

NEGLIGENT OPERATOR INTERVIEW

Auth: CVC 13800, 12809, 12813, 13359, 13953, 13950, 13802

450 PROBATION VIOLATION: (1) WAS DRIVER AWARE OF PROBATION; (2) DID DRIVER VIOLATE PROBATION

GENERAL 311 HEARING

Correctness of driving record

Any pending court charges, collisions or convictions not shown on record?

Responsible for collisions on the record?

Alcohol consumption related to violations/convictions

Mitigating/aggravating factors

Physical and mental conditions related to record

SEVERITY AND PATTERN OF VIOLATIONS AND COLLISIONS

Severity: 1 or 2 point violations; Pattern: Same type (i.e. speeding, right/way, signal/stoop sign); Alcohol Use as a factor, pattern?

INSIGHT AND ACCEPTANCE, REMORSE, CORRECTIVE ACTIONS AND PLAN

History: 1st Neg Op?

Stated remorse? Impact of NOTS proceedings? Importance of driver safety to you, family, job, future?

Acceptance of responsibility? Mistakes made? General view of past actions?

Insight result in corrective measures, plan to avoid backsliding or new violations (e.g. cruise control, when used, credible)?

COLLISION RESPONSIBILITY

(Driving record alone is insufficient; other direct evidence is used, such as driver testimony)

Factors: Road type, Surface condition of road; Speed, Legal speed limit, Traffic heavy, Distractions such as pedestrians or events or radio, Weather, Traffic controls, Collision type such as multi-vehicle or object or pedestrian, Vehicle type, View/visibility, Condition of vehicle and tires/brakes/lights, Point of impact, Direction of travel, Time/day of week, Damage to vehicle/property, Injuries, Violations such as CVC/PC/H&S, Sobriety, Physical condition, Either driver appeared in court and any conclusion.

MITIGATING CIRCUMSTANCES

Perfect physical and mental health

No current alcohol or drug consumption

Driving history of only these recent violations

Other issues bearing on difficult life situation to explain traffic failures

Only 1 two-point violation in lifetime

High mileage, extreme driving conditions

No attendance at driving school

No warning letter received or unaware of NOTS action

No court appearances for driving, except the DUI

No FTA's or FTP's

DUI programs completed, license re-obtained, probation successfully completed

No history of driving when suspended

No evidence or history of: evading law enforcement, reckless driving per se, racing, unlicensed or unlawful driving, road rage, reckless endangerment

VEHICLE USE AND MILEAGE

Total vehicle use (work, school, appointments, routine activities) both employment and non-employment.

Time of day/days of week/local or more

HARDSHIP

Major contributor/sole provider of single or family income (or searching for employment)

Alternative transportation is not available for significant routine activities (work, school, appointments)

[Consider set-aside, probation only, or restricted license if necessary]