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OPTIMIZATION OF THE ACTIVITY OF THE LAW ENFORCEMENT AUTHORITIES IN THE FIELD OF CRIMINAL PROSECUTION FOR THE TRAFFIC COLLISIONS COMMITTED DUE TO THE DRIVER'S FAULT

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This article deals with the current problems, the problems of the criminal prosecution of the persons for the traffic collisions committed due to the driver's fault. Based on the systematic analysis of this category of crimes, the administrative offenses related to them, the practice of the criminal prosecution of the persons for commission of them, the authors offer some specific recommendations, the implementation of which will improve the quality and the efficiency of the investigation of the criminal cases of this category.

Keywords: traffic offenses, traffic collisions, investigator, inquiry officer, investigation, an abbreviated form of inquiry, a special procedure for court proceedings.

JEL Classification: K14, K40, K49

1. INTRODUCTION

The fact that the deaths and injuries resulting from road traffic accidents are a serious problem for development and public health gets increasingly wide recognition (In Message Marking Day of Remembrance for Road Traffic Accident Victims, Secretary-General Says Tightly Enforcing Traffic Laws Can Save Lives, 2015). According to the official data, the road traffic injuries take the eighth place in the list of the main causes of mortality in the world and are the main cause of death among the young people aged 15 to 29 years. At the same time, over 1 million people die on the roads in the world annually, and the damage caused by these road accidents amounts to billions of dollars (World Health Organization, 2013). In 2010, the governments of the world declared a period from 2011 to 2020 a Decade of Action for Road Safety with a global goal to stabilize and then to reduce the forecasted level of morbidity in road accidents all over the world by increasing the activities conducted at the national, regional and global levels (United Nations Road Safety Collaboration, 2011).

Russia entered the Vienna and Geneva Conventions on Road Traffic (Vienna Convention on Road Traffic, 1968) to improve the road safety. This document was the basis for the development and further modernization of the regulatory and legal acts regulating the safety of traffic in this field (Resolution of the Government of the Russian Federation No. 1090 (as amended on May 30, 2016) "On the Rules of the Road" (along with the "Basic Provisions for the Admission of Vehicles to

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Operation and Duties of Officials to Ensure Road Safety"), 1990, October 23;Federal Act No. 257-FZ (as amended on April 5, 2016) "About Highways and about Road Activities in the Russian Federation and on Amendments to Certain Legislative Acts of the Russian Federation", 2007, November 8;Order of the Federal Road Agency No. 853-r "On the Publication and Application of ODM 218.6.015-2015 "Recommendations for Recording and Analysis of Traffic Accidents on the Roads of the Russian Federation", 2015, May 12, etc.).

However, it seems reasonable to discuss not the possibility of complete elimination, but the minimization of the road accidents. This thesis, suggested by the authors, is clearly illustrated by the history itself. Indeed, the invention of the automobile (History of the Automobile, n.d.) was almost immediately followed by the first traffic collisions (Traffic Collision, n.d.).

Indeed, the Russian legislation, as well as the legislation of the most countries, provides for the possibility of administrative and criminal prosecution for the commission of the traffic collisions and crimes. However, in general the measures to response the acts in this field are not effective because they do not provide any tangible results, including the results of a preventive nature.

That is why the aim of the authors is to identify and to make public the problems associated with the prosecution, primarily, the criminal prosecution of the drivers, committed the traffic offense, and to outline some of the ways to solve such problems.

2. METHOD

In our opinion, it is possible to achieve the designated scope, based only on the integrated approach to the study of the stated problems, by:

1. the study of the rules of the current administrative and criminal legislation, as well as other rules of law, provisions of the bylaws. Particular attention should be payed to the peculiarities of delimitation of the traffic collisions (the prosecution for which is provided by the Code of Administrative Offences of the Russian Federation (hereinafter, the CAO RF) (Sobraniezakonodatel'stvaRossiiskoiFederatsii [SZ RF] [Collection of Legislation of the RF], 2002) from the traffic offenses (the responsibility for which is provided by the Criminal Code of the Russian Federation (hereinafter, the CC RF) (SobraniezakonodatelstvaRossiiskoiFederatsii [SZ RF] [Collection of Legislation of the RF], 1996); the attention should be payed to mistakes made in classification of the acts and in production of the investigation (regulated by the administrative or criminal procedure law);
2. the analysis of pre-trial and trial proceedings in criminal cases involving traffic offenses, according to the Article 264 of the CC RF, the identification of the emerging problems;

3. the analysis of the features of the investigation of the considered category of crimes, the identification of the emerging common mistakes;
4. the study of the works of other authors, both scientists and practitioners, who have dedicated their publications to the indicated problems;
5. the analysis of the official statistics indicators (Judicial Department at the Supreme Court of the Russian Federation, n.d.; Ministry of Internal Affairs of the Russian Federation, n.d.), reflecting the data, known to the law enforcement bodies, on traffic collisions and offenses, the number of cases initiated (administrative and criminal), completed by drawing up of the final case investigation document and considered by the courts of first and appeal instances.
6. the interviewing of the practitioners, including 42 employees of the traffic police, 52 investigators and inquiry officers.

3. RESULTS

3.1. Analysis of the administrative and criminal legislation on responsibility for the commission of the traffic collisions

As already noted, in the Russian Federation the set of measures aimed at combating the collisions and offenses committed due to a driver's fault is enshrined statutory. These measures are mainly regulated by the administrative-legal and criminal-legal legislation. For example, the CAO RF provides for the administrative responsibility for violation of the rules of application of safety belts or motorcycle helmets (Art. 12.6); the operation of a vehicle by the driver in a state of intoxication, the transfer of the operation of a vehicle to a person in a state of intoxication (Art. 12.8), the exceedanceof the established speed (Art. 12.9); the red lights run or travel notwithstanding the prohibiting gesture of the regulator (Art. 12.12); failure to comply with the requirements prescribed by the traffic signs or road markings (Art.12.16), the violation of the traffic rules or the rules of operation of the vehicle, which caused light to moderate damage to health of the victim (Art. 12.24), and so forth. The CC RF also contains a set of norms, providing the criminal responsibility for the crimes against traffic safety and transport operation (Ch. 27, Art. 263-271.1). At the same time, the current criminal legislation of the Russian Federation includes only two articles providing the liability for the crimes against the safety of traffic and transport operation, committed due to a fault of the drivers: the Article 264 of the CC RF "Violation of the traffic rules and transport operation" and the Article 264.1 of the CC RF "Violation of the traffic rules by a person subjected to administrative punishment".

It is worth noting that the criminal prosecution under the Article 264 of the CC RF is often (38% of the number of the criminal cases studied by us) preceded by

the administrative proceedings on the fact of collision with a pedestrian. This is due to the following reasons.

The Parts 1 and 2 of the Article 264 of the Criminal Code provides for a criminal liability of a person, driving a car, a tram or other mechanical vehicle, for violation of the traffic rules or transport operation rules, causing by imprudence the serious harm to human health[1]. The initiation of the criminal proceedings based on the Part 1 or Part 2 of the Article 264 is possible only if, as a result of collision with a pedestrian, the serious harm to the health of the latter has been incurred. In turn, the Article 12.24 of the CAO RF provides for the administrative responsibility for violation of the traffic and transport operation rules, resulted in the light to moderate damage to the health of the victim.

At the same time, immediately after a collision of a vehicle with a pedestrian, in case the victim is alive, it is not always possible to determine the severity of the harm caused as a result of a traffic accident. In order to establish these circumstances, as a rule, a medical examination is required based on which the medical personnel (usually a doctor) gives an opinion indicating the diagnosis, characterizing the state of health of the victim. Then, in accordance with the paragraph 6 of the "Rules for determination of the severity of the harm caused to a human health" (hereinafter, the Rules) (Resolution of the Government of the Russian Federation No. 522 "On Approval of Rules of Determination of Severity of the Harm Caused to Health of the Person", 2007, August 17) shall be determined by a doctor, the forensic expert of a medical institution or the individual entrepreneur having the expertise and a license for medical activities, including the forensic examination works (services). In the event of a need for a special medical examination of a living person, the medical specialists of the organizations having the necessary conditions for performance of such surveys shall be involved in forensic examinations (p. 8 of the Rules).

Indeed, the establishment of the severity of the harm caused to the health of the pedestrian, who had been run over, takes some time. The term of the check of the report of a crime under the Art. 144 of the Criminal Procedure Code of the Russian Federation (hereinafter, the CPC RF) (Sobraniezakonodatel'stva RossiiskoiFederatsii [SZ RF] [Collection of Legislation of the RF], 2001) is 3 days, with a possible extension to 10 days, and, in exceptional cases, up to 30 days. However, even 30 days are often not enough to determine the severity of damage caused to health. At the same time, the law enforcement officers are required to take a decision on every case of collision with a pedestrian. As a result, in case of presence of the above conditions, the law enforcement practice is as follows: the law enforcement officers initiate the administrative proceedings on the fact of the traffic collision and carry out the administrative investigation to obtain theforensic examination conclusion on the degree of severity of the harm caused to the pedestrian as a result of the traffic collision. Subsequently, in case the forensic examination conclusion establishes the infliction of a physical harm of a light or

medium severity to a person in a traffic collision, the further proceedings are carried out in the manner prescribed by the CAO RF. In case the forensic examination conclusion establishes the infliction of a severe physical harm to a pedestrian in a traffic collision the decision on initiation of a criminal proceedings on the relevant part of the Article 264 of the CPC RF is taken.

With regard to the pedestrian encounters resulted in the death (Ch. 3-6, Art. 264 of the CC RF), as a rule, the criminal proceedings are initiated in a period not exceeding 3 days (Part 1, Art. 144 of the CC RF). In this case, the administrative proceedings do not normally precede the criminal proceedings.

At the same time, for committing a traffic offense by the intoxicated driver (Ch. 2,4,6, Art. 264 of the CC RF), the strict liability is provided by the Russian criminal law. Indeed, driving under the influence is a fairly common problem all over the world (Eurocare, 2003; Driving under the Influence, n.d.).

Realizing the increased danger of driving under the influence, the Russian legislator considered it possible to provide the criminal liability for such actions even in cases where the driver has not committed any other action covered by the provisions of the relevant articles of the CAO RF and the CC RF.

Since the Article 264.1 of the Criminal Code recognizes criminal the driving of a tram or other mechanical vehicle by a person under influence, subjected to the administrative penalties for driving under influence, or for failing to fulfill the legal requirement of the authorized official to undergo the medical examination for intoxication or having a criminal record for committing under influence a traffic collision with a pedestrian (the acts under Part. 2, 4, 6, Art. 264 of the CC RF). This provision was recently introduced in the CC RF and became effective on July 1, 2015 (Rossiyskayagazeta [Russian Gazette], 2015). As noted in the literature, the meaning of the Article 264.1 of the CC RF is to strengthen the punishability of the persons against whom the application of the administrative measures was ineffective. By punishing administratively the person driving the vehicle for the first time in a state of intoxication, the government, at the same time, warns him about the more serious legal consequences that would be applied to such person in case of the repetition of such violation (Kurchenko, 2015).

It is important to note that the crimes under the Article 264 of the CC RF are investigated by the investigators, and the crimes classified under the Article 264.1 of the CC RF are investigated by the inquiry officers. In the Russian Federation, the preliminary investigation and the inquiry differ by the procedure.

3.2. The analysis of the statistical data and the practice of prosecution of the drivers due to the fault of whom the traffic offenses have been committed

In order to analyze the indicators characterizing the number of traffic offenses committed due to the fault of the driver, the reference to the statistics appears to be reasonable.

TABLE 1: INDICATORS OF THE NUMBER OF THE REGISTERED AND DETECTED OFFENSES UNDER THE ARTICLE 264 OF THE CC RF, THE NUMBER OF PERSONS CONVICTED OF COMMITTING THEM, AND THE NUMBER OF PERSONS THE CASES AGAINST WHOM HAVE BEEN TERMINATED (2013-2015)

	Year	*Total registered*		*Total detected*		*Total convicted*			*The persons the cases against whom have been terminated*		
		Absolute indicator	*Relative indicator (%)*	*Absolute indicator*	*Relative indicator (%)*	*Absolute indicator*	*Relative indicator (%) of the number of offenses*[2]		*Absolute indicator*	*Relative indicator (%)*	
							registered	*detected*		*registered*	*detected*
Offenses under the Article 264 of the CC RF	2013	28,249	100	26,426	93.5	15,267	54	57.7	7,939	28.1	30
	2014	28,437	100	24,754	87	11,695	41	47.2	6,402	22.5	25.8
	2015	26,662	100	24,971	93.6	9,227	34.6	36.9	3,661	13.7	39.6

Source: Judicial Department at the Supreme Court of the Russian Federation, n.d.; Ministry of Internal Affairs of the Russian Federation, n.d.

As it can be seen, during the analyzed period, the statistics show a fairly high rate of detected traffic collisions related to pedestrian encounter. However, the indicator of the number of convictions under the Art. 264 of the Criminal Code is low, while the number of the persons, the criminal proceedings against whom have been terminated, is quite high (25-40%).

It is important to draw attention to the low percentage of people convicted of traffic offenses,an average of about 43% of the number of registered and about 47% of the terminated traffic collisions. It should be noted that during the study of the problem, where certain indicators are not high, the authors, among other things, indicate the mistakes made by some law enforcement officials at the initial stage of investigation. For example, E.R. Domke clearly indicates that the law enforcement officers do not always have the knowledge required for the qualitative investigation of the cases on traffic collisions, have poor knowledge in the procedure of examination of the scene, investigative experiment, questioning of the participants of the collision, etc. The results of investigation often do not contain the necessary information about the collision. Another author R.Y. Achmiz identifies a list of errors and violations of the law performed during the investigation of the facts of the traffic collision at the stage of a criminal case initiation and in the framework of an administrative investigation, unless it precedes this stage (Achmiz, 1999).

Another reason, closely related to the indicated above, is countering the investigation of the facts of traffic collisions on the part of the driver and other persons interested in the outcome desired for the driver. The acts countering the criminal prosecution are characterized by diversity. Among them: the perjury, the illegal influence on witnesses, victims, the destruction of the evidence, etc. (Babaeva, 2010). As is known, the active countering the criminal prosecution by the representatives of the defense and other interested parties can significantly hamper the investigation and the subsequent trial of the criminal case, and in some cases can make it impossible.

However, the nature of the countering since the initiation of the case until the end of the preliminary investigation, as a rule, has been changing. On completion of the investigation a large number of defendants in the considered category of criminal cases agree with the accusation and submit a petition for consideration of the case by the court in a specific order (Federal Rules of Criminal Procedure, 2014, December 1) (see Table 2).

The analysis of the investigation and trial of the criminal cases on the offenses under the Article 264 of the CC RF, the interviewing of the practitioners (investigators, inquiry officers, lawyers) gives the reason to believe that in case of further consideration of the case by the court in a special order the majority of counter acts, implemented at pre-trial stage, becomes meaningless for the defense. With this in mind, it appears that the skilled investigator, the inquiry officer aware of the particular skills and methods of investigation of the traffic collisions related

TABLE 2: DATA ON THE NUMBER OF CONVICTED UNDER THE ART. 264 AND 264.1 OF THE CC RF, THE PERSONS THE CASES AGAINST WHOM WERE CONSIDERED IN A SPECIAL ORDER, THE PERSONS THE CASES AGAINST WHOM WERE TERMINATED DUE TO THE NON-REHABILITATING GROUNDS

		Total convicted		*The persons the cases against whom were terminated due to the non-rehabilitating grounds*		*The number of criminal cases considered under special order with the consent of the accused with the charges against him (according to the number of persons) (Ch. 40, CPC RF)*	
		Absolute indicator	*Relative indicator (%)*	*Absolute indicator*	*Relative indicator (%)*	*Absolute indicator*	*Relative indicator (%)*
Offenses under the Article 264 of the CC RF	2013	15,267	100	7,927	51.9	11,346	74.31
	2014	11,695	100	6,385	54.6	9,504	81.2
	2015	9,227	54.2	7,705	83.5	8,511	92.2
Offenses under the Article 264.1 of the CC RF	2015	18,987	99.5	100	0.5	16,118	84.4

Source: Judicial Department at the Supreme Court of the Russian Federation, n.d.

to the pedestrian encounter due to the driver's fault, having the experience in assessment of the judicial prospective for the criminal case (Garmaev, 2009) is able with high probability to predict one of two typical investigative situations at the end of the preliminary investigation: the adoption or rejection by the accused of the decision to apply for the resolution without any trial under the general order.

Moreover, the investigator, while meeting the legitimacy of the criminal proceedings, is able not only to predict the similar investigation situations, but, beginning with the moment of a criminal case initiation, to apply the legal and ethically acceptable tactics to implement the tactical operations in order to achieve a reasonable compromise between the parties on the basis of the rules of the Chapter 40 of the CPC RK (Popova, 2012).

At the same time, the offences under the Article 264.1 of the Criminal Code are categorized as the obvious crimes when the criminal case is initiated against a particular person. As was noted, the investigation it carried out in the inquiry form (in a general manner – Chapter 32 of the CPC RF or in the abbreviated form – Chapter 32.1 of the CPC RF). For such criminal cases, as a rule, the investigator has the confidence in the judicial perspective (according to 94% of respondents), that is, the investigator is sure about the high probability of conviction of the person (the termination of the case for non-rehabilitation grounds), in respect of which the criminal prosecution has been or is going to be initiated. Let us note that according to our study, 70% of the persons accused of committing the offenses under the Article 264.1 of the CC RF apply for the inquiry in an abbreviated form at the very beginning of the investigation.

4. DISCUSSION

Considering all the above, we believe it possible for the investigator (the inquiry officer) to explain to the suspect (the accused) the advantages provided to the person under the criminal prosecution by the rules governing the special procedure for the trial as specified in the Chapter 40 of the CPC RF (the Criminal Procedure Code of the Russian Federation) at the very beginning of the investigation, at the stage of initiation of the criminal case of the considered category.

These benefits are the following:

1. The benefits directly provided by the law:

1.1. When taking a decision on a guilty verdict in the proceedings of the case under the Chapter 40 of the CPC RF, the court is not entitled to give the defendant the term exceeding the two-thirds of the maximum term or the amount of the strictest punishment provided for the crime committed (P. 5, Art. 62 of the CC RF, P.7, Art. 316 of the CPC RF).

When considering the case on the basis of the abbreviated form of the inquiry the court imposes a sentence that can not exceed ½ of the maximum term or the

size of the strictest punishment provided for the crime committed (P. 5, Art. 62 of the CC RF, P. 6, Art. 229.6 of the CPC RF).

1.2. The participation of the defense in case of special order of proceedings is compulsory (Para. 7, P. 1, Art. 51 of the CPC RF).

1.3. The procedural costs can not be recovered from the defendant (P. 10, Art. 316 of the CPC RF).

1.4. The shorter period of criminal prosecution of the persons imputed the acts under the Article 264 of the Criminal Code. This circumstance was pointed out by 64% of the interviewed investigators. In turn, the inquiry period in an abbreviated form can not exceed 20 days (Art. 226.6 of the CPC RF). Not all the suspects (the accused) can regard this circumstance, as well as the others listed here, as an advantage. However, as a rule, it isan advantage for the persons, willing to prevent the fact of the criminal prosecution initiated against them from becoming widely known, and for those who do not want to waste the time participating in criminal proceedings, etc.

2. The benefits arising from the practical implementation of the rules of the Chapter 40 of the CPC RF:

2.1. The witnesses are not called at the hearing.

2.2. The trial is conducted in a shorter time compared with the consideration of the criminal case by the court in a general order.

2.3. The public prosecutor, setting out to the court its proposals for the application of the criminal law and sentencing, can point to the fact that the defendant cooperated with the investigation.

2.4. The prohibition of the criminal law on the imprisonment for committing the first crime of small gravity (P. 1, Art. 56 of the CC RF). The offenses, under the Part 1 of the Article 264, the Article 264.1 of the CC RF fall into this category.

2.5. Often higher possibility to assign an alternative, softer than imprisonment, form of punishment than in case of a general order.

2.6. The ability to assign a lighter punishment to the repeat offenders.

2.7. In the presence of mitigating circumstances provided by the paragraphs “j” and (or) “k” of the Part 1 of the Article 61 of the Criminal Code of the Russian Federation, as well as in the absence of the aggravating circumstances in criminal proceedings in a court under the Chapter 40 of the CPC RF, the maximum term or amount of punishment may be less than half the maximum term or amount of punishment under the relevant article of the Criminal Code.

2.8. In case of the criminal proceedings by the court under the Chapter 40 of the CPC RF in respect of a person who has committed several offenses (for example, provided not only by the Article 264 of the Criminal Code, and the Article 166 of the Criminal Code “Theft”, the Article 125 of the Criminal Code “Abandonment in danger”), the person can count on the appointment of a lighter punishment in

comparison with the punishment possibly imposed by the court in general order of the court trial.

2.9.Upon the examination of the criminal case under the Chapter 40 of the CPC RF, and having come to the conclusion on the necessity to plead the defendant guilty and having appointed the punishment, the court is entitled, subject to rule of the Part 6 of the Article 15 of the Criminal Code of the Russian Federation, to change the category of the offense to less severe, but not for more than by one category of crime.

In the case of investigation in an abbreviated form of inquiry, not all, but only some of the identified benefits (specified in 1.1-1.4, 2.1-2.4, due to the category of offences – the offences of small gravity) can certainly be explained before the first interrogation, including the initiation of the criminal proceedings. The situations at the inquiry in a general order and in the course of preliminary investigation differ in some way. In this case, the defendant in accordance with the Part 5 of the Article 217 of the CPC RF acquires the right to apply for a special order of the trial only upon completion of the investigation (preliminary investigation) when reading the case files. However, on the basis of the tactical considerations the above investigator (inquiry officer) may elect the tactics of the investigation with the possibility of criminal proceedings by the court in a specific order. As part of this tactics, the investigator (inquiry officer) has the right to overcome the counteractions of the suspect to explain him the benefits provided to the prosecuted person by the rules on special order (Ch. 40 of the CPC RF). Note that these tactical recommendations previously been successfully tested for other categories of criminal cases – the thefts (Popova, 2012), the illegal harvest (fishing) of the aquatic biological resources (Popova,&Shomoeva, 2015) as well as the cases related to the illicit trafficking of the arm and ammunition (Vdovin, 2015).

However, prior to the explanation of these benefits, the investigator (inquiry officer) must have a subjective belief in the guilt of the suspect (accused). This confidence must be supported by the evidence in a criminal case and the information of the orienting nature. Moreover, the defender and the suspect (accused) should also be subjectively convinced that the inspector has the fullness of the admissible evidence of guilt of the person in connection with which some or all of the acts to counter the prosecution and the trial are meaningless.

At the same time, we consider it important to emphasize some more essential provisions:

1. The investigator (inquiry officer) is obliged to check the version of possible self-incrimination and the innocence of a person;
2. The suspect, the accused must be explained in detail the features of the abbreviated form of the inquiry and the special order of the trial (Ch. 40, CPC RF) and the consequences of such forms of investigation and trial, to eliminate

any possibility of fraud, misrepresentation, to prevent the violations of the rights and legitimate interests of the participants in the criminal proceedings.

3. The tactics, based on the use of the above advantages will improve the quality and the efficiency of the investigations and the subsequent judicial proceedings only in case of
   - Conscientious, responsible attitude of the inquiry officer to the performance of its professional duties;
   - desire to investigate a criminal case in compliance with the rights and legal interests of the suspect (accused);
   - lack of negative factors of the personal interest of the inquirer in the proceedings performed by the court in a specific order. Such factors may include the interest in suppression of the: violations of the law, incomplete, biased investigation, unproven prosecution in case of agreement of the accused with it (if allowed). These factors are not only immoral, but also in certain cases indicate the signs of official crimes.

Explaining the benefits outlined above, the investigator (inquiring officer) is recommended to clarify that the suspect (accused) is able to use them all subject to the waiver of the active illegal counteraction to the criminal prosecution. Full or partial waiver of the illegal counteraction to the criminal prosecution, as well as the cooperation of the suspect (accused) with the preliminary investigation bodies, the quality investigation will create a strong evidential prosecution base, minimize the errors in the qualification of the offense, the errors in the preparation of the legal documents, conducting the investigations and proceedings. These results were achieved by the widespread adoption of the recommendations on the use of the standards on a specific order in the framework of the preliminary investigation (Garmaev, & Popova, 2013) for the various categories of criminal cases.

5. CONCLUSION

Thus, it appears that the investigation of the offenses qualified under the Articles 264, 264.1 of the Criminal Code of the Russian Federation, taking into account the possibility of consideration of the cases by the court in a specific order, in case of their conduct by an experienced, qualified investigator (inquiry officer), makes it possible to overcome the counteraction to the criminal prosecution from the part of the defense, thereby solving some problems related to the criminal prosecution of the drivers, committed the traffic offenses.

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Notes

1. It should be noted that Part 2 of this Article provides the commission of a crime in a state of intoxication as a qualifying attribute (i.e. the circumstance, increasing the degree of public danger of the offense).
2. We consider it possible to compare the indicators of the number of the registered crimes under the Article 264 of the CC RF with the number of convicted persons as well as the persons against whom the criminal proceedings have been discontinued due to the fact that certain crimes are usually committed by one person, and therefore the indicators of the crimes committed numerically coincide with the indicators of the persons committed them.

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