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Analysis of the Prison Justice Reforms Act

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Abstract

Purpose: The aim of the study is to analyze the Prison Justice Reform Act

Methodology: This study adopted a desktop methodology. This study used secondary data from which include review of existing literature from already published studies and reports that was easily accessed through online journals and libraries.

Findings: The study shows that rehabilitation and education programs were major reforms introduced in prisons. Rehabilitation programs aimed at enhancing job readiness, seeking skills, which equip the inmate with job search techniques and job behavioral health support. The study also shows that prison education programme was found to be of great benefit to the ex-convicts and the benefit trickle down to the community at large.

Unique Contribution to Theory, Practice and Policy: The study was anchored on Cognitive behavior modification theory and legitimacy theory. The study recommended that prisons should focus on the importance of incorporating the knowledge of rehabilitation programs of initiative into the mainstream private sector and public policy decision making.

Keywords: *Analysis, Prison, Justice Reform Act*

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INTRODUCTION

The concept of prison as a place of punishment following conviction dates back to the 18th century. This is a humane substitute for the severe and cruel punishment practices of the past (Bhutta, 2020). Also, it was thought that the isolation of the criminals in solitary confinement would cause them to have a change of heart, leading to reformation and rehabilitation. Reformatory efforts didn't really take off until the 19th century, when inmates' classification, segregation, customized care, and vocational training were all given full consideration for the first time. The world transitioned from punishment to reform and recovery (Miguel, 2017). The goals and duties of jails around the world were likewise altered by this ideology. Depending on the ideological preconceptions of the governments regarding how the criminal justice system should operate, the goals of imprisonment vary across nations. Often, these criminal purposes involve immobilization, deterrent, rehabilitation, and reformation (Akih, 2017) Prisons are designed to serve a variety of purposes regardless of confinement or incarceration. Prisons evolved into institutions for education and correction. Jail was used as a chance to advance personally. Prisons are become a hub for corruption and criminal activity.

Many commissions and committees were established to bring about prison reforms in Pakistan while keeping in mind the evolving and varied roles of prisons. The duties of a modern prison are different nowadays. Prisons strive to achieve the following goals: custody, care, control, correction, care, cure, community involvement, and effective reintegration into society (Law and Justice Commission of Pakistan, 1997). The court-ordered sentence is carried out in prisons. In modern prisons, prisoners are maintained, cared for, held in custody, and transferred. Prisons are employed to enforce compliance among inmates and uphold discipline. Prisons serve the purpose of providing the inmates with practical education and training in a variety of crafts, skills, and other vocational fields in order to facilitate their successful economic rehabilitation. Prisons' auxiliary duties include planning recreational activities and providing psychological treatment to prisoners (Law and Justice Commission of Pakistan, 1997).

Human Rights Watch (2006) claims in a report that the wealthy convicts in Pakistan's current jail system are given preferential benefits and privileges (Bhutta, 2020). It's also thought that many career criminals enter prison in order to stay out of trouble with competing gangs. Prisons serve as detention facilities for both criminals and accusers. The ultimate goal of rehabilitation and reformation is for prisons to serve as learning and earning environments for social skills. For the inmates to create a better living environment, prisons must resemble a small planet. The inmates' emotional, psychological, and physical needs must be met by the jails. In order to conserve resources and improve convicts' rehabilitation, European nations are looking for and implementing alternatives to the traditional jail system. Regrettably, India has not yet developed this. Hence, managing the jail system and reforming the prison system are low priorities in Pakistan (Shad, 2020).

Modern prisons have undergone significant modifications, punishment now entails community involvement, good counsel and correction (Appleman, 2018). The idea of modern change, and in this regard, the government of Pakistan as signatories of international conventions and laws regarding human rights, particularly rights of the prisoners inside the prison, have been taken into consideration. While various suggestions have been incorporated to bring in consistency

with international standard, much work remains to be done in this regard so that only in this manner can rights of the prisoners be protected.

The combination of legislative and practical measures to lower incarceration rates and jail congestion with training and capacity building in prison management to enhance conditions and services in prisons is the most evident example of an integrated strategy (Coyle, 2018). Technical assistance to improve access to justice for the poor and vulnerable, to guarantee the fair treatment of disadvantaged groups in the criminal justice system while also preventing overcrowding in prisons, as well as crime prevention measures that can lower offending and reoffending are additional components that could complement such activities. Another crucial component of this strategy is to address the requirements of both current and former prisoners for social reintegration, with proper pre-release planning and post-release assistance (Baldry, 2018). Areas that are normally not thought of as being a part of the prison reform system are also taken into consideration by an integrated approach. In order to prevent services in prison from becoming overburdened while attempting to reach the requirements of an increasing number of prisoners with special needs. These steps might include, for example, the creation of community-based drug abuse treatment programs or psychosocial counseling services, where some criminals might be referred rather than being imprisoned (Stöver, 2017). Establishing and expanding connections and collaborations with other UN agencies as well as other international and national organizations working on related projects can be extremely beneficial for the integrated strategy to jail reform.

The United States' criminal justice system works at punishing lawbreakers (Jain, 2017). These individuals, also known as offenders, are frequently detained in jails and prisons up until they have made good on their debt to society. Upon the completion of their term, they are typically released into the community on parole with little to no assistance to help them reintegrate into society. Despite public ambivalence and calls for reform, the punitive system has been and continues to be the main method of corrections in the United States (Thielo et al. 2016). Yet, some nations run somewhat differently, emphasizing active rehabilitation rather than punishment, as is the case with Scandinavian prisons (Henkel, 2021). If we choose to concentrate our efforts on rehabilitating offenders rather than punishing and incapacitating them before finally releasing them into the same communities that they previously damaged, these changes may have an impact on all of American society. We can assess trends in racial inequities within systems, the politics of developing criminal justice policies, the experience of offenders reintegrating into society, and the answers that other nations can provide by examining criminal justice approaches abroad.

Historically, Victoria has had one of the lowest rates of incarceration in Australia, accounting for one-fourth of the country's population and only 18% of those who are incarcerated (Henkel, 2021). Truth-in-sentencing is the criminal justice system used in Victorian times. Victim impact statements, recidivism and violent offender laws, and other law-and-order measures all contribute to the criminal atmosphere but did not have an impact on the study's rising rates of incarceration. 2014 saw Victoria eliminate suspended sentences as well, furthering the culture of punishment (Farmer, 2017). South Australia, in contrast, had the highest median total sentence and the highest proportion of convicts without a term. Truth-in-sentencing was implemented in South Australia when the liberal party took power, which meant that all criminals had to serve out the full of their sentences regardless of their behavior (Tubex, 2018). But even after the labor party came to power, this remained the case. Indigenous people were

overrepresented in Western Australia's prison population, which was above average. Furthermore, Western Australia's three-strikes rules and mandatory minimum punishments were applicable to a variety of offences and, like analogous American laws, disproportionately hurt males of color (Indigenous) (Oleson. 2017).

Prison life in Norway is designed to mirror "normal" life outside of jail, with the exception of the freedom to travel around. Prisoners there retain full civil rights. In contrast to the earlier stated 50% rate for the United States, Deady (2014) claimed a 20% recidivism rate in Norway. Denny (2016) provided three explanations for this variation and Norway's low recidivism rate. The first of these was access to higher education, when local educators were permitted to instruct prisoners inside of jails and prisons. Another explanation for Norway's reduced recidivism rate is the aforementioned institutional normality. The availability of higher education and normalcy in jail make it substantially simpler for offenders to find employment following release, which is the third factor contributing to this discrepancy. Rege, Skardhamar, and Kjetil (2019) discovered, however, that incarcerated individuals struggled to reintegrate into society after being released, and the factors that contribute to recidivism are comparable to those in the US (Fahmy, 2022). They claimed that there is a bad relationship between post-release work and recidivism. By the end of the study, more than half of those Skardhamar and Kjetil (2019) observed had committed new offenses. Among those, many of them struggled to maintain employment. Nonetheless, the bulk of individuals who refrained from crime had jobs. As a result, the data from Skardhamar and Kjetil (2019) demonstrate that while employment does seem to operate as a buffer against recidivism, it can still be challenging for offenders to reintegrate into society in Norway. Successful returns in the US have also been associated with stable jobs and strong community ties (Fahmy, 2022).

Prisons in Germany and the Netherlands prioritize rehabilitation and resocialization over strictly punishing offenders (Omboto, 2019). Some claim that the United States should follow their lead and offer programs for education, life skills training, and improved medical care (Deady 2014). When inmates are freed, they would be far more equipped to act as contributing members of their communities if these things are made available to them. Certainly, assessments of educational and life skills programs are conducted in the United States. Although they are still uncommon in America, these initiatives have been linked to decreased recidivism, and those who take part in them are much more likely to obtain employment after their release (National Institute of Justice 2014a). Natoli (2021) also describes how most criminals in these nations—including many of those who commit serious crimes—are not imprisoned, a practice that would cause the prison population in the United States to collapse and give offenders access to more restorative justice procedures. Programs for restorative justice and reentry have also shown good results in the United States (National Institute of Justice 2018a).

By taking into mind their percentage in the general population, New Zealand's Maori and Pacific Islander populations are disproportionately imprisoned (Shepherd and Ilalio) (2015). They discovered evidence of the similar tendency in Australia as well: Maori and Pacific Islander adolescents were 16 times more likely to be in detention than their white counterparts, despite Victoria having the lowest youth incarceration rates in all of Australia. Similar to this, Indigenous people are overrepresented in Australian jails at a rate 13 times higher than that of non-Indigenous persons, according to Tubex et al. (2018). Indigenous people were overrepresented in their sample of prison populations, according to Baldry (2018), and their

likelihood of being taken back into custody was twice that of non-Indigenous inmates. Despite the progressive character of alternative systems, all nations must confront this problem as a first step toward genuine reform.

Statement of the Problem

The purpose of the criminal justice system is to hold lawbreakers accountable and punish them. These individuals, sometimes known as offenders, are frequently detained in jails and prisons until they have made good on their obligation to society (Porter, 2018). Upon the completion of their term, they are typically released into the community on parole with little to no assistance to help them reintegrate into society. Although there is ambivalence in the public's opinion and there are some voices calling for reform, this punitive system has been and is still a fundamental method to corrections. Lebbie (2021) and Koome (2015) have a contextual gap since they only focus on a small number of the changes that have been implemented, but the current study tries to analyze every reform that has been implemented in accordance with the Prison Justice Reform Act.

Theoretical Framework

This study is will be guided by cognitive Behavior Modification Theory which was proposed by Donald Meichenbaum in 1977 and legitimacy theory which was proposed by Dowling and Pfeffer in 1975.

Cognitive Behavior Modification Theory

The cognitive behavior modification theory, according to Donald Meichenbaum, was the theory that this investigation found to be most pertinent (1977). He claims that cognitively restructured educational therapy can result in behavior modification. The fundamental premise is that people's interpretations of events cause them to contribute to their own psychological issues. Reorganizing one's self-statement will also require reorganizing one's actions. The goal of the cognitive behavior framework is to promote behavior change by reorganizing one's warped, mistaken perceptions and acquiring new cognitive abilities. Meichenbaum (1977) identified three different behavior modification change processes:

The customers gain the ability to watch their own conduct. They frequently criticize themselves internally and use demeaning language. Their readiness to hear what they have to say to themselves is a key element here. Their thoughts, feelings, psychological responses, and social conduct all become more sensitive as a result. People start to understand that they are actually making themselves depressed rather than being "victims" of unpleasant thoughts and feelings. The clients develop awareness of their maladaptive behavior and start to see opportunities for alternatives that promote cognitive, emotional, and behavioral transformation.

The more successful coping mechanisms that clients learn and implement in real-life scenarios, the more diverse responses they receive from other people. The creation of rehabilitation programs with therapeutic objectives is the main objective of all remedial agencies. The cognitive restructuring that results from using the Cognitive Behavior Modification Theory helps offenders take responsibility for their acts and develop specific goals to improve their behavior. In the case of offenders undergoing rehabilitation, their erroneous cognitions serve to both excuse their antisocial behavior and provide an explanation for the different crimes they have committed (manslaughter, assault, stealing, drug and substance abuse). If offenders receiving individual, group, and family counseling are capable of assessing their own thoughts,

feelings, and behavior will be the main emphasis of the study. This will help in identifying the issue that puts them in confrontation with the neighborhood. This theory will aid in comprehending how the offenders' lives have changed as a result of prison justice changes.

Legitimacy Theory

According to legitimacy theory, the design (nature) of services and control systems are influenced by external institutional variables (Deegan, 2019). Such external pressure is applied to the police in the framework of the police service by the following parties: unions and its workforce; government; community; regulators and lawmakers; media; creditors and suppliers (Abbott, 2021). According to, the coercive and mimetic processes are two isomorphic processes that underlie the legitimacy theory (Abbott, 2021). The "cloning" or homogenization of organizational methods or operations results from these processes. The formal or informal constraints of political influencers to acquire legitimacy have been referred to as coercive isomorphism. Government regulations, the legal system, or even other hegemonic institutions like the media are examples of coercive isomorphism. Uncertainty, on the other hand, leads to mimetic isomorphism. When faced with uncertainty, firms are more likely to copy or model themselves after competitors who are seen as legitimate in their sector (Deegan, 2019).

According to one theory, organizations establish certain systems, policies and procedures to show that they adhere to institutionalized rules, which helps to legitimize them and ensures that they continue to get support from society (Agyekum, 2018). We will be able to better grasp the prison justice reform Act's underlying policies with the use of this theory.

Empirical Review

Lebbie (2021) investigated the connection between rehabilitation and recidivism; the study's methodology was integrative research evaluation. The study's findings show that rehabilitation programs strive to improve work preparation and seeking abilities, which give the prisoner job search skills and when someone is released from prison, behavioral health support may not be very helpful if they don't have a place to reside. According to the study, being homeless makes it harder to complete the necessary treatment. As a result, even the finest result from a behavioral health intervention may be diminished if the person does not have access to secure housing. This might also happen as a result of unsuccessful treatment plans. The study came to the conclusion that if the program is of poor quality, recidivism rates will stay high. According to the study, prisons should emphasize the significance of incorporating knowledge of initiative-driven rehabilitation programs into the mainstream corporate sector and public policy decision-making.

Magaloni (2020) looked at how countries may curb their use of coercive institutions and move toward a more compassionate criminal justice system. The research approach was a survey. The study made use of the arrest date and location data from the Mexican prison population. The found that reforms that limit police can credibly cause individuals to link the occurrence of crime in their neighborhood with new procedural safeguards built into the criminal justice system and produce public incentives to undo these reforms, regardless of whether crime rates change.

Capis (2013) looked at the socioeconomic determinants that cause reformed criminals to relapse in Kenya. Labeling theory served as a guide for the investigation. A community survey had the 372 households as its target population. Both quantitative and qualitative analyses of

the data collected were performed. According to the study's findings, unemployment and education level, which are both socioeconomic factors, significantly influenced how often reformed criminals relapsed. The study also demonstrates that the majority of relapsed cases of convicted felons who had undergone rehabilitation were linked to substance usage and addiction. One of the major contributing elements to the relapse of the reformed criminals was the low and negative community attitude, which was accompanied by increased mistrust among the community members. The study advocated utilizing locally already-existing initiatives to successfully change the unfavorable community perception of rehabilitated criminals, which raises the likelihood of relapse following rehabilitation.

Koome (2015) looked at the impact of a prison education program on the expansion of an ex-convict small business operation in Taita Taveta County. A semi-structured questionnaire and an interviewing guide were used to gather data from the target audience. The study concentrated on 300 former prisoners in Taita Taveta County. The study demonstrates that the majority of small business ex-convicts possessed management, entrepreneurial, and technical skills but lacked sufficient company finance skills and were better positioned in terms of capacity building. The study also demonstrates that the prison education program was beneficial to ex-offenders and had a positive impact on the community at large. It was suggested that a new after care policy give top priority to the development and coordination of reintegration program activities in collaboration with community-based partners and NGOs. The report also suggested that Kenya prison collaborate with county governments to support ex-offenders' reintegration into society and help them launch enterprises through grants and discounted company registration.

Odhiambo (2010) examined the community elements that affect the long-term integration of female ex-offenders into the society. The study used an exploratory approach. Both qualitative and quantitative research methods were used. Data collection for the study included focus group discussions, interviews, and questionnaires. Records from the courts, police, and prisons were used to collect secondary data. The study found that due to the impression, stigma, and stereotype associated with female incarceration, some of the recidivists lost their marriages when they were sent to prison while others were unable to find husbands from the community. Also, it was determined that because the rehabilitation programs offered to the offenders concentrated more on imparting technical knowledge and manual labor, they were less successful. The study urged more investigation to determine whether ex-offenders receive post-prison follow-up services to aid in their reintegration into society.

Ogola (2014) evaluated the effect of performance contracts on the Kenya Prisons Service. Primary and secondary sources were also employed in this study to acquire data. This study employed a descriptive survey as its research strategy. A total of 100 respondents were chosen, and all of them received questionnaires. Secondary data on finance and stewardship were also taken from already-existing KPS records. According to the report, decision-making autonomy has not been permitted under performance contracts. So, the lower staff cannot make important decisions without being concerned about political meddling. In terms of service delivery, finances and stewardship, non-financial indicators, operations and dynamics indicators, the prison service has improved performance. The study makes the suggestion that much work still needs to be done in order to perfect the use and uptake of performance contracting as a strategy for managing public resources.

METHODOLOGY

This study adopted a desk methodology. A desk study research design is commonly known as secondary data collection. This is basically collecting data from existing resources preferably because of its low cost advantage as compared to a field research. Our current study looked into already published studies and reports as the data was easily accessed through online journals and libraries

RESULTS

The results were analyzed into various research gap categories, that is, contextual and methodological gaps.

Contextual and Methodological Gaps

Odhiambo (2010); Ogola (2014) and Magaloni (2020) posit a conceptual gap as none of these studies addresses the analysis of prison reform act. Koome(2015); Kumba(2021) and Capis (2013) present a methodological gap as these studies used descriptive and survey research method while the current study adopts desktop study research design.

CONCLUSION AND RECOMMENDATIONS

Conclusion

According to the study's findings, rehabilitation programs strive to improve inmates' job preparedness and searching abilities by providing them with job search strategies. If a person won't have a place to live when they are released from jail, behavioral health support may not be of much use. The study comes to the conclusion that police-restraining reforms may possibly cause people to link an increase in crime in their neighborhood regardless of whether crime rates change with brand-new procedural safeguards incorporated into the criminal justice system, creating social pressure to undo these reforms. The study comes to the additional conclusion that socioeconomic factors include job and educational attainment played a significant role in the relapse of the redeemed criminals. The study also demonstrates that the prison education program was beneficial to ex-offenders and had a positive impact on the community at large.

Recommendations

According to the study, prisons should emphasize the significance of incorporating knowledge of initiative-driven rehabilitation programs into the mainstream corporate sector and public policy decision-making. The study advocated utilizing locally already-existing initiatives to successfully change the unfavorable community perception of rehabilitated criminals, which raises the likelihood of relapse following rehabilitation. The report also suggested that Kenya prison collaborate with county governments to support ex-offenders' reintegration into society and help them launch enterprises through grants and discounted company registration. The study urged more investigation to determine whether ex-offenders receive post-prison follow-up services to aid in their reintegration into society.

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