

Comment from San Diego County Sheriff's Department Regional Crime Laboratory

Barriers to toxicology testing are numerous, primarily due to the lack of standardized testing from state to state and jurisdiction to jurisdiction. Testing and thus accurate, reliable data collection on drug prevalence and the impacts to traffic safety, are completely dependent upon resources in a given state, county, locality, or municipality. This is confounded with the lack of use of the testing data that does exist by the criminal justice and adjudication process. Many public forensic labs, short on resources which include infrastructure, instrumentation and technology, efficient and effective data systems, and personnel, limit testing by articulating that the adjudication process doesn't utilize or recognize this information. The sentencing and treatment of many traffic safety related case defendants receive no further treatment or sentencing enhancements for poly-substance use. Further, the lack of consistent formula grants for forensic toxicology inhibits enhancing technology, testing efficiencies, and increasing testing scope. A model in forensics for standardized testing and regulation, as well as expected annual funding, exists in DNA testing. A similar model should be considered for forensic toxicology testing. It should be further noted that the forensic toxicology community has had published recommendations for how traffic safety cases should be tested, in both antemortem and postmortem cases, for 15 years with the National Safety Council Recommendations. Embracing these standards and obligating that all traffic safety related cases regardless of blood alcohol concentration determination are tested for the recommended tier testing is crucial to establish meaningful data collection that will provide accurate risk assessment and prevalence. Finally, legislation across states needs to exist that obligates minimum sample collection and testing standards to input data into FARS as well as elimination of inappropriate state mandated sample types such as urine for under the influence cases and testing only to limited statute, prohibiting labs from testing for other impairing substances than those outlined by a particular state. Incentives and, or obligations to receiving federal and state traffic safety funds should be considered to improve compliance with standardization.