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.

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

More Information
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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 Reporting Process**

1. Fatal crash occurs in precinct or county, if after hours and the JP is “on call”
2. JP is notified of the crash by law enforcement
3. JP visits the crash scene to determine cause and manner of death
4. JP orders an autopsy and/or toxicology testing be conducted on the driver
5. Some JPs stated law enforcement order the test or determine if alcohol was a potential factor in the crash before the JP orders an autopsy and/or toxicology test
6. Decedent’s body is transported to the ME’s office for autopsy and toxicology testing
7. Autopsy and toxicology results are sent to the JPs office
8. Toxicology results are made available to TxDOT

**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**

<table>
<thead>
<tr>
<th>Time Frame</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2 weeks</td>
<td>24%</td>
</tr>
<tr>
<td>2–3 months</td>
<td>19%</td>
</tr>
<tr>
<td>3–6 months</td>
<td>19%</td>
</tr>
<tr>
<td>5–6 weeks</td>
<td>16%</td>
</tr>
<tr>
<td>7–8 weeks</td>
<td>14%</td>
</tr>
<tr>
<td>Other, not specified</td>
<td>6%</td>
</tr>
<tr>
<td>3–4 weeks</td>
<td>3%</td>
</tr>
</tbody>
</table>

**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.

**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)

**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**

- Toxicology reporting is done before the 11th day of each calendar month
- JPs can initially complete the CR-1001 to report that a fatal crash has occurred and that the autopsy/toxicology results will be sent to TxDOT
- Once results are available, JPs email the full autopsy/toxicology results to TxDOT
- TxDOT uses the JPs’ toxicology results to supplement crash reporting data
- TxDOT sends electronic receipts to the JPs upon receiving the toxicology results through email