

Gallup Police take new approach to marijuana

Written by By Molly Ann Howell Sun Correspondent
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The possession of marijuana officially became legal in New Mexico on June 29. With that came a new challenge for the Gallup Police Department: figuring out how to continue to keep Gallup citizens safe.

The new law allows people 21 years old and older to use marijuana recreationally, but they can only have up to two ounces of cannabis, 16 grams of cannabis concentrates, and 800 milligrams of infused edibles. It's illegal to consume marijuana in a vehicle on the roadway or in public.

Anthony Morales is an agent for the Gallup Police Department's Narcotics Division. In an interview with the *Sun*, he noted that people can now only be charged with possession or distribution if they have more than the legal amount of cannabis in their vehicle.

"It's basically like speeding," Morales stated. "If the speed limit is 75 and you're doing 76, you're still technically speeding."

If a person has a large amount of marijuana, they can still be charged with intent to distribute.

"Obviously someone holding 10 pounds [or] 20 pounds in the car, yeah, we're gonna charge

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you at that point,” Morales said. “But we haven’t really seen that.”

Gallup police officers have undergone more DWI training because of the new law. More officers are enrolling in the Advanced Roadside Impairment Detection and Enforcement program [Gallup Sun Vol. 7, Issue 317]. The class helps officers identify the possible signs that someone is under the influence of drugs.

ARIDE is the first step an officer needs to take to get their Drug Recognition Expert certification.

Morales and Gallup Police Department’s Patrol Captain Erin Toadlena-Pablo explained what officers would be looking for when trying to identify if someone has consumed too much marijuana to be driving. Some examples Morales gave included letting a traffic light cycle more than once before responding, swerving, or not being able to keep one’s balance.

As they do with drunken driving, officers conduct multiple tests and consider several factors in order to decide. A field sobriety test can still be used for marijuana; however, unlike alcohol, there is no legal limit.

“Our officers are still doing the arrests for impaired driving,” Toadlena-Pablo said. “We’re getting these individuals off the streets, because we do know there is something there that is not right [compared to] a normal driver.”

Morales explained why marijuana is so different from alcohol and why it can’t be accurately tested by having blood drawn.

“The craziest thing about marijuana is it binds itself to your fat cells, so it remains within your system up to 30 days.” Morales stated. “So you could do a blood draw and this person could have 20 nanograms within their body, but are they technically impaired?”

So until science catches up, there is still no real way to do a field sobriety test for marijuana.

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The Gallup Police also face other issues now that the drug is legalized. For example, the three K-9 officers that the department has are no longer usable because they were originally trained to detect four types of drugs: marijuana, meth, heroin, and cocaine, and they cannot differentiate between them. That means they may respond to a legal drug.

Morales explained why the dogs are now obsolete.

“Once the dog has been imprinted on [the odor of a specific drug] he will never forget that odor,” Morales said. “A dog can’t tell you ‘hey dad, I’m smelling marijuana in here’ or ‘I’m smelling methamphetamine.’ All a dog can tell you is that the strong odor presence is there.”

Morales and Pablo said the department would eventually be getting new dogs that aren’t imprinted on marijuana.

The officers both explained that the legalization has created a learning curve for the public and police. They spend a lot of time answering questions about marijuana. Morales said he still has to remind himself that it’s acceptable when people have marijuana in their cars.

“[W]ith the new laws you find yourself – me especially, being an older officer - looking into a car and saying, ‘hey that used to get me into a car,’ and now I have to forget it’s even there,” Morales said.

Pablo acknowledged that the learning curve can be difficult because they still have to do their jobs while they adjust.

“I think when something is new it’s going to take time to get used to, but we have to do it right here and right now,” Pablo said.

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