



Blood Alcohol Concentration in Texas: Improving Medical Examiner and County Performance

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Disclaimer

The opinions and conclusions expressed in this document are those of the authors and do not represent those of the State of Texas, the Texas Department of Transportation, or any subdivision of the state or federal governments.

Executive Summary

Medical Examiners and Justices of the Peace are required by statute to report certain data, namely blood alcohol concentration (BAC) toxicology results to the Texas Department of Transportation (TxDOT)'s Crash Records Section. However, occasionally BAC toxicology reporting is not performed as required. Failing to report BAC toxicology results can adversely impact the amount of federal funding that is available to the State of Texas for alcohol and drug traffic safety programs. The missing data also lessens the ability of stakeholders to provide an accurate accounting of the high number of alcohol and/or drug related fatal crashes that are experienced in Texas annually.

The purpose of this report is to detail the extent to which alcohol and/or drugs play a role in fatal crashes in Texas. By examining the crash reports from the Crash Records Information System (CRIS) and evaluating them to determine the level that BAC toxicology reporting is completed by counties and medical examiners offices, this report acts as a formative tool for TxDOT. The report also examines the BAC toxicology reporting practices that are being carried out by Medical Examiners and Justices of the Peace in this state.

During Fiscal Year 2016, the Texas A&M Transportation Institute conducted surveys of Justice of the Peace Offices and Medical Examiners to determine the process each system under takes when ordering and reporting BAC toxicology results. TTI also conducted a series of webinars to facilitate discussions about the current BAC toxicology reporting process in order to identify areas for improvement.

Regrettably, missing BAC toxicology results still exist in the state but that number continues to lessen each year. Building a bridge between Medical Examiners, Justices of the Peace and TxDOT can play a significant role in the increasing BAC toxicology reporting for this state.

Introduction

Background

The Texas Department of Transportation (TxDOT) has led the effort to create and maintain the Texas Strategic Highway Safety Plan (SHSP). The plan provides a broad framework that helps TxDOT make informed decisions with regard to traffic safety programs. By collaborating with federal, state, local, and private sector stakeholders, the plan helps to establish comprehensive traffic safety goals, objectives, and emphasis areas. A critical and necessary component that has been identified in the SHSP is blood alcohol concentration (BAC) toxicology reporting for fatal crashes involving alcohol and/or drugs.

Problem

Reporting toxicology results for fatal crashes to the TxDOT Crash Records Section is a statutory requirement. Entities responsible for reporting toxicology results to TxDOT include Medical Examiners and Justices of the Peace that act in the capacity of a Medical Examiner. Regrettably, while statute requires reporting toxicology results, the activity does not always occur. Reported results provide objective evidence of driver impairment at the time of a crash and also provide prosecutors with valuable information so that offenders can be charged accordingly. Non-reporting prevents the state from fully capturing and better understanding the extent that alcohol and/or drugs have on fatal crashes.

Purpose

This report details the extent to which alcohol and/or drugs contribute to crashes, evaluates county performance in reporting BAC toxicology results for those crashes, and identifies the process by which Medical Examiners and Justices of the Peace report BAC toxicology results to the TxDOT Crash Records Section. This report also details current reporting policies and practices among Medical Examiners and Justices of the Peace. In addition, this report details recommendations of promising reporting practices of stakeholders identified by Texas A&M Transportation Institute (TTI) staff to increase reporting of missing BAC toxicology results to TxDOT Crash Records Section.

Scope

Fatal crash reports were examined from January 2015 – December 2015 to identify alcohol and/or drug-related crashes in which toxicology results were missing. From the crash records the researchers determined the causes for non-reporting of the BAC toxicology results by Medical Examiners and Justices of the Peace. TTI staff also surveyed the 12 Medical Examiner offices operating in Texas as well as 170 Justices of the Peace and evaluated their policies and practices of reporting BAC toxicology results to the TxDOT Crash Records Section. In addition, TTI staff conducted a series of three webinars with the Medical Examiner offices and four webinars with Justices of the Peace to facilitate discussions to improve the reporting process for BAC toxicology results to TxDOT Crash Records Section. Ultimately, information received from the survey responses and webinar discussions was used to form three recommendations for promising practices to increase the reporting of BAC toxicology results to TxDOT Crash Records Section.

Blood Alcohol Concentration and Crash Reporting

Background

Reporting toxicology results for fatal crashes to TxDOT's Crash Records Section is a statutory requirement under Transportation Code (TC) 550.081 (Report of Medical Examiner or Justice of the Peace). Appendix A provides the statutory wording for TC 550.081 that guides toxicology reporting at the state level.

The entities responsible for reporting toxicology results to TxDOT's Crash Records Section are Medical Examiners (ME) and Justices of the Peace (JP) acting in the capacity as a Medical Examiner. The crash reports along with supplemental reports make up the Crash Records Information System (CRIS)—a statewide database for maintaining statistics for motor vehicle traffic crashes. To determine the total number of fatal crashes statewide and the frequency of fatal crashes attributable to motor vehicle operators driving under the influence (DUI) of alcohol and/or drugs, TTI queried an extract of TxDOT's CRIS data for crashes dated January 1, 2015, through December 31, 2015. The data were analyzed to determine the relationship between alcohol and/or drug use and the frequency of fatal driver crashes.

Descriptive statistics and findings are documented throughout this section. For the purposes of this report, DUI refers to instances where a driver operated a motor vehicle in a public place while having a blood alcohol concentration greater than zero. BAC refers to any measurable amount of alcohol found in a driver's blood stream.

Data Analysis

Data analysis was performed to identify crash records with fatally injured drivers that were under the influence of alcohol and/or drugs. Four criteria were selected from the CR-3 crash report definitions and were used for defining and classifying an individual as driving under the influence. Those criteria/contributing factors are:

- 45-had been drinking.
- 67-under the influence (alcohol).
- 68-under the influence (drugs).
- 62-taking medication

The contributing factors identified from the CR-3 crash report are located in the "units" and "primary person" tables of CRIS. Crash data extracts used for the analysis were dated July, 28, 2016, and they included additional tables that can be linked to obtain more details pertaining to each crash. The CRIS database is a "live" database as records continue to be added daily. TTI staff pulled data for 2015 on July 28, 2016, and expects that the majority of 2015 data was entered by law enforcement and TxDOT Crash Records Section staff by this date.

Fatally Injured Drivers with Reported BAC Levels

In 2015, there were a total of 3,179 TxDOT reportable fatal crashes, which resulted in 3,571 deaths. Of those fatal crashes, 37 percent (1,181 crashes) involved at least one driver who was classified as DUI. Table 1 provides an illustration of fatal crashes (all and DUI involved) and fatal injuries sustained in 2015.

Table 1. Total Number of Fatal Crashes and Crashes Attributable to DUI, 2015.

	ALL	DUI
Fatal Crashes	3,179	1,181
Fatalities	3,571	1,342

For this analysis, TTI analyzed 6 years of crash data (2010 – 2015) to identify trends and patterns in alcohol related crash events. Over the past six years, the numbers of fatal crashes and fatalities have remained relatively constant. This holds true for fatal crashes and fatalities related to DUI as well. Figures 1 and 2 illustrate the trends over the past six years for fatal crashes and fatalities, as well as fatal DUI-related crashes and DUI-related fatalities.

Figure 1. Total Fatal Crashes vs. DUI-related Fatal Crashes, 2010 - 2015

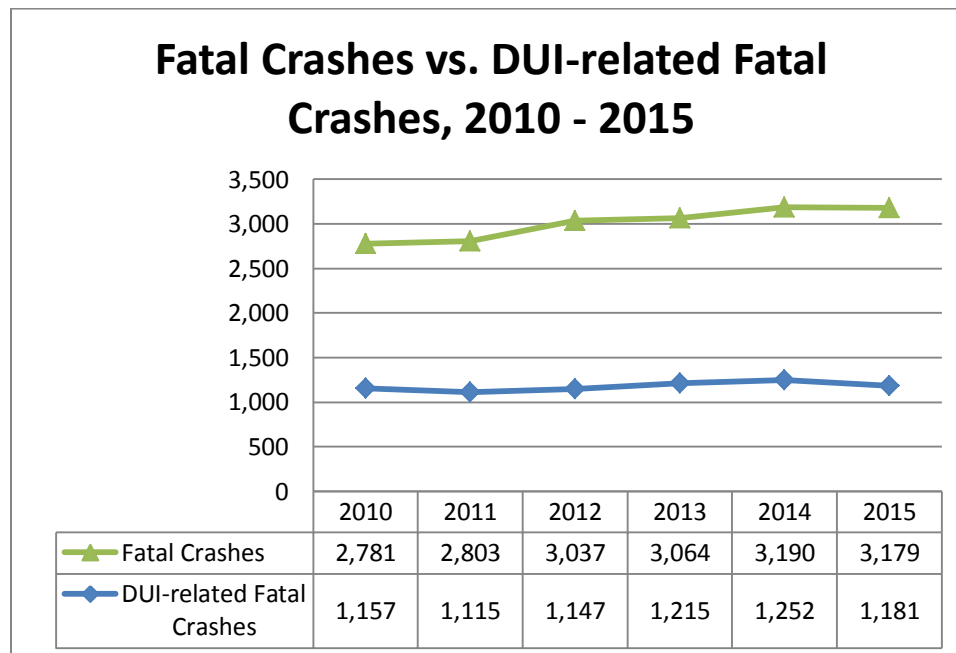
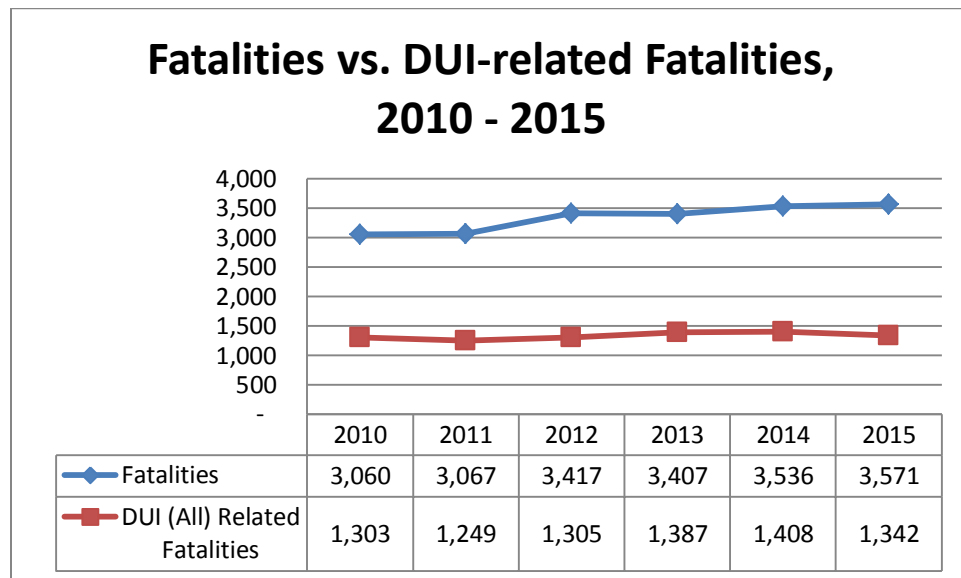


Figure 2. Total Fatalities vs. DUI-related Fatalities, 2010 – 2015



For 2015, the overall fatality rate per fatal crash for Texas is 1.12. The overall fatality rate increases to 1.14 fatalities in DUI-related fatal crashes in Texas. Figure 3 depicts the fatal DUI crash rate by county.

Figure 3. Fatal DUI Crash Rate by County, 2015

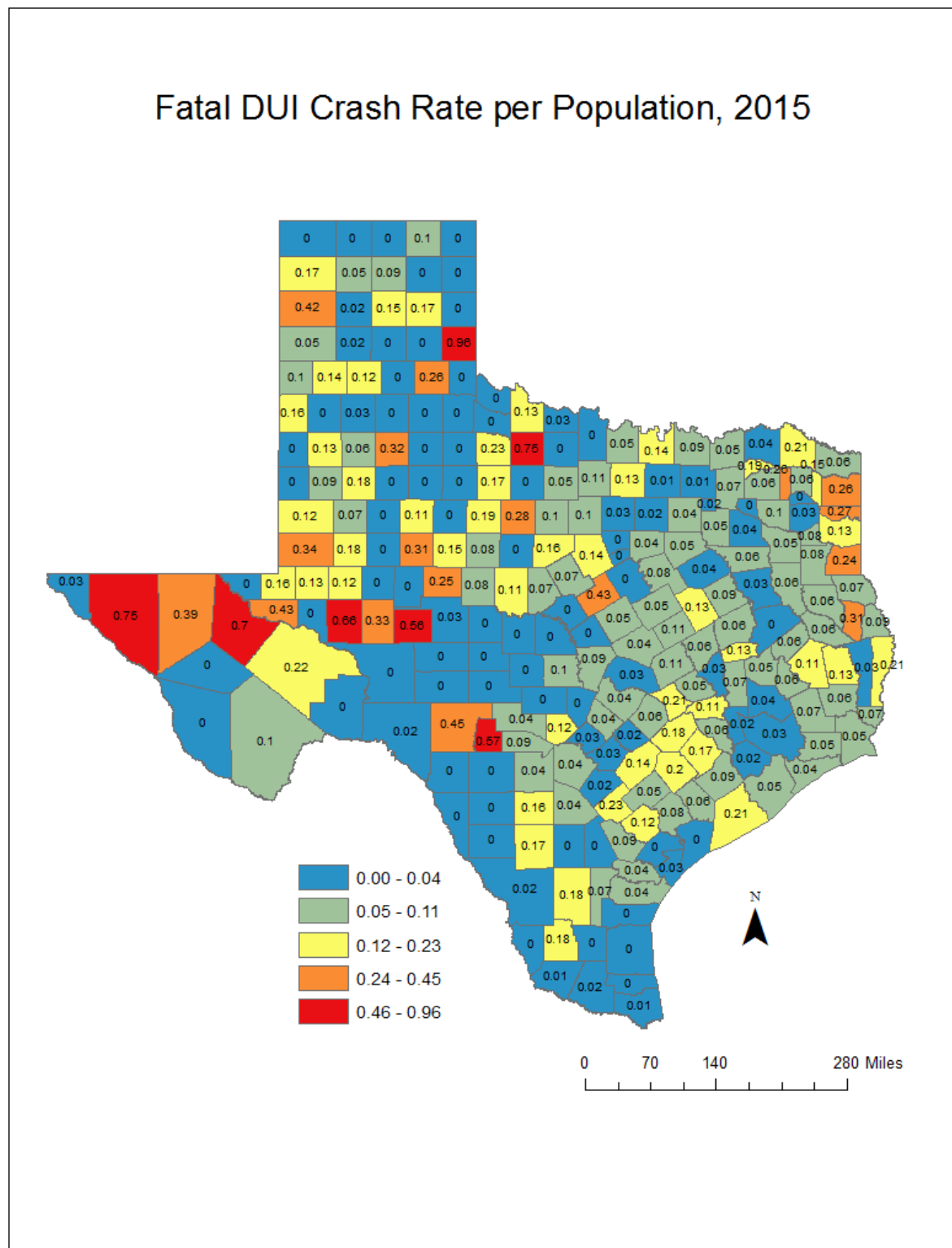
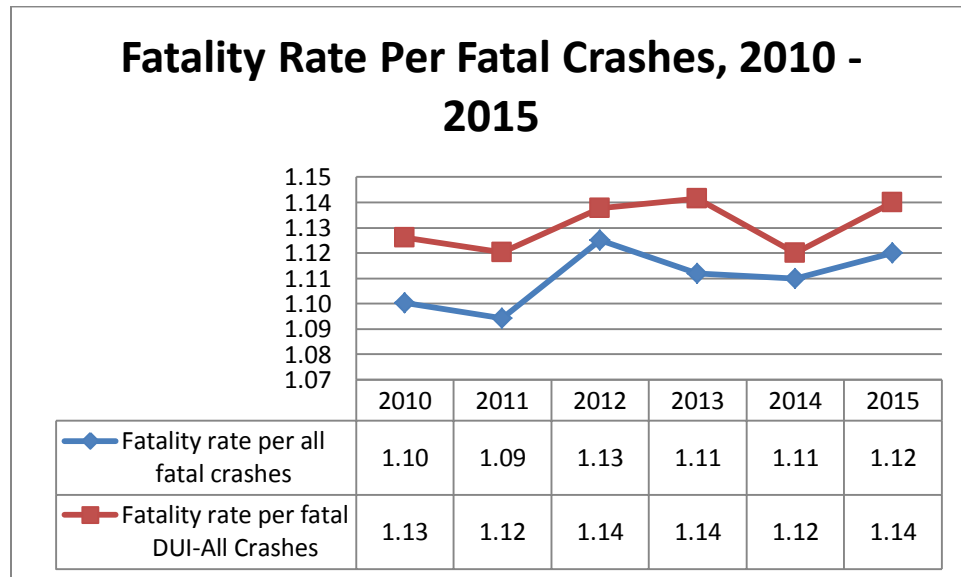


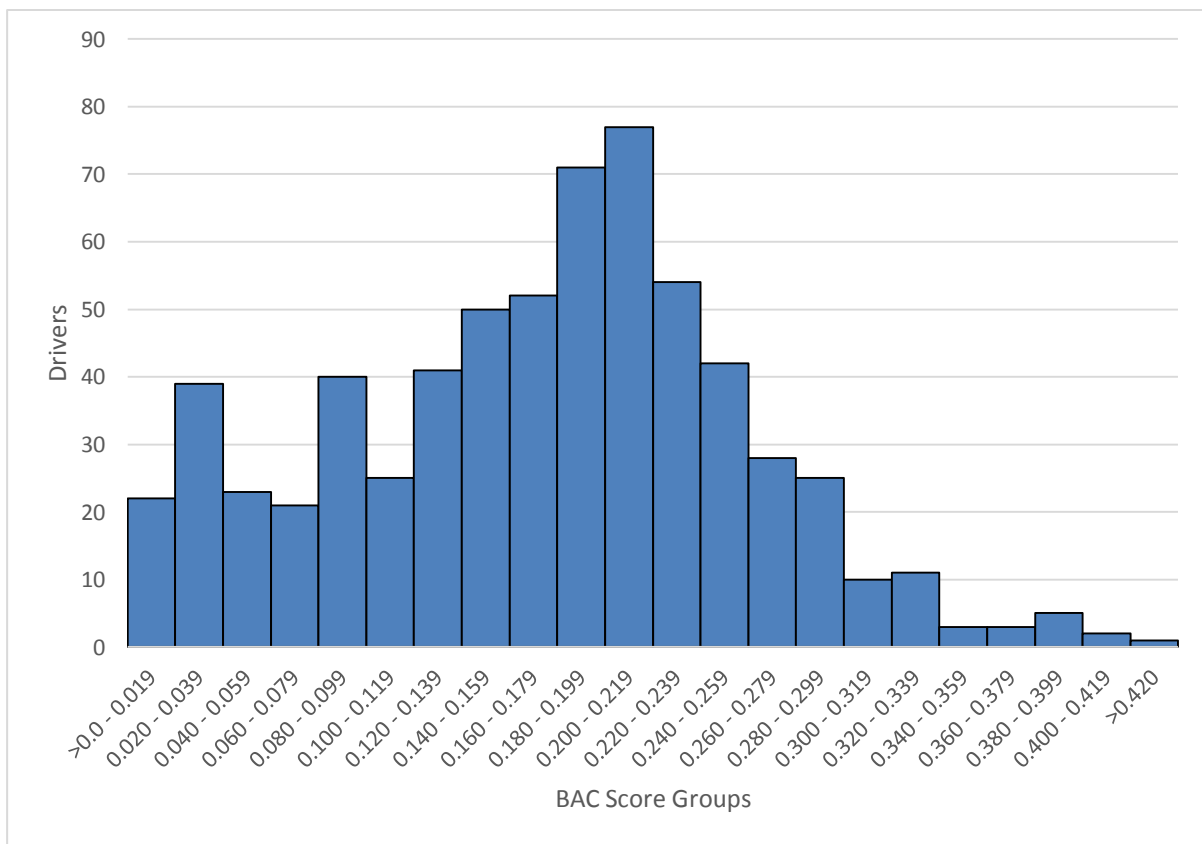
Figure 4 illustrates the differences between the fatality rate of all crashes compared to the fatality rate of DUI crashes. In 2015 there was an increase in both rates. Annually the rate for DUI crashes is higher than the rate for all crashes.

Figure 4. Fatality Rate per Fatal Crashes, 2010 - 2015



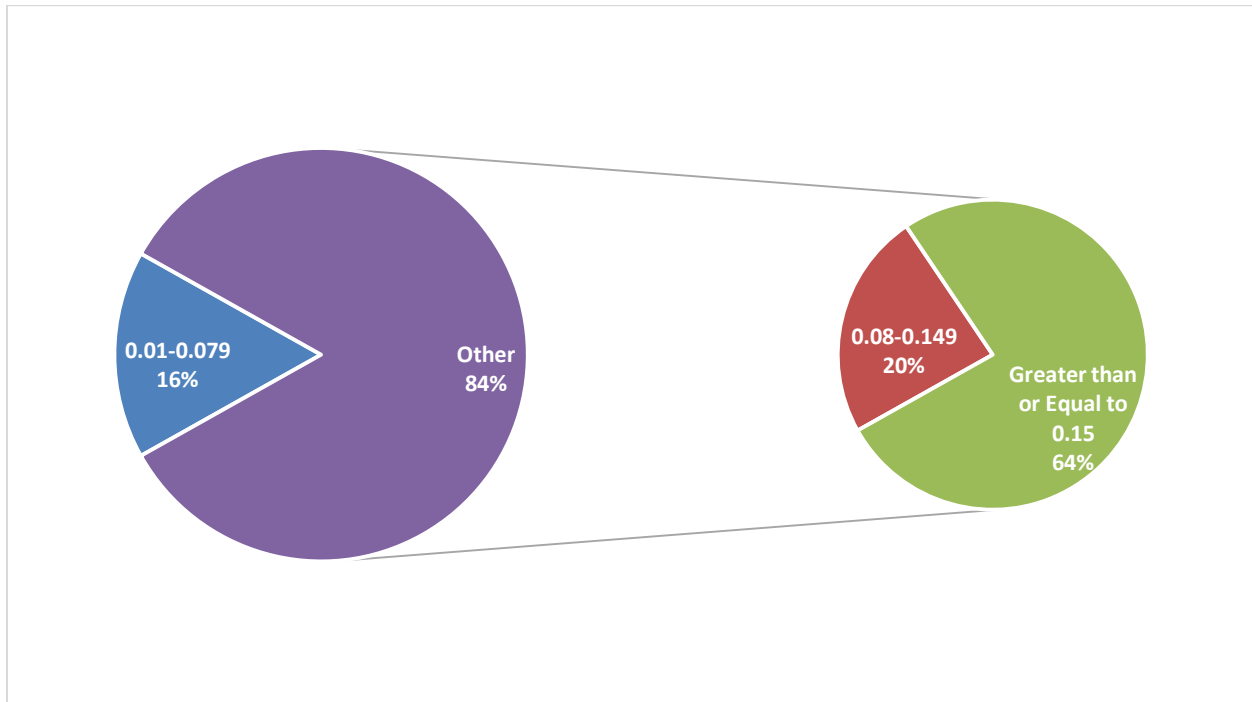
For 2015, 645 drivers were fatally injured and had a reported BAC greater than 0. BAC levels for those drivers killed range from 0.002 to 0.5 g/dL, with the average BAC being 0.171 g/dL. The BAC value reported most often was 0.21 g/dL and the median value for the distribution was 0.18 g/dL. Figure 5 illustrates the grouping of BAC levels found in fatally injured drivers in 2015.

Figure 5. BAC Levels of Fatal Drivers, 2015



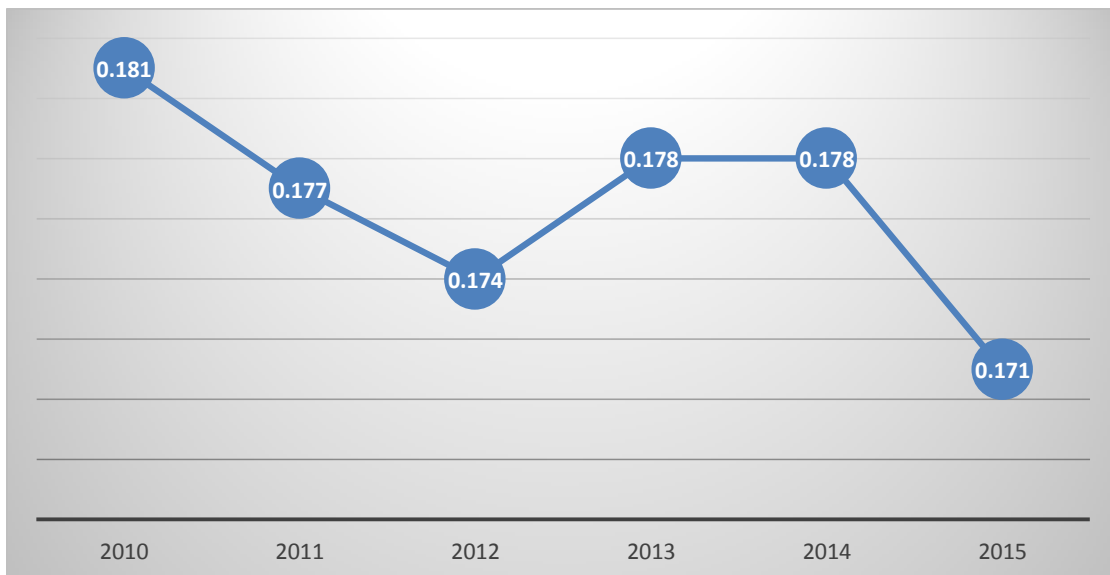
When the drivers were classified by their BAC level, a majority of fatally injured drivers (84 percent) were above the legal limit of 0.08. Additionally, 64 percent (540 drivers) of those at or above the legal limit reported BAC levels of 0.15 or greater. A BAC level of 0.15 in Texas is representative of a high value and persons arrested with a BAC level at 0.15 or greater are subject to enhanced penalties. Figure 6 provides an illustration of the BAC levels of fatal drivers in 2015.

Figure 6. Percentage of BAC Levels Reported by Range, 2015



Over the past six years, the average BAC reported for fatal drivers has decreased. The 2015 average reported BAC is the lowest of the six year period. Figure 7 provides a graphical representation of the average reported BAC for the past six years.

Figure 7. Average BAC Levels of Fatal Drivers, 2010 - 2015



Fatally Injured Drivers without Reported BAC Levels

As a practice, toxicology blood testing is not performed on all fatal injured drivers suspected of DUI. One example in which toxicology testing would not be performed is when a single vehicle crash occurred where the driver was impaired and the only person killed. Another example would be where a multiple vehicle collision occurs and all drivers and occupants in both units are killed. In these two instances, the Medical Examiner or Justice of the Peace may make the decision not to test due to not having anyone to charge criminally and to avoid the cost associated with toxicology testing.

In 2015, there were 120 driver fatalities that were identified as DUI that did not have a BAC level reported in CRIS. Of those 120, 44 had no BAC reported yet they did have a positive substance test, leaving a remainder of 76 drivers who did not have a BAC or positive substance test result. These findings indicate that 13 percent of fatal DUI drivers did not have reported BAC levels. However, when drivers who have a positive substance test result documented, only 9 percent of fatal DUI drivers did not have a BAC or substance test reported.

Of interesting note, 16 percent (19) of the drivers with missing BAC data have a date of death a day or more after the fatal crash. When death occurs after the initial crash investigation, the BAC toxicology reporting is often delayed. When supplements to the crash report are delayed and are not reported immediately, they sometimes “fall through the cracks,” placing undue hardship on the reporting process to the Department. Additionally, BAC toxicology testing may not be performed as time of death was many hours or days after the fatal crash. Further compounding the issue of toxicology testing is that Emergency Medical Services and hospitals provide lifesaving activities that include pharmacological treatment to crash victims prior to death. These treatment activities produce an adverse effect that impacts toxicology negatively.

Texas peace officers use the TxDOT CR-3 crash report form to record contributing factors for motor vehicle crashes. The CR-3 crash report form provides peace officers with options to choose one or more contributing factors to indicate the relationship of alcohol and drugs to cause of the crash. There are four contributing factors listed on the CR-3 crash report form specific to suspected alcohol and/or drug influence by the driver: Had been drinking; Under the influence, alcohol; Under the influence, drugs; and Taking medication. Table 2 illustrates the number of drivers where one or more of the four contributing crash factors associated with alcohol and drug-related fatal crashes was selected and no toxicology test reported in CRIS in 2015. Eighty-one DUI related contributing factors were identified on the CR-3 crash reports for the 76 fatally injured drivers who did not have a BAC reported or positive substance test result.

Table 2. Occurrence of Reported DUI Contributing Factors and No BAC Reported, 2015.

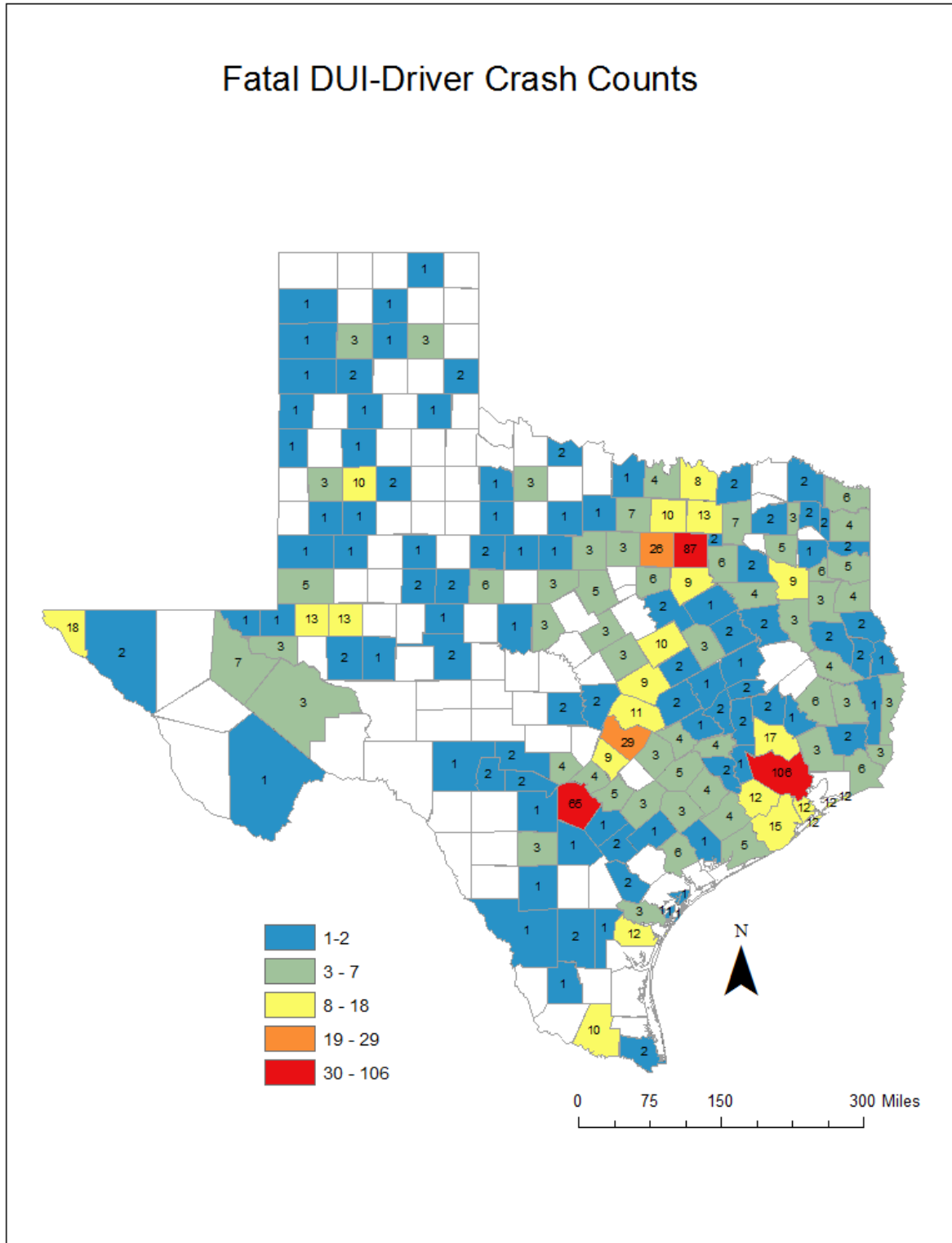
Contributing Factor	Count
Had been drinking	41
Under the influence, alcohol	29
Under the influence, drugs	10
Taking medication	1

Reported Counties of Fatal DUI Driver Crashes

Crashes resulting in the death of a DUI driver happen throughout the State of Texas regularly. Over 66% of Texas counties experienced at least one alcohol or drug related fatal driver crash in 2015. Of the 254 counties in the State of Texas, 168 had at least 1 fatal DUI driver crash. Figure 8 illustrates the number of fatal DUI crashes by county.

Not surprisingly, the majority of the fatal DUI driver crashes within Texas happen in or around large metropolitan areas. These results were expected as metropolitan areas are the most populous areas in Texas and experience more opportunity for crashes to occur.

Figure 8. Fatal DUI-Driver Crash Counts by County, 2015



In 2015, approximately 7.5 % (or 19) of the counties in Texas had 10 or more fatal DUI driver crashes. Table 3 ordinaly lists the 19 counties with 10 or more fatal DUI driver crashes.

Table 3. Counties with 10 or More DUI Fatal Crashes, 2015.

	County	Total Fatal DUI Driver Crashes
1	Harris	106
2	Dallas	87
3	Bexar	65
4	Travis	29
5	Tarrant	26
6	El Paso	18
7	Montgomery	17
8	Brazoria	15
9	Collin	13
10	Ector	19
11	Midland	13
12	Fort Bend	12
13	Galveston	12
14	Nueces	12
15	Williamson	11
16	Denton	10
17	Hidalgo	10
18	Lubbock	10
19	McLennan	10

Crashes that resulted in the death of 120 drivers, all of whom were identified as DUI that had unreported BAC results, were found to come from 50 different counties. Table 4 displays the 50 counties and the number of fatal drivers who had an unreported BAC.

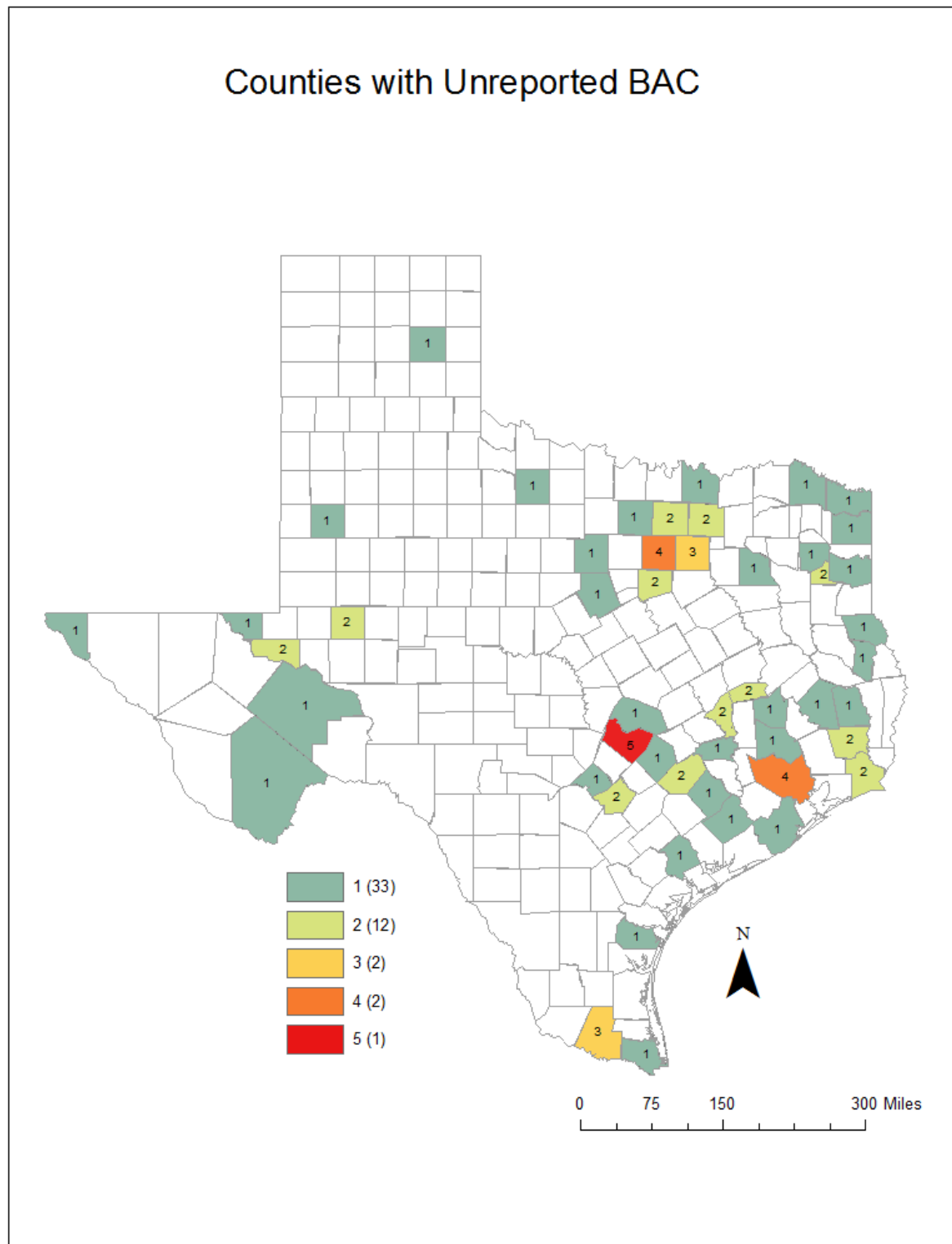
Table 4. Counties with Unreported BAC Data, 2015.

County	Fatal DUI Drivers with no BAC
Travis	5
Harris	4
Tarrant	4
Hidalgo	3
Dallas	3
Fayette	2
Denton	2
Collin	2
Midland	2
Johnson	2
Madison	2
Hardin	2
Brazos	2
Gregg	2
Ward	2
Guadalupe	2
Jefferson	2
Williamson	1
Tyler	1
Shelby	1
Cameron	1
Walker	1
Cass	1
Red River	1
Bowie	1
Terry	1

County	Fatal DUI Drivers with no BAC
Colorado	1
Van Zandt	1
Harrison	1
Washington	1
Comal	1
Grayson	1
Bastrop	1
San Augustine	1
Brazoria	1
Erath	1
Loving	1
Brewster	1
Baylor	1
Upshur	1
El Paso	1
Victoria	1
Montgomery	1
Gray	1
Nueces	1
Wharton	1
Palo Pinto	1
Wise	1
Pecos	1
Polk	1
Grand Total	76

Figure 9 provides an illustration of the location of the counties that did not report BAC toxicology results for drivers that were fatally injured and identified as DUI.

Figure 9. Counties with Unreported BAC Levels for Fatal DUI Drivers, 2015



When comparing counties based on their non-reporting percentage, it was evident that counties with large numbers of fatal DUI driver crashes report a majority of the driver's BAC. Interestingly, many of the counties with very few crashes resulting in a DUI driver's death do not report the driver's BAC. Table 5 lists the counties by non-reporting percentage.

Table 5. BAC Non-Reporting Percentage by County, 2015

County	Fatal DUI Drivers	Fatal DUI Drivers with Null BAC	Non-Reported Rate
Brazos	2	2	100%
Brewster	1	1	100%
Hardin	2	2	100%
Loving	1	1	100%
Madison	2	2	100%
Terry	1	1	100%
Upshur	1	1	100%
Ward	2	2	100%
Washington	1	1	100%
Cameron	2	1	50%
Red River	2	1	50%
San Augustine	2	1	50%
Shelby	2	1	50%
Van Zandt	2	1	50%
Walker	2	1	50%
Fayette	5	2	40%
Guadalupe	5	2	40%
Bastrop	3	1	33%
Baylor	3	1	33%
Gray	3	1	33%
Gregg	6	2	33%

County	Fatal DUI Drivers	Fatal DUI Drivers with Null BAC	Non-Reported Rate
Jefferson	6	2	33%
Johnson	6	2	33%
Palo Pinto	3	1	33%
Pecos	3	1	33%
Tyler	3	1	33%
Hidalgo	10	3	30%
Cass	4	1	25%
Colorado	4	1	25%
Comal	4	1	25%
Wharton	4	1	25%
Denton	10	2	20%
Erath	5	1	20%
Harrison	5	1	20%
Travis	29	5	17%
Bowie	6	1	17%
Polk	6	1	17%
Victoria	6	1	17%
Collin	13	2	15%
Midland	13	2	15%
Tarrant	26	4	15%
Wise	7	1	14%
Grayson	8	1	13%
Williamson	11	1	9%
Nueces	12	1	8%
Brazoria	15	1	7%

County	Fatal DUI Drivers	Fatal DUI Drivers with Null BAC	Non-Reported Rate
Montgomery	17	1	6%
El Paso	18	1	6%
Harris	105	4	4%
Dallas	87	3	3%

Driving under the influence of alcohol and/or drugs continues to be a major traffic safety issue within Texas. In 2015, 37 percent of all fatal crashes involved at least one driver who was classified as DUI. Further, these drivers were responsible for 1,342 fatalities on Texas roadways during 2015. Trend analysis for 2010 – 2015 shows that the number of fatal crashes and fatalities, as well as DUI-related fatal crashes and fatalities, are staying relatively constant. A review of CRIS data revealed that 13 percent of fatal DUI drivers did not have reported BAC levels. Although most of the fatal DUI driver crashes happen in the larger populated counties, many of the smaller, less populated counties are responsible for the missing BAC information.

Complete CRIS records, of which toxicology results are a part of, are needed to determine the true picture of traffic safety issues in Texas. Without this information, it becomes increasingly difficult to assess the effectiveness of traffic safety countermeasures. Toxicology results submitted to CRIS by MEs or JPs are important as this data is used to determine the level of federal funding states receive to address impaired driving issues. Improving toxicology testing and BAC reporting requires Texas to identify the reasons fatal drivers are not being tested and to evaluate the current state of the reporting systems in place. This analysis helps to identify potential barriers to reporting that exist. A detailed report of the process in Texas of testing and reporting BAC toxicology results to TxDOT Crash Records Section follows.

Process Related to the Testing and Reporting of Blood Alcohol Concentration Toxicology Results for Fatal Crashes in Texas

Background

Driving under the influence of alcohol and/or drugs continues to be a major traffic safety issue within Texas. According to TxDOT's CRIS, in 2015, 37 percent of all fatal crashes involved at least one driver who was classified as DUI. Further, these drivers were responsible for 1,342 DUI related fatalities on Texas roadways during that same time period. Medical examiners and justices of the peace are charged with the authority to formally investigate these deaths to determine the extent that alcohol and/or drugs contributed to the crash.

This section will provide information regarding the process of testing and reporting BAC results by ME and JP offices for fatal crashes in Texas. Awareness of the process by which the ME and JP systems operate provides a better understanding of how BAC reporting is accomplished in the state of Texas.

Statutory Authority

Texas Transportation Code Section 550.081 (b):

“a medical examiner or justice of the peace acting as coroner in a county that does not have a medical examiner’s office or that is not part of a medical examiner’s district shall submit a report in writing to the department of the death of a person that was the result of a traffic accident or bridge collapse.”

The TxDOT Crash Records Section requires a ME or JP to report traffic crash deaths and the BAC and/or drug results of toxicology testing. Each ME or JP must report the information using TxDOT Form CR-1001 Death/Toxicology Report, the completed autopsy report, or an in-house generated form approved by the TxDOT Crash Records Section. Because the autopsy report includes the complete toxicology results as well as medical interpretation outlining the relationship between the results and cause of death, it is an acceptable alternative to the TxDOT CR-1001 form. Additionally, because the autopsy contains the complete toxicology results, it is TxDOT Crash Records Sections preferred method for receiving BAC toxicology results. Appendix B provides a copy of the TxDOT Form CR-1001 Death/Toxicology Report.

Any and all death toxicology reporting formats whether it be the TxDOT CR-1001, the autopsy, or an in-house generated report are required to possess the following information:

- name of the reporting agency
- name of the deceased
- date of the crash
- date of death
- county where the crash occurred
- if the deceased was a driver, passenger, pedestrian, or a person who was not an occupant of the vehicle

- toxicology results if testing was performed
- name of laboratory, medical examiner or other facility where toxicology testing was conducted, and
- designate whether the crash was the result of a bridge collapse, and if so, the location of the bridge

According to the Texas Transportation Code, Section 550.081 (c) states, “*The report must be submitted before the 11th day of each calendar month*”. If toxicology test results are not available by the 11th day of each month, the ME or the JP is required to file a supplemental report with the results when they become available. All forms and/or reports must be emailed, faxed, or mailed to the TxDOT Crash Records Section.

Medical Examiner System Reporting

Background

In Texas, there are two systems of death investigations utilized – the Medical Examiner and the Justice of the Peace System. A ME is a licensed physician authorized by state statute with the investigation and examination of persons who have died suddenly, unexpectedly, violently, suspiciously, or unnaturally. It is the responsibility of the ME to determine cause and manner of death, and to document and preserve evidence as it relates to the decedent. The Medical Examiner System refers to the system in which an authorized physician investigates deaths for a specified geographic jurisdiction. The position of ME is appointed by the county commissioner’s court.

Authorization

The Texas Code of Criminal Procedure, Article 49.25 section 1, provides guidance for counties with populations of more than one million and without a reputable medical school. These counties are required to establish and maintain an Office of the Medical Examiner. The population provision is based upon the most recent (*last preceding*) U.S. Census. The Article also extends the commissioner’s court of any county (regardless of population size) the right to establish and maintain the Office of the Medical Examiner.

Counties with the Office of Medical Examiner

Currently, there are 12 counties in Texas operating with a medical examiner’s office – Bexar, Collin, Dallas, Ector, El Paso, Galveston, Harris, Lubbock, Nueces, Tarrant, Travis, and Webb Counties. It should be noted that the commissioner’s courts of Tarrant, Denton, Parker, and Johnson Counties have established a medical examiner district, which jointly operates and maintains the Office of the Medical Examiner. The medical examiner district is authorized under Code of Criminal Procedure 49.25 section 1 - a. The remaining 239 Texas counties utilize

the Justice of the Peace System.

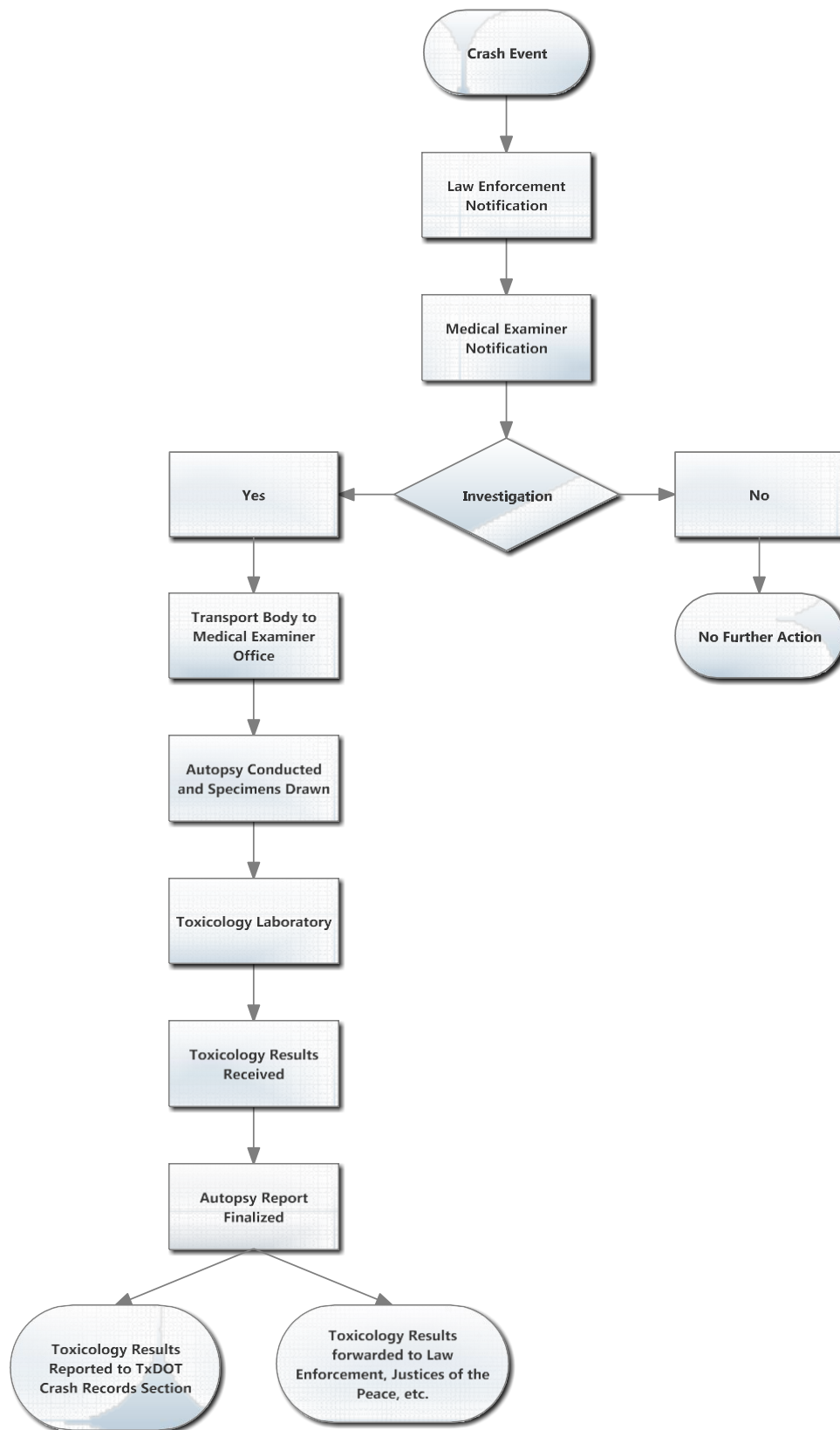
For fatal crashes occurring in counties with a medical examiner's office, the Office of the Medical Examiner is notified of the crash through law enforcement. Based on the circumstances surrounding death, a formal investigation is conducted and the ME arranges to have the decedent transported to the medical examiner's office.

The ME has the duty and responsibility of determining cause and manner of death. The cause of an individual's demise is often determined with an autopsy of the decedent's body. During autopsy, the body of the decedent is examined multiple times – after intake, after unclothed, and after being cleaned. At each step of the process, unusual features and/or injuries are documented. The body is then opened, and each organ is examined for the presence of injuries or disease. When alcohol and/or drugs are suspected to have contributed to a fatal crash, samples of various organs, tissues, and body fluids are extracted and retained for toxicological testing.

Toxicology in the medical examiner setting is distinct from testing that is performed in a hospital setting. Hospitals often perform screening tests for alcohol and drugs where medical examiner offices use confirmatory testing methods that are much more robust and precise. The primary difference is that hospital clinician's benefit from working with living patients with symptoms to evaluate whereas MEs conduct their testing post mortem without the benefit of physiological symptomology. In order to put a decedent's death into perspective, the ME must know the quantity of alcohol and drugs in the body and determine whether the level consumed was toxic while determining whether consumption was accidental or intentional. Furthermore, biological tests must be conducted in multiple ways in order to validate results. The validation process may be complicated by poly drug use (multiple drugs used), unusual, or new designer/synthetic drugs.

Once autopsy results are received by the medical examiner's office, an autopsy report is finalized to include the toxicological results. The medical examiner's office either reports the BAC or drug level data directly to the TxDOT Crash Records System, or the toxicological results are forwarded to the investigating law enforcement agency or requesting JP office for routing to TxDOT. Figure 10 summarizes the process of reporting BAC results in counties with medical examiner's offices.

Figure 10. Process of Reporting BAC Toxicology Results by Medical Examiner System



Justice of the Peace System Reporting

The overwhelming majority of Texas counties utilize a Justice of the Peace System as a death investigator. The role of a JP in this system is to order a formal investigation into the cause and manner of death. In most JP counties, when a fatal crash occurs, law enforcement agencies are notified and respond to investigate the crash. The role of law enforcement is to investigate the crash and pursue criminal charges if necessary. Law enforcement officials will request a JP to respond to the scene of the crash. In the event that the driver is deceased upon law enforcement arrival, a funeral home is typically contacted after the JP pronounces death. The funeral home then takes possession of the decedent and transports the body to the funeral home, hospital morgue or to the ME's office.

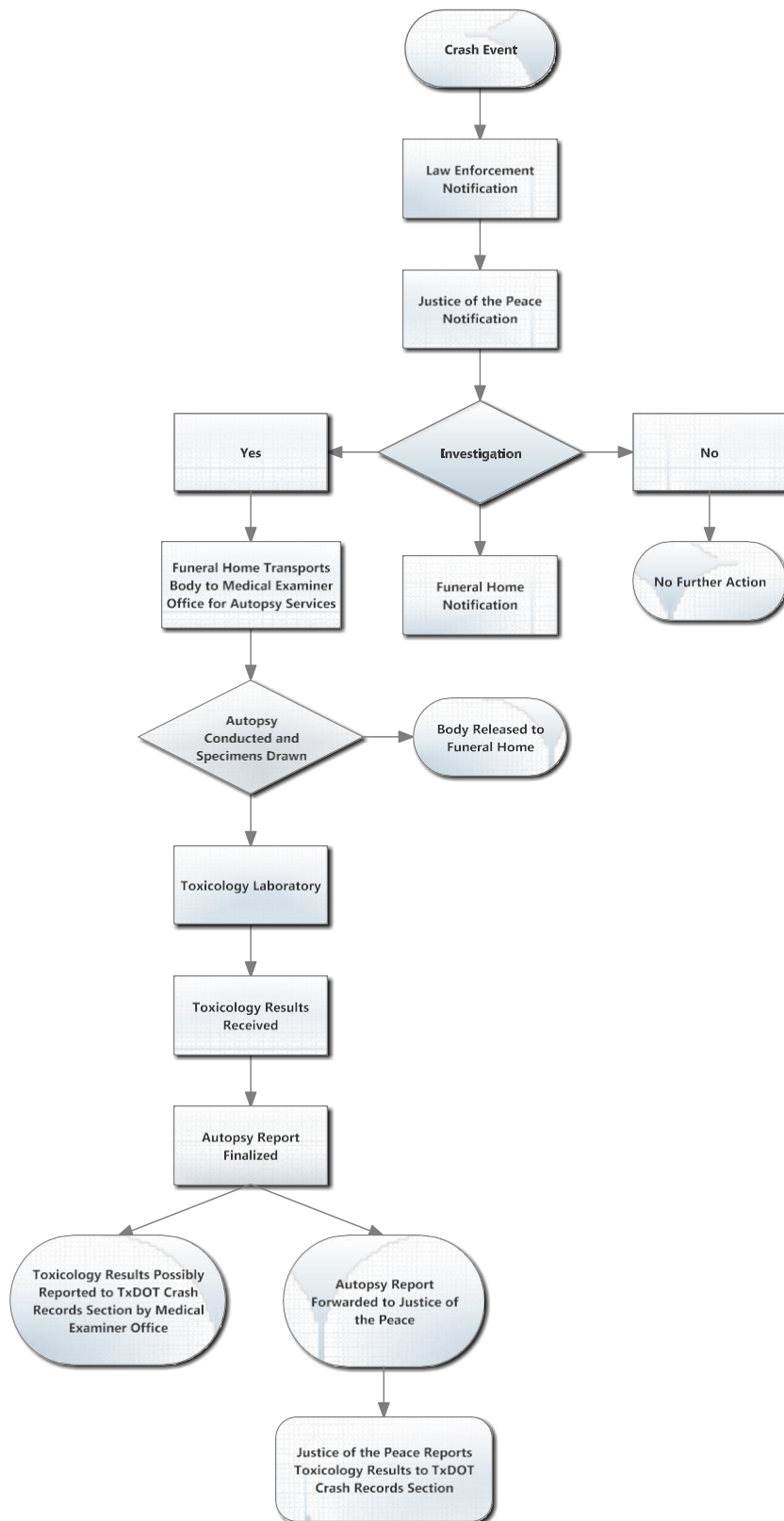
Some ME offices provide autopsies and toxicological testing for the JP in surrounding counties. In most cases, the JP in a county may enter into an inter-local agreement with the medical examiner office to provide autopsy services. However, a ME's office may decline to provide requested services to a JP if there is not an inter-local agreement with that county. In those cases, it is the responsibility of the JP to find a hospital physician or other qualified personnel willing to perform the requested services. Typically, either the JP or the investigating law enforcement agency (at the request of the JP) will contact the preferred ME's office to determine availability prior to transporting the decedent.

When the autopsy is complete, the ME's office will release the decedent back to the funeral home that originally provided transport. The decedent will be brought back to the county where the crash occurred and prepared according to arrangements made by the decedent's family.

Once the autopsy report is completed by the ME's office, the ME forwards a copy of the full report to the JP who requested the services. The investigating law enforcement agency may either obtain a copy of the autopsy results directly from the ME's office or through the JP's office. It is the responsibility of the JP to complete and submit the CR-1001 death/toxicology report to the TxDOT Crash Records Section. Additionally, the investigating law enforcement agency has the responsibility of completing a supplemental crash report and submitting that report to the TxDOT Crash Records Section.

Figure 11 provides a visual representation of the process for testing and reporting BAC results by counties that operate under the Justice of the Peace System to the TxDOT Crash Records Section.

Figure 11. Process of Reporting BAC Toxicology Results for Justice of the Peace System



Private Laboratories

Private laboratories that conduct autopsy, blood alcohol analysis and toxicology testing services are in existence in Texas and their use among JP counties may be a growing trend. These private laboratories are for-profit organizations that provide faster turn-around times, competitive rates, and strategic locations to attract customers. Private laboratories are under no statutory authority to report their results to the TxDOT Crash Records Section which makes it crucial that an office of the JP is aware of their responsibility with regard to BAC toxicology reporting in fatal crashes where alcohol and/or drugs were contributing factors.

Texas statutes do not require private laboratories to perform autopsies on individuals as part of a death investigation involving alcohol and/or drugs nor do they require them to report their findings to the TxDOT Crash Records Section. Instead, the ME or JP that uses private laboratories is responsible for reporting. The results from the private laboratories may be integrated with the autopsy report or recorded on the CR-1001 death/toxicology report form and reported to the TxDOT Crash Records Section.

The data extracts from CRIS do not allow the opportunity to determine the extent to which private laboratories are utilized in the BAC toxicology reporting process or the number of autopsies that were conducted at private laboratories but remained unreported. The guidance as to reporting BAC toxicology data remains with ME and JP offices. Regulation of private laboratories is unlikely and as such, reminders and/or judicial education for reporting BAC toxicology data should be at the forefront for promoting compliance.

To better understand the process, ME offices as well as JPs were surveyed to understand their experiences with the reporting system. The following section details the results of the survey of the ME offices.

Survey of Medical Examiner Offices: Process of Testing and Reporting Blood Alcohol Concentration Toxicology Results for Fatal Crashes

Medical Examiners are authorized to formally investigate roadway collision deaths to determine the extent that alcohol and/or drugs contributed to the crash. For fatal crashes occurring in counties with a medical examiner's office, the ME or his/her designee is notified of the crash by a law enforcement agency. Based on the circumstances surrounding the crash death, a formal investigation may be conducted which includes an autopsy and toxicological testing.

This section will provide information regarding the process of testing and reporting BAC toxicology results by ME offices for fatal crashes in Texas. An understanding of each medical examiner's office's procedures provides insight into where there are gaps in BAC toxicology reporting in Texas and how the state may improve those gaps.

Background

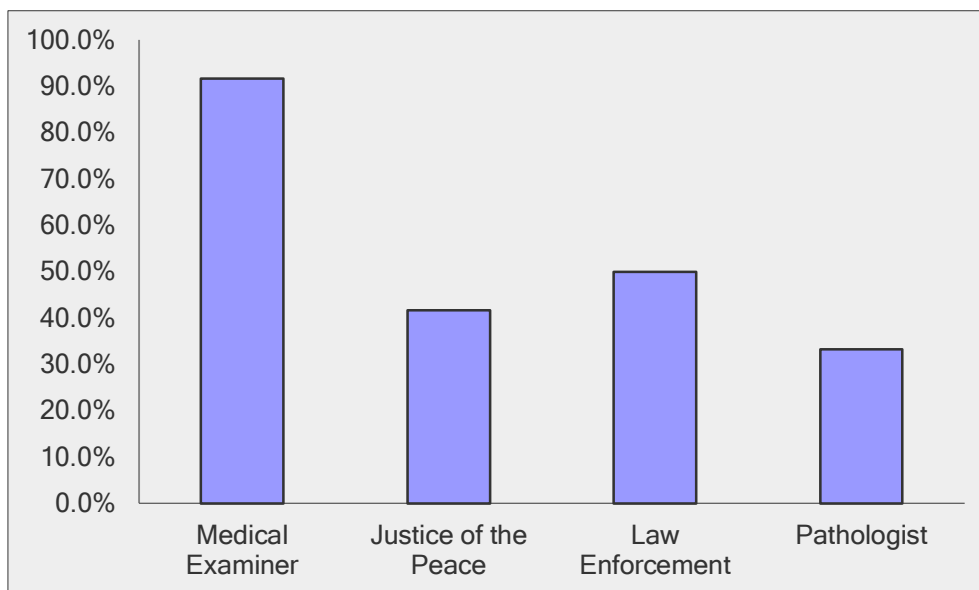
Currently, there are 12 counties in Texas operating with a ME's office – Bexar, Collin, Dallas, Ector, El Paso, Galveston, Harris, Lubbock, Nueces, Tarrant, Travis, and Webb Counties. Of special note, Tarrant, Denton, Parker, and Johnson Counties have been established as a ME district. These counties serve as their home county's ME office while also serving multiple counties that have no designated ME office within the borders of their county.

TTI interviewed staff from each of the 12 ME's offices across the state to understand how testing and reporting of BAC results to TxDOT Crash Records Section are performed. In order to report the most accurate and up to date information to TxDOT about the current practices of the Medical Examiner's System, TTI surveyed the 12 ME's offices via an online survey. The survey was distributed to the identified contacts within each ME's office. TTI was able to secure the participation of 11 of the 12 ME's offices in the survey. While 11 offices participated in the survey, only 9 offices completed the survey in its entirety.

Summary of Current BAC Testing and Reporting Practices

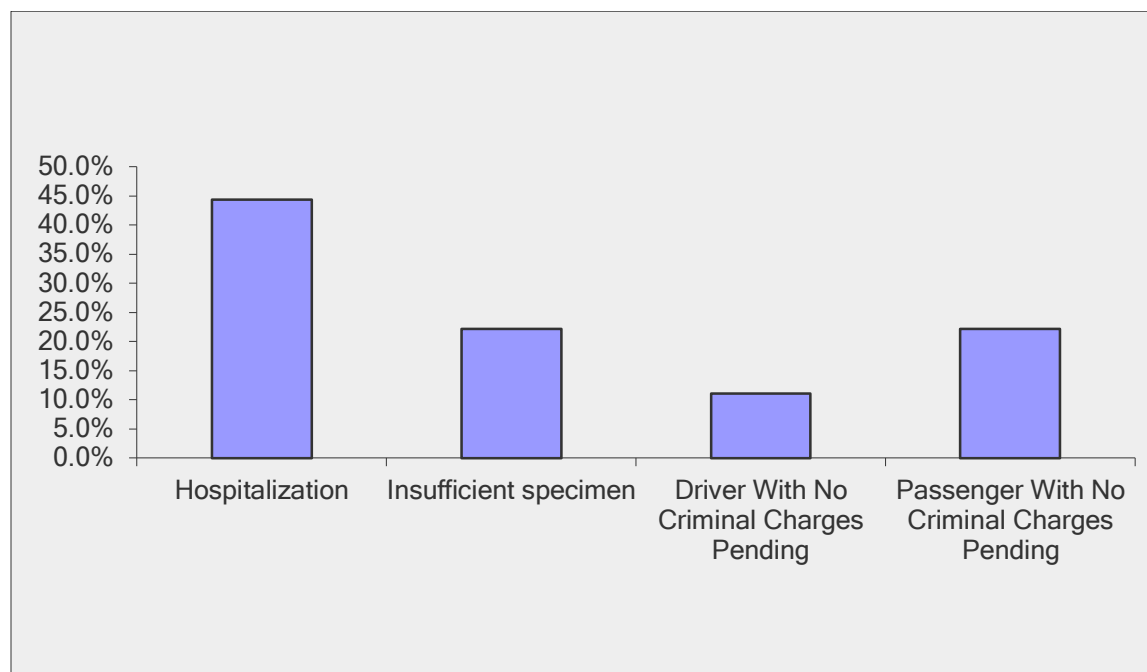
After reviewing the completed surveys, it was clear that the ME offices adhere to similar protocol that JP offices conduct for obtaining specimen samples and processing them for toxicology testing. Survey respondents indicated that approximately 90 percent of the time the ME or their designee was responsible for requesting toxicology testing to be completed on the decedent. However, there were also circumstances in which a JP, law enforcement officer or pathologist would request toxicology testing. Figure 12 provides a summary of the breakdown of who requests toxicology testing for fatally injured drivers when the ME office is involved.

Figure 12. Medical Examiner's Offices: Toxicology Requests of Fatally Injured Drivers



Ultimately, the decision of whether an autopsy and/or toxicology testing is conducted on a decedent falls to the discretion of the ME. When alcohol and/or drugs are suspected of contributing to a crash, toxicological testing is typically ordered. Interestingly, approximately half of the ME's offices reported that there were circumstances which would preclude their office from performing toxicology testing on a fatally injured driver when impaired driving was suspected. These circumstances include: prior hospitalization, insufficient specimen, driver with no criminal charges pending and passenger with no criminal charges pending. The most common reason that someone who was fatally injured in a crash would not be tested is prior, prolonged hospitalization. These individuals are often not tested because death had occurred several hours or days following the crash. In addition, any lifesaving treatments the decedent received at the crash site or hospital could skew the toxicology results. Surprisingly, ME's offices did not indicate single motor vehicle driver as a reason that they would not perform toxicology testing on the decedent. This is counter to previous assumptions that these individuals are the ones not tested most often. Figure 13 provides a summary of the percentages of the different factors cited by ME's offices as reasons toxicology testing would not be performed.

Figure 13. Medical Examiner's Offices: Circumstances for No Toxicology Testing



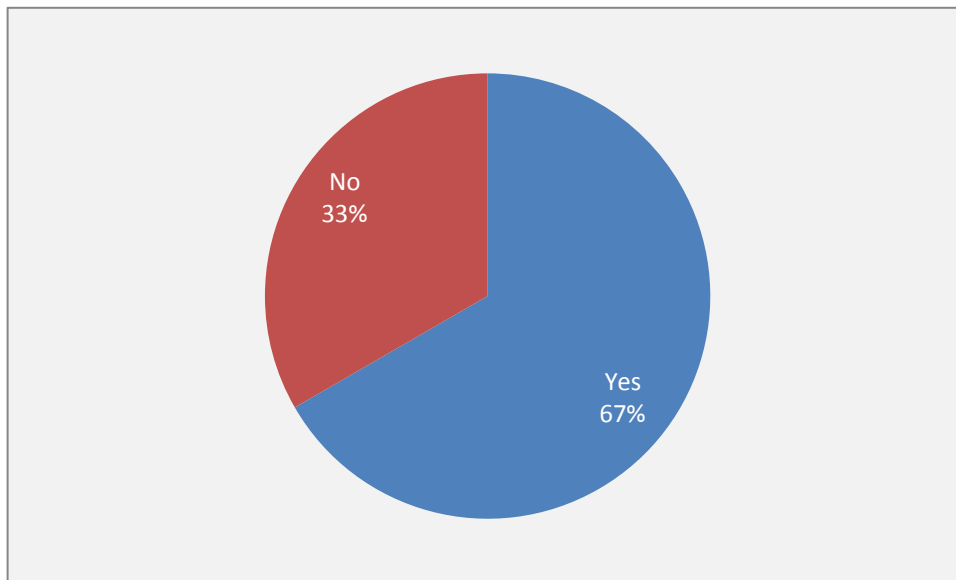
Oddly, less than half of the counties with a ME office were found to be able to perform toxicological testing in-house, using laboratories within their offices. The other ME offices were found to send collected specimens to external laboratories for analysis. Only one office, Dallas County, indicated that they test in-house as well as outsource samples to external labs for analysis. Dallas County also reported that they are unable to test for certain substances (for example synthetic cannabinoids) in-house and that these samples must be outsourced to external labs.

In most cases, the window for receiving toxicology results back from the laboratory varies from office to office ranging from seven days to as long as 50 days. Analysis time typically fluctuates as laboratory workload demands rise and fall. Additionally, time to reporting can be impacted by the type of toxicology testing requested.

While the process for alcohol and/or drug testing is similarly carried out, the process of reporting BAC toxicology results to TxDOT Crash Records Section varies greatly. Some offices have a dedicated individual responsible for reporting BAC toxicology results, while others defer this responsibility to law enforcement or the JP who request the services of the ME's office.

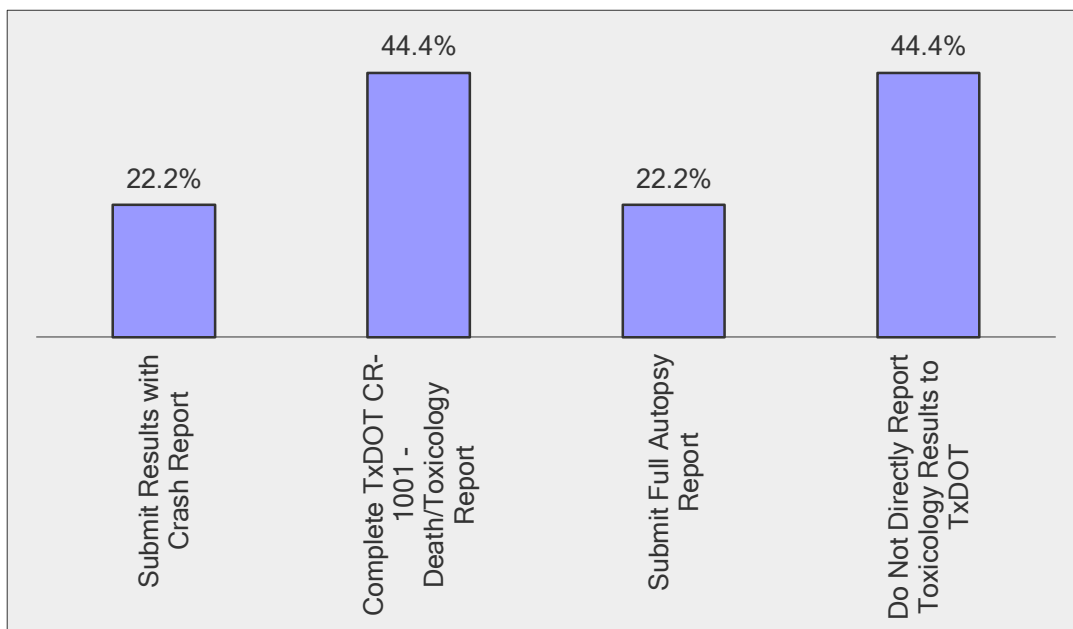
Though required by statute, not all ME offices report BAC toxicology results directly to the TxDOT Crash Records Section. As indicated by survey responses, only 67 percent of ME's offices report BAC toxicology results directly to TxDOT. Figure 14 provides a graphical representation of the survey responses.

Figure 14. Medical Examiner's Offices: Report Toxicology Results Directly to TxDOT



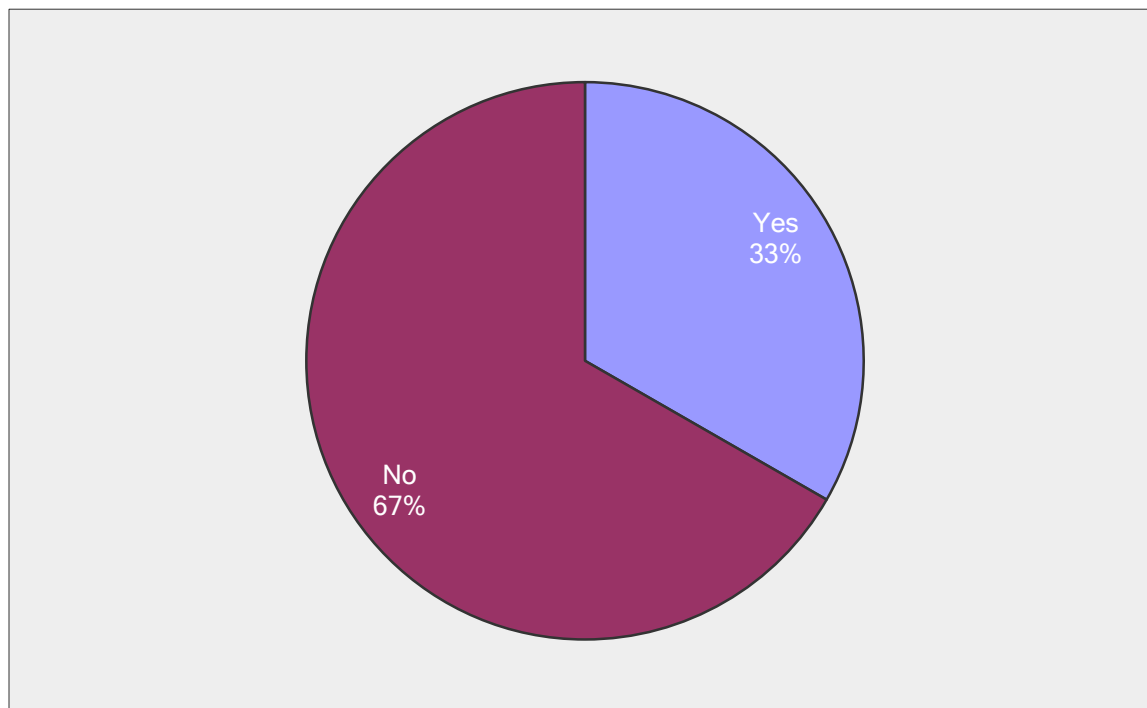
Medical Examiner's offices also vary in their method of reporting as well as reporting frequency. Figure 15 provides a summary of the different methods of reporting toxicology results to TxDOT. Despite previous reports, it appears that no ME's office uses their own in-house generated report to submit results to TxDOT Crash Records Section. In terms of frequency of reporting, most ME offices report toxicology results directly to TxDOT via completion of the autopsy report. Others reported that toxicology results are sent monthly or yearly.

Figure 15. Medical Examiner's Offices: Method of Reporting Toxicology Results to TxDOT



Overall, the ME's offices found the current toxicology reporting system to be efficient. Two-thirds of ME offices agree that the current reporting system is efficient. Figure 16 provides a graphical representation of the survey responses.

Figure 16. Medical Examiner's Offices: Current Toxicology Results Reporting System is Efficient



One interesting observation was that many ME offices indicated that they would be willing to work with third party organizations to increase reporting of toxicology results to TxDOT Crash Records Section. Interestingly, those who stated they would not be willing to use external sources either do not report BAC toxicology results directly to TxDOT Crash Records Section, nor do they perform services for anyone outside the county their office is located in. Table 6 provides a summary of toxicological testing and reporting that goes to TxDOT Crash Records Section through ME's offices.

Table 6. Summary of Toxicology Testing and Reporting to TxDOT Crash Records Section at Medical Examiner Offices

County	Agency Responsible for Conducting Autopsies	Site of Toxicology Testing	MEO Receives Toxicology Results in:	Individual/Agency Responsible for Reporting BAC data to TxDOT	Frequency of BAC Reporting to TxDOT:	BAC Reports Submitted to TxDOT via:	Policy for Reporting BAC Results to Law Enforcement:	Inter-local Agreements:	Are out of jurisdiction cases reported to TxDOT?
Bexar	Bexar Co. MEO	In-house	42 - 49 days	Law Enforcement	N/A	N/A	Results emailed to Law Enforcement	Contracts with other counties to provide services	No
Collin	Collin Co. MEO	External Laboratory – National Medical Services	7 – 14 days	Medical Examiner	Yearly	Facsimile	Available Upon Request	Fannin and Grayson Counties	Yes
Dallas	Dallas County Southwestern Institute of Forensic Sciences – Office of the Medical Examiner	In-house and External Laboratory	21 – 28 days	Records Department	Monthly	Email	Automatically Forwarded	Contracts with other counties to provide services	Yes
Ector	Ector Co. MEO	External Laboratory – National Medical Services	14 – 21 days	Medical Examiner Secretary	Upon completion of report	Facsimile	Available Upon Request	None	N/A
El Paso	El Paso MEO	External Laboratory – National Medical Services	14 – 21 days	Morgue Supervisor	Monthly	Email Mail	Automatically Forwarded	None	N/A
Galveston	Galveston Co. MEO	External Laboratory - AEGIS	14 – 21 days	Transcriptionist	Upon completion of report	Email	Available upon request	Contracts with other counties to provide services	Yes

County	Agency Responsible for Conducting Autopsies	Site of Toxicology Testing	MEO Receives Toxicology Results in:	Individual/Agency Responsible for Reporting BAC data to TxDOT	Frequency of BAC Reporting to TxDOT:	BAC Reports Submitted to TxDOT via:	Policy for Reporting BAC Results to Law Enforcement:	Inter-local Agreements:	Are out of jurisdiction cases reported to TxDOT?
Harris	Harris Co. Institute of Forensic Sciences	In-house	42 – 49 days	Law Enforcement	N/A	N/A	Available upon request	Contracts with other counties to provide services	No
Lubbock	Lubbock Co. MEO	External Laboratory	21 – 28 days	Forensic Investigator	Quarterly	Facsimile	Automatically forwarded	Contracts with other counties to provide services	Yes
Nueces	Nueces Co. MEO	External Laboratory	21 – 28 days	Records Clerk	Yearly	Facsimile	Unspecified	Contracts with other counties to provide services	Yes
Tarrant	Tarrant Co. MEO	In-house	7 – 14 days	Law Enforcement	N/A	N/A	Available upon request	Also serves Denton, Johnson, and Parker counties. Offers a fee-for-service to agency requests outside of their jurisdiction.	No
Travis	Travis Co. MEO	In-house	42 – 49 days	Chief of Toxicology	Unspecified	Unspecified	Available upon request	Contracts with other counties to provide services	No
Webb	Webb Co. MEO	External Laboratory – National Medical Services	7 – 14 days	Law Enforcement	N/A	N/A	Available upon request	Contracts with other counties to provide services	No

Legend

- MEO: Medical Examiner's Office.
- N/A: Given previous responses, this question is not applicable.
- Unspecified: This information was not explicitly conveyed during interviews.

Bexar County Toxicology Reporting Process

The Bexar County Medical Examiner's Office is responsible for conducting autopsies on drivers who are killed as a result of a motor vehicle crash. Unless the ME is unable to obtain an appropriate sample or the decedent died following prolonged hospitalization, toxicology testing is included as part of the autopsy process. Toxicology testing is conducted at an in-house laboratory. It takes the in-house laboratory approximately 42 to 49 days to return toxicology results to the ME's office.

Once toxicology results are available, they are incorporated into the autopsy report and then forwarded to a forensic technician. The forensic technician makes the results available to law enforcement via email (quarterly). Per the Bexar County Medical Examiner's Office, the law enforcement agency that investigated the initial crash reports the toxicology results of the driver to TxDOT Crash Records Section via CR-3 crash report supplement.

The Bexar County Medical Examiner's Office has contracts with the following counties: Atacosta, Bandera, Brazos, Crockett, Dimmitt, Duvall, Edwards, Fresno, Frio, Gillespie, Grimes, Karnes, Kendall, Kerr, Kimble, Kinney, La Salle, Llano, Mason, Maverick, McMullen, Medina, Menard, Real, Schleicher, Sutton, Uvalde, Val Verde, Walker, Washington, Wilson, and Zavala to provide autopsy and toxicology services.

Collin County Toxicology Reporting Process

When a fatal crash occurs in Collin County, an investigator will attend the death scene. If the investigator determines that an autopsy should be performed as part of the formal investigation, then the decedent's body is transported to the ME's office. Usually, the ME makes the request for toxicology testing to be performed, however, in some cases the individual JP, investigating law enforcement officer or prosecutor may request that specific testing be performed.

During the autopsy, blood is drawn for toxicological testing. If the decedent died after being transported to the hospital, the ME will request the hospital admission blood. The Collin County Medical Examiner's Office contracts with National Medical Services for its toxicology testing. On average, the Collin County Medical Examiner's Office receives toxicology results within 7 to 10 days. Typically, more than 95 percent of decedents in a fatal crash receive toxicology testing. The primary reason toxicology testing would not be done is if a significant period of time elapses prior to death after the decedent was admitted to the hospital, and the ME is unable to retrieve the admission specimen.

The ME is responsible for incorporating the toxicology results once available and completing the autopsy report. When the toxicology results are available, the ME's office makes the results available to the law enforcement agency investigating the fatal crash, and if necessary, the JP upon request. Once a year, typically in August, the ME's office conducts a review of cases. During this review period, the ME's office will complete and submit via facsimile the death/toxicology report forms to the TxDOT Crash Records Section.

The Collin County Medical Examiner's Office has inter-local agreements with Fannin and Grayson Counties to provide medical examiner services when requested. The medical examiner's office reports all BAC toxicology tests performed by the office, including those requested by an out-of-county justice of the peace.

Dallas County Toxicology Reporting Process

For fatal crashes occurring in Dallas County, the Dallas County Medical Examiner's Office, also known as the Dallas County Southwestern Institute of Forensic Sciences, determines the level of action necessary to complete the death investigation. Usually, the ME makes the request for toxicology testing to be performed, however, in some cases the individual JP, investigating law enforcement officer or prosecutor may request that specific testing be performed. The ME's office estimates that over 90 percent of fatally injured drivers have toxicology testing performed. The main contributing factor to a decedent not undergoing toxicology testing is prolonged hospitalization prior to death.

During the course of an autopsy, the ME, or other medical personnel, will draw a blood sample from the decedent. Generally, toxicology tests are performed in-house. However, when specialized testing is needed, for example screening for synthetic cannabinoids, the specimen is sent to an external laboratory. On average, the ME's office receives toxicology results in 21 to 28 days.

Once toxicology results are available, the ME or pathologist completes the autopsy report. Part of that process involves properly labeling the case as "transportation-related." This designation allows the case to be identified as one which needs to be reported to the TxDOT Crash Records Section. After properly labeling the case, the ME forwards the report to the ME's records section. Each month, the records department generates a report of all finalized vehicular fatality autopsy reports. Once the monthly report has been completed, it is emailed to TxDOT Crash Records Section. In place of using the TxDOT CR-1001 form, the Dallas County Medical Examiner's Office sends TxDOT Crash Records Section a copy of the autopsy report. Regardless of county jurisdiction, the Dallas County Medical Examiner's Office reports all "transportation-related" deaths processed by its office to the TxDOT Crash Records Section. In addition, once the autopsy report is completed, it is made available to the JP, law enforcement, as well as prosecution agencies.

The Dallas County Medical Examiner's Office has contracts with the following counties: Archer, Bell, Bowie, Camp, Cass, Cherokee, Clay, Coleman, Collin, Cooke, Coryell, Ellis, Falls, Franklin, Freestone, Grayson, Gregg, Grimes, Hamilton, Henderson, Hill, Hopkins, Houston, Hunt, Jack, Kaufman, Lampasas, Leon, Limestone, McLennan, Mitchell, Montague, Morris, Nolan, Palo Pinto, Panola, Rockwall, Shelby, Smith, Titus, Upshur, Van Zandt, Wichita, Wise, and Wood to provide autopsy and toxicology services.

Ector County Toxicology Reporting Process

When a fatal crash occurs in Ector County and the ME warrants a formal investigation, the decedent's body is transferred to the Ector County Medical Examiner's Office for an autopsy. Toxicology testing is typically requested by the ME or law enforcement office investigating the crash. During the autopsy, blood specimen is collected for toxicological testing. The ME's office does not conduct in-house toxicological testing; specimens are sent to National Medical Services. On average, the ME's office receives toxicology results in 14 to 21 days. The ME's office estimates 95 percent of fatally injured drivers undergo toxicology testing. The main contributing factor in a decedent not receiving toxicology testing is length of hospital stay prior to death.

Once toxicology results become available, they are transferred onto the CR-1001 death/toxicology report form and submitted to the TxDOT Crash Records Section by email. In the Ector County Medical Examiner's Office, the ME's secretary is responsible for submitting the toxicology reports to TxDOT. Additionally, the toxicology results are made available to the law enforcement agency investigating the fatal crash upon request.

The Ector County Medical Examiner's Office provides services only to the county of Ector, and does not have any interagency agreements in place with other jurisdictions. The ME's office thus takes responsibility for BAC toxicology reporting and compliance in Ector County.

El Paso County Toxicology Reporting Process

For fatal crashes occurring in El Paso County, the ME determines the level of action necessary to complete a formal death investigation. For fatally injured drivers, toxicology testing is ordered at the discretion of the ME or pathologist. The El Paso Medical Examiner's Office indicates the contributing factors for a decedent not undergoing toxicology testing are: prolonged hospitalization prior to death, insufficient specimen, or no criminal charges being filed on the driver involved in the fatal crash.

When toxicology testing is ordered, a specimen is obtained from the decedent by the morgue attendant under the supervision of the ME. The specimen is then sent to an external laboratory contracted through National Medical Services. The El Paso Medical Examiner's Office typically receives the results back in 14 to 21 days.

Once the toxicology results are received, they are reported to the law enforcement agency conducting the investigation by phone. Additionally, the morgue supervisor completes the CR-1001 form for each death. The CR-1001s are mailed monthly to TxDOT Crash Records Section, and a copy of the form is retained for the office's records.

Currently, the El Paso County Medical Examiner's Office does not hold any interagency agreements with other jurisdictions and does not provide services outside of El Paso County.

Galveston County Toxicology Reporting Process

The Galveston County Medical Examiner's Office is responsible for conducting autopsies on individuals killed as a result of a motor vehicle crash. Not all decedents brought to the ME's office are autopsied. Different factors are taken into consideration when deciding if an autopsy will be conducted; ultimately, it is up to the ME assigned to the case whether an autopsy will be conducted. If an autopsy is warranted, blood is drawn from the decedent to test for an alcohol and/or drug concentration. The blood then sent to AEGIS laboratory for testing. The ME's office typically receives toxicology results within 14 to 21 days of submittal. The Galveston County Medical Examiner's Office reports that 100 percent of fatally injured drivers undergo toxicology testing. To help achieve this, the ME's office works with area hospitals to receive a blood sample from the decedent.

Once toxicological results are available, they are forwarded by mail to the law enforcement agency investigating the crash, as well as the district attorney and if applicable the Justice of the Peace. Additionally, the office of the medical examiner completes the CR-1001 for each fatally injured driver and submits this to TxDOT Crash Records Section by mail.

The Galveston County Medical Examiner's Office has contracts with Brazoria, Fort Bend, and Matagorda counties to provide autopsy and toxicology services.

Harris County Toxicology Reporting Process

The medical examiner's office in Harris County is known as the Harris County Institute of Forensic Sciences. After a fatal crash occurs and the decedent is transported to the institute, a physician is assigned to the case. If the physician determines that toxicological testing is necessary as part of the death investigation, an evidence submission form is completed, which indicates the requested tests to be performed. Blood, urine, and vitreous humor specimens are collected and sent for gross examination.

Toxicology testing is typically conducted in-house through the Crime Laboratory Service's toxicology laboratory. The specimens are initially screened for the presence of chemicals such as alcohol and/or drugs. If the initial screening is positive for these chemicals, the laboratory will isolate the chemicals and conduct specific testing to both to verify the presence of the chemical and identify the specific chemical compound. Once testing is complete, the results are sent to a member of the senior laboratory staff for case review. After its review, a report is compiled and sent to the Chief Medical Examiner. The report, if requested, is forwarded to the law enforcement agency. The complete process takes approximately 42 – 49 days.

The Harris County Institute of Forensic Sciences currently provides services to Harris County as well as the following counties via contractual agreement: Austin, Calhoun, Freestone, Fort Bend, Polk, San Jacinto, and Waller. The Harris County Institute of Forensic Sciences has indicated that it does not report toxicology results to the TxDOT Crash Records Section. Rather, this responsibility falls to the law enforcement agencies conducting the formal death investigation.

Lubbock County Toxicology Reporting Process

For fatal crashes occurring in Lubbock County, decedents are transported to the ME's office for autopsy. Depending on the circumstances surrounding death, each case is considered for toxicology testing. If toxicology testing is determined to be necessary, femoral blood (when available) is drawn from the decedent. The Lubbock County Medical Examiner's Office does not have a forensic laboratory, and, thus, it sends collected specimens to an external lab for analysis. In general, the ME's office receives toxicology results within 21 – 28 days of submission.

Once available, the toxicology results are incorporated into the autopsy report. When the report is complete, copies are forwarded to the law enforcement agency investigating the crash or the out-of-county justice of the peace requesting an autopsy. The Lubbock County Medical Examiner's Office forensic investigator is responsible for reporting BAC results to the TxDOT Crash Records Section on a quarterly basis via facsimile.

It is important to note, that Lubbock County did not participate in this year's survey of Medical Examiner Offices. The information in this section was obtained through interviews with office personnel in previous years, and may not reflect current office policies.

Nueces County Toxicology Reporting Process

When a fatal crash occurs in Nueces County, a death investigator with the Nueces County Medical Examiner's Office is notified of the death. The death investigator arranges for transport of the decedent to the ME's office. The office estimates that about 90 percent of fatally injured drivers receive toxicology testing. The primary reason a fatally injured driver will not undergo toxicology testing is hospitalization prior to death.

Once the decedent arrives at the ME's office, an autopsy technician then gathers blood, urine, and vitreous humor specimens, and the ME will examine the body. Because the Nueces County Medical Examiner's Office is not equipped with a toxicology laboratory, it sends the collected specimens to a certified lab for alcohol and/or drug testing. On average, the ME's office receives toxicology results about 21 -28 days from submittal. When the results of the toxicology testing are available, they are sent via facsimile to the JP that requested the autopsy and toxicology testing.

In the Nueces County Medical Examiner's Office reporting BAC toxicology results to the TxDOT Crash Records Section is the responsibility of the Records Clerk. When the ME's office identifies a death as one that should be reported to the TxDOT Crash Records Section, the autopsy report is sent via facsimile on an annual basis.

The Nueces County Medical Examiner's Office has inter-local agreements with Aransas, Brooks, Bee, Duval, Jim Wells, Kleberg, Kennedy, Live Oak, McMullen, San Patricio and Victoria Counties to provide medical examiner services when requested. The medical examiner's office reports all BAC

toxicology tests performed by the office to TxDOT Crash Records Section, including those requested by an out-of-county JP.

Tarrant County Toxicology Reporting Process

The Tarrant County Medical Examiner's Office is part of a medical district called the Tarrant County Medical Examiner's District. The District is comprised of three other surrounding counties: Denton, Johnson, and Parker. Together, the four counties serve a combined population that exceeds two million. Each county is represented by a death investigator that is assigned to investigating deaths that occur in that particular county. The ME has all the powers and duties within the district that a ME who serves a single county would have.

When a fatal crash occurs in one of the four counties, the decedent is transported to the ME's office in Tarrant County for an autopsy. While by law, the decision to perform toxicology testing as part of an autopsy is at the discretion of the ME, Tarrant County policy is that toxicology testing is performed on all deaths that occur as a result of a fatal crash. As such, the office reports 100 percent of fatally injured drivers undergo toxicology testing.

The Tarrant County Medical Examiner's Office has a full time toxicology laboratory for testing specimens collected during the autopsy. On average, it takes approximately 7 to 14 days for the results of the toxicology testing to be returned. Once the results of the toxicology test are received, they are forwarded on to the agency that requested the autopsy and/or testing be done. This could be the law enforcement agency or a JP's office.

The Tarrant County Medical Examiner's Office indicates they do not directly report the BAC toxicology results to TxDOT Crash Records Section. It appears that the law enforcement agency conducting the formal death investigation and/or the JP who requested the autopsy and BAC toxicology testing are responsible for submitting BAC toxicology reports to TxDOT Crash Records Section as a part of the crash report.

Travis County Toxicology Reporting Process

When a fatal crash occurs in Travis County, the decedent is transported to the Travis County Medical Examiner's Office for autopsy. During the autopsy, as part of standard operating procedure, biological specimens are taken for toxicological analysis. Toxicological testing is conducted in-house and blood alcohol screening is performed on the specimens along with other standard toxicology tests. Typically, it takes the lab 42 to 49 days to complete toxicology testing. The laboratory director compiles a data report. As it is standard operating procedure to conduct toxicology testing on bodies upon which specimens can be obtained, regardless of manner of death, the ME's office reports that 100 percent of fatally injured drivers undergo toxicology testing.

The Travis County Medical Examiner's Office does not have a written policy or procedure for the reporting of BAC toxicology information to the TxDOT Crash Records Section; rather, it is guided by the statute. The laboratory director creates and compiles the toxicology results from fatal crashes

occurring only in Travis County and submits the records. Although the office does provide services to surrounding counties, it does not take responsibility for reporting their toxicology results.

The Travis County Medical Examiner's Office has contractual agreements with 42 other counties to provide autopsy and toxicology services. However, the office did not disclose which counties it currently has agreements with.

Webb County Toxicology Reporting Process

After a fatal crash occurs in Webb County, the decedent is transported to the Webb County Medical Examiner's Office. The office uses the following criteria in determining whether toxicology testing will be ordered: all drivers involved in a motor vehicle crash, passengers if there are criminal charges pending, and passengers if under 18 years of age. As a result, the office reports that 100 percent of fatally injured drivers undergo toxicology testing.

When toxicology testing is required, the ME will obtain femoral blood, urine, or vitreous fluid from the decedent. In circumstances where blood cannot be obtained due to injuries sustained, a tissue sample is obtained instead. In testing for alcohol, vitreous humor is often drawn from the decedent. Because the Webb County Medical Examiner's Office does not have a toxicology laboratory, specimens are sent to an external laboratory, National Medical Services, for testing. The ME's office typically receives toxicology results within 7 to 14 days of submittal.

The Webb County Medical Examiner's Office indicated they do not report toxicology results to the TxDOT Crash Records Section. Rather, this responsibility falls to the law enforcement agencies conducting the formal death investigation. Autopsy results are provided to the investigating law enforcement agency upon request.

The Webb County Medical Examiner's Office has contractual agreements with Brooks, Dimmit, Duvall, Jim Hogg, La Salle, Maverick, Val Verde, and Zapata counties to provide autopsy and toxicology services.

Texas statute requires that MEs are required to submit toxicology test results to the TxDOT Crash Records Section by the 11th day of each month. If the results are not available, a supplement must be completed and sent to TxDOT Crash Records Section when the results become available. However, surveys indicate that only 67 percent of ME offices report BAC toxicology results directly to TxDOT. Further, only 17% of ME offices appear to send BAC toxicology test results monthly. Table 6 illustrates the inconsistencies in reporting BAC toxicology results to the TxDOT Crash Records Section by each office. If the ultimate goal is to increase the level of BAC toxicology reporting by the Medical Examiner System, there needs to be consistency across the ME's offices in order make strides.

Human factors remain a significant element in attaining compliance. The State of Texas is dependent on MEs and their staff to complete and submit the necessary documents to report BAC

toxicology test results as required by statute. Medical Examiner's offices represent only one half of the BAC toxicology reporting system in Texas. In order to understand the full picture of BAC toxicology reporting, JPs were also surveyed to understand their process of testing and reporting BAC toxicology results in fatally injured drivers. The following section contains a detailed report of the survey responses of JPs.

Survey of Justices of the Peace Offices: Process of Testing and Reporting of Blood Alcohol Concentration Toxicology Results for Fatal Crashes

Currently, there are only 12 counties in Texas with a ME's office that is charged with investigating traffic fatalities. The overwhelming majority of Texas counties utilize the JP as a death investigator and the role of a JP in this system is to order a formal investigation into determining cause and manner of death. In counties where a fatal crash occurs, law enforcement agencies are notified and then respond to investigate the scene. At the scene of the crash, law enforcement officials will request a JP to respond. Based on the law enforcement and JP investigations, an autopsy may or may not be ordered; each case is evaluated independently.

This section will provide information regarding the process of testing and reporting BAC toxicology results by JP for fatal crashes in Texas. An understanding of the procedures JP follow will provide insight into where there are gaps in BAC toxicology reporting in Texas and how the state may improve those gaps.

Survey Methods

In order to report the most accurate and up to date information about the current practices of the Justice of the Peace System, TTI surveyed JP offices across Texas via an online survey. The survey was distributed to all current JPs via email with the assistance of the Texas Justice Court Training Center. TTI was able to get the participation of 170 JP offices in the survey. It should be noted that while 170 offices participated in the survey, 111 offices completed the survey in its entirety. Respondents represented 107 of Texas' 254 counties. Table 7 provides a listing of the counties in which at least one JP participated in the survey.

Table 7. Texas Justice of the Peace Survey Respondents, by County

Texas Justice of the Peace Survey Respondents by County									
Anderson	Carson	Culberson	Frio	Hood	Lamar	Montague	Polk	Shelby	Victoria
Austin	Cass	Dickens	Grimes	Jasper	Leon	Morris	Red River	Starr	Webb
Bandera	Cherokee	Duval	Hardeman	Jeff Davis	Live Oak	Navarro	Refugio	Sterling	Wharton
Bell	Clay	Erath	Hardin	Jefferson	Marion	Newton	Robertson	Sutton	Wheeler
Bexar	Cochran	Fannin	Hays	Jim Hogg	Matagorda	Oldham	Rockwall	Swisher	Wichita
Bowie	Coke	Foard	Henderson	Jim Wells	McCulloch	Orange	Rusk	Taylor	Williamson
Brazoria	Colorado	Fort Bend	Hill	Kendall	McLennan	Panola	San Jacinto	Tom Green	Wilson
Brazos	Comal	Freestone	Hockley	Kleberg	Medina	Parmer	San Patricio	Upshur	Wise
Brewster	Dallam	Goliad	Hopkins	Knox	Midland	Pecos	Scurry	Val Verde	
Burnet	Dawson	Gonzales	Houston	LaSalle	Montgomery	Potter	Smith	Walker	
Cameron	Denton	Grayson	Hunt	Lavaca	Moore	Reagan	Somervell	Waller	

Summary of Current BAC Testing and Reporting Practices

When a fatal crash occurs, JPs indicate that they are notified 95 percent of the time. Reasons they may not be notified include: the incident takes place when they are not on call, an error by the court manager or the presence of a medical examiner in their county.

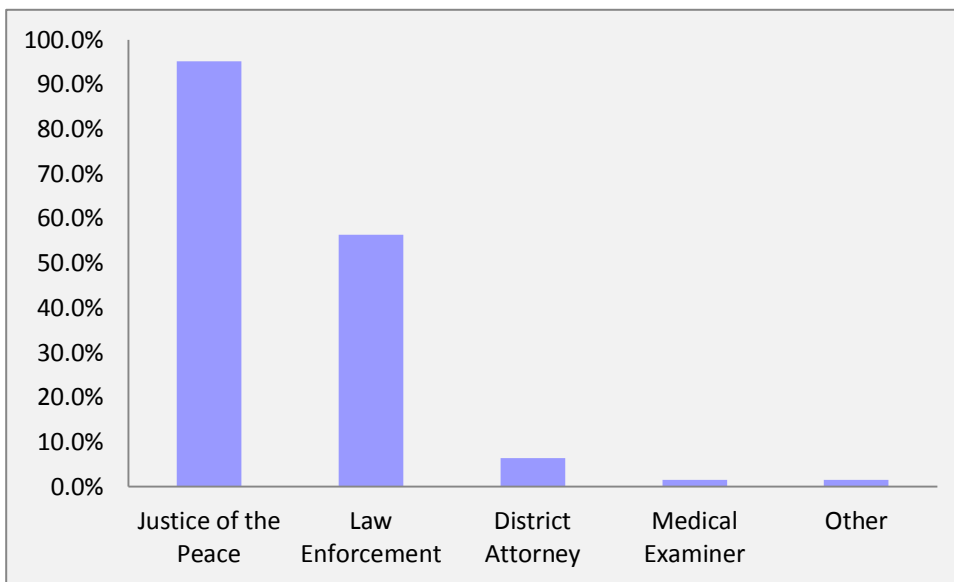
After reviewing the completed surveys, it was discovered that a majority of offices adhere to similar protocol in determining whether or not a toxicology test is needed after visiting the scene of a fatal crash. As a general rule, JP follow the following process:

- Fatal crash occurs in precinct, or county if after hours and the justice of the peace is “on call”.
- Justice of the peace is notified of the crash by law enforcement.
- Justice of the peace visits the crash scene to determine cause and manner of death.
- Justice of the peace orders an autopsy and/or toxicology testing be conducted on the driver.
- Decedent’s body is transported to the medical examiner’s office for autopsy and toxicology testing.
- Results of the autopsy and toxicology testing are sent to the justice of the peace’s office.
- Toxicology results are made available to TxDOT.

While this is the procedure for the majority of JP offices, others respondents indicated that autopsies and toxicology testing is not ordered for all crash victims. The most common reason given for non-testing was a single vehicle fatal crash where the driver was the only victim.

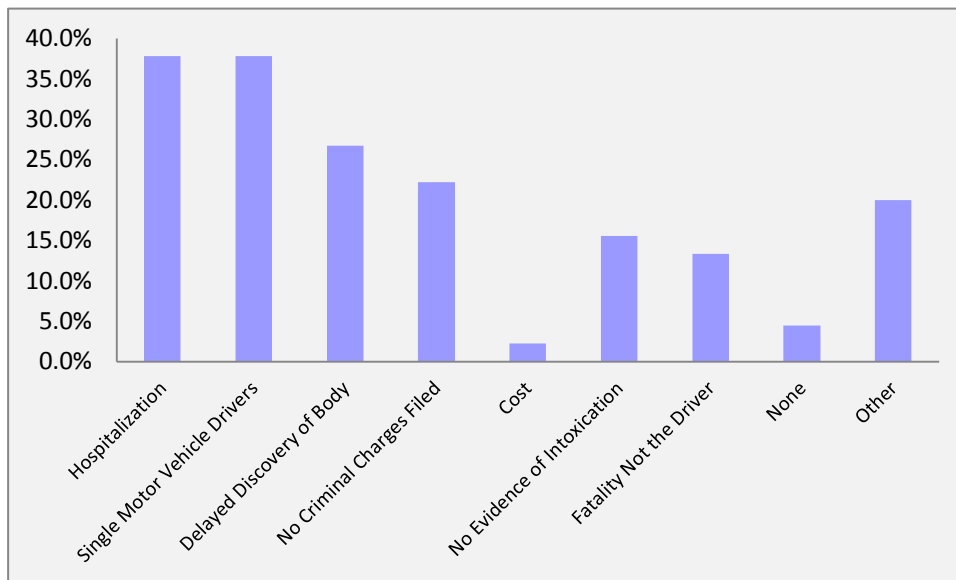
Survey respondents indicated that approximately 93 percent of the time, the JP is the official who requests toxicology testing be completed on the decedent. However, there are circumstances in which a District Attorney, law enforcement officer or pathologist would order this testing. Figure 17 provides a summary of the breakdown of who requests toxicology testing for fatally injured drivers from JP offices.

Figure 17. Justice of the Peace Offices: BAC Toxicology Requests of Fatally Injured



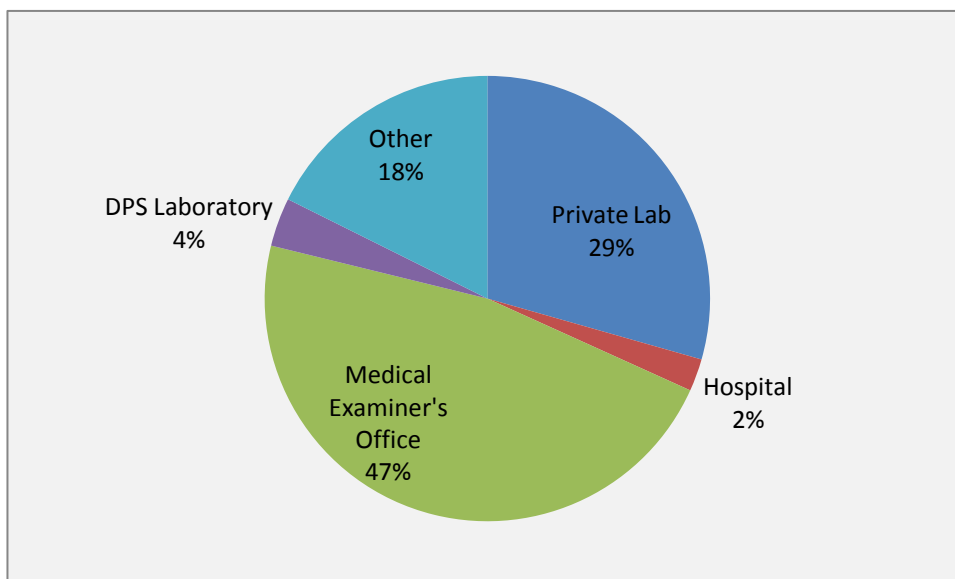
Ultimately, the decision whether an autopsy and/or toxicology test is initiated on a decedent falls to the discretion of the JP. When alcohol and/or drugs are suspected of contributing to a crash, toxicological testing is typically ordered. Interestingly, 60 percent of the JP offices reported that there were circumstances which would preclude their office from performing toxicology testing on a fatally injured driver when impaired driving was suspected. These circumstances include: prior hospitalization, single motor vehicle drivers, length of time between death and discovery of the body, driver with no criminal charges pending, no evidence of intoxication, passengers, none and other. The most common reason that someone who was fatally injured in a crash would not be tested is prior, prolonged hospitalization. These individuals are often not tested because death had occurred several hours or days following the crash. In addition, any lifesaving treatments the decedent received at the crash site or hospital could skew the toxicology results. Figure 18 provides a summary of the percentages of the different factors cited by JP's offices as reasons toxicology testing would not be performed.

Figure 18. Justice of the Peace Offices: Circumstances for No BAC Toxicology Testing



Approximately 80 percent of JPs indicated their office has an active agreement with a ME office or private laboratory to conduct toxicology testing. Approximately half of the JP offices indicated their office has a contract with a ME's office. Further, approximately one-third of JP offices utilize private laboratories for autopsies and toxicology testing. While it is known that JPs use private laboratories, it was previously unknown to what degree these labs are being used in comparison to ME's offices. Figure 19 provides a graphical representation of the different types of locations justices of the peace request toxicology testing from.

Figure 19. Justice of the Peace Offices: Location of BAC Toxicology Testing



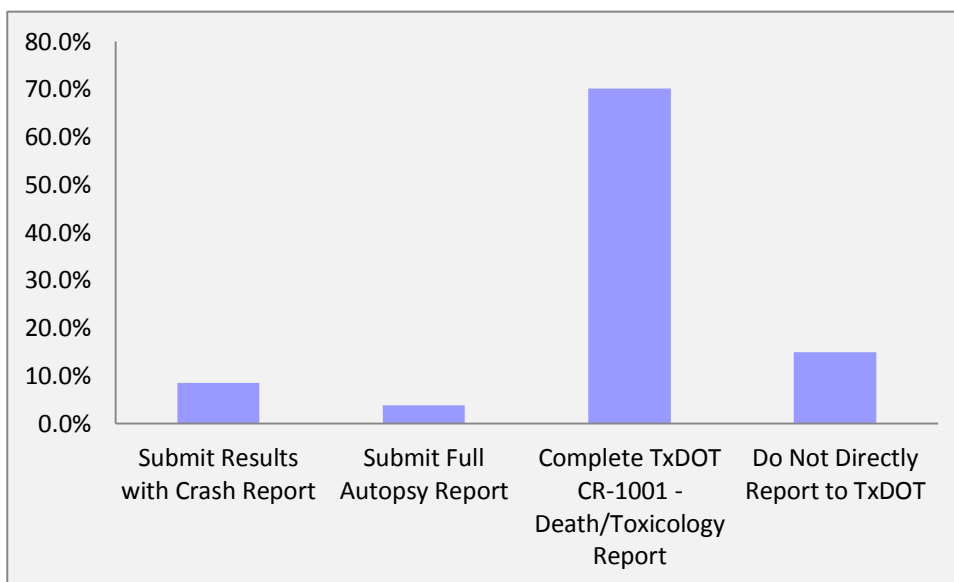
The window for receiving toxicology results back from the ME’s office or laboratory varies greatly from office to office – from as quickly as seven days to as long as 90 days. This window of time typically fluctuates as laboratory workload demands rise and fall. Additionally, time to reporting can be impacted by the type of toxicology testing requested (screening vs. confirmatory).

Once the JP office receives the toxicology results from the ME’s office or laboratory, 66 percent send the results on to law enforcement. Though required by statute, not all JP offices report BAC toxicology results directly to the TxDOT Crash Records Section. As indicated by survey responses, 72 percent of ME’s offices report toxicology results directly to TxDOT.

While the process for determining the need for alcohol and/or drug testing is carried out similarly at JP offices across Texas, the process of reporting BAC toxicology results to the TxDOT Crash Records Section varies greatly. Some offices have a dedicated individual responsible for reporting all BAC results, while others defer this responsibility to law enforcement or the ME performing the autopsy or toxicology testing. In over 80 percent of JP offices, the JP themselves is responsible for reporting BAC toxicology results to TxDOT.

Justice of the Peace offices also vary in their method of reporting as well as reporting frequency. Figure 20 provides a summary of the different methods of reporting BAC toxicology results to TxDOT. In terms of frequency of reporting, most offices who report BAC toxicology results directly to TxDOT, indicated the results are sent upon the completion of the autopsy report. Others indicated BAC toxicology results are sent weekly or monthly.

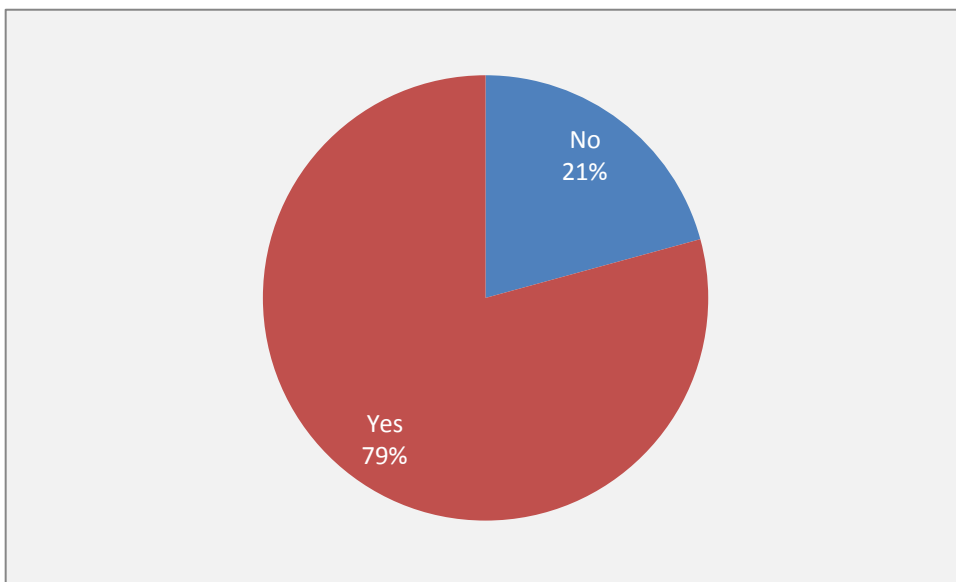
Figure 20. Justice of the Peace Offices: Method of Reporting BAC Toxicology Results to TxDOT



In addition, 80 percent of the JP offices, utilize the CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace) to report toxicology results to TxDOT. The primary reason JP offices choose not to use the CR-1001 is because the office does not directly report toxicology results to TxDOT. For offices that utilize the CR-1001, 67 percent find the report useful. Only 7 percent of those who use the CR-1001 find the form to be not useful. Of those offices using the CR-1001 as their method of reporting toxicology results, 73 percent prefer to continue using the form.

Overall, the JP offices found the current toxicology reporting system to be efficient. 80 of offices are in agreement that the current reporting system is efficient. Figure 21 provides a graphical representation of the survey responses.

Figure 21. Justice of the Peace Offices: Current BAC Toxicology Results Reporting System is Efficient



Also, of note, the majority of JP offices would be willing to work with a third party organization to increase reporting of BAC results to TxDOT Crash Records Section.

Texas statute requires that JPs are required to submit toxicology test results to the TxDOT Crash Records Section by the 11th day of each month. If the results are not available, a supplement must be completed and sent to TxDOT Crash Records Section when the results become available. However, surveys indicate that only 72 percent of JP offices report BAC toxicology results directly to TxDOT.

Human factors remain a significant element in attaining compliance. The State of Texas is dependent on JPs and their staff to complete and submit the necessary documents to report BAC

toxicology test results as required by statute. There is no perfect system of reporting; however, the more that is understood about the process of reporting will result in improving the reporting process.

Improving the reporting process provides a greater opportunity for identifying limitations encountered by ME offices, JP offices, and law enforcement. In addition to determining current reporting processes and practices, TTI staff developed three promising practices among those responsible for reporting BAC toxicology results to TxDOT Crash Records Section. The next section of this report discusses promising BAC toxicology reporting among ME's offices.

Promising Blood Alcohol Concentration Toxicology Reporting Among Medical Examiners

Background Information

Currently, 15 of the 254 counties in Texas have a ME's office located within its boundaries or are a part of a ME district. These counties serve as their home county's ME's office while also serving multiple counties that have no designated ME's office within the borders of their county through interagency agreements and contracts. Interestingly, the Medical Examiner System covers 60% of the state's total population. In contrast, the Justice of the Peace System is utilized in 239 counties and accounts for 40% of the state's total population.

Over the course of the Spring 2016, TTI staff conducted a series of three webinars to facilitate discussion of reporting BAC toxicology reporting practices among ME's offices in Texas. Present for the webinars were representatives from the following offices: Bexar County Medical Examiner's Office, Dallas County Medical Examiner's Office and Galveston County Medical Examiner's Office.

During this series, officials were asked their opinions of the process of submitting and reporting BAC toxicology results to TxDOT in order to determine promising practices that may be implemented in other offices to improve BAC and toxicology reporting to TxDOT Crash Records Section. Among the responses, one office reported a significant improvement to and satisfaction with the process of reporting BAC toxicology results through the implementation of a new Laboratory Information Management System (LIMS). A LIMS is software that allows a lab to effectively manage samples and data associated with each case to improve lab efficiency. In a LIMS, scientific data is securely stored and useable across groups and tools, shareable, discoverable, and auditable.

Promising Reporting Practices by Medical Examiners

Death investigation offices utilize data from various sources including: health care records, law enforcement investigation reports, scene images and laboratory results (Levy 2013). An Office of the Medical Examiner needs to be able to track the body, several specimens and pieces of evidence from the start of an investigation through the final disposition of a case. Further, the ability to communicate electronically with other agencies about the status of a case as well as in submitting various documents is important to the case management of a ME's office. A LIMS system can meet all of the needs of a ME's office, while maintaining the needed level of security and chain-of-custody. In addition, a LIMS can aid the ME's office in working as efficiently as possible.

Specifically, LIMS systems can be set up to automatically submit BAC and toxicology testing results electronically to law enforcement officers and/or TxDOT Crash Records Section. This electronic submission protocol can not only save time, but ensure that TxDOT Crash Records Section receives complete BAC and toxicology results from all ME's offices that employ these systems.

LIMS are available for purchase from several credible vendors or can be developed internally utilizing currently available software. Whether the system is purchased or developed internally, LIMS can be customized to meet the needs of office employing the system.

Benefits of Laboratory Information Management Systems

LIMS optimizes how ME's offices are managed. These systems allow for case management that tracks a case from investigations, lab work and autopsies. The system also provides a clear view of specimen and property status, specifically BAC and toxicology testing status. In addition, LIMS provide secure chain-of-custody of specimens from scene to final disposition of a case.

LIMS can employ user permissions which can be enforced at the account, project or individual level to limit/provide access to dashboards, reports, data, and tools as appropriate. This feature can provide MEs and law enforcement officers with immediate access to data, including BAC and toxicology results. Further, LIMS allow for collaboration of staff and agencies across disciplines on any case.

Another benefit of LIMS is unified communication across internal and external users regarding investigation status. This allows the responsible reporting party access to the status of the pending BAC and toxicology testing as well as results upon completion.

In addition, LIMS can include a Breath Alcohol Database (BrAD). The BrAD tracks and stores Intoxilyzer records that measure drivers' breath alcohol levels. This module, which is integrated with the LIMS platform, helps forensic and law enforcement agencies track the maintenance histories of their Intoxilyzer devices, including most recent certification dates and when instrument operators need to be re-certified. BrAD can also handle subpoena requests for Intoxilyzer certifications and calibration histories, rendering responses in Adobe PDF format and automatically e-mailing, faxing or mailing them to attorneys.

In order to increase the number of BAC and toxicology test results reported to TxDOT Crash Records Section, TTI proposes that all ME's offices be encouraged to adopt a LIMS. LIMS are a critical component to the efficient administration of the pathology laboratory, the management of laboratory workflow, and the analysis of every growing amount of data. In addition, LIMS can save time and resources by automatically submitting electronic copies of BAC and toxicology results to TxDOT Crash Records Section.

In addition to promising reporting practices for ME's offices, TTI staff developed promising reporting practices for JPs as well. It is believed that improvement in the JP BAC toxicology reporting system will increase the number of BAC toxicology results reported to TxDOT Crash Records Section for fatally injured drivers each year. The following section details the promising reporting practices for JPs.

Promising Blood Alcohol Concentration Toxicology Results Among Justices of the Peace

Background Information

Accurate and complete data for BAC toxicology levels cannot be underestimated. Reported BAC toxicology levels are used to implement alcohol-impaired driving programs, evaluate their effectiveness, and monitor impaired driving rates in Texas and across the country. State Departments of Transportation (DOTS) are responsible for collecting and reporting BAC toxicology data to the National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS). In Texas, the Department of Transportation (TxDOT) is responsible for reporting crash fatality data to NHTSA.

As a means to this end, JP acting in the capacity of the death investigator must submit a report to TxDOT if a death has occurred as a result of a traffic crash as outlined in Transportation Code Section 550.081. The report must include results of any toxicological testing that was conducted. In Texas, the decision whether to order toxicology testing on a fatally injured driver is left to the discretion of the JP serving as the death investigator for that fatal crash. Yet in practice, toxicology testing is not always performed on all fatally injured drivers, including some individuals who are suspected of DUI.

To better understand the decision-making process of when JPs order or do not order toxicology testing as part of their death investigation, TTI conducted four webinars with JPs over the course of the spring in 2016. The webinars served two purposes: 1) to provide education regarding BAC toxicology reporting practices and 2) to gather information about JP offices' reporting practices and experiences with regard to the current TxDOT BAC toxicology reporting processes.

In order to facilitate and promote the webinars, TTI worked closely with Randy Sarosdy and Thea Whalen of the Texas Justice Court Training Center. The staff at the Texas Justice Court Training Center announced the details regarding the webinars through a listserv that included all JPs in the state of Texas. Both morning and afternoon sessions were offered to address the variance in attendee schedules. Feedback from these webinars was used to determine promising practices that may be implemented to improve the current BAC toxicology reporting process.

During the webinars, several participants commented that they were "unsure" of how the current reporting system worked because their local Texas Department of Public Safety (TxDPS) filed the reports with TxDOT. Others reported that they hadn't received notification from TxDOT that there were any delinquent toxicology reports from their office.

Interestingly, many JPs commented that it would be beneficial if TxDOT could alert the JP when law enforcement had submitted a CR-3 form without a toxicology result or when a CR-3 supplemental report with the toxicology results had been submitted.

Promising Reporting Practices by Justices of the Peace

Granting JPs access to view the CRASH application as well as the CRIS system is one practice that would help to alleviate some of the uncertainty in the BAC toxicology reporting. With this implemented practice, JPs would be able to view whether an officer has submitted BAC toxicology results for the fatal crash or whether the record is delinquent and in need of a supplemental crash report. If the crash record is delinquent, then the JP could simply follow-up with the investigating law enforcement officer or laboratory responsible for completing or filing the toxicology testing results.

This practice alone, however, does not resolve all the issues JPs have encountered within the BAC toxicology reporting process. It is not uncommon, for JPs to wait 90-120 days for toxicology results to come back from the TxDPS laboratory. Webinar participants expressed that during the waiting period other priorities arise that demand their attention and often sidetracks them from submitting the required information.

To bring the pending BAC toxicology results back to the attention of the JP, TTI suggests implementing an automatic alert system within CRASH/CRIS that notifies a JP of missing BAC toxicology results. Currently, there is no field within the CR – 3 crash report that links the JP as a death investigator to a crash report, and thus, any potentially outstanding toxicology results. In order for an alert system to be realized, a mandatory field that requires law enforcement to indicate the JP death investigator must be added to the CR-3 crash report. By adding this field, the crash report can be linked to the JP death investigator. In circumstances where a CR-3 supplemental report containing the BAC toxicology results has not been submitted, the crash report will be flagged in the CRASH/CRIS system. After a designated amount of time has lapsed (considering current BAC toxicology test processing times) the system will send an automated notification directly to the JP death investigator informing them that BAC toxicology results have not been received by TxDOT. The CRASH/CRIS system could be programmed to send a subsequent reminder if the report has not been received after a specified amount of time.

Benefits of an Alert System

An automatic alert system offers several benefits. First, an alert system removes the burden for a JP to remember to submit BAC toxicology results that are often times not available for 3-4 months. The notification system would also serve as a reminder to submit the delinquent BAC toxicology results.

Secondly, TxDOT will be able to monitor if certain JP offices or regions in the state are not submitting BAC toxicology reports. Because the CR – 3 crash report contains a crash field where law enforcement specifies the death investigator, TxDOT will be able to ascertain the responsible JP and their exact location if issues or delays in BAC toxicology reporting are encountered. TxDOT can then target those JP offices or regions in the state to offer BAC toxicology reporting training and technical assistance.

Finally, TxDOT will receive more accurate and complete BAC toxicology data. As BAC toxicology data is relied upon to determine alcohol-impaired driving programming, to evaluate the effectiveness of that programming, and monitor overall rates of alcohol-impaired driving programming in the state, it is important to have accurate and complete BAC toxicology data. By granting JPs access to view the crash records and by linking crash records to the proper JP death investigator, the responsible individuals for reviewing BAC toxicology data and will be better able to ensure its proper submission to TxDOT will be performed.

Limitations of an Alert System

However, implementing an automatic alert system also has its limitations. Chief among them is the significant amount of effort that is necessary to update the CR-3 form, CRASH/CRIS and promote its use among law enforcement. Not only are there time and financial factors to consider, but missing BAC toxicology reports from JPs account for such a small percentage of the total number of missing BAC toxicology reports in Texas, that the cost may outweigh the need.

Another potential limitation is that adding an alert to CRIS to notify JP of missing BAC toxicology results will not increase reporting for cases in which toxicology testing is not ordered. JPs and/or law enforcement will likely continue to receive notifications for crashes in which BAC toxicology testing was not ordered with no results. It is unlikely this recommendation and system will increase the number of BAC toxicology tests that are ordered by JPs.

Finally, there is the risk of potential backlash from law enforcement. The added crash field on the CR-3 form is just another piece of information that law enforcement must complete. Moreover, with JPs being given crash report viewing access to determine if there are missing reports associated with a DUI fatality, law enforcement may feel undue pressure by their local JPs to complete reports. Thus, instead of working together, it may serve as a point of contention between the two entities.

In an attempt to increase the number of BAC toxicology test results submitted to TxDOT Crash Records Section, TTI suggests that JPs be granted access to CRASH/CRIS to view crash records in which they are designated as the death investigator. This viewing power will allow JPs more oversight of their cases and the ability to ensure that BAC toxicology results are reported to TxDOT. In addition, TTI proposes modifications to the CR – 3 form to link the JP death investigator to the specific crash. This linkage will pave the way for an alert system, which would serve to remind JPs of missing BAC toxicology results and prompt them to submit the results to TxDOT in a timely fashion. TTI understands that creating a data linkage will involve a substantial amount of time, effort, and monetary commitment; however, it is believed that this modification will improve overall JP satisfaction and increase BAC toxicology reporting at this level.

In addition to medical examiners and JP, TTI proposes improving the reporting of BAC toxicology results among CRASH users. TTI believes that by making improvements to the CRASH reporting system, TxDOT Crash Records can expect an increase in the number of BAC toxicology reports

received annually. The following section details the proposed promising BAC toxicology reporting practice for CRASH Users.

Promising Blood Alcohol Concentration Toxicology Results Among CRASH Users

Background Information

In 2015, there were 120 driver fatalities that were identified as DUI that did not have a BAC level reported in CRIS. Of those 120, 44 had no BAC reported but did have a substance test result on record, leaving a remaining 76 drivers who did not have a BAC or substance test result. This indicates 13 percent of all fatal DUI drivers did not have reported BAC levels. However, when drivers who have a substance test result are accounted for, only 9 percent of fatal DUI drivers did not have a BAC or substance test reported.

To understand the reason the 76 driver fatalities that do not have a BAC or substance test result on record, TTI analyzed each crash record with a missing test result. TTI found that for field 22 – Alcohol Specimen Type on the Texas Peace Officer’s Crash Report Form (CR -3), drivers with missing values for BAC or substance test results often were coded as None, indicating no specimen was retrieved from the decedent and tested. Table 8 provides a breakdown of the Alcohol Specimen Type for the 76 fatally injured drivers with no BAC or substance test result.

Table 8. Fatally Injured Drivers With Missing BAC or Substance Test, By Alcohol Specimen Type, 2015

Fatally Injured Drivers With Missing BAC or Substance Test Result, By Alcohol Specimen Type	
Alcohol Specimen Type	Number of Fatally Injured Drivers
2 – Blood	29
96 – None	80
98 – Other (Explain in Narrative)	10

According to survey response data, most JPs order toxicology testing to determine if alcohol or drugs are present in the deceased driver if the driver is suspected of being under the influence. If no evidence of intoxication is present at the scene of the crash, JPs report they are unlikely to request a blood sample be drawn from the driver for toxicology testing. However, later during the course of the law enforcement officer’s investigation into the crash, which may be hours or days after the fatal crash, he may discover the driver had been consuming alcohol or taking medication. It is then the officer enters a crash factor of Had Been Drinking or Taking Medication into the Texas Peace Officer’s Crash Report Form (CR -3). With no blood drawn at the time of the crash, the officer is unable to complete the report and leaves a missing value for BAC and/or toxicology results.

Improving Crash Reporting by Law Enforcement

In order to reduce the number of missing BAC toxicology results from CRIS, TTI proposes a twofold system of amendments to the electronic CRASH to ensure more complete reporting of records for fatally injured DUI drivers. First, TTI proposes the *Factors and Conditions* section of the CR-3 Form be linked to the *Vehicle, Driver, and Persons* section of the CR-3 form. TTI proposes that if a crash factor of: 45 – Had Been Drinking, 62 – Taking Medications, 67 – Under the Influence – Alcohol, or 68 – Under the Influence – Drugs are entered the officer is required to enter a value for 22 – Alcohol Specimen Type, Alcohol Results, 23 – Drug Specimen Type, 24 – Drug Test Result, and 25 – Drug Category.

Second, TTI proposes the Driver Alcohol Result field of the CR-3 be coded to require the officer completing the report to enter the standardized numeric value for the BAC, or enter a value for No Test, Pending Results or Not Applicable. TTI feels adding values for No Test, Pending Results and Not Applicable will provide a better representation of BAC toxicology reporting in Texas. A response of No Test would indicate no blood sample had been drawn on the decedent and no toxicology testing, either for alcohol or other drugs, had been performed. Pending Results would indicate a blood sample had been drawn, was submitted to an appropriate laboratory, and the officer is awaiting the results. Not Applicable would indicate a blood sample had been drawn from the decedent; however, it was not tested for BAC.

TTI proposes the values No Test, Pending Results, and Not Applicable be allowed to be entered in field 23 – Driver Alcohol Result to replace the current practice of leaving the field blank if no alcohol results are obtained or the toxicology testing is pending. Currently, field 24 – Drug Test Result accepts the following codes: 1 – Positive, 2 – Negative, 97 – Not Applicable, 99 – Unknown. However, field 23 – Driver Alcohol Result only accepts a numeric value for BAC. Providing additional response choices, which accurately reflect the BAC testing result could ensure more complete records. As an example, if a fatally injured DUI driver does not have a sample taken for toxicology testing, when the officer completing the CR-3 for the crash enters a value of 96 – None for field 22 – Alcohol Specimen Type, he would then be prompted to select No Test, Pending Results or Not Applicable for field Driver Alcohol Result. In addition, if the fatally injured DUI driver is suspected of drug-impaired driving, and not tested for alcohol, the officer completing the CR-3 form can clarify this by checking Not Applicable for the field Driver Alcohol Result.

In addition, TTI proposes officers be allowed to submit CR-3 forms with pending results by selecting the pending results option. Officers would then receive a notification when they log on to CRASH that Alcohol Results or Drug Test Results need to be completed if the results have been marked as pending for more than 30 days. However, as a part of the proposed changes, TTI recommends that officers be unable to submit the CR-3 form without a value in field 23 – Driver Alcohol Result.

Complete CRIS records, of which toxicology results are a part of, are needed to determine the true picture of traffic safety issues in Texas. Without this information, it becomes increasingly difficult

to assess the effectiveness of traffic safety countermeasures. Toxicology results submitted to CRIS by law enforcement officers, MEs or JPs are important as this data is used to determine the level of federal funding states receive to address impaired driving issues. Improving toxicology testing and BAC reporting requires Texas to evaluate the current state of the reporting systems in place, and implement new strategies to address shortcomings.

One such strategy is to improve the electronic CRASH reporting system utilized by law enforcement officers. By providing officers with more options for the field Driver Alcohol Result, law enforcement officers can more accurately complete the CR-3. In addition, improving the electronic CRASH reporting system provides a great opportunity for improving the quality of the data being reported to TxDOT Crash Records Section, and ultimately NHTSA on behalf of Texas.

Limitations

Over the course of the project, TTI staff experienced several factors, which limited the success of the project. Each of those factors will be discussed in this section to provide TxDOT context for some of the findings of this report.

TTI staff have completed this report in previous years utilizing CRIS data and extracts, this is the second year TTI staff had access to the CRIS database and were not limited to data requested and then pulled by TxDOT staff. In addition, CRIS is a “live” database, meaning that records are added daily. As such, data that was pulled for this report and the statistics derived from that data may no longer be accurate if pulled today. To account for this, TTI staff specifically referenced the dates the data was retrieved from CRIS in the report.

In place of phone interviews TTI staff has conducted in previous years with the ME offices, an electronic survey was distributed. TTI was able to secure participation in the project from 11 of the 12 ME offices. Lubbock County did not participate in the survey. In addition, Nueces and Travis Counties started the survey but did not complete the instrument. As a result, TTI staff was forced to work with the offices as best they could and collect the information from interviews and from other written and electronic sources. Information reported for this project for Lubbock County was collected in previous years. Any missing information for Nueces and Travis Counties was collected in previous years as well.

As previously noted, CRIS does not identify the JP or the precinct that requested a death investigation into a fatal crash; therefore, the correct JP office to contact for the missing BAC toxicology result is unknown. As a result, TTI staff contacted a JP in each of the counties that had a missing toxicology result, in which it was determined that an autopsy had been ordered. Sometimes this was the correct JP that had jurisdiction over the case, and in other cases it was not, but TTI staff was usually directed to the correct JP. In some cases, TTI staff was not redirected, ending the search for the missing toxicology results. Further complicating retrieval of missing toxicology results is the turnover in the JP’s office.

Conclusion

Alcohol and/or drug usage by drivers continues to be a major barrier to traffic safety. Drivers that operate a motor vehicle under the influence of alcohol and/or other drugs represent 37 percent of all fatal crashes. CRIS provides data that defines the span of traffic safety issues. These crash characteristics and trends provide information needed for the development of effective safety countermeasures. BAC toxicology results are important in explaining meaningful findings regarding alcohol and drug use by drivers of motor vehicles. BAC toxicology data that are received by TxDOT from MEs and JPs acting in capacity of a ME play a significant role in determining federal funding that states receive to address impaired driving issues. Improving BAC toxicology reporting requires the identification of reasons for non-testing of drivers and to assess current systems of reporting by MEs and JPs.

Each agency in the reporting process plays an important role in the overall goal—to increase BAC toxicology reporting. The inclusion of BAC toxicology results is dependent on the knowledge of the Medical Examiner and Justice of the Peace Systems. Issues such as employee turnover, election of a new officials, and unidentified roles within both Medical Examiner and Justices of the Peace systems can adversely affect the county BAC toxicology reporting rate.

In order to increase BAC toxicology reporting rates, the agencies involved must be made aware of their role regarding BAC toxicology reporting. TxDOT Crash Records depends on Medical Examiner and Justice of the Peace systems reporting the BAC data as required by statute. Although the State of Texas has an overall reporting rate of 91 percent for 2015, there is still room for improvement. To this end, TTI has conducted educational webinars with members of both the Medical Examiner and Justice of the Peace Systems. Members of each system expressed they were unaware it was their duty to report BAC toxicology results directly to TxDOT. These educational webinars proved successful and it is recommended this practice be carried forward in future years.

To further increase BAC toxicology reporting in Texas, TTI proposes the three promising practices identified over the course of this project be implemented. By implementing these promising practices among MEs, JPs, and CRASH users, TxDOT can expect an increase in the overall BAC toxicology reporting across the state.

The goal that has been established by NHTSA is to have all drivers involved in fatal crashes to be tested for alcohol and/or drugs. While the law in Texas does not fully embrace that goal as BAC toxicology testing is only required in fatal crashes with a surviving driver, strides can be made to increase BAC toxicology testing among all fatally injured DUI drivers.

Appendix A: Texas Transportation Code § 550.081. Report of Medical Examiner or Justice of the Peace

Texas Transportation Code § 550.081. Report of Medical Examiner or Justice of the Peace

(a) In this section:

- (1) "Department" means the Texas Department of Transportation.
- (2) "Bridge collapse" means the abrupt failure of the basic structure of a bridge that impairs the ability of the bridge to serve its intended purpose and that damages a highway located on or under the structure.

(b) A medical examiner or justice of the peace acting as coroner in a county that does not have a medical examiner's office or that is not part of a medical examiner's district shall submit a report in writing to the department of the death of a person that was the result of a traffic accident or bridge collapse:

- (1) to which this chapter applies; and
- (2) that occurred within the jurisdiction of the medical examiner or justice of the peace in the preceding calendar quarter.

(c) The report must be submitted before the 11th day of each calendar month and include:

- (1) the name of the deceased and a statement as to whether the deceased was:
 - (A) the operator of or a passenger in a vehicle involved in the accident; or
 - (B) a pedestrian or other nonoccupant of a vehicle;
- (2) the date of the accident and the name of the county in which the accident occurred, and, if a bridge collapse, the location of the bridge in that county;
- (3) the name of any laboratory, medical examiner's office, or other facility that conducted toxicological testing relative to the deceased; and
- (4) the results of any toxicological testing that was conducted.

(d) A report required by this section shall be sent to:

- (1) the crash records bureau of the department at its headquarters in Austin; or
- (2) any other office or bureau of the department that the department designates.

(e) If toxicological test results are not available to the medical examiner or justice of the peace on the date a report must be submitted, the medical examiner or justice shall:

- (1) submit a report that includes the statement "toxicological test results unavailable"; and
- (2) submit a supplement to the report that contains the information required by Subsections (c)(3) and (4) as soon as practicable after the toxicological test results become available.

(f) The department shall prepare and when requested supply to medical examiners' offices and justices of the peace the forms necessary to make the reports required by this section.

Appendix B: TxDOT Form CR-1001



Crash Records Section, Fatality Analysis Reporting System

DEATH / TOXICOLOGY REPORT

(Medical Examiner / Justice of the Peace)

Indicate whether this is... ☐ an Initial Report or... ☐ a Supplemental Report

Reporting Agency: _____

Name of Person Submitting Report: _____

DEATH DATA

Underlying Cause: An underlying cause of death was due to (or was a likely consequence of):

☐ Motor Vehicle Crash ☐ Bridge Collapse

Deceased Role: ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Pedalcyclist

Name of Deceased: Last: _____
First: _____
Middle: _____

Date of Death: _____

Date of Crash: _____

County Name: _____ City Name (if known): _____
(where crash occurred) (where crash occurred)

Crash/Bridge Location: _____
(street/hwy or lat-long)

TOXICOLOGY DATA

Test Type	Alcohol Results (%)	Drugs Found (List name of drug)
Whole Blood:		
Urine:		
Vitreous:		
Other Test Type:		
Not Tested:	<input type="checkbox"/>	<input type="checkbox"/>

☐ Check if toxicological test results are not available at this time and supplemental report will be filed later.

Name of laboratory, medical examiner's office, or other facility that conducted toxicology testing: _____

Mail to: Texas Department of Transportation — or — Fax to: 512/486-5794
Traffic Operations Division - Crash Records Section
PO Box 149349
Austin, TX 78714

Questions? Call: 512/486-5780

**Appendix C: Harris County Institute of Forensic Sciences Evidence
Submission Form for Toxicological Testing**

Harris County Institute of Forensic Sciences
1885 Old Spanish Trail
Houston, TX 77054
Ph: 713-796-6820/6816



EVIDENCE SUBMISSION FORM

Print Form

**OFFENSE
REPORT #:**

ML/OC #:

Has prior evidence been submitted on this case? ☐ Yes ☐ No

SUBMITTED TO LABORATORY: / /

Date

Time Submitted

Submitting Officer

Offense Type:

Offense Date:

Case Officer:

Agency:

Agency Address:

City:

County:

State:

Zip:

Phone:

E-Mail:

NAME:

SELECT TYPE

DOB

RACE

SEX

NAME:

SELECT TYPE

DOB

RACE

SEX

NAME:

SELECT TYPE

DOB

RACE

SEX

Outside Evidence Container (s)

ITEM #	QTY	DESCRIPTION OF EVIDENCE	TYPE OF ANALYSIS: [✓] as appropriate
			Drug Chem.- Chemical Analysis
			Toxicology- DWI / DUI
			Toxicology - DFSA (Drug Facilitated Sexual Assault)
			Trace - Gunshot Residue
			Trace - Fire Debris
			Firearms
			Forensic Genetics - DNA*

*If requesting DNA analysis, is Latent Print analysis: ☐ completed, ☐ not required, ☐ unknown

DO NOT WRITE BELOW THIS LINE - LABORATORY USE ONLY.

DROP BOX	SEALED BY:	CASE OFFICER	LABORATORY
REFRIGERATOR		SUBMITTING OFFICER	OTHER:
HAND DELIVERED		Comments:	
DATE/TIME RECEIVED:		RECEIVED BY:	
DATE/TIME RELEASED:		BY:	RELEASED TO:
DATE/TIME RELEASED:		BY:	RELEASED TO:

THIS EVIDENCE IS BEING SUBMITTED IN CONNECTION WITH A CRIMINAL INVESTIGATION AND HAS NOT BEEN EXAMINED BY ANOTHER LABORATORY.

Form #: QAF.035

Rev.: 3

Procedure #: QAE07.0001

Appendix D: Medical Examiner Survey Response Report

2016 Texas Medical Examiner's Information Request

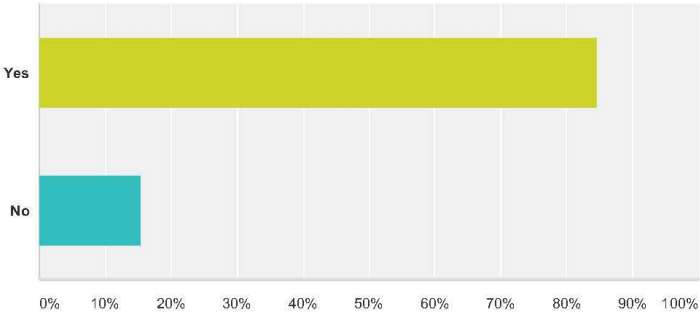
Question1 Agency Name:

Answered: 13 Skipped: 0

#	Responses	Date
1	Nueces County Medical Examiner's Office	3/4/2016 2:05 PM
2	Office of the Medical Examiner	2/29/2016 10:07 AM
3	Harris County Institute of Forensic Sciences	2/18/2016 9:45 AM
4	Webb County Medical Examiner	2/16/2016 12:17 PM
5	HCIFS	2/16/2016 10:36 AM
6	Harris County Institute of Forensic Sciences	2/15/2016 2:14 PM
7	Dallas County Southwestern Institute of Forensic Sciences	2/15/2016 12:00 PM
8	Bexar County Medical Examiner's Office	2/2/2016 7:10 AM
9	Travis County Medical Examiner	1/29/2016 5:00 PM
10	Galveston County Medical Examiner's Office	1/29/2016 9:11 AM
11	COLLIN COUNTY MEDICAL EXAMINER	1/28/2016 5:01 PM
12	Tarrant County Medical Examiner's Office	1/28/2016 4:20 PM
13	ECTOR COUNTY MEDICAL EXAMINER'S OFFICE	1/28/2016 3:55 PM

Question 2 Does your office provide services to other counties, either as part of a medical district or by agreement?

Answered: 13 Skipped: 0



Answer Choices	Responses
Yes	84.62%11
No	15.38%2
Total	13

2016 Texas Medical Examiner's Information Request

**Question 3 If yes, for which counties
does your office provide services?**

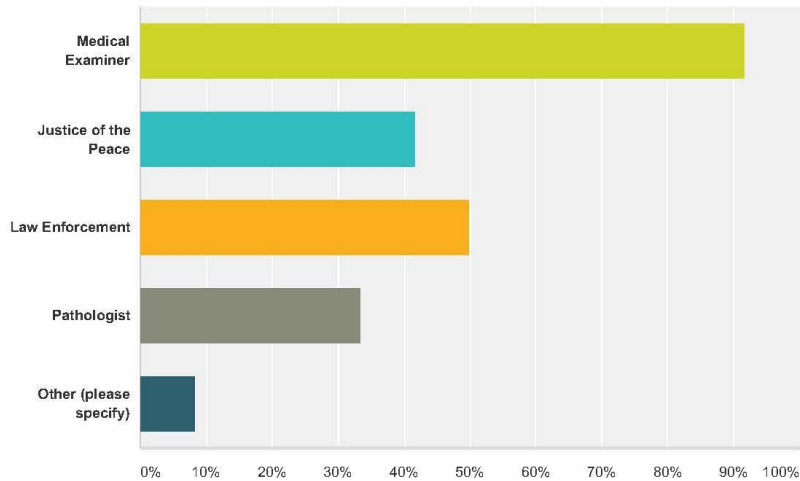
Answered: 11 Skipped: 2

#	Responses	Date
1	17 surrounding counties	3/4/2016 2:06 PM
2	Austin, Calhoun, Freestone, Fort Bend, Polk, San Jacinto, Waller	2/18/2016 9:45 AM
3	Val Verde, Maverick, LaSalle, Brooks, Zavala, Duvall (limited), Zapata, Dimmit, Jim Hogg	2/16/2016 12:18 PM
4	Austin, Calhoun, Freestone, Fort Bend, Polk, San Jacinto, Waller	2/16/2016 10:37 AM
5	HOLD	2/15/2016 2:14 PM
6	Jurisdiction for Dallas County cases and as requested, from: Archer Bell Bowie Camp Cass Cherokee Clay Coleman Collin Cooke Coryell Ellis Falls Franklin Freestone Grayson Gregg Grimes Hamilton Henderson Hill Hopkins Houston Hunt Jack Kaufman Lampasas Leon Limestone McLennan Mitchell Montague Morris Nolan Palo Pinto Panola Rockwall Shelby Smith Titus Upshur Van Zandt Wichita Wise Wood	2/15/2016 12:44 PM
7	atacosta, bandera, brazos, crockett, dimmitt, duvall, edwards, fresno, frio, gillespie, grimes, kames, kendall, kerr, kimble, kinney, la salle, llano, mason, maverick, mcmullen, medina, menard, real, schleicher, sutton, uvalde, val verde, walker, washington, wilson, zavala.	2/2/2016 7:12 AM
8	42 Counties outside of Travis County. The list is too long to include here.	1/29/2016 5:01 PM
9	Fort Bend County, Brazoria County and Matagorda County	1/29/2016 9:11 AM
10	FANNIN, GRAYSON	1/28/2016 5:02 PM
11	Tarrant, Denton, Parker, Johnson	1/28/2016 4:20 PM

2016 Texas Medical Examiner's Information Request

Question 4 In fatal crashes, who requests that a toxicology test be conducted? Please select all that apply.

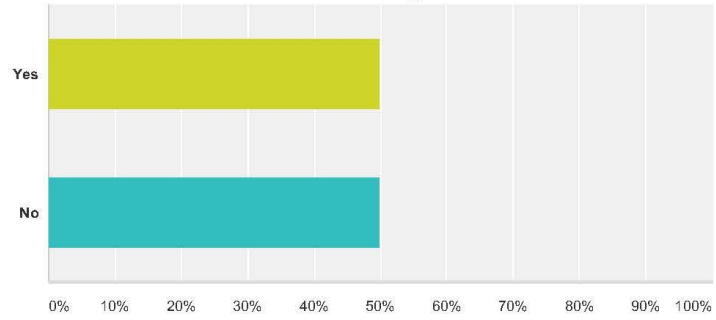
Answered: 12 Skipped: 1



Answer Choices	Responses
Medical Examiner	91.67% 11
Justice of the Peace	41.67% 5
Law Enforcement	50.00% 6
Pathologist	33.33% 4
Other (please specify)	8.33% 1
Total Respondents: 12	

#	Other (please specify)	Date
1	Medical Examiner requests toxicology testing service from lab, but we may also have specific requests from other investigating agencies.	2/15/2016 12:45 PM

Question 5 Are there circumstances in which you would NOT test for blood alcohol concentration or drugs in fatal crashes? Answered: 12 Skipped: 1

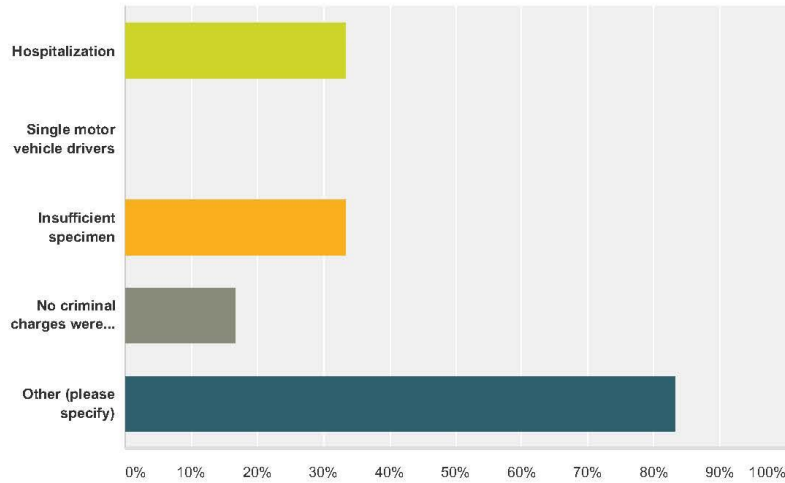


Answer Choices	Responses	
Yes	50.00%	6
No	50.00%	6
Total		12

2016 Texas Medical Examiner's Information Request

Question 6 If yes, please select the circumstances that apply:Please select all that apply.

Answered: 6 Skipped: 7

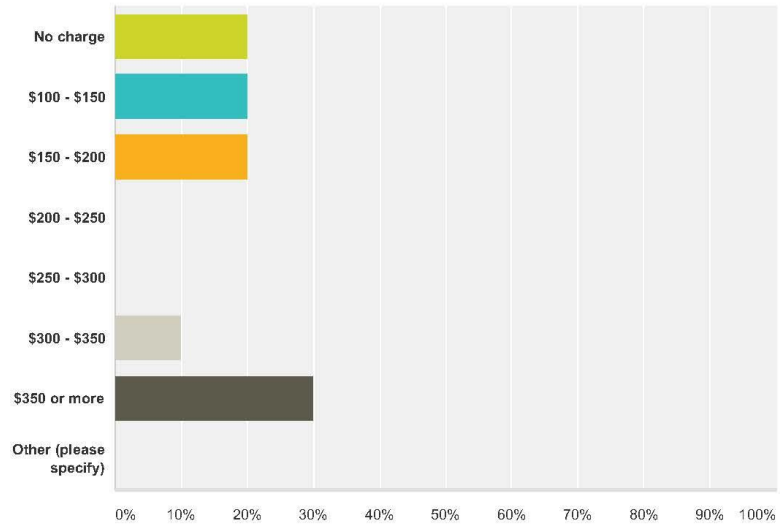


Answer Choices	Responses
Hospitalization	33.33% 2
Single motor vehicle drivers	0.00% 0
Insufficient specimen	33.33% 2
No criminal charges were filed on the driver involved in the fatal crash	16.67% 1
Other (please specify)	83.33% 5
Total Respondents: 6	

#	Other (please specify)	Date
1	If there were occupants other than the driver in a fatal crash	2/18/2016 9:46 AM
2	Passenger with no charges pending	2/16/2016 12:20 PM
3	Typically, more prolonged hospitalization, not just an ER admit.	2/15/2016 12:49 PM
4	Prolonged hospitalization	2/2/2016 7:13 AM
5	ADMISSION SPECIMEN THROWN AWAY BY HOSPITAL ADMISSION FOR INJURIES	1/28/2016 5:03 PM

Question 7 What is the cost of a toxicology test for alcohol and drugs?

Answered: 10 Skipped: 3



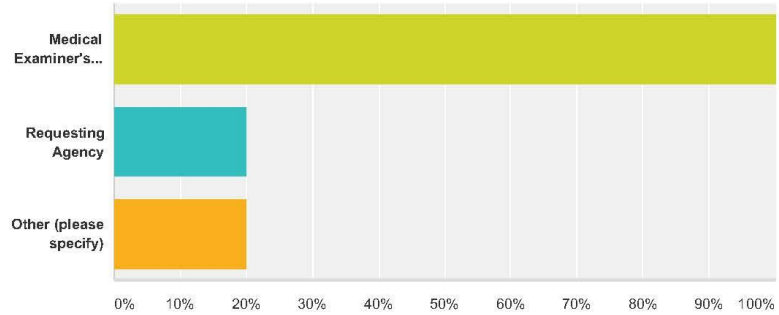
Answer Choices		Responses	
No charge		20.00%	2
\$100 - \$150		20.00%	2
\$150 - \$200		20.00%	2
\$200 - \$250		0.00%	0
\$250 - \$300		0.00%	0
\$300 - \$350		10.00%	1
\$350 or more		30.00%	3
Other (please specify)		0.00%	0
Total			10

#	Other (please specify)	Date
	There are no responses.	

2016 Texas Medical Examiner's Information Request

Question 8 Who is responsible for bearing the cost of toxicology testing in a fatal crash?Please select all that apply.

Answered: 10 Skipped: 3



Answer Choices	Responses
Medical Examiner's Office	100.00% 10
Requesting Agency	20.00% 2
Other (please specify)	20.00% 2
Total Respondents: 10	

#	Other (please specify)	Date
1	on occasion, El Paso Police Department	2/29/2016 10:48 AM
2	ME for Dallas County deaths and requesting County for JP submissions	2/15/2016 12:57 PM

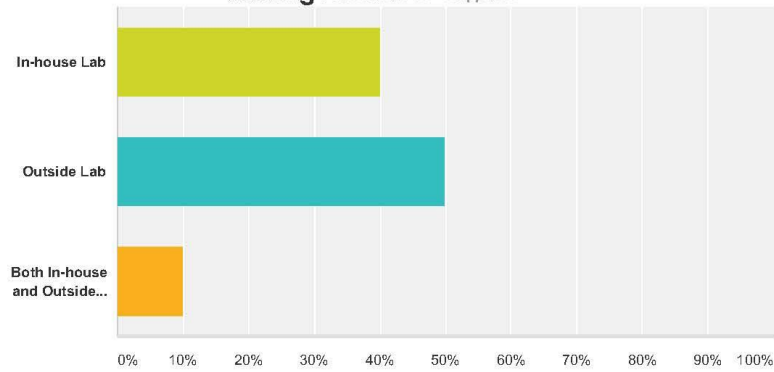
2016 Texas Medical Examiner's Information Request

Question 9 Please describe the step by step process for obtaining a specimen once your office's services are requested. Example: 1. Investigator visits death scene, and determines an autopsy should be performed. 2. Body is transported to medical examiner's office. 3. Autopsy is performed and blood is drawn for toxicological testing. 4. Specimen is sent to lab for toxicological testing. 5. Results of toxicological testing are included in autopsy report. 6. Autopsy report is made available to TxDOT.

Answered: 10 Skipped: 3

#	Responses	Date
1	1. pathologist/Medical Examiner determines if toxicology is necessary 2. specimens are collected during autopsy 3. specimens are sent to National Medical Services 4. results are included in autopsy report.	2/29/2016 10:48 AM
2	1. Investigator arrives at the death scene, and the decedent is transported back to the office. 2. The Deputy Chief ME or designee determines an autopsy should be performed. 3. Autopsy is performed, and blood is drawn for toxicology testing. 4. Specimen is sent to lab for testing. 5. Results of test are sent to the pathologist for inclusion in the autopsy report.	2/18/2016 9:50 AM
3	Investigator investigates scene and transports decedent. Full autopsy with draws of blood, urine and vitreous fluid (will use tissue if unable to draw blood due to injuries). Under chain of custody, samples are sent to DPS certified lab. Toxicology report becomes part of autopsy report. Autopsy reports are public record once completed.	2/16/2016 12:22 PM
4	Investigator visits death scene and transports body back to office. The Deputy Chief Medical Examiner decides an autopsy should be performed. A forensic pathologist performs the autopsy and draws blood for toxicology. The specimen is sent to our Toxicology Lab. Results of Toxicology are included in autopsy report.	2/16/2016 10:41 AM
5	1a. Death call is received, and investigator makes determination regarding jurisdiction and need for body examination (investigator may or may not attend death scene) 1b. JP contacts office notifying that case is being sent to Dallas for autopsy. 2. Body is transported to medical examiner's office. 3. Autopsy is performed and blood is drawn for toxicological testing. 4. Specimen is sent to lab for toxicological testing. 5. Results of toxicological testing are included in autopsy report. 6. Autopsy report is made available to TxDOT.	2/15/2016 12:57 PM
6	1. Investigator visits scene 2. body is transported to ME office 3. ME determines if autopsy is needed and samples are drawn for testing 4. specimens are sent to lab 5. toxicology results are included in autopsy report	2/2/2016 7:16 AM
7	Investigator visits death scene. Body is transported to ME office. ME determines if Autopsy should be performed. Autopsy is performed and blood is drawn for toxicology. Specimen is sent to lab for testing. Results of tox are included with autopsy report. Autopsy and tox is reported to TxDOT.	1/29/2016 9:14 AM
8	1. BLOOD DRAWN AT AUTOPSY OR HOSPITAL ADMISSION BLOOD RETRIEVED. 2. SPECIMEN SENT TO LAB. 3. LAB REPORT RECEIVED. 4. LAB RESULTS LISTED IN AUTOPSY REPORT. 5. REPORT THEN AVAILABLE TO THOSE THAT REQUEST IT.	1/28/2016 5:07 PM
9	1. Investigator visits death scene 2. Body is transported to medical examiner's office. 3. Autopsy is performed and blood is drawn for toxicological testing. 4. Specimen is sent to lab for toxicological testing. 5. Results of toxicological testing are included in autopsy report. 6. Autopsy report is made available to TxDOT.	1/28/2016 4:23 PM
10	Investigators visit death scene, consults with Chief Investigator and Medical Examiner on whether an autopsy or external exam is needed. Body is then transported to the morgue. Either autopsy is ordered or an external exam is completed with toxicology drawn. Once available, crash report is sent to TX Dot.	1/28/2016 3:58 PM

**Question 10 Is the specimen tested in-house
or sent to an outside lab for toxicology
testing?** Answered: 10 Skipped: 3



Answer Choices	Responses	
In-house Lab	40.00%	4
Outside Lab	50.00%	5
Both In-house and Outside Labs	10.00%	1
Total		10

2016 Texas Medical Examiner's Information Request

Question 11 If the toxicology specimen is sent to an outside lab, please indicate which lab: Answered: 5 Skipped: 8

#	Responses	Date
1	National Medical Services	2/29/2016 10:48 AM
2	National Medical Services	2/16/2016 12:22 PM
3	AEGIS	1/29/2016 9:14 AM
4	NATIONAL MEDICAL SERVICES	1/28/2016 5:07 PM
5	NMS Lab	1/28/2016 3:58 PM

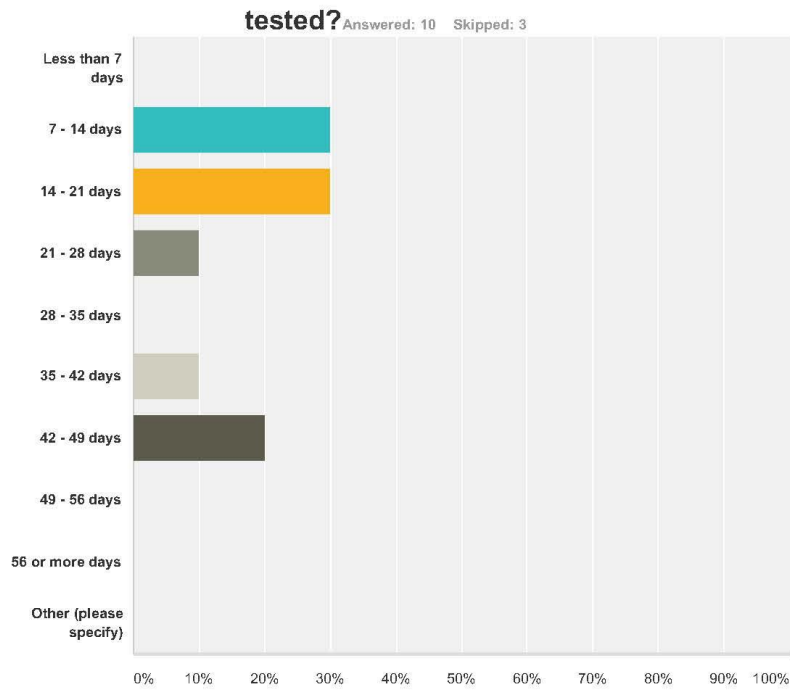
2016 Texas Medical Examiner's Information Request

Question 12 If the toxicology specimen is tested both at an in-house and outside lab, please explain:

Answered: 1 Skipped: 12

#	Responses	Date
1	Certain testing is not currently performed in-house, for example, synthetic cannabinoids are sent to an outside lab for analysis.	2/15/2016 12:57 PM

Question 13 On average, how long does it
take to obtain a result from the specimen



Answer Choices	Responses
Less than 7 days	0.00% 0
7 - 14 days	30.00% 3
14 - 21 days	30.00% 3
21 - 28 days	10.00% 1
28 - 35 days	0.00% 0
35 - 42 days	10.00% 1
42 - 49 days	20.00% 2
49 - 56 days	0.00% 0
56 or more days	0.00% 0
Other (please specify)	0.00% 0
Total	10

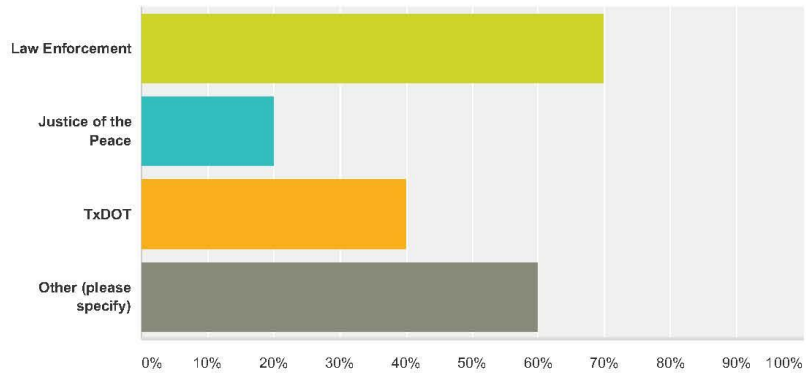
#	Other (please specify)	Date
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2016 Texas Medical Examiner's Information Request

	There are no responses.	
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Question 14 Once the toxicology result is available, who does your office send the results to? Please select all that apply.

Answered: 10 Skipped: 3



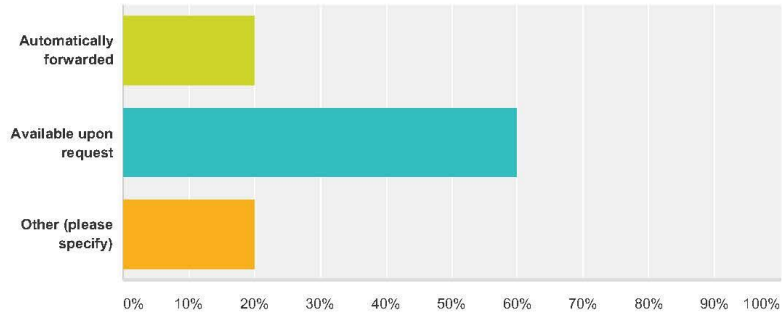
Answer Choices	Responses
Law Enforcement	70.00% 7
Justice of the Peace	20.00% 2
TxDOT	40.00% 4
Other (please specify)	60.00% 6
Total Respondents: 10	

#	Other (please specify)	Date
1	Pathologist	2/18/2016 9:54 AM
2	Picked up by law enforcement	2/16/2016 12:23 PM
3	Toxicology results are included in the autopsy report. The jurisdictional authority and type of case (i.e., manner of death) drives report distribution.	2/15/2016 1:02 PM
4	District Attorney for respective county	1/29/2016 9:15 AM
5	RESULTS MUST BE REQUESTED AND ARE SENT IN THE AUTOPSY REPORT	1/28/2016 5:09 PM
6	Only included as a part of the autopsy report	1/28/2016 4:24 PM

2016 Texas Medical Examiner's Information Request

Question 15 Is the toxicology result automatically forwarded to the agencies, or is the result available upon request?

Answered: 10 Skipped: 3

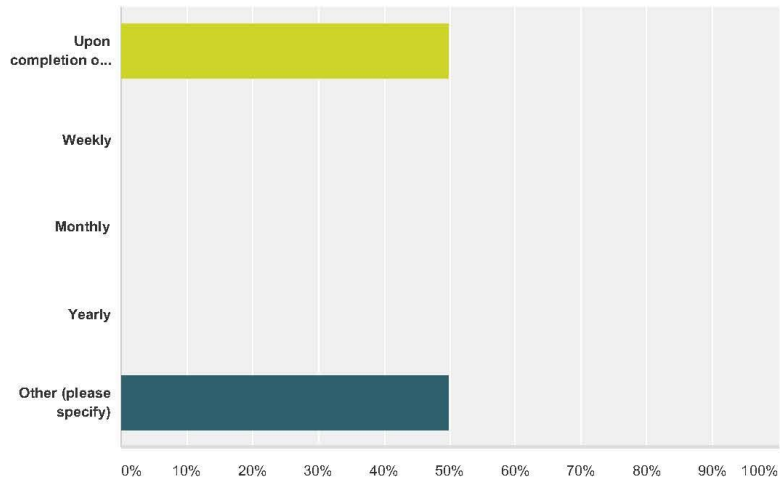


Answer Choices	Responses
Automatically forwarded	20.00% 2
Available upon request	60.00% 6
Other (please specify)	20.00% 2
Total	10

#	Other (please specify)	Date
1	TxDot, monthly as requested	2/29/2016 10:49 AM
2	Reports are automatically distributed to some agencies on certain cases and in other matters agencies (e.g. DA offices) will ask for reports when they have a need for them.	2/15/2016 1:02 PM

Question 16 If the toxicology results are automatically forwarded, how often are they sent?

Answered: 2 Skipped: 11



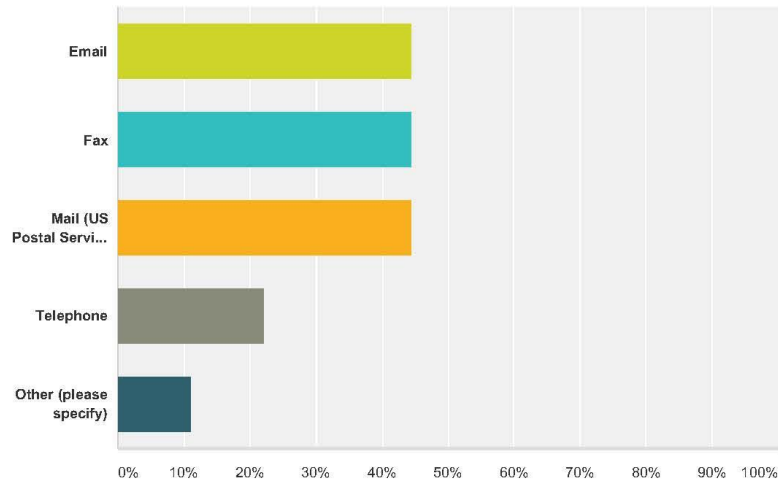
Answer Choices	Responses
Upon completion of the report	50.00% 1
Weekly	0.00% 0
Monthly	0.00% 0
Yearly	0.00% 0
Other (please specify)	50.00% 1
Total	2

#	Other (please specify)	Date
1	quarterly	2/2/2016 7:17 AM

2016 Texas Medical Examiner's Information Request

Question 17 What method is used to notify the agencies of the toxicology result? Please select all that apply.

Answered: 9 Skipped: 4



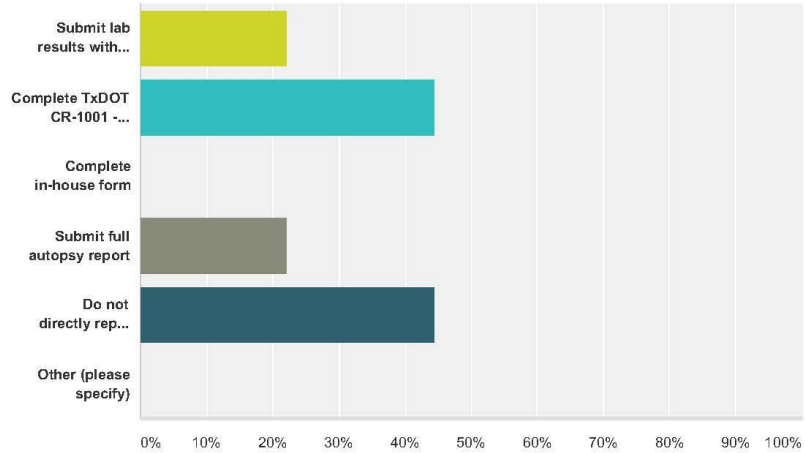
Answer Choices	Responses
Email	44.44% 4
Fax	44.44% 4
Mail (US Postal Service, FedEx, UPS, etc.)	44.44% 4
Telephone	22.22% 2
Other (please specify)	11.11% 1
Total Respondents: 9	

#	Other (please specify)	Date
1	We do not send out notifications. Officers routinely call and then pick up.	2/16/2016 12:23 PM

2016 Texas Medical Examiner's Information Request

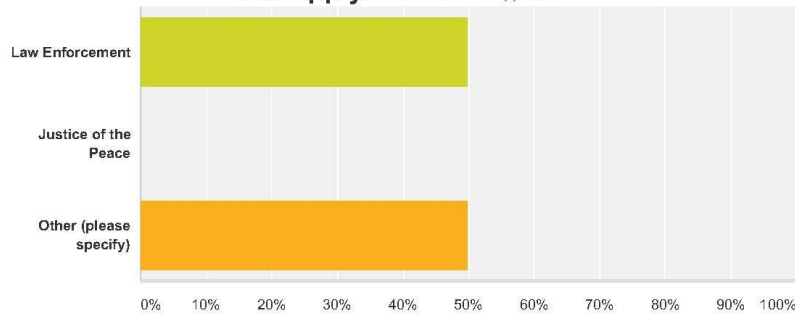
Question 18 What is your office's procedure for reporting BAC toxicology results to TxDOT? Please select all that apply.

Answered: 9 Skipped: 4



Answer Choices		Responses	
Submit lab results with crash report		22.22%	2
Complete TxDOT CR-1001 - Death/Toxicology Report (Medical Examiner/Justice of the Peace)		44.44%	4
Complete in-house form		0.00%	0
Submit full autopsy report		22.22%	2
Do not directly report toxicology results to TxDOT		44.44%	4
Other (please specify)		0.00%	0
Total Respondents: 9			
#	Other (please specify)	Date	
	There are no responses.		

Question 19 If your office does not directly report BAC toxicology results to TxDOT, who is responsible for reporting BAC results to TxDOT? Please select all that apply. Answered: 4 Skipped: 9



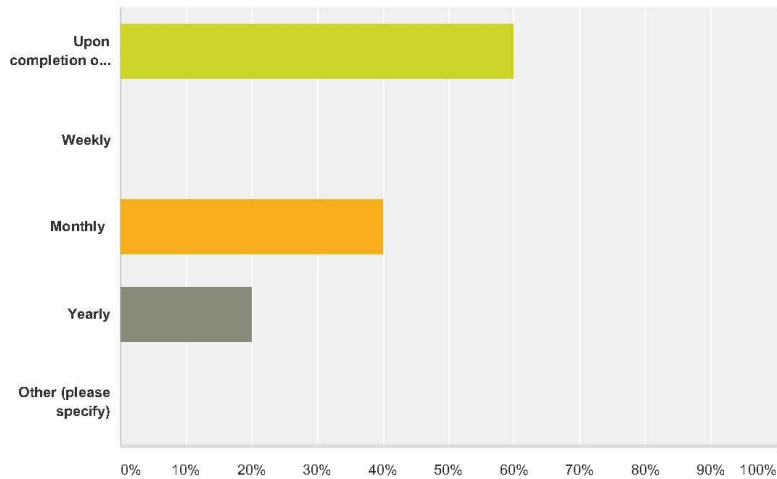
Answer Choices	Responses
Law Enforcement	50.00% 2
Justice of the Peace	0.00% 0
Other (please specify)	50.00% 2
Total Respondents: 4	

#	Other (please specify)	Date
1	N/A	2/18/2016 9:55 AM
2	N/A	1/28/2016 4:25 PM

2016 Texas Medical Examiner's Information Request

Question 20 If your office reports BAC toxicology results to TxDOT, how often are they forwarded?

Answered: 5 Skipped: 8



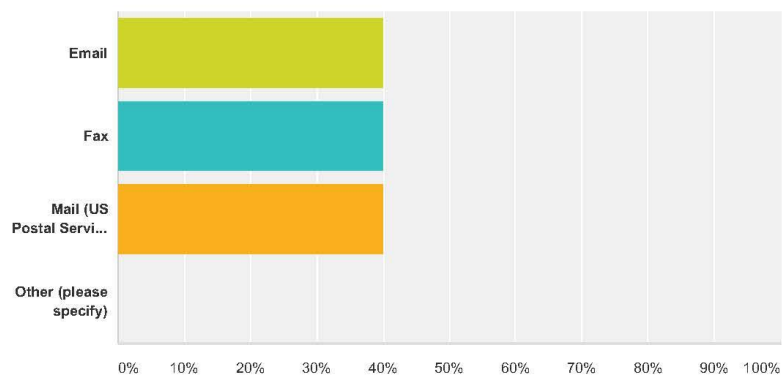
Answer Choices	Responses
Upon completion of the report	60.00% 3
Weekly	0.00% 0
Monthly	40.00% 2
Yearly	20.00% 1
Other (please specify)	0.00% 0
Total Respondents: 5	

#	Other (please specify)	Date
	There are no responses.	

2016 Texas Medical Examiner's Information Request

Question 21 If your office reports BAC toxicology results to TxDOT, what method is used to submit reports to TxDOT?
Please select all that apply.

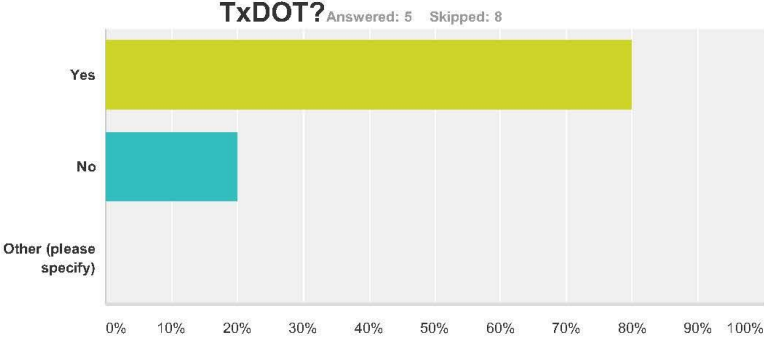
Answered: 5 Skipped: 8



Answer Choices	Responses	
Email	40.00%	2
Fax	40.00%	2
Mail (US Postal Service, FedEx, UPS, etc.)	40.00%	2
Other (please specify)	0.00%	0
Total Respondents: 5		

#	Other (please specify)	Date
	There are no responses.	

Question 22 If your office reports BAC toxicology results to TxDOT, are out-of-jurisdiction cases reported directly to TxDOT?

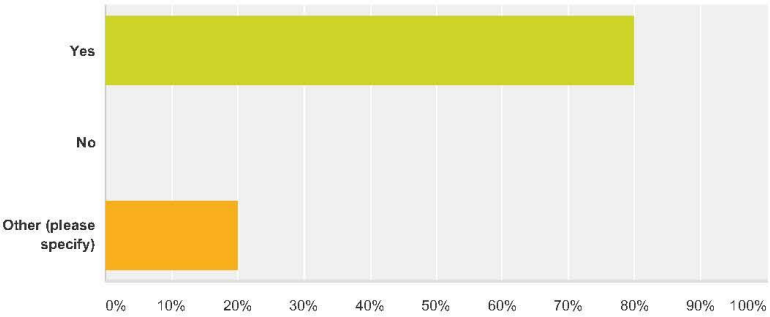


Answer Choices		Responses	
Yes		80.00%	4
No		20.00%	1
Other (please specify)		0.00%	0
Total			5

#	Other (please specify)	Date
	There are no responses.	

Question 23 If your office reports BAC toxicology results to TxDOT, is there a specific position/person within your office that is responsible for submitting BAC results to TxDOT?

Answered: 5 Skipped: 8



Answer Choices		Responses	
Yes		80.00%	4
No		0.00%	0
Other (please specify)		20.00%	1
Total			5

#	Other (please specify)	Date
1	transcriptionist whom types report mails out all reports	1/29/2016 9:38 AM

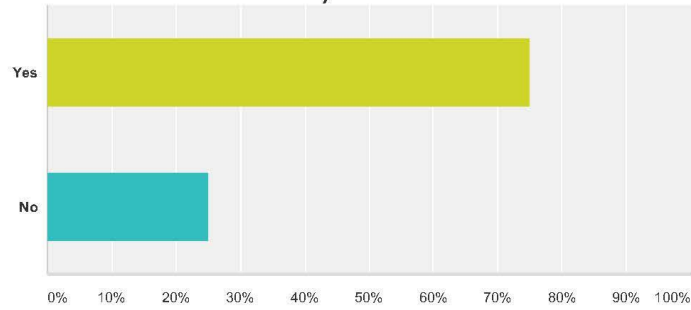
2016 Texas Medical Examiner's Information Request

Question 24 If yes, please indicate the person's first and last name, and their position/title: Answered: 4 Skipped: 9

#	Responses	Date
1	Olga Chavez, morgue manager/Sal Tellez, morgue supervisor	2/29/2016 10:50 AM
2	Responsible party current in Records section, but work being reallocated to department IT staff: Barbara Garza, IT Application Support Analyst (Barbara.garza@dallascounty.org).	2/15/2016 1:54 PM
3	WILLIAM ROHR MD COUNTY MEDICAL EXAMINER	1/28/2016 5:10 PM
4	Whitney Flippin, ECME Secretary	1/28/2016 4:00 PM

2016 Texas Medical Examiner's Information Request

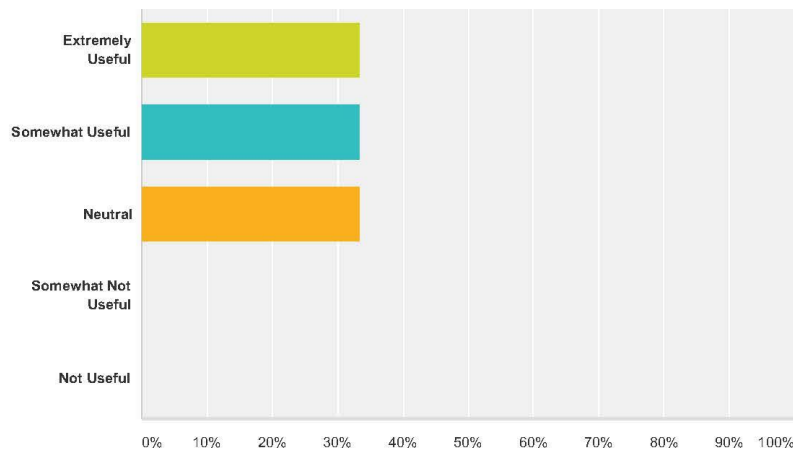
**Question 25 Does your office utilize
TxDOT's CR-1001 – Death/Toxicology
Report (Medical Examiner/Justice of the
Peace)?**



Answer Choices	Responses
Yes	75.00% 3
No	25.00% 1
Total	4

Question 26 If your office uses the CR-1001
–Death/Toxicology Report (Medical
Examiner/Justice of the Peace), how useful
do you find the form?

Answered: 3 Skipped: 10

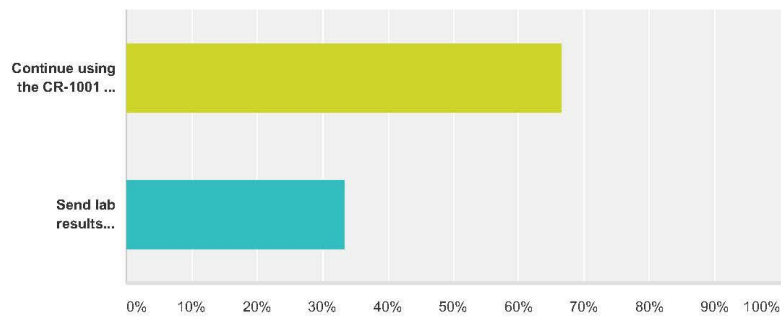


Answer Choices	Responses
Extremely Useful	33.33% 1
Somewhat Useful	33.33% 1
Neutral	33.33% 1
Somewhat Not Useful	0.00% 0
Not Useful	0.00% 0
Total	3

2016 Texas Medical Examiner's Information Request

**Question 27 If your office uses the
CR-1001 –Death/Toxicology Report
(Medical Examiner/Justice of the Peace),
would you prefer to:**

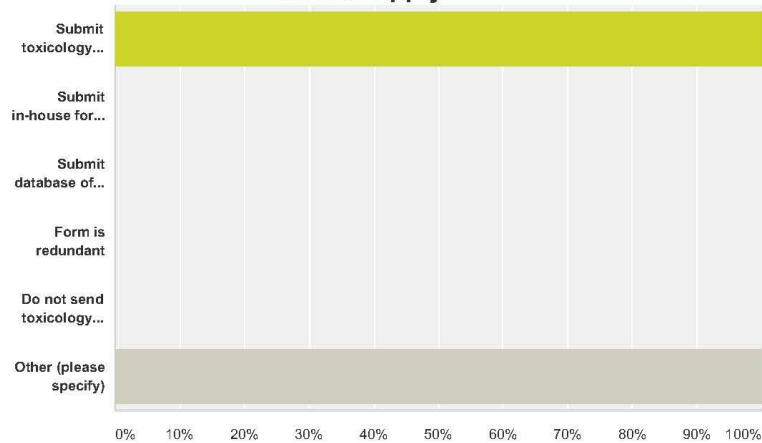
Answered: 3 Skipped: 10



Answer Choices	Responses	
Continue using the CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace)	66.67%	2
Send lab results directly to TxDOT (with no additional form)	33.33%	1
Total		3

2016 Texas Medical Examiner's Information Request

Question 28 If your office does not use the
CR-1001
– Death/Toxicology Report (Medical
Examiner/Justice of the Peace), why do you
choose not to use the form? Please select
all that apply.

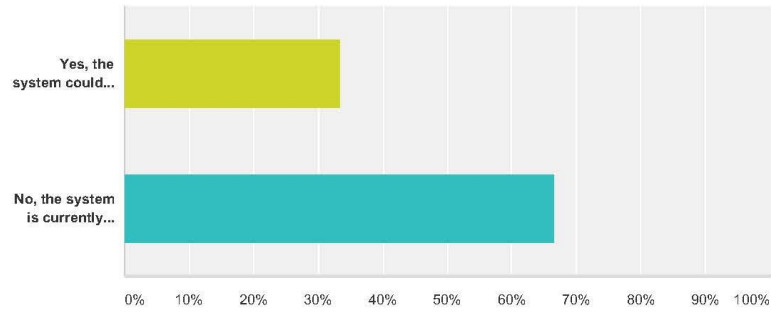


Answer Choices	Responses
Submit toxicology results directly to TxDOT	100.00% 1
Submit in-house form to TxDOT	0.00% 0
Submit database of toxicology results to TxDOT	0.00% 0
Form is redundant	0.00% 0
Do not send toxicology results directly to TxDOT	0.00% 0
Other (please specify)	100.00% 1
Total Respondents: 1	

#	Other (please specify)	Date
1	Full autopsy report provides better information and eliminates added workload of form completion	2/15/2016 1:58 PM

Question 29 Is there a more efficient way to report toxicology reports to TxDOT that is not being utilized?

Answered: 9 Skipped: 4



Answer Choices	Responses	
Yes, the system could be more efficient.	33.33%	3
No, the system is currently efficient.	66.67%	6
Total		9

2016 Texas Medical Examiner's Information Request

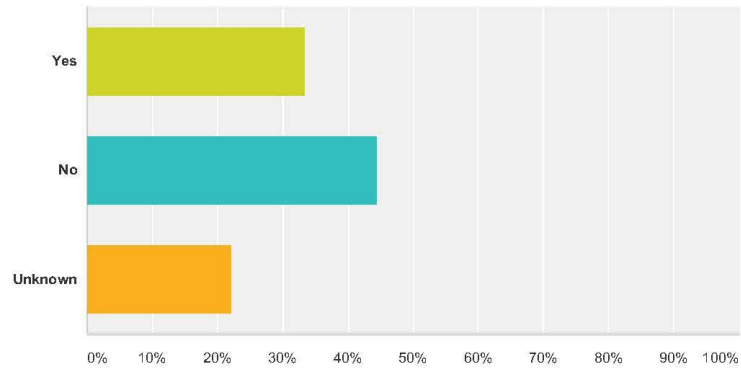
Question 30 If yes, please

explain: Answered: 3 Skipped: 10

#	Responses	Date
1	Unsure	2/16/2016 12:24 PM
2	IT WOULD BE LESS TIME CONSUMING IF WE JUST SENT THE AUTOPSY REPORT	1/28/2016 5:11 PM
3	An automated reporting system that gathers data specifically for cases of interest	1/28/2016 4:27 PM

Question 31 In the past 12 months, has
TxDOT contacted your office regarding
missing toxicology results?

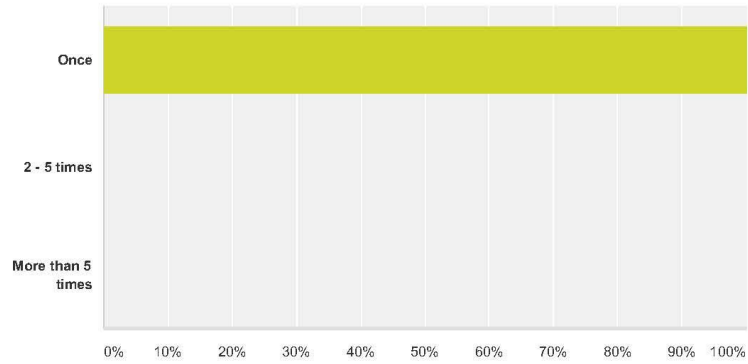
Answered: 9 Skipped: 4



Answer Choices	Responses	
Yes	33.33%	3
No	44.44%	4
Unknown	22.22%	2
Total		9

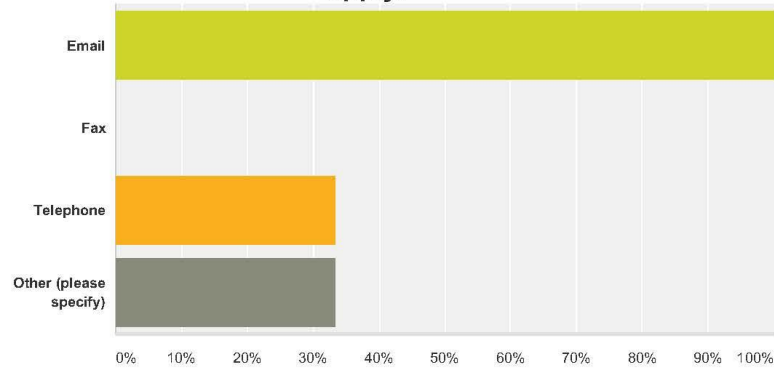
**Question 32 If yes, how many times
has TxDOT contacted your office?**

Answered: 3 Skipped: 10



Answer Choices	Responses
Once	100.00% 3
2 - 5 times	0.00% 0
More than 5 times	0.00% 0
Total	3

Question 33 If yes, how did TxDOT contact you? Please select all that apply.

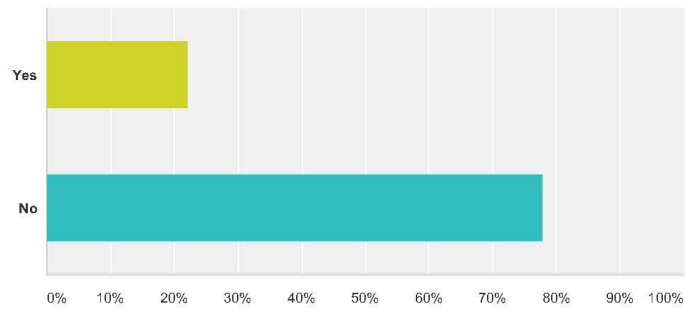


Answer Choices	Responses
Email	100.00% 3
Fax	0.00% 0
Telephone	33.33% 1
Other (please specify)	33.33% 1
Total Respondents: 3	

#	Other (please specify)	Date
1	I do not recall the initial contact method. I replied via e-mail.	2/15/2016 2:00 PM

Question 34 In terms of the current BAC toxicology reporting system, is there anything you would like to see changed that could either improve or enhance BAC reporting in general?

Answered: 9 Skipped: 4



Answer Choices	Responses	
Yes	22.22%	2
No	77.78%	7
Total		9

2016 Texas Medical Examiner's Information Request

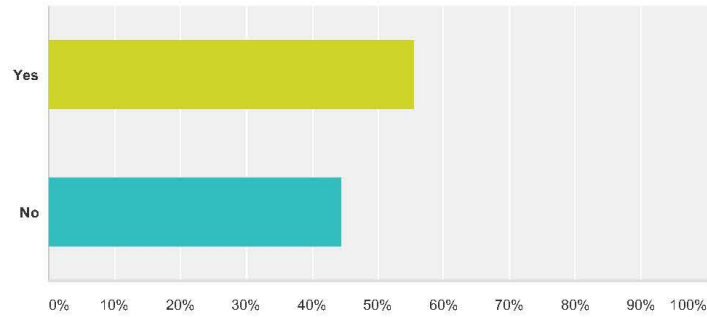
Question 35 If yes, please explain:

Answered: 2 Skipped: 11

#	Responses	Date
1	Unsure	2/16/2016 12:24 PM
2	MANY YEARS AGO SOMEONE FROM A STATE AGENCY WOULD TRAVEL TO ALL MEDICAL EXAMINER OFFICES AND DO SELF RECORDING. THE PERSON WAS GIVEN FULL ACCESS TO RECORDS WHEN HERE. A SYNOPSIS OF RESULTS WAS ALSO SENT TO THIS OFFICE WHEN COMPLETE. THIS SYSTEM SHOULD HAVE BEEN CONTINUED.	1/28/2016 5:14 PM

Question 36 Would your office be willing to work with a third party agency, such as the Texas A&M Transportation Institute, that would assist with collecting and reporting BAC toxicology data to TxDOT?

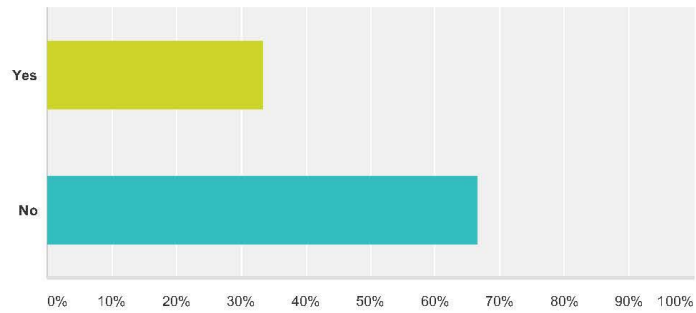
Answered: 9 Skipped: 4



Answer Choices	Responses
Yes	55.56% 5
No	44.44% 4
Total	9

Question 37 Is there anything related to BAC toxicology and autopsy reporting that this survey has not addressed that you feel TxDOT should know?

Answered: 9 Skipped: 4



Answer Choices	Responses
Yes	33.33% 3
No	66.67% 6
Total	9

2016 Texas Medical Examiner's Information Request

Question 38 If yes, please

explain: Answered: 3 Skipped: 10

#	Responses	Date
1	Concerned about third party involvement and confidentiality especially in cases that are going to be adjudicated. We do not have secure fax or email either and do not transmit any results electronically.	2/16/2016 12:25 PM
2	Survey should include additional fields to explain/clarify responses. Sometimes the answer options are not the best fit so I also used the "other" option just to clarify our response.	2/15/2016 2:02 PM
3	IT IS TIME CONSUMING.	1/28/2016 5:15 PM

Appendix E: Justice of the Peace Survey Response Report

Survey Response Report

2016 Texas Justice of the Peace Information

Question 1- What counties do you serve?

Coke	Dickens	Wharton	Moore	Oldham	Rusk	Wise	Hunt	Coke
Taylor	McLennan	Red River	Wichita	Navarro	Hood	Midland	Wilson	Taylor
McLennan	Frio	Houston	McLennan	Walker	Live Oak	Wharton	Waller	McLennan
Kendall	Montgomery	Henderson	Smith	Orange	Brazos	Burnet	Scurry	Kendall
Morris	Newton	Jeff Davis	Colorado	Cherokee	Foard	Culberson	Cherokee	Morris
Shelby	LaSalle	Kendall	Jim Wells	Dawson	Gonzales	Hunt	Pecos	Shelby
Parmer	Kleburg	Grayson	Montague	Washington	Live Oak	Jefferson	Somervell	Parmer
Swisher	Jim Hogg	Jefferson	Lamar	Knox	Hockley	Cass	Matagorda	Swisher
Sterling	Val Verde	Hardin	Polk	Duval	Webb	Hockley	Rockwall	Sterling
Rusk	Brewster	Brazos	Reagan	Hays	Jefferson	Hood	Hardin	Rusk
Starr	Comal	Grimes	Marion	Bell	Hardeman	Denton	Kendall	Starr
Fort Bend	Parmer	Hays	Pecos	Bandera	Cameron	Live Oak	Goliad	Fort Bend
Hunt	Dallam	Refugio	Leon	McLennan	Victoria	Clay	San Jacinto	Hunt
Anderson	Brewster	Polk	Refugio	Smith	Medina	Colorado	Erath	Anderson
Bexar	Brazoria	Freestone	Cochran	Wheeler	Upshur	Montague	Kendall	Bexar
Sutton	Tom Green	Orange	Lavaca	Fannin	Hopkins	Austin	Hunt	Sutton
San Patricio	Hill	Duval	Lavaca	Jasper	Hopkins	Panola	Wilson	San Patricio

Hood	Hood	Rusk	Rockwall	Brazoria	Brazoria	McCulloch	Waller	Hood
Williamson	Colorado	Bowie	Hayes	Comal	Carson	Victoria	Scurry	Williamson
Reagan	Robertson	Polk	Somervell	Potter	Midland	Wharton	Cherokee	Reagan

Question 2 - Are you notified of a fatal crash in your jurisdiction?

Answer	Percentage	Count
Yes	95.48%	148
No	4.52%	7
Total	100%	155

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
Are you notified of a fatal crash in your jurisdiction?	1.00	2.00	1.05	0.21	0.04	155	100%	100%

Question 2b - If you are not notified of a fatal crash in your jurisdiction, please explain why.

Court Manager has not done her job.
If the incident happens while I am on call, I will work the death but if I am not in call I am not responsible.
If I am not the Justice of the Peace on call (weekends or during the evening/night) I may not know about the crash. It's during working hours I will be the one to go out.

We have four J.P. Pcts. in Polk county. We rotate taking calls in seven day increments. Whichever J.P. is taking calls gets notified of a crash fatality and that on call J.P. does the crash report along with the inquest report.
Webb County has a dedicated Medical Examiner that is notified in the event of a fatal crash.
Medical Examiner

Question 3 - Please describe the step-by-step process of how a Justice of the Peace determines whether a toxicology test is needed after visiting the scene of a fatal crash. *(Example: 1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy/toxicology test be conducted on the driver. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT).*

Smell at the scene; Needle marks; No reason for accident visiting with DPS.
You nailed it with your example
Handle like example
1. Fatal crash 2. Dispatch notifies JP 3. JP visits crash scene for inquest, identification & pronouncement 4. JP orders autopsy/toxicology test to be conducted if crash evidence supports necessity 5. Results of toxicology test received in JP office 6. Death/Toxicology Report submitted to TX DOT.
1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy/toxicology test be conducted on the driver. 4. If no autopsy is ordered, deceased is transported to local hospital for blood draw. 5. If autopsy is ordered, body is transported to medical examiner's office for autopsy and toxicology testing. 6. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT.
1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. DPS requests toxicology test be ordered. 4. JP orders an autopsy/toxicology test be conducted on the driver. 4. Body is transported to funeral home for draw for toxicology testing. 5. Results of toxicological testing sent to DPS office. 6. Toxicology results are made available to JP. If autopsy also ordered, the forensic lab draws and results are sent to JP office.
The JP orders an autopsy / toxicology test to be conducted on the driver

1. Fatal crash occurs in county. 2. JP's office gets notified by law enforcement that a fatal crash occurred in county. 3. Death inquest clerk gets all pertinent information regarding decedent and crash. 4. Death inquest clerk notifies JP and gives all information gathered. 5. JP visits crash scene to pronounce person deceased. 6. JP orders autopsy/toxicology test be conducted on decedent. 7. Body is transported to ME's office for autopsy and toxicology testing. 8. Autopsy and toxicology results are sent to JP's office. 9. Autopsy and toxicology results are used to put in cause of death on TER. 10. Autopsy and toxicology results are filed in Odyssey.
1. Death occurred in county from crash as driver. 2. Law enforcement notifies J.P. and J.P. goes to scene or hospital. 3. J.P. determines if autopsy is needed and if so toxicology will be ordered also and body will be sent to M.E. for tests. 4. Results are sent to J.P. and toxicology made available to TxDOT.
Fatal crash occurs, I am notified by Sheriff's office dispatcher, I as JP visit the scenes and inspects body for trauma. JP orders medical exam is needed and toxicology. Body transported to medical examiner, medical examiner takes samples and send off to lab for testing. Full autopsy report sent to me the JP as well as toxicology.
Our process is as stated above in the example.
1. fatal crash occurs in county
I am a new JP and have not had a fatality in my county yet.
Your example above is spot on
Your example describes our county
1. Fatal crash occurs in our county. 2. Sheriff Department notifies a JP and a deputy or investigator usually drives the JP to site. 3. JP conducts an inquest. 4. JP orders autopsy and toxicology tests to be conducted on the person identified as the driver, and autopsies on other bodies if there are more casualties. 5. Bodies are transported to medical examiner's office/ morgue, for autopsy and toxicology testing. 6. Results of toxicology are sent top JP's office. 6. Toxicology results are available to TXDOT if requested.
The above outlines our procedure.
I have not attended a Hwy fatal crash as of yet. I would have to depend on the Troopers assistance in expediting the traffic scene in the most official protocol that is proper. Take all photos and description of the decedent's positions at the scene. Order all tests that may seem to be pertinent
All of above.
1. Fatal crash occurs in precinct. 2. Dispatch notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy/toxicology test be conducted on the driver. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT.

Depends on law enforcement 1 car 2 car somebody at fault.
Exactly as the example states
Exactly the process delineated above
1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash to certify death. 3. JP orders toxicology test be conducted on driver. 4. If autopsy is not going to be done, blood is drawn at ER or other facility. 5. Results of toxicology testing sent to JP's office (very long waiting period). 6. Toxicology results are made available to TxDOT.
Yes that is what I do at my office.
As the example shows
JP orders autopsy/toxicology test to be conducted on driver.
1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy/toxicology test be conducted on the driver. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT.
Step-by-step process is like your example.
1. Fatal Crash Occurs 2. Law Enforcement notifies JP 3. JP visits crash scene 4. JP Orders Autopsy/ toxicology on scene 4. Body is transported to Medical Examiner's Office 5. Preliminary Toxicology Report is faxed by Medical Examiner's Office 6. DPS Crash Record filled out and mailed to DPS 7. Results of Toxicology mailed to JP from Medical Examiner 8. AMENDED Crash Record filled out and mailed to DPS.
If the deceased is the driver I do ask for a toxicology to see whether he had a heart attack was he under the influences of any Narcotics, medications, or alcohol
Example is correct only on #3... I only request toxicology by DPS. I don't send for autopsy if crash caused fatality. I had a lady that witnesses said "she said before she died that she was violated" and we did autopsy to rule out rape.
Viewing crash scene and if evidence indicates alcohol or drugs might be involved, individual is sent for autopsy/ toxicology test, which is performed by medical examiner's office. Results are received by JP's office to complete death certificate. Information is then forwarded to TxDOT.
The information and procedure above is followed except reporting to TXDOT
I will automatically have a toxicology test run if I send for Autopsy. Which I do on every motor vehicle accident.
1. Fatal crash occurs within the precinct of the JP. 2. The JP visits the crash scene to perform an inquest. 3. During the inquest the investigating officer and the JP determines that an autopsy/toxicology is needed. 4. The body is transported to the ME's office for

autopsy and toxicology testing. 5. The results of the toxicology testing are sent to the JP's office. 6. The results are made available to TXDOT or investigating agency.
The example with these additions. 2. Unless I am unavailable at which time the on call judge will be notified. 3. If there is an indication of drug or alcohol or any request from law enforcement an autopsy or toxicology may be ordered. 4 or specimen drawn by medical or funeral person. 5. sometimes 5. If we get them.
The example listed above is how I do it. Except the J P does not pronounce.
1. Notified by law enforcement of crash. 2. Visit the scene. 3. Question TDPS Trooper if any evidence of substances i.e. alcohol, drugs etc. 4. Question Trooper if Deceased was driver and the cause of crash. 5. If driver is deceased and the probable cause of crash JP orders autopsy w toxicology testing. (Nueces Co. ME's office will NOT perform toxicology only), and we do not have any other way of having toxicology testing done. 6. Crash report sent to TxDOT. 7. Results of autopsy/tox sent to JP's office (3 months later). 8. Tox results sent to TxDOT.
1. Fatal crash occurs in county. 2. Law enforcement notifieds JP, then HP goes to crash site to pronounce driver deceased. 3. JP orders an autopsy and toxicology test to be conducted. 4. Body is transported to medical examiner office for autopsy and toxicology testing. 5. Report of crash and toxicology testing sent to TxDOT by fax. 6. Toxicology results are sent to JP office and law enforcement, and TxDOT.
Driver of vehicle
the example is the correct way to do this scenario
1. Fatal crash occurs in county 2. Sheriff's office notifies JP, JP goes to crash scene and determines if autopsy needs to be conducted; 3. If needed, JP orders autopsy/toxicology test on driver; 4. Body is transported to medical examiner's office; 5. Results are sent to JP; 6. Supplement report is sent to TXDOT
Usually the law enforcement officer and I agree on all test to be done on the individual
The above description is the normal procedure for this precinct.
What's to answer. That's the way it's done. If there is suspicion of alcohol.
EXAMPLES 1-6
I follow the above steps. DPS can get the toxicology directly from the ME's office or from me. I always furnish the District Attorney's office with a copy of autopsy and toxicology results. If DPS needs any information from my office it is available. To add to the question below about not testing for BAC or drugs-a toxicology is included with every autopsy ordered. I always order an autopsy after a crash because I have found there are questions from family that I cannot answer that are answered by an autopsy.

On a fatal crash we know what killed the person I have the body taken to the hospital to have blood and urine take and sent off for toxicological testing.
Crash occurs. JP notified to come to scene of accident. JP can tell blunt force trauma injuries. No autopsy but toxicology done at local hospital. (OR...can't see significant injuries and send body for full autopsy with toxicology.) JP sends in initial Death/Toxicology report to TXDOT. Autopsy/Toxicology finally received by JP office and Supplemental report of Death/Toxicology sent to TXDOT.
1. Crash Occurs in County. 2. Law Enforcement notifies JP and visits scene to pronounce dead. 3. JP Calls EMS/Ambulance to prepare for pickup. 4. JP Orders autopsy. 5. JP requests body to be transferred to Dallas Medical Examiner. 5. JP writes Preliminary report to TxDOT. JP gets Toxicology report. JP writes Final Report to TxDOT.
1. Fatal Crash 2. JP notified 3. JP responds to scene to determine the cause and manner of death 4. In most cases the driver is sent for a full autopsy and toxicology test. 5. Results of Autopsy and toxicology test are sent to the JP 6. JP finalizes or amends the Death Certificate.
JP visits the crash scene and orders autopsy report with toxicology from the medical examiner's office
The JP is called out and either we go to the scene or do it mobile. The Law enforcement officer gives information as to what happened at the scene. If it is an auto accident and the driver is the one that has deceased than we shall order toxicology test. Otherwise we look at the information and determine if we need autopsy or not.
Exactly as in the example
1. Fatal crash occurs in my precinct (every 4th weekend I cover the entire county). 2. Huntsville/Walker Co. Unified Dispatch notifies me of the crash. 3. I visit the scene, gather information to begin my inquest, & determine time of death. 4. I order an autopsy, which includes toxicology testing. 5. Body is transported to the medical examiner's office for autopsy & toxicology testing. 6. I submit an initial Crash/Toxicology report to TxDOT. 7. I receive preliminary autopsy report from ME within 1-2 weeks. This does not include toxicology testing. 8. Approximately 4-6 weeks later I receive the full autopsy report (which includes toxicology findings) from the ME. 9. Toxicology results are made available to TxDOT by submitting a Supplemental Crash/Toxicology report.
1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy be conducted on the driver; toxicology test is a part of an autopsy as performed by our medical examiner's office. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT.
the above example is correct with the exception that the JP does not pronounce the driver deceased. The JP is there to determine the manner and cause of death.
1. Fatal crash occurs in county. 2. Law enforcement notifies JP; JP visits the crash scene to pronounce the driver deceased. 3. Upon investigation a determination is made as to autopsy and/or toxicology. Most often autopsy with toxicology. 4. Body is transferred to Pathologist for autopsy and toxicology testing. 5. Results of testing sent to JP's office. 6. JP files results with TxDOT using TXDOT's form.

The need to assist investigations if alcohol or drugs were involved
1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to perform inquest. 3. JP orders an autopsy/toxicology test be conducted on driver. 4. Body is transported to funeral home and then to medical examiner for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT.
1. Notified by Sheriff's Dept. 2. Arrive at scene and pronounce driver deceased. 3. Order and autopsy/toxicology done. 4. Body is transported to medical examiner. 5. Results of autopsy/toxicology are mailed to my office. 6. Toxicology results are faxed to TxDOT.
I consistently ask for toxicology on all autopsy requests
Most accident victims are not sent for autopsy.
1. Fatal crash occurs in county. 2. Law enforcement or dispatcher notifies on call JP, and JP visits the crash scene to investigate the cause and manner of any deceased person(s). 3. JP orders an autopsy/toxicology test to be conducted on the deceased person(s). 4. Body or bodies are transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicology testing sent to JP's office. 6. Toxicology results are made available to TxDOT.
These steps would be followed except for: Between step 2 and 3, not all traffic fatalities are sent for a full autopsy. If there is evidence of intoxication i.e., witnesses observations, physical evidence, odors or the investigating officer makes a request we would simply take a blood draw and have it tested for alcohol or drugs.
1. Fatal crash occurs in County, 2 Law enforcement notifies JP, JP arrives at crash scene for details ID deceased, 3. Determine if driver(s) were possibly intoxicated, then determined need for autopsy or toxicology is needed. 4. Body is transported to M. E. or blood sample is drawn, 5. Tox. is provided by M. E. and JP notifies TXDOT by email or 6. L.E. receives return of tox. screen from DPS lab and JP may or may not be notified.
If the deceased is a driver of any vehicle, even if it is a victim violator, I order blood toxicology even if I don't order an autopsy. When I receive the results I forward them to TxDOT in paper form. On line system is not user friendly.
1. Fatal Crash in county. 2. Dispatch notifies JP at request of LE, JP views scene to pronounce occupant deceased. 3. JP takes input from LE as to if a autopsy/toxicology needs to be conducted on deceased. 4. If no other apparent reasons are found, an autopsy/toxicology testing will be ordered. 5. Results of autopsy/toxicology sent to JP's office. 6. Autopsy/toxicology test results forwarded to Sheriff's Office for distribution to other agencies.
Fatal crash occurs in my jurisdiction. I'm notified and go to scene. If decedent is the lone occupant of a one vehicle crash, no toxicology or autopsy is ordered by me. All other scenarios (passenger involved, multiple vehicle, auto pedestrian etc.) I order an autopsy and toxicology.
Same as example
As outlined above

1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy/toxicology test be conducted on the driver unless the deceased is the victim/violator of a single vehicle accident, in which most times an autopsy/toxicology is not ordered. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT.
Above example correct except the JP does not pronounce the deceased dead, only determines the cause of death.
Our process is exactly like the example above
1) Fatal accident 2) JP notified once scene is secured and confirmed death 3) JP determines if decedent has autopsy 4) If autopsy is requested by JP, body is transported to ME office 5) Toxicology results are submitted by ME office 6) IF not transported to ME office, Trooper makes arrangements to have blood drawn.
Steps 1-6 occur.
Same as above
I handle a fatal crash in the same order as the example provided. The only addition is I require a written request DPS or other law enforcement for the report and that is usually handled via email.
Sheriff's dispatch office contact the judge on a crash resulting in a fatality and procedure is to run a toxicology test on the driver and a fatality death / toxicology. Report is sent to the TxDOT about the accident awaiting toxicology. Report form the ME and then a final report is sent again when the results of the toxicology report is in.
Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy/toxicology test be conducted on the driver. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT
MVA fatalities are automatically autopsied and a toxicology test is done. I fax the TxDOT form when the results are reported.
When I am called to a scene I always look at the surrounding area. I would request a toxicology on the deceased just to see if drugs or alcohol may have cause this accident
Yes
Depends upon the circumstances in each case
As stated above
Every step is exactly as described above and I have had only one last year.
1. Fatal crash occurs in the county 2. Law enforcement officers notify JP, and JP visits the crash scene to pronounce the driver deceased. 3 JP orders an autopsy/toxicology test be conducted on the driver. 4. Body is transported to medical examiner's office by

funeral home on call for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Results are made available to TxDOT
1) Fatal crash occurs in the county. 2) JP is notified. 3) JP arrives at the scene of the crash and conducts an inquest. 4) JP assessed the scene and determines if the accident is a multi person accident, if the accident is the result of alcohol relation, and the time frame of the accident. 5) JP concludes the cause of death is blunt force trauma or if there is a need of an autopsy to find cause of death. 6) Autopsy results are sent to JP and JP informs immediate family, proper law enforcement agency.
I request toxicology on every inquest as a matter of procedure to cover any substances ingested and not known at the time by observation, smell or testimony.
EXACTLY AS ABOVE.
Notified of fatal crash by law enforcement. Personally arrive on scene to conduct independent investigation into the circumstances and to determine if any criminal activity involved. Determine by on scene investigation if alcohol or drugs may have been involved. Determine if an autopsy is required in the event that criminal charges may be filed or determine if a blood draw to test for alcohol or drugs is necessary. Following autopsy or toxicology on blood results are sent to justice of the peace. Forms completed and faxed to TxDOT with a copy of the toxicology report.
Same as your example above unless no autopsy just a blood drawn done and sent to DPS labs
As stated above in 1-3 and then the body is sent to Tarrant County-Medical Examiner's Office (County Contract) when it is believed there is a possibility of drugs or alcohol being a factor contributing to the accident. Results are received and then forwarded.
If a fatality crash occurs in my precinct or in the County when I am on call for the weekend, I am notified and go to the scene. The officers and I discuss the situation, but, if the driver is deceased, an autopsy with toxicology is requested. If someone else is deceased, toxicology is ordered on the driver. The autopsy results are sent to the JP and they are forwarded to the investigating officer. Toxicology comes much later. We do send a notification of death to TxDOT and update it when we get the toxicology and send it again.
The "Example" is the process currently in place.
At the scene I make a decision as to whether or not to order a toxicology test or autopsy if I see something I cannot satisfy myself with then I then I take other actions to satisfy the scene which I saw.
Example: 1. Fatal crash occurs in county. 2. Law enforcement officer notifies JP, and JP visits the crash scene to pronounce the driver deceased. 3. JP orders an autopsy/toxicology test be conducted on the driver. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT.
Yes this is exactly what this office does.

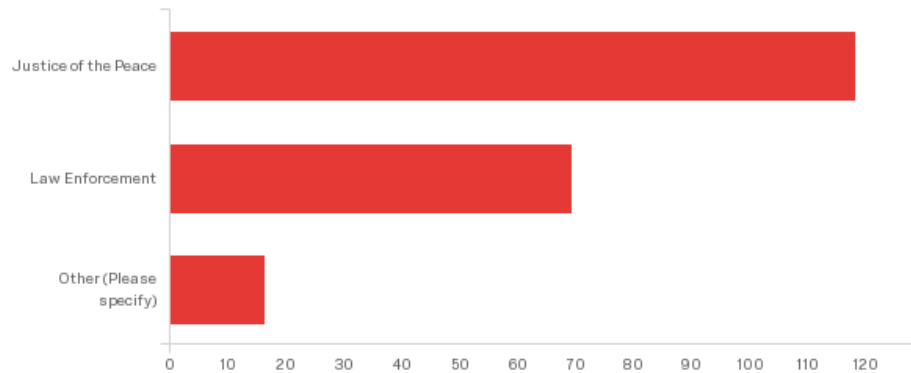
Fatal crash occurs in my precinct. Law enforcement dispatch notifies JP. JP goes to crash scene. If the driver is deceased then either an autopsy or toxicology is ordered. If autopsy, driver is transported to Dallas ME. If blood order for is issued, body is transported usually to local hospital for blood draw. If no autopsy, then it is rare that JP receives results from blood draw.
Information received from the law enforcement officer. Any evidence such as beer cans or drug use, past history of alcohol and drug use. Witness testimony. Circumstances of the accident, veering off roadway, excessive speed, erratic driving. Time of day and any other factors that would cause the accident. These are some of the factors to consider. If in doubt, order the toxicology or autopsy.
1. Fatal crash occurs in county. 2. Sheriff dept. notifies JP needed on scene. 3. JP orders autopsy/toxicology on driver. 4. Body is transported to medical examiner office in Ft. Worth for autopsy & toxicology. 5. Preliminary results of toxicology/autopsy sent to JP office. 6. Final autopsy/toxicology results sent to JP office. 7. Toxicology/autopsy results made available to Tx.DOT.
JP reviews the scene of the accidents and looks for signs of alcohol, drugs and think related with these items JP looks for sign of foul play also to determine if toxicology test need to be ordered
1. Fatal Crash; 2. JP notified by law enforcement; JP pronounce death at the scene; 3. JP orders autopsy/toxicology test; 4. Body sent to M.E.; 5. Toxicology results sent to TxDOT in Fatal Crash Report.
Autopsy done
All the above
If the fatality is the driver, an autopsy and toxicology is always ordered. Results are sent to the JP office. Results are then sent to TxDOT.
1. Fatal crash occurs in county. 2. Law enforcement notifies JP, and JP visits the crash scene to conduct an inquest. 3. JP orders an autopsy/toxicology test be conducted on the deceased. 4. Body is transported to medical examiner's office for autopsy and toxicology testing. 5. Results of toxicological testing sent to JP's office. 6. Toxicology results are made available to TxDOT
The above example is exacting how our county handles these situations, with the except of between #3 and #4 there is a consultation phone call between the law enforcement officer, and JP and District attorney
The Example is just how Victoria County handles a fatal crash
My procedure is exactly as described in the example.
The medical examiner does it automatically as part of the autopsy request.
As the example.
Fatal crash occurs in county Law enforcement notifies JP of death JP does inquest investigation at crash scene JP pronounces person(s) deceased Funeral home is called to scene JP orders funeral home to transport body(ies) to the medical examiner for autopsy and toxicology testing Body is released from medical examiner once exam and testing is completed Death/Toxicology Initial Report

is submitted to TxDOT Results of autopsy and toxicology test are submitted to JP once report is completed Death/Toxicology Supplemental Report is Submitted to TxDOT with Toxicology results
Just exactly like the example above.
As above except #6....results are reported to Texas Department of Public Safety.
I am notified of a fatality in my precinct and am notified by law enforcement. I travel to the scene of crash and then proceed with inquest, where I call the time of death after viewing the body of decedent. I will order an autopsy if necessary and send body to medical examiners' office for autopsy/ toxicology testing. (Driver only) I do complete the crash report that is mandatory (from my understanding) and wait on results of toxicology, then complete the report again with the information.
Determination is made at the time the JP visits the scene and forwards the body to the Medical Examiner with a request for a toxicology report
Exactly as above however there is no "pronouncement of death" by the JP. An inquest is an investigation as to the cause and circumstances of death in accordance with Chapter 49 of the CCP
1. Fatal crash occurs in county. 2. 911 Dispatch calls the JP on call and that JP visits crash scene. (IMPORTANT NOTE: JP DOES NOT PRONOUNCE THE DRIVER DECEASED - JP ONLY DETERMINES CAUSE AND MANNER OF DEATH - DRIVER OR OCCUPANT OF VEHICLE IS DECEASED WHEN THE JP IS CALLED TO SCENE. 3. When I am the JP on call I complete Inquest Investigation and corresponding paperwork on my Ipad. 4. I will order a full autopsy with toxicology to be conducted on the decedent. 5. Inquest paperwork along with Autopsy order is sent via email to the Medical Examiner Office and I also call the ME and relay all info over the phone. 6. I complete the TXDOT CR-1001 Fatality Analysis System Death/Toxicology Report, INITIAL REPORT. 7. Autopsy and Toxicology Report is sent to my office. 8. SUPPLEMENTAL REPORT of CR-1001 is then sent to TXDOT. 9. This year I will also be sending a copy of the full autopsy report along with the supplemental report to TXDOT,
1. Fatal Crash occurs within my jurisdiction 2. Law enforcement notifies JP of crash 3. JP responds to crash scene and pronounces deceased and orders an autopsy/toxicology. 4. Body is transported to morgue for autopsy/toxicology. 5. Results are sent to JP office. 6. Results are sent to TxDOT.
A fatal accident occurs law enforcement and myself are notified. I order an autopsy and/or toxicology. Body is taken to the medical examiner office where the autopsy and toxicology is performed. Results are then given to the JP or the trooper.
Protocol is exactly as the example provided.
Example about say it. Policy is to do an autopsy on all drivers of a fatal crash.
1. Fatal crash occurs in county. 2. LE notifies JP. 3. JP appears on scene and speaks with investigating officer to determine if driver is deceased or if it was a passenger. If it was a passenger, a toxicology is not ordered. If it's the driver, will investigate the scene and talk to officer to determine if alcohol might be a factor. 4. If it's determined that alcohol or drugs may be a factor, autopsy is ordered. 5. Body is transferred to medical examiner's office for autopsy and toxicology testing. 6. Results are sent to JP. 7. Results faxed to

TxDOT.

Fatal crash occurs and law enforcement and the JP are notified of the fatality. JP orders an autopsy with or without toxicology. Results are sent to JP only if there was a complete autopsy ordered. If blood was drawn only the State officer will send it to Austin for testing and the results are mailed back to the Trooper.

Question 4 - In a fatal crash, who requests a toxicology test be conducted? Please select all that apply.



Answer	Percent	Count
Justice of the Peace	93.65%	118
Law Enforcement	54.76%	69
Other (Please specify)	12.70%	16

Other (Please specify)

Both JP and/or law enforcement

TxDOT

Prosecutor

Is a part of autopsy

Either

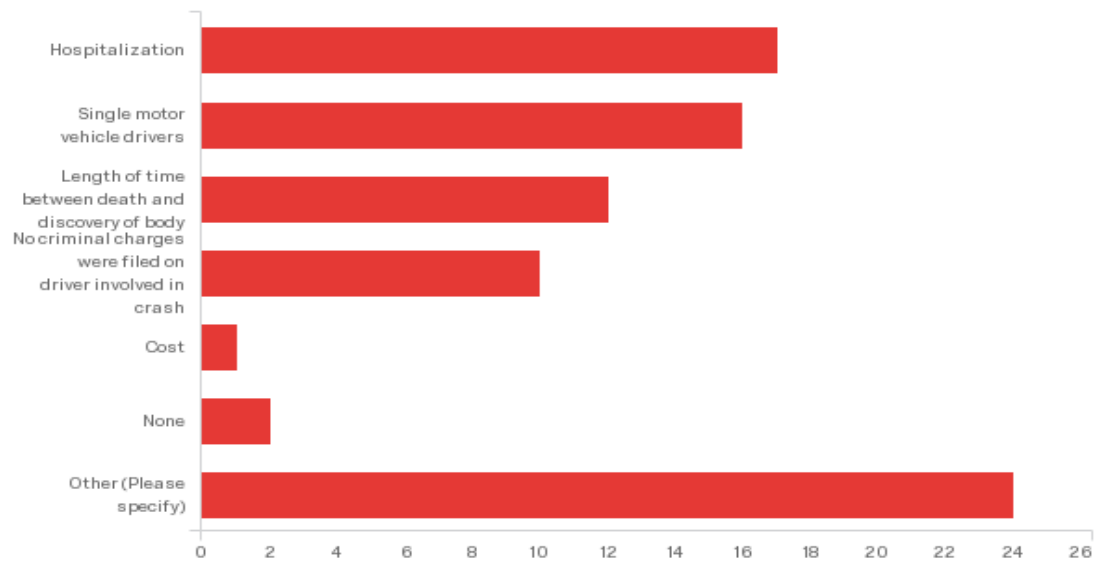
Morgue
Death investigator
DA
Insurance company
District attorney
Criminal DA
District attorney
District attorney
District attorney
District attorney

Question 5 - Are there circumstances in which you would NOT test for blood alcohol concentration (BAC) or drugs in a fatal crash?

Answer	Percent	Count
Yes	39.68%	50
No	60.32%	76
Total	100%	126

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
Are there circumstances in which you would NOT test for blood alcohol concentration?	1.00	2.00	1.60	0.49	0.24	126	100.00%	100.00%

Question 5b - If yes, please select all the circumstances that apply: Please select all that apply.



Answer	Percentage	Count
Hospitalization	37.78%	17
Single motor vehicle drivers	35.56%	16
Length of time between death and discovery of body	26.67%	12
No criminal charges were filed on driver involved in crash	22.22%	10
Cost	2.22%	1
None	4.44%	2
Other (Please specify)	53.33%	24

Other (Please specify)

Analysis
Person totally burned
Lack of evidence indicating drug or alcohol use and logical explanation of crash can be determined
Each case is evaluated for necessity of test
No indications of usage
I only send the driver.
Deceased was not the driver
If the deceased is not the driver
No evidence of intoxication
If clear circumstances of cause are found; ie: struck livestock/animal. Or creditable witnesses were with for length of time prior to and other factors show as contributor; ie: wet road.
Single motor vehicle drivers as lone occupant of vehicle.
Lack of ability to draw blood at the scene.
No evidence to cause need
Law enforcement does not want one
Fatality was not the driver.
No sign to require testing
Child
No signs of alcohol
Children
If there is no evidence that drugs or alcohol were factors.

If deceased is not dead
Elderly, no indication of intoxication
Law enforcement does not request a blood draw or farm accidents, consultation results with prosecutor
Deceased was not the driver

Question 6 - Does your office have an agreement with a medical examiner or a private lab to conduct toxicology testing?

Answer	Percentage	Count
Yes	79.67%	98
No	20.33%	25
Total	100%	123

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
Does your office have an agreement with a medical examiner or a private laboratory?	1.00	2.00	1.20	0.40	0.16	123	100.00%	100.00%

Question 6b - If yes, please indicate the organization(s).

Bexar County M. E. Office
South Plains Forensic Pathology, P.A. Lubbock, TX
Galveston Medical Examiner's Office
N/A
Webb County Medical Examiner , Dr. C. Sterne
Travis County part of the autopsy
American Forensics
Law Enforcement, TDOT
Central Texas Autopsy
AEGIS Crimes
Nueces County Office with Medical Examination
We have used the lab that our pathologist sends to. And also on few occasions any labs.
It was Tarrant County ME office but as of Jan 2016 we are using SWIFTS in Dallas
Southwest Institute Of Forensic Sciences -Dallas, TX
Forgot the question and could not go back
J P 2 Colorado County
Southwest medical examiner in Dallas Texas
ME Beaumont ME Harris County
n/a
We use American Forensic
Central Texas Autopsy- Lockhart Texas

South plains forensic pathology
Lavaca County Medical Center
Central Texas Autopsy, Lavaca Medical Center (Tox only) and Yoakum Community Hospital (Tox only)
Justice of the Peace
I cannot pull up the previous question so I do not recall what I am answering yes to???
Tarrant County Medical Examiner
If they are not the driver than we don't have to order toxicology test
Montgomery County Forensic Services
Survey has skipped the question to which an answer would apply
Don't remember what I answered yes to
South Plains Forensic Pathology, P.A. and NMS LABS
South Plains Forensic Pathology
Central Texas Autopsy
Medical Examiner on request
Central Texas Autopsy, PLLC
County not JP Office with Collin County Medical Examiner
Jefferson County Medical Examiner Office
Officer
TxDOT
South Plains Forensic, Lubbock, Tx

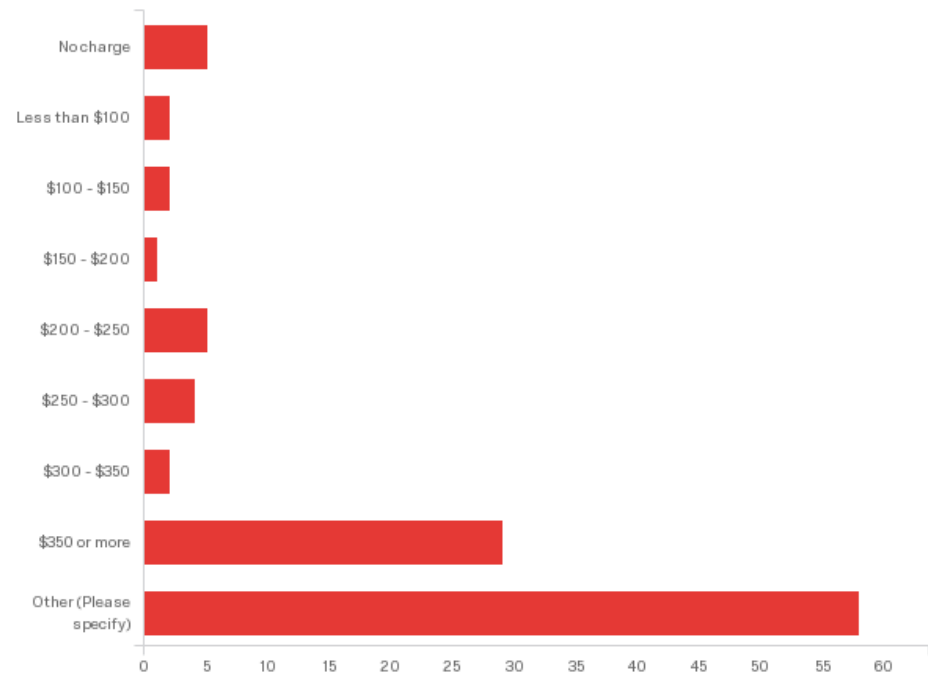
Tarrant County Medical Examiner
Travis County Medical Examiner's office
Travis County Medical Examiner's Office
Nueces County Medical Examiner
n/a
Aegis Crime Laboratories
n/a
Valley Baptist Hospital
Forensic medical of Texas, Tyler
American Forensics
American Forensics
Medical Examiner
Carson County
Tarrant County Medical Examiner/AIT Labs
Dallas ME
Tarrant County Medical Examiner's Office, Fort Worth.
Travis County Medical Examiner
None
Southwestern Medical Examiner/ Dallas, Texas
Southeast Texas Forensic Medical
South Plains Forensics

Tarrant County Medical Examiner Office

Southwest Institute of Forensic Science - Dallas
None
Southwestern Institute of Forensic Sciences
Travis County ME Office; DPS labs
Southwestern Institute of Forensic Sciences at Dallas (Dallas CO ME)
Travis county medical examiner and DPS lab
Travis Co. Med. Exam.
Texas Institute of Forensic Sciences (Dallas County)
Bexar County Medical Examiner Office- San Antonio or TxDPS for blood only
Harris County Institute of Forensic Sciences
South Plains Forensics
Forensic Medical of Texas/ Tyler, Texas
Lubbock County Medical Examiner Office
Tarrant County Medical Examiner
Galveston ME
SWIFS, Southwestern Institute of Forensic Sciences - aka Dallas County Medical Examiners Office.
Jefferson County Morgue
Bexar County Medical Examiner

Central Texas Autopsy
Forensic Medical of Texas

Question 7 - What is the approximate cost of a toxicology test?



Answer	Percent	Count
No charge	4.63%	5
Less than \$100	1.85%	2
\$100 - \$150	1.85%	2
\$150 - \$200	0.93%	1
\$200 - \$250	4.63%	5
\$250 - \$300	3.70%	4
\$300 - \$350	1.85%	2
\$350 or more	26.85%	29
Other (Please specify)	53.70%	58
Total	100%	108

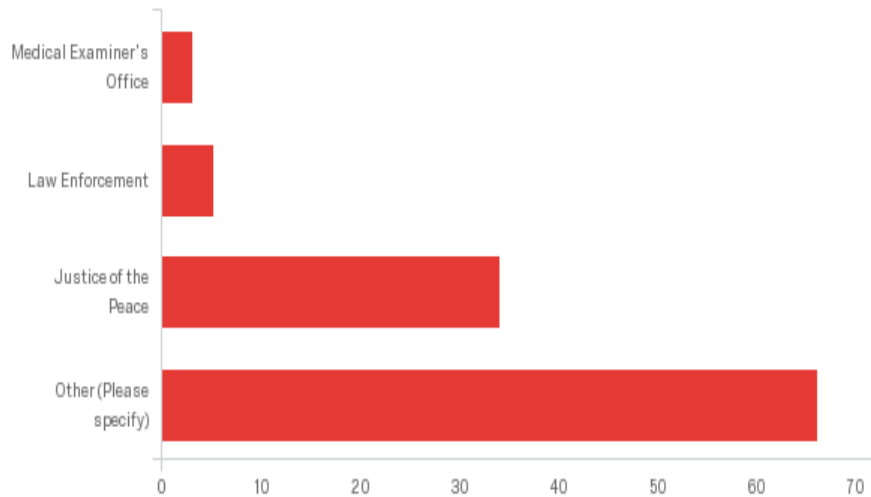
Other (Please specify)

\$700.00
Not sure
Not sure
Included w/autopsy, unless testing for specific drugs
Unknown. We have a flat rate of \$2,100.00 that includes all costs.
Unknown
\$4,000
Not sure. Its included in the autopsy
Have no idea
I do not know, the auditor's office pays those fees
According to who does it
Fee coincides with autopsy
Not sure
Autopsy price includes toxicology
\$500
Don't know
Unknown
Included with autopsy fee of \$2,100
Included in autopsy and about \$250 at hospitals
Unknown
I don't know

It is included in the cost of the autopsy.
Depends on circumstances
Part of autopsy fee
Cost is part of autopsy
Included in autopsy charge
Unknown
\$2,500.00 for both
No idea
We have not sent any for just a toxicology.
Unknown
Unknown
900.00
Amount included with autopsy
\$2,900 = complete/full autopsy; no partial autopsies are provided; JP is not a MD so who knows what to ask for in a partial autopsy?; During the autopsy additional information may be learned that no one could see or determine at the scene.
Included in autopsy fee
It is included with the autopsy report
Unknown
Don't know
2,500
Unknown

Full cost of autopsy including transportation cost is \$5,000
I do not know the bill is paid by co. judge
Always done in conjunction with an autopsy. Believed to have a total cost of \$2,500.
Part of autopsy
Included in autopsy
I don't know. DPS lab conducts testing on blood orders.
\$750.00
1045.00
Included in the autopsy; no breakdown of cost
Included in the costs of autopsy
Don't Know
Unknown
Don't know
Toxicology is part of autopsy cost
Unknown
\$1500 total for autopsy

Question 8 - Who is responsible for bearing the cost of toxicology testing in a fatal crash?



Answer	Percent	Count
Medical Examiner's Office	2.78%	3
Law Enforcement	4.63%	5
Justice of the Peace	31.48%	34
Other (Please specify)	61.11%	66
Total	100%	108

Other (Please specify)

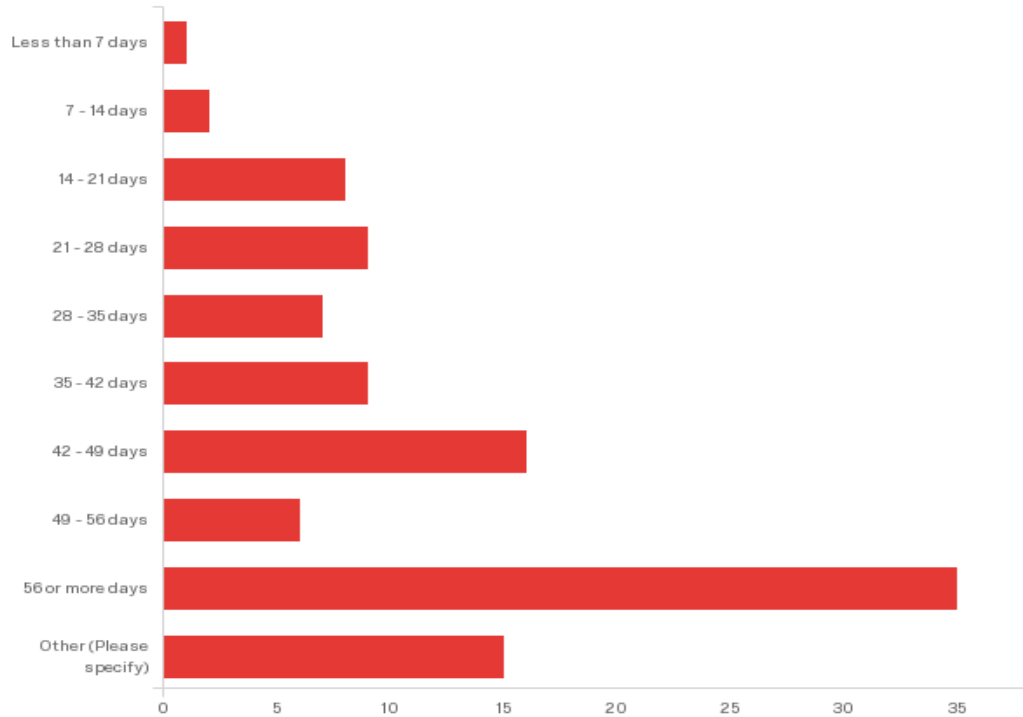
County
County
Fort Bend County Health and Human Services
County
Not sure
County
Grimes County
County
County

Have no idea
County
McLennan County
DPS / or county
The county
The county has a fund for autopsies and associated fees
Lamar County
County
County
County
County
Refugio County
County
Hays County
Walker County
County as part of autopsy
County
County
County
County
Bandera County

In autopsy cases
County
Unknown
County
Depends on where the blood is drawn and who drew it.
County
The county
Gonzales County
The County
The county
County
Don't know
County
County
County
The county
Brazoria County
County
County
My county
Midland County when ordered by the JP.

County
County
County
Jefferson County
County
County
The County
County
JP authorizes but County Pays
Wharton County
General Fund
County
Waller County
Rockwall County
County

Question 9 - On average, how long does it take to receive a result from a toxicology test?



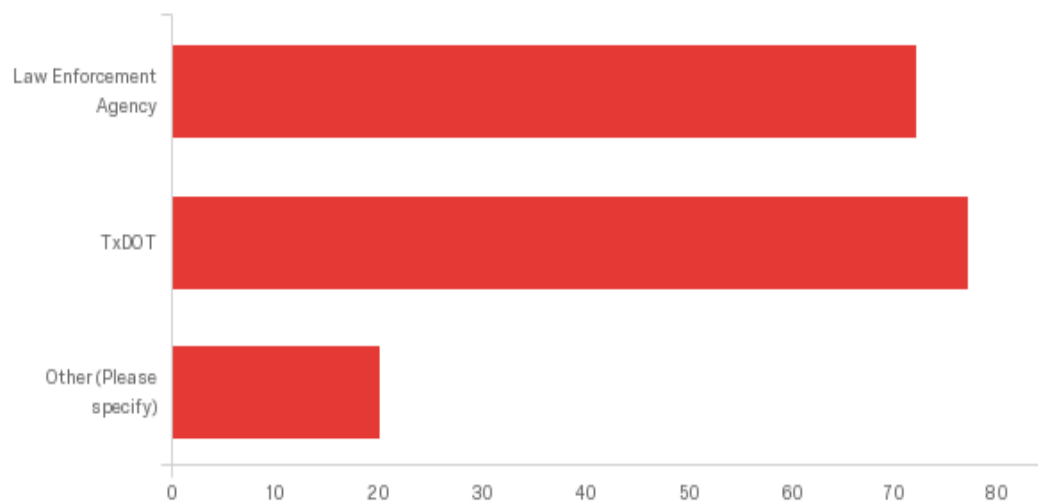
Answer	Percent	Count
Less than 7 days	0.93%	1
7 - 14 days	1.85%	2
14 - 21 days	7.41%	8
21 - 28 days	8.33%	9
28 - 35 days	6.48%	7
35 - 42 days	8.33%	9
42 - 49 days	14.81%	16
49 - 56 days	5.56%	6
56 or more days	32.41%	35
Other (Please specify)	13.89%	15
Total	100%	108

Other (Please specify)

Depends on how busy ME office is
90 DAYS
Autopsy about 30-60 days, hospital about 2 weeks
5 to 6 months
90 DAYS OR MORE
Don't know

Varies- depends on volume at ME
90 or so days from ME and forever from DPS
6-8 weeks
Up to 12 weeks
Usually I do not receive the results on a blood order. I do receive it if an autopsy was ordered.
Currently, over 90 days
Extremely too long; last contact I had was that DPS lab was behind and had "sub" test out, information gotten from law enforcement agency
60 days
90 days

Question 10 - Once the toxicology result is available, who does your office send the results to? Please select all that apply.



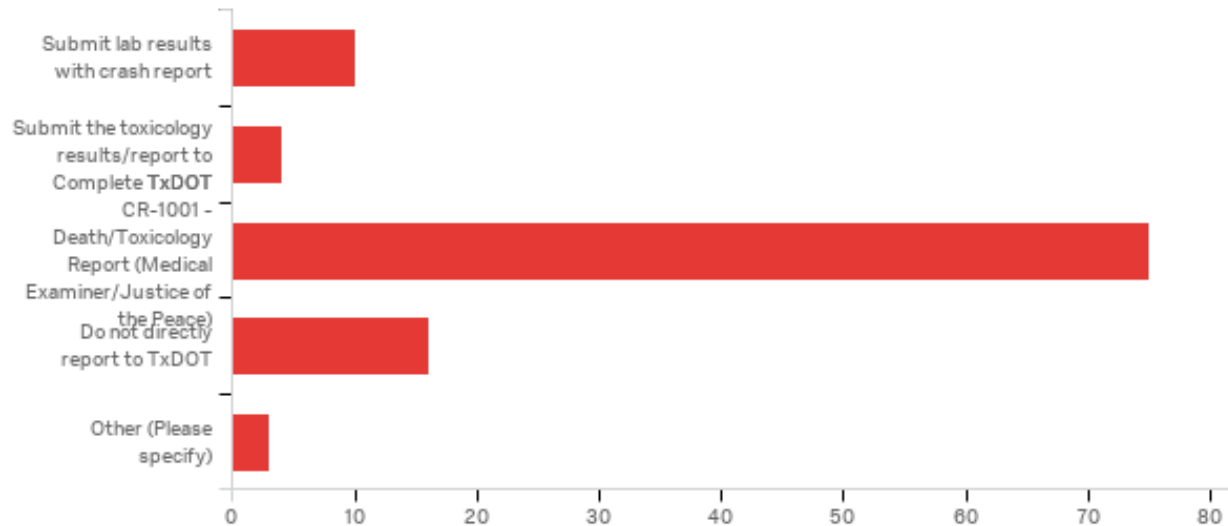
Answer	Percent	Count
Law Enforcement Agency	66.67%	72
TxDOT	71.30%	77
Other (Please specify)	18.52%	20

Other (Please specify)

JP
No one, we keep it on file.
TXDOT if they request it
Stays in my office
I will send to TxDOT if alcohol was involved
Sent to investigating agency upon request
UPON REQUEST

District Attorney
Justice of the Peace
Prosecutor if needed
FOIA requests
JP
Made available upon open records request
Have not had a fatality/impairment
ME provides this service
Investigator
D.A.
Justice of the Peace
DPS
DA if possible charges pending

Question 11 - What is your office procedure for reporting BAC toxicology results to TxDOT?

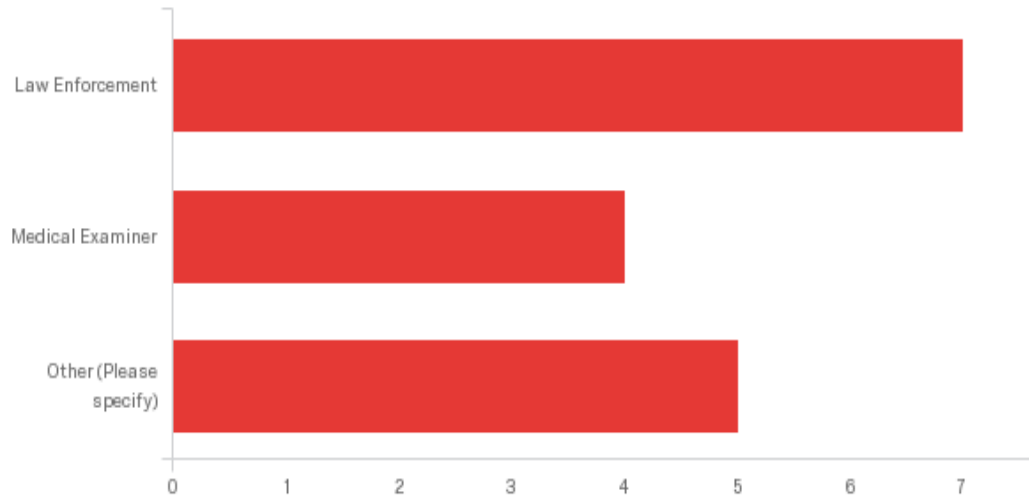


Answer	Percent	Count
Submit lab results with crash report	9.26%	10
Submit the toxicology results/report to TxDOT	3.70%	4
Complete TxDOT CR-1001 - Death/Toxicology Report (Medical Examiner/Justice of the Peace)	69.44%	75
Do not directly report to TxDOT	14.81%	16
Other (Please specify)	2.78%	3
Total	100%	108

Other (Please specify)

Did not know I had to report to TxDOT until I took class
Law enforcement reports to TxDOT
Medical Examiner files TxDOT forms

Question 12 - If your office does not directly report BAC toxicology results to TxDOT, who is responsible for reporting BAC results to TxDOT?

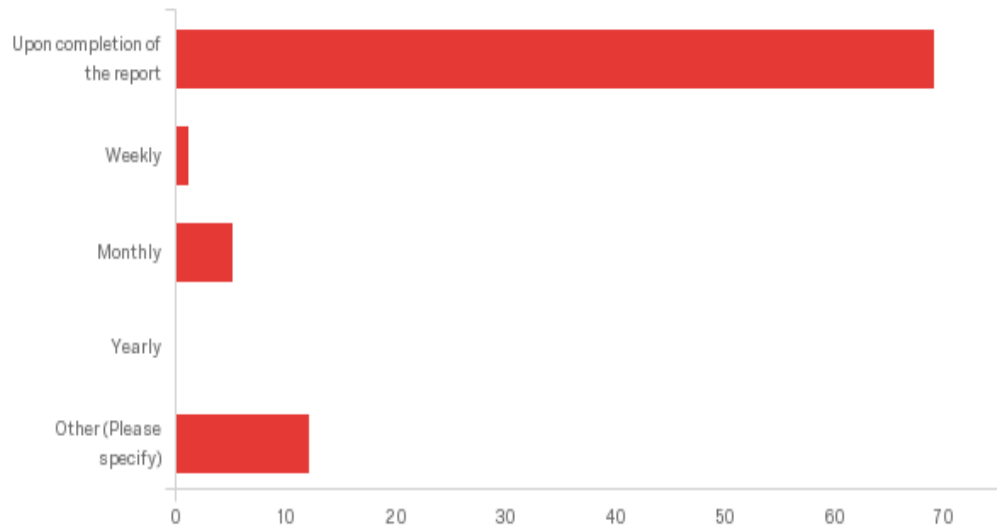


Answer	Percent	Count
Law Enforcement	43.75%	7
Medical Examiner	25.00%	4
Other (Please specify)	31.25%	5
Total	100%	16

Other (Please specify)

DPS
Unknown
unknown
Unknown
Unknwon

Question 13 - If your office reports BAC toxicology results to TxDOT, how often are they forwarded?



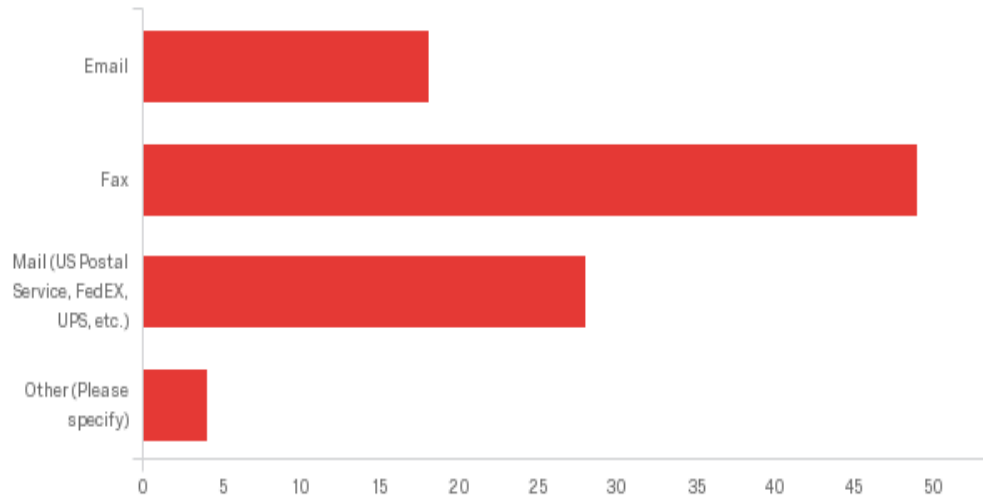
Answer	Percent	Count
Upon completion of the report	79.31%	69
Weekly	1.15%	1
Monthly	5.75%	5
Yearly	0.00%	0
Other (Please specify)	13.79%	12
Total	100%	87

Other (Please specify)

Unknown
After autopsy results
When they are given to us
When received
As needed
When results are received
As they occur
When occurs
N/A

When the results are received
As soon as the results are received
Immediately after I receive the autopsy report

Question 14 - If your office reports BAC results to TxDOT, what method is used to submit reports to TxDOT? Please select all that apply.

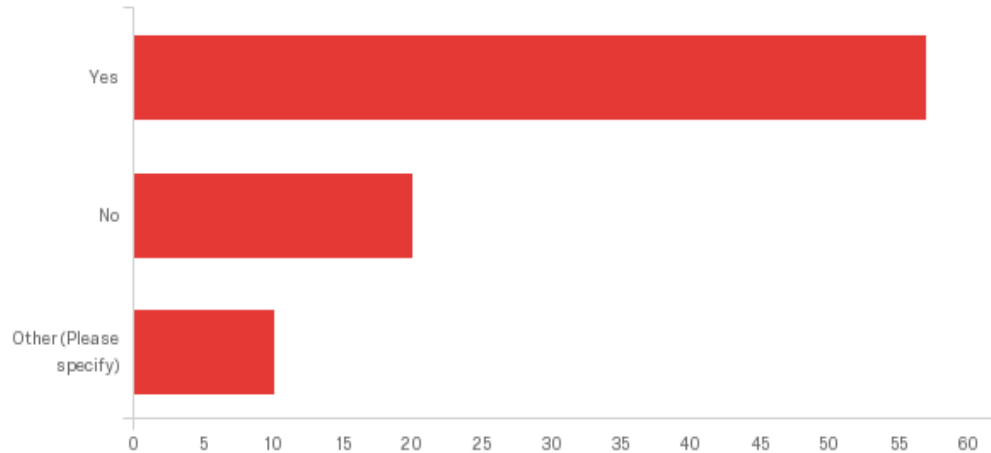


Answer	Percent	Count
Email	20.69%	18
Fax	56.32%	49
Mail (US Postal Service, FedEx, UPS, etc.)	32.18%	28
Other (Please specify)	4.60%	4

Other (Please specify)

Unknown
Hand deliver
Certified mail
N/A

Question 15 - If your office reports BAC results to TxDOT, is there a specific person or position within your office that is responsible for submitting BAC results to TxDOT?



Answer	Percent	Count
Yes	65.52%	57
No	22.99%	20
Other (Please specify)	11.49%	10
Total	100%	87

Other (Please specify)

JP
Judge only
Both clerks do this
JP
JP
N/A
JP personally sends report; not delegated.
JP
myself

JP

Question 15 B - If yes, please indicate the person's first and last name and their title/position:

Justice of the Peace
Jo Beth Gipson Justice of the Peace Parmer County Pct. 1
N/A
Shelley Benton, Justice of the Peace
Justice of the Peace
Emi Riemenschneider, Justice of the Peace, No. 2
Sarah Arnett- Chief Court Clerk
Darleen Childress—Judge
Terisa Fuentes court clerk
Court clerk. Courtney Onhauser
Karin E. Knolle, Justice of the Peace
Judge Karen Reynolds
Sharon Patterson - Court Clerk
Patty Creech, Justice of the Peace
Hon. Deborah S. Braden
Judge Mark Ivey
Judge Mark Russo

Cil Holloway, Court Coordinator
Kristy Homfeld, Justice of the Peace
Mike Countz, Justice of the Peace, Precinct 2
Lori Smith, Chief Clerk
Phillip Grimes/Justice of the Peace
Hon Denise P. Dyess, Justice of the Peace
Pam Oliver, Justice of the Peace
James Meredith J. P. 3 Smith County
Mark Brown/Justice of the Peace
Charlotte Wright Position is Court Coordinator
Lacey Camarillo, Chief Clerk
Roger Howell
Tommy A. Munoz, Justice of the Peace
Judge Katy Marlow
Justice of the Peace Deidra D. Voigt
The judge takes care of that herself: Nancy Beaulieu, Justice of the Peace, Pct. 1, Pl. 2, Jefferson County
Linda Hollenbaugh Justice of the Peace
Court Administrator
Judge Wyone Manes
Jean Hardman justice of the peace Pct. 2 Carson County
David M. Cobos, Justice of the peace, Pct. 2

Jan Morrow, Wise Co. JP#1
Terry M. Luck, Justice of the Peace or delegated individual.
Cynthia Kubicek, Justice of the Peace
Roxanne Nelson, Justice of the Peace Precinct 1, Burnet County
Linda Martinez/ Court Coordinator
Justice of the peace who handled call
Court clerk/deputy register
David Allen Justice of the Peace
Judge Cheryl Kollatschny
Justice of the Peace, David Gray
Justice of the Peace, myself, Maggie Sawyer
Aaron Williams Justice of the Peace Pct. # 3 Hunt County
Jessica Bartels Chief Court Clerk
Cil Holloway, Justice Court Coordinator
Judge Nancy Beaty, (myself) I complete the reports for the fatalities that occur during my on call period
Charles Brewer Justice of the Peace
Frieda Pressler JP
Shawnee Bass JP
Frieda Pressker JP

Question 16 - Does your office utilize TxDOT's CR-1001 - Death/Toxicology Report (Medical Examiner/Justice of the Peace)?

Answer	%	Count
Yes	81.13%	86
No	18.87%	20
Total	100%	106

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
Does your office utilize TxDOT's CR-1001 - Death/Toxicology Report (Medical)	1.00	2.00	1.19	0.39	0.15	106	100.00%	100.00%

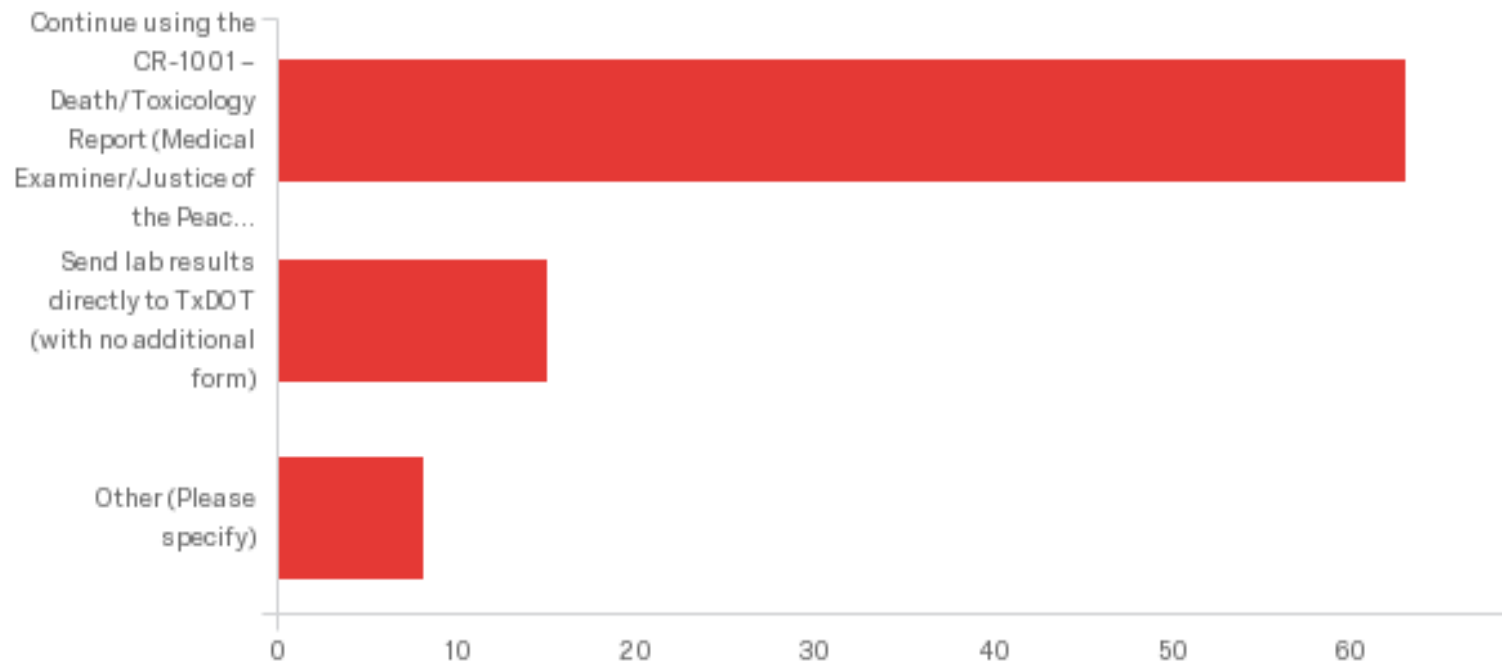
Question 16B - If your office uses the CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace), how useful do you find the form?

Answer	Percent	Count
Extremely useful	41.86%	36
Somewhat useful	25.58%	22
Neutral	25.58%	22
Somewhat not useful	4.65%	4
Not useful	2.33%	2

Total	100%	86
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Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
If your office uses the CR-1001 – Death/Toxicology Report (Medical Examiner...	1.00	5.00	2.00	1.03	1.07	86	93.02%	32.56%

Question 16C - If your office uses the CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace), would you prefer to:

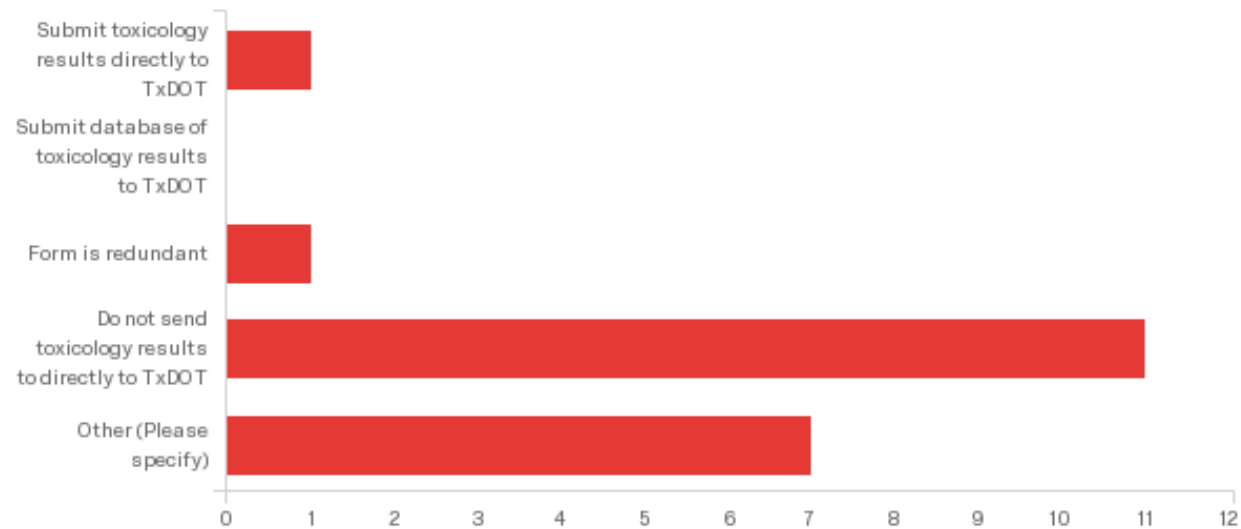


Answer	Percent	Count
Continue using the CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace)	73.26%	63
Send lab results directly to TxDOT (with no additional form)	17.44%	15
Other (Please specify)	9.30%	8
Total	100%	86

Other (Please specify)

Both
Does not make a difference.
Neutral
Require the ME to send the info directly to TxDOT
Not have the responsibility to send report at all
Let Law Enforcement send it in with the rest of their paperwork
Don't know purpose
Email, the fax number seems open-ended

Question 16D - If your office does not use the CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace), why do you choose not to use the form?



Answer	Percent	Count
Submit toxicology results directly to TxDOT	5.00%	1
Submit database of toxicology results to TxDOT	0.00%	0
Form is redundant	5.00%	1
Do not send toxicology results to directly to TxDOT	55.00%	11
Other (Please specify)	35.00%	7
Total	100%	20

Other (Please specify)

I was informed by a trooper that they do the notifying.
I use the crash report

Done through Law Enforcement
Never heard of it.
Did not know it was available
Did not know about reporting
have not had the requirement so far

Q17 - Are you aware of any ways that make the process of reporting toxicology results to TxDOT more efficient?

Answer	Percent	Count
Yes, the system could be more efficient	20.75%	22
No, the system is currently efficient	79.25%	84
Total	100%	106

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
Are you aware of any ways that make the process of reporting toxicology res...	1.00	2.00	1.79	0.41	0.16	106	100.00%	100.00%

Question 17B - If yes, please explain:

Getting the results back is extremely SLOW!
On DWI non fatality have the TxDOT contract with local labs to speed up the process.
No
Have an order for the paramedics to draw blood from the crash victim (per Tx. code crim. proc.49.10j)
Faxing is preferable. Have had difficulty getting the fax through.
Using Medical Examiner to submit directly.
Takes months to get the result back
If the ME were to be required to send toxicology results directly to TxDOT it would eliminate having the JP remember to do it. There

needs to be an electronic system to make it easier to provide this information. It would also allow TxDOT to have a computer collect the information and process it. The initial Crash/Toxicology report should be eliminated because it provides no toxicology results.
JP often gets busy with other things. If an initial report is sent to TxDOT, there should be a means to send the JP an alert for the final report within 45 days of the initial report.
I have been JP for 3.5 years and I have never received the test results from DPS on the blood orders I have issued. I have always contacted the lab direct to get the results. There was a time when the JP was always notified of results when the test was complete. That is not the case today?
Apparently use the stated form.
Just answered, let Law Enforcement submit it with the rest of the crash report and their paperwork.
N/A
Via electronic means. Email.
Easier to obtain and report
Simplify the process
When an accident occurs and we send in the crash report, we do not have toxicology. It takes 6-8 weeks to get it. It is hard to remember to update the crash report and resend the results.
Unknown
The blood results are returned to DPS and the DPS officer usually does not send it to the JP
Our office had experiences of the fax number being changed from the number provided on the form, when asked about email, was told that faxing was most efficient. The form seems open ended as I complete it at initial fatal crash, but the results for the completion of the form linger for months and law enforcement has to be continually contacted to see if they have had the results yet
Change the law so funeral home could draw blood
Perhaps emailing

Question 18 - In the last 12 months, has TxDOT contacted your office regarding missing toxicology results?

Answer	Percent	Count
Yes	0.94%	1
No	97.17%	103
Unknown	1.89%	2
Total	100%	106

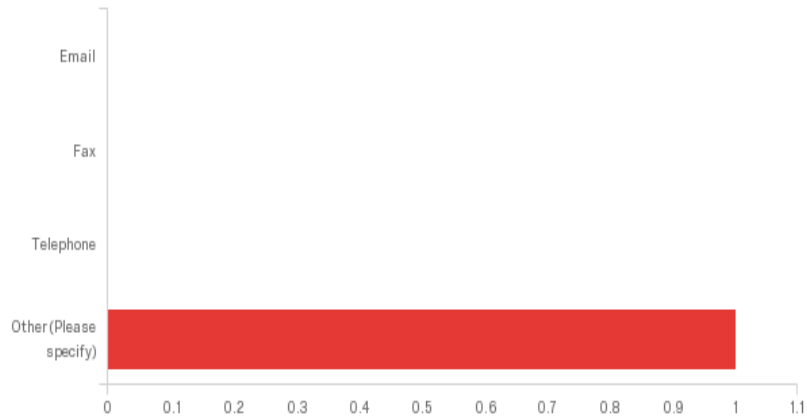
Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
In the last 12 months, has TxDOT contacted your office regarding missing to...	1.00	3.00	2.01	0.17	0.03	106	100.00%	100.00%

Question 18B - If yes, how many times has TxDOT contacted your office in the past 12 months?

Answer	Percent	Count
1 time	100.00%	1
2 - 5 times	0.00%	0
More than 5 times	0.00%	0
Total	100%	1

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
If yes, how many times has TxDOT contacted your office in the past 12 month...	1.00	1.00	1.00	0.00	0.00	1	100.00%	100.00%

Question 18C - If yes, how did TxDOT contact you? Please select all that apply.



Answer	Percent	Count
Email	0.00%	0
Fax	0.00%	0
Telephone	0.00%	0
Other (Please specify)	100.00%	1

Other (Please specify)

Mail

Question 19 - In terms of the current BAC reporting system, is there anything you would like to see changed that could either improve or enhance BAC reporting in general?

Answer	Percent	Count
Yes	13.33%	14
No	86.67%	91
Total	100%	105

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
In terms of the current BAC reporting system, is there anything you would l...	1.00	2.00	1.87	0.34	0.12	105	100.00%	100.00%

Question 19B - If yes, please explain:

I would like more information on it. When I questioned a trooper about it when I saw some forms, he told me they do the reporting to Texas.

Not on fatalities but on DWO's I have TxDOT use local labs.

If we could email the CR-1001 form instead of having to mail it.

Get results to us faster

It needs to be converted to an electronic system.

Make the reporting the responsibility of reporting law enforcement agency and make it part of the accident report.

Ensure that the person that orders the blood test is provided a copy of the results.

Let Law Enforcement submit it.

Guidelines for how to collect from fatal crash victims needs to be specific for when a body is sent to ME office and when they are not sent to the ME office.

Simplify the process

Figure some way that they could be sent directly only once. Not do the form when we have no idea what the toxicology report is going to say.

Answer should have been no

Email, and a confirmation number of who receives the report.

Either let funeral homes draw blood or make it a criminal offense for the medics to refuse an order to draw blood from the deceased.

Question 20 - Would your office be willing to work with a third party agency, such as the Texas A&M Transportation Institute, that would assist with collecting and reporting BAC toxicology results to TxDOT?

Answer	Percent	Count
Yes	60.95%	64
No	39.05%	41
Total	100%	105

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
Would your office be willing to work with a third party agency, such as the...	1.00	2.00	1.39	0.49	0.24	105	100.00%	100.00%

Question 21 - Is there anything else related to BAC toxicology reporting that this survey has not addressed that you feel TxDOT should know?

Answer	Percent	Count
Yes	2.86%	3
No	97.14%	102
Total	100%	105

Field	Minimum	Maximum	Mean	Standard Deviation	Variance	Count	Bottom Box	Top Box
Is there anything else related to BAC toxicology reporting that this survey...	1.00	2.00	1.97	0.17	0.03	105	100.00%	100.00%

Question 21B - If yes, please explain:

It would be nice to hear from TxDOT on what they do with the CR-1001 form that JP's submits to them. It would be helpful to understand the process from beginning and the end.
The hospitals stopped doing BA and toxicology for admissions because the insurance companies would not pay medical bills for DWI type cases. Also, just because the person was DWI does not necessary mean they are at fault in an accident. A positive finding could affect insurance payments.
Could this information be added to the State Health Dept. Forms we complete for Death Certificates?