

**Nomination of Colm F. Connolly to the
United States District Court for the District of Delaware
Questions for the Record
Submitted February 21, 2018**

QUESTIONS FROM SENATOR BOOKER

1. According to a Brookings Institute study, African Americans and whites use drugs at similar rates, yet blacks are 3.6 times more likely to be arrested for selling drugs and 2.5 times more likely to be arrested for possessing drugs than their white peers.¹ Notably, the same study found that whites are actually *more likely* to sell drugs than blacks.² These shocking statistics are reflected in our nation's prisons and jails. Blacks are five times more likely than whites to be incarcerated in state prisons.³ In my home state of New Jersey, the disparity between blacks and whites in the state prison systems is greater than 10 to 1.⁴

- a. Do you believe there is implicit racial bias in our criminal justice system?

I believe that, unfortunately, racial bias still exists in our country and that there are actors in the criminal justice system who harbor racist views. I have long believed that we must ensure that racial bias does not infect the criminal justice system. To that end, in 2014 I accepted an appointment by the Delaware Supreme Court to serve on Delaware's Access to Justice Commission, the purpose of which is to address and research the reasons for the disproportionate number of African Americans in Delaware's criminal justice system.

- b. Do you believe people of color are disproportionately represented in our nation's jails and prisons?

I believe that African-Americans and Hispanic Americans are disproportionately represented in our nation's jails and prisons.

- c. Prior to your nomination, have you ever studied the issue of implicit racial bias in our criminal justice system? Please list what books, articles, or reports you have reviewed on this topic.

In connection with my service on Delaware's Access to Justice Commission, I participated in panel discussions that addressed the issue of implicit bias.

¹ JONATHAN ROTHWELL, HOW THE WAR ON DRUGS DAMAGES BLACK SOCIAL MOBILITY, BROOKINGS INSTITUTE (Sept. 30, 2014), available at <https://www.brookings.edu/blog/social-mobility-memos/2014/09/30/how-the-war-on-drugs-damages-black-social-mobility/>.

² *Id.*

³ ASHLEY NELLIS, PH.D., THE COLOR OF JUSTICE: RACIAL AND ETHNIC DISPARITY IN STATE PRISONS, THE SENTENCING PROJECT 14 (June 14, 2016), available at <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

⁴ *Id.* at 8.

2. According to a Pew Charitable Trusts fact sheet, in the 10 states with the largest declines in their incarceration rates, crime fell an average of 14.4 percent.⁵ In the 10 states that saw the largest increase in their incarceration rates, crime decreased by an 8.1 percent average.⁶

- a. Do you believe there is a direct link between increases of a state's incarcerated population and decreased crime rates in that state? If you believe there is a direct link, please explain your views.

I believe that crime rates are influenced by a number of factors, including the incarceration of individuals convicted of crimes. I have not studied and do not know if there is a direct link between increases of a state's incarcerated population and decreased crime rates in that state.

- b. Do you believe there is a direct link between decreases of a state's incarcerated population and decreased crime rates in that state? If you do not believe there is a direct link, please explain your views.

As noted in my response to question 2.a., I believe that crime rates are influenced by a number of factors, including the incarceration of individuals convicted of crimes. I have not studied and do not know if there is a direct link between decreases of a state's incarcerated population and decreased crime rates in that state.

3. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? If not, please explain your views.

Yes.

⁵ THE PEW CHARITABLE TRUSTS, NATIONAL IMPRISONMENT AND CRIME RATES CONTINUE TO FALL 1 (Dec. 2016), available at http://www.pewtrusts.org/~media/assets/2016/12/national_imprisonment_and_crime_rates_continue_to_fall_web.pdf.

⁶ *Id.*