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ORIGINAL ARTICLE

Once convicted? The long-term pathways to desistance

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Abstract

There are few long-term studies of the convictions of persistent offenders and the extent to which they may desist from offending. The Sheffield Desistance Study interviewed 113 men aged 19–22 years over four or so years. Their subsequent convictions over the next ten years generally show a continuing pattern of convictions, but with major crime-free gaps. Initial hopes for desistance, if seen as continuing cessation from crime, have not been fulfilled, linked to both substance abuse and, it is argued, recent penal policy in England and Wales. The question is then how we should see recidivism and desistance.

KEYWORDS

desistance, long-term criminal convictions, penal policy

1 | INTRODUCTION

Desistance, or stopping committing criminal offences, is considered to be a process of moving from offending behaviour through reducing offending to the cessation of offending (Bottoms & Shapland, 2016; Bottoms et al., 2004; Farrall et al., 2014; Laub & Sampson, 2003). It can be, however, an uneven progression, with the need both to wish to change one's lifestyle (agency) and the need for appropriate structural conditions of having means to obtain legitimate money, accommodation, etc. to maintain progress towards desistance (Farrall, Bottoms & Shapland, 2010). Individuals' perceived obstacles to desistance (Bottoms & Shapland (2016), see also the idea of pains of desistance – Patton & Farrall (2021)) include substance misuse, lack of money, lack of work, psychological strain, where one lives and pressure from offending friends, but they also include

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aspects of criminal justice, such as having a criminal record and perceived police harassment. Overall, most offenders desist over time, producing the shape of the typical age-crime curve, with its sharp rise in criminality in adolescence and slower decline over subsequent decades (Bottoms & Shapland, 2011). However, this is the shape shown for the general population, while studies of more persistent offenders, with significant criminal records from their teens onwards, have suggested that there are groups of 'chronic' offenders with much slower rates of desistance, if any desistance at all (Blokland, Nagin & Nieuwebeerta, 2005; Farrington et al., 2006; Moffitt, 1993). The question then arises as to what the path to desistance, or continued offending, is for more persistent offenders and what kinds of elements shape it. Is it about having an early age of onset, as the Dunedin study has argued (Moffitt, 1993), or 'hooks for change' (Giordano, Cernkovich & Rudolph, 2002), or being able to move off drugs, or do more general societal or criminal justice elements also play a role?

Given that persistent offenders form only a very small part of the general population, though commit a significant proportion of criminal offences, as known since the early 1990s (Farrington & West, 1993), general population studies have to be very large in order to consider these questions for the persistent. Some longitudinal studies of offending have been of the general population (e.g., the Cambridge Study of Delinquent Development: Farrington et al. (2006)) though others have taken those incarcerated as juveniles (e.g., Laub & Sampson, 2003) or subject to probation (e.g., Farrall et al., 2014), but not necessarily persistent offenders. The Sheffield Desistance Study (SDS), the subject of this article, was unusual in having a sample of mostly persistent offenders aged 19–22 years at the start, who were followed for around four years and interviewed each year at this key period for potential desistance according to the age-crime curve (the cusp of the curve at the time being at 18–19 years). It has now been possible to follow up this group in terms of criminal convictions over 14 years, between 2003 and 2017, so that it is possible to see whether they did desist, what patterns of criminality were, and whether agency and overall structural criminal justice conditions were influential. This was a period of increasing severity of reactions to offending in England and Wales, with the Prison Reform Trust (2019) characterising it as: 'We choose to send people to prison for a long time ... and it's growing' (p.11). Given these societal changes, did desistance remain possible? Or did penal changes produce the reverse of what they were intended to do, with persistent offenders continuing to reoffend on release?

2 | THE SHEFFIELD DESISTANCE STUDY

The Sheffield Desistance Study followed a sample of 113 male, mainly persistent offenders, who were born in 1982–1984 and aged 19–22 years at first interview, with at least two convictions on different occasions within the previous two years and known to the prison or probation authorities. Up to four interviews were carried out at intervals of nine months to a year, with participants talking about their lives at that time, their self-reported offending and their hopes for the future (including attitudes to desistance) (Bottoms & Shapland, 2011). Given that participants had been recently convicted and said that they had recently offended, if participants said they were taking steps towards desistance, this was early desistance.

The initial phase of the study was able to look at convictions and self-reported offending up to 31 August 2007 (the first four years, during which interviews took place) (Shapland & Bottoms, 2017). It was clear that participants were mostly persistent offenders, with a substantial criminal record when first interviewed (at 19–22 years of age), with a mean of 8.05 conviction occasions (standard deviation 4.51) for standard list offences,¹ which included a mean of 17.61 offences (standard

deviation 13.66). The predicted group reoffending rate over the next two years from the beginning of the study (OGRS2²) was very high at a mean of 77% and a median of 83%. It was therefore predicted that around 80% would be reconvicted in two years. We found, in fact, that between the first interview and August 2007 (on average over three years) 90 of the 113 men were reconvicted (79.6%: Bottoms & Shapland (2011)). This was a high-offending group and, in terms of receiving any further conviction, the OGRS score was an accurate predictor.

However, from the first interview onwards, some individuals said that they had made a definite decision to try to stop offending and in later interviews said that they had stopped. This was clearly sometimes an erratic process, with the same participant altering their view from interview to interview. But nonetheless, by the end of the four years, 36% of participants said they had stopped offending (desisted) (Bottoms & Shapland, 2011). Moreover, the frequency of convictions and self-reported offending was showing a bifurcated trend, with overall a decrease from 8.2 convictions for standard list offences per year at risk in the year before the first interview to 2.6 convictions for standard list offences three years later. Over that period 61% of participants decreased their self-reported offending – but 39% increased it. In other words, though the proportion of participants offending (and being convicted) did not change much, the frequency of their offending decreased substantially. For persistent offenders, this is an important result, because persistent offenders commit a substantial amount of crime, but it is the frequency of their offending which largely produces that crime burden. We also found that having taken a definite decision to desist significantly predicted less self-reported offending later on. So, for example, the correlation between intention to desist at the first interview and self-reported offending at the last interview was 0.30 ($p = 0.004$, Spearman's correlation) and all correlations between intentions to desist when interviewed and future self-reported offending at later interviews were positive and significant at less than 0.05 (Shapland & Bottoms, 2017).

We were able to obtain further data on convictions (and official cautions) for the following ten years, up to 31 August 2017. This now allows us to consider offending and reoffending over a full 14-year period. Did those in the sample continue to reduce their frequency of offending? Did they actually stop offending? In other words, was there desistance – and what kinds of factors related to that desistance?

3 | REOFFENDING OVER THE 14-YEAR PERIOD: MEASURING DESISTANCE

First, we need to consider how to measure desistance. There is no accepted definition in the literature as to what constitutes desistance. There clearly needs to be a reduction in, or cessation of, offending behaviour, not simply a wish to desist, but over what period need this reduction take place? And is a reduction in offending enough, or should there be cessation of offending behaviour? The question is put into sharper focus by Farrington's (2018) findings from the Cambridge Study in Delinquent Development, a general population study, that the probability of being reconvicted was still 20% after a crime-free gap of ten years, though it reduced to 8% after 30 years. Farrington concludes that those who have no convictions after 30 or more years have desisted – but he is clearly taking desistance as meaning no conviction of any kind, that is, that it starts at the end point of all offending. Given that persistent offenders, particularly if they stay in the same area, will be well known to the police and likely to be stopped, that may not be a reasonable objective.

Many of those studying criminal careers have taken a modelling approach, in which their samples are divided into groups of similar career trajectories. So, for example, Laub & Sampson (2003) compared those persisting and desisting, whereby desisters had no arrests after that point. Similarly, Blokland, Nagin & Nieuwebeerta (2005) in the Criminal Career and Life-Course Study in the Netherlands used a latent class model to find their groups, though they omitted consideration of traffic and regulatory offences and considered frequency of offending (convictions and prosecutorial dispositions) rather than any official conviction or disposal. Farrall et al. (2014) used a looser definition, in which 'desistance within the confines of this study can therefore mean anything from a recent commitment to avoid further trouble (supported by evidence of attempts at behavioural modification) to several years of non-offending behaviour' (p.27). Judging whether people were desisting or persisting in offending included self-reports and reports by others. Looking at trajectories of groups is a helpful approach in terms of finding what differences there may be between those persisting or desisting, but because the modelling takes into account the whole of the time period being studied, it is not very helpful in considering individual pathways or predicting what may lead to desistance. Desistance implies change (in behaviour and potentially in attitudes and social circumstances), but behaviour may be erratic. Indeed, Laub & Sampson (2003) found that many of their sample had zig-zag criminal careers with some starting late, some reducing late and some being intermittent over the ages of seven years to over 35 years, though the majority did desist or at least decrease their frequency of offending over time.

In the current study, rather than trying to sort individuals into similar groups, we are trying to consider individual pathways, look for any change, and potentially predict what elements at one point in time lead to reduced offending some years later. This is a similar task to that undertaken by Soothill and colleagues (Soothill & Gibbens, 1978; Soothill, Francis & Ackerley, 1997), who considered reconvictions over a particular time period (after five years in the earlier study, over 12–24 years in the second). Their samples were very different from those in the current study – sexual offenders in the first study, white-collar offenders in the second (both of which are rare in the current study), but their methods are of interest. In the sexual offender study, they used the life-table method of Bradford Hill (1971), considering who was convicted each year in the 12–24 years over which the sample was followed. Essentially this is a survival analysis of cumulative total reconvictions, which showed that recidivism was most likely in the first two years, but then became steady at around 2–3% per year, reaching 48% by 22 years. There was clearly desistance (not everyone was reconvicted) but also long-term persistence. In the white-collar sample, which was quite an old sample (41% aged 40 years or over), the main aim was evaluating particular interventions for the offenders to gain employment, but again they looked at whether or not each offender was reconvicted each year (and found that over one-third were reconvicted after the fifth year).

Trying to draw lessons from these long-term studies for the present study, it seems important to consider the behaviour of the whole sample, looking at each year, and at survival analysis, but also look at the frequency and intermittency of the offending (as shown by convictions). It is clearly not helpful simply to take the time of last conviction as indicating desistance. The Sheffield Desistance Study includes offenders committing a wide range of offences including general property crime and violence at the beginning of the interview study (Shapland & Bottoms, 2017), with some very high-frequency offending, rather than the typically low rate offending of some white-collar and sexual offenders.

In doing this, though, we need to note some drawbacks or unknowns in the data available. It was not possible to obtain data on actual prison release dates or periods of remand in custody before a trial, so, in order to measure time at risk of offending, it was assumed that periods in prison were from the date of conviction to the date when half the sentence passed had been served (in

England and Wales at that time, prisoners would normally be released at the halfway point). This ignores disciplinary measures in prison resulting in increased time to be served and, on the other hand, day release and release with an electronic tag. The effects of these various factors probably cancelled each other out in terms of overall days, but the dates of the period at risk, had they been available, would have been moved back into the past (remands in custody before trial taken away from time to be served). We also need to note that looking at yearly periods includes considerable inaccuracy about any particular year, because of the time required to investigate and prosecute cases.

3.1 | Summary of methods of data analysis for the ten years of data

In order to explore the extent and nature of reconviction of the sample over the ten-year period, a number of methods of data analysis were used to tease out the questions raised above about the sample's reconvictions. It may be helpful to readers to summarise them here.

3.1.1 | Counting the frequency of reconvictions in each year of the ten-year period

This is a straight frequency count, annually, of whether respondents were convicted in that year (1 September to 31 August of the following year) and how often, with the results being used in all the sections below. The counts were also done looking at whether the respondent had enough time in the community (defined as at least 31 days between 1 September and the following 31 August) potentially to commit offences for which they were reconvicted. An alternative way to consider time at risk is simply to calculate reconvictions in terms of numbers of days at risk in the same years, but because these are annual figures, the conviction rates are very much affected by those with a very few days (ten or less) in the community that year, causing sudden 'spikes' where a few offenders had these few days in the community yet were convicted. The measure using 31 days at risk or more in the community is hence preferable. In general, the analysis has used 'conviction occasions', rather than the absolute number of convictions. A conviction occasion is a court hearing at which the person is convicted on one or more charges relating to a single behavioural incident or encounter with the police. So, an incident in which someone is stopped because they have been driving without due care and consideration, but are then found to have stolen the car, been driving without insurance and to have no valid MOT certificate, is likely to result in four convictions (for the driving, theft, insurance and MOT) but is one conviction occasion. If the person had a conviction at the same court on the same day for two separate offences (whether or not committed on the same occasion), then this would be two conviction occasions. In the analyses in this article, 'breaches' of previous sentences (conditional discharge, probation, etc.) are not counted as conviction occasions, because that would be double counting the original conviction.

3.1.2 | At what point, from the beginning of the ten-year period, was the first reconviction acquired?

This was also done annually, looking at the point at which respondents were first reconvicted in the ten years – that is, how long they survived in the community, taking account of whether they

did have time at risk in the community (31 days plus) and the extent to which respondents were actually sentenced to prison over the ten-year period.

3.1.3 | Using variables available from the official convictions data

The records of convictions and cautions also contained the name of the court where the respondent was convicted. This suggests whether the respondent offended away from their original home area at their first interview for the Sheffield Desistance Study (which was in South Yorkshire), or whether all their convictions (and likely their offending) was in South Yorkshire. Cases can be transferred to other courts for specific reasons, but this is unusual. The sentences given at conviction also can suggest whether the person is perceived to have a substance abuse problem (e.g., a requirement for drug treatment).

3.1.4 | Using interview data from respondents for the four years before the ten-year period

Respondents were, as stated above, interviewed face-to-face up to four times in the initial phase of the Sheffield Desistance Study. The key questions for this follow-up were: (i) the extent of their self-reported offending prior to that interview (Bottoms & Shapland, 2011); (ii) their own perceptions of whether they thought they had stopped offending (interviews 2 to 4), whether they had taken a definite decision to desist (all interviews) or whether they were not sure whether they would be able to desist or were continuing to offend (all interviews); (iii) the 'obstacles scale' (Bottoms & Shapland, 2011), which was the total of the different kinds of obstacles they thought might prevent them stopping offending (lack of money, offending as an opportunity for easy money, need for excitement, lack of work, having a criminal record, taking drugs, anger/stress/depression, police harassment, where I live, alcohol, pressure from mates, family problems, pressure from partner); (iv) using data from official convictions and interviews to calculate each individual's OGRS score; (v) self-perceptions of whether they were dependent upon hard drugs or alcohol or had a drug/alcohol problem. Whether self-reported offending increased or decreased between interviews 1 and 4 was calculated as a variable, which was then correlated with convictions in the ten-year follow-up period. All these variables were significant in predicting both official convictions and self-reported offending between the first interviews and the final time between interview 4 and 31 August 2007 (Bottoms & Shapland, 2011).

3.1.5 | Manually analysing the criminal conviction data over the ten years to count any gaps in convictions of two years or more, up to nine years

These were taken to be indicative of 'crime-free gaps' – periods of time during which the individual was not convicted (though of course they may have been offending and not been caught). Conviction-free rates are given from two years upwards, because of the time required for a case to proceed to sentence through the criminal justice system. All conviction-free gaps were measured taking into account time at risk such that the 'clock' was set to zero if the person was in the community for less than 31 days for that year.

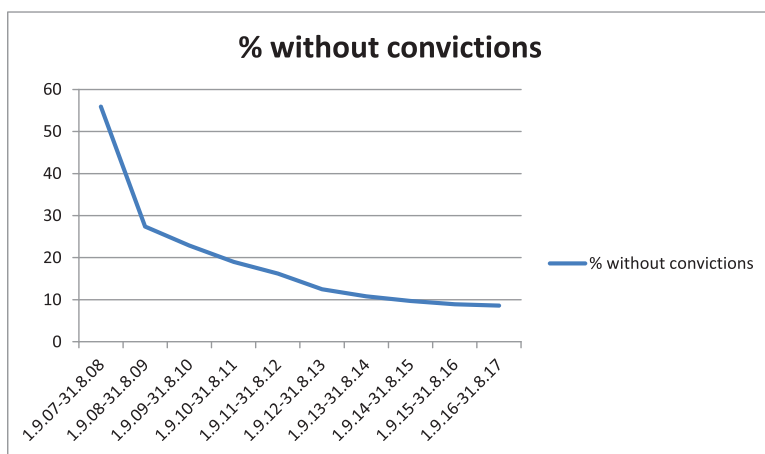


FIGURE 1 Survival analysis: percentage of the sample with at least 31 days at risk first reconvicted in each year from 1 September 2007

3.1.6 | Analysis of long sentences and frequent short sentences

Manual inspection of the criminal conviction records pointed up two patterns of convictions which might affect desistance, and which seemed to apply to subgroups. One was the extent to which respondents were given long sentences (three years plus, including indeterminate sentences). The offence for which these were given was noted, as well as the overall frequency in the ten years. The other pattern derived from the frequency analysis, whereby the highest frequencies per annum seemed to relate both to offences of shop theft and to the possibility that the person had a drugs problem. A systematic count was therefore done of these. Looking at these two facets of criminal careers is of course isolating subgroups, but it is not using statistical means to distinguish trajectories.

4 | RESULTS FROM THE TEN-YEAR FOLLOW UP ANALYSIS: HOW MUCH RECONVICTION WAS THERE?

Over the ten years from 2007 to 2017, the perhaps depressing finding was that only six people of the 113 in the sample had no convictions in the entire period (5.4%). A further two people died during the period (also without convictions). So the vast majority of the sample was reconvicted of something at some time in that ten years.

In a similar fashion to Soothill and colleagues, we can consider survival analysis, that is, how long the person 'survived' before their first reconviction in the ten years. The rapid rate of reconviction for some is shown in that in the first year of the ten-year period (i.e., immediately after our fourth original interview) only 52.9% survived without a conviction (see Figure 1). By the end of the second year, just over a quarter had survived without conviction (27.4%). The surviving proportion then dropped steadily over the next few years at about 3–4% a year so that it was 16% after five years and under 10% by year 8. Clearly, if we consider desistance to be nullified by the first reconviction, this population of persistent offenders has failed. Yet that is the standard measure

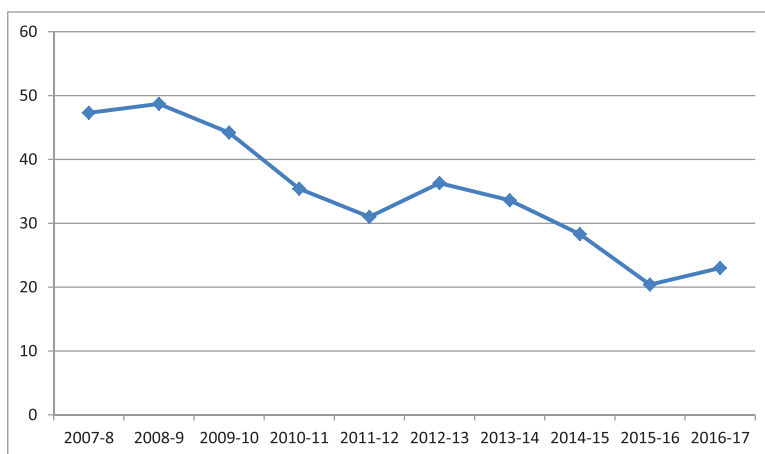


FIGURE 2 Percentage of the sample with at least one conviction occasion in the years from 2007 to 2017

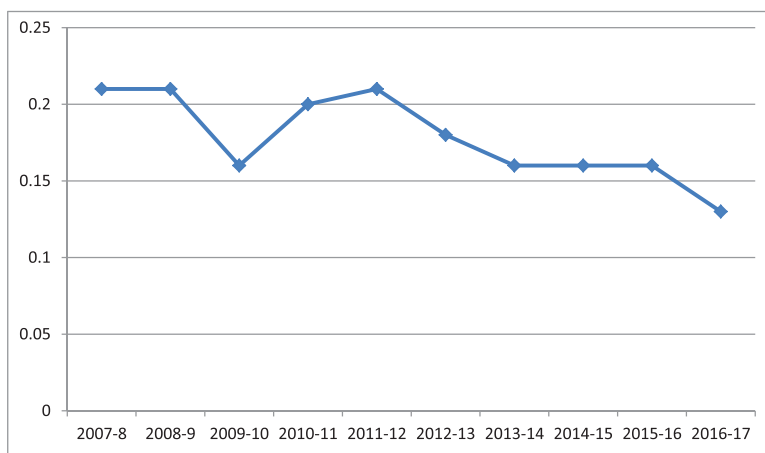


FIGURE 3 Mean extent in days during which members of the sample were in prison during each year (where 0 is in the community all year and 1 is in prison the whole year)

of recidivism or desistance used in many countries (i.e., the proportion reconvicted after one year or two years).

However, the proportion being reconvicted tended to decrease over that ten-year time period, whether we look at the actual proportion or the proportion with time at risk. The overall proportion reconvicted in each year with at least 31 days at risk is shown in Figure 2. We have not shown the first four years of the study, because these will have been affected by the sampling criteria (must have had at least two conviction occasions in the two years before interview) and corresponding sentences. It might be thought that this decrease might be due to the sample, as it aged, being sent to prison more often or longer, but in fact the mean extent of time in prison in days also decreased over the ten years (Figure 3).

It is important to take into account whether individuals were in the community and so able to commit offences during each year. Those with time at risk were, as previously defined in the Sheffield Desistance Study (Bottoms & Shapland, 2011), those with 31 days or more in the com-

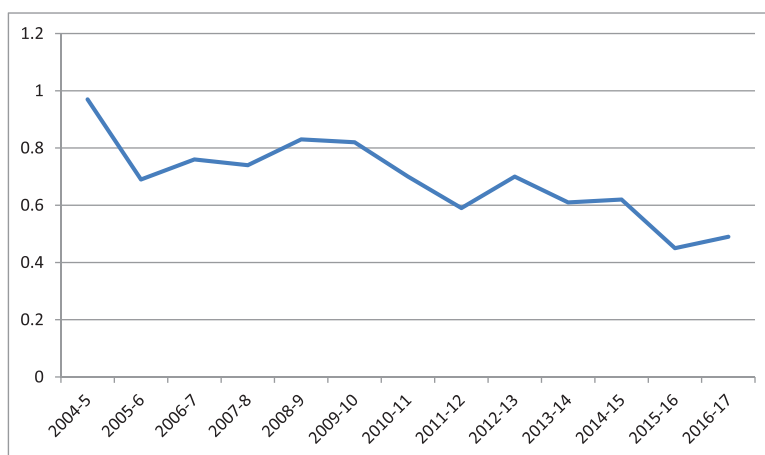


FIGURE 4 Mean number of conviction occasions over the whole 14-year period for those with at least 31 days at risk in the year

munity in the year from 1 September to 31 August (Figure 4). It can be seen from Figure 4 that this also decreases over the ten-year period. Hence, though a considerable majority of the sample were reconvicted over the ten years, the overall frequency of those reconvictions, taking into account time at risk, did decline.

Numbers of conviction occasions in each year tended to be one or two, but might be up to as many as six to nine, with these larger numbers being driven by shop theft convictions, for which the sentence was non-custodial or a very short custodial sentence. The maximum number of conviction occasions for one person in the year did not change much, with it being driven by a small number of offenders committing multiple shop thefts. The numbers of conviction occasions in Figures 2–4 are for standard list convictions, but in fact the numbers of conviction occasions for non-standard list convictions (non-notifiable convictions) and the numbers of official cautions were extremely low over the ten years – the highest mean per year for non-standard list convictions being 0.14 and for cautions 0.01, so any form of caution, including cannabis cautions (for possession of small amounts of cannabis) was very rare.

Using the records of official convictions means that we can form an idea of whether people stayed in the same area over the ten years or moved away from South Yorkshire, by looking at the courts in which they were convicted. Considering all convictions and cautions, only a minority had any outside South Yorkshire from 2007 to 2017 (34%). Even fewer travelled (and committed offences) far afield, with the number outside the Yorkshire/Derbyshire/Humberside area being 18% for any conviction or caution at all in the period. If they were continuing to offend, it continued to be in the local area and it is likely they were continuing to live in that local area. Except when in prison, few respondents made a ‘clean break’ by moving to another area.

5 | WHO ARE THOSE WHO REMAINED CONVICTION-FREE?

Just six individuals of the 113 men remained conviction-free over the ten-year period from 2007/2008.³ Was there anything which seemed to mark them out, or was particularly protective? We do not have direct evidence of their social context during the ten-year period after the fourth

interview, but we can look at their criminal history, possible evidence of them having a drug problem, and their own perceptions just before the ten-year period as to whether they would be likely to desist.

In terms of their criminal history, the six men had OGRS2 scores ranging from 22 to 84 (mean 58), whereas OGRS2 scores for the whole set of respondents ranged from 22 to 99 (on a scale with a maximum of 100; mean 77). The age at which they were first convicted for the desisters ranged from 11 to 16 years (mean 14 years), whereas for the whole group, the range was from nine years (in Scotland) to 18 years (mean 13.5 years). The number of conviction occasions for standard list offences before our first interview with them ranged from two to ten (mean five), compared with a range from one to 27 (mean 8.1) for the whole group. The group which managed to stay conviction-free during the ten years, therefore, had slightly better criminal records than the whole group, especially in terms of OGRS2 scores and to some extent on the number of separate conviction occasions up to their early 20s, but did not differ on age at first being convicted. In other words, those not reconvicted were less immersed in crime, but not necessarily later in starting contact with the criminal justice system.

We also asked respondents at each interview about their offending and then calculated whether the frequency of their self-reported offending increased or decreased between the first and fourth interviews, before the ten-year follow-up. This measure showed that for five out of six desisters, their self-reported offending was going down over the previous four-year period (we did not have a fourth interview with the sixth person). In comparison, though more respondents from the whole group decreased their offending over the four interviews (60%), a substantial number effectively said they were increasing their offending (41%). As we and others have theorised, desistance is a process, and these five seemed to be decreasing their offending before reaching the period of no reconvictions.

In terms of problems, none of the desisting group said that they were dependent on hard drugs or had a drugs problem at the fourth interview with them, immediately before the ten-year period (25% of the whole sample said that they had such a problem). Equally, there was no indication in their criminal records over the ten years that they had drug or alcohol problems (a drug-related offence or a sentence including treatment for substance abuse – 32% of the whole sample had such indications for class A drugs and 15% for cannabis). At the third and fourth interviews, we asked respondents what obstacles they thought would be in their way if they wanted to go straight, and created a total score for the number of different obstacles mentioned (Bottoms & Shapland, 2011). This 'obstacle score' was found to relate significantly to respondents' views as to whether they were desisting and their self-reported offending and criminal records during the first four years (Bottoms & Shapland, 2011). At interview 3, the obstacle score for the whole group ranged from 0 (no obstacles cited re going straight) to 13, with a mean of 5.2, and at interview 4, from 0 to twelve, with a mean of 4.4. In comparison, the desisters perceived from 0 to four obstacles (mean 1.2) at interview 3 and from 0 to six obstacles (mean 1.6) at interview 4. Clearly, those who had no convictions in the ten-year period perceived fewer obstacles in their way than did those who were reconvicted – which suggests that their predictions had some validity.

In terms of recent offending, we looked at each interview as to whether respondents themselves thought they had made a definite decision to stop offending, or would like to stop offending, or would like to but be unlikely to be able to stop offending. At the first interview, all respondents were still offending, so it was not possible to say they had stopped. At subsequent interviews, however, they could say they had stopped offending. From these responses, therefore, we could construct a dichotomy (interview 1 – definite decision to stop or would like to/not likely to) or trichotomy (interviews 2, 3 and 4 – have stopped offending, definite decision to stop, would like

to/not likely to stop). Of the six respondents who went on to have no convictions, at the first interview all six said that they would like to desist or were not likely to do so. No one said they had made a definite decision to desist (unlike 56% of the whole set of respondents). At the second interview, four said they had stopped, while one said they would like to or were unlikely to be able to stop (one did not do interview 2). The comparison is that 36% of the whole sample said they had stopped offending, 25% said they had made a definite decision to stop and 39% said they would like to or were not likely to stop. At the third interview, four of the not convicted said they had stopped offending, while one was more pessimistic than previously, saying he would like to or was not likely to desist (the comparison is 32% of the whole sample said they had stopped, 30% that they had made a definite decision to stop and 39% that they would like to or were not likely to stop). At the fourth and final interview before the ten years, of those not subsequently reconvicted three said they had stopped offending, one said he had taken a definite decision to stop, and one said he would like to or was not likely to stop (the comparison is 36% of the whole group said they had stopped, 34% said they had made a definite decision to stop, and 30% said they would like to or were not likely to stop).

What can we take from these self-predictions – which for the whole group were strongly associated with the likelihood of reoffending over the first four years? Clearly, the six seemed to be fairly realistic about their future prospects of reoffending. They all said, at the first interview, that they might not stop and even by the last interview, one or two said they might not stop. They also, though, felt relatively positive, compared with the whole group, about whether there were obstacles in the way of them stopping offending, even if they took that decision. They also, notably, did not have a problem of addiction at any point in the four years of interviews. By the second, third and fourth interviews though, most had both decided to stop offending and said they had stopped offending. The rest of the group, who went on to be reconvicted in the next ten years, seemed both to have more optimistic views about the likelihood of them stopping than proved to be the case, but also were more pessimistic about their social context and opportunities to stop offending, in terms of obstacles.

Though we only have the six men who were not reconvicted over the ten years, we can say that the extent to which they had become immersed in offending seemed to be predictive of their chances of reconviction. A considerable offending history seemed to make it more difficult to stop and to avoid reconviction – but it is notable that it does not make it impossible – those with high OGRS2 scores of 84 and 71 still were not reconvicted. It is important that those working with persistent offenders do not give up on them in terms of their potential for desistance. Another common element was feeling that there were few problems in their way, should they decide to stop offending. There is also a hint that being realistic about one's likelihood of offending might favour one's chances of staying clean.

6 | CRIME-FREE GAPS

Though very few were entirely conviction-free over the whole ten years, as we have seen, quite a number of the men remained outside the courts' purview for quite long periods. Donald West (1963) first brought to criminologists' attention that criminal careers tended not to be uniform, with an offence or even a spurt of offending being followed by what he called 'crime-free gaps'. He was pointing out the important point that criminal careers tend to be lumpy, not smooth, with an even rate of offending. In England and Wales, having no convictions cannot be seen as crime-free, given the very low detection and prosecution rates (Heap, 2017). It can also take months or

even over a year for the court system to catch up with offending, particularly if the case goes to Crown Court. Nonetheless, if criminal careers are lumpy, then this has important implications for both thinking about desistance and maintaining desistance.

Our pessimism about the small amount of survival over ten years might perhaps be tempered by recognising that the majority of the group were free of convictions for at least two years during that time. In fact, 85% had at least one two-year conviction-free period, while 68% had at least one three-year conviction-free gap, and 53% at least one four-year gap. At the other end of the scale, 4% just missed out on being conviction-free for the whole ten-year period, being nine years conviction-free, with 4% having eight years free and 4% seven years free. Farrington's (2018) finding that after ten years men in the Cambridge study still had a 20% probability of being reconvicted is consistent with the findings from the Sheffield Desistance Study, despite the fact that the Cambridge Study was a general population study whereas the Sheffield Desistance Study selected persistent offenders. But the 'lumpiness' of careers suggests that we need to think what might be attainable targets for desistance in the long term for individual offenders, particularly persistent offenders. We also need to consider why a long conviction-free gap might come to an end. What continues to maintain desistance – and how can desistance be picked up again after a relapse?

7 | ONCE OFFENDING, ALWAYS OFFENDING?

Given the very small number of men who had no further convictions after the first few years, it might be wondered whether this is such a persistent group that they can never break free of offending. In other words, does this group show the validity of Moffitt's (1993) division into adolescent limited or continuing offenders, or Gottfredson & Hirshi's (1990) view that once an offender, always an offender? Can it be reconciled with the alternative finding by Laub & Sampson (2003) that even persistent offenders desist and that they could not predict from early criminality what path offenders would follow? Indeed, were the participants in the Sheffield Desistance Study fooling themselves by a majority saying that they had taken a definite decision to stop offending, or had stopped offending, at their last interview with us?

The findings from the Sheffield Desistance Study over the subsequent ten years are complex, and give some sustenance to all these views. First, having criminal convictions – and having more criminal convictions – was positively related to continuing on a criminal career. We can examine the predictive power of OGRS over the longer time period (using OGRS2). We find that the correlation between the individual's OGRS2 score and the number of conviction occasions for standard list offences per year over the ten-year period is always positive, but not always significant. So, the correlation for year 2 was 0.29 ($p = 0.002$) but it varied between years, decreasing to a value of 0.18 in year 7 (non-significant). The effect was mirrored when comparing the number of conviction occasions in year 1 with those in subsequent years, such that the correlation of year 1 with year 2 was 0.35 ($p < 0.001$) and with year 3 it was 0.46 ($p < 0.001$),⁴ but thereafter decreased and became non-significant by year 7. In other words, having a greater criminal record affects the likelihood of being reconvicted, even over a long period, but the effect is not large over longer time periods. Having criminal convictions can be described as like 'wading through treacle' in terms of achieving desistance, but it is not correct, at least from the Sheffield Desistance Study, that once an offender, always an offender. The individual predictive power of convictions or of an early history of criminality does not necessarily last over a five- to ten-year period in adulthood.

Second, we can consider whether having a reduction in self-reported offending over the first four-year period of the study produced more convictions in the next ten years, compared with

having an accelerating or static trajectory in those four years. We calculated for each year the total number of notifiable convictions where there were at least 31 days at risk in the community, over the period 2007/2008 to 2016/2017. We then added them up to give a total number of notifiable conviction occasions over the ten years for each year in which there were at least 31 days at risk, and calculated the correlation between self-reported offending going down or up over the first four years with convictions over the next ten years. The Spearman's correlation was 0.388 ($p = 0.008$), showing a very significant relationship between declining self-reported offending and a lower frequency of conviction over the next ten years. Looking at the correlations with each individual year, the correlations with the 2007/2008 year ($r = 0.303$, $p = 0.013$) and 2010/2011 year ($r = 0.301$, $p = 0.014$) were significant, whereas the correlations with all other years were in the expected direction, but not significant. This suggests that decelerating offending as measured by self-reports (i.e., what the person consciously knows they are doing) does predict subsequent non-offending as measured by convictions – and suggests strongly that desisting from offending is generally a process involving declining frequency of offending, not a one-off moment.

Third, being able to follow through conviction careers over the ten-year period means that it is possible to consider individual careers and whether there was consistency in the types of offences for which respondents were convicted (even if there were quantitative or timing differences) or whether there were clearly different patterns. For the Sheffield Desistance Study, it was clear that the types of offences being committed varied considerably between individuals. One group showed a high rate of offending per year, but mainly less serious offences, such as shop theft, while others had been given long sentences for more serious offences, spending a considerable proportion of the period behind bars.

The 'shoplifting' group comprised five men, with between 18 and 36 conviction occasions over the ten-year period. Though most were shop theft offences, which tended to command community penalties or a short period in prison, often sentenced at the magistrates' court, all these men also committed at least one more serious offence for which they received a long sentence in prison. Four out of the five had indications from their criminal records that they had a drug problem. It is likely that the shop theft was committed to 'feed' their drug habit. In policy terms, it is interesting that those with such drug abuse problems were being given lighter sentences and more rehabilitational attention by criminal justice.

In contrast, there were individuals who committed only a few offences, but of a type such that they were given long sentences. Long sentences were given primarily for robbery, which attracted prison sentences of three to seven years or indeed an indeterminate sentence, but were also given for drugs offences involving supplying drugs (five to nine years) or burglary of a dwelling (sentences of three to five years). Perhaps less logically, physical violence offences typically attracted somewhat lower sentences (one to four years).

Sentencers during the 2007–2017 period were bound by national sentencing guidelines (Sentencing Council, 2021) providing quite detailed guidance to judges, and based on the seriousness of the offence. Though penal policy at the time in England and Wales meant that around one-half of the sentence was served in prison before release on licence, and that time spent in prison before sentence would be taken off the time to be served, these lengths of sentence meant that those convicted would spend several years in prison. These are, of course, serious offences causing major harm to victims and all the participants in the study had considerable previous criminal records, so would be likely not to attract much, if any, mitigation. In looking at desistance, however, such a penal policy of giving this length of prison sentences will result in a major break in any efforts to desist by the individual. Spending over a year in prison is likely to result in family, housing and employment ties being broken, so that those elements in the social context which have been

shown to maintain desistance will vanish after such a spell. It was common for prisoners serving long sentences at that time to be released without accommodation and the first four years in our study found similar prison sentences resulting in men being thrown back on family ties for accommodation, though that accommodation did not last long, or being homeless, which was a promoter of continuing offending (Bottoms & Shapland, 2011).

From these findings there is definitely support for the view that once a persistent offender, likely to continue to offend – or once persistently criminalised, likely to continue to be criminalised. There is not, however, support for the view that once an offender, always an offender, or once an offender early, will definitely continue offending. A greater criminal record, through many mechanisms, creates greater ‘stickiness’ on the path to desistance (with the mechanisms including difficulties in gaining legitimate employment because of employers’ checks of criminal records in England and Wales, being known to the police, the need to break habits out of persistent offending, and change routinely visited locations where temptation may exist, having co-offending friends, etc. (Bottoms & Shapland, 2016). Schinkel, Atkinson & Anderson (2019), for example, have shown how, in Scotland, being labelled a persistent offender affects police decisions on proactive contact and intelligence-led policing, as well as potentially leading to conflict in encounters, such that someone trying to desist may be drawn into having further convictions. Yet, there were decreases in the frequency of offending over the ten-year period, some major crime-free gaps and even a few who did not reoffend. Desistance seemed to be a gradual reduction in frequency, so that even persistent offenders could desist, but it was not usually a sudden effect or the result of turning points posed by the external environment (Laub & Sampson, 2003). In the case of the Sheffield Desistance Study participants, difficulties in desistance may have been exacerbated by the fact that the majority of the respondents continued to live in, and be convicted in, South Yorkshire. They did not wish to, or were not able to, move away to find a fresh start.

8 | PERSISTENT OFFENDERS AND THE HARD PATH TO DESISTANCE

Over the years that we have followed the offending path of the offenders of the Sheffield Desistance Study (from 2003 to 2017), penal practice in England and Wales has changed considerably. On the one hand, more offenders are being sent to prison for longer, with the average custody sentence length increasing from 12.4 months to 16.9 months from 2007 to 2017 (Ministry of Justice, 2018b). There has been a particular increase for robbery (from 31.3 months in 2007 to 47.6 months in 2017: 52%), and rises of 134% for criminal damage and arson, and 20% for violence against the person, whereas theft offence lengths (including burglary) have risen by 16% and drug offence lengths by 11% over the decade. For those in our sample of persistent offenders committing more serious offences (robbery, burglary, violence) this produces considerably more time in prison, whereas it has had much smaller effects on those committing less serious offences such as shop theft.

On the other hand, fewer offences result in the offender being caught, prosecuted and convicted in England and Wales, from 509,200 in 2003 to 273,200 in 2017 (Heap, 2017; Ministry of Justice, 2018a).⁵ There is less recorded crime, but also smaller figures further on in the criminal justice system processes. There are also more possibilities for more minor offences to receive out of court disposals (Ministry of Justice, 2018a) or appropriate community sentences, including the growth of drugs courts for those with substance abuse problems. This, again, will tend to benefit less serious offenders in our sample, but all those in the sample were well known to the police from

their previous records, so they were probably more likely to be caught and prosecuted than the average offender. Certainly that was what they themselves thought, producing a 'feared self' constantly arrested by the police and spending time in prison (Bottoms & Shapland, 2016; Paternoster & Bushway, 2009).

It can be argued that these changes in penal policy, resulting in changes in sentencing in practice, are overall deleterious to prospects of desistance. Those desisting are by definition those with several convictions and in general, persistent offenders will tend to persist more in offending, as shown above. We have seen that very few of our Sheffield Desistance Study sample were able to remain conviction-free for ten years (5.4%), even though a majority said they had taken a definite decision to desist at interview 4 (70.5%) and 36% believed they had already stopped offending. We have no reason to believe they were misreporting their wishes to desist. Why were they not able to carry out these desires? We know that prisoners tend to be optimistic about their chances of not reoffending after release (Dhami et al., 2006). It may be that they did succumb to temptation – or it may be that the social context for persistent offenders in England and Wales is simply too hostile to allow the extent of desistance shown by the persistent offenders in Laub & Sampson's (2003) study in the US, for example – or both.

Desistance is a process requiring both the agency of the offender (a decision to desist) and appropriate social support to allow desistance and to maintain desistance (see, e.g., Bottoms & Shapland, 2011; Carlsson, 2016; Weaver & McNeill, 2010). That social support and social context requires accommodation (see Bottoms & Shapland, 2016), a legitimate means of acquiring income (Bottoms & Shapland, 2011), and, preferably, prosocial partners, friends and family to maintain the desire (see, e.g., Cid & Marti, 2016; Giordano, 2016). If any offending produces a substantial prison sentence, then those elements are compromised. Of course, longer prison sentences are more punitive and may provide more feelings of safety to victims or the general public. However, it is not clear that penal policymakers have considered their effects on desistance and, therefore, on the likelihood of further reoffending and creation of future victimisation. Our penal policy in England and Wales might be considered short-termist and disjointed, in that it deals with the instant offence and does not consider the need for longer-term rehabilitation for the maintenance of desistance and long-term prevention of victimisation.

Both criminologists' and policymakers' views of what makes for desistance could also be seen as short-termist. Desistance, by definition, cannot be relevant to the one-off offender; it can only occur for those who have committed several offences. Yet much criminological effort and evaluations of crime reduction interventions only consider one subsequent reconviction. In England and Wales, for example, the official measure of the 'success' of a programme is whether or not there has been reconviction over one year (with subsidiary measures of the frequency and seriousness of reconvictions) (Ministry of Justice, 2016). The kinds of offenders considered in the Sheffield Desistance Study, who are precisely those who are likely to reoffend, are actually very unlikely to be reconvicted over one year (given the delays in prosecution and court processing and that substantial criminal records are likely to make a magistrates' court refer the case to the Crown Court). All of these elements seem to be focusing our gaze on initial reconviction, but not on overall desistance, or how long the frequency of reoffending takes to diminish. We do not even have any official (or generally accepted) criminological view of the time span over which we should be considering desistance, let alone measuring interventions as to how successful they are in starting to create, or maintaining longer-term desistance.

We know that it is, indeed, a 'hard path' to desistance in the long term for those with substantial criminal records. The ten-year follow-up reported in this article has shown just how hard a path, in terms of the paucity of absence of reconviction, despite the majority of the sample saying they

wish to desist, and despite the achievement of considerable crime-free gaps. Should we be considering more achievable 'targets' or 'goals' for desistance than absolute refraining from crime, given the obstacles put in the desister's path in terms of current social policies? Should, say, four years conviction-free be celebrated and seriously considered in terms of sentencing and probation goals, as well as employment opportunities? What would policies seriously underpinned by considerations of promoting desistance look like for those with considerable criminal records?

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ENDNOTES

¹ Standard list offences are offences for which offenders used to be placed on the Offenders Index. They include the most serious and moderately serious offences, including driving offences such as driving while disqualified, without insurance and under the influence of drugs or alcohol, but not minor and regulatory offences only triable at the magistrates' court. In all the figures for convictions in this article, we have omitted convictions for offences involving a breach of a sentence/court order, whether due to committing a further offence or failure to follow the requirements of supervision, because this would double count offending (the original offence and the breach).

² OGRS (the Offender Group Reconviction Scale) is the official measure in England and Wales of the likelihood of a group of people reoffending over the next two years. OGRS2 includes the extent of previous convictions and the age at which particular convictions were acquired (Copas & Marshall, 1998).

³ In addition, two died during that period, one in the last year of the ten-year period and one at an unknown time during the period. Both had no convictions during the ten-year period.

⁴ Correlations are Spearman's correlations, so as not to presume a normal distribution.

⁵ The framework for recording police outcomes for recorded crime has changed over the period, with more statistics about outcomes now being collected, but the number of offences recorded by the police resulting in a charge or summons has reduced, for example, from 752,069 in the year ending March 2004 to 527,076 in the year ending 2017 (Heap, 2017). In the same period, total recorded offences reduced from 5,843,549 to 4,315,500. Hence the police were recording less crime, but slightly less was also proceeding to conviction. Offences where no suspect was identified increased from approximately 1,394,000 in 2003/2004 (Home Office, 2003) to 2,099,954 in 2017, being 49% of the outcomes (Heap, 2017). Cases prosecuted by the Crown Prosecution Service reduced from 1,098,836 in the year 2003/2004 (Crown Prosecution Service, 2004) to 499,816 in the year 2016/2017 (Crown Prosecution Service, 2017). Earlier similar reports do not seem to be easily available.

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