

October 12, 2018

Chairman Phil Mendelson  
District of Columbia Council  
1350 Pennsylvania Avenue NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

Thank you for considering my nomination for reappointment to the District of Columbia Sentencing Commission ("Commission"). I will be present at the hearing on Thursday, November 1, 2018, at 10:30 a.m. in Hearing Room 120. As requested, below I answer the questions presented to me in advance of the hearing.

1. Please provide a copy of the Financial Disclosure Statement you filed with the Office of Campaign Finance or the Board of Ethics and Government Accountability. If you have not filed a Financial Disclosure Statement, please provide answers to questions 2-8 in lieu of that statement.

Please see answers to questions 2-8 below.

2. Please provide the name of each business entity transacting any business with the District Government in which you have a beneficial interest valued in excess of \$5,000, including publicly traded stock.

I have an individual retirement account, managed by T. Rowe Price, that, as of October 12, 2018, held approximately \$6,500 in the form of 354 shares of T. Rowe Price's Retirement 2045 fund (TRRKX). This fund includes 20 holdings, both domestic and foreign stocks, bonds, and convertibles. I do not know which business entities are represented in the fund or whether any of them are transacting business with the District, but I am happy to contact T. Rowe Price and provide the Council with more information about this investment if provided additional time to do so.

3. Please provide the name of each business entity transacting any business (including consulting) with the District Government from which you or your immediate family have received (or are receiving) income for services rendered in excess of \$1,000 during the past two years.

None.

4. Please provide the name of each business entity transacting business with the District Government in which you or any member of your immediate family serves as an officer, director, partner, or agent. Also list the position(s) held, a brief description of the entity, and any other pertinent details.

None.

5. Please provide the name of any lender and the amount of liability for each outstanding liability borrowed by you or any member of your immediate family in excess of \$5,000.

Do not include loans from a federal or state insured or regulated financial institution, or from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts.

None.

6. Please list the location of all real property located in the District of Columbia in which you have an interest with a fair market value in excess of \$5,000.

None.

7. Please list all professional and occupational licenses held by you.

DC Bar license to practice law (admitted 2008).

8. Please list any professional organizations of which you are currently a member.

DC Bar; Women in Government Relations.

9. Please list all boards and commissions connected with the District government on which you are or have been a member, and include the term of service for each.

DC Sentencing Commission, 2012 to present.

10. Please list any other boards (e.g. Boards of Directors of a non-profit) on which you are a member.

None.

11. Do you have any outstanding liability for taxes, fees, or other payments to the District, federal, or other state or local governments, either contested or uncontested? If so, please provide documentation of attempts to pay the amount owed or to resolve the disputed claim.

None.

12. Do you or any member of your immediate family have any interest, financial or otherwise, that may directly or indirectly pose a conflict of interest for you in performance of your duties as a member of the Commission?

None.

13. Please describe any local political activity (i.e. the District of Columbia local elections or campaigns) that you have engaged in over the past five years, including any campaign contributions to a local candidate or political action committee.

None.

14. Are you registered with any local, state, or federal government to lobby? If so, list the jurisdiction(s) in which you are registered.

Arizona.

15. Why have you agreed to serve another term and how do you plan to continue to help the Commission fulfill its role and mission during your time on the Commission? What challenges do you believe the Commission has experienced, and how do you believe these challenges should be addressed moving forward?

I have agreed to serve another term as a DC Sentencing Commission commissioner because I believe strongly in the Commission's mission of providing a just and equitable sentencing system for DC residents, and I feel I can contribute valuable input for the Commission's current and future projects. These projects include a recently completed poll and series of focus groups on the use and clarity of the guidelines and the review of several complex criminal history calculation issues that impact many people sentenced annually in the District. I would like to continue to serve the Commission as it responds to practitioner feedback provided during our public opinion research, and as it considers improvements to the criminal history sections of the guidelines.

The Commission has overcome several challenges during my tenure as a commissioner. The biggest involved the adoption of a new database that united relevant sentencing data in one place, covering all stages of the criminal adjudication process from arrest to post-release supervision. After adoption of this database, I had the pleasure of serving on the Research Committee that worked with staff to write and release a March 2017 report analyzing six years of sentencing data and evaluating the effectiveness of the sentencing guidelines.<sup>1</sup> Throughout the creation of this report, we reviewed both pre- and post-guidelines sentencing practices in the District, and we overcame the challenge of resurrecting the philosophies and rationales that drove both eras of sentencing. Another significant challenge that the Commission faces is incorporating and ranking new offenses in the sentencing guidelines grid. When doing so, the Commission faces the challenge of honoring the Council's legislative intent while also ensuring that the new offense is not ranked in a way that requires departures from the guidelines or creates arbitrary, irrational, or disproportionate sentencing results. This challenge is especially acute when the offense in question carries a mandatory minimum sentence that may or may not create sentencing disparities between offenses of similar or different severity. Yet another challenge the Commission faces is reaching agreement when many commissioners have differing experiences within the justice system and support opposing philosophies of punishment. Yet, I have repeatedly seen the Commission make decisions and take action after patiently meeting and discussing thorny issues with civility, respect, and thoughtful deliberation. Finally, a challenge for the Commission is retaining qualified staff and commissioners to handle the complexity of the sentencing guidelines. The sentencing guidelines are

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<sup>1</sup> DC Sentencing Comm'n, An Evaluation of the DC Voluntary Sentencing Guidelines (Mar. 2017), [https://scdc.dc.gov/sites/default/files/dc/sites/scdc/page\\_content/attachments/Final%20Evaluation%20Report%203-21-17.pdf](https://scdc.dc.gov/sites/default/files/dc/sites/scdc/page_content/attachments/Final%20Evaluation%20Report%203-21-17.pdf).

complicated and often confusing even for experienced practitioners. Intellectual stamina and a willingness to grapple with data are essential for the positions. Retaining staff and commissioners who are increasingly well-versed in how the guidelines work is and should continue to be a top priority.

16. Please discuss any past and present experiences not already mentioned that you believe are relevant to support your reappointment as a member of the Commission?

As someone with 12 years of experience working in a legislative advocacy capacity, I understand the political dynamics involved in creating criminal penalties. As a person who must be prepared to argue both sides of a question with people across the political spectrum, I strive to base my arguments and views on data and to acknowledge the correct points on both sides. As a lawyer who is still fascinated with philosophies of punishment, I try always to question whether a penalty achieves the right goals while respecting the taxpayers who will foot the bill. As one who began her legal career as a prosecutor, I remember that public safety is a top priority, while also knowing that imprisonment is often not the only or most effective way to keep the community safe. And as a person who works for a nonprofit organization dedicated to hearing and telling the stories of people directly impacted by sentencing laws, I try always to remember that our sentencing decisions impact real families, spouses, children, and communities in myriad ways that cannot be measured in either recidivism rates or dollars and cents.

Thank you for considering me again for the DC Sentencing Commission. Please contact me at (202) 243-9115 if you have additional questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Molly Gill". The signature is written in a cursive, flowing style with a large initial "M" and a long, sweeping underline.

Molly Gill