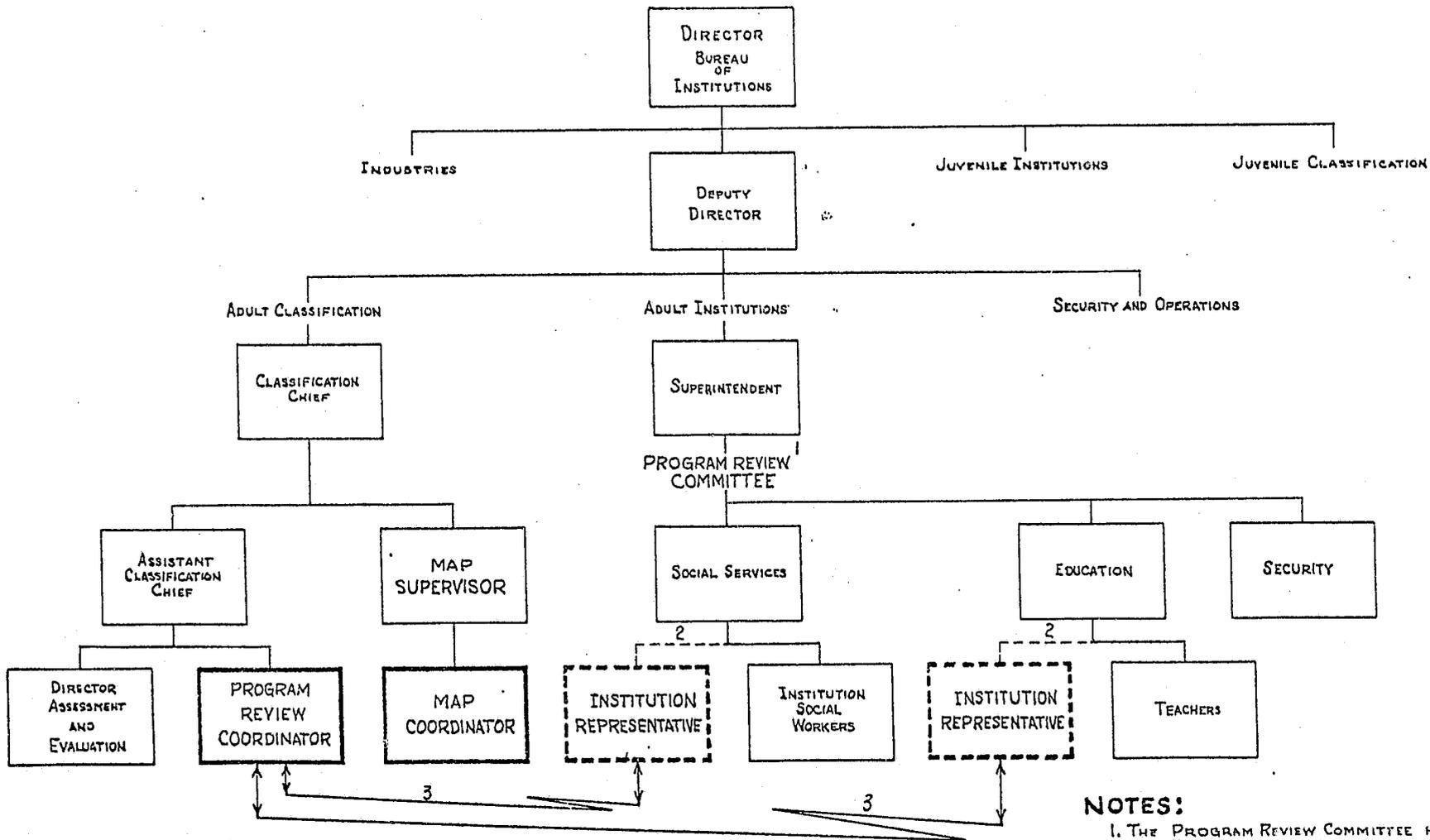
Above all, this last funding proposal formalized the development of a powerful idea. It was the first and last time that Wisconsin MAP would be theoretically scrutinized.

C. Structure of MAP Administration: Who is responsible for MAP?

In the Division's central administrative structure, the MAP supervisor is located in the Bureau of Institutions, responsible to the Classification Chief, who also oversees Assessment and Evaluation (A & E) and Program Review (PR). This structure identifies MAP as an operation integrated with the population management functions of institutions. (See chart,

When MAP was in the pilot stage in Wisconsin, the location of the program's manager was decided on the basis of immediate contingencies. Responsibility for implementation of the program was given to the Classification Chief. This position seemed most likely to integrate MAP into current institution operation for two reasons:

REPRESENTATION OF MAP OPERATIONAL RELATIONSHIPS
 DIVISION OF CORRECTIONS
 BUREAU OF INSTITUTIONS



NOTES:

1. THE PROGRAM REVIEW COMMITTEE HAS A MEMBERSHIP OF THE PROGRAM REVIEW COORDINATOR AND A REPRESENTATIVE FROM SOCIAL SERVICES, EDUCATION AND SECURITY AT EACH INSTITUTION.
2. THE INSTITUTION REPRESENTATIVE (IR) AND MAP COORDINATOR ACT AS A TEAM. THE IR MAY BE IN EITHER SOCIAL SERVICES OR EDUCATION, DEPENDING UPON THE ORGANIZATIONAL STRUCTURE OF THE SPECIFIC INSTITUTION.
3. A DEPICTION OF COMMUNICATION FLOW BETWEEN THE PROGRAM REVIEW COORDINATOR AND THE IR.

1. The Classification Chief was in the process of implementing two new programs which provided the backbone of MAP, Assessment and Evaluation and Program Review. A & E was designed to accomplish mutual planning of a person's program from the time of admission. Program Review converted the former classification and reclassification committees' functions from solely security determination to periodic review of each resident's program plan. Its committee members consisted of representatives from Security, Social Services, the guidance counselor or other representative from vocational and educational services, and was headed by the newly-created position of Program Review Coordinator.
2. The person most enthusiastic about MAP's potential at the time, and its first supervisor, was not viewed in Central Office as appropriate to implement MAP system-wide. He was seen less as an "operations man" than as an idea person. MAP was not given a separate identity, responsible directly to the Administrator, as he urged, but assigned to the Classification Chief for implementation.

The debate is waged as to the consequences of this decision. Did it doom the integrity of the concept or was it necessary to make MAP operation possible? An affirmative response can be made to both questions. Any drastic challenge to a functioning operation would certainly have been rejected by wardens, Social Service staff, and especially by those crucial to MAP acceptance, the Program Review Committee members. Without a strong mandate from the Classification Chief and his constant troubleshooting where gears jammed and personalities flared, MAP could probably not have functioned at all.

On the other hand, since the Classification Chief had been ordered simply to implement MAP system-wide, little concern could be given at that time to the quality of operation, i.e., whether the concept was retained intact. The sparsely drawn program description of MAP, taken from the loose framework provided in ACA literature and from individual, informal understandings of the new mechanism, was not studied and clarified. No guidelines were drawn up. No formal planning process was followed in the Division; no precedent existed elsewhere in the nation.

What Wisconsin did was stick to what it saw as the basics: a sit-down meeting of "negotiating parties," services to be cleared and delivered, and a certain release date agreed upon. Because Wisconsin took all these seriously, it had to develop a massive erector set.

A landmark set of decisions, therefore, was made regarding staffing. From the pilot project, it was evident that the MAP project coordinator could not handle all the activities necessary for negotiation. Thus the position of Institution Representative (IR) was invented to check out and facilitate delivery of institution services, especially since services would now have to be guaranteed beyond a single institution in an integrated system such as Wisconsin's.

The "MAP staff" was to consist of this IR and a MAP Coordinator, originally meant as a resident advocate. (See Section G on roles.) One team was to handle each adult institution, except where two medium security institutions with moderate-sized populations were covered by a single team. As

MAP gradually extended across the system, one IR covered the Northern and one the Southern camp regions. Currently these are full MAP teams, the Southern team stationed at Oakhill, a medium-minimum security facility.

The MAP Coordinators are directly responsible to the MAP Supervisor in Central Office. The IR's report indirectly to the institution superintendents but may file their leave requests with the school principal or the A & E director. This duality of allegiance initially created difficulties for IR's. They were meant to represent the institution's interest, yet their paycheck came from Central Office since they were funded by the MAP grant. Currently the IR's appear to have resolved the tension in their position through informal working relations and knowledge of the system gained in past institutional experience. (They are currently paid through the institutions.)

The existence and growth of MAP staff has been criticized as unnecessary "empire-building." The complement of 17 MAP staff persons handling contracts (including 5 typists) in Wisconsin was due primarily to the need for identification of MAP as an entity and for procedure emphasizing equity in the corrections system, ensuring service delivery beyond autonomous institution decisions. Without MAP-identified staff, negotiation would have become pro-forma and meaningless. Additional MAP-related staff, which swelled the MAP budget, included eventually nine Program Review Coordinators and typists, five Clinical Services psychologists and assistants, and five research staff for evaluation, monitoring, and implementation of an automated information system.

The only formal structure established to ensure input from and coordination among Bureaus and agencies concerned with MAP implementation was the MAP Advisory Committee. Members included all Bureau Directors, representatives of WCCJ and Wisconsin Job Service, a Corrections attorney, the vice-chairman of the Parole Board, the MAP Supervisor, and the Work Release Chief. Drawn together in 1975 upon the recommendation of the Bureau of Planning, Development, and Research (now the Office of Systems and Evaluation), this Committee was to provide review and discussion of MAP policy issues to ensure adherence to program concepts in the early stage of working out MAP policy. It was largely a reactive body, its meetings called to respond to issues raised by WCCJ or to pass on procedures with perfunctory review.

Because of statutory prohibition of voting membership by non-Division persons on a steering committee, the body was designated an Advisory Committee only, not a policy-making committee. Decisions of policy remained formally in the hands of the Director of the Bureau of Institutions. Its general process consisted of discussion of items of concern on an agenda, conclusion with a voice vote of agreement with the discussed course of action, and sometimes formation of subcommittees to formulate suggested policy statements to be given to the chairman. Individuals were occasionally assigned to write opinions representing their Bureau or agency positions. Meetings were not regularly scheduled, but called in response to crisis issues.

Significantly, the Advisory Committee did not address fundamental substantive issues or general and long-range policy direction. Thus, the Advisory Committee cannot be credited with actual policy direction of MAP. It became a token, formal gesture of communication among Bureaus and non-Division agencies, particularly WCCJ, a halting attempt to bridge long-standing communication gaps. Like most bureaucratic mechanisms, its use

was limited to brush-fire activity. As MAP subsided into normalized operation and was funded not by LEAA but by the state, the Committee was no longer used. Its last meeting was in August 1977.

In summary, the structure of MAP administration minimized friction in the implementation of MAP through its integration with Program Review in the Classification unit, through the formal role and informal work relations of Institution Representatives, and through use of the Advisory Committee as a buffer and responder to issues and criticism.

Although elements of MAP such as the MAP Coordinator, the process of negotiation, and guarantee of services had the potential of changing Division operations, the structure necessary to make it acceptable and operable at all counter-balanced these change-factors.

Organizational structure does not fully answer the question of responsibility. Who runs MAP? Who is responsible for MAP's direction? On paper, the MAP Supervisor, as program manager, is responsible for MAP. In its first two years, however, the Classification Chief acted as program director, took hold of MAP and made it operational. In that time WCCJ had some impact through special conditions attached to funding approval and its seat on the Advisory Committee. Parole Board members perceived WCCJ as solely responsible for MAP's direction, but Division personnel largely identified either the Parole Board or the Classification Chief himself. Since his departure in 1976, the combined MAP staff has been responsible for the way MAP operates. The Advisory Committee is not seen by MAP-related persons as having any impact on or responsibility for MAP direction. Apparently, organizational structure did not reflect responsibility for the program.

Currently, there is no formal organizational body designed as a problem-solving structure for MAP policy. As with most policy issues, changes are proposed or problems addressed informally in MAP staff meetings or through contacting the key persons involved.

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D. History of MAP Implementation

Implementation of MAP has been a political process, as is the grafting of any program onto an established organizational operation. MAP's birthing was especially laborious because it was generally known that MAP had been introduced for political reasons. Even in the best of circumstances, managing a process which imposed negotiation on the corrections system would necessarily mean confrontation between the program and the institutions. The MAP pilot project, funded in part by the Department of Labor, was implemented at the Wisconsin Correctional Institution-Fox Lake, in September 1972. Because the Division Administrator served also as ex-officio chairman of the Parole Board, he could mandate the involvement of both agencies critical to MAP, paroling authorities as well as corrections. In a ten-month period, 87 contracts were written, an average contract covering a period of 5.8 months. The goal was to write short-term contracts not to exceed six months. A discipline component was introduced to satisfy institution concerns, and treatment became as emphasized as training.

In 1974 decisions were made to implement MAP system-wide and to place the direction of MAP in the office of the Classification Chief of the Bureau of Institutions. This decision signified that MAP was to be implemented within the existing structure, and not that the Division would be altered to adjust to MAP.

Direction of MAP became nearly a full-time job for the Classification Chief because of personality and power conflicts. MAP did not become a separate identity in the organizational structure. The goal in 1974 was simply to make MAP work, to get things done, i.e., to integrate MAP into the adult institutions using existing staff, resources, and processes, such as A & E and Program Review. The Classification Chief, a dynamic and forceful person whose operational aggressiveness was tempered with a workable style, used the authority and clout of his position to get this accomplished. A brush-fire philosophy dominated, emphasizing procedures before philosophy. This cart-before-the-horse activity was reflected in a MAP funding proposal which contained neither a definition of MAP nor clear operational goal statements. In addition, because the Parole Board was by 1974 separately administered (through the Department of Health and Social Services), responsibility for MAP goals shifted to the Division.

For the same reason, the fact that the Division of Corrections has control over only its own resources, there was less emphasis also on linkages with community manpower employment services and resource planning. By 1974 the funds for the Intensive Employment Program (through the Department of Labor) were no longer available. Thus, the original link between institution training and employment disappeared. The original reasons for MAP were gradually being forgotten in the face of implementation pressures.

Department of Labor policy change was crucial in this loss. For the Division of Corrections, a central problem is post-release employment of offenders. The Division had hoped that MAP would improve offenders' chances for employment. The U.S. Department of Labor experienced a change, however, in its national priorities and did not anticipate that its role in MAP was to continue after the idea and the structure were developed. Resources for insuring the employment of offenders were apparently assumed to be an obligation of the corrections agency. An LEAA-funded substitute was to have provided specialized placement through the Wisconsin Job Service with priority given to MAP's participants, but this priority was impossible to guarantee and thus ineffective for MAP's purposes. This unresolved gap in service delivery was ultimately to doom the substance of the Work Release component in Wisconsin MAP.

The Office of Systems and Evaluation (OSE) recognized naivete and hypocrisy in MAP's introduction. When the Office's administrators advised of the possibilities of MAP being a "con game" and window dressing if not properly implemented, the Office was seen as anti-MAP. Its initial resistance to system-wide MAP in 1973 and 1974 was based on several concerns:

1. Concern that there was no serious commitment to MAP by ACA or the Department of Labor.

2. Necessity for the concept to be thought out before implementation if it were not to be a fad; recognition of weaknesses in the ACA concept, such as insufficient staffing and behavior modification language.
3. Anticipation of serious funding and staff time impacts. The Office saw also the process implications of the negotiation idea for staff behavior change within the Corrections system, as well as the need for educating the Parole Board to the idea.
4. Observation that evaluation of MAP solely on the basis of recidivism would result in the program being seen as a failure.
5. Apprehension that the critical advocacy role would not be implemented in the institutions unless mandated by the top administrators.
6. Conflict with operations-minded administrators of the Bureau of Institutions who would have preferred to run MAP in their own way and not be bothered with the conceptual problems presented by the Office and by WCCJ.

Resident enthusiasm for the concept swayed the Office of Systems and Evaluation (OSE) from resistance to repeated attempts to incorporate the above concerns into the introductory process. At that time, when the Bureau of Institutions felt that implementation of MAP according to OSE's concept would be impossible, the Office of Systems and Evaluation's response was basically, 'Why not?' It questioned why the Parole Board could not be induced to make early decision and saw possibilities for change in the organizational behavior of Corrections. It was at the insistence of the Office of Systems and Evaluation that a research team was established, one researcher to monitor and evaluate client outcome, and a process researcher to monitor MAP operation. The process research position was assigned to observe and make ongoing reports on "concept integrity" and MAP impact on the system. Process research was invented to monitor the interaction and integration of the MAP concept with the larger system. Participant observation became a means for feedback intervention in the operation. Thus, the researcher assigned reported continuously to the Classification Director on areas of conflict and concern.

To broaden implementation decisions, the Office of Systems and Evaluation tried for more than eight months to set up a MAP committee so that input would not be unilateral. The committee was to include MAP staff, wardens and treatment directors, the Parole Board vice chairman, Bureau Directors, WCCJ, and representatives of the Attorney General and the Wisconsin Job Service. Eventually, this idea became formalized in a modified Advisory Committee, which was to have served as a quasi-steering committee of MAP. Nevertheless, policy development resulted rather from strong direction by the Classification Chief and middle-line operational decisions.

In its early system-wide implementation in 1974, MAP ran into conflict with A & E, Program Review, and Social Services administrators. The resulting compromises with those units left a permanent mark on the MAP operation. By late 1975, these compromises were set in writing. A MAP operations Manual which formalized the evolving procedures was hammered out in a series of meetings among the units. The product was a landmark in attempts to coordinate and rationalize institution unit's activities, but it also served to bend MAP to their needs, rather than to adjust those units to the MAP concept.

No special resources were committed to MAP except its immediate staff. This staff included initially a MAP supervisor, a MAP team at three institutions, funding of three Program Review Coordinators, and the research team. Institution resources were not affected. MAP was not seen as providing or affecting substance but was simply to proceduralize existing programs and services and to rationalize their delivery. Lack of attention to substance and resource commitment at this stage was to seriously affect resident program choice, negotiation outcomes, and MAP credibility.

By October 1974, Wisconsin had become the only state to continue the original model based on the negotiation of a legal agreement and to expand it to the entire system of adult corrections institutions. California switched to a voucher model and eventually dropped MAP, as did Arizona. Although other states such as Maryland, Michigan, and Minnesota have initiated MAP, none has made so pronounced an effort to develop the theory and the basic negotiation process as has Wisconsin.

In the period of 1976-1978, MAP quietly expanded to seven teams, accomplishing system-wide coverage. It has been tightened legally and gradually integrated into broader system activities. Division reorganization and policy change have resulted in decentralization. Accountability has shifted to the separate institutions, leaving Central Office staff in basically consultative roles. Process research in this period experienced little opportunity for direct impact on MAP, but turned to observation of program change and planning of responses to previously identified problems. MAP's management activity came to consist mainly of personnel management, procedural refinement, and responses to appeals. The position of MAP supervisor has no clout beyond the MAP unit and must negotiate with other units.

Introduction of MAP system-wide occurred, therefore, through a series of operational negotiations, with MAP in a relatively powerless position. In general, the form of MAP operation and the content of its decision making evolved haphazardly, mainly in response to unit conflict and institution brush fires. When conceptual haggling has occurred, it has been only after the fact of operation. A committed attempt has not yet been made to adjust the corrections system so as to implement and realize the full MAP concept.

E. Decision-Making Event-Points in the MAP Process

The way MAP operates is guided by a MAP Manual of Procedures. The points at which something happens, where sets of decisions are made, are referred to by process research as structural decision-making event-points. A list of decision points follows. (Numbers in margin refer to descriptive narrative which follows list.)

The list of decision-points is significant because it illustrates both the large number of persons whose judgments affect a MAP contract and the vast MAP process, at any point of which a contract can be broken. The points at which a resident has input are indicated by an asterisk.

I. Pre-process

Sentencing judge

- (1) Eligibility determination
- (2) *Referral

II. Pre-negotiation: agreement development process

A. Program development components (proposal-building)

1. Assessment and Evaluation

- a. Testing
- b. File review
- *c. Interview: social worker with resident
- d. Staffing decision (A&E Director, social worker, security representative, parole board member, vocational counselor)

2. Social worker

- a. File review
- (3) *b. Interview with resident re proposed program
- c. File comment; form comment

3. Program Review Committee (Program Review Coordinator, Social Service Supervisor, security representative, school counselor)

- a. File review
- *b. Interview with resident (may or may not occur)
- c. File and form comment re proposed program

4. Proposal writing with MAP Coordinator

- (4) a. File review
- *b. Interview with resident
- c. Joint preparation of proposal content

B. Program response components

Institution Representative checks re deliverability, availability, feasibility

- 1. File review by Institution Representative
- 2. Check with Program Review through Coordinator or Committee
- 3. Clinical Service evaluation as requested
- 4. Responses to requests for programs and services

- a. Education - school
- b. Vocational skill training - school, shops
- c. Treatment program - Social or Clinical Services
- d. Work assignment preference (PR)
- (5) e. Transfer (PR - security rating)
- f. Work/Study Release (PR)
- g. Transfer (bed space in Camp or urban center)

5. Classification Chief
6. Parole officer
7. Parole Board input

III. Negotiation of Agreement/Renegotiation Involving Resident, MAP Coordinator, Institution Representative, and Two Members of the Parole Board

- (6) A. Refusal by Parole Board to negotiate
- B. Pre-negotiation discussion of the case file (Parole Board)
- C. Pre-negotiation informal discussion of case among MAP staff and Parole Board members
- (7) *D. Bargaining dynamic with resident
- E. Caucuses - discussion between Parole Board members and with MAP staff
- (8) F. Program Review approval/disapproval

IV. Agreement Implementation Process

- A. Monitoring of progress and violations
- (9) 1. Unit staff at all levels in all component areas
2. Institution Representative
- B. Problem solving
1. Unit staff member(s)
2. Social worker
- (10) 3. Consultations among IR, social worker, Program Review (verbal and written)
4. MAP Coordinator - fact finding
- *5. Resident with any of above
- (11) 6. Parole Board, in cases of addenda or renegotiation
- C. Termination of contract

Completion

1. Unit staff
- (12) 2. MAP Coordinator
3. Institution Representative
4. Program Review Committee

OR

Cancellation

- | | | |
|---------|-------------------------|-------------------------------|
| (13-14) | by | Hearing prior to cancellation |
| | MAP Panel (delegated by | Department Hearing Examiner |
| | DHSS Secretary) | MAP Coordinator (representing |
| | | resident) |
| | | Institution Representative |
| | | *Resident |
| | | Material witnesses |

OR

- (13) Withdrawal
by
*Resident

V. Appeal Process

- A. MAP Supervisor
1. Interview with resident
 - (15) 2. Interviews with others having information re dispute
- B. Secretary (or delegate)
C. Dane County Circuit Court

1. Determination of Eligibility

The MAP Manual states specific criteria for MAP eligibility. Current criteria are the product of policy changes in 1976 extending eligibility to three years to MR and in 1977 to open eligibility for the majority of the resident population.

Legally, MAP is open to all residents "who do not have a felony detainer or a pending court action which may result in increased sentence." (Page two of MAP Manual.) For administrative purposes, residents with a sentence or aggregate of sentences under five years can apply within one month of incarceration; those over five years or with a commuted life sentence, after their first parole hearing. Residents with a life sentence may apply after eight years, three months, and the target parole date may not be earlier than the statutory minimum. A three-year limitation on contract length effectively defers eligibility for persons with lengthy terms left to serve.

The Wisconsin Council on Criminal Justice attached special conditions to the MAP Grant Award in 1975, one of which was the broadest possible eligibility. The Division of Corrections resisted the timing of this proposed expansion, being concerned whether current resources were sufficient to provide services. Large numbers of applicants would add to an already excessive work load of MAP staff. The Division acquiesced to the demand for expansion in February 1977, as one administrator admitted, "to save a program and avoid a serious staff disruption and fiscal problems." Open eligibility indeed greatly increased the number of applicants and with the predicted effect.

Because of Parole Board insistence that "no amount of contracting can change past behavior," its right to screen out serious offenders, based on parole criteria, was inserted in the Manual as a formal part of the conditions of eligibility. (See Event 6, Refusal to Negotiate.)

2. Orientation to MAP/Referral

Residents newly admitted to the system hear about MAP in the Assessment and Evaluation (A & E) orientation. Other residents may hear of MAP from institution staff or residents. MAP Coordinators give talks on MAP to resident groups, but there is no formal way of checking that all eligible residents know of their eligibility and have chosen to

attempt or refuse MAP application. (Residents in segregation are not let out for MAP interviews or referral.)

- a. Orientation consists mainly of a barebones description of the idea of MAP, formal eligibility, etc. It does not prepare residents for the complexities of the way MAP works, its many limitations and regulations, and contains no training for the process of negotiation. Residents consistently complain that their preparation for MAP is insufficient, they do not really understand what is going on, and there is no reinforcing follow-up to orientation to clarify the process.
- b. MAP Referral: Residents are often referred to the MAP process through the staffing decision of Assessment and Evaluation, within a few weeks of admission to the corrections system. If the initial security classification at A & E staffing indicates that a person will remain at the maximum security facility, and if he/she is found to be eligible for MAP, the person is encouraged to contact the assigned social worker and to consider becoming a MAP candidate. If it is likely that the person will be transferred to a less-secure facility, he/she may be advised to wait to apply for MAP until after transfer. (This accounts in part for lower numbers of referrals and contracts at the reception institutions, Waupun and Green Bay.)

Residents already in the population may self-select MAP through hearing of it from fellow residents or at the suggestion of staff members or Parole Board. The first actual MAP contact point for residents is an interview with the assigned social worker, who makes the referral to MAP.

3. Program Development for MAP Proposal

Theoretically, building a proposed program is simple. The social worker and the resident are to work out jointly what the resident wishes to propose for a MAP contract. It is assumed that this development is based on information in the A & E packet and in case files. The proposal should include programs in which he/she is willing to participate, any transfer and classification change necessary to accomplish these, and a proposed target parole date.

In theory, the purpose of the interview between social worker and resident is to assist the resident in setting goals, selection of programs, services, and transfers that would help realize those goals, and to make a realistic estimate of the time frame necessary for this projected program which would also satisfy the Parole Board.

The success of this theory depends, however, on several factors:

- a. Resident capacity to assess his/her capabilities, talents, educational needs, and the opportunities and realities not only of the corrections system, but of the street world; i.e., to know self in relation to the social-economic world and how to put the two together. This is a task few persons on the streets can accomplish with satisfaction.

b. Resident access to information about both self and about "what is out there."

- 1) Broadened resident accessibility to case file information was initiated in December 1977 with publication of an administrative policy granting the right of review and challenge to accuracy of personal criminal history record information. Under this policy, adult correction residents may see their court-related records, education records, the A & E evaluation summary, Program Review forms, disciplinary charges and dispositions, and narrative reports of social workers, Clinical Services, and parole officers.

There is material, however, which is not accessible to residents, either because it is in other record files in institutions or because policy specifically restricts it. The latter includes medical and psychiatric treatment files, privileged communication (as of judges, district attorneys, and private persons' letters), communications from other agencies, raw test scores, juvenile records, and investigative materials, such as presentence reports, which are the property of the court but serve as admission information also for corrections institutions. Additionally, residents do not see communications among institution staff or Parole Board dictation (maintained as internal communication and recommendations to the Secretary). Residents thus have only partial information about themselves from recorded files.

A second problem with the use of even accessible information by residents in program development is the diagnostic and negative quality of the type of information collected in corrections files about residents. Case files include the accumulated criminal, social, and clinical records of the person. To balance these, Assessment and Evaluation theoretically involve the person in positive self-assessment; however, it strongly depends on tests and cursory interviews.

Since testing and interviewing occur just after admission to incarceration when most persons feel pressured and frightened, and since test-taking is a skill alien to many residents, it is doubtful that this process can be expected to provide reliable clues. It is, however, "all we have," as institution staff say, and thus an improvement over past methods of assigning persons to housing and programs solely on security information.

The resulting A & E staffing meeting of a representative from Security, a Parole Board member, a vocational counselor, and the A & E Director with the resident attempts at least a professional, less arbitrary decision-making process. It provides at best a rough guide of a person's progress through the corrections system. Nevertheless, the process resembles less a genuine goal-setting effort than a largely prescriptive, because diagnostic, "work up" staffing decision. It seems to bear little relation to what many persons could realistically do or intend to do upon release, judging by surveys of residents and parolees.

In summary, there is a vast amount of information available about a resident, but it mainly stays with Corrections and Parole Board staff. Collected information on a resident is used mainly for management purposes, control of program slots and resident movement, not for resident planning of his/her own future.

- 2) Learning about what is available in the corrections system is even more of a mystery. Residents tell one another about programs. Staff suggest to residents what they judge to be appropriate programs, based on A & E and what the resident asks for, thus "selecting out" by not mentioning an array of other programs. Some social workers report that they prefer that residents not have full knowledge of what is available because they do not trust that residents can decide what is best for them, and/or because they would lose control through being hassled by demands of residents.

Residents lack direct information about corrections programs. Although an Institution Guide to Programs exists, it is generally used by Program Review Coordinators, Institution Representatives, and social workers, and is considered "worthless" by MAP staff because of being continuously outdated. Individual staff try to remedy this by keeping their own running notebooks of what is offered in their institution and what they hear is available elsewhere in the system. Residents do not have direct access to updated program guides.

- 3) Corrections lacks up-to-date information regarding employment and offenders' possibilities in acquiring it. Although great efforts are made in some areas such as the Training and Placement Program to remedy this, many residents still think their corrections program has little relationship to what they really will do or want to do when released. (See Chapter V, Section B.)

c. Quality and dynamic of the interview between resident and social worker

Some social workers take seriously what they call the traditional Wisconsin philosophy of "counseling" residents and joint planning. Others, particularly in large institutions, through perceived lack of time due to large caseloads and the burden of paperwork duties, conduct only a perfunctory MAP interview. They "fill in the blanks" of the MAP proposal and refer it to the MAP Coordinator. Those who do "counsel" may see the product fully changed during negotiation and wonder why they bothered.

Residents receive no orientation to goal-setting or MAP process from social workers. Many report bewilderment, even if they are adept at the pretense of taciturn passivity or hostile bravado. Those who try to talk their way through the maze or who have more familiarity with the system and learn to do what is expected find themselves labeled "manipulators."

Resident requests are frequently lost in the proposal stage. Through experience with previous MAP proposals being reshaped

or turned down by the MAP panel in negotiation, many social workers advise the resident when his/her requests appear "unrealistic." This might mean the training requested is unavailable in the system, or the classification required to get a transfer is not likely (because of sentence structure or record of institution adjustment), or the Parole Board will never "buy" that time frame, or a particular program is filled for the next nine months. The social worker interprets the system to the resident. With well-meaning intentions, some indirectly influence the resident to leave out what "will not work" in the negotiation. If a resident insists on certain requests, some social workers encourage them to try. These may, however, be called "lousy proposals" by the Parole Board.

- d. Resident choice of programs or understanding of decisions already made which limit that choice.

Within the process, the resident is an object of decisions, not a subject, except peripherally. Residents are "controlled by the nature of the corrections situation. They have, on the other hand, little comprehension of the constraints on their choices, a situation which produces frustration and often rage. In a framework of controlled information, it is unreal to expect genuine resident choice.

Above all, many decisions, other than resident choice, determine the proposal content, and these are either unknown to or not comprehended by many residents.

- 1) The decisions of Program Review Committees regarding residents already in the population, just as those of A & E about newly-admitted persons, are considered by the social worker. Decisions related to security classification, work assignment, and programs are based on the person's offense, school and work records, and behavior adjustment to incarceration and prior parole. Program Review decisions are central to institutional and MAP operations. (See Section G, on the role of Program Review in this chapter.)
- 2) Through corrections decision making, the eventual decision of the Parole Board is anticipated. Corrections staff consider what the Parole Board looks for in programs, how it sees needs of certain offenders, and consequences of certain offenses. Social workers, although often in disagreement with Parole Board decisions, admit to "learning to think like the Parole Board" because they know the basic question for residents is ultimately decided by the Parole Board.
- 3) Because of the "reality counseling" that takes place in the interview with the social worker, many proposals do not contain what the resident originally requested. The proposal does not always represent actual resident choice of goals and resident-selected programs and services.

All of this occurs before MAP staff are involved with a resident. The MAP process depends, therefore, on many other elements in the corrections system, with the MAP staff playing no formal role until a proposal is referred.

4. Resident Interview with MAP Coordinator

The MAP referral sheet, which indicates offense, sentence structure, current program, security rating, behavioral record, and proposed MAP program, is forwarded to the MAP Coordinator. In interview with the resident, the MAP Coordinator completes the formal proposal forms, putting the proposed program package into a sequence directed toward the target parole date. He checks that the time frame will work and translates the proposal into contract language.

Several things can happen to the proposal at this point:

- a. The resident may have changed his/her mind about what to propose. This may occur because of reassessment in thinking, grapevine advice, newly acquired knowledge of a program, or because the resident could not tell the social worker honestly what he/she wanted to do. Some social workers and MAP Coordinators confront a change from A & E; some encourage a resident to try for what he/she wants. Some residents back down when confronted; others insist on their request. In any case, the finished proposal may differ from the program developed with a social worker, depending on the philosophy of the MAP Coordinator.
- b. The MAP Coordinator writes the actual wording of the contract components. Over time, and because of their experience, a specific language has evolved as MAP staff have dealt with problems, such as persons who barely pass courses, or who do not complete a program before transfer date, or who violate work release rules but not camp rules. What constitutes violation may need explanation.

To answer this, many informal agreements among MAP staff regarding the contract language determine specific behavioral regulations of the proposal, e.g., "the person in school must maintain a grade-point average of 2.0;" or "program completion be approximately 30 days before a transfer date is scheduled;" or "a person on Work Release must abide by Work Release rules or be in violation of contract."

- c. The MAP Coordinator may point out difficulties the resident could have with the proposal in negotiation. The MAP Coordinator leaves the final decision to the resident, but feels obliged to warn of probable rejection by the Parole Board. Because the MAP Coordinator is in close proximity to activities of the Institution Representative, who receives and checks out the proposal prior to negotiation, the MAP Coordinator can usually anticipate what would cause trouble. There is less likelihood, therefore, that difficulties perceived by the Institution Representatives will come as a surprise in the negotiation. Major difficulties are often communicated to the MAP Coordinator by the Institution Representative personally, with intent to avoid gross impasses.

- d. If there are significant discrepancies between this proposal form and the programs developed with the social worker, the MAP Coordinator may refer the resident back to the social worker. The purpose of this procedure is to maintain consistency in the program planning process of A & E and the social worker. It assumes that a counseling process has occurred which centers on a resident's vocational and educational plans. It is intended also to ensure that such a plan is feasible for the resident, that he/she is qualified in terms of education, training, and security rating. A person entering a welding program, for example, is required to know how to read blueprints. There is no sense requesting a program in a Camp System if there is not a reasonable chance that the resident will be classified for minimum security by Program Review.

Whether the resident is actually sent back to the social worker depends again on the MAP Coordinator's philosophy. Few proposals are returned, which would indicate either that the social worker and resident have come up with a "realistic" proposal in the eyes of the MAP Coordinator, or that the MAP Coordinator accepts and will go with what the resident requests even if different from the original program.

MAP Coordinators differ in their perception of their role as resident representative. (See Section G on Roles.) They know, however, the "realities" of what the Parole Board looks for on contracts. All MAP Coordinators "tell it like it is" to residents; however, they differ in their response to this reality. No matter what course they take, their representative "advocacy" is not very visible to residents, with the exception of those few cases which reach hearings prior to cancellation.

Residents perceive MAP Coordinators differently. Those who hold to procedures or explain to residents what will not work, advising change, are seen as hard-nosed. A MAP Coordinator who goes with what the resident requests and lets the resident flounder in negotiation with little visible help may be less disliked, but is not seen as an ally either. The MAP Coordinator cannot function consistently as resident advocate or he would lose credibility and negotiating position with the Parole Board.

5. Review of and Responses to Proposal

Copies of the completed proposal are sent to the Institution Representative, the Parole Board, parole agent, resident, and social worker.

In addition, the parole agent is asked to provide written responses to the proposal. Depending on the time and attention that individual parole agents give to this "paper task," responses might discuss their perception of what the person needs in relation to the problems prior and leading to incarceration.

The Institution Representative generally attempts to make it possible for the resident to get all requests on the proposal. He sees that all service deliverers are contacted, either checking this personally at his own institution or through Institution Representatives at other

institutions. Since every unit in corrections is a service deliverer, the list of respondents to the proposal can be long. It can include teachers or counselors in the schools or shops, Clinical Service psychologists, social workers, the Camp System, and Work/Study Release coordinators.

The primary function of the Institution Representative is to check whether the proposed contract elements are feasible, acceptable, and deliverable throughout the corrections system. Deliverability checks require verifying "the capacity of the system for service delivery," i.e., availability of a slot in a certain program or a bed in a given facility. "Deliverability" is solely a determination of a program slot in an existing training or school program, in counseling, therapy groups, or the availability of bed space in a setting. Particular difficulties here are with bed space in minimum security facilities or with lack of funds and staff for requested services. If individualized requests for unusual or new programs were left in proposals, there would be more delivery problems, but these are "advised out" early in the MAP process.

"Acceptability" refers to security classification, the judgment of Program Review whether a person is ready for medium or minimum security and the appropriateness of the transfer date. This decision for a less secure classification is necessary for transfers to facilities where certain training or work opportunities exist, or for programs "outside the walls" even at maximum institutions, such as attendance at a technical institute in Green Bay while at WSR, or for transfer as a "testing period" to a less secure facility approximating life in the community.

"Feasibility" is a catch-all term covering all other judgments pertaining to the total package of that particular resident in specific programs and facilities. Broad, subjective, and personal judgments fall into this category. Problems associated with feasibility range from program conflict and timing, to staff judgments of providing everyone a fair chance at programs, or staff approval of an individual resident's capabilities, or desirability of resident's presence in class. Examples are:

- a. A proposal may include a vocational training program and also a particular counseling component, e.g., transactional analysis. If both programs are in the afternoon and the counseling program cannot be changed, the Institution Representative may check the possibility of providing both or suggest a substitute of a different vocational program on a different time schedule. The Institution Representative tries to suggest substitutions and shuffle components about so that the original thrust of the proposal is met. Only if this is unsolvable does he formally communicate with the MAP Coordinator through a memo.
- b. A resident may lack prerequisites for program eligibility, for example, a seventh grade reading level and math score (VMQ) of 80 percent for production welding, blueprint reading, or appliance servicing courses, 30 days' experience in food service to enter bakers or butchers apprenticeship programs, algebra for college entrance, passing grades on aptitude tests (cosmetology, typing), elementary courses to enter advance courses.

- c. Staff of a minimum security facility may be unwilling to accept a resident whom they recently returned to maximum because of a major conduct report. The reason for this can be reluctance to deal with a person considered difficult or not ready for minimum and/or concern that the resident will not survive the attitude of some officers who see him as a disrupter and watch for mistakes. In either case, the Camp System may be unwilling to have a space taken up by what is considered a high-risk resident.

Summary: Institution Representatives estimate that 80 percent of proposed items are accepted throughout the system with no problem. A reservation is tentatively made for each program and bed slot. Since the exact time frame cannot be set until a negotiation is successful, a reservation can be made only tentatively for each requested program and bed slot. Institution Representatives become adept at making "educated guesses" at Program Review custody decisions in order to anticipate transfer and program dates.

The MAP Manual specifically cautions that "MAP is not prescriptive programming and should not infringe on the bargaining power of the resident." (Page 5) Officially, this is adhered to with good intention by MAP staff who attempt to "preserve uncontaminated" the proposal on the one hand, yet on the other, to apprise the resident of the "realities" of the corrections system and Parole Board interests. Informally, MAP staff try to take care of problems with proposals among themselves and with the resident. Because of time loss and the social workers' lack of familiarity with MAP and with other institutions, few proposals are returned to social workers. Likewise, few proposals are officially returned to the MAP Coordinator by the Institution Representative for revision unless there are major difficulties which the Institution Representative cannot resolve somewhere in the system.

Nevertheless, program changes occur routinely prior to negotiation, when the MAP Coordinator or Institution Representative identifies a proposal which experience indicates will not work in the system or will not be accepted by the Parole Board. Such changes occur for the purpose of producing a proposal which has a good chance for successful negotiation. Residents may not, therefore, be negotiating for what they originally requested because of the variety of input and factors which can change the proposal package.

6. Parole Board Refusal to Negotiate

With the expansion of MAP eligibility in February 1977, the Parole Board reserved the right to refuse to negotiate. This is documented in the MAP Manual:

"The Parole Board may refuse to negotiate a contract based on parole criteria in effect at the time and may decline reapplication for a stated period not to exceed one year except that for residents with a life sentence or commuted life sentence the stated period shall not exceed three years at a time." (Pg. 2a,3.)

This refusal is not made on the basis of explicitly-defined categories of residents, since MAP is theoretically open to all persons who can meet the eligibility requirements, which are based primarily on

sentence. Individuals whom the Parole Board prefers not to see on MAP are usually persons they consider "serious offenders," indicated by longer sentences (MAP eligibles with substantial terms left to serve) or deferrals to MR, or one of these in combination with poor institution adjustment. Decisions to negotiate are made similarly to parole release decisions. (See Section G for Parole Board reasoning for refusal decisions.)

Since residents believe MAP is a right to which they have access, once eligible, many who are refused feel there is "no rhyme or reason" for the Parole Board's decision. Parole Board "refusals to negotiate" have created distress among residents and concern among institution staff.

7. Negotiation (See Chapter III for description and analysis of negotiation.)
8. Program Review Approval/Disapproval

Once a contract is successfully negotiated, the Institution Representative forwards a copy of the contract to the Program Review Committee for final review. This is generally a formality, for contracts are only rarely disapproved by Program Review, and then because of new information or incidents. If Program Review disapproves, the Committee sees the resident to explain. The contract may be handled as a continuation and returned to the Institution Representative and Parole Board for review of the next negotiating date. Program Review approval depends, however, on the relationships of Program Review and MAP in that institution and on the Program Review Coordinator's conception of his own role. It has happened that an overly prescriptive Program Review Coordinator has preferred to see a much different MAP contract for an individual and disapproved it. In general, however, the informal relationship between the Institution Representative and Program Review is well-oiled, and Program Review approval is automatic.

9. Monitoring Contract Performance

Once "on contract," the resident is expected to be fully responsible for completing all components successfully. This means that when obtaining a GED is in the contract, the resident must pass all sections of the GED, not just try to pass them; when school courses are contracted for, these must be passed (specific grades may be required which, in some courses, depend on behavioral factors such as tardiness, attitude, etc.). Vocational training, work performance, and treatment or counseling sessions are judged "successfully completed" by teachers, shop foremen, social service, and Clinical Services personnel. The resident may not receive any conduct report resulting in a major penalty by disciplinary committee action. Where a contract includes transfer to minimum security, any behavior which results in transfer back to maximum security automatically violates the MAP contract, even if no conduct report was issued, since the person failed to comply with the requirements of minimum security. If the resident is on Work or Study Release and violates Work/Study Release rules, this is also an automatic violation of the MAP contract even if no conduct report was involved.

The Division of Corrections could be liable for non-delivery of contracted services. Reasons for non-delivery might include: (1) loss of a teacher, (2) loss of a whole program, (3) technical flaw in communication and reservation, where it was thought there was an opening in a camp, (4) lack of transportation resources, which causes delay in transfers. However, when the Division cannot deliver, the MAP Panel generally arranges an alternative informally or renegotiates with the resident for a substitute component, retaining the same target parole date. In the rare cases where no alternative can be arranged, the resident is simply paroled on the specified target date.

The method of evaluating MAP contract completion is basically still "report by exception" from service deliverers or social worker to the Institution Representative, who is responsible for overall monitoring of contracts. Although attempts are made by IR's to establish a routine and positive monitoring system whereby problems could be detected early and prevented, lack of staff has so far delayed this from becoming systematic. In general, the IR depends on being alerted through personal contacts by individual teachers, social workers, and other service deliverers of program progress, such as possibility of failure in a course. Teachers and others do not always know or wish to know who is on MAP. The method for performance monitoring prescribed in the MAP Manual is a six-month "screening" by Program Review regarding program and behavior and interview with the social worker. Most IRs, however, do not find this working well enough, because detection of a problem may be too late to resolve it. Some residents would prefer that their having a MAP contract not be advertised.

As residents know, and most staff acknowledge, the far greater burden of compliance is on the resident. The entire monitoring process focuses primarily on checking that the resident is performing. Where service delivery is identified as a problem, alternative ways around this are arranged by MAP staff to preserve the contract for the resident. Where reviews occur, it is by the MAP Panel, generally without the resident present. In the only exception, a hearing by a Department Hearing Examiner, the resident may elect to be present and active in a democratically run process, but the authority of the Examiner extends only to fact finding. (See Section 13.)

10. Problem Solving

When a problem is identified by the staff, the resident, or Program Review, the IR starts a problem-solving process. Where the problem is not yet a violation but may lead to one, the IR personally tries to, and sometimes does, resolve the problem through informal mediation between the resident and staff involved. (Examples might be difficulty passing a course, teacher illness, or transfers necessitated for medical reasons.) A satisfactory solution can sometimes be worked out that does not change the target parole date or drop a program from the contract. If it adds something to the contract, the MAP Coordinator writes an addendum, which the resident signs. The IR takes this change to Program Review for approval and then to the MAP Coordinator for signature as a formal addendum to the contract.

These procedures were worked out in order to avoid cancellation of contracts which risked probable violation and to allow additional program participation beyond what was originally contracted for. This method of preventive problem solving was found by the Attorney General's Office not to require an encounter by the resident with the negotiating panel, that is, with the Parole Board. If the proposed solution involves dropping a program or changing a target parole date, the contract must be renegotiated. (See Section 11.)

When a problem has become an alleged violation and no resolution of difficulties can be found, or where a program problem is detected too late, or where a major conduct report appears on the disciplinary committee reports checked daily by the IR, it is ultimately the discretionary decision of the IR whether this indeed constitutes a jeopardized contract. If he finds the facts do warrant it, he prepares a notice of alleged violation to the resident, who may demand a hearing, or waive right to hearing and consent to review by the IR and the Parole Board, or withdraw.

11. Renegotiation

If a resident has a contract in jeopardy, or desires a major program change which could affect the target parole date, the contract may be renegotiated. (Resident-requested additions to contracts which do not affect parole date are handled by addenda.) Whether it will be renegotiated, continued as is, or canceled depends on the judgment of the MAP Panel (two Parole Board members and an Institution Representative). If they decide to cancel or refuse to renegotiate, a resident cannot insist on a renegotiation. (Appeal is then the resident's final recourse.) Renegotiation consists of the revised proposal being presented to the MAP Panel by the MAP Coordinator. The resident may or may not be present.

Many contracts in jeopardy because of disciplinary violation or failure to complete a school or training component come up for renegotiation. If the Parole Board sees the violation as something the resident could have avoided or another in a series of "signs of poor adjustment," it refuses to renegotiate, resulting in cancellation. If a renegotiation occurs, permitting a change in program content, the target parole date is generally, though not always, extended. Possible extension of release date through renegotiation, among other factors, complicates computations regarding MAP's effect on length of stay.

12. Completion of Contract

Probable completion of the MAP contract is checked by the MAP Coordinator 60 days prior to the resident's target parole date, who contacts the IR and, if there are no violations or impending problems, advises the Parole Board of upcoming release. A 30-day check on resident progress is made by a Program Review Committee review, whose summary is sent to the IR. If all goes well, a final five-day verbal check is made by the IR for completion of contract contents and absence of violation. The resident is the primary focus of all monitoring and checking.

13. Hearing Prior to Cancellation

Due to a decision on July 1, 1977 by Circuit Court Judge Bardwell that residents have a right to due process regarding loss of a MAP contract, a procedure offering a hearing to MAP residents was established. Since August 18, 1977, the MAP Coordinator has been required, as the resident representative, to deliver notice to the resident, explain rights, and use a check list to question whether the resident understands the nature of the alleged violation, has questions, disputes the facts, and wishes to have a hearing. The resident may choose to "waive and consent," whereby the contract would be reviewed by the MAP Panel, or to demand the hearing, or to withdraw voluntarily.

If the resident elects a hearing, the MAP Coordinator schedules a date before a Department Hearing Examiner and acts as the resident representative at the hearing. The resident may call voluntary material witnesses. The Institution Representative represents the institution's case. Since this is a chance for the MAP Coordinator to represent the resident more visibly than in negotiation, arguing for the resident cause with the resident present, the hearing has bolstered the image of the MAP Coordinator and has provided some additional recourse to the resident.

The Hearing Examiner presents a written finding of fact to all parties. After this, the MAP Coordinator interviews the resident and prepares a proposed solution which he presents for review to the Institution Representative and the Parole Board. This MAP Panel makes the final substantive decision whether the contract will be continued as is, renegotiated, or cancelled.

The function of the Hearing Examiner is limited to fact finding, i.e., whether alleged events did indeed take place and whether procedure and due process was followed. The Institution Representative, in overseeing procedures in the institution, has a good chance of convincing the Hearing Examiner that the institution is not at fault. The resident, who does not document his/her own personal activities, is more interested in arguing substance (what happened and the reasons for it) than bureaucratic form (how things were handled, whether due process occurred, etc.). The resident cannot argue substance because there is no chance to do so.

Fact-finders are looking basically at whether proper procedures were followed or rules actually broken, not at the content of action. If there was an "assault," the reason for it, or whether the MAP resident was aggressor or victim, is not the issue so much as whether a disciplinary hearing was provided. If a resident fails to pass one segment of the GED or one course of a full-course load, or receives a 1.89 instead of a 2.0 grade point average, or has an unexcused absence, the reasons are less cogent than is the standard system of grading. Making a phone call or crossing the street from a school or work-place while on Study or Work release is considered a violation of Work/Study Release rules, and thus a violation of MAP contract, no matter what justification may be given.

decisions; therefore, there are no citations of cases. The decision by Dane County Circuit Court Judge Bardwell that the Division of Corrections must provide a hearing for alleged contract violations did not result in a reported decision.

Of 171 resident appeals in the period of November 1975 to August 1977, the MAP appeal process resulted in five cases where resident appeals have been upheld by the MAP Supervisor. From September 1977 to August 1978, the MAP Supervisor upheld 1 out of 45 appeals.

The appeal process has a number of basic limitations:

- a. The MAP appeal process applies only to existing, cancelled, or null and void contracts. Excluded from the appeal process are two significant areas:
 - 1) Parole Board refusal to negotiate. In February 1977, when eligibility was expanded (the requirement of three years to MR was dropped), a change in Manual Section 2.3 formalized the right of the Parole Board to "refuse to negotiate a contract, based on parole criteria in effect at the time . . ."
 - 2) The negotiation itself. The only recourse for residents who suspect bad faith in negotiation is "voluntary withdrawal." Even where the negotiation does result in a signed contract, a resident who feels pressured to accept certain contract provisions in order to gain a target parole date cannot appeal what happens during the negotiation, neither the decisions nor the criteria for those decisions.
- b. The in-house nature of the appeal process, i.e., that it depends primarily on the same person who signs contracts, remains an unresolved dilemma. On the one hand, it would seem more equitable to the resident, because more objective, if appeal could be made to a body outside the Department. On the other hand, it is difficult to identify such a body which could provide timely decisions concerning a MAP contract. The Inmate Complaint Review System, with final review in the Attorney General's Office, is cumbersome and slow. Locating the appeal decision in courts or judicial bodies would further clog those processes and delay MAP appeals, at the resident's expense. Timeliness, a necessary element for the resident's sake, has been given priority over objectivity. An appeal process which responds to the need for both timeliness and objectivity is yet to be invented.
- c. Review of procedure rather than substance: Response to the substance of appeals, e.g., circumstances of outcome of negotiation, alleged violation of contract by resident, or nondelivery of service by institution, would require judgment about the integrity of the MAP operation itself, especially the relation of the process to corrections operations. Any decision about MAP would apply to general practice. It is unrealistic to expect an in-house appeal decision to overturn routinely, case by case, the criteria and procedures built up in corrections and paroling operations.

Review of substance would and should lead to policy review. Although this may be considered a natural feedback connection, it is not currently practiced in a formal manner.

- d. While the appeal system is available to all negotiating parties, it has been used extensively by residents, in a few cases by Institution Representatives, and never by a Parole Board member. This would seem to indicate that the appeal process is not necessary for those parties who have access to other less formal methods of resolving their grievances with MAP. The Parole Board "appeals" directly to the Secretary's office through their Vice-Chairman; the MAP staff resolve difficulties through informal adjustments. Residents have access only to the formal process.

These limitations account for the aparent futility of resident appeals.

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F. Contract Content

1. Academic Education

MAP candidates may propose taking any of the many classes offered in institution schools. This ranges from Adult Basic Education through the high school or general equivalency diploma (GED) to complete series of courses leading to a certificate, as in marketing, participation in college courses off campus, and, in a few cases, individual correspondence courses at college level. Approximately one-third of MAP education components are for completion of the GED.

Most of these are now worded so that the MAP resident must successfully complete the GED, not merely study for and take the tests. Failure to pass the tests constitutes contract violation. Likewise, the usual contracted school component stipulates that MAP residents must maintain a 2.0 grade point average and does not allow courses to be dropped or changed, even if the advising community college believes it to be in the student's best interest. This condition was added in the first year of system-wide MAP in order to motivate residents "to work harder" and to provide evidence of same. Some MAP staff favor specific performance objectives in order to have an easier way to evaluate success or failure. Others see the need to make room in programs for other students when MAP persons are not performing well.

2. Vocational/skill training

This original MAP component is still the main component for many MAP candidates. Each maximum and medium institution offers in-house vocational training programs, some of which are accredited through the technical institute which grants the diploma, such as MATC, Moraine Park, or Nicolet. Because of the high demand for this training, there are often long waiting periods and a MAP candidate may have to give up his request for, say, welding or carpentry and contract for some other training in order to get a contract at that time. Besides non-availability, other reasons for a resident not getting training requested include A & E recommendations which contradict

the resident's request, resident lack of prerequisites, or conflict with other components the Parole Board sees as necessary. Some residents, on the other hand, accept vocational training which they have no plan to use but must agree to in order to get a MAP release date. Despite the many programs in institutions, residents criticize the Division for inadequate and limited programming when they do not see it as useful or of interest to them. In their perception, choice of programs they value is severely restricted.

Of all the components of a MAP contract, vocational training is one the most important to residents, confirming the original intent of MAP. Resident satisfaction with MAP seems related to receiving the training desired.

Satisfactory performance completion in training depends on the training instructor's judgment of standards being met. If a MAP resident does not meet the instructor's academic or behavioral standards (e.g., tardiness or poor attitude) or if a resident experiences conflict with peers in a shop, he/she may be transferred out. Non-completion of training is a contract violation.

3. Work assignment

This component must be inserted in every MAP contract. This policy is meant to alleviate institution fear that MAP would unduly deplete the supply of workers. If a MAP resident is to be occupied full-time in school or training, however, Program Review usually respects MAP by not assigning MAP residents to jobs. A compromise blanket wording presently protects the institution need: "I shall accept any institution job, preferably (), where I will earn satisfactory work reports." The work assignment component has a limited negotiability in that a job preference may be negotiated where a resident is seen to benefit from that specific type of work. The institution can, however, change the job assignment "without a time-consuming negotiation."

Industries appear to be underused as a MAP component, somewhat because of operational difficulties and partially because some Parole Board members do not see this as a priority in MAP contracting.

4. Treatment

Whether the treatment component is seen as an appropriate or essential MAP component depends on whether one views MAP as training- and job-oriented or as more broadly "rehabilitative." Some Parole Board members (many with a social work background) argue that residents have so many personal and social problems that treatment is essential to prepare them for employment and thus "everyone can use treatment."

Many contracts in the past contained a generally-worded treatment item, such as, "I shall participate in any treatment which can be arranged." Recently, contracts stipulate specific staff resources or programs, whether individual or group, and a set number of sessions. Chemical abuse and alcohol treatment programs, such as the Alcohol

Education Treatment Program at Winnebago, are seen as especially important by the Parole Board. The majority of residents in these programs are participating through a MAP contract.

A Clinical Services evaluation of resident treatment need and potential can be requested prior to negotiation. Results of the evaluation do not always determine the Parole Board decision, however. If the Parole Board believes the resident needs treatment, the resident must accept treatment or "fail to reach agreement," i.e., not get a contract. Since the Institution Representative has checked out education and vocational programs prior to negotiation, treatment is sometimes all that remains to be negotiated. The reader is referred to a process research Working Paper on Clinical Services' concerns relative to evaluation and treatment decisions in MAP, submitted July 9, 1975.⁵

Successful completion of a treatment component is subjectively determined or reckoned by attendance at required sessions. Failure is rare. In addition to the treatment component being questioned as "coercive" by residents and some staff, it overburdens Social and Clinical Services personnel with large numbers of involuntary clients. (Those counseling and drug programs residents do value are identified in the Resident Consumer Survey.)

5. Discipline

Every MAP contract contains a component stating: "I shall receive no conduct reports that result in a major penalty." This is a non-negotiable item. The behavioral expectation of a MAP contract is therefore tied totally with the institution rules and regulations. Until the summer of 1976, this component specified also a certain maximum number of minor conduct reports that constitute violation. Although WCCJ expressed its concern regarding the rigidity of this component when special conditions were imposed in 1975, it was changed largely in response to a proposal in a Warden's meeting that only major reports would be grounds for violation.

Contract violations still occur most frequently through the discipline component. This is the source of one of the residents' two major complaints about MAP (the other being Parole Board dominance of MAP decisions). The main arguments against using institution rule infractions as the measure of behavioral progress or problems include:

- a. The rules were designed for population control and seldom bear close relation to specific behavioral problems of individuals.
- b. Infraction of a rule may result from self defense, protection from sexual harassment, escalation of incidents such as use of "obscene language" leading to charges of insubordination or refusal to obey a direct order, or other actions which, to residents, do not justify, in themselves and in the context of general program and behavior progress, a blanket violation of an entire contract.

- c. Violation of a supplementary set of rules for Work/Study Release, with or without a conduct report, can result in return to maximum security institution. Such removal from a camp or urban center constitutes automatic violation of the transfer component, i.e., failure to make a successful adjustment in a less secure setting.
- d. Residents can receive conduct reports for undesirable behavior in work assignments in the institution, in school, or in a shop. These can include tardiness, "back talk," or "general inappropriate behavior."
- e. Recording of conduct reports within and among institutions is discretionary and not uniform. Whether one gets a conduct report for an incident also depends on differences among individual officers within an institution. Conduct demands and consequences also differ from institution to institution. What is overlooked or results in room confinement at one institution may put a person in segregation at another institution.

Security staff surveys reveal that the correctional officer, whose job is to supervise behavior of residents, makes the decision to record an infraction for one of three reasons (or a combination): (1) it is his interpretation of the administrative philosophy of the institution; (2) he could lose his job if peers see that he overlooks incidents; (3) he could lose credibility with and therefore control of residents if they see another resident "let off."

Even the most lenient and sympathetic officer who may overlook the more unreasonable rules will "write a ticket" given certain circumstances, such as the presence of other residents or staff. So-called "hard-nosed" officers may record incidents more freely. The standards for enforcement of rules are arbitrary and unpredictable. The rules themselves are an alien code of often petty regulations which anger residents into escalated behavior interpreted as disruptive or fomenting disturbance. The process of handling rule violation is slow, threatening contracts even when a resident is found not guilty.

The simple translation of institution disciplinary processes into MAP contract violations is the most significant feature which determines the effect of MAP on a resident's daily life. Residents (and some staff) see many incidents, enforcement of rules, and regulations themselves as petty, unpredictable, and "irrational." MAP processes need not interfere with institution regulations, however, the processes peculiar to running a prison need also not impose double jeopardy on MAP contractees. A rule violation while on MAP not only risks institution penalty but also a jeopardized contract, even where the behavior is irrelevant to stated MAP and Division goals.

6. Parole Release Date

The single most important item of any contract for residents is the specified target parole date on which one is to be released from the institution. This item is determined solely by the Parole Board members present at negotiation, or if they disagree between themselves, it is referred to the full Board in Madison. (The process of this determination is discussed in Section G of this Chapter on the Parole Board role in MAP.)

7. Transfer

Although a few MAP residents are paroled directly from the institution in which they sign a MAP agreement, the vast majority of contracts includes at least one transfer to another facility, and often two. These may be a medium facility, a minimum institution (Oakhill), a camp, urban center, county jail, halfway house, or other community agency, such as Tellurian Community. The Parole Board policy of gradually working persons out through the system, called "decompression" or "graduated release," is based on the assumption that maximum security is the greater punishment and minimum is the closest to the community, thus resembling more closely real life and testing the person's readiness for release. The theory is incorporated into MAP through transfers worded, "On or after _____ (date with 10 days leeway for transportation problems), I shall be transferred to _____ (facility), where I shall successfully complete . . ." The performance objective may be worded "maintain medium or reduced security classification until the target parole date," or where a second transfer to minimum is called for, this is followed by "achieve and maintain minimum." Thus, unsatisfactory completion of the stay in a minimum security facility through a return to a maximum security institution automatically violates a MAP contract, even if a conduct report is not imposed.

Residents often report that minimum secure facilities are indeed much "harder time" than in the more secure institutions. The fact that the larger proportion of contract violations occurs in minimum secure settings seems to substantiate their complaint.

8. Work/Study Release

Work Release is one of the components of MAP contracts most desired by residents, who know they will not survive long when paroled without money saved. Work Release is written into MAP contracts in connection with the transfer component, since eligibility for work release depends on having a minimum security classification prior to application. The Program Review Committee at the institution from which a resident is to be placed is checked out by the Institution Representative as to whether it will approve in advance a particular MAP applicant for work release. Work Release approval is currently the responsibility of the Program Review Committee of the receiving institution.

Eligibility for Work Release is based on length of sentence and time served, with a formula specified so that 80-90 percent of residents become eligible. In order to give larger numbers of residents an opportunity to work, placements for employment cannot exceed 12 months. Most Work Release jobs are transition employment, those low-level jobs with minimum income which are most widely available to offenders, requiring few or no qualifications. Through the Adult Work Experience Program, a few positions with opportunity are available. CETA is widely utilized for Work Release jobs.

Problems with Work Release employment in the camp system and community centers include:

- a. Limited space in minimum security facilities.
- b. Limited economic market.
- c. The nature of the transition jobs.
- d. The reluctance of Program Review to approve Work Release for long contracts and the preference of the Parole Board that Work Release should be conditional upon completion of certain objectives. Work Release may, therefore, be absent from a contract despite resident request.
- e. Restrictive Work Release rules.

Reasons given for the accumulation of Work Release rules are:

- a. A larger population forces the Division to proscribe. ("The fewer people to handle, the more flexible we can be.")
- b. The rehabilitative urge is most intense at the "edge", where residents enter the community, and staff make a final effort in behavioral guidance.
- c. Experience in the community with incidents in which residents have had difficulties with employers are thought to jeopardize the Work Release program. Rules have thus been expanded and tightened.

Violation of a Work Release rule and removal from Work Release jeopardizes a MAP contract. Even though the resident may not receive a conduct report or be returned to maximum security, failure to complete the Work Release component is considered a violation of the agreement.

Study Release

An increasingly popular component of MAP is Study Release. As with Work Release, eligibility is based on length of sentence and time served, and residents must have a minimum security classification and approval by the Program Review Committee. Additional conditions of Study Release are: Residents must carry a full-time schedule of classes, maintain a specified grade-point average (GPA), and successfully complete each semester. Problems identified among MAP residents with Study Release include:

- a. Rigid standards of contracts hold MAP contractees to higher requirements than regular non-offender students and do not permit flexibility. MAP students may not drop a course to get better grades with fewer credits, which is a special problem for returning adults. (Universities recommend one or two courses for persons who are older or not familiar with university processes. The policy is to encourage one successful course rather than heavier loads with poor grades.) Residents have been known to allow their contracts to be cancelled and lose the release date rather than risk educational failure. Where a resident is held to a GPA higher than 2.0, he/she can violate MAP although the grade would be passing for a regular student. Residents feel this to be discriminatory; some suspect it is intended to make them fail.

- b. Monitoring of MAP students in the community labels them as criminals. Some teachers have felt falsely accused by the Division of collaborating with the offenders when they recommend more lab work or group study sessions and thus are seen as giving residents an excuse to stay out. They resent being contacted by corrections personnel who ask them to check on residents regarding exams, attendance, etc. Teachers are not willing to act "in loco institutionis."
- c. A Work/Study Release rule forbids residents to leave the campus, thus prohibiting courses with field trips or field placement and training, such as hotel management. Night courses are not permitted. At the present time it is not possible to have half-time work while working toward a GED or attending night school. Exceptions depend on the availability of an advisor.

Work and Study Release are the most attractive contract items to many residents. Enough transition job slots exist that every resident could have a job prior to release. Many post-secondary education institutions are eager and willing to aid offender-students. Obstacles to using these opportunities were identified by the Work/Study Release Chief as (1) domination of Program Review by security concerns, and (2) bed space limitations in minimum security facilities which prevent more residents from utilizing the program.

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G. Roles and Relationships of Actors in MAP Operation

1. The Roles of the MAP Staff

The structure of the MAP team offers a model for adversary roles in the system. The MAP Coordinator, identified with client representation, is responsible to a MAP supervisor in the Bureau of Institutions and thus linked with the interests of Central Office. The Institution Representative is responsible to the institution warden and represents institution interests. The MAP staff are not on the same side except in their belief in the concept of bargaining between residents and the system. They are meant to be adversaries with an interdependent working relationship. As a result, both have mediator roles at certain points in the MAP process.

Almost without exception, the MAP teams have been the only units to grasp the basic exchange concept of MAP and argue for it, even where they have diverse perceptions of what MAP is supposed to accomplish. Where recommendations from institution staff and Parole Board would have violated basic MAP roles and features, MAP staff have reacted with consensus.

On the other hand, because of outside criticism and lack of strong backing for MAP concepts, its staff has gradually been pressured into compromises over the years in order to keep MAP working in the institutions at all. The MAP staff's first thought, when an issue of concept arises, is feasibility. Will it work? Because their ability to get

MAP to work at all is based on their experience with informal working relations, they "think like" the Parole Board and institution staff. Where conceptually it would improve MAP if residents could develop their own programs, for example, MAP staff think of this as impossible. Their experience with an intricate, informal information system, the difficulty of learning and keeping up with all programs within the system, and the broad range of factors which influence parole decisions is to them the "real world." Having no way to influence the system toward getting resident access to information, to produce updated and available manuals of programs and services, or to rationalize the parole process, MAP staff must assume there is no way to organize all this information so that residents can use it. As one put it, "It's hardly possible even for us to work with this intelligently."

MAP administrative adjustment to such "realities" has allowed gradual Parole Board and institution priorities to encroach on MAP concept. To retain equity and coordination at all, MAP staff have become good at informal bargaining with the corrections and paroling operating systems. Whatever is left of basic MAP principles and features worked out in the period 1974-1976 is due to the attention and skill of those MAP Coordinators who walk the tightrope of their role and those Institution Representatives who hammer out a path for residents behind the scenes.

The added "bureaucracy" of the MAP staff and the procedures they act out are necessary to preserve what degree of balance for the resident that MAP secures. Their existence is the thorn of equity in Corrections' side. Without the critical functions they perform, MAP is indeed nothing but prescription programming and behavioral control.

The Role of MAP Coordinator

The MAP Coordinator's is the staff role most changed by compromise with the corrections system. Originally meant to advocate for the resident, i.e., to ensure good faith bargaining and be actively involved in proposal development, the position currently does not fulfill this function.

Although the MAP Coordinator position was made responsible to the MAP supervisor in Central Office and thus independent of the institution, outright advocacy was found to be impossible by MAP Coordinators. They could not advocate and still retain the working relations with the Parole Board that were necessary to persuade informally. Since decision-making throughout the system occurs on the basis of informal bargaining among friendly "known someones," MAP Coordinators soon realized that their capacity to influence negotiation outcomes depends on credibility and the ability to get along with and be accepted by Parole Board members. Even "representing" the residents is touchy business. Most MAP Coordinators risk "speaking up" only in borderline cases. An individual MAP Coordinator who attempts more overtly to represent resident interests and "call" the Parole Board on what appears to be bad faith bargaining or improper procedures risks Parole Board castigation, reprimand, and worst of all, loss of cooperation from the Parole Board in future MAP negotiations.

In negotiation the MAP Coordinator now acts as moderator of the meeting and specialist on MAP procedures. He may help the resident to understand the institution and Parole Board viewpoints, basically translating to the resident what these people mean. He serves a quasi-legal role in preparing the final contract, interpreting its language to the resident to assure that he/she understands what the obligations are. Occasionally crisis intervention also becomes a duty when a MAP Coordinator must "pull the guy out."

The MAP Coordinator has some influence on Parole Board decisions in negotiation and renegotiation through his interpretation of facts, such as pointing out that a conduct report in question used to be a minor, or calling attention to a good school record. Although he can do this indirectly through questioning a resident about a point so that it will be brought out in the negotiation, his main influence is probably in caucus. In caucus with the resident, the MAP Coordinator tells the resident "what's going on," and what is the Parole Board's "rock bottom offer." Leaving the resident outside, the MAP Coordinator often enters into persuasive discussion with the Parole Board. The caucus is where the main bargaining strategy occurs on both sides.

Because the MAP Coordinator is now mainly a diplomat and mediator in negotiation, the only point currently where the MAP Coordinator gets a chance actively to advocate is in the hearing prior to cancellation. MAP Coordinators have reported their relief that residents in the hearings can finally see their role as resident representative.

MAP Coordinators have also been gradually distanced from proposal development because of early conflict between Coordinators who took advocacy seriously and the social worker function in program development. There appeared then to be a "danger of MAP appearing to be a separate identity if the MAP Coordinator ran the show," that is, overtly developed program. Even though social worker case loads have reached to 150 or even 200 in certain institutions, MAP's developing structure left program development to existing procedures. Social workers were to write the program in an interview with the resident. The MAP Coordinator had to settle for facilitation of proposal writing, which consists of reviewing programs from the Program Review form and coaching residents in writing rudimentary proposals relatively in line with Program Review to avoid later disapproval. MAP Coordinators point out to the resident limitations and options, the delivery concerns which the Institution Representative could be expected to present. They examine the feasibility of the program within a time-frame, explain academic requirements, transfer and camp policy, etc., suggesting alternatives and attempting to counsel about the "realities of parole criteria in negotiation with the Parole Board."

The MAP Coordinator can no longer aim to help residents articulate goals or ensure that the proposed programs are the resident's own choices. The credibility and trust necessary for goal setting are not possible when little time is available for counseling interviews. Program development is lost in adjusting the proposals to the realities of getting a contract.

By now MAP coordinators are mainly "paper-shufflers," administrators of MAP process in the institutions. Approximately 3-6 days per month are spent in negotiation. The rest of the time is devoted to orienting residents and staff to MAP procedure, record-keeping and report-writing, arranging the logistics of interviews, negotiations, renegotiations, transfers and problem solving, meeting with staff, visiting groups, and evaluations. Individual MAP Coordinators vary in the amount of time spent interviewing and counseling.

Most see their negotiating role as primarily that of a mediator, between residents and Parole Board, residents and the institution, and among units of the institution. The "representation" role of each varies from strong representation of residents to disinterested or even negative influence, depending on their personal temperament and philosophy. Most try to be honest with the resident regarding what the system is likely to do but will go to negotiation with what the resident insists on proposing. All chafe under a feeling of powerlessness.

Both advocacy and program development functions were doomed to some erosion without clear definition of the Coordinator role and backing for it from higher levels. MAP Coordinators report that staff such as teachers, officers, and social workers still have trouble accepting that the MAP coordinator represents the resident. Staff argue with the Coordinator regarding proposal items when they should be going to the Institution Representative.

For lack of a clearly defined and accepted role, MAP Coordinators depend on informal influence, through personal relations or through knowledge and experience gained in years with Corrections and working with the Parole Board. Their effectiveness is currently conditional on whether they can "stay on good terms" with everyone. The MAP Coordinator is the most significant role in sustaining the identity of the MAP concept in the Corrections system and therefore the most vulnerable.

Residents' perceptions of the MAP Coordinator's role differ relative to their own negotiation outcome and to real differences in Coordinators' styles. The MAP Coordinator's bind and vulnerable position is generally invisible to residents. It is not politic to tell a person being represented that one is relatively powerless to help.

Residents report that MAP Coordinators provide general information regarding questions to expect from the Parole Board and assistance in the actual writing of the proposal, often suggesting additional proposal items or such changes as would help a resident get a contract. About 40 percent of residents interviewed reported that the MAP Coordinator "spoke up for me" in negotiation. In one positive example, a MAP Coordinator responded to Parole Board discussion of past experience with drugs and advisability of allowing the resident to go to a particular community corrections center. The MAP Coordinator countered that the person "has been clean, has been in school, and is a good security risk." The resident was pleased that he spoke

up because she felt it had more impact than if it had come from her. Other positive comments included: "He did all he could." "He got into it pretty heavy." "He spoke up like my lawyer." "He brought up my positive conduct." "He did a good job." "There was nothing he missed." "He pushed, compromised, and got my transfer." Several residents cited their MAP Coordinators' attitude as "helpful, good rapport, encouragement, good explanations." "You come here confused from the social worker and the MAP Coordinator smoothes things out." "I like his style. He's reasonable, gives facts." "He kept things realistic. He's the only one you've got on your side."

Negative resident reactions to the MAP Coordinator role range from disappointment to bitterness. Typical responses are: "I didn't know his role." "He could have pushed harder just because he's been dealing with this kind of thing before, but I don't hold a grudge." "If MAP people really wanted to pull for me, they could have." "I wished he would have pushed more. I think his hands are tied." "He didn't speak to them on my behalf. He didn't speak to me after I left." "As a person, he's OK, but he's shaky about putting himself out on a limb too much." And finally, "Are you kidding? He said absolutely nothing - he's afraid. He has no business trying to represent people."

Some residents reacted negatively even to MAP Coordinator attempts at realistic preparation. MAP Coordinator comments to a resident that the Parole Board would probably not "buy" the proposed target parole date have been interpreted as negative: "He is with the Parole Board people. He doesn't care about prisoners." The MAP coordinator is sometimes blamed when he does not explain everything that could happen: "He didn't even mention the possibility of a refusal to negotiate." "He built me up; didn't explain the process; gave me false hope." The reality that has turned the MAP Coordinator role into weary paper shuffling is what residents see: "It's just a job. He just fills out forms; he's not concerned about residents' interest." "He's an administration flunky." Some residents interpret as punitive the MAP coordinator's cranking out one more proposal in anticipation of Parole Board reaction: "He said, 'You are going to do this (prescribed content)'." "He told me, 'You got your break in court, baby'." If he doesn't feel that you deserve something, he won't even write it up." Until the day of negotiation however, residents do tend to believe that the MAP Coordinator will be their representative. Then they comprehend this is an illusion, particularly if they are refused negotiation by the Parole Board.

Residents generally realize that the MAP Coordinator has no power. A MAP Coordinator's personal style somewhat influences whether the resident blames him or the situation for the role dilemma. "He's caught between fear of inmates and fear of the Parole Board. He's afraid to tell residents the truth." Resident misperception of the MAP Coordinator as a quasi-attorney however, rouses resentment of that MAP Coordinator whom a resident perceives "stabbed me in the back" in negotiation. Residents have observed that a MAP Coordinator "stays with them (Parole Board) when they caucus" or may have the IR check conduct reports back three years. His influence in such cases is seen as more negative and destructive. "He sold me out." Residents with this experience have suggested that residents negotiate for themselves.

The ideal notion of the MAP Coordinator role was preservation of the resident's proposal "uncontaminated" and overt advocacy in negotiation. The MAP Coordinator role was to embody a force to make the institution and Parole Board accommodate resident need. In reality, the MAP Coordinator walks a tightrope between residents, institution needs for order and efficiency, and traditional Parole Board hegemony.

The Role of the Institution Representative

The position of the Institution Representative (IR) was established as a result of what was learned during the pilot project, that the MAP Coordinator could not handle all the work involved and that there was a structural conflict of interest for the MAP Coordinator in handling also the institution end of contracting.

As the signator of the contract for the Division of Corrections, the IR has the dual function of representing both the Bureau of Institutions and the Superintendent of the institution to which he is assigned. The IR is an institution advocate and, through Program Review, is the guarantor of services in negotiation.

To be able to guarantee delivery of services, the Institution Representative, prior to the negotiation, checks out the availability, feasibility, and deliverability of the content of the resident's proposed contract. To do this, he obtains transfer approvals and certified availability of resources, with the Program Review Committee of the institution, directly with program deliverers throughout the system, and with the IR of any institution to which a transfer is requested, including the Camp System and Residential Centers. Checking out includes monitoring also the replies of other proposal recipients, such as the parole officer, the sentencing judge, district attorney, and Classification Chief. The IR serves as a resource for all programs in the system. He depends on his knowledge, experience, and informal relations because the Institution Manual of Programs is outdated and thus considered worthless by MAP staff.

The Institution Representative reviews the resident's proposal and case file and makes an educated guess at the target parole date and transfer dates in order to guess also at the dates of program participation. Finally, he reserves tentatively space in a program or bed in a facility for the proposed time-frame. When there is a waiting list, the IR "tries to slide a person in." The complexity of the system keeps IR's "doing all the leg work for the residents."

Routinely in contact with Program Review, the IR must anticipate whether that Committee would sign "something like this." Some IR's prefer to have explanations from those who have knowledge of the factors in PR decisions, so that when the IR must announce non-approval of security change or program participation in negotiation, he can give reasons to a resident. When transfer or program problems are foreseen, the IR may discuss alternatives with the Program Review Coordinator or Committee for counterproposal in negotiation.

Because of the pressure of guaranteed delivery of services, this elaborate procedure is required. The IR is responsible for a systematized process of resident movement and must check with all involved institution resources in the Division. This could involve up to a dozen inputs or responses to the proposal even before negotiation.

This "checking out" process required for the IR to make promises for the Division as a signator of the contract gives him a unique coordinative role in the system. The IR often finds himself mediating among Program Review, treatment, education, shops, A & E, security, work/study release, parole officers, the Camp System, and among institutions.

In negotiation, the IR responds to each item requested, including approval, refusal, or suggestion of alternative. If one part of a contract is not accepted by Program Review or a service deliverer, the IR does not sign the contract. Finally, when an IR signs a contract, he must do so "in good faith," guaranteeing to the best of his knowledge that the agreed-upon service can and will be delivered.

The influence of the IR in negotiation was considerably strengthened in April, 1975 with a change in Program Review procedures, placing final Program Review approval after the negotiation. Although the intent of the change was to reduce the Program Review workload, the effect was to allow the IR more flexibility in negotiation to make decisions on his own judgment. The IR's authority to act as a negotiating party was finally established.

The IR also acts as monitor of resident contract performance, checking with the school counselor and Social Services, checking the daily change sheet, reading Disciplinary Committee reports, reviewing cases scheduled for Program Review, and obtaining instructors' reports of potential failure to complete programs. These findings he reports to the MAP Coordinator. Responsibility for institution service delivery prompts some IR's to monitor staff delivery also, a duty IR's do not always find themselves capable of fulfilling. Finally, the IR checks that transfers are completed within the period of time called for, being particularly watchful that residents get to camp 30 days prior to Work Release. The 1977 court decision establishing MAP due process prior to contract cancellation has given even greater significance to contract monitoring.

The IR ultimately decides whether a contract is violated (is in jeopardy) and can agree to renegotiation or continuation, but only the Parole Board has authority to cancel.

The job of the Institution Representative depends on several factors, including the specific institution in which he works, with its specific security classification, his working relations with Program Review Committees, his broad information about the system, including transfer institutions, and access to a delivery system so that he can project with certainty.

The role of Institution Representative contains much of the ambiguous nature of the MAP program itself. On the one hand, the IR's existence means that institutions must commit themselves and adjust to MAP's requirements. On the other hand, the considerable input through the IR is the next thing to prescription programming, which conflicts with the notion of joint resident and MAP Coordinator planning. Although the MAP Coordinator is to preserve and present the requests of residents, the proposals, in order to be realistically deliverable within the system, need input from service deliverers.

IR's report their role "is prostituted by the authority of Program Review." Some IR's feel they are still the mouthpiece of Program Review and merely messenger boys among institution units. "It isn't a negotiation if Program Review can say no." "You lose the passion of negotiation." Mediators within the institutions, Institution Representatives carry the burden of high diplomacy, above all, in encountering the Parole Board on the day of negotiation.

2. The Role of the Parole Board

"It must be the worst job in the business," one hears from Parole Board members. Of all positions in the field of Corrections, being a Parole Board member is perhaps the loneliest and most thankless. Universally criticized and actively disliked by various publics, liberals and conservatives, judges and district attorneys, the press, and Corrections staff as well as Corrections clients themselves, Parole Board members have little job satisfaction. They occupy positions at a professional dead end, with little opportunity for advancement, spend much of their work-lives on the road and most of their days attempting to make judgments about debased persons at the tail end of a debasing system. Even those who take the job with humane intentions are soon "broken in" and hardened through incidents of new crime by persons to whom they have "given a break." To them prisons appear to be treadmills. Parole Board members are left with the overwhelming frustration of cleaning up society's act, which they perceive as "shaping up" deviant persons to protect that society.

Without analytical vision of the causes of crime, or broad theories of what could be done, or the influence of input earlier in the criminal justice process, the Parole Board as a decision-making entity is yet held responsible for parole failures. Its members are confined to a complex job without adequate tools.

If Parole Board members appear to make decisions by the seat of their pants, it is because they do. They say that they acquire a "gut sense" from experience. Parole decisions are part of a larger erratic process, a complex sentencing structure involving also legislative mandates and trial court decisions. Even these decisions are a part of the larger fabric of societal philosophy of law and the values of those "myths" which sustain the culture. The very reason for the Parole Board's existence, aside from the fact that parole is cheaper than incarceration, is society's commitment to rehabilitation, or humaneness, or, more recently, the loss of assumptions that the law is just, rational, fair, and equally enforced. Its purpose is to determine the optimal time for release, thus protecting society,

and thus adjusting a rigid enforcement of law, i.e. to make discretionary judgments in the individual and collective interest. If Parole Board members are perceived as keepers rather than releasers, it is because the public mood has swung to throwing away the key.

The Parole Board member who takes this task personally risks stress and illness. An alternative is the protection of an overt and thick cynicism and of retreat, also for female and minority members, into the thought-structure of the safe and apparently rational white-male value system, that of the dominant culture represented by the majority of the Board and the larger agency structure. The toll taken by this hardness and selective blindness of Parole Board members' vision is felt in some way by every Corrections resident who must confront them.

In order to comprehend the rationale out of which Parole Board members work in MAP negotiations, one must accept the function of the Parole Board. Although not an autonomous body, since it formally recommends parole to the Department Secretary, the Parole Board is assumed to function as "an independent and disinterested third party" between Corrections institutions and the community. The primary function of the Parole Board is to establish a release date for incarcerated residents, whether through regular parole interview or MAP. Additionally, it sees itself as contributing to the rehabilitation process and to public enlightenment. In providing this "exit judgment," Parole Board members weigh the risk to the community which is to accept the offender's return, through an assessment of the resident's "readiness" to go back to the community and not "offend" again. This is to some extent a review of reasonableness of sanction imposed by the sentencing judge, often perceived as a "second trial."

The myriad factors which comprise these judgments are gathered in case files, which include social worker and parole agent reports, clinical evaluations, testing scores, school and work records, and may include communications from private individuals or public officials, positively or negatively about the offender.

Central to this file is the person's historical criminal record, i.e., current and past offenses and prior parole record. These factors determine "paroleability" in the Parole Board judgment. Also integral to the decision, for most members, is "concern for the resident's welfare," which translates as judgment of the adequacy of the resident's progress in programs to meet his or her "vital needs." This usually involves an assessment of whether the resident has made progress toward changed behavior which can be rewarded with a recommendation for parole.

In this context, the Parole Board is an agent of reward or punishment. If there is no perceived progress toward behavior change, parole is denied. If motivation is demonstrated through program participation, and if enough time has been served to satisfy "public sanction," a release date, possibly earlier than the mandatory release date, may be the result.

Most Parole Board members perceive MAP as a carrot to motivate residents. As one member asserted, "MAP's single most important feature is that it is a living demonstration of the fact that if you want something, you must give something." Parole Board members thus see MAP as a motivator and provider of programs, but question whether these programs are of much worth for the resident.

The Parole Board's grudging participation in MAP is by order of the Department, not its own decision. All still see MAP therefore as contract parole, i.e., a testing period for parole release. Recidivism is the "sole interest of the Parole Board," but "even if there is no improvement in recidivism rates, at least it gets certain offenders into programs." No basic changes in philosophy have accompanied Parole Board involvement in MAP.

With one exception, all Parole Board members think that their primary interest in the corrections process is attitude and behavior change in the offender, "people changing" through reward monitoring. The exceptional member believes neither in punishment nor in rehabilitation but rather in the promotion of healthy relations and at least legal modes of behavior while being less concerned with total personal change. This person insists that all behavior is meaningful, neither good nor bad, and that incarcerated residents need only a practical behavior change, from defensive to adaptive. They need to "improve a poor self image" and should be "allowed to be responsible." He emphasized only practical components in contracting.

To a few Parole Board members, the central feature of MAP is its planning function. Through MAP "a resident can get his or her head together, be involved in job preparation and in the decisions and planning for him or herself which are crucial to becoming more responsible on parole." Thus, some Parole Board members see a certain therapy value in the negotiation process itself, providing an opportunity for both the resident and the Parole Board to evaluate what is necessary for the person to accomplish.

Because they feel they are negotiating a plan which will alter unsatisfactory behavior and thus feel responsible for failures, Parole Board members see themselves in MAP as "program persons." Programming they value most is generally education and work experience, but sometimes includes a strong emphasis on counseling as "an exchange of ideas so that residents may question their value systems." The discipline element of the contract is seen as important because it is the only means of determining through institution behavior "whether a resident will be a good risk on parole."

The method that Parole Board members say they use to motivate residents toward programs and behavior change is to "be representatives of authority which are straight-forward." They thus tell residents frankly what they have to do to be paroleable and generally assume a professional attitude of prescription. Their primary function, as they see it, is to "tell it like it is." "This is what you have to do to be returned to the community." For some, the honest message becomes, "Behave and you'll get out."

Parole Board members in general do not accept the idea of equity and bridle at its mention. The concept of equity does not sit well with the Parole Board members for two reasons: 1. They see no more equity in MAP than in a regular parole interview; and 2. They are not quite sure where the term and definition of equity in MAP came from in the first place. As one said, "We never did state a purpose of MAP to be equity." Perhaps a problem is that equity is taken to mean equality. As one member put it, "When there is equality in the crime, then we'll talk of equity in the prison."

The role of the Parole Board in MAP centers on discretionary decision-making. Discretion is that latitude of decision not controlled by rules of law for which an understanding of what is lawful, right, and wise is presupposed. MAP has not changed the actual process of parole decision-making. The elements of this process determine MAP's current character and thus merit lengthy description.

Established parole criteria account for the consistency of official reasons given for decisions. Since this is a discretionary judgment, many factors stand behind these written reasons for decisions. Parole Board members find it difficult to articulate these. They also identify negative factors more readily than positive.

The Parole Board refuses to negotiate with certain persons (not categories) because of past criminal history of the offender and the nature, severity, and extent of offenses. They "know the guy" or have a particular dislike for a type of crime. All members examine the length of sentence given. Red flag offenses include assault, mutilation, drugs, child abuse and armed robbery. All but one use public protection as a reason to refuse a contract. One says simply, "If the person is not paroleable in three years under the best of circumstances, it doesn't matter what he did or promises to do." Others distinguish severity by type of offenses. One member cited cases of serious emotional disturbance as a factor in refusing to negotiate, reflecting that prisons are getting more persons with needs which cannot be met in corrections institutions.

Refusals to negotiate are decided before the resident comes to the negotiation, entirely on the basis of the case file. The resident is informed the day of the negotiation when he or she enters. Parole criteria are given, but no detailed explanation is offered. There is no rebuttal or discussion. Refusal to negotiate cannot be appealed. Most Parole Board members can agree on referrals. Some are "not comfortable with long term contracts" for residents when programs are not available to fill that amount of time. For most members however, the combination of a long criminal record and certain types of offenses is criterion enough for refusal.

What are Parole Board interests in negotiation? What positive signs convince Parole Board members to sign the contracts? What are they looking for? The realities of a positive decision are first, whether the time served factor is satisfied, that is, whether the target parole date is "in the ball game." Second, Parole Board members look for a "maturation factor," a demonstration of "willingness to change" through use of time prior to the proposal. This is primarily the prior demonstration factor of day-to-day behavior, the ability to

adjust, to avoid conflict, "becoming smarter" in dealing with people. Third, indication of "willingness to change" is sought in the quality of the proposal itself. The proposed programs are looked at carefully to see if they meet the particular needs the members identify for that resident. Some members are particularly interested in treatment, although the majority are primarily interested in practical programming, such as skills, training, and education.

Almost all Parole Board members insist on persons being "tested" in reduced security facilities. Thus, the conditions for obtaining a parole release date are time served, needs met in programming, and a transition test.

It is in the failure to agree, when one party or the other refuses to sign, that the necessary ingredients for getting a contract come clear. Failures to agree occur either because the resident refuses the date counter-offered by the Parole Board or because the Parole Board refuses to accept a proposal which does not include programming to meet a resident's needs, thus reducing the risk of failure to the satisfaction of the Parole Board. Dispute about target parole date occurs because the resident's offer does not seem realistic to the Parole Board in relation to who the offender is, the record of the offender, what was done about the offense, and "why the person is in prison." Occasionally a behavioral record in the institution is decisive. The Parole Board has, in cases of repeated major conduct reports, given the resident 90 days to "clean up" that unsatisfactory institution adjustment before contracting. In general, failure to agree on a contract is attributed by the Parole Board to "the resident not psyching out the reality."

Historical factors in the case file include also behavioral adjustment to the institution and to prior parole. A few, but not all, of Parole Board members are strongly influenced by "failures of trust" which demonstrate disregard for authority and controls. A person's day-to-day judgment and control are generally taken to be an important indicator of success on parole. Contracts have been written with persons of long criminal records simply by writing in longer periods in minimum security as a test of that person's behavior. One Parole Board member distinguishes institution behaviors, however, reporting that he pays attention to the institutional behavioral record only if the conduct report was received at Kettle Moraine and ignores conduct reports from certain other institutions.

Finally, some attention is paid to the opinions of judges and district attorneys. Where offenses are more serious and frequent, judges' opinions are considered. Where the judge is repeatedly against the release of a specific person, however, the opinion is less meaningful. Some members admit that they do not want to alienate the public but do often recommend parole over the objection of judges, with a memo to the Department Secretary explaining the action.

Parole Board members determine a reasonable target parole date through what they call a "built-in matrix" in their heads, using sentence and mandatory release date within a framework of prior parole decisions. In MAP they guess at or envision the decision which would be made about this particular individual in a regular

parole interview. Using the criteria common to all members' experience, they come to a categorical judgment, "a combination of our experience in seeing patterns and parole statistics."

Mitigating factors considered by Parole Board members, the informal criteria crucial to discretionary judgments, include signs of change in the offender prior to negotiation. Some of the mitigating factors having a positive effect on decisions about whether to refuse a contract or to be persuaded toward an earlier date include the following: communication that the offender has done something constructive since the last offense; a unique parole plan which reflects a change in attitude, such as a training program; a job; contact with a halfway house; impressions gained during the parole interview; impressive adjustment in the institution; an interest in programming; and finally, the simple fact that the person has served enough time to remediate the nature and severity of the offense. This means that a year earlier a Parole Board member may have refused this person a negotiation simply because it was too early in that person's sentence at that time. Meaningful family ties are important to a few Parole Board members. One member will attempt negotiation with anyone who is paroleable within three years. Another is cautious about negotiating with anyone who has any assaultive offense on the record.

What ultimately determines not only whether a resident gets a contract but also the types of qualitative decisions made within the negotiation about what the resident may get in the contract are thus four basic factors:

- a. The historical criminal record contained in the case file is the primary determinant of parole decisions, particularly where the offender is a repeater. Severity of offense, length of sentence, and time served are central determinants of outcome. Parole Board members determine the weight of these events "through their experience" and "through seeing what other members think" as recorded in the notes of the previous parole interview. One reported considering the reaction of the judge if that person were granted parole.
- b. Institution adjustment, the behavior of the offender while incarcerated, is a strong determinant for most Parole Board members for their decision. Rationale for this is that such behavior is a sign of whether the person is changing. Even those Parole Board members less focused on institution adjustment are not inclined to look favorably upon applicants who have several major or many minor conduct reports. This "evidence of lack of control" is more important than the contract elements which, to the Parole Board members, are merely promises. Behavior on prior parole is also considered an important indicator.
- c. Individual needs as determined from the case file determine the member's interests in the various contract elements. Most Parole Board members translate these needs as practical ones, related mainly to skill training programs and education, particularly basic education if the person's background is limited,

and work experience so that the person can "learn to show responsibility." It is assumed that these programs are to improve the person's ability to make a living. Some Parole Board members express a strong interest in treatment for special cases "where the record cries out for it" (particularly where drugs are involved) or as "needed to correct a personal deficiency," for temper control, "problems with attitude and values," etc.

Some Parole Board members see a testing period in minimum security as more important than programs for most residents. Several mentioned that they know that minimum security is often harder than parole for offenders and thus judge this testing to be vital. If an offender can get through it all right, he or she is presumed to have a good chance of surviving parole.

- d. Resident persuasion has some influence in determining the decisions since some Parole Board members feel they are influenced by "how the person comes across." Residents have some measure of influence depending on how well they can articulate. On the other hand, they are suspected of manipulation when they verbalize "too well." A negative attitude evident during negotiation can hurt a resident's chances.

The final equation reflecting what is given and taken in a MAP negotiation appears to be that the trade-off for parole criteria, such as public protection and the punitive consequence of nature and severity of offense, are basically two factors: 1) program participation is worth some time off; and 2) demonstration of personal control can make up for the past in some small way. Not all Parole Board members would agree with this, because just being "a model inmate" does not mean in practice that one can get a contract. Once a person is admitted to negotiation, however, some time is generally deducted from the regular release date in return for some show of effort on the offender's part.

If the MAP parole decision is seen as nothing but a release decision or "contract parole" by members, is the Parole Board's role in the MAP process any different from what it is in the regular parole interview process? Newer members compare mainly with their participation in regular parole interviews, finding no difference. Members on the Board for some years respond that there is no difference in substance but some difference in form.

The only difference may be the personalizing effect of the opportunity for "a more meaningful exchange" between the Parole Board members and the resident. A few seem genuinely relieved to have an opportunity for residents and Parole Board "to get to know each other." Elements that allow this are the longer time usually taken in a MAP negotiation, the presence of other staff in a different framework of cooperation, the preparation of something concrete to look at (proposal), and residents who can be more active and persuasive in their involvement in the negotiation. No tape recorder is used, allowing a freer exchange, one more informal and more direct, with give and take. They report that residents provide information which contradicts what the Parole Board had anticipated from the file and therefore do have influence in altering decisions.

Lack of legal constraints make the negotiation more personal. The regular parole interview is "very legalistic, programmed with much rhetoric and sterile talk." Members hesitate to ask questions which could later be challenged as significant to the decision. In the MAP negotiation, reasons for decisions are given verbally and in more detail to residents, resulting in rebuttal and debate, "the root of most arguments." Where there is failure to agree, these reasons may instigate more open discussion or confrontation which may, in turn, result in a continuance of negotiation so that the Institution Representative can check out the points brought up by the resident.

A few Parole Board members see this MAP interview conversation as more professional because of increased time spent with residents in planning "a constructive direction." Through MAP, Parole Board members have become "more aware of program needs," which is perceived as a negative change by those who see the Parole Board dominating Corrections' work. The Parole Board, on the other hand, blames Corrections for "not doing its job," i.e. ensuring that residents become rehabilitated. It does not trust Corrections because "the provider is less than conscientious." Loss of the monitoring function through MAP means that the Parole Board cannot watch a resident's progress itself but must depend on Corrections to monitor that progress really occurs prior to the release date already granted.

The most significant difference from the regular parole interview is that the negotiating Parole Board member must look further into the future than is the case with a non-MAP deferral. Decisions are more predictive. MAP forces this long range decision and thus gives the resident a "realistic look" at the amount of time the Parole Board thinks he or she has left to serve.

Whether the process of making parole decisions is any different at all in the MAP negotiation than in a regular parole interview depends finally upon evidence that the resident can influence the negotiation more than the regular parole interview. Although all but one Parole Board member see the negotiation interviews as very important, not all Parole Board members look for positive influence. Two members claim to be strongly influenced "all the time." Three members said they were usually positively influenced, two mentioned negative influence, and the rest claimed that in isolated cases a resident might reflect something that could not have been anticipated from the file review and was therefore of some influence.

Where a resident does have some persuasive influence, Parole Board members report that it is usually through offering information that is not in the file. This may involve school progress, work, GED completion, or other information which as one member said, "belies what I thought." If indeed this information contradicts the file or opinions gleaned from the file, a continuance may be sought in order that the Institution Representative may check it out.

A second way that resident involvement in the MAP interview may influence members' decisions is through what some call the "show of making an effort." Parole Board members are looking for signs of effort, recent signs of change, for which they cannot depend on the record alone. Some members refer to this as "sincerity," insisting that they can "tell a phony." The clues are in the way the resident presents her or himself, whether the person shows maturity, coopera-

tion, a willingness to change, different values; whether the person "relates to people better" and can control impulses, particularly if this person has a record of hostility and aggression. One member puts particular emphasis on the resident's ability to "articulate an acceptable value system." This person puts importance on answers to questions such as "How will this proposal help you to avoid difficulties in the future?" Value is placed on resident evaluation of the situation and development of an appropriate program from that evaluation. One Board member claims to be persuaded if a resident can explain why a particular element has been included or excluded. Another member is impressed when a resident can articulate sound reasoning for going into a particular trade and how that fits into the community to which he returns, such as having hands which had been shot up and pursuing a trade requiring less dexterity, or going into garage work in order to work with his father who owns a garage. In general, members who are influenced through talking with the resident claim that it is on the basis of individual impressions that they "get a feeling" for the sincerity and willingness of the person to invest him or herself in a change effort.

Residents can, however, talk their way out of a contract by giving the "wrong" answers or not articulating clearly why they proposed certain contract elements. Talking has a negative effect if a person "seems phony" or to be a manipulator; if the person betrays the fact that his or her values and behavior have not changed, as in admitting that he might still carry a gun in his old neighborhood; or simply if a person is thought to have a "nasty personality," especially where this is perceived as related to the offense.

Residents can strongly influence Board members with a "quality proposal" by wording goals specifically. This includes, "I intend to pass the GED" not just try to pass it, or, "I will achieve a certificate" in a specific skill training course. One member claimed he would give five months off a release date if a resident would just agree to achieve something.

The basic control a resident has over the outcome of a negotiation is in having accurate information about his own file and enough understanding of the MAP parole process to know what the Parole Board members are looking for. Passive residents, who say little and accept what the Parole Board suggests, are successful if their proposals are "sound." The most actively influential residents are those who can appear to be sincere in their efforts and are highly articulate in explaining these.

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Summary

The discretionary decisions of the Parole Board have come to dominate totally the way MAP works, its internal process. From the screening and refusal of eligible candidates through proposal development and negotiation to decisions of renegotiation and cancellation, the Parole Board controls Corrections' operational judgments and thus MAP.

The Parole Board did not always have the upper hand in MAP. With leadership changes and a public segment grown steadily more conservative and vociferous, the protective interests of the Parole Board gradually tightened MAP.

Even though its members have different philosophies, methods, and reasons for their decisions, the Parole Board acts as if it were monolithic and of the same mind. Its decision-making power, in effect, is unchecked. The Secretary of the Department of Health and Social Services is the paroling authority in Wisconsin. By tradition, however, the Secretary directly intervenes only in exceptional cases, usually delegating his authority to the Parole Board or to an Executive Assistant. Since June 1978, the Parole Board Vice-chairman has been signing MAP contracts for the Secretary.

Accountable distantly to the Secretary but primarily to themselves and their peers on the Board, members "play along" with MAP mainly due to administrative order and because of the cost, in due process and paperwork, of failure. MAP forced a power distribution, a different accountability, on the Parole Board and thus a "showdown." Why does MAP threaten the Parole Board? Why does it negotiate so unwillingly, refuse so many, and contract for only slightly earlier releases? Originally, MAP was expected to make things easier for the Parole Board. It could assume that, through MAP, residents would be "rehabilitated" through contracted, clearly measureable program goals and be released. Faced with consequences of determinate sentencing, MAP provided a chance to show how the paroling process could optimally work.

Parole Board members report their reasons for the apparent paranoia:

1. Lack of trust in the Division of Corrections to provide relevant programs, to monitor residents' actual participation and be sure they are "rehabilitated." The Division, no longer so paternalist as once, is seen as no longer taking control of residents, i.e. ensuring behavior change.
2. Increasing pressures of public reactions. The Parole Board is often under fire and threatened with suits for releases, particularly earlier releases.
3. The idea of negotiating with offenders is "intolerable" to the public, which perceives offenders as incapable of responsibility. Given the traditional, paternal, and rehabilitative mentality of all persons selected to be Parole Board members, a theory of exchange is illogical.

No resolution has been offered to the bind in which the Parole Board finds itself. It is caught between two conflicting interests: the public community and the rights and welfare of offenders. Many questions about its discretionary role remain: What factors should be considered in a parole decision? Who should be believed regarding the circumstances of the offense? How can a parole decision be "liberal" in the face of perceptions of the meaning of recidivism statistics?

Unless the issue of discretion (in law, courts, corrections, parole, etc.) is considered within the context of cultural, class, racial, and sex-stereotyped perceptions in a diverse society, the use of discretion will work against those without legitimacy in the system, and the idea of negotiation will remain untenable. For MAP to work requires commitment to the legitimacy of diverse groups in the social-economic system and its institutions.

3. Role of Program Review Coordinator and Program Review Committee

Initial decisions about security classification and transfer were made prior to 1974 by each institution's Classification Committee and reviews were provided by the Reclassification Committee. These were submitted to the Classification Chief in Madison who had final authority for approval or disapproval.

In November 1973, the Classification Chief began to design a mechanism to coordinate program planning with movement of residents through programs and among institutions. This resulted in the simultaneous creation of Assessment and Evaluation (A&E) units for intake decisions and initial program recommendations and of Program Review Committees for regular review of residents' security rating, school and work assignments, housing placement, and intra- and inter-institution transfer recommendations. Recently, Program Review has also taken on review of Work/Study Release applications. Program Review was to provide centralized decision-making and preserve A&E's program sequence recommendations.

Operational by 1974, the new committees, one at each receiving institution, (now expanded to cover all institutions, including the camp system), consisted of four permanent members: the new Program Review Coordinator, the Social Service Supervisor, a representative of the school (such as the guidance counselor or principal), and a Captain or Lieutenant of Security. These were the "same faces" as on the old Reclassification Committee, with the exception of the Program Review Coordinator.

This position was invented as the key to the coordinative idea of Program Review, since it would be responsible to the Classification Chief in Central Office. The problem was how to fund the positions.

The Classification Chief struck a deal with MAP. Assigned responsibility for MAP implementation, with its complex program and transfer activities, the Classification Chief concluded that it could become operational system-wide only if integrated into the Classification System. If he had to make MAP legitimate and operational, MAP funding could provide the social worker positions necessary for acquiring Program Review Coordinators. In 1974, the funding proposal legitimized MAP's integration with the Classification system, and three Program Review Coordinator positions were funded.

MAP was seen at that time as a release-centered program, near the end of a spectrum beginning with program development in A&E, preserved through the coordination of decisions in Program Review Committees among institutions, and spurred through MAP's motivation of residents to accomplish "all this good stuff." This view reflects the early prescriptive interpretation of MAP, which has persisted in some form through the dominant role of Program Review Committees. It was thought that MAP's adoption could be eased if institution processes were not too disrupted by it, i.e., if MAP's processes could be reviewed and controlled by an institution body.

Institution people were uneasy with the idea of program review at first, because "non-institution people (the Coordinator and MAP) are making decisions for us." They were traditionally interested in the needs and

programs within their own institutions. Inter-institution coordination may be a good systems idea and serve a Division function, but it was to meet the natural resistance of institutions to increasing centralization, because decisions would be visible and accountable. The politics of Central Office-institution conflict made all such "good ideas" suspect.

The roles of Program Review are to be a clearinghouse for information, to provide a central communication locus within and among institutions, and to mesh individualized program planning. At times, it serves also as conflict regulator, as when an institution school feels MAP contracting is "shoving people down our necks." The teacher and principal communicate while sitting on Program Review, and the Program Review Coordinator communicates informally with the Institution Representative. When institutions suffer from overcrowding, Program Review serves a vital function in easing stress through transfers within the system. All of these roles have aided in acceptance of Program Review by institution superintendents.

Program Review decisions are now seen as loyal institution decisions because they incorporate the institution mind-set and concerns. When MAP became state funded, Program Review's original tie with MAP was broken. Certain Coordinators have since then been unaware that until September 1977 their salaries came out of the MAP budget.

Nevertheless, the additional vote of the Program Review Coordinator on the committee, a Central Office vote in theory, and the contact of Program Review Coordinators with their counterparts across the system appear to have changed the decision-making process, however subtly. Decision-making is spread out over a middle level, rather than concentrated in either Central Office or in autonomous Classification committees carrying out the will of superintendents.

Program Review Committees are the hub of MAP. As the effective guarantor of services, they are now seen as crucial in the procedures of MAP and in "reducing haggle with the Parole Board." All programs and program changes must be reviewed and approved by Program Review. In the simple terms of the Program Review Manual, what the Program Review Committee does in relation to MAP is to provide the Program Review form as a referral and recordkeeping document of MAP activity, and review a copy of the negotiated contract after negotiating parties have signed but before it goes to the Department Secretary. This review is supposed to focus on security need and service delivery capability within the limits of institution resources. Where once contracts were disapproved by Program Review after negotiation because of lack of programs, this seldom happens now that the Institution Representative and Program Review are "more in tune." As a result, residents negotiate mainly treatment, transfers, and timing of contract items at the table.

The Program Review Coordinator, as the administrative coordinator of the Committee, serves as the connecting link to the Institution Representative. He acts as the clearing house of the system, providing the Institution Representative with specific information about what is available in the total system of institutions, camps, and centers. Program Review guarantees services to the Institution Representative who in turn can guarantee these to the resident.

The Program Review Coordinator makes a file review, prepares, organizes and maintains lists and the recall file system, and documents decisions in records, transfer teletype, and file systems. It would seem to be a clerical position, except for the special attention given each MAP case. The Coordinator discusses cases with the social workers, formulates opinions in considering what Program Review members would probably agree to, and sends the Program Review form with comments back to the Institution Representative. Besides reviewing proposals for service availability, custody change, program feasibility, and resident's qualifications, the Program Review Coordinator is also the reviewing authority for MAP program changes (addenda), violated contracts, renegotiations, and cancellations.

Program Review decision parameters are the qualifications and abilities of the resident, program and bed space available, and their responsibility for security. Such decisions involve many criteria. Program Review members report a lengthy list of their interests: offense and sentence structure, length of time served in relation to MR and target parole date, academic and reading level, program needs to upgrade academic level, expressed vocational goals, skills and attitude report of evaluators in A&E, test scores (GATB, California Achievement Test, psychological tests, etc.), prior work record, and whether resident request for program is consistent (a goal of accounting may be considered "inconsistent" when the person worked in a car wash), institution adjustment measured by number and type of conduct reports, record of escapes, history of assault, need for personal safety as determined by record as victim of homosexuality, psychological and emotional history, training needs, work reports while incarcerated, existence of skill which could be maintained, timing of program (e.g. school completion before Xerox placement), Work/Study Release guidelines, physical limitations, resident qualifications for program, availability of program and bed space within a proposed time frame (due to population pressures), availability of funds to pay for proposed service. Theoretically, Program Review deals only with programs and security, not treatment or behavior; however, it may request clinical evaluation and recommend treatment. Institution adjustment is considered in all decisions.

The Program Review Committee's involvement in MAP can be perceived as limiting because its active effect on MAP is to disapprove minimum security requests or some other item of a plan. Program Review controls MAP also in that it makes implicit judgmental decisions about whether a resident "should" be involved in a program, not just whether the institution can provide the program. When program openings are unavailable, as when programs such as masonry or cook training are filled, Program Review may suggest that the resident take carpentry or something else where there is an opening. By practical constraint of program limits, Program Review is the body that says, "No."

Program Review Committees are perceived by some MAP and other staff as "more conservative than the Parole Board." (Residents are often unaware of the heavy role of Program Review in the MAP contracting process.) Because it takes a holistic view of each individual, Program Review works as the "ultimate caretaker" of residents. Although staff who sit on Program Review say they cannot interpret the potential of a resident and this is not their job, they make, in fact, judgments about residents' "meaningful use of time," i.e., program content decisions.

They may view as not sensible the transfer of a person out of maximum who cannot yet read or write well, or transfer of a person for training which is not available at the maximum institution, who would then be directly released to employment. Because Program Review is less concerned with time served and graduated release, its interests may conflict with Parole Board insistence on a person being "tested" in less secure facilities or being returned to maximum for requested training, which could total a longer time-frame.

The process and criteria of Program Review conflict also with the MAP concept of resident rights and responsibilities in an open and above-board decision-making process.

Because Program Review serves as a resource center for all institutions and the final reviewing authority or "last word" for all MAP contracts, it is impossible to develop contract proposals without prior checking with Program Review. A training program, for example, can be written in the contract only if the person's name is on Program Review's waiting list. Originally, the MAP Coordinator had more direct input in developing the MAP plan, but currently he reviews the program from the Program Review form which in turn is based on A&E staffing decisions and the social worker's program suggestions. The program proposed by the Coordinator must be somewhat in line with prior program decisions or it will be returned to Program Review, a "loss of time." It seems to some MAP coordinators that "Program Review is doing the negotiating."

Throughout MAP's history, the Program Review Committees, as the system's central decision-making bodies, have dominated the MAP process. The first conflict came to a head in June of 1975, when a summit meeting of the Classification Chief, MAP staff, and Program Review staff clashed over the role and authority of Program Review in relation to MAP. At that time the MAP flow chart placed Program Review before the MAP negotiation, in essence, a pre-negotiation. Program Review argued for this to avoid the institution being controlled by Parole Board decisions regarding transfer and release dates.

A move to change the procedure, placing Program Review after negotiation, was initiated not so much for reasons of conceptual integrity but to reduce the heavy workload of the Program Review Coordinator. In response to fear that the Program Review Coordinator would often disapprove what was negotiated if it had not been approved first, resulting in many renegotiations, the Classification Chief argued that the Institution Representative essentially represented the Program Review Committee and therefore the institution in the negotiation process. The intent of the change was to restore to the Institution Representative the responsibilities originally designed for that role. It also avoided the appearance of pre-negotiation and prescription.

The decision had potential to pressure Program Review into being less rigid about custody and transfer decisions because the Committee would receive the total program package after negotiation changes and, most importantly, after a release date was determined and agreed upon. Program Review problems with transfers (about four-fifths of the proposals at maximum institutions include transfers) had occurred because Program Review had no idea of the release date.

The change in procedure came about because the MAP staff had not previously been consulted regarding that portion of the Program Review process which related to MAP. It was another instance of MAP-related procedures being shaped by non-MAP personnel, yet its "correction" also indicates one fruit of MAP's long struggle to assert itself. The question is whether a paper change in the flow chart did anything to diminish Program Review control over MAP, if the Institution Representative must work closely with Program Review to prevent disapprovals.

Individual program development, or case planning, while theoretically the joint function of A&E, the resident, and the social worker, has become largely a product of the classification process. The reasons for this include:

- a. Resident information contained in files has not been directly available to residents.
- b. Program change is difficult because Program Review may not consider A&E recommendations to be feasible or realistic and has little confidence in a concept which implies that residents may know what they need.
- c. The input from all service deliverers through the IR is an overload versus the resident request.
- d. Program Review Committee recommendations structure the response made by the Institution Representative to the proposal during negotiation.
- e. All institution responses anticipate Parole Board criteria for determining readiness for release. In this sense, A&E makes the initial evaluation with a Parole Board member at staffing, Program Review determines actual program implementation within a classification framework, and MAP merely permits the resident's movement within those parameters.

Pre-negotiation is, therefore, still an issue even in the revised MAP process. In some institutions Program Review will call in a resident to inform him/her where it disagrees or cannot deliver a service, such as school, work, or AETP, or may request a clinical evaluation where there is a record of assault. Or, Program Review may advise that it is not reasonable to expect a particular job in the person's home area. (For a time, the Program Review Committee of one institution was calling in residents in 75 percent of the MAP cases where it had difficulty with proposals). In most institutions, residents are called in for interview only where there is a major problem, in order to explain the implications, and to propose alternatives. In most cases, a proposal is revised to include this Program Review input.

In institutions where residents are not routinely called in, the same result, proposal revision through Program Review, is caused by close contact with the Institution Representative. An Institution Representative may actually meet with Program Review to discuss all MAP proposals prior to negotiation. In an institution where the Classification Chief does not closely supervise the Program Review Coordinator, the Institution Representative's relation with Program Review is more distant, and

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he must guess if a security classification will be approved. In these cases, Program Review has had more disputes with MAP decisions.

The dilemma of the Program Review role in relation to MAP is that, on the one hand, it is to coordinate short-range institution interests in smooth operation in accordance with overall Division planning, and, on the other, to review MAP contracts which may disrupt those same institution interests. If taken seriously, MAP can be disruptive because it may counter the prescriptive program sequence of A&E and disrupt the sense of efficiency. If all the components are settled before negotiation, negotiation may be quick and efficient but there is not good faith bargaining. Yet, conscientious Program Review staff sympathetic to the MAP concept regard a face-to-face meeting with the resident prior to negotiation as precisely that opportunity for residents to have access to information and explanations which are otherwise missing from the MAP process.

Sold to institution superintendents originally as a way for them to live with MAP, Program Review is now called a "monster" by the former Classification Chief who implemented both concepts. System coordination and manageability has been exacted at the price of individual program development and negotiability. Staff training in the activities of negotiation and resident access to information would improve the process. For Program Review's role to be "put in place" however, a clear definition of its role and specific limited areas of review and criteria, would be necessary. Vagueness invites expansion.

4. Role of Residents

The intended role of residents is as active and responsible decision-maker in a process designed to motivate, through offer of a certain release date and self-chosen programs, the accomplishment of goals and, therefore, self-improvement." The premise is that preparation for employment and self-maintenance will make a difference in the post-release effort to get a job.

Such a role presumes the following factors: resident choice in program participation (voluntariness without negative effects though possible withdrawal or cancellation) and in selection of contract components (capacity within the system for long-range planning and goal setting); a degree of positive control by the resident in decisions made during negotiation and performance of contract (particularly where problem-solving within the institution occurs); belief in the value of the pay off; and certainty that it will follow the accomplishment of self-selected goals.

Residents generally agree that: Voluntariness of participation is doubtful because of MAP's image as "the only other way out" than regular parole, except for those who would rather do time than take on MAP's peculiar pressures. Return to the population from contact with MAP, whether through the Parole Board refusal to negotiate with a MAP applicant, a failure to agree, or loss of contract, is seen by residents as having a definite negative effect on the next Parole Board interview.

Program selection during proposal development is limited because of lack of broad availability of resources. There are not sufficient slots in some training and industrial programs, and some programs residents want do not exist. Program selection is also drastically influenced by lack of resident access either to information about system-wide resources or to their own complete records, by lack of orientation to the MAP process, and to the skills of negotiation.

Since no training or workshop in goal setting or long-range career planning is available, resident capacity for planning is severely curtailed. Serious involvement in program planning is a reality only for those few residents who are articulate and learn how to inform themselves of "what's out there" and how to maneuver to get it. Most allow themselves grudgingly to be guided into programs in order to get a release date. About one-quarter of resident interviewees report that they themselves were the source of their MAP proposal items. The rest had worked with a social worker or MAP coordinator in deciding on the proposal and cited various reasons for including items: "to offer the Parole Board just enough to get what I wanted (target parole date)," "what I thought the Parole Board would buy," "things I was already doing," "reasonable things I thought I could do and that would be beneficial." "The contract after the MAP coordinator was nothing like I planned it out to be." Most residents interviewed said that their own or the MAP coordinator's analysis of time already served on their sentence was a major factor in deciding on their proposed release date. Others based their target parole date on school time factors, proposed course or HED completion dates, or college enrollment after release. Additional reasons mentioned were a mother's illness or an approaching holiday or birthday, indicating that any point in time makes as much sense to them as dates set by the Parole Board. Few connected setting a release date with assessment of the severity of their offense.

The process of identifying proposal components therefore is not that of goal setting properly defined (self-assessment, value clarification and projection of possibilities), but of weighing external contingencies only, i.e., Division resources, Parole Board attitude, institution realities, school calendars, or familial circumstances.

Increased resident control through bargaining and negotiation is seen as a farce by most residents. A few rare individuals, taking negotiation literally, report that they truly bargained, taking in what they wanted and arguing for it. One claimed a negotiation of two hours to accomplish this. A few individuals, well-prepared for negotiation, have taken in a "realistic" proposal and, in a quick negotiation, met no resistance and indeed were surprised by the respect of the Parole Board. Most, however, do not see themselves as having much influence on negotiation and feel at the mercy at the Parole Board. (See Chapter III on Negotiation and Chapter V on Resident Perception of MAP's Internal Process.)

Even control over successful completion of contract is not totally theirs in the opinion of most residents. A small percentage of residents believe responsibility for completing the contract was entirely their own, and "fear of failing keeps you moving," but most believed successful performance was endangered by several factors. These included: "verbal rules" which would get one into trouble with staff ("you never

know when you're breaking one"); prevalence of drugs in institutions where pressures of time and anxieties are heavy; required grade point averages; which institution one is in. Generally, control was seen in do or die terms: "MAP is the last desperation method if you can handle the pressure." "I've got to finish since the option is completing a contract or staying." "The shorter the contract the better."

It is significant that most residents interviewed at the time of negotiation felt they would be able to complete their contract without difficulty, or were fairly sure. "I might have difficulty completing the GED in the time allotted." "I'm afraid of all the petty rules." Residents interviewed much later in the contract term were less optimistic, citing numerous problems which they had experienced or had heard of. Primary was anxiety about the discipline component, particularly where a person is completing everything else successfully yet receives a major conduct report. "I still have doubts and I have only two weeks left." "I was unaware of the awesome responsibility and heat."

Residents reported that "no one from MAP" had checked up to see how things were going with them and recommended that there be positive monitoring of performance while on contract other than through normal Program Review procedures. (MAP staff has recommended this also to prevent avoidable problems but lack resources to follow every contract. Currently monitoring is basically "report by exception," i.e., notification of contract in jeopardy.)

Cancellations are decided most often without resident appearance before the MAP panel when a decision is made. Many are unaware that they may be present. Most residents believed the circumstances which jeopardized their contracts did not merit cancellation or the necessity of renegotiation, often for a later release date. The appeal process is roundly condemned by residents who do not see genuine recourse possible through it.

One resident summarized the issue of resident control: "The problem with MAP is it gives you a slender thread and is too willing to cut it over a not-too-clear cause."

Because the pay-off for successful MAP contractees is a certain release date, belief in its value is established by the fact that residents still apply in large numbers. Complicating resident satisfaction with the worth of the pay-off, however, is their expectation that this date should be earlier than what they would have been granted through the regular parole process, a belief often confounded at the negotiation table when the difference may turn out to be slight.

Some residents do get programs they either wanted originally or see in retrospect as beneficial, i.e., a content pay off. Those parolees who have jobs even remotely related to their MAP program say MAP was valuable, if only because they learned they could accomplish something.

Strongly negative resident reactions to MAP are mainly due to the internal process of participation, i.e., feeling at the mercy of decisions by the Parole Board and institution staff. Because release is relatively more certain and residents do want to be able to finish education and training programs, MAP does offer an evident pay-off, which still attracts residents.

5. Role of Corrections Staff

The staff of the Division of Corrections provide the substance of what MAP residents contract for, the educational programs, training, counseling, work supervision, transfers, and transportation. In effect, whether and how MAP works depends largely on the quality of staff services and the nature of staff interaction with residents.

All Corrections staff can strongly affect MAP contracts. Decisive judgments are made by correctional officers and service deliverers such as teachers, social workers, shop foremen, psychologists and other specialized counselors, and parole agents. The nature and wording of staff responses to proposals, including parole agent comments, directly influence decisions in MAP contracting, as conveyed through the Institution Representative. Indirectly, all decisions about resident performance and failure begin with the staff, even though these may be submitted in the form of records to decision-making bodies, such as Program Review, Disciplinary Committees, or the MAP Panel/ Parole Board. (See Chapter IV, Section B. 2.d. on decision-making.)

Because this influence is less visible, staff report feeling distant from decision-making about MAP residents. Some realize their report could cause a contract failure. Many more do not believe, however, that they make decisions about or have input into a MAP contract. Most admit that they know little of the MAP process; few were aware of a MAP Manual. Several complained that they get people in their classes or treatment sessions who "should not be there," but are contracted in. Some know which residents are on MAP, through notification or being informed by the MAP resident. Some do not know and do not wish to know. When asked their opinion of MAP due process, few staff knew of the existence of MAP due process and appeal systems. They were not aware of recourse for residents.

The input of staff is highly individual in quality. Certain parole agents spend much time and effort responding to proposals, with suggestions, information, and options. Many do not respond at all. The same is true of social workers, a few of whom function also as a vocational counselor. Many hold only a cursory interview with the resident, review A&E recommendations, and "fill in the blanks." Residents receive a conflicting impression of social workers as both "caring" and cynical. Social workers explain this in terms of heavy caseloads, constantly expanding and unclear role definitions, distant files (in other buildings), and mountains of paper work. A few of the more dedicated seemed near desperation, wondering "how much longer I can handle all of this." The morale of social workers appeared to be the lowest of all staff units.

MAP does generate work for staff, primarily for social workers, but also heavily for teachers and treatment personnel as contractees fill programs. MAP was not meant to bring merely a quantitative increase in work load, however, but to help eliminate "old work". Social workers in particular, because of the failure of institutions to use MAP in identifying and providing priority programs, have had to assume parallel functions, as "case aide workers" for paperwork and as program deliverers (such as social skills training, individual and group counseling). Social workers generally resent the sacrifice of programs to paperwork. "They're not paying social workers to do social work." Teachers and Clinical Services

personnel, although more actively delivering substantive services, commented repeatedly on paperwork demands which seemed to them to have little purpose.

Corrections staff are on the front line of the corrections organization. What they do in daily interaction with residents is the expression of the nature of that organization. They feel unable to provide the kind and quality of substance that it was assumed MAP would make available to residents. Their activity and power lie largely in what they record on paper.

The "evil" that residents and reformers often locate in corrections staff may be part of an American tradition to locate evil deeds in evil people. However, the vast majority of staff interviewed either express angry frustration themselves over their inability to provide the services they have come to see as necessary for offenders to prepare for release, or they just try to keep up with what they are told to do and not think about the confusing and apparently hopeless tasks they are given. Almost all staff are characterized by a sense of keeping quiet to keep their jobs, themselves aware of a tight job market and the improbability of translating corrections experience into other fields. Corrections is seen as a dead-end profession.

Professional staff are trained in a rehabilitative model that is in disfavor. They are faced each day with processing large numbers of human beings through what they regard as a debilitating system. In being reduced to record keepers and monitors of the countless daily behaviors of which society disapproves, corrections staff funnel the consequences of social and bureaucratic scientism into residents' daily lives. They are thus caught in the old truism that the greatest evils occur when social systems give to average persons the task of routinizing evil. They could not be expected to provide what MAP demands without adequate and appropriate resources and a drastically different theoretical and behavioral orientation.

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CHAPTER TWO

NOTES

1. Sykes, Gresham, Society of Captives, Princeton University Press, 1971, p. 11
2. Mutual Agreement Program Manual, Wisconsin Division of Corrections, p. 2
3. MAP Manual, p. 5
4. MAP Manual, p. 2a, 3
5. Loschnigg-Fox, Helen, Working Paper on Clinical Services Concerns Relative to MAP, Division of Corrections, Office of Systems and Evaluation, July 9, 1975

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CHAPTER THREE

THE STATE OF NEGOTIATION

- A. The concept of negotiation in a corrections framework
 - 1. Corrections' interests
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CHAPTER THREE
THE STATE OF NEGOTIATION
WHY IS A MAP NEGOTIATION NECESSARY AND HOW IS IT WORKING?

A. The Concept of Negotiation in a Corrections Framework

Negotiation, that ancient tool of human compromise and exchange, is at MAP's center. Without face-to-face negotiation, there is no MAP. The MAP negotiation is the means of soliciting resident cooperative responsibility toward coordination of program completion with release. It is also what causes MAP to be so much trouble to the corrections and paroling systems. Those who think legalistic procedures are choking their discretionary decisions believe it would be simpler to write contracts without going through the motions of negotiation, particularly when the very idea of bargaining with residents seems unfeasible or even intolerable.

The concept of negotiation between parties of such conflicting interests may indeed seem illogical and unlikely, even unethical in a framework of high control such as a corrections institution. Why would the system need to bargain at all with its clients? Why would residents participate in an obviously imbalanced confrontation with the system?

1. Corrections' Interests

Pressures of recent societal change have made Corrections more willing, indeed compelled, to negotiate.

- a. Wisconsin Corrections is under a variety of practical pressures as a service agency, such as: population increases, growing financial and political demands for accountability and efficient use of resources, discontent with rehabilitation as a correctional mission, the disquieting threat of determinate sentencing or "flat time," and the daily reality of needing resident cooperation to operate its institutions. In the painful business of running prisons humanely, incarcerators bargain daily to reduce risk of physical and mental violence to clients and themselves.

MAP negotiation and contracting offer the Division a way to improve its operation. In cold systems terms, MAP seemed a foolproof way to motivate residents to participate in corrections programs, and at the same time, through guaranteed service delivery, to rationalize and thus strengthen the credibility of corrections and paroling processes. Division interests include full utilization of its programs, improved management of resident movement and behavior, and documented program performance to evaluate. The whole commotion of negotiation is the dynamic to get an entire system organized-- program planning, movement of residents through the system, program service delivery, and release coordination with the Parole Board and the field resources in the community.

- b. Corrections faces also the more subtle but mounting pressure in criminal justice toward "inmate rights" and the variously related concepts of resident status, legitimacy and empowerment, and equity.

The urban outbreaks of the 1960's served to jolt the nation's legal and criminal justice establishment into re-examining its assumptions. Works on critical and radical criminology questioned the structure of society and its philosophy of law. Studies on the nature of justice ranged from ethnomethodology to the work of Rawls and Fogel. A comprehensive, synthesizing, generalist approach to the problem of criminal justice was neither arrived at nor desired however, because it would have required fundamental change in society. Instead, specialized, piecemeal boxing off of parts of problems was undertaken.

Corrections has been particularly subject to legal challenge and court intervention in recent years. The concept of entitlement, implying challenge to decisions and basic policy, has spread from the legal into the public welfare field. Institutions in a society grown more complex and governmentally controlled discovered that "more formal organization, social acceptance and reliance on the institution brings with it concomitant demands for rationality and fairness in decision making."¹ These demands include explicit rules and procedures, due process, access to file information, hearings, and right to counsel.

Negotiation offers corrections an alternative to simplistic legal solutions. Determinate sentencing and other "easy remedies" merely displace discretionary decisions from the release end (parole) to the legislature, courts, and law enforcement. Relocating discretion does not guarantee justice to offenders, given the nature of the existing system of law.

Negotiation, like mediation, is a generalist tool. It avoids both imposition of values and legalism. Agreements, given soundness of procedures to reach them, can be accomplished without attorneys. Negotiation recognizes that society is based not on law but power. That is why residents, who know this well, initially welcomed MAP. This was language they understood. They were willing to make a deal. It is also why the failure to sustain forthright negotiation may have bitter consequences for Corrections.

- c. Even more abstract, but equally compelling, is pressure toward exchange in a society of diverse and conflicting interests.

Structural violence is that violence done by inherently unjust social structures. Its forms include malnutrition and gross maldistribution of resources, cultural leveling or co-opting, institutionalized racism and sexism, and the phenomenon of intellectual control over schools, the legal and mental health industries, and, at the extreme, through the ill-named "criminal justice system." Within this latter system, the Corrections sub-system is the repository of society's structural violence, containing literally its most complex conflicts.

Prisons mirror the substance of what any society is about, reflecting what it values by putting out of sight what it devalues. Prisons are mandated to deal with what the dominant culture chooses to criminalize. Definition of such criminal activity may begin with personal assault, the taking or threatening of life. After the

preservation of life however, classifications of crime reveal whether a society indeed values human life or property more, is racially and sexually mature or polarized, respects the need of individuals for economic access or prefers to ignore this inequitable competition for work and living time and space. Criminal codes illuminate a society's philosophy, just as do the levels of hell in Dante's Inferno. Prisons hold the practical products of that philosophy.

Prisons have been termed "correctional institutions" ever since reformist liberalism invented the notion of rehabilitation, a people-changing strategy. Thus Corrections itself is subject to conflicting mandates. Its statutory mandate in Wisconsin is security and protection, while its mission as a Division of the Department of Health and Social Services emphasizes reintegration, wellness and treatment of individuals through educational and psychological programming. Mounting popular concern over the "bankruptcy of rehabilitation" illustrates, in addition, that Corrections had been expected not only to treat the symptoms of society's ills but to prevent even the occurrence of crime itself. (The SEARCH, Inc., motto is, "to promote domestic tranquility.") Evaluation measures of Corrections' program success reflects this by stressing recidivism rates.

Indeed, incarceration can be seen as one causative factor in crime. Yet, assuming that the ideal response to most crime may be socioeconomic justice, it is futile to expect the Corrections system to correct entirely those problems whose sources it does not directly control, but which are in the nature of a society itself.

What share can the massive Corrections system assume in resolving its portion of society's conflicts and in actively preventing further injustice and further crime? Critics of Corrections who pressure it to improve its operation have differed drastically in what they mean by improvement. The conservative public wants punishment and deterrence of offenders and is appalled at the array of programs offered which the liberal public thinks will rehabilitate criminals. Some reformists, disregarding equity, lean toward the legislative solution of determinate sentencing and the elimination of parole, preferring to trust judgments of legislatures and courts.

Recognition of the tendency of organizational structures toward status quo and self-perpetuation and of the punitive effects of legalism in an imbalanced system of law suggests, however, a different move, a different theory: If the Corrections framework with its "corrective" mission must be retained, let it aim to "correct" also the larger milieu, acting as a mediating agency. Shift much of an incarcerated population to smaller medium and minimum facilities "at the edge," between offenders and community, which impact upon the local milieus as well as restore corrections residents. Only in small units can conflict resolution and negotiation work. Influence courts, legislatures, and publics with effective dialogue and participatory research. Get persons out of prisons and restore their community ties and economic opportunities as soon as possible after sentencing. If denial of access is at the source of crime, the problem of crime will not be resolved by a further restriction of access.

Define Corrections' task in terms of resource provision rather than punishment or rehabilitation, both being coercive. Do not eliminate discretion, innate in a humane environment, but structure its use with procedures, rules, and standards. Above all, ensure that those sentenced gain and retain access to decisions about their lives through a conflict-solving process such as negotiation. In brief, use Corrections to effect system change and to restore persons' self-management in and responses to systems. Such would be the greater strategy of a corrections model seeking consistency of means and ends.

Even these fundamental measures are strongly opposed by broad public elements, however, whether those who feel ripped off, angry, and frightened, or those who have political ambitions. Both exercise control over budgets, legislation, regulations, administrators, and access to jobs.

There can never be a single right answer nor a permanent win/lose solution for a problem epitomizing society's most extreme and complex conflict of interests. Neither need everyone lose nor feel ripped off as now both public and prisoners do. In a society of multi-ethnic realities, socio-economic imbalance, and widely diverse values, conflict is inevitable. That society's very survival depends on conflict being openly dealt with, not stifled.

2. Definition of Negotiation

With all the good reasons for Corrections to negotiate, the critical questions are: How is this possible between deeply opposed and imbalanced parties? Why would residents enter negotiation with an agency of control? What does the weaker party have to bargain with?

A response to these difficult questions depends on an understanding of the nature of negotiation. Bargaining is used every day. It is not some unreal, abstract "good idea" but a common mode of conflict regulation and dispute settlement at all levels of daily human experience.

An ancient and elementary alternative to violence in human history, bargaining activity is basically an exchange, whether private or formal, interpersonal or among groups. Such an exchange would seem unlikely in an extreme case of stronger and weaker parties, but private bargaining goes on every day in corrections institutions, just as it does in the free community.

Few bargaining situations are ever between equal parties. Corrections administrators rarely have sufficient resources to gain complete conformity to all the rules, to enforce security, or to ensure residents' participation in programs supposedly designed for their welfare. Staff and residents engage in a partially cooperative relationship, if even only to agree to leave one another alone. On more complex levels, residents "bargain" for privileges, for oversight of trivial infractions of rules, for desired placements, and with the Parole Board in the infinitely refined and complex game of looking paroleable.

Formal bargaining is simply a way of ritualizing and giving procedural structure to conflict. It sets rules to the game. The formal bargaining process regulates conflict by providing a framework within which parties may achieve, partially or fully, certain goals which conflict with those of an opponent.

By definition, bargaining involves at least two parties with conflicting interests and a voluntary trade-off through a sequence of proposals, evaluation, concession, or compromise, counter proposals, and coordinated settlement. In this process of give-and-take, of saving face and reaching a mutually tolerable partial win/partial win solution, a purely competitive, often explosive and deadlocked situation can be transformed into one at least partially cooperative in character, where all parties are somewhat better off.²

3. Residents' Interests

For residents, the weaker party, negotiation provides a chance at "empowerment," that leverage or control possible in a situation otherwise frighteningly out of their control. The term empowerment, which implies structural change, is used in dispute settlements where the relation of power (influence on decisions) among persons or groups of conflicting interest is grossly asymmetrical in its distribution, as between offenders and corrections/paroling systems. Empowerment usually assumes third-party intervention to strengthen the weaker party sufficiently to bargain with an opponent and bring about change in an intolerable situation.

Bargaining legitimizes at least some of the offender's goals and interests and provides an official means to get them. The process of getting these can also encourage that responsibility and dignity which corrections assigns as a treatment goal, usually ineffective because separated from the rest of the incarceration experience.

For what residents are asked to give, i.e., cooperation and participation in corrections programs, their interests in negotiation are simple:

- a. Getting out of prison and as soon as possible. This means release from institutionalization back to the community.
- b. Avoidance of the regular cycle of parole hearings and the anxiety associated with periodic uncertainties and dashed hopes through a definite date of release.
- c. A way to hold the Division and the Parole Board accountable. From the Parole Board, residents need specificity in a judgmental process of great discretion. From the Division, residents want access to programming they value and guarantee of delivery of these services. From both, a procedural structure is asked. Formal bargaining introduces this structure and the binding agreement which equity and empowerment require.
- d. Skill in dealing with institutions and systems in general, tools for gaining some degree of control and self-management, even in situations where choice seems severely limited. Negotiation provides a critical carry-over skill for residents' self-maintenance and conflict regulation on the street.

All of these interests imply increasing degrees of individual control and self-regulation, collectively and accumulating over a period of time. They also build a greater sense of control for offenders through the gradual accumulation of rationalized procedures which can be counted on. In the correctional system, this gradual change can amount to structural evolution.

It is precisely this system impact which dovetails with the practical pressures on corrections to improve its operation and to be more forth-right in its operation.

Because any effort at negotiation or mediation can be seen as conciliation, as being bought off, it can be accused of being an unethical means supporting injustice, status quo, and powerful vested interests. Proponents of negotiation for weaker parties need to define clearly its purposes. The major uses of negotiation and mediation for weaker parties in social frameworks appear to be: (1) to effect change in a manner that is not violent, since violence often does more harm to the weaker party in the long run; (2) to negotiate one's survival, not to "get in" to the mainstream but to keep it at enough distance so that one may carry on with work and life as one perceives necessary. To survive in a society, one must "deal" with it, i.e., negotiate with it daily for space and resources.

4. Conditions to Have Made Negotiation Work in MAP

Through lack of foresight and unpreparedness to deal with and plan for this radically different but ancient concept, negotiation with clients (a consumer-oriented approach), the Department and Division neglected to take responsibility for its implications. Certain conditions would have been necessary for the MAP negotiation to work well.

- a. Department and Division commitment to the exchange theory, to the possibility of give and take between system and client. While punishment theories are incompatible with Wisconsin's progressive philosophies, rehabilitation, if thought of as inculcating the dominant values of a given society, has failed, and the pretense and game of "changing people" must be given up. Indeed, under this definition of rehabilitation, formal bargaining offers nothing different from private, informal bargaining but is only one more trick in the bag of programs intended to "shape up" offenders. If, however, rehabilitation can mean the provision of skills and power to enable persons in some measure to get what they want and need without harm done to that person or others, then formal bargaining may be an important rehabilitative device for both offenders and incarcerators.
- b. Specific mandate to paroling authorities that MAP releases occur substantially earlier than other discretionary parole releases. Without direct responsibility being assumed by the Department Secretary for discrepancy between regular and MAP releases, there could be little hope that individual Parole Board members would dare to change parole decision-making practices. Indeed, as several Parole Board members assert, MAP puts them in a real bind, pitting

pressures from reform agencies for early release of large parts of the prison population against public and thus Department fears of returning offenders perceived as increasingly aggressive and assaultive.

- c. Establishment of negotiation specialists distinct from current Parole Board membership but with responsibility to recommend parole release. These parole negotiators would require background and in-service training appropriate to a unique role. Their discretionary decisions must be guided by distinct and clear criteria based on MAP principles and on standards and guidelines for eligibility, negotiation, and appeal.
- d. Strengthening of participation of the weaker party in decision-making through advocacy or mediation; equal access to information records, manuals of system resources, etc; negotiability, or choice; recourse to decisions; and the security of standards and procedures, i.e., the ground rules of face-to-face, open negotiations. Provision of training in goal-setting and negotiation processes and strategies.
- e. Provision by the Division of Corrections of the means to survey and assess its program and service resources; the capability to modify and reallocate them; and the budget to add programs and services identified as useful by residents and staff. Choice and negotiability depend on having options.
- f. Elimination of, or an alternative to, the current discipline component of the contract, so that the contracting process is separated from institutions' conduct reporting practices. Otherwise, the entire negotiation system is reduced to behavior management.
- g. Continuous monitoring of contract compliance requirements on all parties. Agency delivery should be subject to standards and review. Resident performance measures should be individualized and relevant to resident goals.
- h. Strengthening of the processes of hearings and appeal. Consideration of substance and circumstances by independent, objective parties outside the Department should be more than pro forma, routine reviews of procedure; MAP-related decisions of Disciplinary and Program Review Committees should be subject to review and appeal. Consideration should be given to condition for appeal of the parole decision itself.
- i. Division-wide training of residents and staff in the higher order of skill required by a comprehensive solution. All parties must learn how to develop and articulate goals and positions, to compromise and clarify, critically evaluate other positions, solve problems, maximize gains, develop alternative strategies and trade-off, and deal with opponents without resorting to violence, whether brute force or sophisticated coercion.

- j. Finally, for empowerment to succeed and thus meaningful negotiations to occur, each party must have a sufficient stake, or legitimacy, in the socio-political system, in order to be recognized by the other party as having the right to negotiate. (In a theory of exchange, negotiation is a right, not a privilege, as currently viewed in MAP.) Legitimacy may be accorded a group defined by economics, race, sex, age, institutionalization (such as incarceration), etc. Recognition of legitimacy in a system compels fundamental system change. What was once "non-existent," or something to which a system had been blind, becomes an entity of undeniable importance that must be confronted.

5. Summary

Formal bargaining diminishes the difference between social deviance and political marginality. The bargaining process regards the conflict between offender and societal interests in explicitly political terms, and thereby grants some status and legitimacy to the so-called deviant's goals. Given the growing perception by many offenders that they are victims of political and economic oppression, formal bargaining is a more appropriate tool than treatment aimed at changing persons. The latter is increasingly³ perceived as a means of disguising legitimate political differences.

A basic exchange between the public and the incarcerated offender is in order. Without some means of regulating this asymmetrical conflict, pressures will escalate. Imbalance breeds violence, through either desperation on the part of the weaker party and thus confrontation, or absence of restraint on the part of powerful institutional structures, or both.

Negotiation and mediation are emergent disciplines in a massive, socially and economically diverse society. They offer an alternative to authoritarian solutions of either extreme, whether rigid legalism or consolidated, unlimited discretion. Negotiation assures the continuation of a social pluralism, which tolerates differing experiences and philosophies, even where the forces are antagonistic. It guards the right of each party to some degree of control or management of choices and decisions.

Through using negotiation as its operating method, Corrections could itself become an agent of mediation in society.

B. The Current Wisconsin MAP Negotiation

1. Elements of equitable MAP negotiation used in negotiation observations.

Equitable MAP negotiation is defined as an exchange, trade-off, or balance of interests among the resident, Parole Board, and Division of Corrections arrived at through good faith bargaining. The term equity has been defined within the MAP context as "an ameliorative device contained in a mutual exchange and contracting mechanism. It involves choices unique to the individual, specificity as to release expectations, and regularized procedures to develop structured discretion in decision-making." 4

The following were used as indices, in the negotiation observations of the process evaluation, as elements of equitable negotiation:

- a. Voluntary participation, including the right to accept or reject the conditions. This means the resident has the right to return to the population without prejudice in the next Parole Board interview. It implies that once a resident is eligible for MAP and applies, negotiation must occur.
- b. Credibility, belief of all parties in the others' ability to deliver and in the value of the pay-off.
- c. Clearly defined roles for the actors in negotiation.
- d. Equal consideration or at least a contrived balance of power of parties, which implies a strengthening of the weaker party, adequate representation of both sides, no prior dispositional thinking, and no pre-negotiation.
- e. Accurate communication and appropriate negotiating styles, including respect, clear understanding of process, recognition of cultural differences in communication style, and above-board clarification of issues and decisions. Particularly important to accurate communication is equal access to information, including records and system resource availability.
- f. Understanding by all parties of the negotiation process.
- g. Criteria, the standards for decisions, including Parole Board criteria, with focus on the present and on merit as distinct from past negative activity, and criteria of institution decision-making bodies prior to negotiation.
- h. Procedures, rules, documentation, and record keeping.
- i. Negotiability, range of choice of items, options of possible settlements.
- j. Individualization as distinct from fairness (that "justice model" by which similar persons are dealt with in similar ways in similar situations); uniqueness rather than consistency.
- k. Control, decision-making weight, or influence of all parties.
- l. Content outcome in success or failure of negotiation and in contract content as contrasted with original proposal requests.
- m. Appeal mechanism, including resident access to and understanding of recourse processes and capacity of mechanism to make substantive as well as procedural decisions.

In assessment of MAP negotiation perhaps the most critical indicator of equity is whether the resident has choice. In an equitable exchange in a corrections framework, the balance of power may be less crucial than having real choice, real negotiability. Where there is only formal choice, the contract is a pure exercise of power. The weaker party can only withdraw or submit. In order to speak of equity in a legitimating device, such as a contract, one must evaluate the choices.

2. Negotiation Events

The typical MAP negotiation events proceed in the following order:

- a. Resident waits outside negotiation room. Parole Board members read case file, comment aloud to each other and to MAP staff regarding proposal and record of resident. Usually, the Parole Board members reach a tentative conclusion about target parole date, and always about whether to negotiate at all, before the resident enters. (See Chapter II.G. for criteria.)
- b. Resident enters, is introduced, and reads or responds to MAP Coordinator's reading of proposal. (Announcement of Parole Board refusal to negotiate occurs after resident is introduced.)
- c. Institution Representative, whose input is largely accomplished prior to negotiation, comments on deliverability of content areas, resident's security classification, and eligibility for proposed programs. The IR may discuss difficulties or options in these areas with the resident. Discrepancies may be checked by phone by the IR.
- d. One Parole Board member discusses program and release date with resident. Resident is questioned by Parole Board member on variety of issues, e.g., why resident wants a contract, a particular component or specific release date, family or work background, future plans.
- e. Parole Board comments on and/or questions resident regarding past behavior, offense, criminal record, and institution adjustment. Where Parole Board members disagree with the proposal, they make a counter-offer. Individual Parole Board members may offer reasons for disagreement. Resident may or may not respond.
- f. The result of counter-offers may be discussion of changes proposed and/or of time-frame, checking out of changes by IR, and either tentative agreement reached or failure to agree.
- g. Where an additional or changed component or different target parole data has been proposed during negotiation, the MAP Coordinator will frequently call for caucus. The resident leaves the room. The MAP Coordinator may accompany him/her to explain the changes, get the resident's reaction, discuss strategies and alternatives, estimate Parole Board's "bottom line," and weigh chances in a regular parole interview. He may also leave the resident alone to have some moments to think or collect him/herself and return to parley with Parole Board members.

In caucus the Parole Board members may deliberate, discuss the case, and dicker with each other about the release date. (Where they cannot resolve a disagreement, they submit the case to the next full Board meeting in Madison, continuing the negotiation until the next scheduled dates at that institution.) The IR may play a role in this pause by pointing out the circumstances in a resident's behavioral, school, or treatment record or factors in proposal items that could make a difference in Parole Board consideration. The MAP Coordinator may remain in or return to the room and also participate in the discussion. If he does any "advocating" at all, the MAP Coordinator has the best chance of doing so at this time, when the discussion is informal and "man-to-man." This persuasive parley is invisible to residents. The IR may check out proposed program changes by phone at this time, guessing at changes in transfer dates.

- h. MAP Coordinator calls in the resident, apprises of the alternatives or Parole Board final offer and asks whether this is acceptable. Possible discussion or argument may ensue. Result may be compromise and agreement, or failure to agree, or another caucus, or call for continuation so resident can think over alternatives and/or IR can check out proposed changes. (Continuation may be until later in the day or until the next scheduled negotiation days, a few weeks later.)
- i. If final agreement is reached, the IR makes reservations for program space. The resident signs the contract, and the other negotiating parties sign a recommendation to the Secretary of the Department of Health and Social Services for parole release on the specified date. A copy is sent to the Program Review Committee for review. A delegate of the Secretary, currently the parole Board vice-chairman, receives the contract for signature.
- j. If an agreement is not reached and negotiation is not in continuation, it is either a "voluntary withdrawal" by the resident, who refuses the counterproposal, or a failure to agree, which technically designates an impasse in bargaining but substantially means also that the resident would not accept the changes imposed by the Parole Board. (This can be due to an unusually delayed target parole date, a treatment component, or other item unwanted by the resident.) In cases of withdrawal or failure to agree, the resident must wait 90 days to reapply to MAP.

3. Limitations of Current Model

The events described above reveal limitations of the current MAP negotiation when measured against criterion elements of equitable negotiation.

- a. Although the negotiating parties do meet face-to-face, major decisions occur outside of the negotiation (prior to

- it or during caucus), including determination of eligibility, Parole Board screening out of persons with whom they will not negotiate, program decisions within the institution (through responses to the Institution Representative), and Parole Board decision regarding probable release date. The Department Secretary who signs the contract with the resident is not present and makes no process or outcome decision.
- b. Control of the negotiation outcome is held directly by the Parole Board and indirectly by Program Review. Although decision-making is broadened through a variety of institution inputs through MAP staff, the final power difference is decidedly with the Parole Board.
 - c. Residents have little choice of program options.
 - d. No forthright and consistent advocacy is visible. MAP Coordinator representation of resident interests occurs, almost entirely in caucus with the Parole Board, in the absence of the resident.
 - e. The dynamic of negotiation is limited to almost exactly the same form and process as in regular parole interviews, with the exception of increased time spent in discussion. The resident gains the perspective of the institution through the Institution Representative. Parole Board assumptions and manner of communication are characterized by heavy "white male," middle class, cultural perceptions, even when expressed by non-white or female members.
 - f. Criteria remain the same as in parole interviews: time served in the framework of the total sentence and past criminal and institution behavior. Both are non-negotiable. Whereas the resident looks at circumstances of this behavior more than at the isolated act "on paper," the Parole Board regards armed robbery and drug involvement as indicators of the worst risks, no matter how long one has been a "model prisoner." Reasons for decisions, even when given, are either official parole criteria, such as public protection or seriousness of offense, or are unclear to residents. (Occasionally decisions are made on the basis of information unknown or not revealed to the resident.) Lack of comprehension of reasons is a major resident outcry.
 - g. Roles and procedures within the negotiation are not defined. The components of "good faith bargaining" and its strategies are nowhere explicated in guidelines.
 - h. Negotiation outcome and contract content depend on a "smart" proposal (whether Parole Board reactions were anticipated), inclusion of skill training and GED if not yet attained, transfer to minimum, acceptance of treatment if offense is related to drugs, resident's ability to present information and be articulate, calm, and reasonable even in the face of verbal assault, and on how badly a resident wants a contract.

Analysis of the elements and limitations of Wisconsin's MAP negotiation are based on research into the principles and possibilities of bargaining and equity in a corrections framework, which is contained in the "Working Packet on MAP Negotiation" compiled by the MAP Process Researcher.⁵

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4. Resident Perceptions of Negotiation Process

Resident reactions to their negotiations reflect both the possibilities of the MAP negotiation process and the bitterness generated by the sense of powerlessness when the process seems to be only a mockery of what residents expected. Some slight differences between MAP negotiations and regular parole interviews are perceived by residents who had positive experiences with particular Board members. It is not only those who were refused negotiation or felt coerced into longer contracts, however, who are disappointed and harsh in their criticism of the lack of a real bargaining process in MAP. Virtually all negative reports and observations were directed against the Parole Board's manner of "negotiating."

Some residents adamantly maintain they bargained with the Board. "I negotiated for two hours. I didn't bite my tongue. They were bringing out things from the past that were irrelevant." Others say a resident must use "bargaining psychology" e.g. psyching out, requesting more than one is willing to accept, buying favor with programming, proposing things one hopes will please the Parole Board. "If you don't know the game, you're dead."

The vast majority of residents interviewed are basically negative about the negotiation process, many to the point of anger and bitterness. Their anger is directed mainly at the Parole Board, since this body is what they must visibly confront in the current MAP negotiation. Disrespect is the first thing residents report facing, both of themselves and of their proposals. "I was shocked by their condescending attitude. I didn't leave. I wanted to see the whole thing. They laughed at anything I proposed. They asked me about my debt to society. I didn't think people thought like that anymore."

Whether residents feel respect is shown them depends apparently on which Parole Board members are negotiating that day and the resident's interaction with them. "If you talk to them (MAP and Parole Board members) like humans, they'll reciprocate." "I can't understand how people get mad." "I was shocked to hear them speak so nicely. During my first contract negotiation, I had felt degraded." Some residents perceived particular Parole Board members to be friendly. "There is less tension." "It is more relaxed." "It's less one-sided, and there is an opportunity for me to say more." "I didn't feel as if I was on the stand," as in the regular parole interview. "They didn't even mention the offense." "In MAP at least you have the chance to accept or reject the contract." The nature of the interaction often depends on the personalities of the particular Board members negotiating that day and their biases against particular offenses. "Up to a certain point (I felt respected), until prostitution was mentioned. You shouldn't have to be living by your mistakes." Personal comments made by Board members were quoted by many residents, who found them irrelevant and unnecessary to the negotiation process: "They joke. Like bringing up your past: 'So you're a pimp, huh?'" Or, "Did you get those shoes off your last armed robbery?" A resident was questioned about her pregnancy, her baby, the baby's father, marriage, etc. The Board reportedly told a resident who had received his GED and was in the cosmetology program, "You've been in 14 months and haven't done a goddamn thing." The resident said he asked them not to use profanity.

Many residents content that Board members always assume the resident is "conning" them. They say the Board views them as "liars and manipulators." "They say we have a bad attitude when we try to answer their snippy questions." "They won't respond to the answers you give. They don't listen to explanations. They just run right over you. They cut you off when you answer." "They're always ready with the next question and then read your file while you answer." "They don't want a dialogue. They want a subject-matter relationship." One resident concluded, "You're the scum of the earth in there (negotiation room)."

Many residents believe the Parole Board badgers them in order to test their reactions, particularly with comments about their past. "The MAP Board looks at you like you're crazy. 'Do you really believe that you can get a contract like this with a record like this?' They badger you, bring out hostility, and then hold that over you." "Once they can bring out hostility in you, then they have something else to get you with." An example of one such confrontation is a MAP Board member's remark: "You had a gun. I'm surprised no one died." Attempts to advocate in their own behalf by asking a question or making a point are interpreted, residents believe, as smart-talk or word-games. Past drug use is a common topic: "They talked to me like a dog and called me a liar." One resident, who had left the Metro Center (an escape) because her children were in trouble, told the Board she felt her moral obligation exceeded her legal obligation in this case. The Board member's observed response was, "I don't give a damn about your kids. Your legal obligation comes first." Parole Board members believe confrontation is needed by residents in order to comprehend the gravity of their behavior. Residents commenting on the experience, however, reflected rather a feeling of degradation, bitterness, and irrelevance. Such confrontations explode residents' notions that the proposal is what one is there to deal with.

What disturbs residents even more than disrespect and confrontation, however, is the inconsistency, or what some residents call the "irrationality," of Parole Board judgments. Their first discovery in negotiation is that the proposal itself rates a distant second as a basis for negotiation decisions after type of offense, time served on sentence, and institution adjustment. Just as in regular parole interviews, judgments of these criteria result in vastly different decisions and thus seem arbitrary. Residents compare their outcomes with what to them are similar cases and do not understand the differences. Their sense of fairness is as offended in MAP as their expectation that cases are considered on the basis of individualized proposals. "You can never be prepared. They have their own rules." "You need oxygen when you leave. You're shocked."

The proposal is not seen as a bargaining tool by the majority of residents. Many contend that Parole Board members have already made up their minds before the resident enters the negotiation room and that they do not take much time even to do this. The amount of time that Parole Board members prepare for negotiation sessions is questioned by some residents. "I don't think they take ten minutes." (This is particularly resented when residents may wait several months from referral to negotiation.) What seems to be a pre-negotiation decision violates any sense of bargaining. "I had no control. I just listened to what they wanted me to do." "I had the feeling that it had already been decided before I walked in the door, that they were just going through the motions."

Almost all residents report that the MAP Board places too much emphasis on residents' past behavior, saying that this is often irrelevant to the negotiation of a MAP contract. As a result of this "dwelling on the past," residents get the message that there is no trade-off, that one can never make up for one's past, even through positive conduct while incarcerated. "You're constantly referred to as what you were or did." The stigma of the offense is felt to identify the person forever. "The institution shouldn't be concerned about your behavior on the streets. How can you punish a man for an offense committed 10 years ago which has been paid for? They don't give you a receipt for a "bill" to society you have paid." Another explained, "You shouldn't have your past record thrown up. A MAP Board member said to me, 'You failed juvenile parole. What makes you think you can make it this time?' Just because an individual failed juvenile parole, it doesn't mean that he or she will fail adult parole." Some believe they are being tried a second time: "They said that I deserved life and that just because I fooled the court, it doesn't mean I could fool them." Several reported being told, "You got your break in court."

Because MAP Board members dwell on the past, residents say an individual's merit is not given adequate (or in some cases, any) consideration, even in view of positive or exceptional institutional conduct or achievements. "The MAP Board should consider the positive aspects of the institutional record of the resident in the case, not just the bad." "If a person is showing improvement and stays out of trouble, they should take that into consideration." Many residents believe that if a person coming up for a contract is exceeding goals, more consideration should be given. The positive proposals of residents are subject to Board members' assessment of value. "We don't think that music is much of a career." (Resident had been earning income from music since 14 years of age.)

Residents resent that judgments are made almost entirely on the basis of "paper knowledge," material in case files. They say that the staff who know them and their program and see them working have the least to say about their contracts. If a resident does present an excellent institutional record, this may work against him. "I went three years without a ticket. They said I was trying to be slick." Such incidents contribute to a sense among residents that "we're damned if we do and damned if we don't."

Coercion by the Parole Board was repeatedly reported. Some residents claim they were forced into taking some type of counseling in order to receive a contract, although they had been told by a psychiatrist or social worker that they did not need treatment. They resent the Parole Board's assessment of what is best for residents. "They told me they wouldn't even see me if I didn't get into group drug therapy. They're not interested in me but in being able to say to society, 'This man has had therapy.'" "They said, 'AETP or no contract.' It's hard to convince me that that was 'voluntary'." One resident who had been incarcerated for two years said a Board member told him he badly needed therapy for problems the resident felt he no longer had.

Vocational or academic program components are also "suggested" by the Parole Board. "They wouldn't write a contract unless I had completion of my HED in there." Another said, "They push trades on people which they won't use and call it an opportunity." "You tell them you don't want welding and they'll give it to you, just to hassle you." The latter comment is typical of resident interpretation of actions which otherwise make no sense to them.

Additional conditions on a contract are reported by residents, e.g. gaining a contract only if the resident would remain at the institution and not transfer to a camp, or vice versa, or only if the resident would take parole in another state, or spend a certain period at a camp specified by the Parole Board. "They threaten us: 'You're not going to do it unless you do it our way.'"

Minority residents report white cultural perceptions of behavior in MAP negotiations as in regular parole hearings, even from minority members of the Parole Board. Some black residents who describe racist comments or attitudes believe, in fact, that the attitudes and expectations of the minority members of the Board work particularly against them. "(A minority Board member) seemed to think I wasn't representing my race well. He said he'd had it rough too." Black residents cited what they perceived as higher demands put on them by minority Board members.

Residents who have experienced coercion react angrily. "It's a waste of our time, the instructor's time, and the state's money, when we're forced into a program." Another added, "What good is it having a person in a program that he neither has an interest in or needs?" Residents reject the MAP Board's emphasis on "counseling as the magic band-aid" saying there is no real counseling. "You sit and dwell on problems; you don't work toward solving problems."

Significantly, most residents fail to perceive current MAP negotiations as offering an authentic bargaining mechanism and therefore believe the decision-making procedures of both Boards to be identical. The same members sit on both regular parole hearings and MAP negotiations, so a resident may face the same member at MAP that interviewed him/her previously. One reported, "All three times the same member was on the Board. I got MR the last time. This time, at MAP, I got a refusal to negotiate." Residents complain generally that Parole Board members all have the same opinion, back each other up, and issue a group decision. Board members' prior knowledge of residents through regular parole interviews influences Board decision-making, residents believe. "They hold grudges. (Name of Parole Board member) is still talking about the parole he gave me in 1965."

The effect of experiencing negotiation as just another parole interview is a deepened cynicism among many residents. "They hold all the power. You take the same insults. The man hates us, he hates us. They froze out the negotiation part of it." (For Parole Board members' reports of how their decisions are influenced by residents in negotiation, see Chapter II, G.2.)

G. Case Examples

Abstract explanations do not convey the full impact of what happens in a MAP negotiation. Neither its subtle differences from a regular parole interview nor the force of a resident confrontation with the Parole Board can be adequately described in the cool terms of analysis. Short of direct observation, therefore, case-examples are presented to introduce a sense of the negotiation experience. As vignettes of the process, they are intended to illuminate what is both common to and unique in negotiations.

The first example is an in-depth observation. The case was selected because its process typifies a large number of sessions which result in a contract, i.e., a successful outcome. It reveals why the majority of residents in MAP, although they prefer the MAP release route to regular parole without guarantees, express frustration and bitterness about MAP's internal process -- what happens or does not happen in the process of getting a contract. It is evidence of the illusion of open negotiation.

The in-depth case is also an illustration of the method used in observation. A guide of indices is used by the process observer to "watch for" negotiation-appropriate behaviors and decision-processes. These indices are the elements of equitable negotiation described in section B.1. of this chapter. To cross-check "the eye of the observer," each negotiation participant's perception of the process was gained through responses to questionnaires, the resident being interviewed with a structured protocol.

The remaining case-examples present a cross-section of negotiation outcomes of different Parole Board members and MAP staff in all adult institutions. The cases were selected as typical within their respective categories. Their content is a brief summary, in paraphrase and quotations, of the negotiation as directly observed by the researcher and as perceived by participants.

Selected negotiation observations are presented as case material in Appendix A, according to outcome categories: refusals to negotiate, agreement, renegotiation, and failure to agree.

In-depth Study of One Negotiation

OBSERVATION OF MAP NEGOTIATION

Identification of Negotiation

Resident _____
 Institution _____ Date _____
 MAP Coordinator _____ IR _____
 Parole Board Member A _____ Parole Board Member B _____
 Received copy of proposal _____ contract _____

Offense of current incarceration/criminal record/relevant background/time served (e.g. MR, PED, last deferral, etc.)

armed robbery (party to a crime)
 (relatively long sentence)

Outcome

- _____ refusal
 - X agreement
 - _____ failure to agree
 - _____ resident withdrawal
 - _____ continuation
- A. If mutual agreement was reached state the reason(s).
 -compromise re TPD (one P.B. member gave in and resident accepted 9 months more than proposed)
 -influence of IR and MAP Coordinator (advocacy for resident)
- B. If there was failure to agree, state the reason(s).

C. What most accounts for what resident got in contract of successful negotiation? (What was the turning point?)

resident's assertiveness and possibly, his willingness to explain details of his offense and involvement as well as positive change in behavior.

D. Perception and judgement of outcome as fair and equitable. Why? (e.g. reasonable length of contract, optimal requests satisfied)

good example of compromise and typifies criteria used in parole decisions

E. Identify each party's interests.

<u>Resident</u>	<u>MAP Coordinator</u>	<u>IR</u>	<u>Parole Bd. A</u>	<u>Parole Bd. B</u>
<input type="radio"/> early TPD		<input type="radio"/> equity for the resident		(both)
<input checked="" type="checkbox"/> work release review		<input type="radio"/> P.B. consideration of resident's positive institution conduct	<input checked="" type="checkbox"/> severity of offense	<input checked="" type="checkbox"/> past criminal involvement

Were these interests satisfied? = yes = no

NEGOTIATION DESCRIPTION

Pre-negotiation discussion. MAP Board discusses severity of offense and violence involved (armed robbery) and resident's involvement in crime. Board members discuss willingness to negotiate but don't agree to proposed target parole date (TPD).

Resident enters. Institution Representative asks him about his total hours in vocational program. Resident states that he will complete the course by [date]. Institution Representative cautions resident that he does not want to see him risk a contract violation because he is unable to complete the course. Discussion of security reduction to minimum, eligibility, and place of transfer.

Discussion between MAP Coordinator and resident regarding transfer to either a Community Correctional Center, Camp System, or (name of city).

A Board member questions resident regarding his involvement in drug counseling, then asks, "Why did you get involved in so many vicious crimes?" Resident: "I had no direction; I was irresponsible." Board member: "Did you like the armed robbery and beating involved?" Resident: "I stopped the beating and shooting. I didn't participate in that." Board member: "Why did you refuse to testify?" Resident: "Because of danger, there was no protection for myself or my family, and it was upon my attorney's advice." Board member: "I don't care whose advice it was. It was obstructing justice." (There is a "stare down" at this point between the resident and this Board member.) Resident: "I came in here (prison) a 19 year old boy and now I'm a 23 year old man."

Other Board member asks what kind of drug resident was involved with. Resident: "Heroin." Board continues to question resident regarding past drug involvement and criminal associates. Board member asks resident how he came up with his proposed TPD. Resident explains about his apprenticeship and hiring possibilities for this trade.

Board member asks about the resident's association with a woman convicted with him and involved in the same crime and asks: "How do you feel about her sentence being commuted?" Resident: "Now I hold nothing personal against her." Board member: "Do you think she's in danger?" Resident: "I have no plans to do anything to her."

Very long MAP Board caucus. Board discusses time served and sentence structure of resident. Their problem is that with a 12 year sentence, "he should not serve less than four years." Board member A: "He won't take it." Board member B: "That's not my goal."

Institution Representative and MAP Coordinator try to persuade Board to let him out for Thanksgiving. (IR basically served as the resident's advocate in this negotiation.)

Board member: "Guys like that scare me." This member concedes on TPD, and will offer a date nine months more than proposed TPD with a transfer first to the camp system and then to a community corrections center.

Reasons: 1) to give resident the opportunity to complete vocational program, 2) to transfer to city vocational school. Board member: "We need to be cautious and to see if he can handle reduced custody, a community program, and can use good judgement."

Caucus between MAP Coordinator and resident.

Decision: Resident will accept date Board offers. Board will leave in transfer for ultimate release in (name of city)

Changes from proposal to contract re: (who changed what)	
education	transfer
not applicable	transfer to camp delayed 1/2 month
vocational/skill training	work/study release
vocational program	review for work release approval at camp delayed one month
work preference	release date
will accept any institution job, preferably related to vocational program area	9 months more than proposed
treatment	other (identify)
not proposed since has already completed 5 months of drug group and self-help counseling	
behavior/institutional conduct	
will receive no major conducts	

A. Manner of Interaction Among Participants

MAP Coordinator

Affective: Tone and Manner

advocate

(concern, respect, courtesy, hostility, etc.)

calming influence

Institution Representative

Cognitive: Content

advocate

(verbal comments re: behavior, attitude, character e.g. put downs, paternalism, individual's need for attitude change, etc.)

respectful

Parole Board Member A

antagonistic towards resident

Parole Board Member B

Resident

less antagonistic but accusatory and paternalistic, used lecturing style

courteous, articulate, assertive, willing to explain details

B. Control (How much influence each party had on negotiation/decisions/power balance)

	<u>least</u>	<u>little</u>	<u>some</u>	<u>strong</u>	<u>strongest</u>
<u>Resident</u>				X	
<u>MAP Coordinator</u>				X	
<u>IR</u>				X	
<u>Parole Bd. A</u>				X	
<u>Parole Bd. B</u>					X

C. Active Participation of Resident

Resident Explanation of Circumstances

Resident Lack of Understanding

1. Area:

resident actively answered questions regarding circumstances of offense

1. Area

2. Resulting process:

- a. Given chance to explain
- b. Issue was discussed
- c. Explanation was passed over, not dealt with
- d. Explanation influenced outcome to resident's benefit
- e. Explanation influenced outcome to resident's detriment
- f. Other

2. Resulting process:

- a. Received explanation from:
Parole Bd. Member
MAP Coordinator
IR
- b. No explanation given
- c. Discussion
- d. Explanation aided process to resident's benefit
- e. Effect was detrimental to resident
- f. Other

D. Role Activity circle appropriate item(s)

MAP Coordinator

- ① Introducing participants
- ② Moderating/leading discussion
- ③ Explaining for Resident
- ④ Speaking as advocate
- 5. Clarifying MAP concept and procedure
 - a. to Resident
 - b. to Parole Board Members
 - c. to Institution Representative
- 6. Clarifying content of contract discussion to Resident
- ⑦ Caucusing with Resident during/after negotiation
- ⑧ Interceding in Parole Board discussion before or after negotiation (and during)
- 9. Crisis intervention with Resident
- 10. Other

Institution Representative

- 1. Clarifying Institution position
- 2. Checking feasibility of changes during negotiation
- ③ Discussing program components
- ④ Participating in caucus with Parole Board
- ⑤ Other (e.g. operational, institutional duties)
Speaking somewhat as advocate

Parole Board Member A

- ① Commenting on Resident's offense
- ② Commenting on Resident's behavior
- ③ Commenting on Resident's attitude
- ④ Discussing program components with Resident
- ⑤ Discussing program components with MAP Staff
- ⑥ Clarifying reasons for Parole Board position
- ⑦ Listening to Resident's position
- ⑧ Caucusing during negotiation
- ⑨ Discussion of case before negotiation
- ⑩ Discussion of case as caucus during negotiation (after face-to-face negotiation)
- ⑪ Other
Interrogating resident regarding his past

Parole Board Member B

- ① Commenting on Resident's offense
- ② Commenting on Resident's behavior
- ③ Commenting on Resident's attitude
- ④ Discussing program components with Resident
- ⑤ Discussing program components with MAP Staff
- ⑥ Clarifying reasons for Parole Board position
- ⑦ Listening to Resident's position
- ⑧ Caucusing during negotiation
- ⑨ Discussion of case before negotiation
- ⑩ Discussion of case as caucus during negotiation
- ⑪ Other
Interrogating resident regarding his past

Resident

- ① Explaining proposal components
- ② Discussing/questioning proposal components and/or counterproposals
- ③ Explaining circumstances of difficult area(s)
- ④ Bargaining/Countering/Debating
- ⑤ Being quiet/listening
- ⑥ Caucusing
- 7. Questioning negotiation procedure
- 8. Other

Criteria Influencing Negotiation circle appropriate item(s)

A. Criminal Record

- ① Nature of offense for which currently incarcerated
- ② Length and pattern of criminal record
- 3. Adjustment to previous probation/parole (if applicable)

B. Institutional Record

- ① Constructive accomplishments while in institution(s)
- 2. Behavioral adjustments
- 3. Current and/or change in classification
- 4. Comments of Social Worker in file
- 5. Attitude (relations with peers and staff)
- 5.1. Attitude change
- 6. Receiving visits
- 7. Size of case file (length and pattern)

C. Personal and Social History (Stability)

- ① Previous activities on the street (record of moving around, arrests, associates)
- ② Drug involvement or lack of it
- 3. Alcohol involvement or lack of it
- 4. Family background (parental, sibling)
- 5. Race
- 6. Age
- 7. Sex (perceived inappropriate behavior for man/woman)
- 8. Religion
- 9. Marriage (responsibility to spouse/children)
- ⑩ Relationships with man/woman
- 11. Physical health
- 12. Emotional health
- 13. Clinical services evaluation of treatment needs
- 14. Parole Board judgement of need for counselling

D. Education and Intelligence

- 1. General A and E evaluation
- 2. Test scores
- 3. Educational level and previous training
- ④ Training received in institution

E. Work Experience

- 1. Length of time employed in general
- 2. Length of time on specific job
- ③ Type of employment

F. Parole Plan

- 1. Sound parole plan overall
- ② Possibility of employment on release (marketability of skill)
- 3. Place to go on release
- ④ Spouse or other person waiting
- ⑤ Further education/training planned (apprenticeship)

G. Judgement of Readiness for Release - Public Protection

- 1. Predictive judgement of dangerousness (probability of committing serious crime while on parole)
- 2. Probability of being misdemeanor or burden to parole supervisor
- ③ Sufficient length of time confined relative to offense
- 4. Sufficient length of time confined relative to being better risk for release (regarding recidivism)

H. Impressions During Negotiation

- ① Appearance of Resident
- ② Attitude and manner
- ③ Credibility of Resident's responses

I. Constructive Direction - MAP Proposal

- ① Consistent goals evident during confinement
- ② Quality of MAP proposal overall
- ③ Educational/training goals in MAP proposal
- ④ Work goal in MAP proposal
- 5. Behavioral goal in MAP proposal (including treatment)

J. Other

- 1. Material unknown to Resident (privileged information)
- 2. Predisposition
- 3. Previous parole interview result
- 4. Other: specify

Participants' Perceptions of Negotiation Session

CODE: Parole Board Member A: PB-A
 Parole Board Member B: PB-B
 MAP Coordinator: MC
 Institution Representative: IR

	PB-A	PB-B	MC	IR
CHANGE Content and Reasons for change during negotiation	Resident's presentation and the factors mentioned above changed the TPD to an earlier one than the PB members would have suggested normally. TPD was later than the resident requested and earlier than the PB originally considered. Placement and transfer dates were changed to accommodate the time parameters.	Program and TPD, negotiated longer WCCS program.	TPD, because original TPD was too early due to nature and severity of offense and sentence length.	TPD because of sentence structure required.
INTERESTS Proposal basically represent resident's requests?			Yes	Yes
Prioritization of proposal elements most important to Parole Board's interests and if these were satisfied.	<ol style="list-style-type: none"> 1. Reduced security as a test. (yes) 2. A program to further his skill in barbering. (yes) 3. Placement during the contract period that will permit work release. (yes) 	All proposal items except longer work release exposure added by PB. (yes)		
Prioritization of proposal elements most important in terms of resident's needs and if these were satisfied.			<ol style="list-style-type: none"> 1. Skill training (yes) 2. Reduced security (yes) 3. Conduct (yes) 	<ol style="list-style-type: none"> 1. Adjustment-Behavior (yes) 2. Skill training (yes) 3. Minimum security (yes)
CRITERIA Factors of most concern to PB members	Serious nature of offenses (armed robberies in which the victims were abused), the sophisticated and highly organized type of crime, resident's serious drug problem.	Multiple armed robberies with physical abuse of non-resisting, compliant victims, resident was on probation when offenses occurred, improving institution adjustment and programs.		

	PB-A	PB-B	MC	IR
CRITERIA (continued) Criteria influencing PB's decision	A demonstration of good control and positive program involvement over a long period of time. The improved adjustment is hopefully evidence of new-found maturity and responsibility.	All parole criteria.	Past record of criminal behavior	Good proposal plus comments by the resident and MAP staff.
Criteria influencing MAP staff's judgements			Felt proposal was adequate, but did question the early TPD. Proposal allotted him a chance to obtain a skill and get work release in minimum security.	Verbal presentation by resident along with the behavior adjustment the resident has made during the past 16 months.
CONTROL Party that had the strongest influence on the outcome	The resident's accomplishments and the program he offered strongly influenced my decision.	Parole Board	Parole Board	Parole Board Member
Party that had the weakest influence on the outcome	None	IR	IR	MC
REACTIONS TO OUTCOME Reason(s) for successful negotiation	<ol style="list-style-type: none"> 1. The proposal appears to be a vehicle to bring about the desired changes. 2. The program should help achieve a more positive lifestyle. 3. Resident has demonstrated responsible behavior within the institution. 	Offer and receive an early parole date.	Program elements fit in a logical sequential manner.	Good proposal with program which when checked out, could be delivered.
			MAP Staff perceived contract as reasonable and commented: Mr. _____ received a good contract.	Fairly routine negotiation. One member of the PB seemed to be for a longer contract (more time) based on file material. I think it is a fair contract which offers good potential for job skill to be applied shortly after completion of training.

In-depth Case: Resident Perception of Negotiation Process and Outcome
Resident Interests: Target Parole Date and Work Release

"They don't dig deep enough. It's hell in prison mentally. They don't see this or care how people live and they don't see the positives. It has to be a long period of time for them to let you out. 'Where did the addiction (heroin) come from?' That would have been a valid question. They seemed to want to ask but wouldn't. In three years, this question has never been asked. They aren't interested in what motivated the individual to commit the crime. I'm paying for my crime. The Parole Board people don't understand reality and why crimes are committed. They don't look at people as individuals, only as people in categories. One was in on my parole hearing. They hear too many lies from the outside. The judge and the DA have a lot of influence on the parole decision. Personal vendettas are carried along. When I refused to testify (against an accomplice), the judge said, "You'll never get parole."

"They didn't look at the positives. I lost ground at the point when I showed that I was let down because they didn't evaluate my improvements over the last twenty months. (The social worker has faith in me. We can talk man-to-man.)"

"When (name of woman with whom he was involved in crime) was brought up, I thought they were going to refuse to negotiate with me. When the other Board member brought up the victims, they gave me an offer I couldn't refuse." (Observer's note: He knew where he stood.) "I don't understand the criteria for deferral (refusal to negotiate)."

"I didn't feel respected, not at all. I wasn't prepared for questions regarding my crime. One Board member was trying to talk to me as a boy. He has a father syndrome. That's why I explained about coming in as a boy of 19 and leaving as a man of 23. I felt interrogated. The Parole Board was trying their best to upset me. But I adjusted. I wasn't there to explain or defend the viciousness of the crime. I'm sorry about my involvement but not I've paid for it. Trying to offer an explanation hurt me in the negotiation. They wanted me to be remorseful."

"There is really no difference between MAP and Parole Board interviews. The whole atmosphere of negotiation was wrong. I was tempted to turn down their offer, but I did bargain."

"I didn't feel well represented by the MAP Coordinator. He can't put himself out too much on a limb. He's shaky about putting his neck out."

"Prison can make you adjust to anything. You're humiliated, you lost your manhood. Anything short of life (a life sentence) I can deal with. It's role playing to please them. It's going to be hard. The hardest thing is to avoid confrontation. There are traps. Being on MAP will make my time harder. They watch residents on MAP. I have to watch my step and not allow any guard to get in the way. I'll have to keep contraband out and not get any tickets. I'm worried. There is more pressure. You have to kiss ass, and there are rednecks at camp."

CHAPTER THREE

NOTES

1. Cohen, Fred, Legal Norms in Corrections, submitted to President's Commission on Law Enforcement and Administration of Justice, 1967, p. 1
2. Wehr, Paul, Conflict Regulation, AAAS Study Guides on Contemporary Problems, Study Guide No. 7, pp. 19-34
3. "Bargaining in Correctional Institutions: Restructuring the Relation Between the Inmate and the Prison Authority," Yale Law Journal, 1972, vol. 81, No. 4, p. 752
4. Third Year MAP Funding Proposal, Division of Corrections, 1976, p. 4
5. Loschnigg-Fox, Helen, "Working Packet on MAP Negotiation," Division of Corrections, Office of Systems and Evaluation, March, 1977

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CHAPTER FOUR

CONTROL AND CONSTRAINTS: SUMMARY AND ANALYSIS OF
IMPACT OF SYSTEM ON MAP

- A. Major problem-areas: What is wrong with MAP?
 - 1. Absence of clear commitment in Department and Division to negotiation with Corrections residents
 - 2. Illusion of open negotiation
 - 3. Grafting of MAP into traditional systems with no accompanying change in the substance of organizational behavior
 - 4. Loss of MAP's "Employment Connection"
 - 5. Dominance of discipline component as strongest regulator of contract outcome

- B. Analysis of why MAP process works as it does
 - 1. People-changing behavioral model of Corrections
 - a. Program content domination by psychological treatment mode
 - b. Rules and regulations of disciplinary code
 - c. Parole Board release criteria
 - d. Absence of release preparation

 - 2. Control of information and decision-making
 - a. Case files
 - b. Corrections information system
 - c. Policymaking
 - 1) Selective use of formal authority and communications flow
 - 2) Insecurity of corrections staff
 - 3) Absence of resident input
 - d. Informal/horizontal communication and decision-making
 - 1) Record-keeping staff
 - 2) Decision-making bodies
 - e. Critical decision points and criteria
 - 1) Responses to proposal
 - 2) Unsuccessful completion as the result of a staff decision

 - 3. Practical constraints and pressures on Division of Corrections and Parole Board
 - a. Statutes
 - b. Sentencing system
 - c. Image presentation and responsiveness to political publics
 - d. Limitations of resources
 - e. Population pressures
 - f. Legal pressures

CHAPTER FOUR

CONTROL AND CONSTRAINTS: SUMMARY AND ANALYSIS OF
IMPACT OF SYSTEM ON MAP

A. MAJOR PROBLEM-AREAS

Despite gradual and subtle inroads made by MAP on the Corrections system, major issues with which MAP confronts the system remain unresolved. Although some have been neglected or avoided, a few have received much attention through vast numbers of hours in meetings and discussions. All are so integrally interwoven with one another and in the larger network of policies, tradition, operations, and attitudes that their resolution would massively impact the system. Avoidance of or difficulty with complex problem-solving is perhaps understandable when the task resembles the untangling of a Gordian knot or the choice of which card to pull from a house of cards. Where dare to begin?

Problems identified by MAP process research observation and analysis, and by residents, staff, and policymakers presented striking parallels. Recurring problem-themes can be grouped within similar headings or patterns even where perceptions differ of what exactly is wrong and why. Formulation of the following problem statements by the process researcher rests on MAP "process integrity" as a criterion, that is, the definition and essential elements of MAP (see Chapter I) are used as indicators for evaluation of the operation.

1. Absence of clear commitment in Department and Division to negotiation with Corrections residents.
 - a. Lack of consensual program definition, purpose and goals.

Most of the heated operational conflicts and disagreements throughout MAP's history have occurred because "everyone has a different idea of what MAP is or should be." MAP began with the cart before the horse, with meetings about its operational and legal difficulties rather than clarification of the new concept's place in the rehabilitation/punishment debate or what the contracting process would, could, or should change. Coupled with the general confusion regarding Corrections in the mid-1970's (see Chapter I), this lack of "philosophizing" opened the door to the power politics of personal disagreement in usual bureaucratic fashion. Without a reference definition and consensus, every MAP-related committee and staff meeting, every decision, all staff relationships and MAP training seminars have been negatively affected. MAP staff variously developed a "feel for the program" and argued it not from the conviction of a common understanding but on the basis of different personal philosophies. No one viewpoint could be absolutely contradicted. Was MAP a right, or a privilege, of residents? Was it inclusive or a minimal set of obligations? What was to be changed by MAP, if it indeed was to be "planned change in Corrections"?

Resistance and damage to MAP caused a re-write of the funding proposal for MAP in late 1975. Pressured by WCCJ, OSE evaluators were called upon to write more specific objectives for the goals of the first funding proposal, which were decreased recidivism, reduced stay and definite release date. Too late, intermediate objectives related to resident goal-setting, negotiation, and coordination of training with employment were formalized in writing. MAP and institution staff and the Parole Board had by that time formed their various conceptions of MAP and were unwilling to accept any one definition as correct.

b. Lack of Mandate

- 1) The Department Secretary has not mandated nor publicly encouraged releases substantially earlier (four-six months and more) than regular parole releases. The Parole Board is under extraordinary pressure not to release residents early from institutions, including threat of suit from District Attorneys. Given this constraint, the Parole Board could not be expected to act any differently than it has in MAP. Without a different directive or some alternative to relieve the Parole Board of its presumed direct accountability for new crime, it is forced to negotiate without support for the risk imposed by predictive and guaranteed parole dates. Differences in length of stay between MAP and non-MAP residents have not been explained to the public.
- 2) The contract negotiation, MAP's core mechanism, has not been taken seriously in the Division or Department. In the implementation of MAP, the negotiation itself was never a priority. The process of negotiation has been continuously subject to the whims and pressures affecting the Division generally and institution operation particularly. Gradual erosion of the integrity of negotiation has been the most bitter pill for residents, who were willing to "make a deal" with a system that seemed largely unable to decide if it would tolerate the idea of negotiating with its clients.

c. Lack of rational planning structure.

A program impacting activities across the system could not be expected to operate cohesively without high-level administrative direction and a mechanism for collective decision-making in partnership with representatives from involved Bureaus, institutions, MAP units, regional offices, and with input from advisory residents and local community resources. A centralized committee to provide coherent and integrated policy was never a reality in MAP. The Advisory Committee responded only to WCCJ requirements and brush fires. It did not provide an open information flow among institutions, camps and centers, Central Office, Parole Board and community, nor a problem-solving process, nor, most important, a management review of MAP objectives. Lack of integrated planning meant the system was not geared up for the changes in staff behavior required by contractual procedures and for the demands on resources. MAP presented an opportunity to relate institutions' efforts to offender reintegration. The coordinated planning and connections necessary for this were not undertaken.

- d. Failure to orient and educate staff and public to the MAP concept of bargaining.

"Training" or orientation to MAP has consisted of an explanation of MAP operation, but not an opportunity to clarify and develop MAP philosophy. No response has been made to institution staff who fear the impact of stipulated resident rights and resident involvement in decision-making. Early discussion and staff input might have prevented later resistance. No systematic public orientation of legislators, judges, agencies, and committees through seminars or observation and discussion has been attempted.

2. Illusion of open negotiation.

- a. Parole Board dominance of negotiation and thus also pre- and post-negotiation processes.

The Parole Board is reluctant to "bargain in good faith" not only because of pressures against early release but also because of its decision to continue its authoritarian role in sentence structure review. Carry-over of this role in MAP has meant that "open negotiation" is impossible because:

- 1) Regular Parole Board members conduct MAP negotiations, approaching MAP decisions in basically the same way as regular public interviews. There is no strong mandate and thus no standards or guidelines for the negotiation dynamic.
- 2) Identical parole criteria are utilized in MAP decisions as in regular parole interviews. Time served and past behavior are non-negotiable and their circumstances irrelevant. The past remains the dominant focus.
- 3) Eligibility for MAP is not in fact open but subject to, first, screening through sentence length (court decisions), and second, screening through Parole Board review. Refusals to negotiate are routinely made on the basis of sentence, type of offense, and related parole criteria.
- 4) The interests and outlook of Parole Board members are anticipated by institution staff in prescriptive proposal preparation ("What will they buy?") and are also the strongest influence in decisions regarding contract cancellations.
- 5) Resident return to the general population after MAP failure (to contract or to complete) is not "without prejudice." At the next parole interview, Parole Board members are strongly influenced by earlier peer judgments (or their own prior judgment).

- b. Non-support of resident "empowerment."

Residents have not been afforded those mechanisms necessary to make more mutual and equitable bargaining a possibility:

- 1) Tenable advocacy by spokesperson or trouble-shooter backed by a top-level mandate.

- 2) Orientation to negotiation process. Residents are mystified by the maze of MAP procedures, event-points, expectations, rules, and obstacles to successful completion.
- 3) Training in negotiation strategies. Residents in general lack skills needed for confronting persons in authority or handling threatening situations, whether in prison or "on the street."
- 4) Access to information.
 - a) About self, through records, information system items, A&E, institution and parole office files; and through lack of self-assessment counseling.
 - b) About programs and services available throughout the system, through up-to-date manuals and resource centers.
 - c) About job market through release preparation programs and contact with field/community personnel.
 - d) Through forthright provision of reasons for decisions by Division personnel and committees. Residents are not "told the truth" about refusals by staff of requests for security change, transfer, program, or Work Release, nor given realistic expectations of types of jobs available or chances for use of training. Residents feel "treated like children," as incapable of understanding realities, problems and pay-offs.
- 5) Choice and negotiability. Limited resources to bargain for mean lack of options. (See Problem #4, on the Employment Connection, and Problem #3 on Lack of Substance in this Chapter.)
- 6) Access to recourse and mechanisms to review substantial compliance.
 - a) MAP's appeal process is ineffective for residents because the decisions are not located in independent, non-MAP parties and are based on whether correct procedures were followed, not on the substance of the appeal. Consideration is not given to circumstances or events, or impact of institution rules on daily behavior.
 - b) Program Review decisions are not subject to review or appeal.
 - c) Substantial compliance can be demanded by the State but residents have no mechanism to protest program or transfer substitutes, or delays in transfer. Residents, however, are subject to standardized performance measures. (Some are higher than expectations for non-MAP residents or even, as in Study Release, than non-offender students.) Also,

a 12-month contract can be lost over a conduct report in the Camp System when 11 months of program have been successfully completed.

d) Hearings prior to contract cancellation do not result in a decision but in a due process finding. Final decision still remains with the "MAP Panel," which is essentially a Parole Board decision.

7) Credibility of time pay-off. Residents take MAP's "deal" literally. Many are willing to take responsibility and set goals for themselves. As they experience, however, that others believe them to be incapable of making decisions and do not agree with a substantial time-cut for resident effort, the residents "end up feeling manipulated, puzzled and cheated."

c. Vulnerable Position of MAP Staff

Against the weight of institution and Parole Board influence, MAP staff have not been perceived as important in sustaining a unique mechanism.

1) The advocacy effectiveness of the MAP Coordinator depends solely on his individual temperament, philosophy and style; it has no structural support. Goal-setting counseling is little practiced because of conflict with the social workers' function.

2) The role of Institution Representative, although strengthened to give him authority to agree to changes in mid-negotiation, is essentially subject to the decisions of Program Review. His responses are not limited to deliverability, therefore, but must include "acceptability."

3) An "uneasy peace" exists between MAP and institutions only because MAP is serving a vital function in providing program utilization and review for management purposes and efficient transfer during a period of overcrowding. Basically, however, institutions view MAP as a cumbersome process, characterized by complicated program decisions and proposal preparation, residents who demand and argue, due process, and less unilateral classification decisions. MAP staff are therefore seen as a bureaucratic waste of energy and resources, particularly when social workers are in short supply.

3. Grafting of MAP into traditional systems with no accompanying change in the substance of organizational behavior (policy, criteria, decision-making, resources, staff behavior).

MAP is essentially a procedure and a time-frame. Its substance, i.e., its decisions and resources, depends on a system uncommitted to MAP's existence.

a. Program Review Committees' dominance of proposal content reflects the traditional mind-set of institution decision-making.

- 1) The central control mechanism of MAP service delivery is Program Review. Its classification and security policies and rehabilitative interests override resident requests. Decisions of the Institution Representative are not limited to an objective check of deliverability and feasibility, but are controlled by classification judgments and the weight of input of many institution sources through Program Review.
 - 2) A "total Division approach" to a progression of programming is an ideal of Program Review. MAP program development is either prescriptive, where this ideal is realized, or, more often, secondary to the security obligations of the institution.
 - 3) Residents are not presumed to be capable of making their own choices and program mistakes. No priority is put therefore on the MAP ideal of joint vocational planning and counseling.
 - 4) Staff limitations mean that in some institutions the same staff persons may sit on more than one committee, making disciplinary as well as program decisions.
- b. The MAP Manual of Procedures formalized MAP's absorption into institutions' ongoing processes. Non-MAP personnel dominated the decisions which developed MAP's written procedures and left MAP staff roles vaguely defined. The procedures are circumvented when stronger individuals use influence to "get around" them.
- c. The planned Delivery of Service Information System became more than MAP staff initially expected. Its purpose now includes provision also of "information about residents which is needed to make decisions" in addition to the on-line information about resources and communication among institutions and units that it was originally expected to provide.
- d. Availability of program and service resources, the staff of MAP contracts, remain unchanged by MAP. Negotiability, the range of negotiable options, is thus limited. Resource problems include:
- 1) Insufficient quantity of slots in programs that residents value; little opportunity for advanced work or acquisition of experience. Accessibility to existing programs is limited by overcrowding, increased MAP contracting, security precautions, and understaffing.
 - 2) Lack of programming and training of type residents value, and can and will use when seeking jobs. (See Appendix, Consumer Identification of Needs.)
 - 3) Lack of practical, pre-release program component as contractable item.
 - 4) Insufficient number of short-term, practical counseling programs supportive of employment-related goals, e.g. drug counseling (chemical abuse programs), human relations training, self-development and life-planning counseling or workshops, and

supportive social skills training workshops. Longer therapeutic treatment is resented by "captive clients" and only when Clinical Services evaluation and resident are in agreement.

- 5) Lack of survey and assessment of Division employment programs in relation to marketable skills and reintegration-oriented services. (Lack of orientation to the resident as "consumer.")
- 6) Non-documentation of new and unavailable programs requested by residents but weeded out as unfeasible during proposal process. Identification of program need is not utilized in budget planning.
- 7) Limited bed-space in minimum security facilities, particularly in urban areas, which affects transfer opportunities.
- 8) Work Release jobs cannot be guaranteed because the Division has no control over employers or the job market. Currently, it has not worked out a way to contract for subsidized job placements.

4. Loss of MAP's "Employment Connection."

MAP's original purpose was simple and practical: to link training in the institution with employment in the community. Since withdrawal of Department of Labor funding and the Intensive Employment Program component once connected with MAP, the Division has not found a way to ensure that MAP contractees will have any better chance to find and maintain employment upon release than non-MAP residents. Despite great efforts in offender employment, e.g. through the Training and Placement Program, Adult Work Experience Program, and Work/Study Release, these remain fragmented and bear no special relationship to MAP's goal. MAP was to implement the reintegrative idea division-wide.

Resident consumer survey findings consistently underscore employment preparation as a top priority concern. Staff call this "meaningful release-related programs." Specific MAP-related problem areas were identified:

- a. Vocational training programs, including industries, resident-identified training and supplemental educational opportunities, are insufficient in number, quality, and variety for imaginative MAP contracting. (See 3.d., above regarding need for survey of training resources which are marketable and which are in fact used by ex-offenders.) "MAP is like putting a new engine on a car that has no wheels." Without a centralized employment resources coordinator to develop systematic and integrative connections between existing resources and employment, MAP's purpose cannot be met.
- b. Release planning, continuity in preparation for release from the beginning of incarceration, is still not a reality. Energies of staff and residents are wasted in the prescription of career paths considered appropriate for ex-offenders.
 - 1) Residents have little information and few skills for a process of planning. Although "not everyone wants to be a welder," many do not know what else they could do other than what staff or peers suggest.

- 2) Residents lack vocational self-assessment skills. Social workers have been unable to provide the attention necessary for individual employment counseling and career development workshops.
 - 3) Residents seldom experience MAP as goal-setting, although some are aware of the possibility. A&E is perceived as a staffing decision to classify and place in the system, not as a resident planning opportunity. The MAP Coordinator's role has not included goal-setting training for residents.
- c. Release preparation training in skills necessary to find and maintain jobs and generally to survive on the streets is conspicuously absent in a Corrections system. It is consistently identified by residents, Resident Advisory Committees, staff and community agencies as a needed program. Practical pre-release information and education in "survival skills," such as job-seeking, communication, social skills, housing, budget, consumer skills, self-help, and using consumer resources are contained in the proposed Release Transition Planning program, which although approved in Autumn 1977 remains unimplemented.
- d. Pre-release work and study experience.

- 1) Although jobs are available through Work Release, they cannot be guaranteed on a MAP contract. A MAP resident contracts only for review for approval for a possible Work Release slot. In addition, the relationship between the job and the person's training or interests is usually accidental at best. As jobs are located, they serve mainly for offenders to acquire money and a work record.

The Division cannot make MAP-contracted linkage with employment so long as it remains dependent on the politics of federal agencies and the good will of isolated, private employers. MAP-related employment depends on the capacity and willingness of the Division to develop and contract for job placements for incarcerated offenders.

Staff strongly urge, in addition, that a resident's last six to nine months on contract should be a job or school placement, related to prior training or schooling where possible, in a center or halfway house, with supportive preparation for continuing when released. A Camp System staff person urged, "Don't dump them or they're going to come right back. I've seen it. They just don't know what to do."

- 2) Continuing education opportunities are an important stepping-stone for many offenders to valued employment. Although MAP contracts do contain Study Release, regulations requiring full-time school, higher than average grade points, and restricted movement and time on campuses make the return to educational institutions unreasonably difficult, particularly for older students and those fulfilling math and science requirements.

e. Post-release follow-through.

- 1) Lack of inter-Bureau coordination within the Division hinders the transition of offenders to employment or further schooling upon release. There is no formal hook-up of MAP with parole agents at the point of release.

Although some individual parole officers do provide input into the contract plan, few are in direct contact with residents while incarcerated to provide information about resources and job markets in a home region. Even upon resident release, the parole agent is not identified as a job finder, but rather as filling a supervisory role. Few offender-job connections are made through parole officers; and these are a matter of politics, community contacts, and luck.

- 2) Lack of coordination between the Division and employment-related agencies (state and community) severely limits follow-through information flow to agencies regarding client need. Processes do not exist for agency input into resident plans. Community agencies with capacity to place and support ex-offenders lack training in needs of Corrections clients; Corrections staff lack knowledge of community resources and employment contacts. Their coordination and mutual education is critical.
- 3) Since federal agencies no longer have an offender priority, the Division lacks access to offender-identified support services. The Division itself provides no direct supportive programs to ex-offenders. MAP releasees stand no better chance on the street than others.

5. Dominance of discipline component as strongest regulator of contract outcome.

Among the components which currently comprise the MAP contract, all of which are "behavioral" in the sense that a person's activity or behavior is necessary to perform them, the only one contrary to MAP's principle of positive encouragement of responsible, constructive goal-accomplishment is the discipline component. It was not originally included in the MAP concept. Problems with the discipline component include:

- a. The majority of jeopardized contracts occur through violation of disciplinary regulations, particularly in minimum security.
- b. Minor conduct reports can lead to contract violations through "escalation" of incidents.
- c. Other contract components, such as education, training, transfer, etc., can be violated because of conduct reports.
- d. MAP residents are subject to institutional pressures such as complexity of rules, lack of enforcement standards, wide discretion in conduct demands among institutions, strong-arming and set-ups by peers, slow handling of rule violations, and staff harassment.

- e. MAP residents on Work or Study Release can be returned to maximum security, with possible consequent loss of contracts, for violation of Work/Study Release rules, including making phone calls, being out of approved areas, drinking a beer, or through loss of job, regardless of circumstances.
- f. Conduct reports resulting in disposition of major penalty (as determined by institution disciplinary committees) are automatic MAP contract violations. This is "double jeopardy" for MAP residents. It is particularly damaging in minimum security where the result is return to maximum.

A primary problem in contract performance is the lack of relevance of the vast majority of disciplinary infractions to the performance objectives of the MAP contract. Residents see no relation between what they contracted to do and the negative reinforcement of almost all conduct reports. (The reader is referred to a process research Working Paper on the discipline/behavior component, which discusses reasons for its incompatibility with MAP contracting and suggests options).¹

With the exception of AETP, security is maintained through massive and constant infringement on personal lives and activity. The attempt by staff to use MAP as a tool of resident responsibility is undercut when attention to disciplinary rules dominates the daily life and work processes of residents. (For analysis and resident perception of the discipline component, see the following section (B.1.b.) and Chapter V.B.3.)).

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B. ANALYSIS OF WHY THE PROCESS WORKS AS IT DOES

Introduction: What things determine how MAP operates? Many persons, activities, and features of a system influence a process within it, but which of these make the most difference? What controls MAP? What or who influences whether it maintains a unique, original identity or is co-opted by the parent bureaucracy?

From event observation and hundreds of interviews, major issues emerged. A pattern of key control mechanisms are identifiable in the MAP process. Depending on one's definition, values, and attitudes about MAP, these elements of control have served either to produce a workable and successful MAP model in Wisconsin or have contributed to a breakdown in the integrity of the MAP concept by tightening MAP into an ever more restrictive process. For those who are disappointed with MAP's failings but still have faith in the concept, the identification of control elements may provide a guide to critical functional areas of MAP, its "motor mechanisms," or what makes it go. These are, indeed, the same intervention points for changing the face of correction's activity as a whole.

Whatever controls MAP reflects the character of the Division of Corrections as an agency of control.

Features of Control

1. People-changing Behavioral Model of Corrections

The agency framework of most current Corrections activity resembles a clinical or medical model. This illness model is derived from a social and economic structural norm, which perceives the behavior of the criminal offender to be "deviant" and presumes to correct the person's behavior, i.e., "rehabilitate the offender." This is true whether the mode of correcting activity is psychotherapy, group counseling, behavior modification, alcohol or drug treatment, teaching, or training.

The concept of treating persons so that they fit into society and become law abiding, self-supporting citizens has been the accepted aim of social welfare agencies for as long as the values of the broader social climate have supported it. Even if not every Corrections staff member agrees with this practice framework, almost all find themselves operating within it.

The Division Mission Statement of 1977 and 1978 carefully avoided the language of rehabilitation, as well as punitive connotations. Although the Mission Statement currently outlines a service model for the Division, the long-developed nature of correctional activities and the operational behavior of its personnel are not easily altered by a re-worded document. Program and staff continue to reflect the traditional rehabilitative approach to people-changing, a behavioral model characteristic of institutionalized thought structure. Even though "rehabilitation" disappears from Corrections' formal language, the people-changing theory continues to dominate staff behaviors.

Evidence of strong behavioral control in MAP can be identified in three basic infrastructures: program units, rules and regulations, and Parole Board criteria. A fourth sign of the existing behavioral change emphasis is the absence of an infrastructure, i.e. lack of practical, employment-related counseling, and release transition support programs.

a. Program content.

The central behavioral treatment program units of the Division are Clinical Services and Social Services. Academic and vocational education units do not set the tone for behavior change efforts in Corrections institutions, not being directed at the resident "personality."

Although Clinical Services is predominant enough to have long been a Bureau in its own right, it is not so much the actual clinical activities of psychologists and related therapists which dominate the behavioral framework of Corrections as it is their mode of thinking about social problems. The American psychological community, across personalist theories, rationalist therapies and behavioral modification, has long been recognized as the bulwark of the dominant culture. It defines norms, diagnoses and labels deviations, and is given top priority as the social agent for dealing with these deviations. Those within the profession who openly attempt alternative, more non-directive and system-oriented change strategies with their clients and with their agency structure risk suspicion as politicizers.

Individual social workers and psychologists may try to define their role apart from the medical treatment model, but the nature of Corrections as historically developed within that forensic-medical model in fact hampers systematic "social work." Even the traditional training of social workers, however, basically accepts models of personal deviance and puts attention on the offender, or the offender's immediate environment, not on understanding and utilizing offender responses to the social structure and the larger behavioral "universe" of society's economic milieu.

The occasional non-traditional social worker has little chance of effecting program change within dominant agency and social views of offender behavior and what to do about it.

b. Rules and regulations of disciplinary code.

Although MAP was originally seen as changing system behavior, it is currently dominated by the institution's obligation to control resident behavior. This includes notions of motivating and teaching to adjust, as reflected by the resident's accordance with institution rules and regulations.

Because MAP's intent was primarily to coordinate and rationalize the corrections and paroling process, and secondarily to motivate residents to participate actively in preparing for release and employment, no reference was made in early ACA resource documents of including a discipline component in the contract. The few guidelines for MAP that related to behavior change referred to work-related achievements, not to institutional adjustment per se.

Although it was anticipated that an effect of MAP might be less anxious and therefore more stabilized residents, the program was not introduced with the intent that it serve as an institutional control mechanism, nor change resident anti-social behavior as such within the institution.

Because the first reference to a discipline component appears during the demonstration stage, it may be deduced that behavioral contracting began as a result of practical necessity, perhaps as a compromise with security-oriented managers or with the Parole Board. When MAP went systemwide in October, 1974, no question was raised concerning the value or propriety of the discipline component. The initial contracts after going system-wide routinely contained a discipline component, by which a contract could be violated if a resident received a certain number of minor conduct reports, that number set usually by Parole Board negotiators. Institution behavior became as integral a component in MAP contracts as schooling, work, or therapy. Apparently, rehabilitation and institution adjustment were accepted as corollary objectives.

By now the discipline component, modified to require a resident guarantee of no conduct report resulting in a major penalty, is the single consistent component in MAP contracting. One or another

of the education, training, and therapy components may be missing, but every contract signed has contained a discipline component. Some MAP staff point out that without the discipline component, particularly at maximum security institutions with fewer programming opportunities, there would be nothing to contract for. (Contracts containing only discipline and work assignment components, and possibly a transfer, are referred to as performance contracts.)

As the MAP component most often violated by residents, resulting in cancellation or renegotiation, the discipline component is the major cause of anxiety to residents. (See Chapter V.B. for resident identification of circumstances leading to violation.) A contract can be jeopardized in many ways, not all of which involve the official disciplinary system:

1) Receipt of a major conduct report. How a correctional officer perceives an event determines whether he/she will write a "ticket" at all and, if so, how the behavior is identified. If a resident takes one more egg than allotted or refuses to eat frosting, the event may or may not be written as abuse of state property. It may be written also as disrespect, refusal to obey a direct order, disruptive conduct, or any combination of these, depending on the officer's perception of the resident's reaction and/or the circumstances, such as presence of other residents. Leaving an assigned area is often written up in association with individual or group movement. What a resident may perceive as a minor rule violation can escalate through verbal response into a major ticket or be identified with a combination of rule citations or simply take on a more serious character through the perception of the officer.

2) Security Office decision that a ticket is major or minor. This is a one-person decision by a captain or lieutenant. The classification of conduct reports constitutes the most powerful discretionary decision made in the disciplinary process. A series of minors can persuade the officer to make a determination of major for an incident.

Those conduct reports which are decided to be major dispositions are offered due process hearings by a three-member Disciplinary Committee. When the Committee upholds a major disposition, it automatically results in violation of a MAP contract, in addition to the disposition of segregation and/or loss of good time. Conduct reports which are decided to be minor theoretically should not but in practice may substantially affect MAP contracts.

3) Program Review Committee determination of classification. The Committee can decide that a person is not functioning in minimum (or medium) security, due perhaps to a series of minor conduct reports, or perceived seriousness of conduct, or, significantly, violation of Work/Study Release rules. The person who thus loses minimum or medium classification is returned to a maximum security facility. Persons can thus be returned with only minor conduct reports or with no conduct report at all. Such return automatically puts a MAP contract in jeopardy since contract language was changed, at the camp system's insistence, to read, "I shall maintain minimum (or medium) security classification until the target parole date."

MAP staff may record the source of such a contract problem as something other than a disciplinary violation. The number of violations due to problems with disciplinary process (official or unofficial) are thus far higher than indicated by MAP statistical data.

The conceptual problem with the discipline component is significant. One purpose of MAP, as originally conceived, was to rationalize the correction system. MAP is a planned changed effort, intended not to be supportive of aspects of the system which are punitive and control-oriented, but to be a positive administrative tool for coordinating the system's resources and the resident's efforts. The discipline component is the least relevant to MAP's offender-oriented goals: responsible resident goal-setting and achievement, participation in decision-making, and connecting training with employment.

Other implications of these goals are:

1. Resident responsibility is to be encouraged through involvement in future-oriented planning and individualized goal setting.
2. The philosophy of MAP is to build in a positive and consistent way, not to restrain with negative reinforcement.
3. MAP's emphasis is on programs, specifically with consent directly or indirectly related to future employment. Behavior related to maintaining work is thus relevant; much of the behavior currently required by incarceration is not. It is dictated by the pressures of prison life, by danger, hygiene, and strong moral and cultural expectations regarding social behavior.
4. An important product of MAP was to have been a reduction in anxiety because of certainty of release date. The discipline component offsets this with a substantial increase in anxiety given the constant uncertainty about receiving conduct reports which may jeopardize the contract and thus the release date.

The discipline component, as a "thou shalt not" component with negative reinforcements can thus be seen as inappropriate with if not counter-productive to the original concept of a Mutual Agreement Program. The conduct report system is a system of rules, regulations, and penalties designed for prison operation. A generalized assumption is made that the corrections institution is a microcosm of the larger society, and that there is therefore a relationship between behavior in the institution and in the community. Adjusting to the institution, i.e., not getting conduct reports, is taken as an indicator of readiness for release.

This assumption leads to the uneven enforcement of a punitive behavioral code, whether intentionally (some staff do believe in punishment) or unintentionally. Interpretation of rules is often arbitrary, and the rules themselves may be unspacific, often petty, and certainly identifiable with a cultural and racial bias about acceptable behavior. The effect is particularly harsh in the Camp System, where rule violations affecting MAP are most common and can return the violator to a higher security institution.

All of this contributes to the very anxiety, bitterness, rage and mental terror that MAP is supposed to alleviate. The broad sanctions within incarceration, uncertainty regarding interpretation of rules and resulting procedures, and substantial personal and cultural deviation in their enforcement obstruct responsible resident behavior. Residents often cannot make sense of this alien, "irrational" behavioral system, not knowing what is happening, or what to expect. They are literally forced into devious defensive maneuvers in order to survive mentally.

MAP was not conceived to disrupt institution disciplinary processes. However, neither was it meant to become so dominated in its process by the complex problems of institution discipline. If behavior is to have relevance to the MAP concept, its content must be related to MAP's work-preparatory aim. Also, the method by which its implementation is measured must be directly related to the real consequences of inappropriate behavior, such as being late to class or work, not in an easy numbers game to serve institution management routines. Readiness for responsible community living and employment is not signaled by a capacity to live passively in a prison.

Perhaps the most important problem connected with the discipline component is a form of double jeopardy. If a resident receives a conduct report resulting in disposition of a major penalty, the resident is punished by the institution's disciplinary process and probable loss of contract or renegotiation for a delayed release date. The courts see this as grievous loss and require a hearing be available prior to cancellation. The MAP Panel, however, makes a final decision.

c. Parole Board Release Criteria.

Parole Board criteria dominate expectations of institution behavioral adjustment. The measures used by the Parole Board to determine individuals' readiness to live in the community contain the dominant values of (the white "middle class" and male-defined social) culture. What the larger society wants is reflected in what the Parole Board looks for in residents' behavior.

These measures work their way back throughout the Corrections system, so that every staff member knows "what the Parole Board is looking for." Even those that may disagree with these measures feel obligated, for the residents' sake, to remind residents of them, whether verbally or through some denial or punishment. Staff themselves feel they must anticipate Parole Board criteria in order to "help residents shape up" so they will have a better chance at parole. In this light, some of the "hard-nosed" behavior of staff can be explained by their desire actually to "help" residents. Many staff do not explain their reasoning to residents, however, and it is hard to distinguish a genuine "rehabilitationist," or a hard-nosed punisher, from pragmatic staff who feel obliged by Parole Board attitudes to make residents adjust. Residents feel the general heavy pressure to "look good" from the moment they enter an institution.

d. Absence of Release Preparation.

The converse of control by action is control by what is not done. MAP is strongly controlled by the absence of sound release preparation programming throughout the system. This has seriously impeded the original MAP goal of relating training within institutions with employment upon release.

Residents themselves have repeatedly told of their need for information, job-seeking and behavioral skills prior to "hitting the streets." These communication and social or work-related behavioral skills have been identified by resident committees, by community agencies, and by planning committees of the Division. Funding and staff have not yet been allocated to this practical self-help area, however. Pre-release programming, identified in 1975 as a highly appropriate contractable item for MAP remains undeveloped. Resources continue to support traditional rehabilitative behavioral services.

Summary

The imposition of behavioral institutional adjustment on MAP contracting is the most significant systems feature which controls how MAP impacts the daily lives of residents who are incarcerated. If physical brutality has become a rarity in Wisconsin Corrections, mental/cultural coercion is perceived by residents as very much a part of daily prison life.

The medical/rehabilitative model as practiced in Wisconsin Corrections presumes to change person's attitudes and behavioral life-style. This totalitarian behavioral approach is not only an infringement on individual rights but is dysfunctional in a society of diverse cultures. MAP could have contributed to correction of this model, but has been constrained from doing so.

2. Control of Information and Decision-Making: Exclusion of Residents From Subject-Role in Decision-Making Processes.

The Mutual Agreement Program was expected to provide an opportunity for residents to participate responsibly in the decisions of planning and negotiating programs. Capacity to participate in decision-making presumes that the person: 1) has information with which to make a decision; 2) understands the options and processes, the substance and form of decisions to be made. The deciding person must have access to information about self and system or be not the subject but the object of decisions. If others have information invisible to the person, these others hold the decision-making power and make decisions about and for the person as object. "Decisions are influenced as much by withholding information as by injecting it into communication channels Power is closely related to . . . one's access to communication channels or information."²

In MAP, information content and flow depends on the use of information in Corrections, generally. Information and decisions in MAP derive from five basic sources:

a. Case Files.

Official records on offenders are detailed and extensive, encompassing all aspects of his/her life from family history and criminal

record to education, employment, medical, testing and psychological reports. Almost all of these record what can be regarded as negative behavior: criminal offenses, juvenile record, behavior on prior parole, institution adjustment violations, problems in the community, drinking and drug histories, Parole Board decisions, and internal Corrections reports of classification and performance which are seldom as meticulous in recording positive progress, as they are in documenting conduct reports and other problems while incarcerated. Even education and employment records often appear negative because they reflect lack of schooling or on-track work records, while not recording special abilities and positive experiences of residents.

These negative-oriented records of past behavior are used as base information throughout the MAP process, from social worker assessment and staff response to proposals, to Parole Board prediction of future behavior. No matter how positive and promising the person's proposal or verbal guarantees of present and future action, these cannot balance the negative weight of official records of past behavior.

Residents have had very limited access to any of these records in the past. Barred from having copies until recently, residents were dependent on whether a social worker would choose to read portions of certain records to a resident.

Currently, residents have right of access to and review of a major portion of court and Corrections documents. Certain information is not available for review, however, including narrative reports of social workers, parole officers, and the Parole Board, the treatment file of Clinical Services, comments of a judge or district attorney, and letters from private persons. Any or all of these may contain the reasons for decisions. The latter exclusions are for the purpose of protecting persons from retaliation and preserving "an open flow of information," of negative information.

Some of the more decisive information about themselves is therefore not accessible to residents. Lack of this or understanding of this causes decisions to seem illogical to many residents.

b. Corrections Information Systems.

As is true of all techno-bureaucratic methods of operating organizations, the best hopes for rationalizing and streamlining information processes can also restrict access to information by clients. Corrections is attempting to organize its massive collections of information into an integrated information format. In this effort, the Delivery of Services Information System (DSIS) is the beginning phase of a revision and extension of the institution information system. Conceived originally to provide information to MAP Institution Representatives about system resources (refer to Chapter V, Section A.1.d.), the DSIS has undergone a transition which exemplifies MAP's conflicting goals.

On the one hand, an operating DSIS with on-line terminals has the potential of fundamentally revising system utilization of resources and positively impacting the negotiation process. It risks creating a disproportionate weight by the stronger parties in the MAP decision-making processes. Computerizing information could increase management control dramatically, without increasing resident control. Access to information is a key control factor in MAP negotiation.

Benefit or damage to MAP through computerized and automated information systems depend on several factors: 1. Accessibility by residents to the same information about themselves as available to the other negotiators; 2. Selection of data elements from resident records which may include subjective judgments, such as clinical and behavioral indicators, test results, etc. recorded as "facts" without circumstances; 3. Focus on present and positive factors or on past and negative information collected by the Division about residents.

The DSIS is thus another example of goal conflict related to MAP. The possibility of increased flexibility it could provide to the negotiation in checking out space and program changes on the spot would greatly benefit MAP. If it becomes possible, through techniques for locking out information items on other residents, for negotiating residents to have access to terminal information about themselves and system resources, it would dramatically increase the possibilities for resident choice and decision-making responsibility. Without this accessibility however, or criteria for the use of the information, the DSIS deepen the current inequity surrounding the issue of access to information.

As information systems people themselves acknowledge, when information is computerized, the tendency is for more and more information to be collected and stored. Hardware is convenient. A repository of master files, easily accessible in a central bank, brings with it a responsibility to be explicit about information uses. Leashing it requires careful attention to development of policies and guidelines.

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c. Policy Making.

Policy, that vague term covering what staff carry around in their heads and which may or may not be on paper, is supposed to be the guiding force behind how an organization or program operates. It supposedly tells people what to do. Where does policy come from? How is policy made? And just how much of an operation does it control or guide?

MAP has experienced very little intervention in its processes from central administrators since the first stage of its implementation in the corrections system. The basic MAP model which was hammered out by the Classification Chief was intact by May 1976 when he resigned. Because that position was not permanently filled for two years, MAP has been left without higher administrative direction.

The MAP supervisor hired in June 1976 essentially served in the methodical management of an established MAP system without the help of administrative decision makers across Bureaus and institutions. Since, at the MAP supervisory responsibility level, drastic policy change is not possible, issues of conceptual change, budget planning, and corrections staff reorganization have not been addressed.

Expectations of central administrative intervention in MAP by institution and MAP staff and by residents were found to be low. Communication flow was perceived as rigidly formal and mostly ineffective. Staff and residents generally feel distanced from decision-making processes of Central Office, having neither input into them nor information about "what is going on."

Whether the Division has been operated under the older paternalistic style or modernized technocratic management techniques, the basic management structure and activity are seen as the same in kind, simply more tightly organized in degrees. Both approaches distance staff and clients from policy development and block information flow; both can be circumvented at the actual operational level.

Perceived characteristics of both management styles identified by MAP-related staff and residents are:

1) Selective use of formal authority and channeling of communication. Leadership styles based on chain of command are structured to distance top administrators from daily operations unless crises are imminent. Institution superintendents themselves have incomplete knowledge of actual activities. (The formal route could be circumvented in a paternalistic organization by particular staff or residents approaching an administrator personally.) Even in a highly bureaucratic and scientifically "managed" organizational structure, information flow is incomplete because administrators are dependent on sources of information which "are valued by their place in a hierarchy rather than by their competence" or knowledge.³ The few persons who have access to top administrators screen detailed content of process, and the paper routing is less vulnerable to personal intervention.

The Division Administrator admits to little knowledge of MAP operation because he trusts this to be handled by the MAP supervisor and established MAP policy-making processes, such as the MAP Advisory Committee (which has not met since August 1977). The Department Secretary learns of MAP activity primarily through the Executive Assistant, whose relation to and knowledge of MAP is gained mainly through his assigned functions related to the Parole Board. Little communication occurs between the Department office and the other MAP parties. A rare resident voice is heard in appeal at this last stage before the courts and action is even more rarely taken, as when a gross problem embarrasses the system. Top-level activity is initiated mainly through a legal suit, an insistent public complaint, or persistent use of political channels, such as letters to top administrators, attorneys, or legislators from residents or interested parties.

The formal information flow, in the vertical line of written documents, including memos, orders, manuals, etc., from the top down, carries the weight of legitimized authority. If one wants something accomplished, the formal process can legitimize it. It can run interference and get a foot in the door. However, it is not a guarantee that things will be done as ordered, for two reasons:

- a. Many formal decisions are perceived as made for purely political reasons. Many staff believe that "everything is done for the sake of image," whether to appear accountable or progressive or in control of the situation. Little attention is given to actual operation.
- b. The Division appears to some staff and administrators to be "run by MBO," i.e. scientific management, which is to them neither a good way to set directions nor a reliable measure of accountability. Therefore, formal decisions can be and often are circumvented or outright subverted through informal decision-making of staff, who often feel they must do so for the good, in their eyes, of the program or the residents. The game-playing of so-called rational management is, therefore, not responsive to the real world of running a program.

The superior position of administrators appears to relate mainly to external activity, i.e., with the legislature, funding agencies, oversight agencies, peers, various political publics, the community, etc. It does not indicate control over internal decision making and flow of communication. Abstracted from the local scene, the word of top administrators is highly specialized, oriented almost entirely away from the center or "motor mechanism" of the agency. If top administrators do not focus on where the action is, on what staff and residents do everyday, it may not be that they "do not care," but that the daily business of top administrators is to act as buffer between the agency and the outside world.

The overwhelming sense of the process surveys is not that informed policy making occurs at top levels but rather that administrators know next to nothing about what is happening in the daily lives of persons who live under their jurisdiction. It is probably in the nature of bureaucracy that they should not. The system is organized to prevent administrators from having direct perception of the consciousness of persons acting in their everyday world. It is not to fault top administrators that they do not "see" what is happening. Indeed, modern management techniques require delegation of responsibilities, and a non-dictatorial decision-making style. The "good administrator" is apparently to retain the hierarchy but with the "feel" of democracy through staff meetings and, above all, to remain rational and cool, not emotionally involved, not meddling in every decision.

MAP policy has developed not through higher administrative decisions but through internal staff compromises. Only the most overt legal issues, such as eligibility, contract language and signatures, appeals, hearings, etc., have induced higher administrative involvement.

The MAP Manual is a good example of blocked information flow and also illuminates where the real decision-making control is in Corrections. As a written procedural manual for regularizing the decision making, the MAP Manual could have been an important tool in systematizing decision making in Corrections as a whole. Precisely because of this potential, perhaps, the process used to develop the Manual incorporated not MAP principles, but the needs of institution units, as reflected in the persons involved in writing the Manual. All were middle-level decision makers, such as Program Review Coordinator, A & E Director, Social Services Supervisor, except for two MAP staff, one of whom was from the research team. The MAP Manual, therefore, expresses more the compromises reached among institution units than MAP principles. As an institution manual of operations, it, of course, did not include resident participation.

The authority of MAP procedure did not derive from top-level mandate but from negotiation among institution operators, and its implementation can be modified by informal decisions of operators interpreting it.

- 2) Insecurity of Corrections employees who understand that their positions and future career development depend on how their performance is evaluated by multi-layered supervisors and administrators.

Much of MAP operational information therefore remains within institutions, even as policy decisions are contained at higher levels. Formal routes for memos and staff meetings do not guarantee that complete information about resident and staff activity and opinions will flow upward to impact policy. The managerial climate of the Corrections organization alienates lower staff from higher administrative persons.

The result is that information is selectively recorded and communicated so as to defend staff against negative sanctions or consequences. Line staff may withhold information, evaluating the consequences of saying what they know.

- 3) Absence of resident input in policy and operational decisions. While top policy decision-making in the Corrections organization rarely includes direct staff input, it never incorporates direct resident input. It is a long way from the cell hall to the conference room. What minimal information from residents may appear indirectly in recommendations to administrators is transmitted and screened through staff perception.

No MAP policy change has resulted from resident contact with Department or Division administrators. Only one suit has resulted in a policy decision, in this instance a requirement to hold a hearing prior to cancellation of a MAP contract.

Although a resident participation in committees has been suggested, such involvement has never occurred. The activity of the Reintegration Advisory Planning (RAP, formerly OPAC) Committee is not one of

participation in policy development but is generally limited to program suggestions. Its planning input, with no financial or operational link to the power of implementation is quite limited. MAP policy has not been affected by RAP's resident input.

Communication flow and input of staff and residents into policy decisions is blocked by the nature of "modern management" practice.

d. Informal/Horizontal Communication and Decision Making

Staff which can be identified as middle decision makers, those above line staff, often heads of committees or units yet below the level of associate superintendents or central office administrators, are the most active policy and operational decision makers. They acknowledge that if they want something done they do it themselves, initiating policies or programs and seeing personally that these are carried out. Conversely, if a Central Office directive is unacceptable or unworkable in their institution, many acknowledge that they simply refuse to do it that way and manage to get around it.

Official definitions and written documents alone are not enough to establish legitimacy of "the word" of administrators nor to enforce discipline in a strict hierarchy of rank.⁴ Administrators may be better informed about systemwide and intersystem events, and not routinely share this information with subordinate staff, which implies a certain power.

Actual effective control over internal policy, however, is in the hands of two somewhat overlapping groups: Record-keeping staff, those who have command over the information flow (including officers, clerks, social workers, A & E personnel, clinical personnel, teachers, Program Review personnel, etc.) and decision-making bodies within the corrections institutions process (including A & E, Program Review Committees, and the institution disciplinary committees). Most decisions which affect MAP residents are made within this informal and unsystematic network of personal politics.

Line staff make judgments about a resident and document this in a record. Decisions which strongly impact MAP proposals and contracts are based heavily on recorded information submitted by the Security Office. Records maintained by A & E and Social and Clinical Services staff are also used, although they seem secondary in importance to security records.

Decision-making bodies can use only what data is received. At this point, another set of judgments appears. Information may not be utilized at all, or utilized differently than recorders intended.

Corrections structures tend to seek a way "which will ease the flow of the corrections process rather than retain relevance to the task of corrections."⁶ Staff learn to make decisions and present information which does not hinder this flow and thus not discredit them.

Just having information available in records and forms does not ensure "informed decision making." The information itself has been screened by staff and will, in turn, be utilized in a selective manner or ignored entirely at the next level of decision making.

Structural layers of decision-making bodies in MAP are:

- 1) Department, Division, and Institution Administrators who make decisions related to general corrections direction and image, i.e., MAP's expansion or continuation per se, its image in light of public and political pressures, and its legal vulnerability. They tend to know very little of daily operational processes and how these affect staff and resident lives. Yet it is their decisions, based on political responsiveness and image that determine whether the processes will exist, or be changed drastically.
- 2) The Parole Board is the single, most powerful decision maker in the MAP process. Its decisions are based on a complex rationale of parole criteria, experience, and an informally communicated value-base, as described in the section on the Parole Board. Resident input has almost no impact on these decisions, even in MAP, with the rare exception of supplying additional information not in the records. Institution staff consider the "MAP Panel" to be identical with the Parole Board for all practical purposes. They overwhelmingly cite the Parole Board as most strongly influencing or controlling MAP.

"The Parole Board controls MAP. (Teacher) "The Parole Board definitely has the strongest influence on the process."
(Clinical Services staff person) "The Parole Board has inordinate power which they use in a regressive, conservative manner." (Clinical Services) "The Parole Board is using the same principles as with parole. They shouldn't." (An associate superintendent) "From my observations, a rather pompous atmosphere. While it can be systematically understood that many residents are ill-prepared for negotiation, it seems just as forced to see officials going through the motions or reiterating MAP's/society's desires and missing the information that is explicitly before their eyes." (Social worker)

- 3) Program Review Committees and Coordinators are the most central and important in-house corrections decision makers related to MAP. Their decisions (which now include also Work/Study release decisions) determine a resident's program participation and movement and generally set up the framework within which a MAP proposal can be made. Staff identified Program Review as second to the Parole Board in power over MAP. "Program Review affects the performance of a MAP holder and subsequently the MAP program." "All staff members affect and are affected by MAP. However, as one ascends the ladder, decisions become more paramount. Program Review has the most power."
- 4) Institution Disciplinary Committees control the monitoring of the discipline component of all MAP contracts. These committees' decisions, based on records submitted by the Security Office, determine whether a penalty is imposed for a major conduct report

and, therefore, whether a contract may be violated. Most contract violations result from disciplinary committee decisions. Institution staff identified the Disciplinary Committee as the next strongest central factor, after the security staff.

- 5) MAP Staff, the MAP Coordinators and Institution Representatives maintain MAP's integrity against the weight of an operating corrections system, through a combination of informal interaction (personal politics), skill in maneuvering procedures, and knowledge of the corrections system. They can thus exert positive influence. MAP staff and supervisor must, however, remain on good terms with administration, institution staff, and adjust to their policies and procedures, or MAP cannot operate. Some institution staff perceive certain MAP staff themselves as controlling MAP negatively, being "efficient but inflexible." Others are seen as positive control factors.
- 6) Institution Staff make daily decisions regarding program performance and behavioral actions. These individual decisions may affect MAP contracts depending on subsequent positions taken by a disciplinary committee, Program Review Committee, or MAP panel (Parole Board and IR). Teachers, social and clinical workers, and corrections officers influence MAP through their behavior and expectations. The third most frequently mentioned control factor cited by staff was staff, but other staff, not themselves.
- 7) Assessment and Evaluation gathers the information based on residents. It provides an indirect but significant body of information and decisions through the power of testing and diagnosis.
- 8) Social and Clinical Services are perceived as having influence on MAP only "when treatment is requested or demanded by the Parole Board. Whether we provide it may determine a man getting his contract." This includes AETP.

Although the less visible line staff decisions control the everyday lives of residents, what actually happens directly to a contract is controlled by the central units of power in the corrections process, the Program Review Committees, the Disciplinary Committees, and the Parole Board. Policy decisions about how MAP shall operate also revolve around these units and change decisions always accommodate them.

Decisions favor personal acquaintances, as those whose opinion the decision maker trusts or must take account of. One does not go against one's colleagues. Decisions reflect the interests which are communicated most effectively at the administrative level at which the decision is made. This is true both at the top administrative level where policy is made and at the point where decisions are made about individual residents. Changes occur because a "known someone" calls attention to something, whether among peers or in approaching "key persons" at an administrative level. Decision making is responsive to the ones who give the decision maker the information, i.e., define the premises of his discretion.

Daily operational snags or new events without precise precedent require on-the-spot decision by program staff: a problem in school admission,

a court charge with no papers filed, argument about individual contract violation or transfer. It takes very few of these to lead to policy change. This inductive manner has produced low visibility policy changes such as AETP admissions, role changes of Program Review Coordinator and MAP staff, contract wording changes, and the gradual series of concessions to the camp system.

Such informational decision making is the stuff of organizational operation. It is not "legitimized" and seldom documented, so that eventually staff can say only that something is "just done this way" without recalling why or how it came to be so. Decisions are constrained by the informal, normative requirements of corrections operation, therefore, the necessity of corrections personnel to become "socialized" into it. Decisions cannot be made solely on the specifics of the case. The amazing thing is that a few insistent staff members do risk their position by arguing these specifics.

Neither vertical line authority nor horizontal informal decision making is accessible to residents.

e. Critical Decision Points and Criteria

Two critical judgment points affect MAP residents: At the proposal stage, when responses are made to the proposal; and at the point where a contract may be in jeopardy.

1) Responses to proposal.

- a) Division staff responses to the Institution Representative. An invisible part of negotiation is the prior input of all of the decision-making bodies listed above, and others such as District Attorneys, sentencing judges, parole officers, the Camp System, etc. When the Institution Representative checks out availability and deliverability, he is also receiving informal opinions from many persons regarding the acceptability of this contract for this resident. When a resident enters negotiation, he/she is bargaining with not two entities, but facing a welter of powerful input in the form of responses to the Institution Representative from the system. It is the residents' good fortune that most Institution Representatives go to a great deal of trouble to smooth the way for the proposal, although this appears to violate the integrity of the MAP concept which expected a resident to have greater bargaining ability. In practice, the resident simply cannot check out personally and respond to the powerful information and decision structures constituting the system.

Staff criteria for their responses to proposals are difficult for many to articulate. However, when asked "What are you looking for?" staff identified the following areas:

1. How the person would fare with parole criteria, as understood informally from actual parole decisions.
2. Chances of recidivism.
3. How the person gets along in school, on a job, in a shop.
4. Number and type of disciplinary problems.
5. Person's capacity for program or use of service.
6. Institution space capacity (bed and program slots).
7. Whether "we've seen him before."

Staff invest their energies in these judgments, and many are not satisfied with MAP's response to their input. They feel their judgments are often disregarded in proposal development, negotiation, and violation decisions. "We do not make decisions which affect MAP contracts." Apparently, the impact of staff judgment is so indirect, through higher bodies' use of information provided by staff, that their real power in the MAP decision-making process is invisible, particularly to them.

- b) Parole Board response immediately prior to negotiation.

Official parole criteria are defined in the Parole Board Manual. Denial of parole is to be based on one or more of the following:

1. Parole at a particular time would, in the opinion of the Board, depreciate the seriousness of the criminal behavior;
2. A reasonable probability exists that the offender would not comply with the requirements of parole;
3. Continued confinement is necessary to protect the public from further criminal behavior; and/or
4. The needs of the offender require the type of intervention that cannot adequately or safely be provided outside the setting of a correctional institution.

The Manual further states:

"In meeting its responsibilities, the Board must be concerned with the prediction of successes and failures on parole; the assessments of public sanctions; and the assessment of its decision on the criminal justice system. The Board must consider the circumstances surrounding the offense, such as educational, social, emotional, vocational, physical, and moral factors and

must, as well, identify parole-related strengths . . . The Board must strive to identify for each parole applicant, individually, the time when maximum benefit has been derived from an institutional program and the time when release under supervision is in the best interest of the offender and the community to which he or she will return."

Such latitude in a discretionary judgment of this importance causes Parole Board members to rely on many clues in a discretionary decision of this importance. These are described in greater detail in Chapter II G, the Parole Board's explanation of their MAP decisions and in Chapter III.B.4., the resident's view of negotiation.

- 2) Unsuccessful completion of a contract as the result of a staff decision.

Contract jeopardy is the indirect and ultimate consequence of some action or inaction on the part of the resident and the direct result of a staff discretionary judgment. Most staff and Parole Board members believe that a resident has 100 percent control over performance completion. A few staff suspect that staff perception of a behavioral incident or program failure and the circumstances surrounding it are significant hidden factors in determining violations.

Perceptual judgment of those circumstances and the source of a problem constitute direct staff decision making. It is staff, not residents, who initiate that formal action which puts a contract in jeopardy. Alleged violation of contract is triggered by a conduct report, or by notification sent to the Institution Representative of failure to complete a program component, or by committee decision to return a person to a more secure institution from a Camp, urban center, or Work/Study release setting. (An occasional legal or medical complication may also jeopardize a contract.)

If judgments about whether a rule had been broken or course criteria unmet were all that constituted a decision about an alleged violation, criteria to be examined would be only the rules and the course measures of success/failure. Beneath this judgment there are, however, other staff considerations, or the "real reasons" behind these decisions:

- a) Resident welfare, a paternalist notion of "doing this for your own good," or to teach a lesson, or some other aspect of guidance.
- b) Fairness, a concern to treat this person similarly to other residents in similar circumstances, or not establishing an unusual precedent, as in disposing conduct reports; or conversely, concern that this person has had a chance at a program and is not using it properly, whereas others might better use this opportunity.

- c) Program destruction, or fear of public reaction, particularly in Community Corrections programs, in the Camps, and at Oakhill. One resident who gives an employer or a school difficulty could, in staff eyes, endanger relations with that community contact for future placements.

Summary

The process may appear to have rationality on paper, in organization, and flow charts. The natural irrationality of human activity, however, of informal information-sharing, subjective judgments, and decisions based on the personal relations of whom one likes or fears, cannot be "rationalized" or eliminated in any system.

Ironically, the more authoritarian the structure, whether through paternalism or its less visible brother, scientific management, the more irrational become the organization operations. Staff and residents alike must cover, maneuver, bargain, and manipulate.

Residents cannot make sense out of many decisions affecting them. They do not have complete information about themselves, are dependent on others' information regarding the system, and do not understand the complex process or judgments and decision making which operates corrections.

With promises of increased responsibility in deciding one's fate, residents once put some hope in MAP. Residents were willing to deal, but it was MAP, ironically, that finally faced them with how little they really can decide.

For residents, the Division's control of the information flow, which in turn controls decisions, imposes a mental brutality perhaps more intense than in pre-MAP days. Uncertainty, "being kept in the dark," rather than force, is the heart of terror in a technological and bureaucratic system.

3. Practical Constraints and Pressures on Division of Corrections and Parole Board

Behind all behaviors there are "good reasons" in the eyes of the acting party. This is as true of the behavior of organizations, as of individuals. An attempt at explaining the behavior of the Wisconsin Corrections system in relation to MAP must take into account the pressures and constraints on it.

a. Statutes

- 1) The Division of Corrections is mandated by the people of Wisconsin basically to "contain," to incarcerate, and "supervise the custody and discipline" of all persons judged by Wisconsin courts to be felons. (46.03(b)) Wisconsin Statutes state: "The sentence shall have the effect of a sentence at hard labor for the maximum term fixed by the court, subject to the power of actual release from confinement by parole, by the department, or by pardon as provided by law." (973.01) Although the Division is directed to maintain

"penal and correctional psychiatric service" and "educational programs" in all institutions, there is no mention of rehabilitation. Prison officials are charged to "uniformly treat the inmates with kindness;" corporal and other painful punishment is forbidden.

Little instruction exists about the nature of corrections activity. The Division's job is primarily secure containment.

Decisions at all levels consider first, therefore, the security needs or obligations of institutions. The public holds the Division responsible for public safety, non-escape, asking only that the Division "keep them out of here."

- 2) All judgment of and authority over recommendations to the Department Secretary regarding the release of persons from Corrections institutions is vested in the Parole Board. (The Governor can pardon.) In theory, the Parole Board exists to serve as an objective party, beyond and unattached to the Division of Corrections.

Wisconsin statutes therefore intentionally separate the functions of containment and release, precisely to prevent the possibility of abuse of power. The Division has no statutory power over time spent by residents in institutions, no authority over decisions to retain or release. Its job is to contain and classify.

b. Sentencing System

The Division receives and houses those persons put under its custody through specific sentences of judges. If the Division has no power over release, it has also no direct control over the receiving or front end of its system. (Although parole agents may make pre-sentence investigations for judges, these are recommendations only; the judge makes the sentencing decision.) There is no Division "selection process" over admissions.

If those incarcerated seem to be predominantly property offenders of lower economic and social status and contain a high proportion of minority members, it is a comment rather on the court system and the function of the law and its enforcement in formalizing selected values. Corrections has no role in prosecution, conviction, or sentencing. Again, its mandate is containment, not selection or release.

c. Image Presentation and Responsiveness to Political Publics

The Division is watched today by a variety of "publics," all of which exert some political pressure on it. Division budget and policy flexibility depends on the politics of public agencies. As broad as public groupings are (including community groups from League of Women Voters to neighborhoods alarmed about halfway houses; agencies as diverse as the Division of Policy and Budget, Wisconsin Council on Criminal Justice, Correctional Legal Services, and the Department of Administration; overtly political forces such as alderpersons, legislators, district attorneys, and the Governor; newspapers of various leanings, professional associations, university professors, churches, and key public individuals), they may be divided into two major and often conflicting areas of public pressure:

1. Reformist minds which sense something wrong with the correctional system and press for "humane" corrections activities. These often perceive the Division of Corrections as evil or the enemy, and are in turn perceived by the Division as naively criticizing and proposing without full knowledge of Division constraints or residents' situations.

Because reformist pressure pervades the legal movement currently focusing attention on institutionalized citizens, it bears some of the force or threat of law, if not large numbers of adherents. This pressure is reflected in Department and Division mission and goals statements, adapted to the terminology of wellness, humaneness, and resource provision.

2. Traditionalist dominant culture expectations, which see Corrections as container and also as executor of retribution, deterrence, and similar responses to crime. Their expectations are expressed in either punitive or rehabilitative terms, for whether one expects an offender should be punished or rehabilitated, the basic assumption is that it is the offender who has done something wrong or there is something wrong with the offender's environment. The corrections system and other institutional systems are therefore expected to change persons or punish them, or at least get them out of society.

This dominant political pressure on the Division is the direct source of emphasis on recidivism, the primary measure of Corrections effectiveness, and indirectly accounts for the Division's hesitation in commitment to MAP principles. It cannot count on strong public support of a program which puts offenders back on the street sooner. This larger public is intolerant of negotiating with offenders and does not want them released earlier from prison. MAP has revealed the basic retributive wishes of the larger public.

Caught in the conflict of these public and highly political pressures on the Division, MAP was meant to satisfy both the image of a progressive corrections system and the dominant expectation of managing and shaping up offenders. As is always the problem with images, especially conflicting ones, MAP may be more illusion than substance.

d. Limitations of Programs and Services

In order for residents to be able to select and contract for education and training programs and/or treatment services they see as appropriate, a range of options should exist. As the growing number of contracts fills program slots, choice has become limited. In maximum institutions, particularly at Waupun, there have never been enough programs to provide choice. This has been a problem also in camps and urban centers, where Work/Study Release is the program, and is becoming one in medium institutions. Consequently, "performance contracts," contracting for discipline and work assignments, or merely for Work/Study Release, have become common.

A frequently cited control factor in MAP identified by institution staff is Division "inability to give much" in the MAP exchange through programs and services. "Overcrowded, backlogged programs, inability to

provide services, to provide bed space in the right place at the right time, school scheduling, and program quality," are strong limitations on "the State's living up to its agreement." MAP is said to be "asked not to contract for slots in overcrowded programs where a guarantee cannot be made." Insufficient quantity, quality, and variety of programming and the need for more staff are striking concerns of institution staff. A social worker summarized, "The institution and the system give very little. The programs that people participate in leave a lot to be desired in terms of quality and substance. I don't believe that they receive very much from the MAP program."

Originally, program management expected that popular and useful programs would be identified through MAP selections so that resources could be assessed and appropriately redirected. MAP was to show how to change the system to suit residents' needs. The converse has occurred in that residents now find themselves contracting for whatever is available, just to get a release date. The failure to provide new programs, to reassess the quality and value of current programs, and to reallocate resources among existing ones can be attributed to several causes:

1. Lack of a systematic and reliable method for identification of resident requests prior to negotiation.
2. Budget priorities not based on documented program need, but rather on overcrowding priorities or political winds.
3. Unions' protection of members and the resulting difficulty of re-assigning specific staff and of reallocation in general.
4. Pressure on budget funding, illustrated in the current policy of the Wisconsin Council on Criminal Justice through which the Governor has directed that LEAA funding be granted only to those projects which are expected to reduce maximum security institution populations.

The problem of program availability and quality has implications not only for the content of contracting but for the MAP goal of a resident responsibility as well. The idea of providing opportunity to residents to be involved in choice and decision making stems from the need for residents to develop a capacity for dealing with structured time. This assumed an opportunity for planning. Where there is no access to options to get practice making decisions, however, there can be no capacity to plan.

e. Population Pressures

Parallel to the decreasing availability of programs and services because of MAP contracting, and partially causing this, is the simultaneous pressure of increased numbers of residents in the institutions.

Rise in institution population exerts a strain on resources. Overcrowding creates competition for steadily shrinking access to staff time, class slots, employment and study opportunities, specified program slots, etc. MAP's conceptual requirements for renegotiation, capacity for choice among programs, has been put on the back burner. Lack of bed space is a higher priority problem than lack of services.

f. Legal Pressures

In the past ten years, the Supreme Court has chosen to consider a growing number of cases concerning Corrections. As a good number of these have been decided in favor of residents, Corrections systems have had to examine their processes, "clean up their act."

Whereas this has worked to the favor of residents thus far, what is seen as a "growing legalism" has tended also to make the Division more conservative in internal matters, more fearful. Corrections initiates little major change internally, takes no risks, and seems at times to move on an issue only to avoid being sued. Staff are more careful to appear to go by the rulebook; they have learned to record every decision so as to be protected in case of a hearing or a suit.

Summary

What ultimately controls MAP operation is an unarticulated value system beneath the public mandate to Corrections to contain what the society is not otherwise willing or able to deal with. This dominant and dominating thought structure controls the daily decisions of the Corrections system which in turn uses MAP as a control mechanism.

All of the features of control in this chapter describe not only MAP but characterize also the Division as an agency of control. MAP is a barometer of the Wisconsin corrections system, which in turn mirrors a society to itself.

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CHAPTER FOUR

NOTES

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CHAPTER FIVE

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CHAPTER FIVE

IMPACT OF MAP: ASSESSMENT OF GOAL ATTAINMENT AND SYSTEM CHANGE

A. IMPACT ON CORRECTIONS SYSTEM: HAS MAP CHANGED ANYTHING?

In four years, MAP has become the primary vehicle of parole release, i.e., discretionary release earlier than mandatory release. The differences this has made in the Wisconsin corrections system are subtle and interwoven with complex pressures and resistance.

MAP is but one phenomenon accompanying other changes in the 1970's, such as the shift to modern management, the inmate rights movement, and changing theories of correctional purposes. It cannot be credited to planned change that MAP has indirectly or directly acted as a stress on the Wisconsin Corrections System. Despite lack of "deliberateness" and top administrative direction, MAP has borne out the prediction of research administrators that implementing and managing a negotiation process would shake up the Division. In its first years of operation, particularly, MAP seemed to be the tail that wags the dog.

MAP is still struggling despite tightening of its operation through system absorption. Its summary impact on the Corrections process has been gradual and unspectacular, but perceptible, whether in slight shifts in the daily behaviors of staff, in mounting pressures on system policy and resources, or in the necessity to resolve conflicts MAP causes among units and institutions, particularly conflicts of policy. A traditionally closed bureaucracy cannot long ignore MAP, for it impacts upon the system's internal relations and style of work.

Significant change in organizational behavior requires rearrangement of patterns of power, of association and status of parts of the system, of values, and of skills. It cannot be measured by attitude change but only in actual change in the behavior of parties interacting in the system. Does anything happen differently in the daily life processes of staff and residents? What causes or prevents a qualitatively different behavior?

1. Rationalization of Corrections Operations

If residents were to be expected to participate responsibly in the decision-making process, it was crucial that this process be less hidden, more overt and open to comprehension, or "rationalized." Informal decision-making is characteristic of any bureaucratic organization but particularly pervasive and mystifying to clients of a paternalistic corrections system, since its control over them is more nearly total. Residents almost never truly comprehend reasons for the multitude of determinations about programs, movement, disciplinary processes, etc. A great amount of their energy is spent trying to make sense of, and, if need be, inventing reasons for what happens to them daily.

MAP could be considered only the first stage of cleaning up or rationalizing the corrections decision-making process. It has not eliminated informal decision-making but more likely driven it underground. (See Chapter IV. B.2.d.) Residents appear to have little more part in decisions made about them, and seem as mystified as ever about the reasons for them.

The observed operational changes are therefore remarkable that they are visible at all. Their immediate modest impact is perhaps less important than the dent they make in an impenetrable system. Their long-range consequence could be profound if the precedent they set gradually forges different staff roles and behaviors.

Staff generally report that their institutions operate better and are more accountable. They indicate that MAP facilitates more organizing, monitoring, and inter- and intra-departmental coordination.

a. Procedures Structuring Staff Behavior

One of the most important effects of MAP has been the rationalization of staff behavior through formalizing on paper what must be done and in what order. To avoid continuous haggling over how each MAP problem was to be handled, a MAP Manual of Procedures was developed, which is periodically updated and "tightened." The MAP Manual contains the step-by-step process that must be followed in contracting and determining outcome of contracts. The Manual represents an intra-agency agreement on how units within institutions will coordinate and communicate to move MAP residents through a process. Change caused by the Manual can be measured by the large amount of irritation and conflict it caused when introduced and by the ways found to circumvent it informally.

Even though the Manual may not be followed to the letter everywhere, its basic flow has become routine in all adult institutions. Virtually every staff member in adult institutions has been oriented to the MAP procedures through brief "training" sessions given personally by the MAP Supervisor or MAP staff. On the one hand, these procedures compromise MAP by adjusting it in large degree to the demands of institution units. On the other hand, however, it forces these same units (including Social and Clinical Services, the Camp System, schools and shops, A & E, and Program Review) to rationalize their activities. A fixed flow chart and formal, prescribed, step-by-step procedure for handling MAP residents from referral and program development through negotiation, monitoring, problem-solving, and release obligate institution staff in all institutions, for the first time, to standard behavior from which deviation is monitored by MAP staff.

Written procedures do make a difference. They function as a watchdog on processes. The formal, written word carries the weight of authority in a bureaucratic organization, particularly one as skittish about defending itself against law suits as the Division of Corrections. The possibility of legal processes and the right of residents to hearings function to support careful documentation that procedures were followed. Even when these are circumvented at times, their existence binds staff actions, changing the way they operate, to a degree unprecedented in Corrections history.

Procedures which so broadly affect the administration of institutions add what some perceive as "legalism" and a burden of increased complexity to professional staff activities. The structure of procedures,

record keeping, forms, and other paperwork introduced by MAP adds to the burden of bureaucratic program management. (One administrator has observed that rules and procedures are the price paid for Corrections' deep paternalism.) Proceduralizing protects residents from arbitrariness in staff behavior but also protects the system from precisely that "creeping legalism," with attorneys present at every event-point, which it dreads.

b. Accountability and Monitoring of All Parties in Delivery of Services

Target release dates are met. Of greater impact to the Division is its commitment to guarantee delivery of contracted items. This requires an accountability to which institutions had been unaccustomed.

MAP transfer dates are critical and thus, staff report, are "processed more carefully. Long delays are less likely now." When a MAP contract calls for transfer to another institution, camp, or urban center, the resident must be transferred. If beds are filled at the requested camp, staff "scramble" to locate an open bed elsewhere.

On the other hand, if a resident contracts to finish a program in an institution, he/she cannot be arbitrarily assigned or moved out. Only a major conduct report (or illness) can remove a MAP resident involuntarily from an institution. Ensuring that residents are slotted into contracted school or training programs and counseling sessions and are transported at the contracted time to specified facilities requires a high degree of coordinated monitoring among institutions and units. The enormity of this undertaking can be comprehended if it is realized that 650-700 contracts are active in any given month. This shift in organizational behavior is a substantial change for residents. Services are more likely to be delivered on time and in planned sequence.

Guaranteed delivery forces staff to keep track of their activities. Each service deliverer must document that a course has been completed or a counseling group attended by the contractee. Through the requirement that the Institution Representative be notified where there is probable failure to deliver, or failure of a resident to complete a component, staff, particularly in Social and Clinical Services and the schools, have become more aware that what they are doing can and should be measured and documented. Staff say they "must be more accountable for decisions, delivering services, monitoring programs, and making recommendations."

A few staff report a greater investment on their part in better resident performance, although this investment can mean increased demand on residents as well as increased utilization of staff time, greater energy in tutoring, or extra attention. Where staff are unaware of who is on MAP, (such as some teachers or shop foremen) or prefer not to know who is on MAP, there is no such effect. Some staff who feel burdened with paperwork and cases simply count resident contacts, even slight, as treatment sessions. "Accounting," as in any goal-oriented system, can be pro-forma.

Since case evaluation presumes there is some standard by which to measure, some departments have attempted to set criteria for program completion although it is unclear how these are arrived at. Staff report that they "have become more goal oriented. Goals have become less diffuse and expectations for both staff and residents have become better defined." "Now it's easier to account for system failure, and so there is more pressure to modify programs."

Teachers and other personnel who must make judgments about resident's performance and attitudes find evaluation of residents more difficult due to MAP. Many teachers feel very uncomfortable with the mandate to pass or fail a MAP contractee based on measurable accomplishment rather than evaluation of sincere effort. They assert that this penalizes some residents by keeping them incarcerated longer, not on the basis of their crime but on the basis of their level of intellectual ability. Some treatment personnel find it harder to determine the motivation of MAP residents for requesting treatment because that motivation may have been further complicated by the coercion of MAP contracting.

Furthermore, some teachers and other supervisory staff find it difficult to define what "successful" resident performance is. Staff who recognize residents as humans with needs and weaknesses protest that MAP makes us "expect residents to be better than we are." Many staff want to make allowances for the "double-jeopardy" aspect of MAP while at the same time feeling the responsibility to treat all residents by the same standard. MAP has created a moral dilemma for some people around this issue. Some staff report instances in which a teacher's vacation resulted in a resident losing the contract, so they are much more conscious of the consequences of their vacation schedules. Many staff find the original contract wording and standards for evaluation either too ambiguous to be useful to them or so inflexible as to risk unwarranted violations.

Staff people across the board say that the decisions they make about MAP residents are more complex and made more carefully. They report that they take extra time to check out the consequences of their decisions for MAP residents' contracts and find it harder to make decisions having consequences on MAP contracts. They would like to take the double-jeopardy aspect of decisions into account, and sometimes do, but feel also that they must be fair to all residents.

Although many staff report that they do all they can before reporting failure and attempt active intervention to prevent either resident violation or system non-delivery, certain staff among teachers, shop foremen, and treatment personnel complain that MAP puts people in the "wrong programs," and they can do nothing about moving them out. This comment is generally related to lack of resident motivation or what the staff person considers an inappropriate item for that particular resident. It can also relate to inability to move out persons found disruptive or unwilling to participate in that particular program.

Although MAP enables the Division Administration to keep track of its population, it has put additional stress and even overload on already burdened program delivery systems, i.e., Social and Clinical Services and vocational and educational programming. While the

majority of staff comments on increased accountability, organization, planning, communication, monitoring, and general coordination were positive, many staff simultaneously stated that the paperwork and reports which MAP require have been a substantial burden to them.

In brief, MAP has made the institution operation more complex and has called attention to already existing coordination and program delivery problems.

c. Communication and Coordination

Because the Division is liable for the guaranteed delivery of services through MAP contracting, institutions have been forced to accept a facilities and putting people in programs. As MAP went system-wide, residents could theoretically propose a program anywhere in the system, so long as Program Review approved security level and feasibility of participation (resident is qualified for program). Because the Program Review Coordinator, a Division or system person, co-chairs the traditional classification committee, it has become an information clearing house for the entire system.

Lacking an automated information system, Institution Representatives have had to clear transfers and program slots in other institutions. Phone calls and a manual reservation system link Division facilities. Knowledge about system resources has been disseminated among IR's and Program Review Coordinators.

Coordination between the Bureaus of Institutions and Community Corrections has not materialized to the degree hoped, because of difficulties in role definitions, heavy caseloads, and the diversity of work styles of parole officers, as well as lack of top-level oversight.

Communication within the system prior to resident release has increased, however. Because decisions throughout the system affect MAP, and vice versa, it has been necessary to develop methods of collecting and disseminating information. A decision about a school program in one institution, a new grooming code which could affect barber training and slots in its program, a resident appeal or suit upheld, all require continuously updated information. MAP staff incorporate items in the Manual notebook, circulate copies of orders and memos, revise their own program guides, and spend considerable time in meetings with other staff in the system. MAP files also provide documentation of interaction between MAP and sentencing judges, the Parole Board, and institution staff to expedite service provision,

d. The Delivery of Service Information System (DSIS)

When MAP began in October of 1974, a primary concern was identification of bed space, program vacancies, and program requirements. There is a need for accurate and current information so that MAP can project and deliver on its transfer and program promises. MAP operates currently on a manual information and reservation system at all adult facilities. As institution populations have reached capacity, the projected time is increased for transfer and program availability. Massive increases in MAP contracts and the population in general make forecasting necessary if contracting is to be realistic. Both the Division and the Parole Board are unwilling to

bargain for very limited program involvement, and the negotiation process itself is weakened by lack of direct on-the-spot information about program availability. Thus, LEAA monies were obtained to design and implement a delivery of services information system for MAP.

Lengthy delays through reorganization and conflict with the then Bureau of Management Information (currently, Office of Information Systems) until 1978, in which MAP was not identified as a priority item, hampered implementation of DSIS. In the meantime, that system has undergone a transition with potential benefit and risk for the MAP negotiation process. (See Chapter IV, Section B.2.b.) It is expected that the DSIS will expand to include all currently collected institution data elements. Currently, the DSIS is not at the stage of automation but is anticipated, when operating, to have far reaching consequences for Corrections information systems.

2. Pressure on Resources: Management and Utilization of Programs and Services

Choice and negotiability depend on a range of options. It had been hoped that MAP would facilitate a shorter length of stay and therefore a higher turnover in bed and program space. As programs filled with MAP residents, however, who felt increasing pressure to accept any program in order to get a contract, the program crunch severely limited the range of options to negotiate.

Program slots are also needed for non-MAP residents. What staff perceive as unfair competition for services has caused Program Review Committees in minimum security settings to limit approvals of Work Release for MAP residents when jobs are limited.

a. Quantity and Availability

Twenty-six positions were eventually added to the Division through MAP. Seven teams of staff and their typists (21 persons) are directly involved in operating MAP. Four persons have handled MAP evaluation, both statistical and process research, until LEAA funding ended, when general, non-MAP tasks were also assigned. The remaining positions only indirectly served MAP, i.e., Program Review Coordinators, an A & E typist, and the Psychological Service Associates who were to help with the increased caseload in Clinical Services.

The MAP Supervisor became a personnel manager in accounting for the variety of positions but, in fact, supervised only 14 of them (MAP Coordinators and typists). Only five of the acquired positions increased the Division's ability to provide substantive resources, a fact which nettles understaffed institutions. MAP positions generally were added to improve not what the Division delivers, but how it delivers.

Staff report that MAP has indeed promoted more effective use of existing institution resources. Programs are kept filled. Waiting lists are not uncommon for valued vocational training courses. Officers, especially in maximum institutions, complained that it is

harder to keep track of movement in cell halls and yards because residents are less idle, and busier with program activities. Residents once stuck in shops not of their choice now apply for MAP to get a chance at a different program.

Demand for program slots and the consequent need for more programs has increased substantially since 1974. Enrollment in auto mechanics and welding has doubled, according to staff. More residents are getting counseling about program development and counseling in general. Certain programs are populated mainly by MAP residents. Some staff doubt that AETP would have survived without MAP. Treatment personnel, including Social and Clinical services and AETP personnel, report that group referrals have skyrocketed and that they are getting many more inappropriate, essentially involuntary or "coerced self-referrals" from residents who feel they must ask for and accept these services in order to get the best possible release date or get a MAP contract at all. Treatment personnel resent that program space is thus taken "away from people who genuinely want it."

Officers at a medium institution were angered at "tremendous backlogging" of vocational programs. They could not understand why more training programs were not available, remarking that "without useful training, or support on the street, a man almost has to pull a couple of jobs just to get a stake."

Work/Study Release has been expanded. Work and Study Release criteria were changed in May 1977 to accommodate needs of MAP residents for longer periods of work or study. New guidelines allow MAP contractees to be on Work Release for 12 months (as opposed to 6 months for non-MAP persons) and on Study Release for any negotiated length of time (whereas non-MAP persons are restricted to one year).

Finally, earlier transfers create pressure for program space in medium and minimum institutions. MAP has called attention to the need for more minimum facilities in metropolitan areas and for expanded use of program opportunities in medium institutions.

b. Type and Quality of Programming

No new types of programs can be credited to MAP. Whether staff favor prescriptive programming or believe prescription to be "useless and wasteful" for residents who do not want or plan to use the training in the future, they agree that MAP has pointed to lack of diversity in types of programs. "More quality programs are needed to increase motivation."

Quality and value of programs to parolees is difficult to judge. Some parolees bluntly state they had no intention of using the training gained on MAP. A few see the relationship vaguely, e.g., that blueprint reading is helpful. The rare parolee who sees a connection usually got the job on his own. Some attempt to get related work, but may find "There aren't any jobs in welding in my town."

Since job training is the same as before MAP, it cannot be called "improved" in quality. Staff report that "now we see that we need different kinds of programs so that residents can get training that they actually have an interest in and can use upon release." Even within existing programs, the question of quality and relevance is raised by staff and residents. A person "may qualify to get into welding school but not to get a job." Staff generally question whether programs have much relevance to employment and what residents need to know on the street. (See Appendix on Staff and Consumer Identification of Needs.)

Change in the type and quality of what is delivered has occurred mainly in Clinical Services, where psychologists report increased work with groups, to accommodate larger numbers of clients. Some counseling has become more short-term, goal-oriented, and more practical or street-oriented. Some psychologists focus on skills necessary for self-management and employment as distinct from more open-ended analysis and therapy.

c. Impact on Staff Units

Staff activities and operational behavior have been impacted according to their roles and personal styles. Security staff think MAP makes their work easier (because MAP residents "watch their behavior"), but some find their decisions harder. (See Impact No. 4 on Institution Control.) Staff whose roles or values require resident cooperation and effort at a deeper level, such as Social and Clinical Service and school personnel, find that MAP makes their roles more complex, their work more difficult.

The single most emphasized concern of professional staff is the lack of adequate staffing required by MAP pressures. Service providers of every unit assert that more staff are badly needed. Social and Clinical Service and teaching personnel report that "MAP creates more work while numbers of staff have not increased." In some institutions caseloads range up to 150 or 200 residents. Social workers are particularly resentful of the position they feel placed in by MAP. While most social workers admit that they have fewer Parole Board summaries to do and that a single MAP appearance before the Parole Board is more efficient, they state that the increase in paperwork and other MAP-related responsibilities far outweigh these savings. Social workers spend much more time with the procedural practicalities of MAP: writing contract proposals, providing information about MAP, and counseling residents about MAP-related problems. They must also deal with residents who have been refused negotiation or denied contracts, as well as explain "bad news," e.g., ineligibility or discrepancies in transfers. These negative situations cause some social workers to report that "MAP has hurt my counseling relationships with residents. I am perceived as the bad guy."

Many social workers believe that their MAP-related duties detract from the time they have for counseling and trouble-shooting, which residents need badly and which they thought they were hired to do. Much of their meager time is spent in the paperwork of planning contracts which turn out to be "unrealistic" by MAP staff or Parole

Board standards which have never been clearly delineated to them. Some are further affronted by being asked to sign, and thereby sanction and affirm, proposals which they originally facilitated, but which have been modified by the MAP panel to a point where the social worker feels that the contract no longer represents either the original intent or the best interests of the resident. Many of them resent the fact that MAP-related work has been "laid on them" without their consent and without their input into the program design or into the MAP Manual of Procedures.

Social workers spend about a quarter of their time writing Program Review forms which require more comprehensive contact with residents. They find this a parallel function to parole evaluation. MAP has caused many social workers to recommend elimination of many of their administrative functions, such as the pre-parole summary, involvement in disciplinary committees, list revision, processing resident mail orders, correspondence, etc.

In brief, social workers perceive MAP to be appropriately forcing them to do what they were trained to do but without relieving them of the non-social work functions. MAP is a burden under these circumstances.

School and shop personnel, who feel they have little input in proposals, complain of getting students who "have no business being in school." A shop foreman cited persons who are getting either too long a contract or are pressured by too short a time deadline for completion of job training. "It's unrealistic - the poorest set-up I've seen." Some teachers report having no input into proposals while others spend more time on feasibility checks of proposals. (Differences occur even within institutions.) Where teachers are consulted by residents in developing their proposals and have closer contact Some school principals report that staff find their work more confusing because "they really do not understand MAP," particularly contract wording.

Clinical Service personnel are in basic agreement with MAP philosophy but disturbed about the issue of coercive treatment. A psychologist reports, "Many MAP residents are strongly urged to fill in the treatment component space with therapy, even though they have little or no motivation for it and feel they have no psychological problems or discomfort. They believe that they must have therapy in order to get an earlier release date, primarily because of what they're told by MAP staff and social workers." This problem adds to the already overburdened workload of all treatment personnel. One Clinical Services person in a maximum security institution said that in his observation the Social Services Department in his institution has been shattered by MAP. A professional person at a medium security institution observed that the psychiatrist is there four hours per week and calculated that his caseload allowed him three minutes per client per week.

The positive impact of MAP on treatment services' content (see b, above) is nevertheless outweighed by Parole Board insistence on treatment for many residents. Lacking expanded drug and practical counseling

resources, Clinical Services experiences enormous demand on the staff and has ethical concerns whether treatment should be a MAP component at all.

d. Inter-Institution Use of Programs

More transfers occur, and sooner than usual, due to MAP. Program Review Committees indicate a willingness to classify residents (although grudgingly in some cases) to medium or minimum facilities when they can see the parole release date given by the Parole Board on the MAP contract. This indicates increased use of community educational institutions through MAP. The MAP resident can theoretically choose from the resources of the entire corrections system and its liaison schools in the community.

e. Planning and Projecting

One of the most helpful of MAP impacts for the corrections system is the ability of medium and minimum facilities to plan and count on their bed and program slots. Months in advance, the MAP reservation system gives each institution a count of numbers of MAP residents expected through transfers, which programs are to be delivered, and duration of stay of each resident. Although this offers an opportunity for longer-range planning, it has not occurred.

No systematic incorporation of information on programs from MAP evaluations has been visible in the Division budget process. Although MAP provides in theory a means of monitoring and documenting resident requests for programs and services and of projecting program availability, the means has, in practice, not been very systematic. Residents' actual requests are eliminated from the proposal upon advice that they are unrealistic and because lack of an automated information system delays identification of open bed and program slots.

Nevertheless, even if done unsystematically, monitoring and documenting of program use is occurring on a far greater scale than before MAP's existence. Information is generated which calls attention to insufficient quantity, quality, and diversity of programs and services relative to resident need. In addition, some staff in institutions feel the need to evaluate their programming, particularly administrators of departments, assistant superintendents, and business officers.

Staff in institutions believe that this information can help the institutions to self-assess, to maintain the availability of some existing programs, justify the creation of new programming, and plan the content of that programming. However, all interviewed see a need for much more of this to be done.

Institution staff, from assistant superintendents and principals to professional and line staff, commented over and over upon the lack of "meaningful" program planning, i.e., of practical programming which would help residents after release. The original MAP Program Director had remarked already in 1974, "We are not delivering needed services, and someone had better take a look at it."

MAP puts a strain on a system with a reputation for vocational, educational, and training programs. It calls attention to useless programs, the limits or lack of those requested by residents or seen as needed by staff, and the inflexibility of a corrections system which is locked into certain training programs and cannot reallocate quickly.

Staff report resident resentment of MAP because it discriminates between MAP and non-MAP residents in determining allotment of limited program slots. In combination with the shortage of available programs and services in general, this has aggravated the situation of residents who are either ineligible for MAP or have been refused or canceled. They may be left without access to programming that is meaningful to them. Institution staff see this happening most frequently to long-term residents.

Although MAP has not yet opened up new resources for contracting or for residents in general, the most pronounced activity undertaken to generate a new program has been committee development of a proposal for practical "survival skills training" suitable for contracting, known as Release Transition Planning. Although available to all residents and parolees in theory, the proposal was originally designed to provide something practical to contract for in MAP. Approved by the Division Administrator in autumn 1977, the plan has not yet been implemented.

Experience with MAP has revealed that changes do not come about in an organized way. Rational planning processes have not been utilized to achieve MAP's goals.

f. The Employment Connection

MAP has not caused new resources to open up in employment training and placement. Tying the program with the release date is not considered in negotiation, and no direct MAP contact with non-Division agencies for pre-release reintegration preparation has occurred. (See Chapter IV, Problem #4.) Although individual parole officers respond to proposals, there is no direct connection to parole services on release. Field agents of the Bureau of Community Corrections are not coordinating placement and training with the institutions. No direct link with follow-through services is arranged through MAP, nor does Bureau staff participate in MAP meetings. A perhaps coincidental increase has occurred in availability of Training and Placement Program (TAPP), Work Release, and related traditional job opportunities. Directors of these services report that MAP's pressure has increased efforts to place residents in jobs, but these are seldom directly related to training received, nor do they systematically provide transition to employment upon release from MAP.

Summary: Existing programs and services are delivered in a far more accountable manner because of MAP. The type and quality of these services has changed little. There is increased opportunity in Work Release, through changed criteria, but no guarantee of a job on MAP. MAP's strongest impact on programs and services has been to identify the need for cataloging system offerings, systematizing existing training programs, and assessing the use and value of Division offerings, especially in relation to use after release. Through the work assignment component, MAP guarantees labor to institutions. MAP has called attention to the general need to assess and provide practical release-related training and preparation to all residents.

3. Shifts in Decision-Making Power and Processes

MAP is a schema to rationalize an irrational system and redistribute decision-making activities, i.e., power. It was designed to formalize a mutual determination of resident needs, including the resident voice, in a contract directing the remainder of a resident's incarceration. The intended effect was the rearrangement of an entire operation's decision-making processes.

a. New Hierarchies

MAP has been party to shifts in power within the Division. MAP staff felt targeted during the first years of upheaval and pointed out that MAP is "not the source of the power struggles but gets blamed for them."

- 1) The greatest administrative change occurring simultaneously with and indirectly activated by MAP is the concentration of decision-making control in the Program Review Committees. Their fates are interwoven. MAP depends on Program Review to coordinate system delivery information. On the other hand, Program Review would not exist structurally without the Program Review Coordinators provided by MAP funding.

MAP funding produced the Program Review Coordinators, who are ultimately responsible to the Classification Chief in Central Office. Structurally, this was what an administrator called a "monumental change," since it centralized the classification function. It also meant that movement decisions became multi-lateral, a collective committee decision, including a Central Office vote, rather than a superintendent's autonomous decision. Above all, with Program Review Committees in communication through their centralized coordinators' involvement in MAP, system coordination became a reality. MAP has thus acted indirectly as a counter-force to the centrifugal pull of decentralization in decision making.

On the other hand, MAP's very need for information flow and guarantee of service delivery eventually put Program Review in an unprecedented position of power. This was unintended by the MAP and Classification director, who ultimately saw Program Review, his own creation, as "a monster." Control of information is at the heart of power.

MAP's direct impact on Program Review itself may seem minor, since the Committee still makes essentially an institution decision and dominates the proposal development process with its control of all information and decision factors, its concern for security, and preference for orderly and efficient institution operation.

Where MAP contracting is allowed to take its own course, which depends on the individual institution superintendent's attitude, MAP can even, in the long run, make Program Review's job simple. Staff report that MAP causes more initial thought and planning in resident program development and schedules specific programs within a time-frame with resident input, eliminating the "guessing game." Residents seldom request changes while under contract. Although program needs have not superseded security needs, their high priority in planning MAP contracts is evident in the collective decision made in Program Review.

Most importantly, MAP forces Program Review members to shift their thinking from six months or one year to two or three years hence, i.e., to a target parole date. Program Review is more willing to approve transfers when the release date and total "program package" is known.

MAP has thus changed Program Review's criteria enough that non-MAP residents accuse the Committee of inconsistencies in similar cases. They see that Division transfer guidelines can be affected by MAP.

Program Review and MAP form a new working alliance in the system.

- 2) Through the input of all deliverers into the MAP proposal, the decision-making process that surrounds it is horizontal. Many people have input into MAP decisions, through the IR and Program Review. Whereas institutions once had visions of half their populations being controlled by Central Office, in fact decisions about program direction and resident movement are the product of unusually broad communication among operational staff. (See Chapter II. E. 3 and Chapter IV. B. 2. e.)
- 3) Institution administrators may appear to be less autonomous than they were prior to MAP. Their decision-making power has, however, been displaced to the Program Review Committees which have assumed the institution decision-making role. Superintendents' reactions to this are highly variable. It appears that most accept the shift because they see no fundamental change in the institution. They tolerate the increased movement and inability to move residents at will.

Less threatened than initially, when they wanted to keep their "good men," most Superintendents have favorable reactions to MAP. Their own activities and decisions have not been significantly changed by MAP. Since they hear little from their staff now that unit conflicts have settled, they are quite removed from the institution's and MAP's operations. More than

their staff, they report that MAP is "just an additional program," rather than a program which presents opportunities for fundamental change. To them MAP is "no big deal."

- 4) The resident has only a minor voice in decisions, but for the first time the idea is legitimized. Staff report that residents are at least not so much "in limbo" as previously. Some staff believe residents are too demanding and the system has become "lenient" because of MAP, indicating that MAP residents are taking a more active role.
- 5) MAP tempers Central Office decision-making somewhat since the Division has discovered that nearly half of its population is under contract. It not only cannot make quick decisions about population movement and program change, but must confront criticism of ineffective program delivery.

Nevertheless, no positive MAP impact on central management policy making is evident. Since LEAA funding of MAP ended, no committee structure has had input in MAP policy making. No regularly scheduled committee or centralized planning process considers MAP operation or evaluation. Since the original acquisition of MAP-related staff, there has been no resource reallocation in the Division to provide for MAP needs.

b. Associations and Conflicts

No integration of policy has occurred to effect the changed organizational behavior required by a MAP model based on negotiation. Operational behavior of all levels of decision-making staff, including Parole Board personnel, has been stressed but not basically changed. As one administrator admitted, "Maybe MAP gets us to do what we should be doing, but it conflicts with current policy." Security officers may apply a double standard in disciplinary decisions; Camps may accept persons they would not generally accept. This is the deepest conflict caused by MAP. (See Chapter IV.B. for detailed analysis.)

MAP has forced a closer association of various subparts of the Corrections system, including most of the middle-level decision makers in institution units. This occurs through the multi-level and lateral decisions in Program Review, and has constrained institutions to act in system interests through transfer and inter-institutional programming. MAP's earlier conflicts with Program Review and A & E have been basically resolved; MAP is tolerated by social workers, treatment and security personnel.

MAP has little follow-through relationship with parole agents and with non-Division agencies, such as employers and institutions of higher education. Intra-Departmental conflict has occurred in situations requiring budget planning and approval of resources, such as implementation of the Delivery of Service Information System.

c. Legal Consequences of Contracting

Actual legal impact on the Division as a result of MAP has been slight. Only one court case has produced a change, namely, the requirement of hearing prior to contract cancellation. Residents may have been handed a "silver platter" with MAP, as one Corrections attorney warned, but they have not as yet used the opportunities for challenge and litigation. Many aspects of MAP are open to challenge, e.g., eligibility, MAP's lack of standards and guidelines in negotiation, its so-called due process which does not consider circumstances of events nor review of Security or Program Review decisions, its appeal process which is not taken seriously by the Division, the issue of coerced treatment, use of parole criteria in refusals to negotiate, and residents' lack of remedy for a Division breach of contract, such as non-delivery of program.

The Division is protected from the legal suits it fears by the very burden of procedures and due process its staff resents as "legalism." Although the hearings, for example, have created a great burden for the Department, a contract cannot be unilaterally terminated without affording the resident a hearing. This creation of balance is probably as far as the law will press Corrections to go.

MAP is a "created right" of residents, legitimized not by statute but by administrative order of the Department of Health and Social Services. It is an artificial means of balancing a basic, legal relationship between keeper and kept. Since this created right is maintained by administrative means (due process, appeal, hearings, etc.) at the free will of the Department, the courts have had no interest in challenging it. Indeed, the courts have recognized the MAP contract as a right of sufficient magnitude to warrant a hearing before the right is taken away.

The basic relationship has remained unchanged, however. The parties are not, in fact, anywhere near equal. Current MAP processes, contract language, standards and procedures, and resource mechanisms are rather "paper protection" for the Division than real recourse for residents.

4. Increased Institution Control Over Residents

Staff perceived at first "better motivated students," relief at having a resident programmed, and the encouragement that MAP seems to give residents to "behave more appropriately." Some staff still see improvement in resident behavior; others question whether it has much effect at all. Some staff believe, on the contrary, that residents are getting something for nothing, and the system does all the giving.

Staff in general report that MAP makes their interaction with MAP residents "easier," due to a change in the overt behavior of residents. At least half of staff respondents report that MAP residents under no more than normal stress behave in a manner more consistent with the institution's needs than do non-MAP residents, thus making staff work easier. An

officer at a maximum security institution said, "Those residents who have MAP contracts have less trouble than other residents, or seem to avoid trouble." One assistant superintendent of security said, "My work is easier. Over 50 percent of contractees are more conscious of their actions." Another said that MAP resident behavior has reduced the load of his adjustment committee.

Staff people cited the change in MAP resident behavior in many different contexts. They observed that "MAP residents grow up" or "learn good habits;" that MAP "helps residents with behavior problems" and "makes a resident more aware of his responsibilities, obligations, and the consequences of his actions." MAP residents show up for classes and treatment sessions and are more concerned with completing programs. They "settle down and work harder."

Staff in hazardous duty positions, and those who regard their work as "hazardous" such as some teachers, shop foremen, and work assignment supervisors (cooks, laundry personnel, etc.) report MAP as useful in giving them programming input, a measure to monitor resident performance, and a lever to motivate residents to improve their behavior. Some see MAP promoting better cooperation between residents and staff and thus improved morale in the institution. Others feel pressured to use a different approach to MAP resident misconduct, so as to avoid contract violation.

MAP has not impacted the processes and decisions of Security Offices. Although it has called attention to arbitrary rule enforcement and to the rules themselves, MAP has had no influence on institution discipline policies as such. Corrections officers report general lack of knowledge about MAP and feel uncomfortable when residents ask questions about MAP. "We spent about ten minutes on MAP in training." "They never tell us anything." MAP's discipline component is a concession to security needs which has been tempered only by a decision in 1976 that only a finding of a major conduct report would violate a contract, and that minor rule violations were not sufficient grounds for cancellation.

Individual decisions of officers have been impacted by MAP. A double standard of conduct reporting exists for those officers who think MAP inflicts a double punishment on MAP residents, who receive not only the disposition and punishment of the conduct report but also find their contracts in jeopardy. MAP residents are subject to the same rules, enforcement, and disciplinary procedures as all other residents. An officer who hesitates to punish a MAP resident twice may not wish to write a conduct report over an incident he perceives to be minor or where the circumstances are unclear, or the rule itself "petty." This informal decision-making depends entirely on that individual officer's values and interpersonal relations with residents.

Many officers report that MAP has reduced security problems because a target release date reduces the "extreme anxiety" caused by repeatedly facing negative Parole Board interviews.

The adverse effects of MAP on security, which may counter the above benefit, are the reported anger and anxiety of those non-MAP residents who hassle MAP residents and particularly of residents whose contracts were cancelled. Officers resent dealing with the tensions which build as MAP residents fear loss of contracts.

5. Changed Skills, Roles, and Values

The behavior of staff in daily interaction with residents has undergone only slightly perceptible change. A few social workers and teachers devote more attention to practical counseling, tutoring, and monitoring residents, a qualitative change. Because of role definitions and time constraints, most professional staff believe they cannot do this even when they favor the different type of interaction encouraged by MAP. Line staff have acquired new skills in those cases where they experience input into decisions. No widespread changes in institution staff role perception or performance have resulted from MAP.

Resident skills in self-assessment, goal-setting, and negotiation have increased only among those individuals who have basically "caught on" by themselves. MAP Coordinators have little formal time or training to provide more than cursory instruction to residents.

It is the MAP staff which has introduced new roles into the institutions. MAP staff act as mediators among persons and brokers of resources. Those MAP staff most aware of this new role believe it could in time change the character of institution behavior.

MAP requires skills in mobilizing resources, making them available and delivering them on time, which in turn requires different developmental experiences and skills from line staff. MAP staff function ideally as human development and information resource persons, one providing a base of self-knowledge for teaching self-direction, goal setting, bargaining, and decision-making skills; the other providing knowledge of resources available and how a system works.

Where they succeed, they model the notion that the organization should behave rationally toward the resident, articulating a certain length of stay and reasonable behavioral expectations, and promising due process. Their role is to see that the system is accountable to the resident as a service user, ensuring timely delivery of services, and providing skills and tools to the user for use of these resources.

Where these roles are inconspicuous, MAP may "work" procedurally, but organizational behavior is being less impacted. Slowly, however, some staff are becoming aware that MAP staff behavior provides a model for a value system with different skills. A few MAP residents report, "We're treated differently by staff. It's hard to put your finger on it, but you can feel it."

There is evidence that a shift is occurring in the behavior of corrections as an organization, from paternalist rehabilitation to a resource-provider role. Parole Board members, a bastion of old-school rehabilitation philosophy, consistently criticize Corrections for not monitoring residents' behavioral change, literally for "not doing its job," as they perceive it.

Summary

MAP has rationalized and coordinated, has introduced the new mediative roles of MAP staff, has forced accountability, and has increased demand for new and

more relevant programs and services. It is laboring still to accomplish its goals, however. MAP embodies a different value system, a theory which conflicts with traditional values and goals in Corrections, without the support and strong leadership of the top administration. Gradual system absorption of the program has resulted in a tightening of MAP's internal process, that fault of MAP which residents most resent. Most policy decisions regarding MAP originate in the political necessity to make MAP work in the system, not from a decision to make the MAP concept work.

As management of corrections becomes more "scientific," more efficient and accountable in the narrow terms of quantified objectives, a product can be a subtler though tighter control of clients. Residents can become objects of efficient management rather than responsible subjects in a process if they become mystified by ever more complex rules and procedures. Perhaps MAP's very goals are contradictory, i.e., it cannot be expected to accomplish both increased resident responsibility and smoothly managed operations simultaneously.

The stress of confronting MAP may have been a good thing for the Corrections system, but the question is whether it makes any difference in residents' daily lives or their ability to connect with a job on the street.

B. RESIDENTS AND PAROLEES: PROCESS ANALYSIS AND CONSUMER SURVEY

Who are "The Residents?"

If it were not for the remarkably unique character of each individual who is or has been in prison, "the residents" (who eventually become "parolees") could be rather simply categorized. Records and sociodemographic data collected on incarcerated persons in the Wisconsin corrections system reveal a startlingly homogeneous population.

The vast majority of adults selected by judges for imprisonment are sentenced primarily for robbery and burglary offenses, some aggravated by personal threat, assault, or drug involvement. With few exceptions, persons sent to prison have seldom or never experienced a sustained period of income over poverty level, as defined by government standards. Nearly 46 percent are members of racial minorities, which comprised only 4 percent of the population of the State of Wisconsin in 1977. Over half of incarcerated women are minority women. Most residents are relatively young (between 18 and 25), some are in their 30's and 40's, a very few are older. Three-fourths are not married. At the time of admission, the majority have not completed high school. Few can write well. Some cannot read above fourth-grade level; most of the rest do not have a command of that English used in the formal or bureaucratic world of forms, applications, instructions, letters, etc. Their employment records are spotty, with generally low-level and short-term jobs, or nonexistent. In those terms of stability by which American society defines human identity, i.e., by money earned, type of jobs held, and educational level reached, incarcerated persons are nearly non-identities. The composite picture of the residents of Wisconsin corrections institutions is one of a segment of the population which has been systematically estranged from society, and thus criminalized.

What approximately 4,000 corrections residents have in common is a treadmill history of lack of direct access to the sort of employment or education they value as necessary to "make it." This is compounded for a large number of incarcerated persons by a history of damage, namely some type of mental and/or physical trauma which they have suffered as children or youths.

These two factors, history of under-employment/under-education and damage experienced when younger, contribute to the basic reason why certain people are selected through sentencing for imprisonment: their lack of resources (whether social image, economic position, "smarts" about bureaucratic processes, or attorneys' skills) to "buy," in the broadest sense, their way out of the criminal justice system at some point. Only a fraction of acts defined as illegal by current criminal law are reported. From the report of the event, through apprehension, arrest, pretrial, trial, conviction and sentencing, to actual incarceration, there are "diversions" possible at every stage for those with skill and status or acceptability in the culture to impress decision makers. Those without this skill or acceptable image include unemployed, minority, or unconventional, mostly young adult males and similarly identified females who, through various dependencies, turn to illegal acts. It is the exceptional corrections client who has status and skill: those white-collar types who systematically use their position in legitimate business to defraud and those who are situational offenders in a "crime of passion." Both often use status in the community to escape the full penalties of the criminal justice system.

Out of every 100 reported criminally-identified acts, only 7 persons are left at the end of the process. They end up in prison generally because they lack that social power which is developed through progressive education and employment patterns.

Once caught up in the criminal justice network, a treadmill is created by accumulated records. Information recorded in presentence investigations which influences judges' decisions and follows persons through the corrections and paroling system and beyond, is usually almost entirely negative. Although assumed to be factual, it is gathered by a parole officer through answers by the offender (thus in a coercive situation) or is a collection of selected bits of secondary information, hearsay acquired from people such as neighbors, agency workers, family, associates, or off the streets. Material gleaned from records of agencies is a trail of the bad times in a person's life--unemployment, welfare, illness, disputes, debts, driver's license, etc. The "client" as object has little opportunity to refute or explain this information. Indeed, he or she has access to only selected portions of a case file and is seldom aware of the entire dossier content that gathers subjective impressions from agency to agency. Although individual parole agents may attempt to balance the record with positive comments, the weight of recorded data is negative and gives the impression of a "loser."

Yet corrections residents are often individuals of unusual energies, strengths, and talent. Their creativeness is often in skills not valued by society--music, arts, the oral history of storytelling, poetry, handcrafts in wood, textiles, and leather, sharp sense of humor, relating to children--abilities difficult to convert into good-paying jobs. Occasionally, the same persons who score low on written tests of formal English may be unusually creative thinkers and highly articulate about their perceptions.

Yet this creativity is diverted into survival. Even the individualistic thinker depends on networks of "associates," particularly among minorities. These complex bonds need constant cementing so that they can be relied on in constantly recurring emergencies. Much creative energy is thus absorbed in staking out vulnerable identities through the bravado and "macho" ego-testing that America respects and in building and defending alliances.

Incarcerated residents try to make sense out of what is happening to them. A few may turn it off, dulling or hardening themselves, in order to survive it. But the rest rationalize their experience. Some turn to the comfort of religious frames of reference. Those with more analytical initiative spend much of their time talking with associates, figuring out incidents and dilemmas, analyzing steadily so as not to be outwitted by "the system" and to get around "the Man."

Many residents are ambitious, perhaps overly so. The high expectations of some come from dreaming big dreams through the lure of goods, status, and "the good life." These "want in" and are not long satisfied with jobs in hotel kitchens and car washes. Others hope, on the contrary, to defend themselves from a hardening consumer culture and want money mainly to buy their "freedom." Some minority members, for example, long to own land or a house to buffer themselves from not only the bombardment of the white culture, but also the grief of their own culture's deterioration. Money to them equals property and mobility. There are also less "ambitious," more worried men and women who can see no way out of sustained indebtedness for themselves and their families. For both the ambitious and the weary, their worst enemy is desperation.

Most imprisoned persons have spent their lives reacting to desperation, to dead ends, loss, and the incomprehensible ways of enforcement and social welfare agencies. Since their reactive behaviors are often abrasive and likely to be labeled and treated as criminal, the probability is increased that they will have extended criminal careers. There have been so many bad experiences in these lives that they have learned mainly defenses to pain. The incapacitation that is imprisonment is only the most recent and heaviest blow to their initiative.

Few residents have, therefore, much "common sense" about long-range planning, making step-by-step moves, organizing time or budgeting money. Because they have seldom known the security of continuing paychecks, they believe they must "get it over now." They never know when they will have money, or what is going to happen next. There is, therefore, little room for waiting, starting small, going slow, and long-term planning, for there is little faith in the future.

Corrections residents are called losers, dumb, unmotivated, manipulators, cons. What the vast majority are is economically disadvantaged, under-educated, and less able to defend themselves from being victimized, whether from personal crimes or social inequities, from behavior labeling or selective law enforcement. They are disproportionately racial minorities. Ultimately, corrections residents are the less powerful members of society.

What Did Residents Expect of MAP?

Wisconsin Corrections residents originally took MAP literally. It looked like a way to "make a deal." They believed MAP was meant to be an alternate parole route, i.e., that MAP decisions would consider additional release criteria besides parole criteria. From MAP's advertising, they thought that a MAP negotiation would be different from a regular Parole Board "hearing," that "open" eligibility meant literally that everyone was eligible, that some kind of bargaining was to take place, that through it they could get programs

which would have some relationship with obtaining work after release, and that all of this was supposed to result in earlier release. When their experience with MAP showed that none of these elements could be taken at face value, MAP became one more rip-off, another cruel deception of the system. Now residents are generally as cynical about the MAP process, how and why decisions are made, as they are about the rest of the incarceration process. MAP has not yet changed much of the daily realities and effects of imprisonment.

Despite MAP's failure to open system processes or accomplish equity, large numbers of residents continue to apply for MAP. Their expectations are solely practical:

1. Although many apply to MAP because they hope for an earlier release than through the regular Parole Board process, all perceive MAP as a way to get a definite parole release date, as a "way out" and an alternative to facing the regular Parole Board again. At first, residents did not know that the same Parole Board members would be in the MAP negotiation. A not uncommon reason offered for applying for MAP was residents' belief that MAP would be the only way to get a "fair shake" or a "better deal." Others applied "out of desperation." One resident commented on the voluntariness of MAP contracting: "You have no choice. A person wants to get out as soon as possible and will make any deal to do that."
2. Second to a release date, residents want to get practical things they value. What residents thought they could get through MAP are mainly better opportunity to get into vocational or education programs, to get into school faster (than if not on MAP), to get quicker transfers, and to get work experience. A parolee commented, "I thought it would help me get a job after release, but it didn't." Some residents see MAP as a way to make the institution deliver on its promises, so that they can complete whole programs. Some residents do not find the guarantee credible, however, "The institution always has ways to get over. A contract means nothing to these people." Since the majority of MAP contracts are eventually successfully completed, most MAP residents do experience delivery on promises.
3. MAP's essential intent is verified by those residents who see it as "a chance to begin again," to set goals and get on a track where they can finish something and to make some plans.

Because many residents, even the more cynical, believed MAP was a way to make a deal, the failure of the Parole Board to bargain (MAP's internal process) has caused the most bitter reactions. MAP is seen as a "mandatory sentence" by the Parole Board and as useful management tool for the Division. "MAP gives the State more control over the individual." MAP is also seen as an effort by the State to remedy or at least control overcrowding and as a "feasible way to cut the Parole Board's work." Still others, unable to pinpoint any explanation for the MAP experience say, "It's like reading between the lines in a letter. You don't know enough of what's going on." Another simply said, "I know they have something up their sleeves." In their daily struggle to make sense of the prison experience and MAP within it, some residents invent reasons for what they perceive as an inexplicable process. They say they "heard that MAP is a money game. The State gets money for each contract signed." The amount is rumored to be \$750 per head.

Residents who have the fortune to complete their contracts successfully and get some training, schooling, or work experience they wanted to find MAP to be valuable and purposeful, while the effects of a difficulty with MAP negotiation or a contract are embittering. The prison experience maximizes the consequences of MAP failures.

How has MAP Impacted Residents and Parolees?

The differences that residents and parolees report MAP has made in their lives either while incarcerated or after release fall into five categories: 1) certain/earlier release date; 2) programs; 3) involvement in decision-making (MAP internal process); 4) self-change, and 5) the employment connection.

1. Certain/Earlier Release Date

What residents most want out of MAP, those who sign and complete contracts get: a certain release date. Of those residents who were referred to MAP in 1974-77, 49.5% (2,573) actually signed contracts with a median length of 9 months.* (See Table I, Appendix, "Offenders Admitted to the Mutual Agreement Program - Calendar Year 1977, July 1978, p. 35). of those who signed contracts during this period, the following table illustrates the breakdown by year of residents who completed

	TOTAL	
	Number of Cases	Percent of Cases
<u>Total Contracts Signed</u>	<u>2,573</u>	<u>100.0</u>
<u>Total Number Released via MAP /1</u>	<u>1,401</u>	<u>54.5</u>
1975	249	9.7
1976	514	20.0
1977	638	24.8

/1 The remaining cases on MAP contracts by the end of 1977 were carried over into 1978, or were persons whose contracts were cancelled. (MAP: Time Served and Outcome Analysis Report, Office of Systems and Evaluation, February 1979, Table 3, p. 55)

The remaining residents, those who were refused negotiation, or withdrew during the proposal, negotiation, or performance stages, or had a contract cancelled, did not, of course, get a certain release date.

Residents who renegotiated successfully can either have time added to or subtracted from their original contract. For those residents who had time added to their contracts the median was 29.4 days. This involved

*For these and the other statistics cited in this section, it is important to note that the percentage or numbers given represent individual cases, not persons (one person might be represented by two cases).

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123 resident cases. For those residents who had time removed from their contracts, the median was 21.5 days. This involved 89 residents cases.

Whether or not residents are released earlier via MAP than through regular parole is not a simple matter to determine. Use of statistical analysis in a quasi-experimental research design depends on an assumption that MAP releases can be compared with non-MAP releases. A quasi-experimental design should theoretically indicate a difference in length of stay of residents involved in MAP as compared to residents not involved in MAP. There are several flaws in this assumption:

- a. A decision was made early in MAP's history that it would be a voluntary program to which no resident (who met eligibility criteria) would be denied access. This precluded a research capacity to control out a "nonMAP" group.
- b. Persons on MAP are handled in the same way as "nonMAP" persons (through Program Review Committees). A unique feature of MAP was diluted, i.e., to coordinate vocational training, education, treatment, and transfer so that the Parole Board would have a better idea of "readiness for release." Consequently, there is nothing different between MAP and "nonMAP" persons except the mode of release, and neither the Division nor MAP has control over Parole Board release decisions.
- c. Four categories of residents can be defined for MAP statistical purposes:
 - 1) MAP releases.
 - 2) NonMAP persons, those with no formal involvement in MAP.
 - 3) NonMAP persons, those once involved in MAP but did not contract, whether because of not pursuing a referral, or withdrawing during the proposal process, or being refused a negotiation by the Parole Board, or a failure to agree at negotiation.
 - 4) Cancellation/Withdrawal, persons who had a contract but were cancelled or withdrew.

The latter three categories constitute what could be considered a "nonMAP" group in the sense that they are subject to the regular mode of parole release, but the complexity of the types of groups does not allow a "clean" control group for comparison.

- d. Selection and assignment to these categories is made at the time of release, i.e., after the fact. A quasi-experimental design does not apply therefore because of lack of predetermined criteria.

Comparison of average length of stay, in summary, should not be attempted by comparisons with the entire population but with a randomly selected "nonMAP" group.

Despite these difficulties, OSE-MAP research performed a variety of analytical techniques. An OSE-MAP report found that in 1977 of a total of 638 residents released via MAP the average length of stay was 22.9 months. (For details, refer to "Offenders Released from Adult Correctional

Institutions through the Mutual Agreement Program for Calendar Year 1977," published August 1978).

A detailed study of a three year period (1975-1977) was done by OSE which explains methodology, defines variables and bivariate relationships, and reports findings. The conclusion of the analysis is that, under controlled conditions (limiting analysis to residents first released through adult parole or mandatory release, i.e., "first admissions"), residents released through MAP probably serve less time than if they had been released through the regular parole process. "For persons released via MAP contracts in 1977, the reduction of 6.78% from the total percent of sentence served amounts to a savings of 3.22 months on a median sentence of 47.6 months." (Mutual Agreement Program: Time Served and Outcome Analysis Report, Division of Corrections, Office of Systems and Evaluation, February 1979, page 15). Reference can be made to this report also for information on readmissions, cancellations, and stay differential resulting from renegotiations.

Residents value the certain release date above even an earlier date. "Not knowing when you get out" is one of the hardest features of prison life. Certainty puts persons back on a time scale, gives them the ability to make plans, something to look forward to, and thus restores hope itself.

Even the certainty is uncertain, however, for as one person summarized many residents' feelings, "If you believe you can make it and run into no problems, yes; but with all the rules, it really becomes only a possibility of parole." The discipline component, Work/Study Release rules, and tightened performance measures are considered by residents to be heavy risks to successful completion of their contracts.

Most parolees interviewed who were released on MAP contracts think their MAP release date was earlier than if they had been released through the normal parole route, with their calculations ranging from one month to one year. Interpretations of "earlier" were often contradictory. A few parolees believe they were released later through MAP than if they had continued appearances before the Parole Board. Others believe the extra time they think they did on MAP was outweighed by the value of a contract. "I got out one month later, but I knew the advantage of a contract was a chance for a job." Most individuals simply were unsure as to whether their MAP release date was any different from what it might have been through the normal parole process.

2. Programs

After a release date, the contract item most valued by MAP residents interviewed was educational programming, both academic schooling and vocational training. During 1977, approximately 71% of MAP contracts contained educational courses as major components. Of these, 47% were vocational training, 10% were purely academic, and 14% were for high school equivalency diplomas (HED) or adult basic education (ABE). In addition 31% of MAP contracts had education as a second component, usually HED or ABE. (See "Offenders Admitted to the Mutual Agreement Program, Calendar Year 1977, publ. July 1978).

Whether residents regard programs contracted for as valuable depends on their perception of a program's usefulness in getting employment or further education after release. About one-half of residents interviewed identified an academic program as the proposal item most important to them. This included academic courses in the institution school, college extension courses, HED completion, and Study Release to local post-secondary institutions, whether technical institutes or colleges. Existing vocational programs which residents and parolees identified most often as useful and/or related to their interests included carpentry, auto mechanics, machine shop, print shop, masonry, welding, data processing, drafting sewing and business courses. Residents who valued vocational training frequently complained of outdated, irrelevant, or inferior quality programs. Increased numbers of MAP persons have particularly requested vocational programs in medium security facilities and special TAPP and Moraine Park programs. (See Appendix for Resident-Identified Program Needs).

Certain programs that residents say they were originally reluctant to accept at the time of their negotiation have turned out to be beneficial, such as HED and college courses. Some residents claimed that motivation toward studies had been MAP's best influence on them. "It helped me get my head together." "I spent my time studying instead of wasting time." "I learned to analyze things." "I always wanted to get a B.A., but I was told I was here for punishment. So until I went on MAP, it was dead time, with nothing to do."

Although many individuals believe they could have gotten these courses without MAP or were already in school at the time of their negotiation, they also saw some advantages of getting the programs through a MAP contract. These include: 1) opportunity to enroll in preferred programs otherwise unavailable due to overcrowding, 2) getting into a program sooner, and 3) the chance to finish a program.

A MAP contract protects residents from being moved out of a school or training program. Prior to MAP, a resident could be transferred by the Classification Committee (the present Program Review Committee) for non-program related reasons, e.g., residents disputes or need for workers at another institution or farm or the need to make room for new arrivals.

On the other hand, many persons who are classified minimum have retained in medium security institutions because of lack of bed space in minimum. MAP guarantees that transfer will occur, with some leeway for transportation scheduling, at the time promised.

Transfers, which are included in 80% of MAP contracts, play an important part in education programs of MAP residents because an earlier transfer can make it possible for a resident to enter a program at another institution or to get Study Release for further education. Earlier release itself makes it possible for continuing students to coincide release with college/technical school semester enrollment.

MAP releasees report that they do not feel adequately prepared for employment upon release. They are aware that a MAP goal was to relate training with employment. Many programs that residents say they need or have an interest in are not offered by the institutions. (See Appendix, Consumer Identification of Program Need). Some residents interviewed

emphasize that even where the existing courses provide a basic foundation, actual on-the-job work experience is needed. Another problem residents see is the wasted time done after one has completed a MAP-contracted program. This seems to indicate that relating program completion with release date is not a Parole Board priority in contracting.

Treatment components were contained in 72% of MAP contracts in 1977, one-quarter of these designated as counseling with a social worker. (Another 15% of contracts had a second treatment assignment, usually AETP). MAP residents interviewed saw less value in much of the contracted treatment with the exception of AETP and chemical dependency/drug abuse programs. Few said they would have requested treatment on MAP, except for specialized programs. MAP residents' negative reactions to the treatment component are apparently influenced by their feeling of being pressured to include treatment in proposals.

Coercion to take programs in order to get a contract is reported by many residents. "They push you into programs they want you to take, not what you want, are interested in, or will help you." Resentment over this is shared by residents and clinical staff alike. (See Chapter V. A.2.c.) Because of this, residents believe counseling groups are less productive with persons present who do not have, or do not believe they have, the particular problems targeted by the group. It is not just treatment which is pushed, however. Some report that shop instructors get MAP residents who are not interested, creating problems in the shop class.

Most program problems identified by MAP residents are generally not MAP-caused but due to other Division limitation. A popular computer program course, available through TAPP, is not approved, accredited, or certified because the institution does not meet minimum requirements. Some residents are under the impression that an institution program will help them get a related job, but there are no placement arrangements. A teacher of a vocational course at a camp was suspended for 60 days, affecting MAP residents' progress. Frequent dismissal of classes reportedly causes persons to lose their incentive and can therefore contribute to contract loss.

Several residents discussed the quality of the teaching staff at the institutions, stating that some teachers were very good and helpful but that others were not qualified or certified to teach what they were teaching. "The English teacher is teaching math." "The music teacher is teaching biology." Significantly, a few residents complained that teachers do not push for good performance.

Work and Study Release are among the most desired items for contracting. Residents believe Work Release jobs should be guaranteed. Some see no sense to the type of job they got when it has no relation to their parole plan or to the geographic location of their camp placement. Some who wanted to be near families are in a distant camp; others who wished to avoid former associates are being "tested" in their home community. Many are concerned about their inability to save money, which had been their main reasons for contracting for Work Release. "The pay is discriminatory compared to the regular non-correctional workers, and we have to pay room and board plus clothing."

Vocational, educational, and Work/Study Release programs remain important to residents in MAP contracting. MAP has, in fact, increased demand for these and motivated residents to identify the types of programs they would value for contracting. Although residents have little bargaining power with the Parole Board, they appear to have gained a degree of bargaining power to get programming they want within the limits of available resources and the weight of security decisions.

3. Internal Process of MAP: The Decision-Making

The quality of MAP's processes within the corrections process is the source of most resident anger against MAP. Other than guarantee of release date, limited choice of programs, and protection from arbitrary transfer, residents scoff at the notion that they have any more control over what happens to them because they are on MAP.

When rationalization of the system makes its operation even more complex and obscure to them, residents feel subject to what one calls "psychological genocide." If this rationalization of corrections processes is not to work to the disadvantage of residents, they must understand and have access to those processes. They go to great lengths to make sense of what is, to them, a nonsensical process, talking with staff and among themselves, writing letters, appeals, complaints, confronting to get explanations, or inventing reasons for particularly inexplicable events. For lack of information and understanding, residents use every means they can dream up to get through the process. For their effort they may be called manipulators and liars. The residents are expected to be sincere and honest when the process is not.

a. Eligibility

Residents cannot understand the knotty question of eligibility and its eligibility and its relation to optimal length of contract. On the one hand, many believe MAP is ideal for residents with relatively long sentences (longer than two or three years was the usual recommendation), because they think persons with short sentences "won't get out faster" through MAP. These residents are particularly angered at refusals to negotiate with longtermers and believe the Parole Board "should not be allowed to give delays (defers upon refusal)."

On the other hand, a long contract is seen as too risky by some, who recommend that shorter contracts should be written, not exceeding one year. Hedging his bets, one resident recommended that a person should apply to MAP only "after the first Parole Board interview and (if the person gets) a 12-month defer."

"Truly open" eligibility is demanded by residents. They insist that the MAP Board should not be able to refuse to negotiate. The pattern they see now (since more flexible eligibility standards became effective) is that former ineligibles are simple refused a negotiation.

One resident asked the Board, "Am I here to understand the norms of society or to be punished?" A Board member responded, "Face it Mr. _____, we want time out of you." One resident reported, "Before I sat down, I was told I needn't sit down." Another was

told, "It would be futile for you to ask the Board to negotiate. If they had believed you to be a candidate for release in the next three years, they would have negotiated with you a year ago."

b. Access to Information

Residents do not receive adequate information about MAP negotiation. In interviews their focus on the inadequacy and inaccessibility of pertinent information touched on all phases of the MAP process.

First, residents maintain that the MAP orientation they received during A&E was inadequate. Little time is given to MAP orientation, and they receive only minimal information. "You get only 15 minutes in a group. Information on how to apply is given, but not what to expect. We weren't told we could appeal."

Residents also complained about the logistics of seeing the MAP Coordinator. "The only way to get a pass to the MAP staff is through the social worker or through interview requests. If the social worker won't refer you, you can't get information." Several residents said an additional problem at this point is "the run-around" with which they are confronted. "I got no information from the social worker. I went to the MAP Coordinator. He sent me back to the social worker."

Perhaps residents' most common complaint is that they are often totally unprepared for what transpires in the negotiation room and simply do not know what to expect when they sit down to negotiate. "I couldn't intelligently come in with a proposal. I had no information. After negotiation, I got a packet of information." Another added, "We should have been told that the Board will prescribe. There should be better orientation. I got the best orientation from other inmates." Another commented, "The residents should be informed about the realities of negotiation so they don't meet with disappointment. They should tell people beforehand that they aren't negotiable." Many residents place blame for inadequate or misleading information regarding the dynamics and realities of negotiation on the MAP Coordinator and the social worker. "The social worker and the MAP Coordinator are all real positive until the negotiation. You should know the options, what to expect, what can happen." (MAP Coordinators who "tell it straight" are also subject to resident complaint. See Chapter II. G.1.).

Other residents said they do not believe it is appropriate that the Parole Board hold "prenegotiation" discussions before the resident enters the room to negotiate. Similarly, they object to leaving the room while the Parole Board caucuses during the negotiation. They feel excluded from the discussion of any relevant information and therefore unable to explain circumstances which the Board is probably discussing in their absence. Residents object to the hurried pace of the negotiation. They felt rushed to decide. "They don't tell you you can continue the negotiation." These individuals say this problem is particularly troublesome when the resident enters "having planned around one date, then the Board proposes another. You need time to construct new plans. I had to sign a paper about my life in the ten minutes you are given."

Many residents are not aware of the MAP Manual. Others say the Manual is largely inaccessible to them. Most interviewed residents do not seem well informed about their legal rights in MAP.

Residents suggest that the dispersal of pamphlets explaining MAP, more intensive and expanded orientation regarding the program, better access to MAP staff and literature, and access to guidelines for time served ("what a person can expect") would better prepare residents for negotiation.

c. Effect of Experience with the Parole Board in Negotiation

Much of the bitterness reflected in resident responses to MAP is focused on concern about the Board's decision-making criteria. (See Chapter III. B.4. for resident perceptions of these). Many residents admit that they really do not know what the Board bases its decisions on but that they would like to know. "They should specify the types of residents with whom they will and won't negotiate. These criteria should be published."

Residents do make guesses about what determines who gets a contract and why. They assume that how a resident presents and conducts himself at the negotiation (a positive attitude) is important. "The resident's attitude. If he's arrogant, he won't get it." "What and how you say it; how you present yourself." "The way he handles the questions and his attitude. If he appears like he wants a contract and is willing to bend a bit to get it."

Others sensed "time served" as a controlling element in MAP Board decision making. "They won't give you a contract if you don't have enough time in." "You're going to do so much time no matter what you bring them."

Many noted the Board's preoccupation with drugs as an element in the criteria for their decision making. "To these people, heroin is the same thing as marijuana and they think marijuana leads to heroin. They think, 'Use drugs and you have lost your mind for life.'" Residents say that drugs are the "biggest no-no" and past drug use or drug-related offenses are often considered to be worse than armed robbery. In addition, residents say the MAP Board stereotypes residents regarding drugs, for example, long hair equals marijuana use. One resident said he was wearing a belt buckle with marijuana leaves on it at the time of his negotiation. Subsequently, one of the Board members made a comment about him being a "grass smoker." As this resident said, "You can't prove you don't have a problem." Residents thus suspect that what they see as inconsistency in length of contracts may be due to attitudes toward drug use. "The person with a five-year sentence for armed robbery gets a shorter contract than the person with three years for drugs."

Some residents admit they simply do not know what controls whether or not an individual gets a contract. "I don't know. I've seen so many people that I wouldn't give a contract to, and yet I can't get one. It's hard to see the reasons." Another said that he had a friend who was serving a ten-year sentence for armed robbery and the Board refused to negotiate with him. Yet he himself had a ten-year

sentence and got a contract. Another simply said, "I have no idea," and one concluded, "No one knows now the MAP Board calculates."

A rumored explanation among residents for who gets contracts and how easy or difficult these contracts are is that the Parole Board uses "hidden" categories of residents. Types of residents who are believed to get a difficult or no contract include lifers, persons who do not get caught for a rule infraction but are suspected, people who are labeled as manipulators, and black residents. Residents categorize the following as types who get contracts or easier contracts: first offenders, people "who take browbeating," better educated residents, those with short criminal records, those with few conduct reports, those who "got their break in court and now get a break with MAP," "young dudes," and white residents. (See Chapter II. G.2. for Parole Board account of criteria).

Residents are angered with the Parole Board's dominance in MAP. They resent the enormous power the Board wields and believe the Board members "don't have to answer to anybody." Residents feel an overwhelming sense of powerlessness when confronting the Board. "The parole people think they're God. They have our lives in their hands."

This powerlessness is reported by residents and staff to have increased stress in the resident population. Bitterness, frustration, and anger focused on the Parole Board's involvement in MAP are at the core of all responses of residents to MAP. Those that are refused a contract are especially bitter. Many residents suggest that institutional disturbances are directly related to the Parole Board's dominance and behavior in MAP negotiations.

Reactions of residents who have recently confronted the Parole Board are also a concern of staff. "Inmates who cannot get a MAP contract seem to cause trouble, as do persons who lose one." One staff person gave a more detailed account: "There is a great deal of angry feeling about MAP expressed by residents. Some say their opposition to the Parole Board in MAP is part of the reason for the last riot at this institution. MAP keeps up the anxiety level and this may be good for some inmates, but not for others."

Residents repeatedly called for complete separation of the Parole Board and MAP Board, i.e. MAP negotiators representing the Parole Board. The worst thing about MAP, many say, is facing the same people on both MAP and regular parole interviews, with consequences of either Parole Board or MAP Board decisions impacting the next Parole Board or MAP Board confrontation. "I think many men that want contracts would get them if there weren't the same people on both Boards." Another related, "When I went to the Parole Board, me and Mr. (Parole Board member) had words. So then I went to the MAP Board and he was there . . ." Many residents contend that if a person either does not accept a MAP contract (failure to agree) or is refused a MAP contract the Parole Board will hold that against the person at the next hearing.

Evidently, it works the other way, too. "The Parole Board influences the MAP Board. If the Parole Board gives you six (six month defer), there is a strong possibility that MAP will give you a six month

contract too." Furthermore, residents say that the influence that both Boards exert on each other is well known to residents. "It's a common understanding around here that when you lose a contract and come up for parole, you'll get a 12 (12 month defer). People (Parole Board members) remember you."

Residents also suggest changing Parole Board membership, saying that the Board should consist of "more neutral" individuals who do not necessarily have a background in law enforcement or corrections but who do understand the corrections system, such as professionals in the community and institution staff who know residents' progress more closely. Many residents believe the Board should be more representative of offenders' communities, reasoning that community peers should be judging residents since they are the people the parolees will have to live among and be accepted by. Minority residents are particularly convinced that Board members should be more representative of the resident population, not only racially but also including lower income and ex-offender experience in the Board membership. Parole Board members' indefinite tenure is seen as harmful by residents, who think that Board members become callous and increasingly more skeptical of even the most sincere resident attempting to negotiate a MAP contract. (Specific resident perceptions of the Parole Board which focus on the negotiation in Chapter III, B.4.)

d. Performance and Violation

Residents are held fully responsible for contract performance. MAP contractees can never be absolutely sure of not getting a major conduct report, however, or even successfully completing a program, since evaluative decisions of violations depend on a complexity of factors, including the perception and discretionary judgments of a teacher, foreman, or officer. Since loss of the release date is so dreaded, many residents experience increased anxiety when on MAP. Reasons for the pressure include:

- 1) History of underachievement. Some residents have never been called on to perform according to required standards before and many have not been educationally successful. They have little knowledge or habit structure to prepare them for what is expected.
- 2) Pressure of discipline component. "Anything can happen" to cause a contract violation in the disciplinary rigidity of the prison environment.
- 3) MAP internal process. Although expectations may seem clear on paper, much of what seems normal and "common sense" in the outside world is mysterious to persons of minority cultures and segregated sub-cultures. The way corrections operates and how its decisions are made is a complete maze to many residents and even to some staff. MAP particularly pressures persons to learn fast how the system works if something goes wrong. The person has to decide how to fix it or lose the contract and thus the release date.

The majority of residents interviewed report considerable pressure and anxiety while under contract. The natural pressure of compliance, having to complete programs, accounts for part of this but is complicated by many features of corrections. Failure to meet a specified grade point average or complete course can be due to a variety of causes other than failing grade in the subject: absence, tardiness, a teacher's prolonged illness, or institutional delay because of a strike or lock-down. Residents report that some professional staff try to help save MAP contracts, as when a teacher changes an "absent" to a "tardy." Nevertheless, unaccustomed academic pressures, without general educational support services, such as tutoring and writing skill training, are hard on MAP residents. Specific examples of pressure from teachers were given. "They keep pressure on you to do things they don't ask other residents (nonMAP) to do. Instead of pouring brass one time a month, I had to do it four times a week." "I've had the teacher threaten me with taking away my contract if I get smart."

MAP residents also report feeling more pressure precisely because their "improved" position and status threaten other residents and some staff.

Pressure from other residents is a source of anxiety reported particularly by black residents. "If someone doesn't like you, they'll try to make you break it (the contract) out of jealousy." "If they know you're on contract, they can pull shit on you." "If another resident knows he has nothing to lose, the slightest thing and he'll try to fight. Then he'll have something to talk about (MAP resident's refusal to fight)." Some residents report that others set them up so they have to fight and risk losing the contract. Connected with this is sexual harassment. "The catch in the contract is that it's almost impossible to go through the institution without fighting and if you don't fight, you'll be turned into girls."

On the other hand, some MAP residents believe that they are not treated differently by nonMAP residents. "They don't bother a man with a contract. They rather might help a man stay out of trouble." "It's all individual." "You're just envious if it works out for others." "You're treated according to how you act." One resident concluded, "We're all striving for the same thing -- freedom."

The greatest pressure MAP residents report is due to fear of receiving conduct reports from correctional officers. In certain institutions, many claim that "once guards know you have a contract, the pressure is really on." Some residents notice staff harassment of MAP residents but are not sure it is directly MAP-related. In one institution, residents believe that staff are more lenient with MAP residents. "MAP residents usually don't get tickets. If they (guards) know someone's on contract they don't like to see him lose it." One resident said, "I don't think staff treat MAP residents any differently. I think it's the guys themselves that mess up."

It is regular institution disciplinary processes which affect MAP contracts, by the fact that a discipline component is a part of every contract. MAP contracts can be jeopardized directly through disposition of a major penalty. Such action most often reported by residents as leading to contract violations result from fighting (even in cases of defense when attacked or followed into one's cell) and for possession of drugs, most frequently marijuana. Other incidents

can lead to major penalty, however, such as a resident-chauffeur receiving a major for picking up a hitchhiker.

Contracts can also be jeopardized indirectly through transfer of a resident back to maximum security or into segregation without receiving a conduct report. Several minor conduct reports can also lead to a decision of a major penalty. One minor conduct report in itself does not violate a contract but the Security Office may decide on a disposition of major penalty after a succession of minors, or succession of "warning tickets." A minor incident can escalate into a major conduct report through the verbal response of a resident which may be perceived by an officer as disrespect, insubordination, or creating a disturbance. Minor sources of reported violations include: Possession of items in room or on person, such as tea, more combs, cigarettes, towels, or work jackets than permitted; misuse of state property such as not eating jello or cake frosting or taking more pats of butter than permitted or giving a piece of meat to another resident; violation of dress and room codes, such as wearing dark glasses, having pillow on top of bed rather than under spread, sleeping in work clothes, not folding corners of sheets, untidy room, hair on floor, not making bed.

Contract violations resulting from conduct reports generally relate to the preservation of order in prison. Beyond fighting and drugs, this includes tardiness and absenteeism, loitering on the tier, individual movement, contraband, insubordination, or as one resident summarized, "Anything."

A primary source of contract violation without conduct report has been violation of Work/Study Release rules. Reported incidents include: Making a phone call, not turning in 25¢ upon return from school, being out of approved areas (e.g., wrong street, in Union, stopping at friend's or family's residence in area, having a beer with co-worker or faculty or students), being late in returning to a community correctional center (one 15-minute delay was called "absconding" and led to contract violation). In general, whenever a minimum security Program Review Committee judges the resident is not making a successful adjustment to minimum security, the resident is transferred back to medium or maximum which automatically violates the MAP contract, even where no conduct report is issued.

A large number of MAP residents believe certain guards use the contract to control residents. "If they find out you have a contract and they don't like you, they'll threaten to take it away, like when you're walking beside someone instead of single file." "You have to take shit from guards." When he arrived at a camp under contract, one resident was told by a guard, "I'm going to bust you." Reported pressure includes: searching for contraband, assigning extra jobs, threatening with a ticket to the hole, being more strict, exercising authority to require obedience.

Racism is seen by many minority residents as a cause of staff harassment. "There's a lot of hatred in this institution, racial prejudice between guards and men, and in the prison system in general." "Persons are seen as losers who have not held jobs or lack education, most of whom are minority. The extreme result is 'convict-phobia' among the

guards." "Some men stay in the hole because of the racial prejudice of the guards. They look at blacks and Latinos as violent." "There are too many guards calling you 'nigger'." Even simple cultural misunderstandings by staff can lead to a conduct report. One black resident called his friend (also black) "nigger" and was ticketed for attempting to cause a racial disturbance. Another black resident, given an order by a guard, responded, "That's cool, (meaning 'okay')." He received a conduct report for insubordination and disrespect.

Judgments and circumstances of events appear to differ strongly among institutions and among individual officers. Enforcement patterns were seen as inconsistent between maximum and medium institutions, between the two medium institutions themselves, and among the camps. Consequences for MAP were seen as least arbitrary and punitive at Kettle Moraine; Taycheedah and Oakhill were most frequently mentioned as easy places to lose contracts. (Fewer numbers of persons on contract are at the maximum security institutions).

Residents say the pressure generally increases as they approach release. The last months under a MAP contract were repeatedly mentioned as difficult, particularly in minimum security institutions, camps and community corrections centers. "When they know you're getting short (nearing release), they try to test you." Opportunity is also increased to move about more freely, as is availability of drugs and proximity to former associates. One resident claimed the hardest time was "knowing when you're getting out and having to sit there for a year waiting and watching out for conduct reports."

Residents who feel this pressure have no consciousness of increased responsibility or empowerment because of MAP. The discipline component dominates residents' worries about losing a MAP contract. (For additional aspects of the effects of the discipline component, see Chapter IV.A.5. and IV.B.1.b.)

e. Appeal

MAP appeal procedures are not perceived by residents as offering effective recourse. Many residents on contract do not know about MAP appeal procedures. Others are not aware of specifics. "The MAP Coordinator did not tell me that there was a time limit on appealing to the Department Secretary." A few suspected that the MAP staff "try to keep inmates in the dark about the possibility of appealing a contract cancellation." Although a MAP information sheet explains the basic MAP appeal procedure, its distribution to MAP candidates does not ensure that they are informed.

Of interviewed residents who knew of the possibility of appeal, several had appealed. The appeal of one had been upheld by the Department Secretary. Most had not appealed and said they would not if their contract were cancelled, believing there is no use in appealing the cancellation. "Why bother? You know they don't want your side." "Everybody's working together." "You're appealing to someone who has already said 'no' to you." "It's all one organization." The word among residents is that almost all MAP appeals are rejected.

Some residents are suspicious of MAP appeal procedures because of previous experience with nonMAP due process hearings in the institution which they believe are unproductive. They maintain that an attorney should be present at these hearings because "it is never a matter of guilt or innocence but only what the punishment will be," and they complain that the same people often sit on the various committees.

Nevertheless, the appeal process is still used. Faced with a MAP problem, some residents say they would appeal. "I would first try to renegotiate as soon as possible. If that doesn't work, I would like a hearing if it's not my fault. But if I had put myself in the situation and was wrong, I wouldn't (appeal)."

Residents contend there should be an appeal process also for refusals to negotiate and failures to agree, not just for contract cancellations. Lack of review of disciplinary and Program Review decisions is seen as a major problem. They also suggest that residents should be able to appeal to an impartial, independent party who will conduct a timely, extensive, and in-depth investigation of the circumstances. (See also Chapter II, E. 1315).

4. Self-Change

Responses of interviewees about the impact of MAP on their lives, attitudes, and behaviors illustrate the ambiguity of MAP's consequences.

Residents and parolees cited many ways in which their MAP experiences either positively helped them in general or at least made their time easier. The reasons, in their opinion, included knowledge of a certain release date and the relief of avoiding repeated appearance before the Parole Board. Some reported that a MAP contract demands a sense of responsibility. "You know exactly when you are getting out and exactly what you have to do to get out." A few projected the benefits of this sense of responsibility to release. "The contract is something that can help the guy back on the streets on parole. Learning not to take chances that don't need to be taken, keeping cool." Residents themselves verify what staff also report, that MAP acts as a control mechanism, or in positive terms, MAP residents exercise self-control. "I was on the verge of a fight. It's a mind game. The only thing that was on my mind and is on my mind now is I didn't want to lose my contract. It wasn't worth the fight. I think if I hadn't been on contract it would have been different."

The incentive MAP provides is recognized by many residents. "MAP can give a guy who doesn't have too much background a chance to prove something to himself while he's doing something for the Parole Board." "Without MAP a lot of people wouldn't get programs and skills. MAP gives a lot of people initiative that wouldn't normally have it." Some residents emphasized that MAP provided them with the motivation to stay involved in school. "I used to stay up late and play cards. Mostly now, I'm studying." As one individual concluded, "Instead of daydreaming, you have to accomplish something."

Several individuals said MAP provided them with the opportunity to set goals and plan for the future. "A contract man has something to look forward to -- plans. With parole (non-MAP), you are in the dark and then you don't care." "You can see the light, you have a sense of direction." "Once you know you can achieve your goals through MAP, you know you can achieve any other goal."

Finishing something, actually completing a contract, is identified by some parolees as a "real sense of accomplishment." "When you complete it (contract) you've accomplished something." "When I look back after completing the contract, I can say I did more than just serving time, on my own, without someone holding my hand." These individuals say they felt proud about completing something they wanted, for example, getting an HED, completing an apprenticeship, or holding down a job. Others say they knew they could complete these programs regardless of whether or not they had a MAP contract. Some say they experienced a sense of accomplishment while involved in programs before they even negotiated a contract.

Even residents who found MAP valuable, however, report that MAP experiences made their time harder. Most of these based their comments on the need for residents to deal with extraordinary pressure and tension while under contract due to fear of disciplinary problems with rules. Residents experience great anxiety about losing their contracts through a conduct report. "You have to accept bull from people you wouldn't normally. It builds up." Some solve this by staying isolated in their rooms, a strategy which they see as a risk of being diagnosed a social or a loner. One person summarized, "If you can fulfill a contract all the way, it's like breaking a world's record."

5. MAP as Release Preparation: Does MAP Connect Training with Employment Or Further Education?

Statistics are not available on the correlation of vocational training received via MAP, with MAP releasees' capacity to get or keep a job or certain type of job. Simple answers do not exist because parolee information of this nature is difficult to get. Also, many interfering and uncontrolled variables exist.

Residents are aware of MAP's original purpose to coordinate training completion with release and of the failure of the Parole Board to focus on the importance of the timing when negotiating a MAP contract.

MAP residents and parolees identified only a few existing programs they considered useful preparation for release, such as drafting, auto mechanics, masonry, HED, and academic courses. Some saw no value in the contracted programs themselves. One such resident saw the MAP experience in a broader perspective, however. "A contract gives you a sense of responsibility and goals. Without these two, you can't make it on a job or in school either. The contract itself is a test of perseverance."

Approximately one-half of MAP parolees interviewed identified at least an indirect connection between their MAP contract items and what they

had been doing since release. A few had been able to get a job somewhat related to their training (e.g., TV repair or building maintenance), although job-experience or training received prior to MAP contracting was seen by them as partially responsible. Since MAP has no transition or placement mechanism, all parolees who had jobs reported that they eventually landed the job through their own efforts, through a friend, or through contact with a community agency. Even though the Division played no part in connecting these parolees and their jobs, they were satisfied that MAP had been helpful. The other half of interviewed parolees saw no connection between MAP-contracted programs and their chances of getting a job, whether they were currently employed or unemployed.

One-fourth of interviewed parolees were involved in continuing education begun on MAP. Most of these were in technical or university courses. Several others said they had plans to further their training or education.

A significant need which surfaced during parolee interviews was release transition planning. Several individuals stressed that there should be more follow-through from incarceration and MAP contract completion through release to living in the community. "MAP should try and line up a job, not just give training and education. The diploma doesn't mean anything unless you have a job to go into." "The objective shouldn't be just taking time off (earlier release date) but rather helping the individual for success upon release." Many thought there should be more parole officer involvement in follow-through efforts and "more cooperation between outside businesses and MAP people." Most importantly, one suggested that "there should be more preparation of the individual for dealing with the system and societal pressures." Repeated suggestions of this nature reflect MAP's inability to provide transition programming since the loss of the Intensive Employment Program originally attached to the MAP pilot program.

The limitation on programs that residents can select for contracting, and thus their belief that MAP-contracted programs do not always connect well with "real world" job markets, prompted many suggestions of preferred programs. These are identified in the Consumer Identification of Need in the appendix.

6. Would You Do It Again?

Resident and parolees were asked whether they would choose MAP if they had to do it all over again. Only a few said they would not. Almost all interviewed admitted, "The main reason I took the contract was to get out."

Many interviewed residents and parolees answered with the "Yes, but . . ." qualification characteristic also of staff responses regarding MAP's worth. Many who said they would choose MAP again would try to negotiate differently. They said they would "have more knowledge of the mechanics" of negotiation or would aim for an earlier TPD, or wait and not sign such a long contract, or negotiate to be placed in medium security, or act more assertively. "I would fight harder to get my date." "I would have refused the extra six months." "I would have said more."

Some thought that the only good thing they could get would be a definite release date or at least some time off MR. One put it simple, "Yes, because I know it would be the way out."

Although many residents interviewed said they would recommend MAP to other residents, again few of these responded without qualification. Their recommendation of MAP would depend on the individual, on the person's sentence structure, time served, prior Parole Board action, and "if I thought he could handle it." Several would advise a resident to wait awhile "until you know what's happening" or recommend MAP particularly to first offenders. Another said he would stress that the resident apply only if he can get something he can use (program).

Positive resident comments focused on motivation:

"MAP is good for those residents who lack education, for those with a lot of time to do, and for those who need help dealing with the system." "A contract is cool. It gives an individual more initiative to do something for himself." "A lot of men didn't know how to read until they went on MAP and got their GED. It's a goal, a rewarding experience." Several would recommend MAP "as long as you can stay straight and out of trouble. To do that you have to stay away from most of the people."

Almost half of interviewees said they would not recommend MAP. "I really don't think so, because if you don't go by their rules . . . well, the same people are on the MAP Board and the Parole Board. Either way, they've got you." Another said he would just provide residents with complete information about MAP. Some would discourage people from the program. "MAP is a last desperation method if you can handle the pressure; the shorter the contract the better." One individual, believing much depends on figuring out how the process works said, "It's a chance. It's like getting into a car with standard transmission and not being able to drive one, but after you learn to drive it, everything's ok."

The attitude of the general resident population was reported as varying greatly from "everyone wants a contract" and "the majority like MAP" to very negative comments. "They don't like it because they have to take a lot." "It's full of shit because residents know it's a direct link with the Parole Board."

Residents said they knew non-MAP residents who did not want to participate in MAP. Reasons given included: "They would rather take their chances with the Parole Board." "They want to avoid seeing the same individual on the Parole Board." "They feel they can't complete the obligations." "They don't want the pressure." "They want to wait until they have done more time." "They wait until their Parole Board hearing because they can't see giving the State money for negotiations." "They purposely do MR so they will have more time done and less left on paper to do on parole."

With all the negative and qualified responses of residents, the impression is that they still like the idea of MAP. Disenchantment is great because the practice of MAP has not lived up to resident understanding of what

MAP was supposed to be. A MAP parolee said, "I still believe MAP's a good program. There are people that claim they will help you. The program, black and white on paper, it's good, but getting into the dynamics and given so many outside influences like guards, grade point requirements, etc. . ." "MAP could be a way for the institution to improve its relationship with inmates. If the institution staff were to look at people on contract and what we're doing and realize that we're just as responsible as anyone else and that we're human. MAP could equalize the power they've got over us. It doesn't have to be a cold war situation between the staff and residents." "If done right, MAP could change the attitude of prison officials."

Summary

MAP delivers on a certain release date to all residents who successfully complete all contract components. For most, this date is probably two to four months earlier than they would have received through the regular parole process. Guaranteed training and education program slots are delivered to large numbers of corrections residents, although the relationship of these to actual employment is not certain. Residents value the release date, the opportunity to get into and finish programs, and the chance to plan a direction and to accomplish something.

The farce of residents' hostility toward MAP is directed at the "farce" of its processes. They do not perceive increased resident participation in decision making. On the contrary, goal setting, proposal, negotiation, contract performance, and appeal processes are universally seen by residents as inequitable due to MAP's cooption by institution and particularly by Parole Board processes and to insufficient resources for which residents can contract.

Residents can count on guarantee of release date if they can complete the hurdles of their program and avoid a major conduct report. They experience little control over proposal and negotiation processes even though the Manual procedures afford some protection once the contract is signed. They do have access to due process when a problem arises, although they have little faith in recourse through it. The question of whether all this affects long-term behavior after release and improves feelings of self-worth, dignity, optimism or responsibility for actions, will remain largely unanswered as long as the Division of Corrections cannot evaluate the quality of the lives and work of persons one to two years after release.

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C. IMPACT OF MAP ON THE PAROLE BOARD

Parole Board involvement in MAP was meant to rationalize parole decision-making, its mode and criteria. MAP's goal-setting feature was to provide explicit conditions for parole and encourage the Parole Board to focus on the present and on positive, objective items rather than past, negative and subjectively recorded events about which a resident can no longer do anything. It was also expected that MAP would aid in the joint formulation of parole and corrections policies so that release could be coordinated with institution services, particularly training programs, and with employment. In brief, MAP was to require a power redistribution and a different accountability from the Parole Board.

1. Decision-Making Process

By their own report, MAP has made ultimately little qualitative impact on the process activities of Parole Board members. Early in MAP's implementation, the Parole Board indeed experienced stress. MAP shifted traditional accountability through earlier parole decisions, and commitment to a specified parole release date, turning the monitoring of resident progress over to Corrections. Once a resident had a MAP contract, he/she would ordinarily not face the Parole Board again. Above all, the process of decision-making was to be less unilateral because of the involvement of the resident, MAP staff, and the many institution service deliverers. This potential power redistribution and loss of its accustomed autonomy threatened the Parole Board to such an extent that its leadership began to communicate with Corrections' MAP leadership to clarify and strengthen Parole Board control.

The Parole Board, uncomfortable with MAP process, took steps to regain discretion through formal refusals to negotiate and informal (undocumented) suggestions that residents not negotiate until after their first parole hearing. Simultaneously, the Parole Board also began exploring development of parole guidelines (a matrix system) which systematize the various criteria on which Parole Board judgments traditionally are made.

Currently, the Parole Board mode and criteria of parole decision making in MAP are not basically different from regular parole interviews, with the following qualifications:

- a. The earlier (MAP) decision is "more difficult" because of the additional burden of prediction and thus risk perceived, particularly with certain types of offenders, e.g., assaultive and recidivist. Hedging on release dates is commonly observable in the prenegotiation discussion between Parole Board members.
- b. Resident, MAP staff, and institution input result in a slightly more multilateral, collective decision.
- c. Parole Board members are more aware of and active in the planning process, particularly in program development and transfer decisions, which they assume as a kind of compensation for losing the role of monitoring program progress. (Parole Board members were assigned to participate in A & E staffing decisions when their leadership realized during the 1973 MAP pilot project that it required earlier, more performance-based decision making.)
- d. More detailed, informal, and lengthy MAP negotiations produce, for particular Parole Board members, some moments of discussion with residents. Some members welcome a chance to "get to know them better" as an aid to subjective decision-making, while others see only the increased confrontation of residents with "realities."

No change is reported or observed in release criteria, in the chain of reasoning based on time served and behavior by which parole decisions are reached, or in the basic outlook of Parole Board members toward their task or residents.

If there is little qualitative difference between MAP and regular parole processes, and thus little MAP impact on the Parole Board, it is primarily because there has been no message from the Department favoring "earlier" releases and development of guidelines for MAP negotiation. In addition, the same persons who negotiate also sit on regular parole interviews. These are persons with long experience in Corrections-related areas, having thus a mind-set, training, and experience (including persons recently hired) which is antithetical to the MAP philosophy of an exchange among responsible parties.

Training devised to overcome this problem succumbed to the long history of non-communication between Parole and Corrections personnel. Since the majority of the "orientation" sessions became essentially communication and problem-identification workshop-meetings, they served mainly as the first formal exchange of information between Corrections and Parole Board staff rather than training to the MAP concept.

2. Time Involvement

The major impact of MAP on the Parole Board appears to be quantitative, in terms of time required. On the one hand, MAP has increased time spent in face-to-face interviews. "Now we're doing everyone else's job. We identify resident needs which the social workers and parole agents should be doing, we're the only ones that are confrontive, and then we have to convince the MAP Coordinator and Institution Rep."

On the other hand, MAP negotiations require only two Parole Board members whereas three are required in regular parole interviews. Numbers of contacts are difficult to judge because of incomplete data. Current estimates of Parole Board/resident contacts are that almost three-fourths of MAP contractees do not face the Parole Board again. Of the total number of residents who are referred to negotiation, however, over 60 percent return at least once to the Parole Board because of refusal to negotiate, failure to agree, or cancellation of contract.

Threat of litigation causes greater attention to the mechanics of record keeping and procedures, i.e., paperwork. Recent court decisions have supported inmate rights, such as the Goulette case, which orders documentation in writing of reasons for decisions. Parole Interview Packets provide advance information to residents, members are careful with their language, and MAP contractees are entitled to a hearing before a contract can be cancelled. Parole Board members point out that although the MAP negotiation itself is not taped and is therefore more informal and flexible than a regular parole interview, the pre- and post-negotiation processes are "choking us with procedures and legal encumbrances," (referring particularly to challenges regarding eligibility and violations). More "office time" is spent in the paperwork made necessary by the possibility of litigation.

3. Influence on Corrections

The greater amount of time and energy spent by the Parole Board in office work and resident confrontation reflects stress caused by MAP but does not imply impact. In fact, the Parole Board has apparently extended its authority. Members believe they have more "clout over the institutions. Before, we had no way to guarantee that residents would get what they needed."

Now the Parole Board has a stake in programming. It participates in the planning role, has a "better opportunity to motivate residents," to confront them, and to be sure that they "get needed programs." Parole Board interests are well served in MAP through their engineering of programs and imposition of conditions. Time served and behavior have not been replaced by MAP-relevant criteria. Even the "testing period," the interest in graduated release, is not eliminated but now formalized.

The Parole Board's growing dominance in the total MAP process seems to be because of their alarm that Corrections is "not doing its job," i.e., total prescription for and guidance of residents to prevent recidivism. Parole Board members perceive the greater energy they must now spend on MAP as a problem caused by Corrections' failure to evaluate and to provide sufficient useful programs.

Indirectly, Parole Board reluctance to release residents earlier and without what they consider appropriate programming influences the size of the corrections population.

4. Encroachment by MAP Process on Parole Board

The very changes which the Parole Board does experience through MAP are those it finds most distressing: the "watering down from three to two members" per confrontation, the "mickey mouse" procedures and due process which "are overcoming us," the involvement of MAP staff which pressures and encroaches on judgments and decisions. It is with the price of such checks on power and of inconvenient, time-consuming, inefficient complications that the protection of resident empowerment is bought.

Negotiation with offenders is improbable to expect from those Parole Board members whose perception is that "the public will not stand for it." Other members' understanding of MAP is revealed in the opinion expressed that "we had MAP before, but it was not formalized." Both groupings (one member excepted) use MAP as little other than prescription and regular parole.

The number of MAP releases has come to exceed the number of regular parole releases. At certain facilities, MAP is the primary vehicle of parole release. This trend appears likely to continue as long as MAP is operational, presenting the possibility of sharply limiting regular parole interviews in the future. Since choice is essential to MAP, it is unlikely that MAP would ever eliminate the traditional parole release role of the Parole Board, even if eligibility were truly open.

CHAPTER SIX

IS IT WORTH IT?

- A. Failed Expectations and Incomplete Goal Attainment
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 - 2. Corrections system modification
 - 3. Paroling process
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- D. Paradigms and Possibilities

CHAPTER SIX
IS IT WORTH IT?

A. Failed Expectations and Incomplete Goal Attainment

MAP has had some partial successes and some serious failures. Modest yet significant accomplishments are easily overlooked when MAP is roundly cursed by persons whose disappointments are greatest because they had expected so much. MAP's ambitious and conflicting goals have not been fully met because of the constraints on and deficiencies of corrections and release systems for which MAP is but the glue, or coordinating element. (See Chapter IV.) It is, in fact, surprising that MAP has been able to accomplish as much as it has, given the resistive nature of the larger system.

For residents, MAP's major accomplishments are the actual release on the guaranteed parole release date and, in the vast majority of cases, actual delivery of promised services. (In some cases, substitutions are made.) Residents for whom the MAP process "works," i.e., who are released through contract, experience generally a slight reduction in length of stay¹ and, by their own report, some sense of having "finished something."

MAP, even in its current imperfect form, responds to some of the desperation of the prison experience, such as residents not knowing when they will get out, having no access to program options and therefore no capacity to plan. An indirect sign of MAP's current worth to residents is the anger directed at it by those who are refused negotiation or a contract by the Parole Board. MAP provides successful contractees a "way out," puts some structure into their lives, often for the first time, and, residents report, starts them thinking about making plans -- for further education, skill training, a job.

Fulfillment of MAP's original purpose, the connection of training with employment, was jeopardized from the time of the Department of Labor's withdrawal from MAP's troika of cooperating agencies. Where training is in a contract, the time lag between program completion and release date is indeed lessened in many cases, but two obstacles diminish even this achievement: first, Parole Board policy of "testing" persons in minimum security facilities prior to release and, second, lack of follow-through job placement and support. While relating skill training to employment is the one factor known to make a significant difference in the post-release experience, it is still the most difficult to accomplish.

For lack of a fully operative reintegration plan in the Division and resources to implement it in the community, few released offenders have good chances for locating and maintaining employment they value. In some cases, a MAP contract does make it easier for residents and for community agencies to plan for concrete jobs, but most releasees "go out cold." A MAP releasee gets no more guarantee of help from the Division in locating a job, much less a training-related job, than do other releasees. Although earnings of MAP releasees appear to be slightly higher than those of non-MAP releasees,² this success can be attributed more perhaps to MAP's selection process than to a direct program effect.

Current information about return rates indicates that MAP releasees fare no better or worse than non-MAP releasees.³ Whether MAP better prepares residents for release however, may be less a question of return rates, which are dependent on myriad, complex factors, than of the connection of job training with "street experiences," that process known as "reintegration." Very little can be known about the long-range relationship of training contracted for on MAP and persons' returns to prison. It is even harder, given the lack of qualitative parole studies, to identify carry-over impact of other less tangible MAP objectives such as increased motivation or learned skills in goal-setting or bargaining. For those contractees who do not perceive MAP's modest accomplishments as making an appreciable difference in their lives after release, however, MAP has failed to fulfill its bright promise.

On the other hand, those few parolees who are aware of having learned to plan, negotiate for and accomplish something, even where the specific programs do not relate directly to their current job or schooling, credit MAP as one of the better things that happened to them in prison.

MAP's broader impact on the corrections system has been subtle and slow. Where what MAP demands of the system is relatively consistent with the direction Corrections was already moving, MAP causes few ripples. It does not slow. Indeed, MAP has come to operate so smoothly that most institution administrators have little knowledge or concern about its presence. Earlier operating conflicts have long been worked out through informal compromises. This is a disappointment to those administrators who had expected greater organizational impact through MAP.

MAP has been perhaps less the cause of changes in the system than a timely part of a larger ongoing change phenomenon characterized by the inmate rights movement and accompanying court decisions and the initiation of scientific management techniques which welcome promises of rationality and accountability.

Although it is difficult to judge whether MAP will yet have long-range impact on central management decision-making processes, there is little indication thus far of MAP impact on formal planning or budget processes, identification and allocation of resources, coordination with resources outside the Division or with parole services as reintegrative release links, or programming for pre-release planning and training. Nevertheless, it is difficult to imagine that a Divisional Reintegration Committee, surveys of educational and vocational programs, and changes in Work/Study Release policies could have occurred in a milieu that had never known MAP.

Certain system modifications can be identified as MAP-related:

1. Actual delivery of existing training, schooling, and counseling programs to increased numbers of persons. Units are far more accountable and experience pressure not only to deliver but also to plan for, increase and expand programs as well as improve their quality.
2. "Getting Corrections organized." A Manual of Procedures has formalized the coordination necessary to contract for and deliver on promised services, including timely transfers. These formal

procedures, although they can be informally circumvented on occasion, do constrain broad, operational behavior and have introduced new institution and staff roles.

3. More horizontal decision-processes, i.e. shared across a middle level of staff.
4. Gradual establishment of due process standards and procedures on paper.

All of these modifications are a mixed blessing. Programs are contracted for whose use or value is not obvious to many residents or staff. Policy and procedure changes have generally been made to protect the system and have driven some decision-making underground to informal levels. Broader input in decisions refers only to staff input. Residents do not experience substantive input or effective recourse despite "paper equity." MAP's maze of procedures for problem-solving and due process are beneficial to residents in theory only, because their use, as in use of the law, depends on access to information, comprehension, and skill training.

Just as higher degrees of organization tend in general to increase management control and work against individuals, the rationalization of a corrections system through a quasi-MAP may have been bought at great cost, the sacrifice of resident access to decision-making.⁴

Parole Board processes remain unchanged by MAP. This is a major reason for the decisive failure of MAP's internal process, the way decisions are made. Negotiation as it currently functions provides little discernible equity in the resident/system relationship. So long as MAP principles are not integrated into Parole Board decision-processes, negotiation can be only an illusory idea. Rationale for MAP parole decisions and denials are no more apparent to residents or staff than for non-MAP decisions. Because residents have been provided no effective tools to balance the power of the Parole Board (such as advocate, access to information, training, etc.), they often regard MAP as a farce. The few residents who figure out strategies to use in negotiation are calling on street savvy, prior experience with the Parole Board, and information from their peers. Those who are not thus prepared admit they are frightened in negotiation because so much is at stake for them and they are not sure what is going on.

The negotiation process suffers primarily from Parole Board dominance. It has been hurt also, however, by Corrections' failure to integrate policy, guidelines, and role definitions appropriate to MAP and to provide the type of resources and staff and resident training necessary to ensure a forthright exchange process. Corrections has failed to contrive that empowerment for residents which is necessary if responsibility in MAP decision-making is to be expected of them, and a major MAP objective to be accomplished.

MAP has had slight discernible impact on the daily life processes of most residents while incarcerated. The immediate realities in every resident's life are not eased by MAP, i.e. the maze of rules, the hidden, informal decisions that one cannot find, understand, or fight,

networks of peers and staff to be comprehended, the problems of money, visiting and furloughs, "watching your back," isolation from community and jobs, and anxiety about getting out and what one will do then.

MAP has not yet touched the core of imprisonment because negotiation has not been taken seriously in Corrections.

Finally, MAP has failed or succeeded as a planned change strategy, depending on what sort of change was expected. By its nature, "planned change" means conscious adjustment of an organization, step by step, carefully. It is not supposed to hurt too much, intending only slight modification, not usually drastic change in the character of the system.

MAP does not protrude from Corrections because the system was adjusted to a compromised form of MAP, which was generally accepted as "the way things are done." In this sense, the strategy could be considered successful. Even these changes, however, have been less the result of planning than of the sharp dealing of MAP's original program director and subsequent diplomatic and persistent action of MAP staff in their institutions.

If a more fundamental revolution was expected in how Corrections works, the planned change effort remains at phase one. The real work of a conscious, planned integration of MAP theory into organizational behavior and decision-processes has yet to begin.

Nevertheless, the spadework has been done. Change has occurred so gradually and subtly that MAP and the system can indeed no longer be identified as separate entities. This could have far-reaching consequences if its significance were recognized.

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B. Qualitative Costs and Benefits

Recidivism figures, complex comparisons of length of stay, numbers of contracts or cancellations, and cost of staff do not tell the whole story about MAP. How does MAP's existence affect the quality of the daily lives of those persons it is supposed to benefit? Is the system changing? Whether an intervention has made an appreciable or inconsequential difference in the lives of humans is not learned when the hopes and energies poured into a daring concept are translated only into quantifiable language.

What the Participants Say

Is MAP worth the effort? The resounding, repeated response from staff, policymakers, administrators, and corrections clients to this question is, "It's a great idea, but . . ." With ready litanies of what is wrong with MAP and what should be done about it, almost all respondents see the MAP concept as a significant opportunity for fundamental and positive change, both in the corrections system and in the lives of offenders. Staff and administrators say, "MAP is one of the best resources we've had in years;" "The ideas behind the program are sound;"

"It's a good start in the right direction." Residents and parolees, even the most cynical, still think MAP is a good idea. Those who are embittered are precisely those to whom making a deal made sense. They bought the idea, only to feel taken. Policymakers who fear determinate sentencing without corresponding formulas for reduced sentences see MAP as a means of "keeping the wolf from the door."

Interviewees across the system present therefore a surprising consensus that the concept of MAP is important to Wisconsin Corrections but that the reality of the operation needs much improvement, even where perceptions of that improvement differ. Criticism is never of the idea of MAP, but of the way its current operation negatively affects people. To staff, MAP glued onto a system without re-definition of roles or adequate resources is "a headache," "inhumane," or "a numbers game." Residents suspect MAP "is being used to control us."

MAP's original program director is by now so disillusioned with the current state of MAP that he does not think it should continue. Even he, however, still supports the concept. Since what he originally hoped for from MAP has not happened (resident involvement in decision-making, identification of program needs, and changes in institution and Parole Board policies), he wonders how MAP still has credibility with residents.

Indeed, on MAP rode widespread hopes of "cleaning up" Corrections -- the disparity, uncertainty, and anxiety surrounding parole determination, inmate rights issues, the idleness and despair of wasted time, and particularly lack of preparation of residents for hitting the streets. MAP may be cursed because it was too good an idea to fail.

The Costs

In light of the original high expectations of MAP, the program appears to cost a great deal of energy and money for little visible return. Its impact seems minimal, even negative at first glance. A MAP staff member once mourned that MAP "is barely tolerated by the Parole Board, is a stepchild in the institutions, and ignored by everyone else."

Its very existence as an image of what negotiation could be has caused such frustration, cynicism, and anger among residents that one indeed could wonder why residents "still play." One simple test of whether a negotiated exchange is "working" is when the less powerful party perceives some gain over time (in whatever interest was bargained for) at the expense of the more powerful, viz., if the relation is closer to a balance. Parole Board refusals to negotiate, dominance of MAP by parole release criteria and by institution committee decisions, residents' lack of access to formal and informal information systems, their constant fear of disciplinary violations, the possibility of longer stays through renegotiation with the Parole Board when contracts are violated, an unresponsive appeal process -- this high cost and low return to residents who were "willing to make a deal" has caused many to curse MAP's "loaded deck." (See Chapter IV.)

The cost of MAP also to the corrections system seems high also, in MAP staff salaries, increased bureaucratic paperwork and coordinative activities necessary to move large numbers of residents through the system, the hardening domination of Parole Board interests over corrections decisions, increased due process "legalities," and pressure on already overloaded resources.

Assessment of MAP's positive impact on the system is difficult because its major accomplishment, coordination of an entire corrections system, has disadvantages, e.g., the highly concentrated power of Program Review Committees (which their creator now calls "a monster"). Such "coordination" is not viewed positively by those institution professional staff members who themselves feel "managed." They have little input, their ability to use discretion is reduced, and their paperwork and client workload has expanded without corresponding increase in resources or change in role-definition. It is thus not only residents but also staff who feel negatively affected by a higher degree of organization which "manages out" human decision-making.

Has MAP cost too much? Since the current MAP model falls short of accomplishing its ambitious and complex set of goals, has it then done nothing, or even harm? How is its worth reckoned by those who say it is a good idea and should be continued?

MAP's Obscure Impact: The Hidden Benefits

Residents continue to apply for MAP in large numbers. If MAP is such a "farce," why indeed do residents still play? From broad resident interviewing, the answer seems to be that MAP provides a time-line, a way out, and a shot at the hardest thing to come by in prison -- hope. MAP's pay-off may seem minimal, but to persons cut off from a future, MAP offers a certain release date. Equally important, it provides a relatively good possibility of getting and being able to finish some education, and a chance at making plans, at having some structure in one's life, often, as many admit, for the first time. (See Chapter V, Resident Consumer Survey.) Their tolerance for MAP, to the point where MAP is becoming the primary vehicle of release, may be an indicator of what they perceive would be lost if MAP were to disappear.

MAP's return on the Division's investment may not be very visible, but (from the perspective of process analysis) MAP has brought profound changes with long-range consequences. Gradual and significant shifts have occurred in daily organizational activities submerged below the policy level. MAP seems to have tilted the scales slightly in the classic struggle between organizational change and bureaucratic stability.

Granted, there is little overt change to be seen on the surface of Division and institution policies and activities. There have been no budget changes, no new major policy directions, no variance in disciplinary processes, little change in types of vocational training. Any increase in employment possibilities for parolees cannot be credited solely to MAP.

Parole Board release criteria and traditional Parole Board reasoning show no adjustment to MAP whatsoever.

Yet something must be happening, or how can the furor of critical reaction to MAP be explained? Resistance of the Parole Board hardened as early release decisions became threatening. Throughout the Division there have been grumblings that MAP "messes up" the operation. Those units whose control was most threatened are where the loudest cries were heard and where MAP has been the most compromised, even while forcing adjustment. Institution staff complain that they cannot take action as before. Residents on contract cannot be transferred from institutions nor can their programs be interrupted without due process. Professional staff are accountable for delivery of promised services. Some officers are using different standards for writing conduct reports, mindful of their effect on contract violation decisions. A few security supervisors admit these changes are appropriate and could well be standard practice.

The vast network of procedures that was necessary to ensure coordinated delivery of contracted services has required policy change, close communication, exchange of information in and among institutions, and program organization. To an amazing degree, MAP has rendered corrections components integrated and accountable.

Evidence of even slightly changed roles and behaviors of staff and organizational units signals a shift toward what the Division's mission statement promises: a role-change of a corrections system toward provision of resources and life-coping skills, gearing an entire system toward release and reintegration. In its very failure to accomplish this, MAP has documented the need for, and catalysed coordination of, efforts toward residents' transition to the community.

The consequences of contracting for programs are felt throughout the system. Classes, shops, and counseling programs are filled. Work and Study Release placements are at all-time highs, and demands for them increase. This pressure on resources could have provided documentation for program and staff decisions, but it is not evident that such information has been collected or utilized in budget submittals.

MAP served to call attention to inadequate program and service resources, raising staff hopes that something would be done about it. These hopes were frustrated, however, when little relief was forthcoming in central administrative or budgetary action. Institution staff believe MAP has caused raised hopes and more work with no backing; they are understandably ambiguous therefore in their assessment of MAP.

The one profound impact of MAP on Wisconsin Corrections is the development of procedures and accountability mechanisms necessary to deliver designated services, and on time. Its processes are watched. Its staff must follow a procedural manual, provide due process, and deliver the goods on time. MAP has prodded a corrections system into an attempt to be accountable to its clients as consumers.

To ask why the Division continues to tolerate MAP therefore is nearly rhetorical. It is no longer possible to distinguish whether the corrections system is controlling and has absorbed MAP, or, conversely, MAP is the tail that wags the dog. MAP and the corrections system are no longer totally separate entities. Even if early release and overt negotiation were eliminated, MAP-like processes would have to be re-invented. The conditions that brought MAP into existence have not gone

away, and Corrections is more pressed than ever to maintain rational processes for equitable delivery of its services. Wisconsin Corrections system is now very different because of MAP.

MAP is not just a fancy cover for what Corrections always did, "old wine in new skins." The corrections system is subtly different from pre-MAP days. Ultimately, MAP has shown that it is possible for a corrections agency to get itself organized and to fairly deliver its services. Where the processes and products are not satisfactory, the reasons lie deeper in Corrections than MAP. In fact, the forces which have hindered MAP are precisely those which are at issue in Wisconsin Corrections as a whole. Frustration with these may have been displaced onto MAP. As a MAP staff person observes, "What would be used for a scapegoat if MAP weren't around to blame?"

C. What Accounts for MAP's Failures?

If the impact of MAP has been less than hoped and even those changes it has wrought have been obscure, this is, in part, a reflection of the difficulty in implementing (and in measuring) system change in any large institutionalized system, particularly one attempting to incorporate the notion of equity. Most important to policymakers and their planning process, however, is the barometer that MAP's "failures" have provided in judging the state of Wisconsin Corrections.

Symptoms of deficiencies in the Division illuminated by the MAP experience are:

1. Conflict of a paternalist-authoritarian-hierarchical criminal justice culture, and its rigidly prescriptive behavioral expectations and decisions, with that organizational behavior which would be appropriate to the concept of negotiation with clients.

Negotiation presumes that corrections residents have not only the capacity to be responsible for their own choices but also legal rights and responsibilities. The institutionalized thought structure,⁵ on the other hand, is polarly opposed to this notion. It creates processes designed to regulate every activity and to "manage" people's behavior, which produces dependence, as well as hostile resistance.

MAP's startlingly different perception of residents' role and status while incarcerated was a dramatic shift in thinking. The idea asserted residents' capacity and right to be involved in decision-making and to make choices (whether or not these were believed to be "good" choices). The notion of residents learning to negotiate their survival with the system, learning how to deal even when not on equal footing, had far-reaching implications for residents' futures as well as for corrections system behavior.

The task was enormous, requiring not simple structural patches or program add-ons, but a revolution in the philosophy and organizational behavior of an entire system.

If MAP has failed in its attempt to ensure a humane administrative approach, it is because it has had to struggle against the thought-culture and attitudes of a staff and an administration by now deeply invested, through culture, training, and the dominant politics, in a behavioral control model of handling the problems of society that result in crime, social control, and prisoners.

2. Lack of a conceptually integrated policy for corrections' decision-making at all levels, from administrative policy to front-line discretionary decisions by corrections officers and professional staff.

Goal disorientation characterizes the entire system. Relationships are unclear among long-range impact statements, effectiveness and accountability objectives (MBO), personnel performance evaluation, and intermediate or in-program process goals by which to measure program performance qualitatively. There is no conceptual underpinning in a techno-bureaucratic management style for what corrections staff do, no shared understanding of what they are about.

Accomplishment of MAP's distinctive model of organizational behavior would have required top-level mandate, a policy body able and willing to direct, integrate, and monitor the idea into system behavior, and a continuum of planned change activities over an extended period of time.

The MAP Advisory Committee, the only semblance of a planning body, met never to "plan" but only to respond to WCCJ pressures and only until funding ended.

Division leadership never sat down and seriously thought about MAP nor were the possibilities of making a deal with system clients ever comprehended.

Formal integration of the MAP concept would also have required continuous drawing on research findings for program decision-making. After July 1976, there was no connection between on-going research and program improvement. The role definition of the MAP supervisor did not include a responsibility for the use of research. Thus, no resident feedback was incorporated in decisions, so-called training seminars (research-instigated) with the Parole Board were held only grudgingly, formal meetings between MAP supervisor and research staff were held only at researchers' request, and recommendations resulting from field observations by process researchers were viewed more as threat than as an aid to decision-making or program implementation.

3. Conflict with traditional philosophies and operations of the Parole Board, its criteria for and method of making parole decisions, and its resistance to the notion of negotiating at all with offenders.

The Division has lacked strong and creative leadership necessary to support MAP and to influence paroling authorities. In confrontations over MAP implementation, the Division consistently accommodated the Parole Board, accepted a lower status, did not defend its clients, and thus allowed itself and them to be controlled by Parole Board philosophy and practices.

The context of release (and, by implication, of legal and judicial structures which select people for institutionalization) is still the central constraint on Corrections and on MAP.

4. Inadequate resources for contracting.

Sufficient substantive resources have been unavailable as contract items. The kind and quantity of training and education resources and practical release-oriented transition programs have been inadequate for the resident population in general, and particularly for MAP contracting. Inadequate resources or constraints on appropriate use of existing resources were blamed on "budget squeeze;" yet staff hirings occurred at record levels in security and in administrative areas while staff positions for substantive programs received lower priority. MAP identification of resource needs has not been linked with matching budget items.

5. Finally, MAP has been a victim of unfortunate timing, in a period of change. The concept has not had a fair test.

In practical terms, its system-wide implementation coincided with a high-stress period of increasing population and consequent pressure to move large numbers of residents through facilities and programs. Far worse for the fate of MAP conceptually, however, was the historical accident of its appearance in a time of changing politics and clashing paradigms. (See Introduction and Chapter I.) MAP cannot be judged isolated from the context of its time.

D. Paradigms and Possibilities

MAP had been introduced in Wisconsin in the first place partially as a reaction to political and ideological pressures and partially in a genuine search for a new corrections paradigm. An alliance of ideologies had decided that rehabilitation had failed. Reformists, concerned with inmate rights, and the liberal center, which saw criminal justice as unjust, believed rehabilitation was coercive; the conservative right, having decided that the medical model was erroneous, wanted a return to a philosophy of free will and individual responsibility and thought rehabilitation too soft. The deterioration or failure of rehabilitation as a paradigm was leaving a vacuum. Simultaneously, the discretionary practices of Corrections and the Parole Board came under attack because they were associated also with abuse (in the name of guidance and treatment) and with leniency.

The idea of rationalized and accountable decision-making that was to include resident involvement became an "answer" in Wisconsin Corrections. Equity and system accountability seemed to respond to the

traditional paternalism in prison and paroling authorities and to assaults, by inmate and civil rights movements, on the arbitrariness of their discretionary practices.

Along with political changes, however, came pressure for regulation and efficiency from a combination of social science, legalism, and management "science." Instead of being implemented within a gradual planned change strategy, the "rationalization" imposed in the name of MAP served purposes counter to MAP's design. The purpose of that "rationalization" which MAP intended was not to tighten the system but to make its processes and resources more accessible to persons served. Modeling corrections along corporate management lines not only produced the illusion of rationality but proved the undoing of the MAP concept.

In cleaning up the paternalism of a rehabilitative ideology, the system was swept into a scenario reminiscent of Orwell and Kafka. Liberal-legalist moves to limit corrections power through control of administrative actions installed excessive regulation, lockstep procedures, and an atmosphere among staff of apprehension and fear of using judgment. Even due process did not guarantee residents justice or equity. Where it works, the most that can be expected of due process procedures is the protection of people from the criminal justice system. Justice, on the other hand, is a matter among people directly. Development of an efficient, smoothly managed human environment, in which decisions and actions are checked and monitored, is the logical opposite of human engagement.

In place of decision-making being opened to residents, and conflicts of interest being resolved through negotiation and exchange, the parties became more distanced than before, more objectified, more controlled, more self-serving.

Implemented not as a mechanism of interaction and exchange among persons and institutions, but as a tool of efficient and regulated management, MAP could not help but take on the characteristics of behavioral control that it was designed to avoid.

The tragic irony of this outcome is that much of the motivation for total regulation was provided by the positivist liberal cry for reform and accountability. It inadvertently, through a futile attempt to eliminate discretion, merely displaced it and created a behavioral control system of everyone in corrections, keepers and kept.

It was an explosive mix of paradigms. While the Division struggled with the styles of paternalism and management science, MAP staff were trying to operate a program based on a way of thinking diametrically opposed to both. The MAP paradigm assumed human capability to choose responsibly and to self-regulate; it permitted that ambiguity of process in line with a humanist tradition. Control paradigms, on the other hand, whether styled as paternalism or management science or legal constructs, objectify clients, keep them at a distance, and assume they must be controlled and guided. They directly contradict MAP's requirement that persons interact and negotiate. MAP's existence has served to illustrate the "incompatibility of policies derived from different ideological positions."⁶

MAP could have worked; it could still work. It would, however, require serious thought, committed leadership, policy development, and a massive training thrust. It could still open discretionary decision-making processes to the light of day and empower residents to a greater degree by short-circuiting the massive entanglement of procedures and regulations that distance residents from decisions made about them.

MAP can be a realistic confrontation with power, or with those imbalanced power relationships that lead to diverse violences. It still has the potential to move an organization's behavior toward equitable resource provision and that exchange of interests which responds not only to Correction's need for a viable theory, but also to the failure of a society to correct its disparities.

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NOTES

1. Mutual Agreement Program: Time Served and Outcome Analysis Report, Division of Corrections, Office of Systems and Evaluation, February 1979, Part III, "MAP's Effect on Time Served"; and Mutual Agreement Program Outcome Analysis Report, Office of Systems and Evaluation, December 1978.
2. Mutual Agreement Program Outcome Analysis Report, Office of Systems and Evaluation, December 1978.
3. Mutual Agreement Program: Time Served and Outcome Analysis Report, Office of Systems and Evaluation, February 1979, Part IV.A, "Parole Outcome Results."
4. The consequence of ignoring one of MAP's primary goals looms larger when the social context is considered. S. Mattes names the image in a reflection on power: "The inherent power of institutions to structure our realities, our consciousness, is the source of oppression. It is the power to limit the flow of information, within individuals and within society. It is a power which maintains isolation of divided-off categories of people and constructs barriers between them. Powerful and powerless are equally blind." Excerpts from an unpublished paper, 1975.
5. The notion of an institutionalized thought structure was developed by Roland Warren, Stephen Ross, and Ann Bergunder in *The Structure of Urban Reform: Community Decision Organization in Stability and Change*, D. C. Heath, Lexington, Massachusetts, 1974, pp. 20-29.

The concept is defined as "the intricate interweaving or mutual reinforcement of what is known or believed or conceptualized ... about (social) problems ... and the actual configuration of specific organizations and procedures employed in addressing them." (p. 20) Roughly translated, this means a basic agreement among people (including those in what appear to be separate, even adversary, agencies) about what they believe to be "the problem" and how they deal with what does not fit. Because they have only relatively minor differences of opinion about what should be done, they merely adjust to one another, constantly modifying the basic agreement.

The institutionalized thought culture is described not only as a power resource, a means for domination by class or group interests, but also as a way for the dominant culture to hang on to its myths so as not to be faced with frightening questions about the nature of reality. Organizations are thus "able to influence and largely control the manner in which the problems will be defined, the methods of intervention to be employed, and who will be able to operate in their problem-areas." (p. 24) Within this construct of "reality," the concept of bargaining with inmates had to be invisible.

6. Evans, Margaret, ed., *Discretion and Control*, Sage Research Progress Series in Criminology, no. 9, Sage Publications, Beverly Hills, 1978, p. 103.

EPILOGUE
TOWARD THEORY DEVELOPMENT IN CORRECTIONS

- A. The Bottom Line: Power
 - 1. What is at stake: Corrections in society
 - 2. Alternatives faced by Corrections system
 - 3. The principle of approximation

- B. The Real Bargain
 - 1. Negotiated exchange
 - 2. Simple economics

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EPILOGUE: TOWARD THEORY DEVELOPMENT IN CORRECTIONS

OR, THE COST OF LETTING MAP FAIL

The Bottom Line: Power

The heart of Corrections' existence is the containment of a society's internal violence. As an agency of social control, the Division of Corrections simply puts a lid on the festering wounds of society. The social and economic violences of a culture cannot be forever contained, however. When its viability is at stake, Corrections will contain the first symptoms.

A more demanding and aggressive prison population reflects the increasing brutality of a society which fails to correct economic disparities and provide space for diversified personalities and cultures. Symptoms such as institutionalized unemployment (particularly among minority youth), its relation not only to crime but also to an alarming rise in the rate of suicide among young people,¹ and the aimlessness and emptiness of young lives amidst a high-powered technological and consumer-oriented society bode ill for hopes of a peaceful settlement.

The economic and violent crimes that accompany societal failure can be seen as acts of individual terrorism (reactions to a controlled environment and anger at the symbols of power) and/or merely taking what one can. Incarcerated persons, more analytical and aware, do not "feel sorry." They are increasingly difficult to convince that they should feel remorse or guilt for "wrong-doing." Corrections institutions and society may be forced to negotiate out of fear of consequences. Constructive action may become necessary as a protection from disintegration.

A very few alternatives are open to Corrections: Move a population through programs that make little sense to them and have little tangible result (mental violence); contribute to the bureaucratic trend to regulation, efficiency, a maze of legalities, and a managed environment, progressively complicating the system and distancing people from its decisions and from one another; overtly warehouse and maximize control of an increasingly restive and resistive population; apply the population management techniques implied in recent criminological research, through use of behavioral and biological sciences, a kind of ultimate "mind-control." In the morass of massive systems, all of these invite that disintegration which results from the control philosophies and authoritarian management techniques of all ideologies, left and right.

Such alternatives depend on the passivity of people in relation to systems regulation and authoritarian management of people. All are control philosophies, whether hard or soft. None can turn out peaceful, self-managing citizens, because they perpetuate an imbalance of power and thus invite disintegration. The consequence, so predictable as to be a law of nature, is violent reaction at some point in the society by those who cannot share control because they are not informed, knowledgeable, or skillful in the ways of the system. As David Spangler has observed, "Systems breed chaos; the Manager is pitted against the unmanageable Terrorist."

In any society's most difficult and painfully complicated area, "crime" and its "correction," there is no single answer, no simple way to resolve the problems of societal power which result in crime, social control, and prisons. Corrections mirrors society's flaws. What we see is not only ugly, painful, and enraging, but also terribly complicated. The diverse answers that people come up with reflect in turn their philosophies and the state of the social politic. In this, the most recent phenomenon is the most marketable politically; study and planning require serious thought and are far too time-consuming in a crisis environment.

The easy answers and dream-solutions of a growing army of problem-solvers and interchangeable, professional managers may meet the immediate political purposes, but their emphasis on form and lack of content, their reliance on machine-information, image maintenance, and politicized decision-making only postpone and magnify confrontation with the fundamental nature of complex human problems. When policy sciences are used to program a new form of cultural management, their simple solutions contribute to ever greater unease and the eventual displacement of frustrations and angers at more visible scapegoats -- such as "the criminals." And the screw tightens.

Theorizing in Corrections rarely speaks to the complexity of human social dilemmas and seems to be at the mercy of the latest trend in sociometric findings in the social sciences. If in the science of sciences, physics, the notion of objectivity and absolute truth is obsolete, perhaps criminology and corrections need not persist in pretending that there would be right answers if we could just clean up the research methods, i.e., make them more "scientific." Physicists know that what they describe as a scientific "truth" is only an approximation. Today's truth is tomorrow's platitude.

To apply the principle of approximation in Corrections requires the invention of a model which can accommodate that complexity and ambiguity characteristic of Corrections. It should be "generalist" in that it does not permit simple, fragmented solutions nor recognize experts as the sole possessors of either truth or "answers." In order to mediate on a continuing basis among constantly changing forces and discovered realities, it should be a process model, something that allows room for on-going adjustment and interaction, as opposed to final solutions. Above all, it should not itself act powerfully, or be used to act powerfully, against any group. Whatever can be used by one group to hold power over another group represses, by its existence, social evolution and invites revolution.²

The Real Bargain

Just as mediation and dispute settlement are used internationally to avoid war among peoples, there is an alternative that offers an elementary and realistic confrontation of power in social institutions -- negotiation. A few criminologists and corrections administrators, concerned with preventive risk control, are beginning to believe it is time to negotiate the conflicts, to make a deal.³

Negotiated exchange is the most elementary "natural" social activity within and among human groups. Because its essence is the resolution of problems through direct confrontation by the parties immediately involved, negotiation, or bargaining, is the polar opposite of unilateral control. It spreads out

power and decreases powerlessness. It is not efficient and cannot be easily "managed," but its empowerment of less powerful parties is the only way to approximate justice.

MAP principles of enabling resident leverage in an exchange with a social institution may be attractive to residents, but neither are they lost on Corrections. Both keeper and kept have tolerated MAP for basically the same reason: to keep some control over what happens. As adversaries they face off -- an aggressive population interested in self-preservation and getting out versus an array of technological and mental constraints. MAP's certain release date is a "way out" for both, an alternative to the current parole release route. For the Division it may be a last stand against the threat of determinate sentencing, which is perceived as resulting in longer prison terms, more costly in economic and human terms.

The Mutual Agreement Program's core idea is timely and equitable resource provision through a negotiated exchange. A negotiation and contract-centered process is a qualitative leap from approaches geared either to changing or containing people. The idea of reciprocal obligations and rights changes the behavior of staff toward clients and gears the whole system against that client passivity and powerlessness which breeds diverse violences. This wedge is perhaps the primary value which can be assigned to the total energy expended on MAP. It is its whole point.

The concept of bargaining/negotiation contains features which respond to much in the dilemmas and dead ends in which Corrections finds itself.

1. Negotiation approximates justice by bringing parties into direct confrontation. It is a way of avoiding litigation and legalistic solutions which increase need for attorneys and thus distance people ever further from institutions, each other, and any hope of understanding how to solve problems directly. To ensure that parties "fight fair" may require guidelines, but not lawyers and regulations.

The process of interaction, although subject to guidelines to ensure an environment of fairness in which each person has responsibilities and rights, is not "managed" in regimented form. Its purpose is to create a frame of mobility in which each party can risk, fail, and try again. Unlike due process, which can work as an additional control tool and perpetuates a we/they stand-off, negotiation breaks down hierarchies of credibility and coercion.

2. A program of formalized bargaining offers institution and residents a chance to develop a shared sense of the ground walked on. A common belief in at least negotiation can be a basic shared value even where other values are not shared. It gives clients some stake in the process of the system.
3. Negotiated exchange leaves room for those dynamics that paternalism, legalism, and management science leave out: discretion, interaction of people, compromise, skill-building, empowerment of the less powerful, and, above all, a space for the process of constant change. It is a model based not on the absolutes of any ideology nor on simplistic solutions, but on a practical process of confronting conflicts. It responds with flexibility, trust in human capacity to learn, and provides a diversity of possible "good" solutions.

4. Corrections' part in a large-scale task of preventing crime in an imbalanced social economy could be to offer an environment of equity, legitimacy, and empowerment through skills, information, and knowledge. In practical terms, this means providing the capacity to be responsible (i.e., to make choices and set one's own goals) and the resources to achieve them. Specifically, it means teaching even the criminalized the skills to deal with and resolve sharply antagonistic conflicts with social institutions -- to negotiate for what they need.

The idea of negotiating one's survival with institutions, even when not on equal footing, has far-reaching implications for residents' futures and for corrections system behavior. It is a lurch to a new order of thinking.

5. Perhaps the single most important justification for negotiation as an alternative to be seriously considered in Corrections is its potential as a significant wedge into the theoretical wasteland of corrections and criminology. In these fields, swinging periodically between punitive/deterrent and rehabilitative theories, the concept of a negotiated exchange can be considered a mediative program itself. Its existence is a form of conflict resolution, a practical and on-going response to a failure by the economic/social system to correct disparities, and thus a "neutralizing" model of equity. It is an alternative to coercion in any form.

Conflict among deeply polarized groups and strongly diverse cultures, life styles, and needs does not have to be unhealthy and destructive. On the contrary, it can be an opportunity for dynamic development.

Negotiation as a theoretical underpinning in Corrections can model to the society a way of resolving conflict even under stress. It is not merely an alternative way of thinking about societal relations, of handling sharply antagonistic conflicts in extreme environments, and of enabling individuals to deal with systems. It is, above all, an alternative to violent upheaval because it addresses forthrightly the problem of power imbalance.

The idea of equitable negotiation of an exchange and equitable resource provision is not sentimental but tactical. It is a matter of simple economics and may be critical if this society is to learn to live with itself.

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EPILOGUE

NOTES

1. Suicide is the second leading killer of persons aged 15-24 in the nation, after accidents. The rate of suicides in this age group has more than tripled since 1950 while the suicide rate for the general public has risen less than 20 per cent. National Center for Health statistics, 1979.

Warnings that mass unemployment among youth, created by cost-effective profit-maximizing economics, is "extremely dangerous" have come from such diverse sources as the Geneva-based International Labor Organization and public health specialists at the 9th International Conference on Suicide Prevention in Helsinki.

2. S. Mattes' exploration of this phenomenon merits study: "Revolutions are reactions to repression of evolutionary change. They are caused by lack of access to a failing system and become necessary. They often fail because they are revolutions (only) and lack the infrastructures (institutions, skills, procedures) that are developed through evolution." Unpublished paper, "The Responsibility to Build," 1978, p. 28.
3. Nils Christie, Director, Institute of Criminology, University of Oslo presented a key address at the American Society of Criminology conference (Texas, November 1978) outlining a theory of conflict resolution in criminology.

In the MAP process study, all interviewed top-level Department and Division administrators validated, a few enthusiastically, the concept of negotiating with Corrections clients.

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Appendix A

Selected Negotiation Observations

Refusal to Negotiate

Case # 1

Pre-negotiation discussion: MAP Coordinator says they might find resident difficult. Parole Board member says he has reservations about negotiating with him. Other Board member says he might consider it, yet there are good reasons not to, e.g., he is a drug user. MAP Coordinator says he cannot argue with them, that the resident has had the benefits of MAP before.

Resident enters. MAP Board member asks resident if he understands MAP. He explains it. Member says they do not want to negotiate and gives the following reasons: (1) nature and severity of offense (forgery, parole violation); (2) history of drug abuse and dependency; (3) record of poor adjustment while on parole; (4) public protection; (5) a previous 12-month defer. Resident raises questions about their information that he was using drugs while on parole. This is ignored. MAP Board member asks resident, "Do you understand the decision?" Resident says, "No, but there's not much I can say." MAP Board member: "I didn't ask you if you agreed with it."

Case #2

Pre-negotiation discussion. MAP Board refuses to negotiate because resident is too high a risk, nature of the crime ("vicious stabbing"), and lack of change in previous chances.

Resident enters. Board member explains that due to historical factors, the Board cannot negotiate with him. They suggest that he do positive things and then try regular parole process. Resident asks him "What positive things?" Member says programs. Resident asks him to name positive programs. Resident says he feels he is ready to be out in society, "People grow." He says that five months before he was told the same thing and asks Board why they told him to get re-involved in MAP. He says he completed programs for himself, not for MAP. He does not understand what they mean by "doing things." Resident questions what is "my type of situation?" Board member responds, prior prison terms, need for treatment. Resident: "And being confined will work?" Resident says there is nothing more for him if the criterion for MAP is his past. "I have to live with it too."

Case # 3

Pre-negotiation discussion. Board members joke about resident's record as a repeat arsonist. One MAP Board member says he has deficiencies "upstairs." "We've had arsonists we've put in therapy but this guy doesn't have the smarts." Board discusses resident's temper and obscene phone calls. He's a "general screwup."

Resident enters. One Board member explains they cannot negotiate with him and gives criteria: 1) Nature and severity of offense - repeat arson; 2) Record of poor adjustment; 3) Public protection from criminal activity; and 4) Necessity of treatment. Board member says that resident's program should be monitored by the regular Parole Board. Resident is quiet, makes no responses.

Case # 4

Pre-negotiation discussion. Board discusses resident's institutional conduct, i.e., dealing in and use of drugs. Institution Representative and MAP Coordinator defend resident's institution record.

Resident enters. One Board member explains to resident that MAP is voluntary and all parties must be willing to negotiate, and "we are not willing to negotiate." Parole Board gives criteria for refusal to negotiate as: (1) inadequacy of institutional adjustment and (2) lack of progress. He continues that they are refusing to negotiate because resident is here (incarcerated) for drug use yet is continuing to use drugs. They defer him to negotiate again in six months.

Agreement

Case # 5

No change in contract content during negotiation.

Resident enters. MAP Coordinator reviews resident's proposal. He points out that the resident is offering counseling as treatment component. Institution Representative okays proposal components. One Board member discusses contract with resident who explains that proposed target parole date is based on living and job plans. Other Board member refers to resident's previous discussion with Parole Board regarding use of marijuana and the implications for parole.

Resident leaves room. MAP Board caucus. Agree to date proposed. "No better MAP candidate."

Resident returns. Board member tells him that they will accept his proposal as offered.

Case # 6

No change in contract content during negotiation.

Resident enters room. MAP Coordinator reads resident's proposal. Institution Representative mentions that resident has not okayed proposal with her social worker. Resident asks, "What's the big need?" She did not understand she had to check it out and did not have time (in school all day). "I haven't had a chance to talk with him."

Institution Representative proposes that a transfer to the Metro Center be included in her contract. Resident refuses because she knows of quite a few people who have been transferred there and they have run into trouble. Institution Representative says there are bed space problems at Taycheedah

and that she is still assigned to the Metro Center. MAP Coordinator explains to the Board that she wants to go to the technical vocational school near her present institution because she is familiar with the school. Resident prefers to finish school there and be paroled directly to her home state.

MAP Board member directs conversation to program and asks resident whether her schooling is general education to get ready for release. Resident says she wants to study commercial art. Board member asks her about her next semester's plans and if she is eligible to begin the commercial arts program. Board member suggests that it would be better if she goes to the Metro Center, begin the program there, and not stay in a "comfortable cocoon." Resident says her goal is to better herself and talk to people. Board member asks her why she didn't get a job: "Why couldn't you lead a middle-class existence?" (Why was she involved in prostitution?) Resident responds, "money." Board member says that nothing they give her will give her as much money. Resident explains that is not her only goal, but can now "sacrifice for future." Board member notes from the file that the resident saw a psychologist for a while a couple of months before.

(Board member comment about the overly warm room, and how everyone is getting upset.) This Board member tries to calm people down. MAP Coordinator tries to assure resident that no one can get to her while she is at community corrections center.

Resident leaves room. Parole Board caucus. Institution Representative pushes for transfer to minimum, maintains that she is a release candidate, and mentions that they need beds here at the institution. Although he says he realizes that she is afraid, he thinks it would be good for her. MAP Coordinator disagrees because it would be hard to get there and register for school and that she is going out of state anyway. Institution Representative says resident needs to get rid of her hostile attitude. She is in a sheltered environment and needs a test. One Board member disagrees.

Meanwhile, resident caucuses privately with MAP Coordinator. She tells him that she does not want to go to the Metro Center because a man in that city threatened her three times, that he has friends, and she will be out at school. MAP Coordinator and resident return with this information. Institution Representative questions whether this is real or contrived. Resident responds, "You can call the Milwaukee police." Board member says they are not calling her a liar, just questioning if the fear is real or imagined. Institution Representative says he bets her pimp is on her visiting list. (MAP Coordinator remains against transfer, swaying Board members' opinions with caucus information.)

Finally, all parties agree to leave the proposal as is, with same date, without transfer to the Metro Center.

Case # 7

Changes in contract content during negotiation:

Nine months added to target parole date. Transfer to medium security added. Transfer to minimum security and review for work release approval delayed by 10 months. Substitution of community corrections center for proposed minimum security placement.

Pre-negotiation discussion. Members discuss letters resident wrote to girlfriend about making her work (largely obscene). The woman gave these letters to resident's parole agent. These letters are read aloud. Additional discussion regarding resident's educational background, sixth grade level, and poor test results. Discussion of proposed TPD and transfer.

Resident enters. MAP Coordinator questions him regarding his welding program. Resident states he is going to school. Institution Representative says he has no problem with the proposal, and the only issue is whether the resident's proposed transfer to a community corrections center could be arranged based on the proposed parole date.

One Board member asks resident if this is his first trip to prison. Member says resident committed a very serious offense, and he finds the proposed release date unacceptable. Also, he does not want resident to have idle time at community corrections center. Resident says he spoke with institution staff at this center about arranging for welding there. He has secured employment.

Resident insists he is here for something he did not do and explains about mistaken identity, courts, etc. Member responds that he has served two years of a seven year sentence, and "This won't cut it." Resident says he would accept counseling, "Anything I can do. Give me suggestions. Please let me know. I'm willing to do anything 100 percent."

Parole Board caucus. One member says he wants resident in program from now until transfer to center. He wants time to be served and suggests transfer to medium security institution. Board discusses dates, programs, places.

Resident re-enters. Board member explains they will offer him a parole date nine months later than he proposed, with two transfers (to medium and to community corrections center). He explains to the resident about gradual reduction in security (maximum-medium-minimum) and about work release at community corrections center. He asks the resident how this sounds to him. MAP Coordinator goes over proposal. Resident asks if there is welding at the medium security institution and accepts later date. All parties agree.

Parole Board member notes after negotiation: "A good case to use as an example of why it is necessary to interview applicants. On the record alone he wouldn't have done as well."

Case # 8

Changes in contract content during negotiation:

1 1/2 months added to release date.

Transfer to Metro Center and review for work release approval added.

Resident enters. Parole Board discussion with resident of seriousness of crime. Parole Board expresses concern regarding need for continued treatment. Board suggests transfer to Metro Center for resident to develop resources and Work Release. Resident agrees to sixty days of contract at Metro Center.

Observation: Successful outcome appeared to be due to resident's stability, family, job. The resident presented himself as confident, poised, and articulate. He did not have a trade before prison and proposal responded to this need. One Parole Board member in particular handled the negotiation in a gentlemanly manner.

Renegotiation

Case # 9

Change in contract content during negotiation:

Three months added to proposed TPD. Transfer to medium security institution is dropped.

Pre-negotiation discussion. Board asks IR if the resident is married. IR says he has children. Board asks about conduct report. IR explains it is for "loitering on the tier," the resident's seventh conduct report in five months. Board asks about his difficulties with institution adjustment. IR explains that resident has experienced more difficulty since he was moved to maximum security. IR states that it will be difficult to get his security reduced by Program Review to medium security. Parole Board members decide they will negotiate without a transfer to medium as proposed. He can negotiate for a transfer at a later date.

Resident enters. MAP Coordinator explains to resident that at this time he cannot go to medium security. Resident accepts this and says he will negotiate.

Board member asks resident, "Why has there been so much crime in your life?" Resident explains for self-protection. Member asks about his wife. Resident says he has one child in the South, but not by his wife. Member questions him regarding marriage, children, and responsibilities. "Do you hear from her?" "Does your wife visit, write?"

Board member counsels resident that he must be careful about attendance at school, tardiness, and must not receive a major conduct report. Member asks how he figured his TPD. Resident says the TPD he originally proposed was three months earlier. The MAP Coordinator suggested this later one.

MAP Board caucus. Resident leaves room. This is an "easy direction" to offer a date three months more than proposed. Resident re-enters. Board explains decision about date and the options if he were to see the regular Parole Board. All parties agree.

Case # 10

Change in contract content during negotiation:

Release date changed in accordance to time-cut.

Resident enters. Resident presents information that he has received a time-cut (sentence cut in half) and therefore a sentence modification. He wants his TPD moved up. MAP Board member asks him if he will stay out of crime. Resident says, "Everytime I think of it I'll drive by here." Board changes contract to new TPD in accordance with time-cut.

Case # 11 (Problem-solving - Resident Withdrawal)

Resident enters. Resident explains conduct report for absence from class. (Was told by another resident of sign on classroom door that there was no class, but teacher did show up.) Institution Representative and resident argue about the alleged contract violation. One Parole Board member remarks to resident that this is the second time he has had an unexcused absence, a sign of irresponsibility. Member says the Board will add time to his contract. He tells the resident he may either continue the contract with the additional time "to observe responsible behavior" or he may withdraw. Resident protests that he is being penalized for something that was not wrong. Resident withdraws.

Case # 12 (Problem-solving - Agreement)

Changes in contract content during negotiation:

Thirty days added to release date.

Resident enters. Problem-solving session involves a resident who was sent back to a maximum security institution from the camp system, thus violating his MAP contract. Resident received a conduct report for possession of marijuana. Resident claims he was "set up." Parole Board and MAP Staff say they cannot ignore conduct report but agree not to cancel for following reasons: Resident is close to original contract TPD, has overall positive institutional conduct adjustment, positive attitude and presentation, and there is reasonable doubt as to his role in the incident because of absence of long history of drug use. Contract is extended by 30 days.

Resident's perceptions: "I wasn't given much choice. I wasn't at the hearing when the Program Review Committee decided to transfer me back. It was take the 30 days or lose the contract."

Failure to Agree

Case # 13

Pre-negotiation discussion. Board discusses resident's marital status, i.e. that she has children but will not get married.

During negotiations, the Board insists on a treatment component, specifically drug counseling. Resident maintains she does not need or want such treatment, that it will "mess up my mind." She says she did not use drugs, she just sold them. This explanation is not accepted. Board explains about "public attitude" and that they need a good reason to parole an individual when drugs are involved. Board also assesses the severity of her offense. She maintains her innocence. Board comments, "If the jury had agreed with you, you wouldn't be here." In discussion of the proposal, resident explains she is interested in production sewing. Board responds that sewing is more an avocation for a woman than a way to earn a living. MAP Coordinator responds by mentioning firms in Milwaukee where she could find employment.

Resident refuses drug counseling, maintains independent stance. Failure to agree.

Case # 14

Pre-negotiation discussion. Board members say there is no question but that resident is an MR candidate. They might give him a contract for two or three months off MR. MAP Coordinator offers information regarding ending date of resident's AETP program. Board members mention the fact that this resident insisted that he had the right to an attorney at his parole hearing. (Resident has court case pending on right to hearing before parole revocation.)

Resident enters. MAP Coordinator mentions that resident has completed HED and 6,200 hours of dental technical school, and reads the proposal. The proposal includes AETP, continuation of dental technical school, and Work Release. Meanwhile, Board members are reading the resident's file. Institution Representative has no questions. One Board member asks resident, "Why do you want a MAP contract when you're so near the end of your sentence?" He adds there is no reason just to drop three months. Resident questions three months when he says it has been 15 months since he was last told he would get three months off MR. He states he was told in a hearing that he was MAP material, but this was not recorded. He wants five months off MR.

Resident says he wants consideration for the reversal of his parole revocation. A Board member responds that this is an entirely separate matter. The other Board member asks first Board member if he is speaking for himself or the Board. The first Board member continues that it is clear that the resident has had a major reversal. Resident asks when the major conduct report was issued. (Board member actually says "major reversal." Resident understands this as referring to a "major conduct report.")

Resident says, "This is no negotiation; just a flat-out offer. I've done fifteen months since I negotiated before. You don't have the correct information. You don't know what's going on. I'm sorry I came in here." Angry, resident walks out.

Case # 15

Pre-negotiation discussion. One Board member says, "You can't talk to this ass-hole," and says he will not accept proposed TPD.

Resident enters. MAP Coordinator gives introduction. Resident explains proposal. Resident expresses his interest in getting to minimum security. Board asks him why he chose that TPD. He says to see Christmas. He has already sent out resumes. He wants to earn money. "I'm ready to start working and be productive for myself and others." He says he realizes what he is offering is not a lot (program-wise), but that he has been working hard.

Institution Representative asks him about completion of courses. Board maintains that his proposed TPD makes little or no sense or a date five months later either. Resident says that this was his first offense with no prior record and complains that there is no consideration of these facts here. Board member says that what troubles him is the offense. Resident says he realizes the crime was violent. Board member comments on the lifestyle given to this kind of incident and that the object lesson of confinement is required. Board member says that he does not think the resident is sick; the offense was very deliberately committed, and there is a price tag on it.

Resident says that he is trying very hard and explains proposal components. He believes the extra time hinders his attempts to secure a job. Other Board member responds that it is not the quantity of time but the quality of time. This member and the resident discuss possession of drugs. Board member says the resident is very close-minded. Resident says he is not trying to hide, that he wanted to come clean. "You don't have the facts straight." He says he sees that others with similar offenses get out and that he's asking for a chance: "I know I can do it." "I'm a positive thinker."

Resident leaves room. Parole Board caucus. One member says that he will offer the resident a date three months more than they offered him at last negotiation. This is eight months more than the proposed TPD. Other member says he cannot see that resident is paroleable. First member says he can live with a date four months more than previously offered and that the resident might have a chance at a community corrections center. Second member finally agrees to first date, "but I'll sign my name damn small." First member mentions that the resident will not accept the date anyway.

Resident re-enters. Parole Board member announces, "Our best offer to your most recent proposed TPD is _____, nine months more than proposed, with a minimum security transfer to a community correctional center." Resident counters and tries to bargain. "What if I re-proposed--how about eight months more? MAP Board member says "No. We're not trying to stick it to you . . . but there's no way in hell you'll beat that date with the Board (regular Parole Board)." Other member says he feels the extended period in minimum is necessary. Resident asks which minimum security institution and "What will camp offer me?" MAP Board member says, "Not a hell of a lot."

Caucus between resident and MAP Coordinator. Resident says he would like to have until the afternoon to think about it. Later, resident decides not to take the contract.

Case # 16

Pre-negotiation discussion. MAP Coordinator explains that resident had a contract and lost it. This is a new proposal. Board questions why no skill training is offered. Board reviews proposal and questions TPD.

Resident enters. Institution Representative explains resident has same problem: he is not offering to complete a drug course. IR says he will not enter into a contract unless resident is willing to complete it. Board member notes he did not complete the course the last time. Resident explains he did not give a required presentation, that he has a phobia about group speaking. Board says they will negotiate if he completes the drug program. Board discusses "atrocious" crime. Since the resident had a drug problem on the streets, Board member says this program should be beneficial. Resident thinks treatment should be voluntary. MAP Coordinator tries to harmonize. Resident maintains that he cannot give an oral presentation to a group of people. MAP Coordinator says this could be an issue because it caused contract cancellation the last time.

Resident says, "I've made my proposal." Failure to agree.

Appendix B

Resident "Consumer Survey"

Identification of Program Needs

A. Expanded and diversified vocational training

Data processing, printing, cooking and baking, tailoring, meat-cutting journeyman program, child-care worker training, farming, men's cosmetology, business administration, graphics, commercial art, off-grounds training with construction firm in large machinery, finishing concrete, radiology.

Improved and up-dated apprenticeship programs; additional equipment and up-to-date technology.

Improvement and expansion in:

Blueprint reading

Academic education; need more college courses, geometry, chemistry, more academic teachers, alleviate overcrowding in academic school, better materials.

Verification of certification of programs such as gas welding.

Expansion of enrollment quotas in existing courses and programs.

"There's such a long wait for some programs; it seems like they're trying to discourage you." "It's very hard to get into some programs." Vocational training is so crowded." Persons who already have a diploma and wish to further their knowledge or advance their experience in that field can't because there's only room for first-timers in the program."

B. Education for "people-oriented" jobs

Juvenile counseling; case aide work; general business and beginning professional training; preparation for jobs in community agencies (particularly ethnic-related) and human services; community organizing and mediation; group facilitation and conflict resolution.

C. Counseling needs

Chemical abuse programs, particularly drugs

Human relations training workshops, including communication skills and group dynamics; training in confronting persons in authority (to see other's values and articulate own; assertiveness to avoid aggression)

Peer counseling skills

Self-development courses

Analysis of own economic situation, life-style and relation to behavior of society; develop confidence; counter "ex-con phobia" residents say they are confronted with when released

Self-evaluation and planning (vocational counseling)

Specific counseling programs for returnees

D. Reintegrative needs for release preparation

Preparation in how to find and keep a job, e.g. job-finding skills, resume writing, interviewing skills, marketing of self to prospective employer, accurate information from field regarding job and school possibilities in home communities.

Survival education, e.g. how to buy a car, find a house or apartment, manage money, use checking and savings account, apply to and enter school, transportation.

General pre-release orientation, similar to month of A&E orientation to adjust residents to incarceration; "You should get the same time to readjust to society. It means a lot of changes. Someone could take you out, so you're not just walking out in the cold."

Increased job opportunities in Work Release program. "If you don't have money and a job, you're not prepared for the streets. Without education or work, you'll be right back in." Need to earn money while incarcerated to prepare for release.

Loan program for releasees. "Fifty dollars does not go a long way."

Halfway houses also for women.

Therapeutic community houses.

Geographic parole placement more relevant to parole plan and to counseling and training.

Furloughs to look for a job, to participate in community activities (e.g. AA, Jaycees, basketball games, school events), and to "get out on the street." "Overnight isn't that important, but being in touch with the real work again would help a lot." Suddenly being released is "very scary after you've been treated like a child so long." "We need to have a chance to be responsible." "Furloughs could be part of a contract, to apply to jobs at home instead of waiting until the last minute to find a job." (Use like Huber Law.)

Contact with parole officer. "Getting a parole officer up here is a necessity. That's the person that makes the difference whether I stay free or get locked up." "Get acquainted with the parole officer, at least two weeks before getting out." "A person has to prepare to get a job because it's tough out there and we'll be right back." "There should be a tie-in after release." (Man took welding, waited 16 months; Camp said there were no openings in that area.)

More opportunity to be in contact with family.

E. Resident-identified needs while incarcerated

Directories

1. DOC services, vocational training, education programs, Clinical and Social Services programs
2. Community resources, employers by areas, types of jobs related to training received in institutions

Priority on arts and recreational activities, more things to do,"
activities for development of mind and body

1. Supplies for arts and crafts
2. Opportunity for more music, drama, art
3. Willingness of activities and recreation directors to take residents
off-grounds to events

Training of officers in human relations and awareness of ethnic differences
and stereotyping

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Appendix C

NOTES ON RECIDIVISM AS GOAL AND MEASURE OF CORRECTIONS ACTIVITY

1. Corrections cannot be held totally responsible for the cause of crime.

The sources of crime are numerous and complex, ranging from individual human characteristics through social and economic environments to the very nature of society and law itself. In a "public health" perspective, corrections is mandated toward a dual task: a. security and protection (short-range protection of the community and the attempt to minimize long-term effects of an ill, or tertiary prevention), and b. provision of resources to "rehabilitate" or "reintegrate" persons through educational, counseling, and work-oriented activities (treatment of an ill once it has occurred, or secondary prevention). However, mounting concern over the "failure of rehabilitation" reflects the expectation that corrections not only treat symptoms but should also prevent the occurrence of crime itself (primary prevention). Certainly the process of incarceration has been often identified as one causative factor in offenders' return to crime, but it would be simplistic to imagine that corrections is solely responsible for even those crimes committed by persons who were once incarcerated. This myth obscures the complex realities of causes of crime and provides a scapegoat for those whose solutions have not "worked."

2. There is no clear, universally accepted definition of recidivism, nor is it clear what groups should be compared in measuring recidivism rates.

Recidivism, in various opinions, may refer to re-arrest, re-sentencing, re-commitment, or even running into trouble on parole without any of the above occurring. It may even refer to trouble that is not formally detected. More importantly, contact with the law can occur because of many complex factors other than having been incarcerated. Most measures of recidivism are simplistically defined as a variable or combination of variables arbitrarily selected. All such selection is done perceptually and can hardly be called either objective or an accurate reflection of reality.

Finally, it is not clear to what period after release recidivism applies, one year, five years, or life, nor what groups are to be compared. In computing outcome rates, a comparative group (or denominator of the fraction) might be a year's total parole releases, or the total average daily parole population, or some other selected group. By maximizing or minimizing this denominator, that is, by the choice of comparative group, one can significantly alter rates of recidivism to show "success" or "failure." (See paper by Perry Baker on "Recidivism Rates and Recidivism as a Criterion of Program Effectiveness.")

3. Because Corrections cannot control what happens to persons discharged from its supervision, cannot be held responsible for the cause of the crime, and since recidivism measures can only be vague, recidivism prevention cannot be a primary goal of Corrections.

A goal is what one is capable of doing, and something for which one can be held accountable. If recidivism prevention were a primary goal, it would be both too harsh on Corrections because unattainable, and too easy. It would let Corrections off the hook since it would not be accountable for any specific activity and could continue to claim success for many activities which cannot be measured for their relation to recidivism. A goal involves a direct responsibility for achieving something specific.

4. An assumption is that the corrections enterprise is to do all possible within its framework to aid persons so they will not return to criminal activity. The problem is just what and how much Corrections can do.

What Corrections can specifically achieve is very limited within the context of massive social problems, yet it is only these very specific activities that can be goals. Given that Corrections cannot take on the whole of primary prevention, the elimination or even great decrease in crime, it can, however, recognize that every sub-system, where even slight change occurs, does affect every other part of the system. Corrections does own part of the problem.

Deciding what part of the problem Corrections owns is the fundamental activity that results in a mission statement. Some piece of that purpose becomes the intermediate goals of individual projects and programs.

5. MAP and Recidivism

MAP is not itself a direct person-changing program of educational or attitude-changing nature. MAP's purpose is to compel content programs and other operational activities to function and to accomplish their goals. Its activity is the glue and the fuel of the system.

In this sense especially, MAP's goals are only indirectly related to recidivism. Whether any dent is made on a person's capacity for self-management upon release depends, where it can be related to corrections at all, upon the value to the offender of the content programs and services that MAP attempts to rationalize and deliver. Even timeliness of release upon completion of training may or may not bear a relationship to recidivism. Both programming and timeliness can be included in a casual model of recidivism. However, the weight or influence assigned to factors in the formula depends on how one defines recidivism. There is no conclusive evidence that any corrections program is causally related to persons' contact with the law.

In a larger sense, MAP's long-range potential for rationalizing a system and providing incarcerated persons with a legally binding negotiating tool could impact recidivism rates. Yet lacking quantifiable measures for this possibility, one measures the more visible variables, and speculates.



Appendix D

State of Wisconsin

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS

1 WEST WILSON STREET
P.O. BOX 669
MADISON, WISCONSIN 53701

August 18, 1978

M E M O R A N D U M

TO: Allyn R. Sielaff
Administrator

FROM: Helen Loschnigg-Fox
Research Analyst
Office of Systems and Evaluation

RE: Recommendations for Mutual Agreement Program

The attached recommendations are derived from a process analysis of responses of over 500 MAP-related persons to questions concerned with whether MAP should be continued and under what conditions. Their suggestions were reviewed, applying three basic criteria: relevance to concept, forthrightness of operation, and feasibility. Judgments of the process research staff were based on observation and participation. The resulting recommendations integrate broad input of staff, residents, policy makers, and community agencies with the process of analytical progressive focusing on major issues.

Process evaluation recommendations are intended for in-house purposes, as part of the Division's on-going self-critique and program improvement. Since the findings leading to these recommendations may seem negative and the recommendations therefore drastic, two points should be emphasized:

1. MAP's flaws are indeed partially the result of long-standing organizational behaviors in the Division but also of constraints beyond its immediate influence. It must be noted that, conversely, MAP's main positive impact has been precisely on Division activities, i.e., a dent has been made.
2. In implementing a program which gives notice of its intention to change a system's behavior for the sake of residents' rights, the Division of Corrections took a risk. It was not to be expected that MAP's ambitious objectives would be easily accomplished, nor is there even consensus about the desirability of the objectives.

The principle of equity, which underlies the MAP concept, requires a price in both money and effort. If MAP is to continue its struggle with an identity as a mutual agreement, it will take much broader commitment than can be provided by the dedicated efforts of the MAP staff. The recommendations outline elements to be strengthened or eliminated in order to accomplish MAP's goals.

Since June 1976, when the current MAP Supervisor inherited an established MAP system, there has been no basic change in MAP except procedural refinement.

It is, therefore, the model developed in the first two years of MAP's existence that remains in question, not MAP supervision. The major decisions required are whether to continue MAP and, if so, with what changes.

RECOMMENDATIONS

- I. Develop an ongoing mechanism for planning and implementation.
 - A. The Division Administrator should appoint a MAP Policy Committee, chaired by him and comprised of the Deputy Administrator and Bureau and Office Directors, to review and modify MAP policies and objectives. The MAP supervisor should staff the committee.
 - B. The Division Administrator should appoint a MAP Task Force responsible to the MAP Policy Committee, comprised of Bureau and Office Deputy Directors, representatives of institution MAP units, regional offices, and the camp system. The MAP Task Force should be chaired by the Assistant Director of Career Services, Bureau of Program Resources, to propose modifications in procedures and provide a continuing monitoring and information feedback mechanism. It should also propose policy changes.
- II. Redefine the MAP Coordinator's role.
 - A. Two MAP Coordinator positions should be allocated to be MAP Advocates, responsible to the Bureau of Program Resources, to provide on-call services and training, and carry individual case responsibilities.
 - B. The remaining positions should be identified as MAP Negotiation Counselors in goal-setting and negotiation training for residents and staff. The redefinition must take place concurrently with a role change of institution social workers as release planners, brokers, and resource counselors (requiring role definition, training, and staff aides).
- III. Develop MAP contract content and process through the MAP Policy Committee and the MAP Task Force
 - A. Contract contents should be reviewed and modified.
 1. Designate the vocational training component as the main focus of MAP contracts (including industries, supportive education, and release transition training); expand number of courses.
 2. Eliminate the generalized discipline component. Specific behavioral need areas should be contracted for individually and monitored apart from the institution conduct reporting system.
 3. Limit the treatment component to short-term, practical counseling (such as human relations, career development, and chemical abuse) and to situations in which Clinical Services agrees to the need and usefulness for specific clients.
 4. Set performance standards for education and study release components which are not higher than those for non-offender students; allow more than one semester at technical institute, advanced course work, and acquisition of experience.

5. Dispense with automatic contract jeopardy resulting from return to maximum security. Evaluate completion of each component on its own merit.
 6. Guarantee job slots for the Work Release component through contracting in the community. MAP component should not be violable through loss of job or rule infraction.
- B. Negotiation processes should be reviewed and modified.
1. Redefine staff roles in the Division pre-negotiation process.
 - a. Enable resident participation in decision making through access to information, such as records and selected elements of the Delivery of Services Information System, provision of up-dated manuals of system resources, and contact with field and community personnel regarding job markets, schools, and local resources.
 - b. Provide training in goal setting and negotiation process and strategies.
 - c. Provide actual reasons to residents for such decisions as (Program Review) denial of program or security change and realistic estimations of training resources and potential relation with job market.
 2. Recommend changes in MAP parole decision making to the Department Secretary.
 - a. Propose Administrative Rules providing that MAP releases occur substantially earlier (four to six months at minimum) than other discretionary parole releases. Included must be distinct and clear criteria based on MAP principles and standards and guidelines for eligibility, negotiation, and appeal.
 - b. Propose appointment of negotiation specialists separate from the current Parole Board but with responsibility to recommend parole release. Implement training of negotiation specialists with the MAP staff involvement.
 3. Modify post-negotiation processes.
 - a. Provide continuous review of compliance requirements on all parties according to standards of equity and relevance.
 - b. Expand the MAP appeal structure to include consideration of substantive matters as well as procedural and locate appeal decisions in parties independent of the signator.
- IV. Develop or reallocate resources to implement MAP's "Employment Connection" as release planning model throughout Division.
- A. Marketable and realistic employment skills which offenders can and will use should be ascertained and provided.

- B. An Employment Resources Coordinator in the Bureau of Program Resources should be established to implement an integrated approach to coordination of training and employment.
- C. Self-assessment and career development workshops/counseling should be provided.
- D. Pre-release transition programming should be provided as a contract item and available to all persons nearing release (release preparation/survival skill training in combination with work or study experience).
- E. The Bureau of Community Corrections should emphasize employment maintenance and advancement and/or further education.
 - 1. Implement participation of Probation and Parole agents in MAP proposal planning, provision of direct feedback to residents, and MAP coordination with community agencies.
 - 2. Provide follow-through and trouble-shooting services to MAP parolees.

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END