

**Questions for the Record for Colm F. Connolly**  
**From Senator Mazie K. Hirono**

1. As part of my responsibility as a member of the Senate Judiciary Committee and to ensure the fitness of nominees for a lifetime appointment to the federal bench, I am asking nominees to answer the following two questions:

- a. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?**

No.

- b. Have you ever faced discipline, or entered into a settlement related to this kind of conduct?**

No.

2. In a 2008 article in *The News Journal*, as the United States Attorney for the District of Delaware, you defended use of what is commonly referred to as a “stop-and-frisk” policing strategy, after a district court found its use “troubling” in a case that your office handled. Such strategies have been criticized for being used in a racially discriminatory manner.

In an interview for the 2008 article, I took exception to the district court judge’s ruling that the police officers in question violated the defendant’s Fourth Amendment rights and to the statement by the court in its opinion that the officers’ conduct was “troubling.” The district court’s opinion was subsequently reversed on appeal by the United States Court of Appeals for the Third Circuit. See *United States v. Smith*, 575 F.3d 308, 311 (3d Cir. 2009).

- a. Are you aware of the data and cases showing how stop-and-frisk policies have been used in a racially discriminatory manner?**

I am aware that in 2013 a federal district court judge in New York held that a stop-and-frisk policy employed by the New York Police Department was unconstitutional.

- b. Given the risk of being used in a discriminatory manner, do you still support the use of “stop-and-frisk” as a policing strategy?**

Because “stop-and-frisk” tactics by Delaware police have frequently been an issue in criminal cases and could be an issue in future criminal cases in the District Court of Delaware, I believe the Judicial Canons, and particularly Canon 3(a)(6), preclude me from answering this question.

3. As Chair of the part of the Delaware Access to Justice Commission’s Policing Strategies Subcommittee, you noted that: “[W]e’ve got statistics that show a disproportionate number of

African Americans in the criminal justice system, but the cause of that has not been determined factually—and that’s one of the main missions of this commission—to find out what are the causes of that.”

**a. What do you think are practical ways judges can address this disparity?**

Although, as evidenced by my role in the Delaware Access to Justice Commission, I believe that the disproportionate number of African-Americans in Delaware’s criminal justice system is very troubling and requires both study and the development of policies to address it, I do not believe it would be appropriate for a federal district court judge to engage in policymaking from the bench. I believe that judges are required to treat fairly and impartially all criminal defendants, regardless of a defendant’s race.

**b. How do you think your work on the Commission will affect your practices and decisionmaking as a federal judge, if you are confirmed?**

In my work with the Commission, I saw how participants in, and observers of, the same civilian-police interaction sometimes viewed that interaction very differently. That experience drove home for me the importance of listening carefully to all sides when trying to determine exactly what occurred during a civilian-police interaction.