

STATE OF THE PRACTICE: Justice of the Peace and Toxicology Reporting in Texas



Alcohol and drug driving remains a prevailing issue in the state. Blood alcohol concentration (BAC) toxicology results are important in explaining the current quantitative picture of impaired driving and levels of intoxication in drivers. It also determines the level of federal funding that Texas receive to address impaired driving issues. Justices of the peace (JPs), acting as death investigators, are authorized to investigate motor vehicle crash fatalities to determine how alcohol and/or drugs contributed to the crash. If a driver is tested in a crash fatality, the JP reports toxicology results to the Texas Department of Transportation (TxDOT) according to Texas Transportation Code 550.081. JPs' toxicology results provide insight into impaired motor vehicle deaths in Texas.

In 2019, the Texas A&M Transportation Institute (TTI) conducted a survey to understand JPs' experiences in reporting fatal driver BAC toxicology results to TxDOT's Crash Records Section (CRS). The survey results describe promising BAC toxicology reporting practices.



More Information

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**1 person killed in
vehicle crashes
in Texas every
2 hours,
25 minutes** (2018)



**940 people killed
in crashes** involving
driving under the
influence
(2018)



**126 Completed
surveys** (representing
101 counties)
received
by TTI



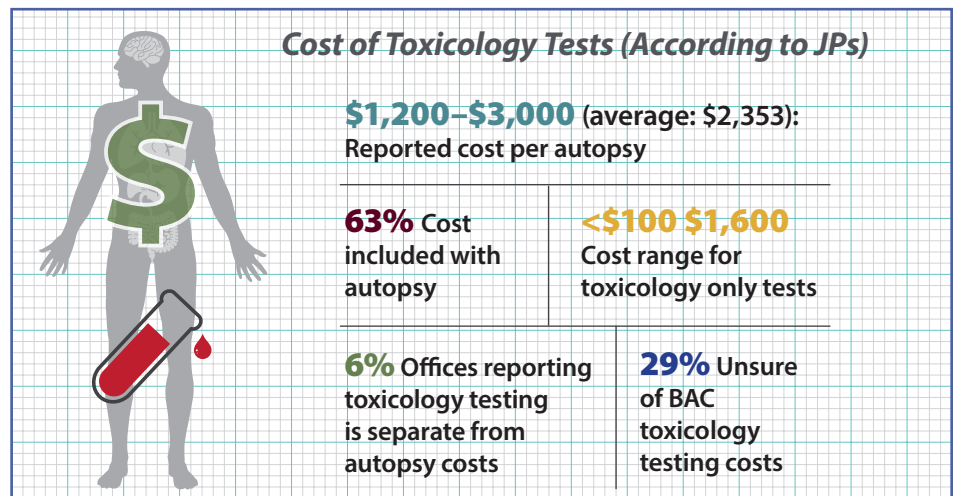
82% JPs aware of Texas
Transportation Code
Section 550.081
Report of Medical
Examiner or Justice
of the Peace



Survey Results

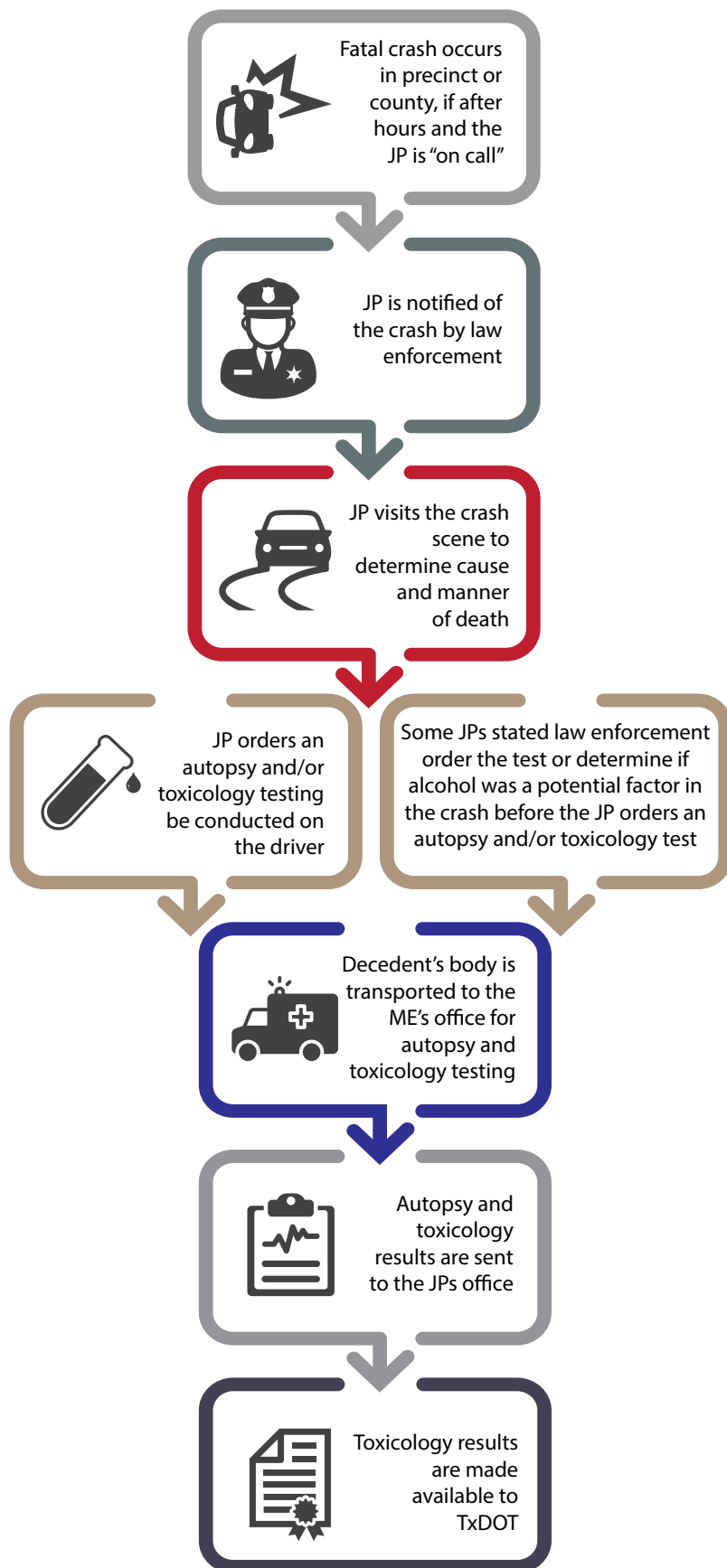
Common Reasons for No BAC Testing

- 68%: Fatality was not the driver
- 54%: Lack of evidence indicating drug or alcohol use
- 37%: Fatal crash involved a single motor vehicle driver fatality
- Additional reasons: environmental conditions contributed to the crash; investigating officers did not believe testing was required or necessary



JP Reporting Process

Survey results indicate that, after visiting the scene of a fatal crash, JP offices tend to adhere to a similar protocol in determining the need for a toxicology test.



JP Toxicology Result Reporting Rate to TxDOT

62% Report toxicology results directly to TxDOT's CRS



Methods of Submitting Toxicology Results to TxDOT (Some Office Use Multiple Methods)



60%
Mail



34%
Email



34%
Fax



Time Frame to Receive Results from a Toxicology Test

<2–24 weeks: Time it takes to receive toxicology results



Perceptions of the CR-1001 Death Toxicology Report Form

Of the JPs who report directly to TxDOT's CRS, 80 percent report using the CR-1001 Death Toxicology Report form.



79% Prefer continuing to use the current form

21% Prefer sending laboratory results directly to TxDOT (no additional form needed)

Current BAC Reporting System Improvement Suggestions

Regarding the current BAC reporting system, 8 percent of JP respondents suggested changes that could improve or enhance BAC reporting. The most common recommendations were that:

- educational opportunities should be provided to JPs about the reporting process,
- law enforcement should submit the CR-1001 instead of JPs, and
- the current process should be improved.



TTI Educational Activity Feedback

Over the past 4 years, TTI's project team has conducted educational and outreach activities that focus on BAC toxicology reporting for JPs. The educational and outreach activities consist of webinar training sessions and presentations at educational events for JPs, and focus on related laws, duty to report, TxDOT acceptance methods, and experiences with the current reporting system.

Survey questions were crafted to collect data on JPs' current educational activities and identify potential topics for future training opportunities/activities.

12 JPs participating in TTI's webinar (all found the training beneficial)



62% Willing to work with a third party to increase reporting of BAC toxicology results to TxDOT's CRS

Toxicology Report Submission Best Practices

