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5 BRIAN PICKARD

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 BRIAN PICKARD,

13 Defendant.

Case No. 2:11-CR-00449-KJM-16

DIRECT EXAMINATION OF JAMES J.  
NOLAN, III, Ph.D.

14  
15 I, James J. Nolan, III, Ph.D., declare as follows:

16 I am currently employed as Associate Professor at West Virginia University in the  
17 Department of Sociology and Anthropology, where I have been a Professor since 2000. My areas  
18 of specialization include but are not limited to Policing Procedures and Processes, Organizational  
19 Behavior in Criminal Justice Agencies, and Hate Crime. I presently teach or have taught the  
20 following courses: Sociological Theory, Criminology, Criminal Justice, Deviant Behavior, Hate  
21 Crime, Statistical Methods and Data Analysis (graduate course), Inside Out: Exploring Issues of  
22 Crime and Justice Behind West Virginia Prison Walls, Justice Roundtable, and Neighborhood  
23 Dynamics and Situational Policing.

24 I worked for the Federal Bureau of Investigation [FBI] from 1995 until 2000 as Chief of  
25 the Crime Analysis, Research and Development Unit in the Criminal Justice Information  
26 Services Division. My duties included crime analysis using the National Incident-Based  
27 Reporting System [NIBRS], and management of the Nation's criminal justice data for the  
28 Uniform Crime Reporting Program [UCR].

1 Prior to my employment with the FBI, I was honored to serve as the Senior Policy  
2 Advisor to the Secretary of Public Safety for the State of Delaware, from 1993 through 1995.

3 I served as a Police Officer for the City of Wilmington (Delaware) Department of Police  
4 for thirteen years, starting in 1980. In addition to being promoted to Police Sergeant and then to  
5 Lieutenant, I was assigned to the Special Investigations Units for drug, organized crime, and vice  
6 investigations. I was also assigned to the development and oversight of policing programs,  
7 including working as the Program Director for the Department's community policing programs.  
8 While working in Drug Investigation and Vice units, I personally participated in the execution of  
9 over 400 search warrants and often worked in an undercover capacity investigating narcotics  
10 conspiracies and distribution of narcotics, including marijuana.

11 I earned my Ph.D. in Psychoeducational Processes from Temple University in  
12 Philadelphia, Pennsylvania. I also earned a Master of Education (M.Ed.) degree from Temple  
13 University. I hold both a Masters and Bachelor of Science degree from Wilmington College in  
14 Wilmington, Delaware. I have published a book, several book chapters, numerous articles,  
15 papers, encyclopedia entries, technical reports and peer-reviewed conference papers on my areas  
16 of interest, and have presented papers at many professional meetings. Additionally, I have been  
17 involved with more than ten research projects funded by private and government grants as a  
18 Principal or Co-Investigator and/or Project Administrator, including a study involving a \$3.2  
19 million dollar grant from the National Science Foundation, another \$470,000 dollar grant from  
20 the U.S. Department of Justice, and many others. A copy of my Curriculum Vitae is attached  
21 hereto for further reference.

22 Based on my training and experience as a former Police Officer and Unit Chief in the  
23 FBI, as well as my significant sociological and other scientific research, I am attesting to the  
24 following facts regarding the criminalization of cannabis under *21 U.S.C. §§ 811 and 812*.

### 25 **HISTORY OF MARIJUANA LAWS**

#### 26 **Invidious Intent**

27 1. I am familiar with the history of drug control policy in the United States, including the  
28 inception of the laws criminalizing marijuana. Marijuana was first outlawed in 1937 via The

1 Marijuana Tax Act, an act resulting from what can only be characterized as a crusade against  
2 marijuana led by Harry J. Anslinger, the Commissioner of the Federal Bureau of Narcotics at that  
3 time. Anslinger characterized marijuana users as drug-addicted and violent and, importantly,  
4 almost exclusively racial minorities, even incorrectly testifying to Congress that a Latino man  
5 murdered his entire family due to the influence of the “killer weed,” in hearings that later saw the  
6 approval of The Marijuana Tax Act. Anslinger infamously said “[r]eefer makes darkies think  
7 they’re as good as white men.”

8         2. It was this race-based fear that social historians appear to agree was one of the central,  
9 if not the predominant, rationales for early federal legislation prohibiting and regulating the  
10 cannabis plant. Indeed, in one state legislature, the discussion regarding marijuana’s effects was  
11 characteristic of the time and was reported as follows:

12                 Marihuana is Mexican opium, a plant used by Mexicans and  
13                 cultivated for sale by Indians. “When some beet field peon takes a  
14                 few rares of this stuff,” explained Dr. Fred Fulsher of Mineral  
15                 County, “He thinks he has just been elected president of Mexico so  
16                 he starts out to execute all his political enemies. I understand that  
                    over in Butte where the Mexicans often go for the winter they stage  
                    imaginary bullfights in the ‘Bower of Roses’ or put on tournaments  
                    for the favor of ‘Spanish Rose’ after a couple of whiffs of  
                    Marijuana.”<sup>1</sup>

17         3. Some forty years later, a portion of the Marihuana Tax Act was determined to be  
18 unconstitutional and the Supreme Court struck it in 1969.<sup>2</sup> In response to the striking of the  
19 Marihuana Tax Act, Congress passed the Controlled Substance Act [CSA], which included  
20 marijuana as one of the Nation’s most dangerous drugs in Schedule I.

21         4. Additionally, in March of this year, the Congressional Committee on Oversight and  
22 Government Reform held the second of a three-part series of hearings regarding the conflict  
23 between federal and state marijuana policies.<sup>3</sup> In those hearings, Congressman Steve Cohen  
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25                 <sup>1</sup> “*Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal Hisotry of American*  
26                 *Marijuana Prohibition*,” by Richard J. Bonnie; Charles H. Whitebread, II, located online at  
                    <http://www.druglibrary.org/schaffer/library/studies/vlr/vlr2.htm>

27                 <sup>2</sup> *Leary v. United States*, 395 U.S. 6 (1969).

28                 <sup>3</sup> Hearing entitled “Marijuana: Mixed Signals,” held on March 4, 2014, before Congress’  
                    Committee on Oversight and Government Reform (transcript pending), video located online at

1 (Tenn) gave a statement to the Committee evidencing the CSA, as applied to marijuana, was  
2 enacted on race-based fear against people of color in the United States:

3 This all started back in the 19-late 30's, when Harry Anslinger was  
4 the head of DEA and decided that the people from the south  
5 (Mexico) were getting too involved in our community and our  
6 country, and that one way to do something was to start to enforce  
7 laws against marijuana, which was before that cannabis but  
8 marijuana sounded more Mexican and objectionable to people that  
9 didn't like Hispanics. So it took on that tone and they made it  
10 illegal – it wasn't illegal up to the time. But the War on Drugs  
11 started under President Nixon. And Mr. Haldeman – some people  
12 may not remember, Haldeman and Ehrlichman and these guys were  
13 big in the Watergate hearings but they were the main think tank for  
14 President Nixon, if you call that “think” – Haldeman in a diary  
15 entry of April 28, 1969, said, “he (Nixon), the President of United  
16 States, emphasized that you have to face the fact that the whole  
17 problem” – and this is about drugs and the drug war – “is really the  
18 Blacks. The key is to devise a system that recognizes this while not  
19 appearing to.” So we started with Anslinger coming down on the  
20 Latinos and then Haldeman says Nixon did it to get at the Blacks,  
21 who Mr. Connolly rightfully pointed out are four times more likely  
22 to be arrested and eight times more likely to be convicted.

23 Then we have Mr. Ehrlichman, White House Counsel to President  
24 Nixon, in an interview with the author of Smoke and Mirrors: the  
25 War on Drugs and Politics of Failure. Mr. Ehrlichman said, “Look,  
26 we understand we couldn't make it illegal to be young or poor or  
27 Black in the United States, but we could criminalize their common  
28 pleasure. We understand that drugs were not the health problem we  
were making them out to be, but it was such a perfect issue for the  
Nixon White House, we couldn't resist it.” I just want you all to  
know the underpinnings of the policies that you are carrying out  
and furthering, the basis of them and the way they started and the  
genesis of them. And then Mr. Ehrlichman said, “We knew we  
were lying about the health effects on marijuana. We knew we  
were lying about that. But this is what we were doing to win the  
election and it worked.” Forty-three years ago. He admitted all  
fantasy. But our law still goes on and we continue to do it and it's  
still Schedule I. We are abettors – aiders and abettors – of  
Ehrlichman, Haldeman, and Nixon.”<sup>4 5</sup>

29 <http://oversight.house.gov/hearing/mixed-signals-administrations-stance-marijuana-part-two/>.

30 <sup>4</sup> See *fn.* 13, *supra*.

31 <sup>5</sup> Rep. Cohen further stated that Nixon, in talking to Haldeman, his Chief of Staff, said “I want a  
32 GD strong statement on marijuana, I mean one on marijuana that just tears the rear out of them. By God,  
33 we're going to hit the marijuana thing, I want to hit it right square in the puss. You know, it's a funny  
34 thing, everyone of the bastards that is out there for legalizing marijuana is Jewish. What the Christ is the  
35 matter with the Jews, Bob? What is the matter with them? I suppose its because most of them are  
36 psychiatrists.”

1 5. I am informed and do believe that President Nixon and his Attorney General authored  
2 and presented the Controlled Substance Act in order “to devise a system that recognizes [that the  
3 law will have a disparate impact on people of color] while not appearing to,” and with the  
4 surreptitious motivation of “criminalizing [people of color’s] common pleasure:” marijuana.<sup>6</sup>

5 6. Based on my training, experience, and upon the above-noted facts, I believe the CSA  
6 as applied to marijuana was motivated in significant part by an intent to discriminate against  
7 people of color, particularly Hispanics and Black people. I also believe that Congress, by  
8 responding to the striking of the Marihuana Tax Act by including marijuana in Schedule I,  
9 simply carried on the egregiously racist principles against Hispanics upon which the Tax Act was  
10 grounded.

11 Disparate Impact

12 7. Unfortunately, Henry Anslinger and President Nixon’s purpose in enacting federal  
13 marijuana prohibitions in order to disproportionately burden people of color has been successful,  
14 as the United States Sentencing Commission’s statistics indicate that the CSA has a grossly  
15 disparate impact on people of color, particularly among persons of Hispanic origin.

16 8. African Americans are 3.73 times more likely to be arrested for marijuana related  
17 crimes, due to an unofficial and perhaps subconscious law enforcement practice of increased  
18 surveillance and investigation of persons of color when compared to their white counterparts.  
19 Interestingly, studies show that persons of color and white people use marijuana proportionately.

20 9. As noted in the chart below, data from the United States Sentencing Commission for  
21 the years of 2009-2013 indicates that *more than half* of all federal criminal convictions for  
22 marijuana related offenses for the past five years were of Hispanic persons, though Hispanics  
23 make up just 17% of the U.S. population.<sup>7</sup> Moreover, some 35-53% of all federal marijuana  
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25 <sup>6</sup> Richard Bonnie, a Harrison Foundation Professor of Medicine and Law at the University of  
26 Virginia School of Law, and Director of the Institute of Law, Psychiatry and Public Policy, served as the  
27 Associate Director of the National Commission on Marijuana and Drug Abuse from 1971 to ‘73. He  
wrote a paper entitled, Marijuana: a Signal of Misunderstanding, in which he describes the racial  
animosity which gave rise to the passage of *18 U.S.C. section 817 Schedule I(c)(10) and (17)*.

28 <sup>7</sup> Census Bureau Data available online at <http://quickfacts.census.gov/qfd/states/00000.html>; and  
[http://quickfacts.census.gov/qfd/meta/long\\_RHI725212.htm](http://quickfacts.census.gov/qfd/meta/long_RHI725212.htm)

1 convictions for the same years were of non-citizen aliens.

	2009	2010	2011	2012	2013
3 Percentage of total marijuana 4 related convictions in federal 5 court by Hispanics	57.2%	64.4%	65.5%	65.4%	63.4%
6 Percentage of total marijuana 7 related convictions in federal 8 court by non-citizens	34.8%	40.2%	53%	48.9%	38.5%
9 Percentage of Hispanics in 10 general population	16% <sup>8</sup>	16.3% <sup>9</sup>	16.6% <sup>10</sup>	16.9% <sup>11</sup>	-- <sup>12</sup>

11 10. The increased marijuana convictions for people of color, and for Hispanics in  
12 particular, is attributable to the discriminatory enforcement of the marijuana laws, as Hispanics  
13 and other people of color are more likely to be surveiled, detained, searched, investigated,  
14 arrested, and prosecuted than their white counterparts. For example, the New York Police  
15 Department gathered statistics on their “stop and frisk” program in 2009 and found that eighty-  
16 four percent of the subjects stopped were either Black or Hispanic, though contraband was only  
17 found 1.5% of the time. Only 16% of the people stopped were white, though that group was  
18 found to be in possession of contraband 2.2% of the time.<sup>13</sup> However, population data actually  
19 indicates that white people use cannabis in similar or even greater numbers than do Blacks or  
20 Hispanics.

21 11. As I am not a lawyer I will not speculate on the legal ramifications of the above-  
22 described inequities and blatant racism marking the enactment of the statute which placed  
23 marijuana on Schedule I. As a sociologist, criminologist and historian, however, I can say that

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24 <sup>8</sup> Taken from American Community Survey data for 2009, located online at  
25 <http://www.census.gov/acs/www/>.

26 <sup>9</sup> <https://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf>.

27 <sup>10</sup> See, footnote 5.

28 <sup>11</sup> <http://quickfacts.census.gov/qfd/states/00000.html>.

<sup>12</sup> Data not yet available.

<sup>13</sup> ACLU Report, “*The War on Marijuana in Black and White*,” p. 21, noting comparable use rates.

1 any law which is founded upon attitudes so abhorrent to present societal values must be  
2 examined with suspicion. Particularly, when, as here, the rationale for perpetuating the law is not  
3 founded in the realities of medical and social science.

4 **RESULT OF THE PROHIBITION ON MARIJUANA**

5 12. As a patrol officer, and later an investigating officer in the drug investigation and  
6 vice units, I was often required to investigate, interrogate, or otherwise interact with drug abusers  
7 and addicts. During that time, I did not observe a single death caused by marijuana, nor am I  
8 aware of any deaths caused by marijuana.

9 13. Additionally, unlike the many times I observed alcohol induced violent behavior, in  
10 my role as a law enforcement officer I never encountered a subject become violent due to the  
11 consumption of marijuana.

12 14. I believe marijuana can be safely used and distributed. It is my opinion that this has  
13 been done in states where it has been decriminalized if recommended by a physician. Based on  
14 my training, experience and research, I have concluded marijuana should be treated no different  
15 than numerous other plant based medicines that may be used as part of health care plan, as are  
16 other common plant based medicines.

17 15. The greatest harm posed by marijuana is not from use or the pharmacological  
18 composition of the plant, but from its status as an illegal substance, as the prohibition for  
19 possessing cannabis far exceeds any purported harm to one's body or the community caused by  
20 its use.

21 16. Marijuana's status as an illegal substance results in its distribution on the black  
22 market, rather than through regulated commerce; a situation which can attract drug cartels, gangs,  
23 and other violent organizations looking to benefit from the premium paid for the risk of engaging  
24 in illegal conduct. In addition, because of this illegality, the transfer of marijuana involves large  
25 amounts of cash, which in turn invites and increases the risk of robberies and home invasions.  
26 Both these harms would be abated by rescheduling marijuana, not only because people will be  
27 able to purchase it with a check or credit card, but also because the value would drop  
28 significantly as there would no longer be the price of risk built into the cost.

1           17. The drug enforcement and policing policies and strategies related to marijuana and  
2 drug investigations cause unreasonable harm by destroying the support system for persons  
3 arrested with a personal use quantity of cannabis. For example, a person arrested with a small  
4 quantity of marijuana may face numerous felonies for their relatively minor conduct, such as  
5 felony possession, or conspiracy if they purchased the cannabis with another person, or for  
6 “maintaining a place for the sale of illegal drugs” if they were located in a vehicle with the  
7 cannabis. Under these circumstances, the criminal consequences of even minor marijuana  
8 possession can be severe and devastate the person’s life, livelihood, and other concomitant  
9 repercussions of a criminal prosecution.

10           18. In addition, due to the serious consequences of even a minor marijuana conviction, a  
11 common police tactic is to encourage an arrestee to become an informant in return for leniency in  
12 their case, such as a misdemeanor plea. Faced with the threat of jail time and/or the seizure of  
13 their personal property, such as their home and cars, people often inform on others in their own  
14 networks, including family members, long-term friends, and others in the local community,  
15 forever fracturing many of these relationships. It is sociologically true that healthy relationships,  
16 involvement in conventional activities with friends, family, and community, helps people thrive,  
17 and therefore, I convinced that this policing strategy, resulting from marijuana’s status as an  
18 illegal substance, does more harm than good to our communities and to these relationships.

19           19. I agree with the statement made by Congressman Cohen at the Congressional  
20 Hearing discussed in Paragraph 4, *supra*,:

21                   And because the basic respect for the law is so important and what  
22                   we do as legislators, Congress people, is pass laws – when there’s a  
23                   law that is so universally looked upon as wrong, a cultural lag  
                      where the public doesn’t agree with what the law is, it breeds  
                      disrespect for the law, for the entire judiciary system.

24           20. Such sentiment mirrors my experience in law enforcement. By criminalizing a  
25 substance which is viewed by the majority of Americans as less harmful than tobacco and  
26 alcohol, the government undermines the relationship between police officers and those they are  
27 charged with protecting. I have witnessed a widespread negative social impact on law-abiding  
28 citizens which can be attributed to the use of undercover officers tasked with establishing



1 relationships and befriending persons to whom they later must arrest or otherwise “come clean.”  
2 This community mistrust of the police is heightened when the undercover work involves the  
3 benign, and generally accepted, substance marijuana, resulting in the breakdown of important  
4 social ties, and destroying law enforcement’s relationship with the very communities they are  
5 charged with protecting. Although in some situations, such as when investigating inherently  
6 dangerous activity such as terrorism, the benefits of the breakdown in the relationship between  
7 community and police may outweigh the burdens created by the danger of the illicit conduct; just  
8 the opposite is true with regards to marijuana.

9 21. Marijuana’s status as illegal also causes vigilante behavior because disputes  
10 regarding marijuana cannot be enforced in courts via contract law or other avenues of justice-  
11 seeking available to those distributing lawful substances, such as alcohol. The “drug deal gone  
12 bad” is a common theme for narcotics related violence. I have, however, never heard of an  
13 “alcohol deal gone bad,” as disputes among those who distribute alcohol may be resolved in the  
14 courts. As marijuana distributors cannot seek judicial intervention, the likelihood of self-help  
15 methods of settling disagreements including violence increases.

16 22. In sum, it is my opinion that the original classification of marijuana as a Schedule I  
17 Controlled Substance was predicated on the racially offensive attitudes existing in the 1930s.  
18 The Schedule I Controlled Substance classification itself now serves to reproduce societal beliefs  
19 about the dangers of marijuana which then affects the dispositions of those in power to change it.  
20 Based on my extensive experience as a law enforcement officer, as well as my research and  
21 training, it is also my opinion that the only harm caused by marijuana is the direct result of this  
22 classification and the law enforcement practices that rise from it.

23 I declare under penalty of perjury that the foregoing is true and correct, except for those  
24 matters stated on information and belief, and as to those matters I believe them to be true. This  
25 declaration signed on the 19<sup>th</sup> day of June, 2014, in Morgantown, West Virginia.

26  
27 */s/ James J. Nolan, III*  
28 JAMES J. NOLAN, III, Ph.D.

**James J. Nolan, III**

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**EDUCATION**

1997 Ph.D., Temple University, Philadelphia, PA  
1991 M.Ed., Temple University, Philadelphia, PA  
1989 M.S., Wilmington College, Wilmington, DE  
1986 B.S., Wilmington College, Wilmington, DE (Magna Cum Laude)

**AREAS OF INTEREST/ SPECIALIZATION**

Police Procedures & Processes  
Crime Measurement  
Organizational Behavior in Criminal Justice Agencies  
Social Psychology/ Group Processes  
Hate Crime

**EMPLOYMENT**

2006 - Present **West Virginia University,**  
**Division of Sociology and Anthropology**  
Associate Professor

2000 - 2006 **West Virginia University,**  
**Division of Sociology and Anthropology**  
Assistant Professor

1995 - 2000 **Federal Bureau of Investigation**  
Criminal Justice Information Services Division  
Chief; Crime Analysis, Research & Development Unit

1993 - 1995 **State of Delaware**  
Senior Policy Advisor to Secretary of Public Safety  
Public Safety representative to Governor's Family Services Cabinet Council

1980 - 1993 **City of Wilmington (Delaware) Department of Police**  
**Patrol Operations** - As patrol officer, sergeant, and lieutenant.  
**Special Investigations** - Drug, organized crime, and vice investigations.  
**Planning and Research** - development, oversight, and evaluation of policing programs, such as mobile mini stations, bike patrols, victim services, and several community policing projects.  
**Administration of Community Policing** - Project director for department's Weed & Seed Program and oversight of department's community services division.

**PROFESSIONAL EXPERIENCE**

- 1997 - 2000 **West Virginia University**, Morgantown, WV  
Department of Sociology and Anthropology  
Adjunct Assistant Professor  
Courses: Criminology, Juvenile Delinquency
- 1995 - 2002 **Federal Bureau of Investigation**, Behavioral Sciences Unit, Quantico, VA  
Lecturer  
Course: Violence in America  
Topic: Hate Crime
- 1996 - 1999 **Temple University**, Philadelphia, PA  
College of Education  
Lecturer  
Course: Intimacy and Control
- 1991 - 1993 **University of Delaware**, Newark, Delaware  
Department of Continuing Education  
Instructor, Community Policing Seminar

**ACADEMIC AWARDS AND NOMINATIONS**

- 2010 Robert C. Byrd Research Professorship (nominated)
- 2010 Professor of the Year (nominated & awarded), Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education (CASE)
- 2009 Eberly College of Arts and Sciences Outstanding Teacher (nominated and awarded)
- 2009 West Virginia University Foundation Outstanding Teacher (nominated and awarded)

**BOOKS AND BOOK CHAPTERS**

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**Nolan, J.** and Akiyama, Y. (2002). Assessing the Climate for Hate Crime Reporting in Law Enforcement: A Force Field Analysis in *The Justice Professional*, 15(2).

**Nolan, J.**, Akiyama, Y. and Woods, J. (2001). Improving Measures of Crime: Sample Adjustments to Police Crime Data in *Proceedings of Statistics Canada Symposium 2001, Achieving Data Quality in a Statistical Agency: A Methodological Perspective*.

**Nolan, J.** and Akiyama, Y. (1999) .Assessing the Factors that Affect Law Enforcement Participation in Hate Crime Reporting in the *Journal of Contemporary Criminal Justice* (15) 1.

Akiyama, Y. and **Nolan, J.** (1999). Methods for Understanding and Analyzing NIBRS Data in the *Journal of Quantitative Criminology* (15) 2.

**Nolan, J.** and Nuttall, J.J. (1993). "The SPARC Task Force: Solving Problems and Restarting Communities." *Law Enforcement Bulletin*, September 1993.

## **OTHER PUBLICATIONS**

### **Encyclopedia Entries**

**Nolan, J.** (2005). Uniform Crime Reports. *Criminal Justice*. Salem Publishers

**Nolan, J.** (2005). Police Athletic League. *Criminal Justice*. Salem Publishers

**Technical Reports AND Peer-Reviewed Conference Papers**

Haas, S., LaValle, C., Turley, E., **Nolan, J.** (2012). Improving State Capacity for Crime Reporting: An Exploratory Analysis of Data Quality and Imputation Methods Using NIBRS Data.

**Nolan, J.**, Jackson, J. K., Latimer, M., Tower, L., and Borres, A. (2012). New Ideas from the ADVANCE Community: using a Dialogical Change Process and Strategic Planning to Diversify Academic Departments. WEPAN Conference (Women in Engineering).

Haas, S. **Nolan, J.** , Turley, E., and Stump, J. (2011). *Assessing the Validity of Hate Crime Reporting*. Charleston, WV: Criminal Justice Statistical Analysis Center.

**Nolan, J.** (2010). *Threat Assessment at Wilmington University: A Campus Dynamics Approach*. For Wilmington University Public Safety.

**Nolan, J.** (2006). *A Training Manual for FBI Officials Assigned to the Uniform Crime Reporting Program*. Funded by the U.S. Department of Justice, Federal Bureau of Investigation.

**Nolan, J.** *Improving Measures of Crime: Statistical Adjustments to Police Crime Data*. Funded by the American Statistical Association and the Bureau of Justice Statistics.

**Nolan, J.**, Mencken, F.C., and McDevitt, J. (2004). NIBRS Hate Crimes 1995-2000: Juvenile Victims and Offenders. Online publication by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at <http://ojjdp.ncjrs.org/> or [www.as.wvu.edu/~jnolan/nibrshatecrime.html](http://www.as.wvu.edu/~jnolan/nibrshatecrime.html).

McDevitt, J., Cronin, S., Balboni, J., Farrell, A., **Nolan, J.**, Weiss, J. (2003). Bridging the Information Disconnect in Bias Crime Reporting. Funded by the Bureau of Justice Statistics, U.S. Department of Justice.

**Nolan, J.** (2003). The Risk of Violent Crime Victimization by Age, Race, and Sex: A Lifetime Perspective. Funded by the National Center for Juvenile Justice.

**Nolan, J.**, Mencken, F. C., and Berhanu, S. (2002). Law Enforcement Officers Killed in the United States Between 1980-1999: An Examination of Cases Involving Juvenile Offenders. Funded by the National Center for Juvenile Justice.

**Op/Ed Article**

Woods, J. & **Nolan, J.** (April 5, 2012) To protect freedom, U.S. jurists must pardon terror suspects caught by entrapment. *Christian Science Monitor*.

**Nolan, J.** & Brunswick, M. (December 2010). Combating Crime with Restorative Justice. *News Journal*. Wilmington, DE.

**Nolan, J.** (2001). Hate Crime Laws Protects All. *The Dominion Post*, Morgantown, WV (Guest

Commentary, March 31, 2001). This same article appeared under different titles in the *Charleston Daily Mail*, Charleston, WV and the *Daily Athenaeum*, Morgantown, WV.

### **Book Reviews**

**Nolan, J.** (2003). Review of Jack Levin's "The Violence of Hate: Confronting Racism, Anti-Semitism, and Other Forms of Bigotry." In *Criminal Justice Review*, 28(1).

**Nolan, J.** (1995). Review of James William Gibson's "Warrior Dreams: Violence and Manhood in Post-Vietnam America" in the *Law Enforcement Bulletin*, November.

### **FUNDED RESEARCH GRANTS AND PROJECT ADMINISTRATION**

- 2010 – 2015 Co investigator – NSF ADVANCE Grant – (\$3.2 million)
- 2010 Co-Investigator – WV Division of Criminal Justice Services – Hate Crime Reporting Study (\$5,400.00)
- 2010 Co- Investigator- ARTS Grant – Interdisciplinary seed grant. Eberly College of Arts & Sciences (\$40, 000.00)
- 2007 – present Principal Investigator, "Neighborhood Dynamics and Situational Policing" research funded by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) (\$470,000.00)
- 2004 - 2005 Principal Investigator - "Improving Measures of Crime: Statistical Adjustments to Police Data" research funded by the American Statistical Association and the Bureau of Justice Statistics (\$22,000.00)
- 2003 - 2006 Co-Principal Investigator - "Forensic Science Initiative at West Virginia University" funded by the National Institute of Justice, U.S. Department of Justice (\$3,250,125.00)
- 2002 - 2003 Principal Investigator - "The Number of Times an Average Person is Victimized by Violent Crimes: A Lifetime Perspective" funded by the National Center for Juvenile Justice (\$29,000.00).
- 2001- 2003 Principal Investigator, "A Study of Hate Crimes Involving Juveniles as Victims or Offenders," a research project funded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (\$74,000.00).
- 2001-2003 Consultant - "Bridging the Information Disconnect in Bias Crime Reporting," research funded by the Bureau of Justice Statistics, U.S. Department of Justice (with Jack McDevitt and Jennifer Balboni, Northeastern University, and Joan Weiss, Justice Research and Statistics) (\$150,000.00).
- 2000- 2001 Principal Investigator, "A Study of Juveniles who Murder Law Enforcement Officers," research funded by the National Center for Juvenile Justice (\$29,000.00).

1997-2000 Project Manager, FBI Uniform Crime Reporting (UCR) Automation Project

**PAPERS PRESENTED AT PROFESSIONAL MEETINGS**

- 2012 New Ideas from the ADVANCE Community: Using a Dialogical Change Process and Strategic Planning to Diversify Academic Departments (with Melissa Latimer, Kasi Jackson, Awilda Borres)
- 2012 Understanding Hate as a Motivation for Violent Crime. Annual meeting of the American Society of Criminology (with Karen Weiss).
- 2011 "Situational Policing." Panel presentation at the annual meeting of the Office of Community Oriented Policing, U.S. Department of Justice.
- 2010 "A Multi-Site Analysis of Systematic Social Observations: Impact of Neighborhood Disorder on Victimization." A paper presented at the annual conference of the American Society of Criminology, San Francisco (with Rachel Stein and Susie Bennett).
- 2010 "Situational Policing: Findings from a Mutli-Site Study Assessing Police and Neighborhood Psychoemotional Dynamics." A paper presented at the annual conference of the American Society of Criminology, San Francisco (with Susie Bennett and Rachel Stein)
- 2010 "Impact of Inside Out Class on Efficacy Beliefs of Students." A paper presented at the annual conference of the American Society of Criminology, San Francisco (with Tom Wytiaz)
- 2009 "Situational Policing: Seeing & Seizing on Neighborhood Dynamics to Reduce Crime and Build Collective Efficacy." A paper presented at the annual conference of the American Society of Criminology (with Susie Bennett and Ellen Rodrigues), Philadelphia.
- 2009 "Hate Crimes in the United States Pre and Post September 11, 2001." A paper presented at the annual conference of the American Society of Criminology (with Susie Bennett and Ellen Rodrigues), Philadelphia.
- 2008 "The Nature of Religious Hate Crimes in the United States Pre and Post 9/11" invited paper 13th International Metropolis Conference Mobility, Integration and Development in a Globalised World 27-31 October 2008 Bonn, Germany (with Susie Bennett and Ellen Rodrigues)
- 2007 "Measures of Neighborhood-Level Psycho Emotional Development: Why Community Policing Efforts Have Failed or Succeed." A paper presented at the annual conference of the American Society of Criminology, Atlanta (with Anthony Delligatti).
- 2007 "Uses of Narrative in Law Enforcement: Socialization, Legitimation, and Organizational Memory, " A paper presented at the annual conference of the American Society of Criminology, Atlanta (with Larry Nichols)



- 2007 "Using NIBRS to Estimate the Probability of Violent Crime Victimization Over a Lifetime." A paper presented at the annual conference of the American Society of Criminology, Atlanta.
- 2006 "'Commitment, Conflict, and Collective Efficacy: Dynamics of a Capstone Sociology Course Inside a West Virginia Prison," a paper presented at the annual conference of the American Society of Criminology, Los Angeles.
- 2006 "The Progression and Escalation of Hate: A Confirmatory Analysis Using NIBRS Data," a paper presented at the annual conference of the American Society of Criminology, Los Angeles (with Cynthia Barnett-Ryan).
- 2006 "Expressing Hate Crimes: From Narrative to NIBRS," a paper presented at the annual conference of the American Society of Criminology, Los Angeles (with Corey Colyer and Larry Nichols).
- 2006 "Situational Policing: Bridging the Gap Between Police and Neighborhood Residents," a paper presented at the annual conference of the American Society of Criminology, Los Angeles (with Jeri Kirby and Norman Conti).
- 2006 "Community Representation: Who is Speaking for the Community," a paper presented at the annual conference of the American Society of Criminology, Los Angeles (with Ronald Althouse and Jeri Kirby).
- 2006 "The Algebra of 'Hiding' and 'Creating' Crimes," a paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Baltimore, Maryland (with Yoshio Akiyama)
- 2006 "Improving Measures of Crime: Statistical Adjustments to Police Crime Data in West Virginia," a paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Baltimore, Maryland
- 2005 "Understanding the Psychosocial Development of 'Defended' and 'Corporate' Neighborhoods: Implications for Situational Policing" (with Jeri Kirby and Ronald Althouse), a paper presented at the annual meeting of the American Society of Criminology, Toronto.
- 2005 "The Progression and Escalation of Hate: A Geographic Analysis Using UCR Data" (with Cynthia Barnett-Ryan), a paper presented at the annual meeting of the American Society of Criminology, Toronto.
- 2005 "Global Security and Defended Localities: The Role of Situational Policing in Transnational Crime" a paper presented at the International Police Symposium (IPES), Prague, Czech Republic (with Norman Conti and Zsolt Molnar)
- 2004 "Neighborhood Development and Crime: Implications for Situational Policing" a paper presented at the annual meeting of the American Sociological Association (ASA), San Francisco, CA (with Norman Conti)

- 2004 “Mediated Hate: Constructions of Bias Crime in Official Statistics and Newspaper Narratives” ” a paper presented at the annual meeting of the Society for the Study of Social Problems (SSSP), San Francisco, CA (with Lawrence Nichols)
- 2004 “Framing Hate Crime: Competing Definitions in Official Databases and Mass Media Accounts” ” a paper presented at the annual meeting of the American Society of Criminology, Nashville, TN (with Lawrence Nichols)
- 2004 “A Splinter in Your Mind: Ethics and Efficacy in Police Training” ” a paper presented at the annual meeting of the American Society of Criminology, Nashville, TN (with Norman Conti)
- 2005 “The Risk of Violent Crime Victimization in the State of West Virginia by Race and Sex: A Lifetime Perspective” ” a paper presented at the annual meeting of the American Society of Criminology, Nashville, TN (with Stephen Haas)
- 2004 “NIBRS Hate Crimes 1995-2000: Juvenile Victims and Offenders” a paper presented at the annual meeting of the American Society of Criminology, Nashville, TN (with Carson Mencken and Jack McDevitt)
- 2003 “Situational Policing: Neighborhood Development and Crime Control,” a paper presented at the annual meeting of the American Society of Criminology, Denver, CO. (with Norman Conti and Jack McDevitt)
- 2003 “Understanding and Clarifying Ambiguities in Bias Crime Reporting,” a paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Boston, MA.
- 2003 “Neighborhood Development and Crime Control” a paper presented at the annual meeting of the North Central Sociological Association. Cincinnati, OH.
- 2002 “Improving Measures of Crime: Statistical Adjustments to Police Crime Data” presentation at the National Institute of Justice Annual Conference on Research and Evaluation, Washington, DC.
- 2002 “Law Enforcement Officers Killed in the Line of Duty: A Comparison of Juvenile and Adult Offenders, a paper presented at the annual conference of the American Society of Criminology, Chicago, IL (with Carson Mencken)
- 2002 “The Probability of Violent Crime Victimization for *The Average Person*: A Lifetime Perspective” a paper presented at the annual conference of the American Society of Criminology, Chicago, IL (with Yoshio Akiyama)
- 2002 “Bridging the Information Disconnect in Bias Crime Reporting” Presidential Panel Session at the annual conference of the American Society of Criminology, Chicago, IL (with Jack McDevitt, Jennifer Balboni, and Shea Cronin)
- 2002 “Understanding Bias Crime Classification: A Quantitative Analysis” a paper presented at the

annual conference of the American Society of Criminology, Chicago, IL

- 2001 “Hate Crime in the Media: An Analysis of News Articles Before and After Passage of the Hate Crime Statistics Act,” presented at the annual meeting of the North Central Sociological Association (with Norman Conti and Jennifer Hatcher).
- 2001 “Improving Measures of Crime: Sample Adjustments to Police Crime Data” paper presented at the International Symposium on Methodological Issues-Statistics Canada (with Yoshio Akiyama and James Woods).
- 2001 “Juvenile Cop Killers” a paper presented at the annual conference of the American Society of Criminology, Atlanta, GA.
- 2001 “Hate Crime in the News” a paper presented at the annual conference of the American Society of Criminology, Atlanta, GA.
- 2000 “Measuring Consensus: An Index of Disagreement via Conditional Probability,” presented at the annual conference of the American Psychological Association (with Yoshio Akiyama).
- 2000 “Expanding the Mode of Tobit Analysis,” presented at the annual conference of the American Psychological Association, August 2000 (with Yoshio Akiyama and Samuel Berhanu).
- 1999 “Methodological Issues in the National Hate Crime Data Collection Program,” presented at a conference on hate crime measurement sponsored by the School of Criminal Justice, State University of New York (SUNY) at Albany.
- 1999 “Do Large Jurisdictions Have Higher Crime Rates Than Small Jurisdictions? Developing an Indicator of Covariance Between Crime Rate and Population,” presented at the annual conference of the American Society of Criminology (with Yoshio Akiyama).
- 1999 “The Hate Crime Statistics Act of 1990: Developing a Method for Measuring and Predicting the Occurrence of Hate Violence” presented at a national conference on hate crime co-sponsored by the Society for the Psychological Study of Social Issues and the University of California at Los Angeles (UCLA).
- 1998 “Unit of Count and Cross Tabulations in the National Incident-Based Reporting System,” presented at the annual conference of the American Society of Criminology (with Yoshio Akiyama), Washington, D.C.
- 1998 “The Status of the National Hate Crime Data Collection Program,” presented at the annual conference of the Academy of Criminal Justice Sciences.
- 1997 “The Utility of NIBRS Data in Assessing White Collar Crime” presented at the Inaugural National Economic Crime Conference, Providence, RI (with Cynthia Barnett).
- 1997 “Creation of Hate Crime Policies in Law Enforcement Agencies: A Few Considerations” presented at the annual conference of the Association of State Uniform Crime Reporting Programs, Cincinnati, Ohio.

- 1997 “Law Enforcement Participation in Hate Crime Reporting” panel chair and presentation at the annual conference of the American Society of Criminology, San Diego, CA.
- 1997 “Crime Rate: Interaction Between Criminality and Prevention,” presented at the annual conference of the American Society of Criminology (with Yoshio Akiyama), San Diego, California.

### **COURSES TAUGHT**

#### **West Virginia University**

- |                |  |
|----------------|--|
| 2011 – present | Sociological Theory SOCA 522   |
| 1997 - 2002    | Criminology, SOCA 232  |
| 2000 - present | Criminal Justice, SOCA 234   |
| 2001 - present | Deviant Behavior, SOCA 302   |
| 1997 - 2002    | Juvenile Delinquency, SOCA 233   |
| 2000 - present | Writing Course in Sociology and Anthropology, SOCA 389                   |
| 2002 - present | Hate Crime SOCA 318  |
| 2004 - present | Statistical Methods and Data Analysis (graduate course) SOCA 517, 518    |
| 2006 – present | Inside Out: Exploring Issues of Crime and Justice Behind WV Prison Walls |
| 2007 – present | Justice Roundtable (an independent study course at a WV prison)          |
| 2008 – present | Neighborhood Dynamics and Situational Policing                           |

### **OTHER TEACHING ACTIVITY**

- 2002 - present “Sampling Theory and Practice” – annual invited lecture to sociology graduate students at West Virginia University
- 2001-present Leadership Seminar, West Virginia Mountaineer Boys’ State

### **SERVICE TO UNIVERSITY**

- |                |  |
|----------------|--|
| 2003 - 2005    | Eberly College of Arts and Sciences Outstanding Teacher Committee              |
| 2002 - 2007    | Faculty advisor to Sigma Chi Fraternity  |
| 2001 - present | Safe Zone Program  |
| 2000 - present | Undergraduate Committee, Division of Sociology and Anthropology                |
| 2000 - present | Graduate Committee, Division of Sociology and Anthropology                     |
| 2000 - 2003    | Curriculum and Academic Quality Committee, Eberly College of Arts and Sciences |

### **SERVICE TO PROFESSION**

- 2005- 2007 Consultation to the Organization for Security and Cooperation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODIHR) in regard

to the development of a hate crime curriculum (including data collection) throughout Europe.

- 2003 - 2004 Member of Ad Hoc committee on the Crime Index, co-sponsored by the Bureau of Justice Statistics and the Federal Bureau of Investigation
- 2003 - 2004 Consultant to the Federal Bureau of Investigation regarding crime measurement.
- 2002 - 2004 Member, UCR Subcommittee of the American Statistical Association's Committee on Law and Justice
- 2001 - present Ad hoc reviewer for the following journals: *Justice Research and Policy*, *American Behavioral Scientist*, *Criminology*, *Criminology & Public Policy*, and *Social Forces*, *Journal of Quantitative Criminology*, *Sociological Inquiry*, *Prison Journal*.
- 1998 Member, U.S. Attorney General's Task Force on Hate Crime Training
- 1998 Member, U.S. Attorney General's Task Force on Hate Crime Data Collection
- 1998 Participated in White House Conference on Hate Crime

**PROFESSIONAL ASSOCIATIONS**

American Psychological Association (APA)  
Group Psychology and Group Psychotherapy, Division 49 of APA  
American Sociological Association (ASA)  
American Society of Criminology (ASC)  
Academy of Criminal Justice Sciences (ACJS)  
North Central Sociological Association (NCSA)  
Society for the Study of Social Issues (SSSP)