

**Nomination of Kari A. Dooley to the
United States District Court for the District of Connecticut
Questions for the Record
Submitted March 14, 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 have had the benefit of training on more than one occasion regarding implicit bias. It included implicit racial bias, but was not limited to implicit racial bias. I have also had the benefit of training on related phenomena which occur when strangers of different races and ethnicities interact. I understand that the social science research continues and I hope to stay abreast, through training or otherwise, of developments in this emerging area of social science. The training I have already received has undoubtedly made me a better judge as I make day to day decisions in the courtroom. It has reminded me to be committed to, and focused on, the issues that matter. Race and ethnicity are not among those issues.

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

I am aware of studies which conclude that the prison population does not mirror the demographic of the nation as a whole and that persons of color are disproportionately represented therein. I have no reason to question those statistics or conclusions.

- 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.

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.

Please see my answer to Question 1(a) above. Aside from receiving this training, I have not studied implicit racial bias in our justice system.

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 have not studied this issue and cannot opine as to any causal link between decreased crime rates and prison population, whether increased or decreased. These inquiries are appropriate for the legislative branch to undertake, and depending upon the information gathered, to generate legislation which reflects the public policy of the state or nation. These inquiries are also appropriate for the executive branch to undertake in determining the manner and means by which the laws passed by the legislature are enforced.

- 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.

Please see my answer to Question 2(a).

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.*