

Restorative Practices in Institutional Settings and at Release: Victim Wrap Around Programs

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[Why Crime Victims Matter](#)

[Defining Restorative Justice Practices within Institutional Contexts](#)

[Restorative Justice Programs within Institutional Contexts](#)

[Review of the Research on Restorative Justice Practices within Institutions](#)

[Limitations of Research](#)

[Victim Wrap Around and Parole Processes](#)

[Why Has There Been a Call for Greater Inclusion in the Release Process and Parole?](#)

[What Does Victim Wrap Around Mean?](#)

[Review of Victim Wrap Around Programs](#)

[Conclusions](#)

OVER THE LAST three decades, a growing social movement has advocated for an increased role for victims in the criminal justice system process. Debate over the extent to which victims should be included in criminal justice processes continues to divide scholars, practitioners, offenders, victims, and other correctional advocates. Some argue that the inclusion of victims in criminal justice processes has created more punitive and retributive correctional policies, whereas others think that greater involvement of victims creates a more efficient, justice-oriented and restorative process (Mika, Achilles, Halbert, Amstutz, and Zehr, 2004). While the debate continues to rage, it should be recognized that the federal government and most states have legislative mandates that acknowledge a basic role for victims within the criminal justice system process. Central to the debate is an understanding of why victims matter.

[back to top](#)

Why Crime Victims Matter

There are several reasons why crime victim participation in criminal justice system processing is of concern. First, the sheer size of the victim population in the United States requires some recognition of the role of victims. In 2005, U.S. residents age 12 and older were the victims of more than 23 million crimes, with at least 5.2 million of those offenses being violent in nature (Criminal Victimization in the United States, 2005).

Second, while we are still learning about the long-term impact of crime on victims, a significant body of literature details the negative impact that victimization has on victim perceptions of the

government and their community (Mika et al. 2004; National Center for Victims of Crime, 2005). More important for some types of victimization, such as crimes against children, victimization is associated not just with negative perceptions of government and community but also with future offending (Cartwright, 2000). Third, the criminal justice system is dependent upon the cooperation and participation of victims in coming forward to convict offenders. In addition, some criminal justice officials recognize that criminal victimization has psychological impacts potentially leading to depression, anxiety, increased fear, and other disorders that can reduce functioning. Evidence of this recognition can be seen by recent developments in Victim Wrap Around programs and the creation of victim services units within each state. Finally, research suggests that victim participation in some criminal justice processes reveals promising results for the reduction of recidivism rates with certain types of offenders under certain conditions (Armour 2006; Marshall, 2005; Parker, 2005). Consequently, few correctional officials would argue that there is no role for victims within larger criminal justice processes.

While earlier efforts to increase victim involvement emphasized changes within early stages of the criminal justice system, recent efforts have emphasized the need for greater involvement of victims within institutional settings and during the reentry process. The most recent avenue of exploration for policy changes within institutional environments that include victims' perspectives has been the desire to implement restorative justice practices within institutional settings for adult offenders (see information available from The Pennsylvania Prison Society at <http://www.prisonsociety.org/progs/rj.shtml>). In addition to the push for implementation of restorative practices behind prison walls, several state correctional systems have incorporated victim wrap around services within the parole process. The next section discusses the literature and reviews some of the programs that have been developed as part of restorative justice practices behind prison walls and victim wrap around services incorporated into the reentry process for inmates.

[back to top](#)

Defining Restorative Justice Practices within Institutional Contexts

The next question then, is just what is restorative justice? Howard Zehr refers to restorative justice as "...a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address the harms, needs, and obligations, in order to heal and put things as right as possible" (Zehr, 2002, p.37). Restorative justice has also been referred to as "... restoring through a facilitated process that brings together all affected parties, the dignity and well-being of those involved in and harmed by a criminal incident" (Smith and Robinson 2006: 59). According to Armour, the author of *Bridges to Life* (2006, p. 2), "restorative justice seeks to elevate the role of crime victims and community members, hold offenders directly accountable to the people they have violated, and restore the emotional and material losses of victims by providing a range of opportunities for dialogue, negotiation, and problem solving that can lead to a greater sense of community safety, conflict resolution, and healing for all involved." The Pennsylvania Prison Society describes restorative justice as:

An approach to justice that actively involves all who are impacted by crime—victims, offenders, their communities of care, and the broader community—and seeks to promote accountability, healing, and the common good.
(<http://www.prisonsociety.org/progs/rj.html>)

While definitions of restorative justice vary, certain common themes are associated with restorative practices. First, restorative justice is a philosophy that emphasizes the need to repair the harm caused by crime. Reparation is not something that can only be done by punishing the offender. True reparation requires the participation of all stakeholders (victims, offenders, the community, and criminal justice officials) in the development of plans to repair the harms caused by criminality. Second, restorative practices are predicated upon the idea that offenders must be held accountable for their actions. Thus, consequences must be applied when offenders fail to follow through with restorative activities. Third, when all stakeholders participate in the process, healing occurs, the potential for future harm is reduced, and offenders can be restored back into

society. A critical element is the fact that restorative justice is a process that cannot be captured through a single program or event.

Two camps exist within the restorative justice paradigm. One group views restorative justice as requiring the direct involvement of all stakeholders to promote change. This group views assisting victims, addressing victim needs, helping victims work through their issues, and encouraging victims to participate in criminal justice processes as the primary goal (Mika, Achilles, Halbert, Amstutz, and Zehr, 2004). A second group, which is growing in number, embraces the concept of offender-oriented restorative justice. Offender-oriented restorative justice reflects the needs of offenders and victims along with emphasizing the fact that the offender must make amends, change, and engage in rehabilitative efforts (Mika, Achilles, Halber, Amstutz, and Zehr, 2004). Many in the offender-oriented group have focused their attention on adding restorative justice practices to institutional environments and parole processes.

The approach used to discuss restorative justice practices within institutional contexts in this article is consistent with the framework set forth by the Pennsylvania Prison Society and is considered offender-oriented. The Pennsylvania Prison Society discusses restorative justice through the use of the web of relationships metaphor (<http://www.prisonssociety.org/progs/rj.shtml>). This is a framework where restorative justice programs can:

- Engage offenders on restorative justice, accountability, personal healing and growth, among other restorative themes.
- Support offenders who have been crime victims and provide services to meet their needs as victims.
- Invite direct and indirect dialogue between victims and offenders.
- Bring together victims, offenders, and community into conversation around restorative themes.
- Address issues of release and reintegration through the restorative justice lens.
- Serve or transform the prison in a way that promotes restorative values and principles. (Toews, 2006a, pg. 3)

[back to top](#)

Restorative Justice Programs within Institutional Contexts

There is a limited amount of publicly available research literature on the restorative justice practices in adult institutional settings. Institutional restorative justice programs are typically viewed as a means for empowering offenders to take responsibility, to repair the harm to victims and communities, and to generate pro-social behaviors during incarceration and upon release (Toews, 2006a; 2006b). [Table 1](#) reveals the many different levels at which institutional-based programs can operate.

According to Fraley (2001, pg. 62), restorative justice programs within institutional contexts may be more important for the mental health and well-being of long-term inmates than of short-term inmates. Inmates with only a short time to serve have an opportunity to repair the harm for their criminal behavior upon release. Those serving short sentences who wish to take responsibility for their actions and reconcile with victims, friends, or family have an opportunity to do so within the community. In contrast, “it is a given that those of us [long-term inmates] serving long sentences will have no opportunity (or one that is long delayed) to reconcile with those to whom we have brought pain and suffering” Fraley (pg. 62). Long-term inmates over time are much more disconnected from the crime, their victims, their families, and the community. Consequently, repairing the harm to victims, family, and community is less likely without the inclusion of restorative programming during incarceration and upon release.

[back to top](#)

Review of the Research on Restorative Justice Practices within Institutions

As seen in [Table 2](#), the implementation of restorative justice programs in institutions varies

widely. The majority of the published restorative justice programs in institutions appear to focus on adult male offenders within prisons and typically require voluntary participation. Only one study reported results for an adult female prison population. In most cases, participation in the restorative justice program did not affect the status of the inmate (i.e., participation does not translate into early release). As seen in Table 2 and documented below, restorative justice programs in prisons lack standardized implementation.

- Some programs include only inmates and correctional staff. Others include inmates, victims, and community members.
- Significant differences exist in the length and number of restorative sessions that take place.
- There is no uniform method of service delivery across the restorative practices. Each program used direct mediation, indirect mediation, or some form of conferencing alone or in combination.

[back to top](#)

Limitations of Research

The research available on institutional restorative justice programs has several significant limitations. The majority of the studies presented in Table 2 have small sample sizes that reduce the generalizability of results. Experimental designs were also typically not utilized. Moreover, only two of the evaluative studies presented assessed post-release recidivism. Thus, at the present time no definitive conclusions can be drawn about the impact of institution-based restorative justice programs on the behavior of offenders in the community. The literature also reveals that while institutional restorative justice programs are growing in popularity overseas, few states have been willing to implement and evaluate such programs in the United States. Thus, while restorative justice practices in institutions have increased in visibility and appear promising, more research and greater implementation is required in the United States.

[back to top](#)

Victim Wrap Around and Parole Processes

While most states have implemented legislation increasing victim involvement in criminal justice processes, many recognize that more work needs to be done. In recent years, victims' advocates have achieved some success in getting state correctional and parole authorities to recognize the need to address victims' issues during the parole and reentry process (National Center for Victims of Crime, 2005). Several states now have implemented parole and reentry processes that attempt to address the needs of victims and include victims as full participants in the release process (National Center for Victims of Crime, 2005; see [Table 3](#)).

[back to top](#)

Why Has There Been a Call for Greater Inclusion in the Release Process and Parole?

Activist calls for greater victim involvement at these latter stages of justice are related to four factors. First is the open acknowledgement that released inmates return back to a small number of communities. According to an Urban Institute report, two-thirds of released prisoners return to major metropolitan areas in the United States. Often these returning offenders are concentrated in a few neighborhoods in the central city (Lynch & Sabol, 2001; Petersilia 2003). For example, in Illinois returning inmates are concentrated in Chicago, with 51 percent of those returning to the city. The largest share (34 percent) of returning offenders in Illinois reside in six neighborhoods—Austin, Humboldt Park, North Lawndale, Englewood, West Englewood, and East Garfield Park.

Second, more people now recognize that the fates of victims and offenders are intertwined. As a report by the National Center for Victims of Crimes (2005) highlights, offenders and their victims live and work in the same neighborhoods and have similar social and economic

experiences. Thus, “the mere proximity of many victims and their returning offenders highlights the importance of considering the needs of victims and offenders together and involving victim services providers as reentry initiatives are developed and implemented” (p. 2).

Moreover, current legislation inadequately addresses victim issues. A recent Reentry Policy Council report reveals that while legislation has been passed increasing the role of victims in the parole process, only 15 states notify all victims about the scheduling of parole hearings and 6 still do not permit victims to appear at parole hearings (Reentry Policy Council Chapter 23).

Victim advocates are also calling for increased participation at later stages of the criminal justice process, because the needs of victims at later stages of the criminal justice system can differ from the needs of victims upon initial incarceration. Victims at the sentencing stage may be more concerned with punishing the offender and addressing their own emotional needs. At the release stage, victim safety, PTSD, child support and visitation rights, and offender rehabilitation may be of greater concern for victims (National Center for Victims of Crime, 2005). According to the National Center for Victims of Crime Report for Victim Services (2000), a balanced release process would recognize “that while correctional agencies are ‘offender-directed,’ they can also be ‘victim-centered.’” Victim Wrap Around Programs represent the latest attempt to incorporate restorative practices prior to release.

[back to top](#)

What Does Victim Wrap Around Mean?

When an offender is released back into the community, victims are likely to be concerned about their safety, may experience resurgence in emotional trauma, and may experience confusion regarding their rights. “The primary function of Victim Wrap Around programs is the provision of services to support the victim at the time of the offender’s re-entry into the community” (Report of The Advisory Committee on Geriatric and Seriously Ill Inmates, 2005); they can include the following:

1. The development of a safety plan to enhance victim and community safety when an offender is in the community. The safety plan may provide for the delineation of geographic conditions that address both the needs of the offender and the safety needs of the victim; the examination of the victim’s home to identify and address crime prevention needs; obtaining civil orders (e.g., a protection from abuse order) that address safety, residence and custody issues; identifying victims.
2. Notification needs and planning for intervention by police and other law enforcement agencies to ensure the safety of the victim.
3. Assistance in obtaining information on the status of the offender.
4. Assistance in the exchange of information between the victim and the offender as deemed appropriate and necessary by both parties.
5. Assistance in obtaining restitution.
6. Assistance in linking the victim to other needed services.

(Report of The Advisory Committee on Geriatric and Seriously Ill Inmates, 2005, p. 109)

While the above services focus primarily on victim safety and emotional security, for these programs to fully incorporate restorative practices, all major stakeholders (victims, law enforcement, correctional officials, and offenders) must participate in the release process. Thus, Victim Wrap Around programs around the country have included victim input into the conditions of release imposed on an offender, meetings between victims and offenders, meetings between victims and parole officers, victim notification, and community involvement in conditions of release (see [Table 3](#) for a more thorough list of services).

[back to top](#)

Review of Victim Wrap Around Programs

Victim Wrap Around Programs have taken various forms. The Washington State Department of Corrections was the first to implement a Victim Wrap Around program and serves as a model for most other locations (Lehman, 1999); see also www.doc.wa.gov/stories/victimwrap.htm). In the Washington program, victims, corrections staff, parole authority members, law enforcement, victim advocates, and community-based service providers form a workgroup that determines all aspects of the release process for the offender and how best to meet the needs of the victim. More important, victims have a direct impact on the release process by their input into the release conditions for offenders. As many victims may be concerned about their safety upon release of an offender back into the community, the work group helps alleviate some victim anxiety related to personal safety by devising a safety plan for the victim prior to the release of the offender back into the community.

Responding to the literature that discusses how the release process can cause further harm to victims, the Washington program provides additional wrap around services to victims by working with the victim to determine his or her other victim-related needs prior to release. The program then utilizes a formal process for connecting victims with agencies in the community capable of addressing those needs in a timely manner. This process is not one simply of referral but of connecting victims with services directly. For example, if the victim states that he or she is experiencing emotional distress as a result of the release of the offender back into the community, then the victim is directly connected to service providers offering counseling and support.

While Washington serves as a model for other states, not all aspects of the program have been implemented elsewhere. Table 3 reviews the programs in place in three additional states that provide information about their wrap around services on the web. As can be seen in Table 3, each of the states incorporated the workgroup aspect of Victim-Wrap-Around by including victims, corrections staff, parole officers, law enforcement, victim advocates, and community service providers in the reentry process. However, Washington appears to be the only state where victims have a direct impact on the parole process. A few states have expanded the role of victims by providing additional services, such as victim/offender mediation and other services, to the wrap around process.

[back to top](#)

Conclusions

Despite the minimal amount of information available, two points can be made. First, it is clear that restorative justice practices behind institutional walls and Victim Wrap Around programs represent new avenues for exploration in the quest to increase victim involvement within the criminal justice process. Second, such programs may represent promising approaches and have the potential to reduce recidivism, increase victim satisfaction with the release process, provide an additional opportunity to meet the needs of victims, increase accountability on the part of offenders, and provide an additional avenue for meeting the needs of offenders at the same time. Unfortunately, more empirical research on outcomes for victims, offenders, institutional behavior, and public safety impacts is needed before such programs can be considered “best practices” in corrections.

[back to top](#)

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and reviews is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System. Published by the Administrative Office of the United States Courts www.uscourts.gov
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Table 1: Levels of Restorative Justice Practices Within Institutions

I.	Individual —Focuses on how individuals are impacted by their experiences, what they need for accountability and healing and ways in which they can transform their lives to wholeness.
II.	Relational —Focuses on the relationships between individuals, the role and nature of accountability and healing in those relationships and ways in which to repair the relationship. These relationships may be, for instance, between victim and offender or offender and his or her family.
III.	Daily Life —Focuses on the values, assumptions and ways in which people interact with each other in their social lives, ways in which to make restorative justice a way of life and transformation of the prison culture. This may include daily relationships with family and friends, prison staff and other prisoners.
IV.	Prison Operations —Focuses on the use of restorative justice philosophy and practices in prison operations and programs. There is also an element of systemic transformation. This level may include, for instance, using mediation in grievance procedures or offering services to people when they become crime victims while incarcerated.
V.	Community —Focuses on the community role in crime and justice, its needs for accountability and healing and building bridges between offenders and community.
VI.	Criminal Justice Systems —Focuses on transforming the foundation of the criminal justice system, incorporating restorative practices into the system at all levels and building partnerships with all justice participants. There is a policy element to this level.

Toews 2006a, pg.4

Table 2: Research on Restorative Justice Practices

Program	Source	Location of Program	Participants	Participation Information	No. Sessions	Description	Empirical Research
Sycamore Tree Project		New Zealand, United Kingdom, United States, South Africa, Hong Kong, Korea	6 male inmates 6 crime victims	Voluntary During incarceration Does not affect status of offenders— i.e. are not methods for clemency	8 two hour sessions over an 8 to 12 week period.	Indirect mediation, Direct mediation	Supports changes in attitudes towards victims but no recidivism studies to date
Justice Research Consortium		Thames Valley	Prisoners near release from prison and adults with community sentences			Conferencing	Randomized controlled trials but no recidivism data
Bridges to Life	http://www.bridgestolife.org/index.html Armour (2006)	Operates in 15 Texas Prisons	5 inmates with release within 12 months 2 victims 1 facilitator (N= 1500)	Voluntary During incarceration	2 hour sessions per week over a 12-week period	Indirect mediation, Direct mediation	Only 13.9% of post release participants have been reincarcerated Reduces correctional costs
Restorative Circles	Hawaii	Walker, Sakai, and Brady (2006)	Parole Board Representative, Warden, prison counselors, inmate family	Voluntary During incarceration	3 hour group planning process	Family reconciliation	Inmates satisfied with program. No recidivism data
Resolve to Stop the Violence Project	San Francisco	Parker (2005)	Jail inmates, male violent offenders, Victims	Mandatory	Once per week	Direct mediation, indirect mediation, conferencing	42% decline in recidivism for those in program for 4 weeks; 51% decline for those spending 12 weeks in program, 80% decline for those

							spending 16 weeks in program
Collaborative Justice Project	Canada	Forget (2005)	Preconviction, before sentencing, and in prison	Voluntary	Varies	Direct mediation, indirect mediation, Conferencing	Positive impact on attitudes. No recidivism data
Restorative Unit at Gande Cache Institution	Canada	Forget (2005)	Inmate Restorative Justice Unit	Voluntary	24 hour Unit	Direct mediation, indirect mediation, conferencing with other inmates	No evaluation conducted
Phoenix Zululand	South Africa	Forget (2005)	Inmates	Voluntary	Unknown	Indirect mediation, Direct mediation	No evaluation conducted
Citizens, Victims, & Offenders Restoring Justice Project Skakopee	Minnesota	Burns (2001)	Female inmates, crime victims, community members, facilitators, neutral advocate, observer	Voluntary	3 hour weekly session for 9 weeks	Direct mediation, conferencing	Positive attitude changes for victims and offenders. No recidivism data
Citizens, Victims, & Offenders Restoring Justice Project MCFLino Lakes	Minnesota	Burns (2002)	Male inmates, crime victims, community members, facilitators, advocates, observer	Voluntary	3 hour weekly session for 12 weeks	Direct mediation, conferencing	Positive attitude changes for victims and offenders. No recidivism data
Restorative Justice with Homicide Survivors	Texas	Umbreit and Vos (2000)	Male inmates, victims	Voluntary	4–6 hours	Direct mediation, Conferencing	Positive attitudinal change. No recidivism data
Victim Offender Dialogue	Georgia	http://www.dcor.state.ga.us/pdf/tcp26-30.pdf	Inmates Victims	Voluntary		Direct mediation	No evaluation data

Table 3: Sample of Victim Wrap Around Programs

State	Participants	Victim Direct Input into Release Process	Description of Services	Other Services
Washington State Department of Corrections www.doc.wa.gov/stories/victimwrap.htm	<ul style="list-style-type: none"> • Victims • Corrections staff • Law enforcement • Victim advocates • Community resources 	Yes	<ul style="list-style-type: none"> • Input into conditions imposed on offender • Develop a safety plan for victim upon release of the offender • Community agency involvement as needed 	<ul style="list-style-type: none"> • Victim Notification • Community Concerns access • Victim/offender meetings • Community victim Liaisons
Ohio Department of Rehabilitation and Correction	<ul style="list-style-type: none"> • Victims • Victim advocate • Corrections Staff • Parole Authority • Law enforcement 	No	<ul style="list-style-type: none"> • Develop a safety plan • Crisis counseling • Sex offender information • Community agency involvement as needed. 	
Vermont http://www.cedoburlington.org/neighborhoods/cjc/offender_reentry.htm http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=13&Chapter=072&Section=03272	<ul style="list-style-type: none"> • Victim Advocate • Corrections staff • Law enforcement • Community resources 	No	<ul style="list-style-type: none"> • Input into conditions imposed on offender • Develop a safety plan 	
Georgia http://www.dcor.state.ga.us/pdf/tcp26-30.pdf	<ul style="list-style-type: none"> • Victims • Victim advocate • Corrections staff • Parole authority • Law enforcement • Community resources 	Unknown	<ul style="list-style-type: none"> • Develop a safety plan 	<ul style="list-style-type: none"> • Victim/offender meetings

Restorative Practices in Institutional Settings and at Release: Victim Wrap Around Programs

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[back to top](#)

***Pono Kaulike*: Reducing Violence with Restorative Justice and Solution-Focused Approaches**

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² Effort is made here to avoid labeling people as offenders and victims and uses these terms only for clarity purposes. Deficit-based labels reinforce negative thoughts, behaviors and emotions. While we should disapprove of bad behavior and recognize pain we feel, we should identify strengths, possibilities, and hope. People always have potential and are more than what happens to them and what they have done in the past.

³ These cases were not referred to *Pono Kaulike* mainly because the sentencing judge did not make the referral.

⁴ The idea of using restorative justice and having shared meetings with people involved in intimate violence (man against woman), which *Pono Kaulike* provides, is controversial and has been discussed previously (Walker & Hayashi, 2007).

[back to top](#)

Estimating the Impact of Kentucky's Felon Disenfranchisement Policy on 2008 Presidential and Senatorial Elections

¹ According to information directly obtained from Kentucky's Department of Corrections, the average weekly number of non-state/non-federal County prisoners was 9,428 in February 2009. Since daily numbers were unavailable, the stated figure was derived by dividing the weekly average by seven. The total of ex-felons was calculated by dividing Manza and Uggen's (2006:75-76) ex-felon "very conservative" estimate by voting age population ($128,775/3,123,645=0.0412$) and then multiplying the resulting figure by the updated voting age population ($3,237,501*0.0412$). To ensure that the updated disenfranchisement figures were not skewed by procedural changes in felon reenfranchisement, we obtained 1999-January 2009 felon reenfranchisement statewide tallies from Kentucky's Secretary of State. From 1999-2004, covering the period in which the Manza/Uggen estimate was calculated, the state average reenfranchisement was $((669+572+958+1278+1193+316)/6=)$ 831 per year. From 2005 to 2008, the rate dropped to just $((253+274+255+1807)/4=)$ 432. Contemporaneously, African-American

[Home](#)

References

[Endnotes](#)[Pretrial Risk Assessment and Case Classification: A Case Study](#)[Restorative Practices in Institutional Settings and at Release: Victim Wrap Around Programs](#)[Pono Kaulike: Reducing Violence with Restorative Justice and Solution-Focused Approaches](#)[Estimating the Impact of Kentucky's Felon Disenfranchisement Policy on 2008 Presidential and Senatorial Elections](#)[The Effect of Participatory Management on Internal Stress, Overall Job Satisfaction, and Turnover Rate among Federal Probation Officers](#)

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[back to top](#)

Restorative Practices in Institutional Settings and at Release: Victim Wrap Around Programs

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[back to top](#)

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