

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
DRAFT COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: November 20, 2018

SUBJECT: Report on PR 22-814, “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018”

The Committee of the Whole, to which PR 22-814, the “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018,” was referred, reports favorably thereon and recommends approval by the Council.

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I. BACKGROUND AND NEED

On March 27, 2018, PR 22-814, the “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018” was introduced by Chairman Mendelson. The purpose of PR 22-814 is to reappoint Ms. Gill as a citizen of the District of Columbia member to the District of Columbia Sentencing Commission (Commission) for a three-year term to end on July 2, 2020.

Ms. Gill is a Ward 6 resident of the District of Columbia. She graduated from Oral Roberts University, where she received a degree in Government/Organizational & Interpersonal Communications. Ms. Gill subsequently obtained her law degree from the University of Minnesota Law School, where she also served as a staff member on the institution’s Journal of Law and Inequality. Currently, she serves as the Vice President of Policy for the Families Against Mandatory Minimums (FAMM). In this role she works with lawmakers to improve the criminal

justice system—ensuring that crimes are defined appropriately and that punishments are individualized, humane, and just.

As evidenced by her attached resume, Ms. Gill has a strong interest in criminal justice and sentencing issues in particular. She served as a law clerk while in law school to the Honorable John L. Holahan in the Hennepin County District Court. Also, while in law school she worked as a Gang Unit Law Clerk with the Gang Violence Unit for the Hennepin County Attorney’s Office. Since 2007, Ms. Gill has worked with FAMM both in communications and in legislative strategy and project management. Through this work she has appeared on national and local media programs and as a guest lecturer for the American University Washington Semester Program. She has also published a range of articles, including many focused-on sentencing issues.

The origin of the Commission was the creation of a pilot program by the Council in 1998, tasking the then named Advisory Commission on Sentencing with the development of sentencing guidelines.¹ The resulting product, a set of voluntary sentencing guidelines, was then monitored by the Commission, which collected, reviewed, and analyzed data from judges and criminal justice practitioners. After widespread success under the pilot program, with close to 90 percent judicial compliance with the voluntary guidelines (well above average compared with other jurisdictions), the Council passed the Sentencing and Criminal Code Revision Commission Amendment Act of 2007² to allow the Commission to continue its important work in monitoring the impact of the guidelines, and updating and amending them as needed. This review helps ensure the continued success of these guidelines in reducing unwarranted disparity in sentencing with due regard for public safety and other criminal justice concerns.

Previously, the Commission was part of the Sentencing and Criminal Code Revision Commission (SCCRC). The SCCRC had a bifurcated mission, tasked with establishing and monitoring the effectiveness of voluntary sentencing guidelines and for recommending revisions to the District’s criminal code. However, the bifurcated role created issues with SCCRC’s ability to complete the Criminal Code Reform Project. The Committee on Judiciary noted that there were difficulties in reaching consensus on the intended scope of the Project revisions that led to an inability for the Project to be completed by its statutory deadline.³ Further, there were concerns among judges on the SCCRC in voting for statutory changes to the criminal code that they may be called to interpret.⁴

In response to these concerns, the Council approved the Criminal Code Reform Commission Establishment Act of 2016,⁵ which established the Criminal Code Reform Commission as an independent and separate agency from the Sentencing Commission. The goal was to create an independent agency that would be more effective and would eliminate the

¹ Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*).

² D.C. Law 17-25; D.C. Official Code § 3-101 *et seq.*

³ Committee on Judiciary, Committee Budget Report, “Report and Recommendations of the Committee on the Judiciary on the Fiscal Year 2017 Budget for Agencies under Its Purview”, Page 312, May 5, 2016.

⁴ *Id.*

⁵ D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*

administrative hurdles preventing the Criminal Code Reform Project from effectuating its mission.⁶

The role of the Commission is to revise and implement a system of voluntary sentence guidelines for use in the District of Columbia Superior Court designed to achieve the goals of consistency and adequacy of punishment.⁷ When revising the guidelines the Commission must take the following under consideration: (1) the seriousness of the offense; (2) the dangerousness of the offender; (3) the need to protect the safety of the community; (4) the offender's potential for rehabilitation; and (5) the use of alternatives to prison.⁸ In addition, on an annual basis, the Commission is required to file a report with the Council that contains an analysis of the sentences imposed and describes how it ranked a new felony offense or re-ranked any existing felony offense, and the resulting guideline sentencing options.⁹

The Commission consists of 17 members, 12 of whom are voting members and five of whom are nonvoting members. The Chief Judge of the Superior Court of the District of Columbia appoints six voting members of the Commission to include: (A) three judges; (B) two members of the DC Bar, in consultation with the President of the DC Bar; and (C) a professional from an established organization devoted to research and analysis of sentencing issues and policies.¹⁰ The Mayor and the Council each appoint one citizen of the District of Columbia member to the Commission.¹¹ Other voting members of the Commission include the United States Attorney for the District of Columbia, Director of the District of Columbia Public Defender Services, Attorney General for the District of Columbia, and Director of the Court Services and Offender Supervision Agency for the District of Columbia.¹² The nonvoting members of the Commission include the Director of the District of Columbia Department of Corrections, Chief of the Metropolitan Police Department, Director of the United States Bureau of Prisons, Chairperson of the United States Parole Commission, and Chairperson of the Council Committee on Judiciary and Public Safety.¹³

⁶ *Supra* note 3.

⁷ D.C. Official Code § 3-101(b)(1).

⁸ *Id.*

⁹ D.C. Official Code § 3-104.

¹⁰ D.C. Official Code § 3-102.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Table 1: Membership of the District of Columbia Sentencing Commission

Resolution #	Position	Appointee	Term Expiring:
PR 22-814	<i>Proposed Council Appointee (Citizen of District of Columbia Member)</i>	<i>Molly M. Gill</i>	<i>July 2, 2020</i>
	Chief Judge of the Superior Court Appointee	Judge Milton C. Lee (Chairperson)	n/a
	Chief Judge of the Superior Court Appointee	Judge Danya A. Dayson	n/a
	Chief Judge of the Superior Court Appointee	Judge Frederick H. Weisberg	n/a
	Chief Judge of the Superior Court Appointee (Expert on research and analysis of sentencing issues and policies)	Julie Samuels	December 31, 2019
	Chief Judge of the Superior Court Appointee (DC Bar Member)	William R. Martin	December 31, 2019
	Chief Judge of the Superior Court Appointee (DC Bar Member)	Frederick D. Cooke, Jr.	January 10, 2021
	United States Attorney for the District of Columbia, or designee	Renata Cooper	n/a
	Director of the District of Columbia Public Defender Service, or designee	Katerina Semyonova	n/a
	Attorney General for the District of Columbia, or designee	Dave Rosenthal	n/a
	Director of the Court Services and Offender Supervision Agency for the District of Columbia, or designee	Cedric Hendrick	n/a
R 22-325	Mayoral Appointee (Citizen of District of Columbia Member)	Marvin Turner	July 2, 2020
	Director of the District of Columbia Department of Corrections, or designee (Non-Voting Member)	Maria Amato	n/a
	Chief of the Metropolitan Police Department, or designee (Non-Voting Member)	Michael Anzallo	n/a
	Director of the United States Bureau of Prison, or designee (Non-Voting Member)	Judi Garrett	n/a
	Chairperson of the United States Parole Commission, or designee (Non-Voting Member)	Stephen J. Husk	n/a
	Chairperson of Committee on Judiciary and Public Safety, or designee (Non-Voting Member)	Councilmember Charles Allen	n/a

Ms. Gill was first appointed to the Commission in 2012.¹⁴ During her time of service the Commission has adopted a new database that analyzes six years of sentencing data and evaluates the effectiveness of the District’s sentencing guidelines.¹⁵ Further, Ms. Gill has participated in decisions to rank and re-rank several offenses on the sentencing guidelines grid that took into account the Council’s legislative intent while ensuring that the ranking does not create arbitrary results.¹⁶

Ms. Gill testified at the November 1, 2018 hearing that she wants to be reappointed because she believes in the Commission’s mission of providing a just and equitable sentencing system for District residents.¹⁷ If reappointed Ms. Gill will continue to work on projects such as analyzing

¹⁴ See Sentencing and Criminal Code Revision Commission Molly Gill Appointment Resolution of 2012, effective November 16, 2012 (R 19-652; 59 DCR 12990).

¹⁵ Molly M. Gill, Nominee, Testimony before the DC Council Committee of the Whole, 2, November 1, 2018.

¹⁶ *Id.*

¹⁷ *Id.*

the use and clarity of the guidelines, and the review of several complex criminal history and calculation issues.¹⁸

The Committee believes for the past six years Ms. Gill has made significant contributions to the Commission and her body of work necessitates her being reappointed. Her experience working on sentencing decisions cannot be overlooked as well. Ms. Gill testified that as a prosecutor she saw firsthand how sentencing decisions impact real families, spouses, children, and communities in ways that cannot be measured just in recidivism rates or dollars and cents.¹⁹

Based on her impressive credentials and expertise on sentencing issues, the Committee recommends the reappointment of Ms. Gill to the District of Columbia Sentencing Commission. Ms. Gill has the knowledge and experience to ensure the long-term success of this Commission. The Committee recommends adoption of PR 22-814.

II. LEGISLATIVE CHRONOLOGY

- | | |
|-------------------|---|
| March 27, 2018 | PR 22-814, the “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018” is introduced by Chairman Mendelson. |
| April 10, 2018 | PR 22-814 is “read” at a legislative meeting and the referral to the Committee of the Whole is official. |
| April 13, 2018 | Notice of Intent to Act on PR 22-814 is published in the <i>District of Columbia Register</i> . |
| October 12, 2018 | Notice of a Public Hearing on PR 22-814 is published in the <i>District of Columbia Register</i> . |
| October 23, 2018 | Revised and Abbreviated Notice of a Public Hearing on PR 22-814 is filed with the Secretary’s Office. |
| November 1, 2018 | The Committee of the Whole holds a public hearing on PR 22-814. |
| November 20, 2018 | The Committee of the Whole marks-up PR 22-814. |

III. POSITION OF THE EXECUTIVE

Ms. Gill is the Council’s appointee to the Commission. The Executive provided no comment on Ms. Gill’s reappointment.

¹⁸ *Id.*

¹⁹ *Id.*

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from Advisory Neighborhood Commissions on PR 22-814.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on PR 22-814 on Thursday, November 1, 2018. The testimony summarized below is from that hearing. A copy of the written testimony is attached to this report.

Molly M. Gill, Appointee, testified and answered questions from Chairman Mendelson regarding her background and experience as it pertains to the Commission and her interest in serving another term on the Commission.

The Committee received no testimony or comments in opposition to Ms. Gill's reappointment.

VI. IMPACT ON EXISTING LAW

Members of the Commission are appointed pursuant to section 3 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-102).

VII. FISCAL IMPACT

PR 22-814 will have no fiscal impact on the District of Columbia budget or financial plan. Pursuant to D.C. Official Code § 3-102(d), members of the Commission are not entitled to compensation.

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of PR 22-814.
<u>Section 2</u>	Reappoints Molly M. Gill as a citizen of the District of Columbia member to the District of Columbia Sentencing Commission to serve for a three-year term to end on July 2, 2020.
<u>Section 3</u>	Requires that a copy of the resolution, upon adoption, be transmitted to the appointee, the chairperson of the Commission, and to the Mayor.
<u>Section 4</u>	Provides that PR 22-814 shall take effect immediately upon the first date of publication in the District of Columbia Register.

IX. COMMITTEE ACTION

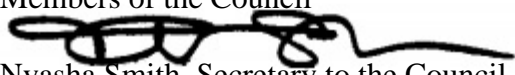
X. ATTACHMENTS

1. PR 22-814 as introduced.
2. Nominee's response to Committee questions.
3. Written Testimony.
4. Legal sufficiency determination.
5. Committee Print for PR 22-814.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : April 05, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, March 27, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018", PR22-0814

INTRODUCED BY: Chairman Mendelson

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services


Chairman Phil Mendelson

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6 A PROPOSED RESOLUTION
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10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14

15 To reappoint Ms. Molly M. Gill to the District of Columbia Sentencing Commission.
16

17 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
18 resolution may be cited as the "District of Columbia Sentencing Commission Molly M. Gill
19 Reappointment Resolution of 2018".
20

21 Sec. 2. The Council of the District of Columbia reappoints:

22 Molly M. Gill
23 127 17th Street, SE
24 Apt. B
25 Washington, DC 20003
26 (Ward 6)

27 as a citizen of the District of Columbia member to the District of Columbia Sentencing
28 Commission, established by section 2 of the Advisory Commission on Sentencing Establishment
29 Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a 3-
30 year term to end on July 2, 2020.

31 Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution,
32 upon its adoption, to the appointee, the chairperson of the Commission, and to the Office of the
33 Mayor.

34 Sec. 4. This resolution shall take effect immediately upon the first date of publication in
35 the District of Columbia Register.

Molly M. Gill

127 17th St. SE, Apt. B, Washington, DC 20003 ♦ 202.243.9115 ♦ mollymgill@gmail.com

PROFESSIONAL EXPERIENCE

Families Against Mandatory Minimums (FAMM)	Washington, DC
<i>Vice President of Policy</i>	July 2017-Present
<i>Director of Federal Legislative Affairs</i>	February 2016-July 2017
<i>Government Affairs Counsel</i>	July 2012-February 2016
<i>Director of Special Projects</i>	January 2007-July 2012

LEGISLATIVE STRATEGY AND PROJECT MANAGEMENT

- **Develop and coordinate legislative advocacy campaigns and strategies**, including identifying state and federal sentencing and prison reform opportunities, meeting with legislative staff and allies, drafting and advocating for passage of legislation, and producing written and oral analyses of relevant sentencing laws, bills, regulations, sentencing guidelines, prison policies, and data compilations.
- **Plan and execute briefings** on Capitol Hill and in state legislatures to educate lawmakers and staff; meet with state and federal executive branch officials to promote FAMM policies; engage other advocates to assist in FAMM events and presentations.
- **Create grassroots advocacy strategies** to engage FAMM's constituents in sentencing reform efforts; assist families and prisoners in one-on-one advocacy with lawmakers.
- **Recruit, interview, hire, and supervise contract lobbyists at state and federal level.**
- **Ensure compliance with lobbying registration and reporting requirements.**
- **Design and develop online policy resource library** providing lawmakers, prisoners, and family members with summaries of state and federal sentencing laws and prison policies and plain-language guidance for understanding reforms.
- **Research, write, and supervise design and production of reports**, legal resources, factsheets, case summaries, data compilations, white papers, digital video and advertisements, and bill analyses on sentencing and prison reform legislation, laws, cases, and reforms nationwide. This includes the end-to-end production and publicizing of in-depth reports on the history of mandatory sentencing laws and the findings of a qualitative survey of 2,000 federal prisoners on prison programs, education, and jobs.
- **Hire, train, and supervise legal interns**, a policy associate, and other key staff.

COMMUNICATIONS AND MESSAGING

- **Provide interviews to the media** and speak on panels, in prisons, at conferences and college seminars, and on television and radio programs.
- **Write and edit opinion editorials**, letters to the editor, press releases, testimony for state legislative, congressional, and U.S. Sentencing Commission hearings, fundraising appeals and foundation proposals, website content, and legislative updates and action alerts to constituents.
- **Develop polling and national messaging strategies** to gauge public opinion and raise awareness of sentencing and prison reform issues. This includes identifying and recruiting a coalition of other advocacy organizations, hiring and directing pollsters, securing project funding from donors, and managing timeline for and execution of national and state polling and focus groups.

Molly M. Gill

Leonard, O'Brien, Spencer, Gale & Sayre, Ltd.
Associate Attorney

Minneapolis, MN
October 2005-September 2006

- Represented and advised clients in all stages of civil, commercial, creditors' remedies, construction, and legal malpractice matters; drafted legal documents; negotiated terms of business and real estate transaction contracts.

Hennepin County Attorney's Office, Gang Violence Unit
Gang Unit Law Clerk

Minneapolis, MN
February 2004-June 2005

- Performed legal research and drafted memoranda, motions, and responses to a wide variety of civil rights and constitutional claims for a team of six prosecutors.
- Interviewed victims, police officers, and witnesses to gather facts for briefs and trials.
- Served as co-counsel on various violent felony cases, assisting with all phases of trial.
- Managed prosecution of juvenile misdemeanor cases.

Honorable John L. Holahan, Hennepin County District Court
Judicial Law Clerk

Minneapolis, MN
May-August 2003

- Conducted legal research and drafted opinions, memoranda, orders, and judgments.

CIVIC EXPERIENCE

D.C. Sentencing Commission
Commissioner

Washington, DC
October 2012-Present

Contribute to maintenance, review, and improvement of D.C. Sentencing Guidelines and sentencing data presented to the general public and policymakers.

EDUCATION and BAR ADMISSIONS

University of Minnesota Law School, Minneapolis, MN
J.D. *cum laude* 2005

- *Journal of Law and Inequality* Staff Member, 2003-2004
- Dean's List, 2002-2005; Misdemeanor Prosecution Clinic, 2004

Oral Roberts University, Tulsa, OK
B.A. *summa cum laude* 2002

- Major/Minor: Government/Organizational & Interpersonal Communications
- Outstanding Senior Paper Award: "*For the kingdom to be well*": *Civil rights and America, 1955-1965*

Bar Admission: DC Court of Appeals (admitted 2008)

TECHNICAL and DATABASE PROFICIENCY

Microsoft Office, WordPress, Salsa Labs, Blackbaud/Luminate, FiscalNote, Twitter, Facebook



COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

Phil Mendelson
Chairman

Office: (202) 724-8032
Fax: (202) 724-8085

October 11, 2018

Molly M. Gill
127 17th Street, S.E.
Apt. B
Washington, DC 20003

Dear Ms. Gill:

Congratulations on being nominated for reappointment to the District of Columbia Sentencing Commission ("Commission"). As you know, the reappointment is subject to confirmation by the Council. The Committee of the Whole has scheduled a public hearing on your nomination for **Thursday, November 1, 2018 at 10:30 a.m. in Hearing Room 120**. Enclosed is a copy of the hearing notice. It is standard for the Council to submit questions to nominees. I request your response to the following questions no later than close of business Monday, October 29, 2018.


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.
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.
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.
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.
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.
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.
7. Please list all professional and occupational licenses held by you.
8. Please list any professional organizations of which you are currently a member.

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.
10. Please list any other boards (e.g. Boards of Directors of a non-profit) on which you are a member.
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.
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?
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.
14. Are you registered with any local, state, or federal government to lobby? If so, list the jurisdiction(s) in which you are registered.
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?
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?

At the November 1st hearing, you will be asked to make an opening statement indicating your interest in serving as a member of the Commission. The testimony of persons interested in supporting your nomination is helpful but not necessary. Interested parties may call the Committee office to register to testify (724-8196) or, alternatively, may submit written comments to the Committee regarding your nomination via letter mail or e-mail (COW@dccouncil.us).

If you have any questions please do not hesitate to call me or Peter Johnson on my staff at (202) 724-8083.

Sincerely,



Phil Mendelson
Chairman

enc.

PM/pj

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.¹ 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

¹ DC Sentencing Comm'n, An Evaluation of the DC Voluntary Sentencing Guidelines (Mar. 2017), https://sdc.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,

Molly Gill

Thank you, Mr. Chairman and members of the committee, for the opportunity to speak with you today. I am honored to be nominated for another term as a commissioner on the DC Sentencing Commission. I will make a few short remarks and am happy to answer any questions you may have for me.

I have served as a commissioner on the DC Sentencing Commission since 2012. My service to the District has been a privilege and a pleasure. I agreed to serve another term as a 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.

By way of some personal background, I am a lawyer with almost 15 years of experience in criminal justice. I started off in 2004 working as a prosecutor practicing under the student practice rule in the Hennepin County Attorney's Office in Minneapolis, Minnesota. I assisted with the prosecution of gang, homicide, and gun offenses, as well as misdemeanors and juvenile matters. This involved extensive use of the state's sentencing guidelines system on a daily basis. For the last 12 years I have worked at a nonprofit, nonpartisan organization called FAMM. I am currently our vice president of policy and manage our legislative advocacy campaigns in the states and at the federal level. FAMM represents thousands of prisoners and their loved ones across the country. We work with lawmakers to adopt sentencing and prison policies that are fair, cost-effective, and individualized.

My professional experience gives me a keen understanding of the political dynamics involved in creating criminal penalties. My time as a prosecutor reminds

me that public safety is a top priority. I also know that prison is often not the only or most effective way to keep the community safe. As a person who hears and tells the stories of people directly impacted by sentencing laws, I cannot forget that our sentencing decisions impact real families, spouses, children, and communities in ways that cannot be measured just in recidivism rates or dollars and cents.

During my time on the DC Sentencing Commission, we have achieved much. We adopted a new database that unites relevant sentencing data in one place, then used this tool to write a report analyzing six years of sentencing data and evaluating the effectiveness of the guidelines. During my tenure, we have also ranked and re-ranked several offenses on the sentencing guidelines grid, striving to honor the Council's legislative intent while ensuring that the ranking does not create arbitrary results.

I would like to continue my work on the DC Sentencing Commission because I am also excited about our 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. 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.

Commission members make decisions and take action after patiently meeting and discussing thorny issues with civility, respect, and thoughtful deliberation. I am qualified to continue to contribute to this deliberative process and to the formation of sentencing guidelines that are fair and effective for all those who use them and are impacted by them.

Thank you for considering my re-appointment, and I would be pleased to answer any questions you may have.

1 **DRAFT COMMITTEE PRINT**

2 Committee of the Whole

3 November 20, 2018

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7 **A PROPOSED RESOLUTION**

8
9 22-814
10 _____

11
12 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
13 _____

14
15 To reappoint Ms. Molly M. Gill to the District of Columbia Sentencing Commission.

16
17 **RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,** That this
18 resolution may be cited as the “District of Columbia Sentencing Commission Molly M. Gill
19 Reappointment Resolution of 2018”.

20
21 **Sec. 2.** The Council of the District of Columbia reappoints:

22 Molly M. Gill
23 127 17th Street, SE, Apt. B
24 Washington, DC 20003
25 (Ward 6)

26 as a citizen of the District of Columbia member to the District of Columbia Sentencing
27 Commission, established by section 2 of the Advisory Commission on Sentencing Establishment
28 Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a 3-
29 year term to end on July 2, 2020.

30 **Sec. 3.** The Council of the District of Columbia shall transmit a copy of this resolution,
31 upon its adoption, to the appointee, the chairperson of the Commission, and to the Office of the
32 Mayor.

33 **Sec. 4.** This resolution shall take effect immediately upon the first date of publication in
34 the District of Columbia Register.

