Comment from Gaize, Inc.

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The Drug Recognition Expert program has been a boon to traffic safety since its adoption. DRE officers have successfully removed many thousands of impaired drivers and have no doubt saved countless lives in the process. While state-to-state variability in the DRE evaluation process causes some challenges, many of these are a result of state law and will be very difficult to standardize. However, the ability for the DRE protocol to capture evidentiary data is currently extremely limited and the evaluation process is exposed to opportunities for human error, bias, and other inaccuracies. This represents the greatest opportunity for improving the DRE program at a national level. Deep reliance on human-conducted and interpreted tests with no corroborating evidence (like video and other data) captured during the investigations are the causes of most of these inaccuracies.

There are several easy ways that additional objectivity and accuracy can be added to DRE evaluations. At minimum, officers should be instructed to record their evaluations so that video evidence is available to both prosecutors and defense attorneys. The current manually filled form and testimony from DRE officers is deeply inadequate when the rights and freedom of an individual are at stake.

To complement a video record of the DRE investigation, eye movement video and data would be an extremely valuable addition. Since eye movements related to impairment are extremely subtle and may only be seen from near distance to the eye, a simple video record of the interaction is insufficient to allow a court to observe them. Rather, a device like Gaize with records eye movement from close proximity should be utilized.

As a way to drive further objectivity into the process and eliminate human error, methods of automating and standardizing the DRE tests should be explored. These can include standardized instructions, automating the tests with technology and other tools, and improving data capture throughout the tests to generate a meaningful body of evidence.