

# INTERVIEW: RETIRED COMMISSIONER SPIKE HELMICK

## California Highway Patrol (CHP)

### INTRODUCTION

Retired CHP Commissioner Spike Helmick began policing the roads in Southern California in 1970. He worked as a CHP officer for 35 years before retiring in 2004. During his career, he developed a unique perspective, both working as a patrol officer in Southern California and as the Commissioner of the CHP for three different governors. It was in this role as Commissioner that he worked with a variety of California legislators to evolve alcohol DUI standards. Over a decade after his retirement, he finds himself advocating once again to modernize DUI standards, but this time the standards are to address driving under the influence of marijuana. As a retired CHP officer, father, grandfather, and citizen, he is concerned about the growing risks of marijuana-impaired driving.

### TO BEGIN, CAN YOU TELL US A BIT ABOUT YOUR CAREER? HOW DID YOU BECOME SO INVOLVED WITH AND KNOWLEDGEABLE ABOUT DUI LAWS?

I started out as a young officer in the Los Angeles area back in 1970. During the first few years of my job, from 1970 to 1972, we were arresting over 100,000 drunk drivers per year in Southern California<sup>1</sup>. I then moved to Sacramento to work as a sergeant in the Office of Special Representative (OSR), which works closely with the state legislature to make recommendations on driving laws and draft legislation to address driving safety.

Soon after I moved to Sacramento, I met a young mother in my neighborhood, Candace Lightner. Her 13-year-old daughter was killed by a drunk driver in the middle of the afternoon while she was walking home from school. As a result, Candace founded MADD (Mothers Against Drunk Driving). I worked closely with Candace and MADD to reform drunk driving laws and to promote anti-drunk driving initiatives over the next many years.

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<sup>1</sup> In 2013, 4 counties in Southern California still accounted for approximately 73,000 DUI arrests, which was 45% of all DUI arrests (approximately 162,300) in California that year.

## HOW MUCH OF AN ISSUE DO YOU CONSIDER MARIJUANA-IMPAIRED DRIVING TO BE RIGHT NOW?

We have a big problem today. If you were to talk to almost anyone in law enforcement, they would tell you that there's an enormous number of people smoking marijuana and driving. It looks like legalization of recreational marijuana is almost a reality and soon there will be even more drivers who are high on the roads. For instance, in Colorado, which legalized recreational marijuana use in 2014, there has been a spike in marijuana-related accidents. In San Francisco, I have seen people smoke marijuana in a parking lot and then hop in their car to drive. My concern is that this practice will increase when marijuana becomes even more accessible. Some folks say that there won't be an increase because medical marijuana is already legal, but that's just not the case. There is going to be a lot more use once recreational marijuana is legal. It will be like alcohol – 18-year-olds and younger kids are going to use it because they always find a way to get it and now it will be even easier to access.

## IF YOU WERE SITTING IN FRONT OF LEGISLATORS TOMORROW, WHAT WOULD YOU TELL THEM?

I'd have some sort of presentation that really highlights these points:

- We already have a problem with marijuana-impaired driving today, and it's only going to get worse. It's just common sense. I wish we had an answer today for the driving while high problem. Even if we didn't further legalize marijuana, it's already a problem for law enforcement.
- We have a model for dealing with driving high. We've been through this before with alcohol in the 1970s and 1980s. All we need to do is look at what we did then to address drunk driving. We spent a lot of money on advertising and campaigns about drunk driving, and it didn't do a lot of good in my opinion until there was also the fear of punishment. We need to act quickly to help this generation of people and their parents understand the dangers.
- The good thing is that we already have laws on the books to deal with impaired driving. We just need a way to enforce them more effectively for marijuana. Officers are already pulling people over because they show signs of impairment on the roads. They smell the marijuana and the driver fails different sobriety tests, and then they can bring them into the station. What they really need is a tool like the marijuana breathalyzer to get a level of THC in breath the way we do for alcohol

and use that objective data to get drivers off the road. We'll use this information in court the same way as we did in the early days of alcohol breathalyzers: as one more piece of data that can help juries and judges. At some point, there will be enough data to make laws about the actual level of THC you can have in your breath, but we can't wait until then. We need to start using these marijuana breathalyzers now.

- We really need these tools in every officer's car. The state needs to provide the money to make that possible – to make the tools available so we can start collecting the data. By providing the tools, we could enforce the current laws while also getting the information for scientists to do the research needed to make the correlation with what is safe. What is the level at which a driver is "under the influence" of marijuana and is a danger on the road? Just like we know a .08 level of alcohol is associated with impairment, we need similar levels for pot. The only way we'll be able to determine these levels will be to gather the data.

#### **WHAT ELSE WOULD YOU LIKE TO SHARE?**

I'd like to go back to something I mentioned before: We aren't going to change the attitudes or behaviors people have toward marijuana-impaired driving through education alone. Education is really important, but back when we were dealing with alcohol, we didn't see widespread changes until we could back it up with consequences. Another good analogy is the use of seat belts. We couldn't get children to wear seat belts until their parents wore seat belts, and at first, parents just weren't wearing seat belts. Parents didn't start wearing seat belts until there was more data on crashes and until there were substantial fines for driving without wearing seat belts. With marijuana, there are parents smoking it and driving and they don't see the problem – just like parents used to drink 3-4 martinis and drive and didn't see it as an issue. We also have a large group of parents who don't use marijuana and just aren't thinking about it. They aren't thinking that their children will have access to it and aren't having conversations with them about it. We need that combination of education, legislation, roadside tools, and enforcement that worked for seat belts and alcohol. We need that combination to change behaviors toward marijuana-impaired driving.

That said, law enforcement can't realistically enforce the current laws without some sort of tool. I know some people say that no level of THC is consistently associated with impairment, but that's because THC often stays around in your blood, urine, and saliva

long after the window of actual driving impairment closes. THC in breath only remains for a few hours after smoking, so getting measurement data from breath is the key to determining a breath level associated with impairment, just like it is for alcohol. I think police officers would use a marijuana breathalyzer today because they're familiar with a breathalyzer. I would really like to see these kinds of devices out there and the money provided to make them available throughout California.

Until we give officers a tool to prevent high driving by measuring the THC content in breath, and until we change people's mindsets, including that of parents, the situation's going to be bad. It's not going to be people just using marijuana, getting high, and then crashing their car into a tree and hurting only themselves – it's going to be the children in my neighborhood being injured, or your children or your neighbors. I had these types of conversations with law enforcement and families when drunk driving was more prevalent. We're all working too hard to make the roads safe. I don't want the further legalization of marijuana to erase decades of progress.