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T H E M U T U A L A G R E E M E N T P P O G R A M

PAROLE-CORRECTIONS PROJECT*

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"To an even greater extent that in the case of imprisonment, probation and parole practice is determined by an administrative discretion that is largely uncontrolled by legal standards, protections or remedies. Until statutory and case law are more fully developed, it is vitally important within all of the correctional field that there should be established and maintained reasonable norms and remedies against the sort of abuses that are likely to develop where men have great power over their fellows and where relationships may become both mechanical and arbitrary."

Justice William O. Douglas
in *Morrissey v. Brewer*

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WHAT IS MUTUAL AGREEMENT PROGRAMMING (MAP)?

Mutual Agreement Programming is contract parole or contract probation, a legally binding relationship that specifies parole and probation release criteria and is negotiated between the offender, institution, and parole or probation authorities. In all instances the program is voluntary and no one is obligated to participate if they find the traditional relationships more effective or more to their liking. It requires the offender and corrections personnel to develop a formal articulated contract designed to meet the individual offender's needs and results in improved communication and cooperation between criminal justice and community agencies to utilize more effectively scarce rehabilitative resources and to improve the planning and research base.

The MAP concept is based on the offender's participation to take responsibility in program development and completion. Its formalized aspect, the legal contract between the offender and criminal justice authorities, not only delineates measurable criteria for agreed-upon rehabilitation goals, but provides for renegotiation and arbitration which improves corrections, parole and probation services while increasing offender release certainty.

This contract philosophy places the rehabilitation responsibility squarely on the offender. After the contract is negotiated and signed, it is the offender who must complete program objectives. However, MAP also places responsibility and accountability on others in the correctional system. It requires parole and probation authorities to set specific goals for release, holds corrections personnel responsible for providing specific program components, and assists public and private community agencies in coordinating needed services.

MAP, then, is a vehicle for coordination, responsibility, and accountability in correctional agencies and in the community. It provides improved service delivery to inmates, enables an efficient and humane planning of resources by the institutions, gives the parole board criteria on which to base parole decisions, and aids in preparing the inmate for release and community reintegration. It also assists probation departments in developing meaningful alternatives to incarceration and in modernizing their service.

The theory and assumptions behind contract parole are several:

- (1) While reform, rehabilitation, and reintegration have each in turn passed into prominence, project staff feel that

responsibility on the part of the offender and accountability on the part of staff and agencies is most important. Corrections has neglected in the past to include offenders and their perceived needs, assuming that they are unable to make good choices and decisions concerning their own lives. MAP allows the offender decisions in program choice but also places the responsibility for parole release or probation services through goal completion on the offender himself.

(2) While we all pay lip service to the criminal justice "system," we are beginning to realize that the characteristics inherent in the word "system" are not to be found among and between the various criminal justice agencies which can produce intelligent policy decision and eliminate duplication and wastage of limited resources.

MAP, in its ideal situation as we hope someday to use it, will be applied mainly at two major points - first, at pre-trial to encompass incarceration alternatives; and second, with those adjudicated but not sentenced. MAP used at these points would bring new resources to the courts and would allow all agencies in criminal justice from the police to parole to take part in the final determination of a person's fate. The contract developed by the adjudicated in concert with the various agencies would become the blueprint for sentencing, a realistic alternative to incarceration, with all participating agencies receiving accurate followup reports from a central reporting system.

(3) Since recent studies conclusively show that length of time served has little effect on recidivism, MAP clients should be released as close to minimum parole eligibility as is consistent with program goal completion and public safety at appreciable savings and without increase of criminality.

(4) Release to the community should be on a "decompression pattern," gradually, and aimed toward a final successful release which includes renewed family ties, sufficient financial means, improved employment and sense of achievement.

(5) Substantial savings to the public can be realized in prison-man years, in taxes paid, and in a more efficient use of personnel and services.

(6) Coordination and communication between and among agencies should result in more effective operations, in more efficient delivery of services, and in the elimination of wasteful duplications.

HOW DOES MAP COMPLY WITH NEW NATIONAL POLICY IN CRIMINAL JUSTICE?

When considering goal achievement, it is also appropriate to compare MAP with the standards and goals proposed in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals. There are several standards that are applicable to MAP because it influences several aspects of the correctional system. The most directly relevant sections of these standards are considered below.

- Standard 6.1 (Comprehensive Classification Systems) calls for: *Maximum involvement of the individual in determining the nature and direction of his own goals, and mechanisms for appealing administrative decisions affecting him.*

MAP provides: Prompt access to the MAP Coordinator and assistance in developing a MAP proposal for offenders found "immediately eligible" during Assessment and Evaluation; regular (6-month) reviews of all offenders not immediately eligible; and, formal settlement provisions for disputes related to compliance with MAP contract terms.

- Standard 11.3 (Social Environment of Institutions) calls for: *Creating an institutional social setting that will stimulate offenders to change their behavior and to participate on their own initiative in programs intended to assist them in reintegrating into the community.*

MAP provides: The offender an opportunity to develop his own rehabilitation program, to obtain earlier release, and to have a MAP Coordinator as his spokesman.

- Standard 11.4 (Education and Vocational Training) calls for: *Providing educational and vocational training programs that can be adapted to satisfy individual needs.*

MAP provides: A rehabilitative program designed to satisfy individual needs including education and vocational training.

- Standard 12.3 (The Parole Grant Hearing) calls for: *Parole hearings that permit adequate personal participation by the offender; guidelines to insure proper, fair, and thorough consideration of every case; prompt decisions and personal notification; and maintenance of accurate records of proceedings.*

MAP provides: A contract which is legally binding on the offender, institution and parole board. It sets a definite release date, and specifies the goals which

the offender must achieve to be released, and the resources to be provided by the institution to permit the offender to achieve his goals.

In summary, MAP satisfies many of the applicable standards of the National Commission.

As the National Commission has noted:

With 99 percent of institutionalized offenders returning to the community, the question for legislators and paroling authorities is not whether a person will be released but when and under what conditions.

WHERE IS MUTUAL AGREEMENT PROGRAMMING BEING USED?

Many states are already operating some form of Mutual Agreement Programming in at least some parts of their correctional system while other states are now actively discussing and/or developing such programs. The operational MAP programs include the states of: Georgia, Florida, Maine, Michigan, Minnesota, New York (Probation), North Carolina, the District of Columbia, and Wisconsin. Programs are being developed in: Connecticut (Probation), Delaware, Hawaii, Illinois, Michigan (Probation), New Jersey, New York, South Carolina, Tennessee, and the Canadian Federal System. (Arizona and California participated in the MAP experimental research phase, but did not continue them beyond the pilot effort.) With the growing awareness of the many problems inherent in the existing system, and also the need to develop a national planning base and to introduce greater equity, many states will participate in Mutual Agreement Programming at various intervention points in the criminal justice system. By setting measurable criteria on which decisions are based, all involved parties, and especially the offender, know what standards have to be met for release.

Perhaps the only precondition to the replication of MAP in other jurisdictions is a recognition of the need for, and a willingness to introduce, changes in the existing system. This recognition and willingness must exist in all the major constituencies affected by MAP.

TECHNICAL ASSISTANCE

Project staff is available to share its experience and assist criminal justice agencies, planning staffs, and CETA prime sponsors in program development on request.

For more information on Mutual Agreement Programming, write or call the project office at 4321 Hartwick Road, College Park, Maryland 20740 - (301) 277-3722.

PUBLICATIONS

The following documents prepared by the staff of the Parole-Corrections Project are available at cost from the American Correctional Association to provide an understanding of the Mutual Agreement Program:

1. Parole (Origins, Development, Current Practices and Statutes), May 1972, Revised Edition 1975.
 2. Proceedings: The National Workshop of Corrections and Parole Administration, February 1972.
 3. The Mutual Agreement Program: A Planned Change in Correctional Service Delivery, 1973.
 4. Proceedings: Second National Workshop on Corrections and Parole Administration, San Antonio, Texas, 1974.
 5. MAP Markers: Research and Evaluation of the Mutual Agreement Program, April 1975.
 6. Program Implementation: Politics and Policy Change, 1975.
 7. An Evaluative Summary of Research: MAP Program Outcomes in the Initial Demonstration States, July 1975.
 - Mutual Agreement Program: An Overview, 1974 (Pamphlet)
 - Mutual Agreement Program with Vouchers: An Alternative for Institutionalized Female Offenders, Article, February 1975.
- In Preparation:
8. A Study of the Legal Aspects of Contract Parole, Spring 1976.
 9. An Administrative Manual for State MAP Implementation, Spring 1976.
 10. The Model Research Design, December 1975.

END

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