

THE SPECIFICITIES AND CHARACTERISTICS OF THE OFFENCE OF ENDANGERING ROAD TRAFFIC SAFETY AND POLICE ACTION REGARDING THIS OFFENSE

Review Article

DOI: 10.5937/zurbezkrim2202061D	COBISS.RS-ID 137243393	UDK 343.232:656.1]:351.741
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Abstract: In modern society, traffic represents one of the basic human needs. Traffic is a daily human activity, which is reflected in the change in the position of people, things or messages. The goal of the state is to establish a favorable state of security, and therefore traffic safety, in other words, to establish traffic with as few negative effects as possible. On the other hand, to regulate and improve road traffic safety, road traffic laws have been enacted. Traffic laws regulate the basis of development and participation in road traffic, including road traffic offenses as basic forms of traffic unsafety. Violations of traffic regulations result in certain consequences and even have an impact on the life, health and physical integrity of road traffic participants or the occurrence of material and non-material damage. Therefore, in order to increase the level of road traffic safety, the modern legal system envisages protection of road traffic in misdemeanor and criminal laws. This paper addresses the criminal law protection of road traffic through the prescription of the offense of endangering road traffic safety, the specificities and characteristics of the same offense in relation to other offenses and police practice in cases involving this criminal offense.

Keywords: offense, road traffic, police, traffic safety, endangerment.

INTRODUCTION

Since the first human settlements, the traffic activity has become special for man. Traffic activity was created as a human need and is closely related to the development of society as a whole. In theory, there are various definitions regarding traffic itself and traffic activity. Here it is necessary to point out that traffic and traffic activity are not the same. Traffic is an organized movement

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of traffic units on traffic roads. (Lipovac, 2008:15). This way of defining traffic includes all the elements, namely traffic units that make up means of transport, then the traffic road is the surface on which traffic takes place, that is, specially built areas intended for traffic, and the organization, that is, regulation of traffic through legal regulations. In addition to all the advantages of the very existence of traffic and traffic activity, there are also certain negative effects. In theory, a special scientific discipline called traffic safety has been developed, which aims to study and find the best mechanisms for safe traffic with as few negative effects as possible. Traffic safety can be viewed as a social phenomenon that can be managed in order to achieve certain goals. The basic forms of unsafe traffic are traffic offenses. Traffic offenses can be viewed as offenses against public traffic committed by road users, which can lead to traffic accidents as the largest socially harmful phenomenon in terms of traffic safety.

The safety of citizens is one of the basic goals and tasks of every state, which is one of the conditions for the stability of a society. With the development of society came the establishment of various and numerous mechanisms used to protect the most important values in all forms of life. One such mechanism is the protection provided by criminal legislation. Established criminal legislation in a society has the task of protecting the most significant forms of social goods and certain values in a society. Such protection is achieved by criminalizing certain human actions and behaviors, and prescribing sanctions for such behaviors and the manner of imposing and executing them. This function of criminal legislation, from the scientific aspect, is the subject of criminal law. When defining the concept of criminal law, it has been pointed out that the concept of criminal law is used to convey two meaning. It is used to denote a branch of law as a system of valid criminal law norms and a scientific discipline – the science of criminal law. (Babić, 2014:27). In addition to the previously described, criminal law protection is fully realized by implementing a certain procedure against a person, who committed an offense, which is dealt with by criminal procedural law.

To increase the level of road traffic safety and the protection of people, road-safety-related traffic offenses are prescribed in the criminal legislation of Republika Srpska. The special chapter of the Criminal Code of Republika Srpska² prescribes criminal offenses, that is, Article 402 endangering road traffic safety, Article 403 endangering special types of traffic, Article 404 endangering road traffic safety with a dangerous act or means, Article 405 negligent supervision of road traffic, and Article 406 failure to provide assistance to a person injured in a traffic accident. The prescription of this type of offense is completely justified, given that in terms of the suffering of people and property, this type of offense can be regarded as the most serious.

By looking at the offenses contained in this chapter of the Criminal Code, in practice, the most frequent and most recorded offenses are endangering road traffic safety. The following section addresses the basis of this offense as pre-

2 Criminal Code of Republika Srpska (Official Gazette of RS, Numbers: 64/14, 15/21).

scribed by the current criminal law in Republika Srpska, the specificities and characteristics in relation to other offenses and police practice in cases involving this type of offense.

THE OFFENSE OF ENDANGERING ROAD TRAFFIC SAFETY IN THE CRIMINAL LEGISLATION OF REPUBLIKA SRPSKA

The offense of endangering road traffic safety is prescribed by Article 402 of Chapter 31, offenses against road traffic safety, of the Criminal Code of Republika Srpska. The mentioned offense is prescribed in one article through five paragraphs and for the same the basic form is prescribed too, as well as three more serious qualifying forms. The basic form of the offense prescribed in paragraph 1 reads as follows: A road traffic participant who does not comply with traffic regulations and thus endangers traffic safety and the lives of people, and as a result causes serious bodily injury to another, shall be punished by imprisonment from six months to five years.

The more serious qualified form of this offense is prescribed by the same article, paragraph 2, and reads as follows: Perpetrator of the criminal offense referred to in paragraph 1 of this Article, who, during the commission of the offense, was under the influence of alcohol, over 1.50 g/kg of alcohol in the blood, or under the influence of narcotics or who drove at a speed exceeding 50 km/h above the speed limit, shall be punished by imprisonment from one to eight years and the revocation of the driver's license.

Paragraph three of the same article provides for the possibility of imposing a fine or a prison sentence of up to three years on the perpetrator of the offense who negligently committed the offense referred to in paragraph 1.

The same article prescribes two more qualified forms of this offence. A more severe form exists if, as a result of the offence referred to in paragraphs 1 and 2, the death of one or more persons occurred, the perpetrator of the offence referred to in paragraph 1 shall be punished by imprisonment from two to twelve years and revocation of the driver's license, and for the offence referred to in paragraph 2 shall be punished by a prison sentence of three to fifteen years and the penalty of revocation of a driver's license. Paragraph 5 of the same article also prescribes a more severe sanction for the perpetrator of the offence referred to in paragraph 1 in cases involving the death of one person, that is, a prison sentence of one to eight years and the revocation of a driver's license.

Based on the previously stated way in which the offense of endangering road traffic safety is prescribed, it can be concluded that it is a special type of offense whose goal is the safe flow of road traffic.

The provisions of Article 402 provide for the possibility of imposing imprisonment sentence and the revocation of a driver's license for all forms of this offense.³

This type of offense differs from other offenses by several characteristics, which are discussed in more detail in the following section.

THE SPECIFICITIES AND CHARACTERISTICS OF THE OFFENSE OF ENDANGERING ROAD TRAFFIC SAFTY IN RELATION TO OTHER OFFENSES

The offense of endangering road traffic safety is quite different from other criminal offenses due to several characteristics. The act of committing this offense consists in non-complying with the regulations on safe participation in road traffic by road traffic participants. The act of committing this offense consists in acting contrary to the regulations aimed at ensuring the normal, smooth and safe flow of road traffic. The two main regulations directly applied to the act of committing this offense are the Law on Basics of Traffic Safety on the Roads in Bosnia and Herzegovina⁴ and the Law on Traffic Safety on the Roads of Republika Srpska.⁵ The commission of this criminal offense consists in non-observance of traffic regulations and includes various activities and behaviors that represent violations of these regulations. Therefore, the commission of this offence includes any action by a road traffic participant that is contrary to road traffic regulations. This gives a blanket character to this offence, because the criminal code does not determine the forms of its commission, but they result from the prohibitions and instructions contained in the relevant traffic regulations for road traffic participants. These regulations are numerous and are contained in laws, decrees, and other regulations. (Babić, 2014:434). The specificity of this offense compared to other offenses regarding to the commission is reflected in the fact that it is undertaken in public traffic by a road traffic participant.

The consequence of this offence is the endangerment of road traffic safety, which poses a danger to people's lives. The consequence is a concrete danger to the life or body of people, whereby it is expressed through the danger of serious bodily injury or death to another person. In the previous legislation valid until 2017, in addition to the above, the consequence was also expressed through the

³ Until 2017, the ban on driving a motor vehicle was prescribed as a security measure for the perpetrators of this type of offense. With the entry into force of the currently Criminal Code, this measure is prescribed as a punishment for the perpetrator of offenses related to endangering road traffic safety.

⁴ Law on Basics of Traffic Safety on the Roads in Bosnia and Herzegovina (Official Gazette of BiH, Numbers: 6/06, 75/06, 44/07, 84/09, 48/10, 18/13, 8/17, 89/17, 9/18).

⁵ Law on Traffic Safety on the Roads of Republika Srpska ((Official Gazette of PC, Numbers: 63/11 and 111/21).

occurrence of a consequence to larger assets, that is, the occurrence of material damage greater than 3,000 KM.⁶ For the consequence to exist, it is necessary that someone else, another person as a road traffic participant, is endangered. For example, the offense also exists in cases where another person who was in the same vehicle, including the perpetrator of the offense, is endangered. If the person who caused an accident due to non-observance of traffic regulations suffers physical injuries or dies, then the same event does not have the elements of a criminal offense, but it is an event with the elements of a misdemeanor which falls into road traffic safety.

Regarding the perpetrator of the offense of endangering road traffic safety, there is a specificity that distinguishes it from other offenses. Only a road traffic participant can be the perpetrator of this offense.⁷ The perpetrators of these offenses are various persons, persons who participate in road traffic every day. The difference in relation to other offenses is that these offenses can be committed by all citizens, that is, by all groups of people, and not only by persons inclined to commit offenses. The perpetrators of these offenses are primary, situational, negligent perpetrators, non-delinquent individuals. This criminal offense can be committed by any person who, in any way, in any form of activity or in any capacity, is found as a participant in road traffic. In practice, it is very rare that the perpetrators of these offenses are persons inclined to commit other criminal acts, such as major crimes or other type of crimes. Also, in practice, it rarely happens that the perpetrators of these offenses are recidivists, that is, persons who have previously committed these offenses.

This offense, in terms of culpability, can be committed intentionally or negligently. A more severe sanction is prescribed for the willful commission of this offense. Intent constitutes the subjective element and exists when the perpetrator was aware that he was not complying with traffic rules and, as a result, he would or could endanger the lives of people, so he wishes or consents to the occurrence of such consequences. If there are several perpetrators of this type of offense, who committed the same offense, the culpability of one participant cannot exclude or reduce culpability for another offense. In these cases, hidden insanity and significantly diminished capacity is often used. On the other hand, in practice, it is more common that this offense is committed as a result of negligence. If this offense is committed negligently, a milder penalty is prescribed, that is, a lighter sanction in terms of severity. Negligence is the most common form of culpability regarding this offense.

6 The current 2017 Criminal Code of Republika Srpska did not include such a feature of the criminal offense and only prescribed the objective condition for the existence of the offense is the occurrence of serious bodily injury or death to another person.

7 A road traffic participant is a person who drives a vehicle on the road or is in a vehicle or on a vehicle, who drives, leads or rides an animal that moves on the road, as well as a pedestrian or a person who performs his work and work tasks on the road - Article 9, item 76 of the Law on Basics of Traffic Safety on the Roads in BiH (Official Gazette of BiH, Numbers: 6/06, 75/06, 44/07, 84/09, 48/10, 18/13, 8/17, 89 /17, 9/18).

A special feature of this offense in relation to other offenses is the place of commission. Regarding place of commission of this offense, we should start with the definition of a traffic accident. A traffic accident is an event on the road or that started on the road, in which at least one moving vehicle was involved and in which one or more persons were killed or injured or material damage occurred. (Sredić, Mamić, 2022:7). Based on this definition, it can be concluded that this offense can only be committed on the road.⁸ A road is a surface intended for traffic. Regarding the road, one can consider a public road or an uncategorized road. A public road is an area of general importance for traffic, which anyone can freely use under conditions determined by law and which has been declared a public road by the competent authority, as well as a street in a settlement. An uncategorized road is a surface used for traffic on any basis, which is accessible to a large number of users (rural, field and forest roads, roads on embankments for flood protection, areas around gas stations, parking lots, etc.).⁹ The specificity of the offense of endangering road traffic safety by place of commission in relation to other offenses is evident from the above, which represents only one of several specificities and features.

Also, one of the special characteristics of the offense of endangering road traffic safety in relation to other prescribed offences is the possibility of imposing a sentence prescribed only for this offence. Article 42 of the Criminal Code of Republika Srpska¹⁰ prescribed types of penalties, and a specific penalty is the revocation of the driver's license.¹¹ The revocation of the driver's license, in accordance with the legal basis, may be imposed on the perpetrator who committed the offense of endangering road traffic safety. Such a sentence can be imposed on the perpetrator for a period of six months to five years, and in cases where the death of one or more persons occurred during the commission of this offense, the sentence can be imposed for a period of one to eight years. The duration of this type of sentence is calculated from the day the decision becomes final, with the provision that the time spent serving the prison sentence is not counted during its duration. Also, when imposing a suspended sentence, the court may revoke the suspended sentence in cases where the convicted person drives a motor vehicle. If this penalty is imposed on a person who has a foreign driver's license, such a penalty refers to the prohibition of driving a vehicle on the territory of Republika Srpska. In addition to the prescribed penalty, the current law also prescribes the safety measure of banning a driver from driving

8 A road is any public road and uncategorized road on which traffic takes place - Article 9, item 10 of the Law on the Basics of Traffic Safety on the Roads in BiH (Official Gazette of BiH, Numbers: 6/06, 75/06, 44/07, 84/09, 48/10, 18/13, 8/17, 89/17, 9/18).

9 Article 9, items 13 and 33 of the Law on the Basics of Traffic Safety on the Roads in BiH (Official Gazette of BiH, Numbers: 6/06, 75/06, 44/07, 84/09, 48/10, 18/13, 8/17, 89/17, 9/18).

10 The Law on Amendments to the Criminal Code of Republika Srpska (Official Gazette of RS, Number: 15/21).

11 Since 2017, the then Criminal Code prescribed this penalty as a ban on driving a motor vehicle, and it was changed in 2021 through the adoption of amendments to the aforementioned Code.

a motor vehicle,¹² which was previously prescribed as a penalty. The penalty of revocation of the driver's license and the security measure of banning a driver from driving a motor vehicle cannot be imposed at the same time.

The court can impose the security measure of banning a driver from driving of a motor vehicle of a certain type or category of vehicle on the perpetrator who committed the offense of endangering road traffic safety when there is a danger that he will commit such a criminal offense again while driving the vehicle. The imposition of such a measure implies the revocation of a driver's license or a ban on the issuance of a driver's license during the duration of the imposed security measure. The duration of such a measure is possible for a period of three months to five years starting from the date of the final decision, except that the time spent serving a prison sentence or the time spent in a health institution is not included in the duration of the measure. Also, as with the revocation of a driver's license, this security measure also includes a ban on driving on the territory of Republika Srpska.

POLICE PRACTICE IN CASES INVOLVING OFFENSES OF ENDANGERING ROAD TRAFFIC SAFETY

Theoretically, and practically, there are several ways to obtain information about a criminal offense. (Simonović, Matijević, 2007:51). The police usually obtain information through regular police work, through the reports received by the police body, through the media, through public discussions in the public, reports filed by persons who has been damaged, reports filed by witnesses, reports filed by state, economic and other social entities, reports filed by anonymous persons or reports filed by persons using false name, the so-called pseudonymous reports. When looking at the criminal offense of endangering road traffic safety, the usual source of information are reports by road traffic participants or participants involved in traffic accidents. Receiving a report is one of several police powers, which is prescribed by the current legal regulation. Receiving a report as a police power implies the duty to receive and record a report on all committed offences, misdemeanors or other events and occurrences that are interesting from the aspect of security. In practice, in most cases, reports of this offense are filed by the participants involved in traffic accidents, and as such, they are the most reliable.

In practice, police bodies, in a large number of cases, obtain information about the existence of an offense. On the basis of such information, police bodies continue to perform their criminal functions, independently and in cooperation with other security agencies. Actions undertaken by the police in one state is provided for by valid norms which also prescribe police duties and tasks. Certainly, one of the police tasks is preventing the commission of offences, pre-

12 Article 18 of the Law on Amendments to the Criminal Code of Republika Srpska (Official Gazette of RS, Number: 15/21).

venting the commission of misdemeanors, detecting offenses and misdemeanors as socially unacceptable phenomena, finding and handing over the perpetrators of such phenomena to the competent authorities. Police bodies perform their criminal function by undertaking certain measures and actions prescribed by law, and some of these actions are undertaken on the request of the district prosecutor's office, that is, the district public prosecutor.

As previously stated, the offense of endangering road traffic safety has certain specificities and features in relation to other offenses, both from a normative and theoretical aspect, as well as from a practical approach. In addition to the application of basic regulations when dealing with these offenses, police bodies, in cases of this offense, also apply a number of secondary regulations. The basic by-law is the Instruction on the Investigation of Traffic Accidents.¹³

The first specificity of this offense when dealing with it in practice is immediately upon receipt of the report. Police first learn about this offense, in practice, from the receipt of a traffic accident report. In almost all cases, police first learn about a traffic accident when the participants involved in a traffic accident, road traffic participants or other entities, such as, for example, fire and medical services report an accident on the phone. When receiving a report, the police officer's duty is to collect as much information as possible about the event itself. It is rare to immediately after learning about a traffic accident determine whether it is an offense or a misdemeanor. Also, the specificity of documenting the received report differs in relation to other offenses, considering that the previously mentioned by-laws prescribe an obligation to make special official notes on the receipt of a traffic accident report.

After receiving the report, it is the duty of the police officer to send police officers to the scene of the reported traffic accident without delay, in order to provide assistance to the injured persons, prevent the possibility of endangering traffic safety, and undertake other necessary measures and actions. The most reliable source of information about the event itself and whether it is an offense or a misdemeanor are the police officers who are the first to arrive at the accident scene. In practice, it is almost possible to immediately determine which event it is. The existence of an offense requires death or serious bodily injury to another participant. In practice, the severity of injury of an injured person or persons is rarely known immediately after the arrival of police officers at the scene.¹⁴ The medical staff does not want to declare the severity of injuries of the injured persons immediately after they are admitted. Even in situations where another participant in a traffic accident is seriously injured or has died and when such a fact is fully known, a particular event cannot be, with certainty, qualified as the offense of endangering road traffic safety. Bearing in mind the aforementioned regarding the severity of injuries of the injured par-

¹³ The instruction is issued by the Minister of the Interior, and the last one has been in force is since 2019.

¹⁴ In such cases, police officers independently assess the possible severity of injury based on previous incidents.

ticipant in the traffic accident and the fact that it is not possible to determine which event it is, in practice, when dealing with such events, an on-call prosecutor of the competent prosecutor's office is notified verbally. When notifying the on-call prosecutor, he or she is given the same information necessary for the said event, from the very receipt of the report to further action and the established situation, as well as the fact that the severity of the injuries is not known. In such cases, the on-call prosecutor usually authorizes police officers to conduct an investigation and undertake other necessary measures and actions. Cases when the prosecutor himself or herself personally arrives at the scene and manages the investigation are rare.¹⁵ If after the investigation, that is, after the event about which the on-call prosecutor has been informed, it is established on the basis of medical documentation that it was a traffic accident with elements of a misdemeanor; the investigation is concluded according to the misdemeanor procedure. In cases where, on the basis of the investigation conducted, other measures and actions undertaken, as well as medical documentation, it is established that an offense has been committed, then a report on the offense committed against the suspect is submitted to the relevant prosecutor's office. On the other hand, in practice, there are cases when it is determined that a certain event has elements of a criminal offense, but, based on the measures and actions undertaken, the responsibility for the commission of the offense cannot be fully established. In such cases, the police submit a report on the measures and actions undertaken to the competent prosecutor's office, so that the same, based on the order issued by the prosecutor's office, is submitted so that further action may be undertaken, that is, forensic examination. After forensic examination has been conducted, an opinion and finding is given on the responsibility of the event itself.¹⁶

After the necessary measures and actions have been undertaken upon receiving the report and going to the scene, an investigation begins. An investigation is an evidentiary action prescribed by the criminal procedure code, which consists of the direct observation of changes that occurred at the crime scene, which is undertaken by the competent authority. In theory, there are different approaches to defining the term investigation – definitions of investigation in procedural law, definitions of investigation in criminalistics and a specific definition of investigation as a system of actions (Lipovac, 2008:193). A commonly accepted definition defines an investigation as a system of several activities applied on the basis of the Criminal Procedure Code¹⁷ with the application of criminalistics and technical and tactical methods and means, whose task and

15 Even in situations where it can be determined immediately on the spot that it is an event with elements of an offense, the prosecutor authorizes police officers to independently carry out inspections and undertake other necessary measures and actions.

16 In practice, for almost all incidents of traffic accidents that the competent prosecutor's office receives from the police, an order for forensic examination is issued and the same is finalized based on the expert's findings and opinion.

17 Criminal Procedure Code of Republika Srpska (Official Gazette of RS, Numbers: 53/12, 91/17, 66/18 and 15/21).

goal is to find, secure and preserve all criminal and legally relevant material information to be used at further criminal proceedings (Simonović, Matijević, 2007:421). Criminal and legally relevant material information refers to objects and traces of crimes, as well as other situations resulting from a specific crime. Regarding traffic accidents, in practice, in the majority of cases, the investigation is conducted by police officers, that is, authorized law enforcement officials. In accordance with the applicable by-law, in practice, the investigation of traffic accidents with elements of a misdemeanor is carried out by uniformed police officers, while the investigation of traffic accidents with elements of a criminal offense is carried out by traffic accident investigation inspectors¹⁸ or a criminal inspector¹⁹ and a police officer who has completed a course in traffic accident investigation or criminal investigation technician. At the scene of a traffic accident, the investigation is carried out in two phases, which are known in theory and practice as static and dynamic. In the first phase, an inspection of the wider and narrower areas of the scene of the traffic accident is carried out, and after that photographs of the situation found on the spot are taken without prior marking. The first phase of the investigation is carried out on the basis of the situation found, interviews with the participants in the traffic accident, possible witnesses and mental reconstruction of the occurrence of the traffic accident.²⁰ After the first phase, that is, after undertaking the previously described, the marking and fixating of all trace evidence found at the scene of the traffic accident, which can be linked to the occurrence of the traffic accident, and then photographs of the wider and narrower areas of the accident scene are taken.²¹ Photographs of the scene are usually taken according to the chronology of the occurrence of the traffic accident. Photographs of certain traces at the accident scene are taken with the help of a scale, and in this way proper fixing and documentation is carried out. Such photos can be used in the further course of the proceedings, depending on the need.²² The goal of each photograph is to permanently record, that is, preserve the situation encountered. Photography has the task of showing all the elements at the scene of the traffic accident. On the basis of photos taken at the scene photo documentation is created, which is an integral part of the investigative documentation. In addition to taking photographs at the scene, sketching is also done as an integral part of the investigation. Sketching is done with a prior determination of one of the scientific methods regarding road recording if it is a curve. Also, the basis of sketching

18 In traffic police departments where such posts are systematized.

19 In police stations of general competence, where the post of inspectors for the investigation of traffic accidents have not been systematized.

20 Upon arriving at the scene and observing the condition of the vehicle, traces and other important features, a mental reconstruction of the occurrence of the traffic accident can be created, which is the basis for further investigation and taking other measures and actions at the scene.

21 Marking and fixating the trace found at the scene is carried out with the help of arrows, chalk, by placing position numbers and in other convenient ways.

22 An example of the use of such photographs is during forensic examination of the traffic accident.

is the determination of the fixed point, the starting point of the measurement and the orientation direction. As a rule, during the investigation of a traffic accident, a sketch of the scene is created. Sketching is a simple, comprehensive, graphic representation of the situation found at the scene (Lipovac, 1994:26). The sketching of the traffic accident is done at the scene, and at the same time it forms an integral part of the accident scene documentation. Sketching has various advantages in relation to the creation of other elements of the accident scene documentation, and some of them are simple and quick drawing, the appearance of the traffic surface, the situation found and the mutual position of traces, objects and the traffic surface are shown in a simpler way, and the sketch shows the original results of all measurements that were carried out at the scene. In addition to the advantages, there are also certain disadvantages. The sketch does not provide general information about the traffic accident, it is not clear to a wider circle of users; it is not faithful considering that it is a freehand drawing. In addition to the sketches, an integral part of the accident scene documentation is the situation plan, that is, the scale drawing. Situation plans – a scaled drawing technically correctly, graphically, faithfully depicts the situation found at the scene (Lipovac, 1994:26). Such drawings are made on the basis of a croquis sketch made at the scene of a traffic accident. They are made in an appropriate scale, and nowadays they are made using certain computer programs.²³ Also, situation plans have certain advantages and disadvantages. Some of the advantages are that such a drawing separates important from unimportant, the drawing does not contain all the elevations that are not necessary, it faithfully shows the condition found at the scene, considering that it is done in scale, the simplest way is to show the situation found and the mutual position of the objects and traces found at the scene, including many other benefits. On the other hand, there are certain disadvantages, such as a slow production of such drawings, which is done indirectly using sketches and notes; the situation plan does not provide a number of other general data that are important for the traffic accident.

The traffic accident, as well as any work undertaken, is documented in the manner prescribed by the applicable regulations. Documenting the case of a criminal offense begins with the creation of an official note on the receipt of notification of a traffic accident.²⁴ Upon arrival at the scene, one of the basic and first measures taken by the police officers, and after providing the necessary medical assistance and securing the scene, is a breath alcohol test to determine the presence of alcohol in the body of the participants involved in the traffic accident using a measuring device, and a record is made of the same.²⁵ In addition,

23 The use of the ScenePD program is more common in practice.

24 This official note is made by the head of the shift or the police officer on duty upon receipt of the report, which states the date and time of receipt of the report, data on the person reporting the incident, data on the type of traffic accident and injured persons if known, as well as the action taken on the report (the referral of police patrols stating the composition of the patrol).

25 When investigating a traffic accident, police officers are required to test the presence of alcohol in the body of the participant using a measuring device, and the report about it is drawn up. This

tion to the above, a report on the investigation of the traffic accident is drawn up, and photo documentation is an integral part of it. Also, in connection with the traffic accident, the questioning of the suspect, including interviews with witnesses, is carried out. Depending on the specific situation, there is a possibility that one of the participants may be questioned as a suspect based on the circumstances of reasonable suspicion of the committed offense of endangering road traffic safety, which is carried out as previously ordered by the district public prosecutor. In addition to the suspect, witnesses, that is, participants in the traffic accident or other persons whose statements can contribute to the proper documentation of the offense are questioned too.²⁶ In addition to the aforementioned documentation of the measures and actions undertaken, there are other measures and actions undertaken that are documented in a certain way, such as the extraordinary technical inspection of the vehicle, taking a blood and urine sample, and other measures and actions undertaken. After documenting all measures and actions undertaken, a report is drawn up and submitted to the competent district public prosecutor's office. A report on the criminal offense committed against a specific person or a report on the measures and actions undertaken may also be submitted. Which report will be submitted is ordered by the competent prosecutor, depending on the specific event.

CONCLUSION

The above indicates that the offense of endangering road traffic safety differs from other offenses in many respects. First of all, the place of the commission of the offense is only possible in road traffic, which is not a basis for other offenses. Also, there is a special feature in terms of commission. This offense can only be committed by a road traffic participant, which again can be any person, including a person who does not belong to the criminal milieu.

The position of the legislative authority regarding this offense is also visible in the latest amendments to the current Criminal Code, regarding the prescription of a new penalty that can be imposed on the perpetrator of this offense, the penalty of revocation of a driver's license, as well as the imposition of a safety measure prohibiting a driver from driving a motor vehicle.

There is a certain problem with regard to the procedure itself in the cases involving this offense in practice. Such problems relate to an adequate district public prosecutors' expertise. Often in practice there is a lack of understanding

is done on the basis of valid legal regulations and by-laws. Also, there is a possibility to exclude urine and urine samples, which is done on the basis of a special rulebook and according to a special procedure.

26 In practice, in certain situations, the prosecutor will not order the questioning of the suspect until the expert examination of the case of the traffic accident is carried out and the responsibility of the same is determined based on the expert's findings and opinion, after which the prosecutor independently conducts an examination or orders authorized officials to do so.

between the prosecutors and police officers regarding the necessary procedure. Such a problem itself leads to the further end of the process in cases involving this offence.

This offense can be highlighted as one of those that are present, but not so often present in the daily work of competent authorities. However, there are a number of situations that do not have the elements of a criminal offense upon receipt of the incident report and the first action taken regarding this incident. In such situations, after receiving certain documentation, primarily medical, and after taking all the necessary measures and actions, the event is reclassified as an offense. Such a statement can highlight the need and obligation, in cases where there is no partial certainty whether a certain incident has elements of a misdemeanor or an offense, to act as if it has elements of an offense. It is important to take all the necessary measures and actions that are necessary in the further procedure. Any action undertaken in cases where it is not known whether it is an offense cannot be redundant.

Also, one of the problems in practice, which is presented in this paper, is the investigation of traffic accidents and the handling of cases involving this criminal offense. In Republika Srpska, since 2015, with the entry into force of new by-laws, there has been a reorganization of police stations for traffic safety, which exclusively carried out traffic control and safety tasks, and thus acted on reports of traffic accidents and continued to take the necessary measures and actions. Today's problem regarding the investigation of traffic accidents is the issue of who is competent to investigate traffic accidents – police officers who perform patrol activities or inspectors of the criminal police. This type of problem exists in police stations of general competence. This is defined by the by-law; however, the lack of criminal inspectors leads to certain difficulties when it comes to dealing with reports of traffic accidents. Also, one of the problems is the inadequate expertise of police inspectors in carrying out investigations and further undertaking the necessary measures and actions, which leads to the question of what quality of investigation documentation can be expected.

Based on theoretical and practical experiences, it can be concluded that there is a need for continuous professional development of police officers who investigate traffic accidents and document cases of this type of crime, that is, police inspectors and crime scene technicians. In addition to the necessary knowledge in the field of traffic safety, dealing with these criminal offenses also requires certain level of knowledge about criminal law and criminal procedural law. Also, one of the good ideas in this regard is the joint training of police officers and district public prosecutors, as well as the adoption of joint positions regarding individual actions in cases involving this type of offense.

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Paper received on: 8/9/2022

Paper accepted for publishing on: 23/11/2022