



PRESS RELEASE

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Contact: Kayla Fajota
Email: kfajota@usccr.gov

The Guam Advisory Committee to the U.S. Commission on Civil Rights Releases Report on Examining the Overrepresentation of COFA Migrants within Guam's Criminal Justice System

The Guam Advisory Committee (the "Committee") to the U.S. Commission on Civil Rights released a report, *Examining the Overrepresentation of COFA Migrants within Guam's Criminal Justice System*, following a series of web briefings. During this study, the Committee received testimony and written statements from various stakeholders including researchers, legal and community advocates, judicial representatives, various government officials and impacted families.

Through the testimony they received, the Committee identified several key findings including:

- (i) COFA Migrants are overrepresented in the number and/or percentage of Guam Police Department arrests, Guam's Public Defenders Services Corporation cases, Guam's Judiciary adult and juvenile cases, and pretrial detainees and sentenced inmates at Guam's Department of Corrections. The number and percentage of COFA-related cases, however, declined over the last 10 years, showing a steady trend downwards.
- (ii) Challenges and confusion around data collection exist, particularly relating to race, ethnicity, citizenship, and dual citizenship classifications, which complicates analysis of whether disparities might be based on national origin, immigration status, or broader racial categories.
- (iii) The overrepresentation of COFA Migrants within Guam's criminal justice system is not because COFA Migrants are more inclined to commit a crime.
- (iv) Overrepresentation of COFA Migrants may be linked to challenges such as cultural transition, language barriers, socioeconomic hardship, and institutional limitations, which can affect school engagement, police interactions, and court outcomes. Panelists also raised concerns about implicit bias, negative public narratives, and certain legislative changes that may unintentionally affect COFA Migrants.
- (v) Several policies and institutional initiatives may be contributing towards a downward trend in the number of COFA Migrants involved in Guam's justice system, including expanded language access services, therapeutic court models, juvenile prevention programs, and increased cultural representation within justice institutions.

The recommendations in the report are directed to the Commission, requesting specific actions from stakeholders, including the U.S. Congress and President, Guam's Governor, Legislature, and Judiciary, Guam's Police Department, Guam's Attorney General, Guam's Department of Corrections, Guam's Board of Education, Guam's Department of Youth Affairs, Guam's Behavioral Health and Wellness Center, Guam's Community College,

Guam's Memorial Hospital Authority and the Department of Public Health and Social Services, Guam's Mayor's Council of Guam, and Guam's Housing Urban Renewal Authority to remedy the above barriers. Key recommendations include:

- (i) Provide host community compensation funding for Guam and other COFA-receiving jurisdictions at levels that reasonably reflect documented education, healthcare, public safety, and social services costs attributable to COFA migration over the next 20 years.
- (ii) Direct the Department of the Interior, Department of Justice, and Department of Health and Human Services to establish a joint technical assistance and grant program supporting evidence-based integration initiatives (including language access, community navigation centers, and culturally responsive diversion programs) targeted to COFA-impacted communities. This includes working with the governments of the respective COFA nations to provide pre-migration orientation for their citizens migrating to the United States and its territories.
- (iii) At a minimum, require standardized demographic data collection and reporting protocols modeled on OMB's Statistical Policy Directive No. 15 (disaggregating data between AA and NHPI). In addition, standardize the collection and reporting of COFA-related data (including citizenship and self-identified ethnicity) at key criminal justice decision points such as arrest, charging, pretrial detention, plea, sentencing, and incarceration.
- (iv) Create a COFA Integration and Compact Impact program within the executive branch, and designate a COFA Integration and Compact Impact Coordinator, to lead cross-agency planning on COFA-related policy and funding.
- (v) Develop and implement, in partnership with COFA community leaders, an island-wide integration strategy that includes orientation, navigation, and workforce development services for COFA migrants.
- (vi) Establish and maintain 24/7 access to qualified interpreters for major COFA languages at the point of arrest and initial questioning, as well as expand interpreter and language-access services at all stages of criminal and family court proceedings, probation interviews and court-ordered programs.
- (vii) Collect and analyze data on charging decisions, plea offers, plea acceptances, and sentencing outcomes for COFA and non-COFA defendants, disaggregated by offense type and criminal history, to identify any disparities. Specifically, collect information regarding differences in pleas for COFA migrants compared to non-COFA migrants, including rates of deferred pleas.

The Committee is grateful to those who provided testimony and statements regarding the overrepresentation of COFA Migrants within Guam's criminal justice system, particularly from impacted individuals and community leaders within the COFA community on Guam. The Committee urges Federal and Guam policymakers and authorities to carefully consider the findings in our report and adopt the recommendations to ensure COFA Migrants are treated equitably in Guam and the criminal justice system.

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