

## TÜRKİYE'DE MÜKERRER SUÇLULUK: ŞARTLI TAHLİYE EDİLEN TUTUKLU VE HÜKÜMLÜLER ÜZERİNE BİR ARAŞTIRMA

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**Öz:** Mükerrer suçluluk, birçok ülkenin suç adalet sisteminde önde gelen sorunlar arasındadır. Resmî suç istatistikleri, suçluluğun önemli bir kısmının mükerrer suçluluktan kaynaklandığını göstermektedir. Bu durum, hükûmetlerin suç adalet sistemi için ayırdıkları bütçeye önemli bir yük getirmektedir. Bundan dolayı etkili suç önleme programları için suç araştırmalarında resmî verilere dayalı kapsayıcı bir yaklaşıma ihtiyaç duyulmaktadır. Veri toplama konusundaki güçlüklerden ötürü Türkiye'de mükerrer suçluluk üzerine yapılan çalışma oldukça azdır. Bu çalışma, Türkiye'de mükerrer suçluluğun boyutlarının ortaya konulmasına katkı sunmayı amaçlamaktadır. Bu amaçla Türk kolluk kurumları olan Jandarma Genel Komutanlığı ve Emniyet Genel Müdürlüğünden mükerrer suçluluk konusunda temin edilen suç verileri analiz edilmiştir. Covid-19 salgınından sonra, 5275 sayılı Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun'da değişiklik yapılmış; cezaevlerindeki 750.000'e yakın hükümlü ve tutuklu 15 Nisan 2020 ve 15 Nisan 2023 tarihleri arasında şartlı tahliye edilmiştir. Çalışmadaki analiz; suç türleri, mükerrer suçluluk sıklığı ve yaş durumu ile mükerrer suçluluğun suç oranları üzerindeki etkisini kapsamaktadır. Araştırmada üç yıllık izleme süresinde şartlı tahliye edilme durumuna göre Türkiye'de mükerrer suçluluk oranının %61 olduğu; hırsızlık, dolandırıcılık ve uyuşturucu suçlarının mükerrer olarak en çok işlenen suç türleri olduğu; söz konusu dönem içerisinde mükerrer suçluların toplam suç oranlarında %20'lik bir artışı temsil ettiği sonuçlarına ulaşılmıştır.

**Anahtar Kelimeler:** Mükerrer Suçluluk, Suç Oranları, Suç İstatistikleri, Türkiye, Jandarma Genel Komutanlığı, Emniyet Genel Müdürlüğü.

**Jel Kodları:** K420

## RECIDIVISM IN TURKIYE: AN ARREST-BASED STUDY ON RELEASED PRISONERS ON PAROLE

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**Abstract:** Recidivism is among the leading problems in criminal justice systems for many countries. Official crime reports reveal that reoffenders generate a serious amount of total criminality. This fact charges an important burden on the budget of the criminal justice system of governments. So, a comprehensive approach based on official data in crime researches is needed for effective crime prevention programs. There are few studies on recidivism in Türkiye because of the difficulties in gathering data on recidivism. This study aims to contribute to picture dimensions of recidivism in Türkiye. For this aim, official crime statistics on recidivism gathered from Turkish law enforcement agencies, the Turkish Gendarmerie and the Turkish National Police, are analyzed. After COVID-19 pandemic, the Turkish government changed The Law on Execution of Punishment and Security Measures, and nearly 750.000 prisoners were released on parole between 15th April 2020 and 15th April 2023. The analysis includes crime types, reoffending frequency, age, and effects of recidivism on crime rates. The study concludes that the recidivism rate based on released on parole in Türkiye for a 3-year follow-up period is 61 percent; that theft, fraud and drugs-related crime are mostly reoffended crime types, and that reoffenders have caused a-20-percent-rise in crime rates for the said period.

**Keywords :** Recidivism, Crime Rates, Crime Statistics, Türkiye, Turkish Gendarmerie, Turkish National Police.  
**Jel Classification :** K420

## INTRODUCTION

Among the purposes of a criminal justice system is to rehabilitate the offenders in penal institutions and reintegrate them into society. For this reason, states allocate a significant budget for penal and correctional activities. However, it is seen that some criminals continue to commit crimes after the penitentiary period; in other words, they make a habit of committing crimes or acquiring a profession. Many studies indicate that a significant portion of crimes are committed by reoffenders. This situation not only feeds debates on the effectiveness of the criminal justice system but also forces governments to seek new solutions to struggle against recidivism.

This study aims to present a general data-based framework on recidivism in Türkiye. For this purpose, the situation of recidivism in Türkiye is examined in the context of prisoners released from prisons with the amendment made to the Law No. 5275 on the Execution of Penalties and Security Measures on April 15, 2020, during the Covid-19 pandemic period. In this context, first of all, a conceptual framework on recidivism was drawn; international research on recidivism was searched, and then the crimes committed by prisoners released on leave between April 15, 2020, and April 15, 2023, within the scope of Covid-19 measures and their effects on crime rates were examined. It is thought that the findings of the study may contribute to the development of effective crime prevention programs by relevant actors in the criminal justice system.

## LITERATURE REVIEW

There are many different approaches to recidivism, although it has relatively a long history as a study area. Many researchers have agreed that there are some difficulties on recidivism studies (Blumstein and Larson, 1971; Maltz, 1984; Payne, 2007; Fazel and Wolf, 2015). Maltz (1984), in his seminal book focused on definitional and methodological concerns in recidivism studies, and addressed three basic problems which are definition, measurement, and analysis.

### Conceptual and Methodological Discussions on Recidivism

In criminology literature, the terms “*recidivism*”, “*reoffending*”, “*repeat offending*”, “*re-imprisonment*” and “*reconviction*” are commonly used interchangeably. Oxford Learner’s Dictionary (2022) defines *recidivism* as “the act or habit of continuing to commit crimes, and seeming unable to stop, even after being punished”, “*reoffender*” “a person who commits a crime again”. If we start with the definition of Payne (2007, p.4), recidivism is generally used for describing repetitious criminal activity, and a recidivist offender is an individual who engages in such activity. For Comert (2018, p.20), recidivism is the constant repetition of the crime and the continuation of criminal behavior. Besides these examples, there are many possible definitions of recidivism. Before examining the definitions or improving a new one, it should be understood that researches on recidivism have some difficulties due to differences in legislation and different conceptual and methodological approaches.

The definition of the term varies depending on how a researcher measures recidivism rates. For instance, offense data mostly used as an indicator for recidivism in previous researches can be enumerated as recorded police contact, new offense, the severity of offense, detection/apprehension, arrest, court appearance, reconviction, sentencing, return to prison, parole-probation infractions, and self-reported offending data (Maltz, 1984, p.63; Payne, 2007,

p.18-31). Samples differ and can include offenders, prisoners, and those from other open or closed institutions. Law enforcement agencies generally measure recidivism as arrests, while correctional institutions view recidivism as a return to prison (Blumstein and Larson, 1971, p.124). Maltz (1984, p.139) argued that an arrest-based definition can be more useful since crime reflects the behavior of the individual and arrests reflect the behavior of the criminal justice system.

Whatever the source a researcher uses, recidivism is normally measured in terms of the time interval between the time of release and the time of recidivism. But follow-up periods are not consistent and generally vary between 6 months and 5 years (Fazel ve Wolf, 2015, p.2). Thus, a follow-up period can affect the researcher’s approach as well. At first view, it seems very practical to measure recidivism but data sources, crime types, observation periods and quality of offenders (juvenile, gender, age group, location, etc.) complicate the process. Among the challenges in the research is the offense type, which can change from country to country. Some studies prefer crime data, while others use misdemeanors, fines, and traffic offenses. Even one might consider using various categories of crime such as property crime, crime against persons, public and order crime, white-collar crime, and organized crimes, there are no clear dividing lines among these categories. Because many crimes can cross the boundaries and be listed under more than one category. It is also uncertain whether an individual is a recidivist if he/she shifts from one crime type to a different one (Maltz, 1984, p.55).

The definition of recidivism in a law text might present a different perspective. For instance, the article 58th of the Turkish Penal Code No. 5237 starts with a clause of “Provisions relating to recidivism are applied in case of commission of an offense after finalization of the decision for conviction. Execution of the sentence is not sought for adoption of this provision.”. This paragraph explains how punishment and security measures can be applied in recidivism. Additionally, article 108th of The Law on Execution of Penalties and Security Measures explains in detail how the sentences of reoffenders will be executed. As per these laws, recidivism can be defined as the repetition of a crime within the period specified in the Law, after the conviction or the postponement of the sentence. Therefore, the Law does not accept crimes committed after a certain period of time as recidivism. Moreover, according to the Law, recidivism provisions can not be applied to those under the age of 18.

In conclusion, recidivism in the context of the law and the criminological approach are different. Recidivism in the context of the Law is used from a narrow perspective. In a broader sense, recidivism can be defined as the re-arrestment, re-conviction, re-imprisonment, or detention for the same or a different crime of a convict or detainee who has been released from prison. Given these circumstances, it is impossible to prescribe one single definition. Therefore, many researchers use his/her own operational definition of recidivism in the lack of a widely accepted definition. In this study, “recidivism” is considered in a broader sense, as in criminological approaches, and it is used as any repetitive criminal behavior based on the arrest rates regardless of the type of criminal activity and the time interval. Thus, every re-arrest made by law enforcement agencies was counted as recidivism.

Lastly, analysis, research models, and interpreting approaches also generate some problems in recidivism studies. Sampling problems, use of different sources, and analysis techniques might

cause overestimates or underestimates in recidivism studies (Payne, 2007, p.23-29; Maltz, 1984, p.138-141; Blumstein and Larson, 1971, p.129-132). Therefore, along with the definitional and measurement problem, recidivism studies will be worthless without appropriate data, proper analytic techniques, and interpretation.

Because of the abovementioned conceptual and methodological discussions, recidivism statistics, generally, should not be used in comparative studies (Fazel and Wolf, 2015, p.6). In addition to the research model used in a study, differences in laws, policies, and procedures among jurisdictions will not allow direct comparisons (Maltz, 1984, p.67). If comparative studies are needed, researchers should be extremely careful before making inferences based on recidivism rates, notwithstanding the use of the same definition of recidivism and the same analytic techniques (Maltz, 1984, p.138).

### Researches on Recidivism

In their paper, Fazel and Wolf (2015, p.1-2), aiming to review recidivism rates and to examine to what extent they are comparable, examined reconviction and reimprisonment rates in 20 countries. They reported recidivism rates as reconviction and reimprisonment including follow-up periods by countries (Table-1). Stating some difficulties in researches due to the differences in definitions and sample selection, in recording and reporting practices, and in the length of follow-up period, they reached a conclusion that recidivism data are not valid for international comparisons (Fazel ve Wolf, 2015, p.1-2). Moreover, as seen in New Zealand, Northern Ireland and USA, it can be argued that recidivism rates increase as follow-up periods increase. The findings in the countries like Norway, Southern Korea, Singapur ve Denmark in which recidivism rates observed relatively low, are far from explaining whether the results stem from a successful criminal justice system or differences in legal regulations, definitions or measurement of recidivism.

**Table 1.** Recidivism Rates by Country and Follow-up Periods

|    | Country     | Follow-up period<br>(Month/Year) | Selection<br>period | Recidivism rates<br>(%) |
|----|-------------|----------------------------------|---------------------|-------------------------|
| 1  | Australia   | 2                                | 2009-2010           | 39                      |
| 2  | Canada      | 2                                | 1994-1995           | 41                      |
| 3  | Chile       | 3                                | 2007-2009           | 50                      |
| 4  | Denmark     | 2                                | 2005-2006           | 29                      |
| 5  | Finland     | 2                                | 2005-2006           | 36                      |
| 6  | France      | 5                                | 2002-2007           | 46                      |
| 7  | Germany     | 3                                | 2004-2007           | 48                      |
|    |             | 3                                | 2004-2007           | 35                      |
| 8  | Iceland     | 2                                | 2005-2006           | 27                      |
| 9  | Ireland     | 3                                | 2013-2016           | 51                      |
| 10 | Israel      | 5                                | 2004-2009           | 43                      |
| 11 | Netherlands | 2                                | 2008-2009           | 48                      |
| 12 | New Zealand | 6 months/1/2/3/4/5               | 2002-2003           | 18/26/37/44/49/52       |
| 13 | Norway      | 2                                | 2005-2006           | 20                      |
| 14 | Singapore   | 2                                | 2011-2012           | 27                      |



|    |                  |                        |           |                   |
|----|------------------|------------------------|-----------|-------------------|
| 15 | North Korea      | 3                      | 2002-2005 | 24                |
| 16 | Sweden           | 2                      | 2005-2006 | 43                |
| 17 | England/Wales    | 1                      | 2013      | 45                |
| 18 | Scotland         | 1                      | 2009      | 46                |
| 19 | Northern Ireland | 6 months/1/2           | 2005      | 9/25/47           |
| 20 | USA              | 6 months<br>/1/2/3/4/5 | 2005-2010 | 10/17/29/36/41/45 |
|    |                  | 6 months<br>/1/2/3/4/5 | 2005-2010 | 13/23/36/45/51/55 |

(Fazel and Wolf, 2015, p.4-5)

According to the data in Table 1, Norway stands out as the country with one of the lowest recidivism rates in the world, with 20 percent in the two-year follow-up period. Generally speaking, the longer a follow-up period is, the higher recidivism rate is. Despite this expectation, the low recidivism rate in Norway is striking compared to the other countries. It is argued that Norway’s success relies on a concept called “restorative justice”, which aims to repair the harm caused by crime rather than punish criminals (Sterbenz, 2014).

Pew Center, in collaboration with the Association of State Correctional Administrators (ASCA), conducted a comprehensive survey aimed at producing a general look at the recidivism rate in the USA. They asked states to report three-year return-to-prison rates for all inmates released from their prison systems in 1999 and 2004. The Pew/ASCA survey found recidivism rate for inmates released in 1999 to be 45.4 percent, and 43.3 percent for those released in 2004 (Pew Center on the States, 2011). The recidivism rate, in this study, decreased in a 5-year-period. But, the research findings are very changeable in recidivism studies. Research samples are stressing increasing recidivism rates as well. According to the statistics of the U.S. Department of Justice issued in 2014 April, overall, 67.8 percent of the 404,638 state prisoners released in 2005 in 30 states were arrested within 3 years of release, and 76.6 percent were arrested within 5 years of release (Durose et al., 2014).

A research, conducted by Prison Policy Initiative on which types of crimes are reoffended mostly in the USA, revealed that people convicted of any violent offense are less likely to be re-arrested in the years after release than those convicted of property, drug, or public order offenses (Sawyer ve Wagner, 2019, p.14). In a 15-State study revealed that over two-thirds of released prisoners in 1994 in the United States were rearrested within three years. The rearrest rates were 73.8 percent for property offenders, 66.7 percent for drug offenders, and 62.2 percent for public-order offenders (Hughes ve Wilson, 2004). Another study made by the U.S. Department of Justice showed that about 66 percent of prisoners released across 24 states in the USA in 2008 were arrested within 3 years, and 82 percent were arrested at least once throughout 10 years following release (Antenangeli and Durose, 2021, p.1). According to the report, of prisoners released after serving time for violent offenses, more than two-thirds (69 percent) were arrested within 5 years, and nearly 8 in 10 (77 percent) within 10 years. 81 percent of prisoners released after serving time for property crimes were arrested within 5 years, and 87 percent within 10 years. Among released drug offenders, nearly three-quarters (74 percent) were rearrested within 5 years, and 81 percent within 10 years. During the 10-year follow-up period, property offenders (87 percent)

were more likely than violent offenders (77 percent) and drug offenders (81 percent) to be rearrested for any type of offense (Antenangeli and Durose, 2021, p.5).

Even though there are several studies on recidivism in Türkiye, more comprehensive and data-based researches are needed. A study made by the Turkish Gendarmerie in 2006 (Table-2) excluding terror offenders, revealed that out of 52.982 prisoners in all prisons, 19.317 prisoners committed 104.319 crimes, 33 percent (6.348) offended one crime, 67 percent (9.295-12.969) reoffended two and more crime. The prisoners who committed two or more offenses were the offenders of 87 percent (90.623) of the total crimes, and they had a criminal career (Çetin, 2006, p.21).

**Table 2.** Recidivism and Offence Rates in Türkiye by Prison Statistics

| Offence # | Criminal |          | Offence |          |
|-----------|----------|----------|---------|----------|
|           | Number   | Rate (%) | Number  | Rate (%) |
| 1         | 6.348    | 33       | 6.348   | 6        |
| 2         | 3.674    | 19       | 7.348   | 7        |
| 3         | 2.005    | 10       | 6.015   | 6        |
| 4         | 1.327    | 7        | 5.308   | 5        |
| 5-10      | 3.394    | 18       | 23.023  | 19       |
| 11-40     | 2.351    | 12       | 44.176  | 47       |
| 41-100    | 218      | 1        | 12.101  | 10       |
| Total     | 19.317   | 100      | 104.319 | 100      |

(Çetin, 2006)

### **Covid-19 Pandemic and Recidivism in Türkiye**

COVID-19 pandemic had some effects on crimes, in many areas of social life. For instance, Dönmez and Avcı (2021, p.11), in their study, compared crimes committed during the lockdown period of the COVID-19 pandemic to the crime statistics in the previous period, and they observed a decrease in public and order offenses and smuggling crimes, and increase in cyber crimes. With the release of some prisoners due to the pandemic measures, an opportunity came out academically to examine the relationship between Covid-19 and criminality in Türkiye. In the following part of the study, we analyzed crimes committed by released prisoners from Turkish jails throughout a 3-year period. Moreover, before explaining methods and analysis, it will be helpful to make clear the role of law enforcement agencies in the Turkish Criminal Justice System.

### **Law Enforcement and Criminal Justice System in Türkiye**

The Turkish Criminal Justice System, born and developed under the effect of the European system, does not have a specific judicial law enforcement institution. Instead, the law enforcement institutions<sup>1</sup>, the Turkish Gendarmerie and the Turkish National Police, having two main functions as preventive policing and judicial duties, perform as the “judicial law enforcement” under the command of the public prosecutor. The Gendarmerie, responsible mostly in the rural areas, and

<sup>1</sup> The Turkish Coast Guards, third law enforcement institution of the Ministry of Interior, has judicial duties but not adequate investigation capacity yet.

the Police, who work in the urban areas, have the authority of crime investigation under the oversee of the public prosecutors in provinces and districts.

The duties of judicial law enforcement and the relations with the public prosecutor are defined by the Turkish Criminal Procedure Code (Turkish Criminal Procedure Code, 2009). 161<sup>st</sup> article of the Turkish Criminal Code, which arranges the duties and powers of the public prosecutor, states that “...(2) The members of the judicial law enforcement institutions are obliged to notify immediately the incidences they have started to handle, the individuals who have been arrested without a warrant, and the initiated measures to the public prosecutor under whose command they perform their duties, and are obliged to execute all orders of this public prosecutor related to the administration of justice without any delay...”. Under this article, the criminal investigations are executed by the gendarmerie and the police officers with the command of the public prosecutors. As per article 90<sup>th</sup> of the said law, the public prosecutor is entitled to custody, and the law enforcement is entitled to “arrest without a warrant” or to arrest under some specific situations like “peril in delay”. In cases where an individual was arrested without a warrant by law enforcement officers, the public prosecutor shall be informed immediately; further interactions shall be conducted upon the orders of the public prosecutor. Decisions on “arrest with a warrant” are made by judges and courts (Article No.101).

## **METHODS**

This study is an exploratory one in nature. We defined recidivism, operationally, such as “any repetitive criminal behavior based on the arrest rates regardless of type of crime”, and measured recidivism in a 3-year follow-up period using arrest-based data. Since all the criminal investigations are executed by the gendarmerie and the police officers with the command of the public prosecutors, every re-arrest made by law enforcement agencies was counted as recidivism. We obtained information about offenses committed by individuals who were released on parole due to the COVID-19 pandemic measures for 3 years. During this period, cumulatively 741.531 individuals were released from prisons. Crimes committed by these individuals between April 15<sup>th</sup> 2020 and April 15<sup>th</sup>, 2023 were taken into consideration for the the study. The measurement technique of recidivism included in this study is the arrest rates of law enforcement institutions. During a 3-year follow-up period, arrest registries of law enforcement institutions are used for the study.

We obtained crime statistics registered by the Turkish Gendarmerie and the Turkish National Police covering the research period. While doing this, we are aware of the limitations in using law enforcement data since not all offenders are guilty of their alleged offenses and these data measure apprehensions, charges or arrests (Payne, 2007, p.viii). The only data we were able to obtain was from the law enforcement institutions’ database. That is why we adopted an arrest-based approach. Our data includes crimes/offenses only registered to databases by the Turkish Gendarmerie and the Turkish National Police.

Although they carry out crime investigations according to the same criminal justice system, the Gendarmerie and the Police have specific and different databases. Due to these different structures of crime databases, we first reorganized and regrouped crime data according to the relevant article of the Turkish Penal Code. We categorized crime data into five groups such as



public and order offenses, smuggling and organized crimes, migrant smuggling and human trafficking, cyber crimes, and terror cases. We also examined crime types in subcategories.

Secondly, we singularized the crime records of released individuals, which were recorded separately in crime databases by the Police and the Gendarmerie. Lastly, to understand the effect of recidivism on total criminality, we aimed to find out which portion of the offenses committed by released individuals, during the said period. To reach this aim, we searched the Turkish Republic ID numbers of the individuals released on parole in crime databases of the Gendarmerie and the Police, and we tried to reveal the effects of reoffenders on general criminality and specific offenses.

### KEY FINDINGS AND DISCUSSIONS

As can be seen in Table 3, out of 741.531 prisoners released on parole, 95 percent is male, and 5 percent is female; 46,3 percent is at the age 30-44, and 23,5 percent is at the age 45-59.

**Table 3.** Released Prisoners by Sex and Age

| Characteristic            | Rate           |
|---------------------------|----------------|
| <b>Released prisoners</b> | <b>741.531</b> |
| <b>Sex</b>                |                |
| Male                      | 95             |
| Female                    | 5              |
| <b>Age at release</b>     |                |
| 0-17                      | 0,5            |
| 18-24                     | 8,8            |
| 25-29                     | 15,1           |
| 30-44                     | 46,3           |
| 45-59                     | 23,5           |
| 60+                       | 5,8            |

In this study, it was concluded that of all prisoners, 61 percent (452.346) reoffended during the 3-year follow-up period, these offenses made up 19 percent of total crimes which is 8.143.240. As seen in Table 4, breakdown by crime types, it was observed that 74,38 percent of the reoffenders commit public and order offenses, 23,91 percent smuggling and organized crimes, and 1,71 percent other crimes. The offenses committed by reoffenders made up of 16 percent of public and order crimes, 43 percent of smuggling and organized crimes in the follow-up period.

**Table 4.** Crime Types by Number of Offense and Reoffended Crime

| Crime types (Level I-II-III)         | Total Crime      |           | Reoffended crime |              |
|--------------------------------------|------------------|-----------|------------------|--------------|
|                                      | Offense#         | Rate (%)  | Offense#         | Rate (%)     |
| <b>Public and Order Crimes</b>       | <b>6.874.785</b> | <b>16</b> | <b>1.131.873</b> | <b>74,38</b> |
| <b>Offences against the person</b>   | <b>3.089.465</b> | <b>18</b> | <b>558.007</b>   | <b>36,6</b>  |
| Offenses against life and physical   | 1.734.719        | 16        | 285.646          | 18,8         |
| Offenses against liberty and dignity | 1.145.057        | 21        | 244.624          | 16           |
| Offenses against sexual integrity    | 137.579          | 17        | 24.059           | 1            |
| Other crimes                         | 72.110           | 2         | 3.678            | 0            |

|   |                  |           |                  |              |
|---|------------------|-----------|------------------|--------------|
| <b>Offences against property</b>  | <b>1.810.017</b> | <b>24</b> | <b>442.095</b>   | <b>29</b>    |
| Theft   | 970.036          | 27        | 266.454          | 17,5         |
| Damage to property  | 324.753          | 13        | 43.716           | 2,8          |
| Robbery   | 41.488           | 57        | 23.782           | 1,5          |
| Other crimes  | 473.740          |           |                  |              |
| <b>Crimes against the public</b>  | <b>658.560</b>   | <b>15</b> | <b>99.900</b>    | <b>6,5</b>   |
| <b>Crimes against Nation and State</b>  | <b>104.576</b>   | <b>34</b> | <b>35.959</b>    | <b>2</b>     |
| <b>Smuggling and Organized Crimes</b>   | <b>847.236</b>   | <b>43</b> | <b>364.000</b>   | <b>23,91</b> |
| <b>Narcotic crimes</b>  | <b>641.797</b>   | <b>52</b> | <b>334.350</b>   | <b>22</b>    |
| Production and trade of narcotics and psychotropic substances   | 100.318          | 67        | 66.727           | 4            |
| Purchase, receipt or possession of narcotics or psychotropic substances for personal use or use of these substance (Turkish Penal Code Article 191) | 524.107          | 51        | 267.162          | 17,5         |
| Other crimes  | 17.372           | 2         | 461              | 0,18         |
| <b>Other crimes</b>   | <b>205.439</b>   | <b>5</b>  | <b>11.201</b>    | <b>1,71</b>  |
| <b>Cyber crimes</b>   | <b>245.450</b>   | <b>7</b>  | <b>17.921</b>    | <b>1,18</b>  |
| <b>Terror crimes</b>  | <b>83.287</b>    | <b>1</b>  | <b>1.176</b>     | <b>0,08</b>  |
| <b>Migrant Smuggling and Human Trafficking</b>  | <b>92.782</b>    | <b>8</b>  | <b>7.232</b>     | <b>0,48</b>  |
| <b>Total</b>  | <b>8.143.240</b> | <b>19</b> | <b>1.521.765</b> | <b>100</b>   |
| <b>Released Prisoners #</b>   | <b>741.531</b>   |           | <b>452.346</b>   | <b>61</b>    |

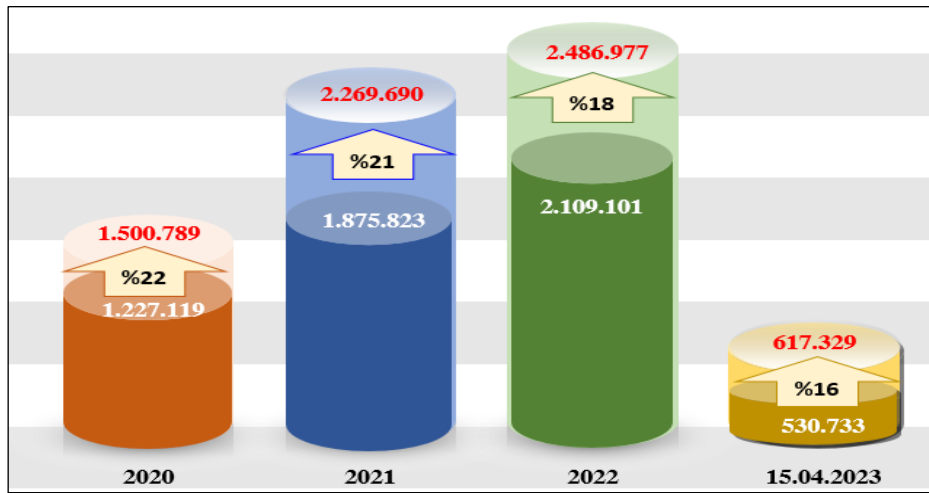
The prisoners were mostly involved in public and order crimes, smuggling, and organized crimes; considering the sub-categories of crime types, 36,6 percent committed crimes against the person, 29 percent crimes against property, and 22 percent committed narcotic crimes. From another perspective, 52 percent of drug crimes, 24 percent of crimes against property, and 18 percent of crimes against people were committed by those released on parole due to the Covid-19 measures. Another study on released prisoners due to COVID-19 measures shows that those prisoners are the perpetrators of 33 percent of drug crimes committed in the gendarmerie jurisdiction area (Avcı, 2022, p.12). If the drug crimes perpetrated in the police jurisdiction area by the said offenders are added to the total value, the rate increases to 52 percent, so it can be argued that drug crimes are mostly an urban problem.

Considering the types of crimes in the sub-category of offenses against property committed by repeat offenders; it is seen that reoffenders committed mostly theft crimes with a rate of 17,5 percent. Throughout the follow-up period, released prisoners committed 27 percent of the 970.036 theft crimes perpetrated in Türkiye. Theft can be stated as a preferred crime for criminals to re-offend, as a result of reasons such as the attractiveness of the easy profit to be obtained through illegal activities, the large number of unprotected targets for criminals, and the relatively limited security measures.

When we examine reoffending frequencies after release, it is seen that 38 percent of prisoners were arrested once, and 62 percent more than once. It is a very dramatic finding that a released prisoner has committed 132 offenses throughout a 3-year follow-up period (Table 5). In another study, covering the gendarmerie jurisdiction area solely, the rate of released prisoners who committed more than one crime within a 2-year follow-up period was reported as 30 percent (Avcı, 2022, p.13).

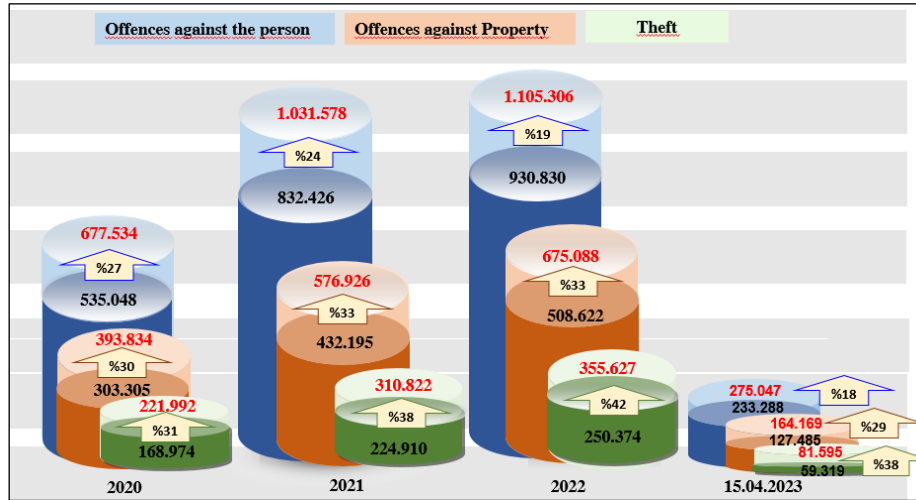
**Table 5.** Reoffending Frequency by Reoffenders

| Reoffending    | Rate (%) | Offense | Reoffender# |
|----------------|----------|---------|-------------|
| 1              | 38       | 1       | 155.776     |
| More than once | 62       | 2-5     | 198.767     |
|                |          | 6-20    | 89.988      |
|                |          | 21-40   | 6.969       |
|                |          | 41-80   | 776         |
|                |          | 81-132  | 70          |



**Graph 1.** The Effect of Recidivism on Public and Order Crime Rates by Years

As seen in the Graph-1, it can be argued that reoffenders have an increasing effect (totally 20 percent) on crime rates. During a 3-year follow-up period, formerly incarcerated individuals are responsible for 22 percent of arrests in 2020, 21 percent in 2021, 18 percent in 2022, and 16 percent in 2023 till April 15th.



**Graph 2.** The Effect of Recidivism on Selected Crime Types by Years

Graph-2 shows the effect of reoffenders on selected crime types. When we examine the effects of recidivism on crimes against the person, it can be argued that reoffenders caused 27 percent increase in crime rates in 2020, 24 percent in 2021, 19 percent in 2022, and 18 percent till 2023 April 15th through the crimes they committed after their release. On the other hand, recidivism in crimes against property has more effect on the crime rates. Namely, individuals who reoffended crimes against property account for 30 percent of arrests in 2020, 33 percent in 2021 and 33 percent in 2022, and 29 percent till 2023 April 15th. The crime type which the recidivism has mostly affected is theft. It is noteworthy that reoffenders are responsible for an increase of 31 percent in 2020, 38 percent in 2021, 42 percent in 2022, and 38 percent till 2023 April 15th in theft.

**Table 6.** Recidivism in Türkiye by Types of Crime and Time from Release to First Arrest

| Cumulative percent of released prisoners arrested within. (%) |           |           |           |           |           |           |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
| Crime types   | 6 months  | Year 1    | 18 months | Year 2    | Year 2,5  | Year 3    |
| <b>Released prisoners (741.531)</b>                           | <b>23</b> | <b>37</b> | <b>46</b> | <b>53</b> | <b>58</b> | <b>61</b> |
| <b>Public&amp;Order Crimes</b>                                | <b>31</b> | <b>49</b> | <b>63</b> | <b>73</b> | <b>82</b> | <b>87</b> |
| <b>Offences against the person</b>                            | <b>20</b> | <b>32</b> | <b>43</b> | <b>51</b> | <b>58</b> | <b>63</b> |
| Offenses against life and physical                            | 13        | 20        | 29        | 35        | 41        | 45        |
| Offenses against liberty and dignity                          | 9         | 15        | 21        | 25        | 30        | 33        |
| Offenses against sexual integrity                             | 1         | 2         | 3         | 4         | 5         | 5         |
| <b>Offences against property</b>                              | <b>10</b> | <b>18</b> | <b>24</b> | <b>30</b> | <b>35</b> | <b>39</b> |
| Theft   | 6         | 10        | 14        | 18        | 21        | 23        |
| Damage to property  | 2         | 3         | 5         | 6         | 8         | 9         |
| Robbery   | 1         | 2         | 3         | 4         | 5         | 6         |
| <b>Smuggling and organized crimes</b>                         | <b>10</b> | <b>21</b> | <b>27</b> | <b>33</b> | <b>37</b> | <b>41</b> |
| <b>Narcotic crimes</b>  | <b>9</b>  | <b>18</b> | <b>23</b> | <b>28</b> | <b>32</b> | <b>35</b> |

|   |   |    |    |    |    |    |
|---|---|----|----|----|----|----|
| Production and trade of narcotics and psychotropic substances   | 3 | 7  | 9  | 12 | 14 | 16 |
| Purchase, receipt or possession of narcotics or psychotropic substances for personal use or use of these substance (Turkish Penal Code Article 191) | 7 | 14 | 18 | 23 | 26 | 29 |

Out of 741.531 released prisoners, 23 percent were arrested within the first 6 months, 37 percent within one year, 46 percent within 18 months, 53 percent within two years, 58 percent within 30 months, and 61 percent within 3 years (Table6). The crime type, which the released offenders mostly committed is public and order crimes. Out of these prisoners, 31 percent were rearrested within the first 6 months, 49 percent within one year, 73 percent within two years, and 87 percent within three years. The other crime types mostly committed by reoffenders are smuggling and organized crimes.

Table 7 depicts the cumulative percentage of released prisoners breakdown by crime types, age group, and follow-up period from 6 months to 3 years. The age group of 0-17 has the highest recidivism rate, 95 percent at the end of the third year. The recidivism rate declines at the higher age groups, reaching 33 percent after the age of 60+.

**Table 7.** Cumulative Percentage of Released Prisoners Breakdown by Crime Types (Level I), Age Group and Follow-up Period

|   |              | 6<br>months | Year<br>1 | 18<br>months | Year<br>2 | 30<br>months | Year<br>3 |
|---|--------------|-------------|-----------|--------------|-----------|--------------|-----------|
| <b>All released prisoners<br/>(741.531)</b> |              | %           | %         | %            | %         | %            | %         |
|   |              | <b>23</b>   | <b>36</b> | <b>46</b>    | <b>53</b> | <b>58</b>    | <b>60</b> |
| <b>Age at released</b>                      | <b>3.371</b> | <b>29</b>   | <b>47</b> | <b>65</b>    | <b>83</b> | <b>94</b>    | <b>95</b> |
| Public and Order Crimes                     |              | 28          | 45        | 62           | 80        | 92           | 93        |
| Smuggling and<br>Organized Crimes           |              | 2           | 7         | 13           | 18        | 22           | 27        |
| Migrant Smuggling and<br>Human Trafficking  |              | 0           | 0         | 0            | 0         | 0            | 0,3       |
| Terror Crimes                               |              | 0           | 0         | 0            | 0         | 0            | 0         |
| Cyber crimes                                |              | 0           | 0         | 0            | 0,6       | 1            | 1         |
| <b>18-24</b>                                | <b>65.61</b> | <b>36</b>   | <b>55</b> | <b>67</b>    | <b>77</b> | <b>81</b>    | <b>83</b> |
| Public and Order Crimes                     |              | 30          | 46        | 58           | 67        | 73           | 76        |
| Smuggling and<br>Organized Crimes           |              | 10          | 21        | 28           | 35        | 39           | 43        |
| Migrant Smuggling and<br>Human Trafficking  |              | 0,1         | 0,3       | 0,6          | 0,9       | 1            | 1         |
| Terror Crimes                               |              | 0           | 0         | 0,2          | 0,2       | 0,3          | 0,3       |

|   |              |           |           |           |           |           |           |
|---|--------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Cyber crimes                            |              | 0,6       | 1         | 2         | 2         | 3         | 3         |
| <b>25-29</b>                            | <b>112.0</b> | <b>30</b> | <b>46</b> | <b>57</b> | <b>64</b> | <b>69</b> | <b>72</b> |
| Public and Order Crimes                 |              | 23        | 36        | 45        | 53        | 58        | 61        |
| Smuggling and                           |              | 11        | 22        | 28        | 33        | 37        | 40        |
| Migrant Smuggling and Human Trafficking |              | 0,1       | 0,3       | 0,6       | 0,9       | 1         | 1         |
| Terror Crimes                           |              | 0         | 0         | 0         | 0         | 0,1       | 0,1       |
| Cyber crimes                            |              | 0,4       | 0,9       | 1         | 1         | 2         | 2         |
| <b>30-44</b>                            | <b>343.3</b> | <b>23</b> | <b>37</b> | <b>47</b> | <b>53</b> | <b>59</b> | <b>62</b> |
| Public and Order Crimes                 |              | 19        | 30        | 39        | 45        | 50        | 53        |
| Smuggling and                           |              | 6         | 13        | 17        | 21        | 23        | 26        |
| Organized Crimes                        |              |           |           |           |           |           |           |
| Migrant Smuggling and Human Trafficking |              | 0,1       | 0,3       | 0,4       | 0,6       | 0,8       | 0,9       |
| Terror Crimes                           |              | 0         | 0         | 0         | 0         | 0,1       | 0,1       |
| Cyber crimes                            |              | 0,2       | 0,4       | 0,6       | 0,8       | 1         | 1         |
| <b>45-59</b>                            | <b>174.1</b> | <b>16</b> | <b>26</b> | <b>34</b> | <b>40</b> | <b>45</b> | <b>47</b> |
| Public and Order Crimes                 |              | 14        | 23        | 30        | 35        | 39        | 42        |
| Smuggling and                           |              | 2         | 5         | 6         | 8         | 9         | 11        |
| Organized Crimes                        |              |           |           |           |           |           |           |
| Migrant Smuggling and Human Trafficking |              | 0,1       | 0,2       | 0,3       | 0,5       | 0,6       | 0,7       |
| Terror Crimes                           |              | 0         | 0         | 0         | 0         | 0,1       | 0,1       |
| Cyber crimes                            |              | 0,1       | 0,2       | 0,3       | 0,4       | 0,5       | 0,6       |
| <b>60+</b>                              | <b>42.98</b> | <b>10</b> | <b>17</b> | <b>23</b> | <b>28</b> | <b>31</b> | <b>33</b> |
| Public and Order Crimes                 |              | 9         | 15        | 21        | 25        | 28        | 30        |
| Smuggling and                           |              | 1         | 2         | 3         | 4         | 5         | 5         |
| Organized Crimes                        |              |           |           |           |           |           |           |
| Migrant Smuggling and Human Trafficking |              | 0         | 0         | 0,1       | 0,2       | 0,3       | 0,3       |
| Terror Crimes                           |              | 0         | 0         | 0         | 0         | 0         | 0         |
| Cyber crimes                            |              | 0         | 0         | 0         | 0,1       | 0,2       | 0,3       |

## CONCLUSION

Many researches in criminology reveal that recidivism is one of the important problems in struggling against criminality. In various countries all around the world, a significant portion of convicted individuals released from prisons reoffend. Along with causing social problems in society, recidivism causes individuals to expertise in criminality, and generates organized crime groups. Reoffenders can also adopt criminal behaviors as a tool for gaining money. Considering that an important amount of crimes are committed by reoffenders who made a criminal career, it



is thought that preventing these individuals from committing crimes again will make an important contribution to reducing crime rates.

The situation of recidivism in Türkiye, due to the differences in definition, crime types, sampling, and follow-up period, is not proper for a comparison with the findings of recidivism studies in other countries. This study has concluded that the general recidivism rate in Türkiye, based on prisoners released on parole due to the Covid-19 pandemic measures, for a 3-year follow-up period, is 61 percent; that theft, fraud, and drugs related crime are mostly reoffended crime types. In addition to this, released prisoners have caused a 20-percent-rise in crime rates for the follow-up period.

Among the most important tools in fight against recidivism are rehabilitation and reintegration of the convicts and detainees. On the rehabilitation and reintegration, in addition to the elements of the criminal justice system, a common understanding and a comprehensive approach, in which all the other related institutions and organizations would take part is needed. Such a system in the Turkish case can include the Ministry of National Education, Ministry of Family and Social Services, Ministry of Health, local government institutions, and civil society. In this sense, further studies are needed for the Turkish case, whether the offenders took part in rehabilitation programs, or what kind of rehabilitation programs are applied in the Turkish penalty system.

When evaluated in terms of law enforcement, it is important to pursue those who have criminal careers, especially in the prevention of crimes such as theft, fraud, and looting, which are committed by organized tactics and techniques. For this reason, it should be taken into account that information on detainees and convicts entering and leaving the prisons can make significant contributions to law enforcement bodies within the scope of intelligence-oriented, preventive, and predictive policing approaches.

For further studies, causes of reoffending, the effect of socioeconomic variables on recidivism, the reoffending situation in child, juvenile, and age groups, recidivism trends in different crime types can be taken into account. Additionally, in the case of obtaining official crime data from judicial institutions, comparative studies on recidivism covering released prisoners before COVID-19 pandemic can be among the research topics as well.

## REFERENCES

- Antenangeli, L., and M.R. Durose. (2021). Recidivism of Prisoners Released in 24 States in 2008: A 10-Year Follow-Up Period (2008–2018), *U.S. Department of Justice Office of Justice Programs*, [https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/rpr24s0810\\_yfup0818.pdf](https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/rpr24s0810_yfup0818.pdf)
- Avcı E., and Dönmez A.E. (2021). Kovid-19 Küresel Salgını ve Türkiye’de Suç: Jandarma Sorumluluk Bölgesi Örneği, *Kovid-19 Sonrası Geleceğin Güvenlik Kurumları ve Stratejik Dönüşüm*, İzgi Savaş (Ed.) TASAM Yayınları, pp. 208-232.
- Avcı, E. (2022). Covid-19 ve Türkiye’de Mükerrer Suçluluk. *Jandarma Dergisi*, Sayı 162, Haziran 2022, pp. 8-13.
- Blumstein, A., and Larson, R. C. (1971). Problems in Modeling and Measuring Recidivism. *Journal of Research in Crime and Delinquency*, 8(2), pp.124–132. <https://doi.org/10.1177/002242787100800202>
- Cömert, Ö. (2018). Mükerrer Çocuk Suçluluğu: Bitlis İli Örneği, Unpublished Master’s Thesis, Elazığ: Fırat University.
- Çetin, A. Türkiye’deki Cezaevlerinin Durumu, *Jandarma Dergisi*, Sayı 110, Haziran 2006, pp. 20-24.
- Durose, M.R., Cooper A.D., and Snyder H.N., (2014). Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010. *U.S. Department of Justice Office of Justice Programs*. <https://bjs.ojp.gov/content/pub/pdf/rprts05p0510.pdf>
- Fazel, S., and Wolf, A. (2015). A Systematic Review of Criminal Recidivism Rates Worldwide: Current Difficulties and Recommendations for Best Practice. 18 June 2015, *Plos One*, pp. 1-8.
- Hughes, T., and Wilson, D.J. (2004, April 14). Bureau of Justice Statistics: *Reentry Trends in the U.S.* <https://bjs.ojp.gov/content/pub/pdf/reentry.pdf>
- Maltz, Michael D. (1984). *Recidivism*. Originally published by Academic Press, Inc., Orlando, Florida. <http://www.uic.edu/depts/lib/forr/pdf/crimjust/recidivism.pdf>
- Oxford Learner’s Dictionaries. (2022). <https://oxfordlearnersdictionaries.com> Erişim tarihi: 04 Nisan 2022.
- Payne, J. (2007). *Recidivism in Australia: Findings and Future Research*, Australian Institute of Criminology, <http://www.aic.gov.au>
- Penal Code of Turkey. (2022). Council of Europe Website. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)011-e)
- Pew Center on the States. (2011, April), *State of Recidivism: The Revolving Door of America’s Prisons* Washington, DC: The Pew Charitable Trusts. [https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2011/pewstateofrecidivism.pdf](https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2011/pewstateofrecidivism.pdf)

- Sawyer, W., and Wagner, P. (2019, Mart 19). *Mass Incarceration: The Whole Pie 2019*. Prison Policy: [www.prisonpolicy.org](http://www.prisonpolicy.org)
- Sterbenz, C. (2014, December 11). *Why Norway's prison system is so successful?* Insider: <https://www.businessinsider.com/why-norways-prison-system-is-so-successful-2014-12?amp>
- Turkish Criminal Procedure Code, (2009). Jelani Jefferson Exum (Ed.), Beta Publishing House, Istanbul, [https://sherlfoc.unodc.org/cld/uploads/res/document/tur/2005/turkish\\_criminal\\_procedure\\_code\\_html/2014\\_Criminal\\_Procedure\\_Code.pdf](https://sherlfoc.unodc.org/cld/uploads/res/document/tur/2005/turkish_criminal_procedure_code_html/2014_Criminal_Procedure_Code.pdf)

