

EXAMINING THE OVERREPRESENTATION OF COFA MIGRANTS WITHIN GUAM'S CRIMINAL JUSTICE SYSTEM



A Report of the Guam Advisory Committee
to the U.S. Commission on Civil Rights

July 2026

Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states, the District of Columbia and the five U.S. Territories and Commonwealths. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. They are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

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Letter of Transmittal

U.S. Commission on Civil Rights

Dear Commissioners,

The Guam Advisory Committee to the U.S. Commission on Civil Rights submits this report related to its examination of the overrepresentation of COFA Migrants¹ within Guam’s criminal justice system, as part of its responsibility to study and report on civil-rights issues in Guam. The contents of this report are primarily based on testimony the Committee heard during public meetings held via videoconference on August 14, 2024, September 18, 2024, February 7, 2025, April 10, 2025, April 17, 2025, and December 16, 2025. The Committee also includes related testimony submitted in writing within the Committee’s project timeline.

This report begins with a brief background of the issues to be considered by the Committee. It then presents primary findings as they emerged from the testimony, as well as recommendations for addressing areas of civil-rights concerns. This report is intended to focus on civil-rights concerns related to the overrepresentation of COFA Migrants within Guam’s criminal justice system. While additional important topics may have surfaced throughout the Committee’s inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion.

Sincerely,

Guam Advisory Committee to the
U.S. Commission on Civil Rights

Guam Advisory Committee to the U.S. Commission on Civil Rights

Vanessa Williams Cruz, *Chair*

Kenneth Kuper

Joseph McDonald, *Vice Chair*

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Regine Biscoe Lee

Leslie Travis

Joanne Brown

¹ For the purposes of this project, FAS members, and their immediate and extended families (regardless of place of birth or citizenship), who migrated from the Federated States of Micronesia or the Republic of the Marshall Islands during or after 1986, and from the Republic of Palau during or after 1994, are considered “COFA Migrants”.

Project Overview

On April 30, 2024, the Guam Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) adopted a proposal to study the overrepresentation of COFA Migrants within Guam’s criminal justice system. The focus of the Committee’s inquiry was to examine whether a disproportionate amount of COFA Migrants were involved in Guam’s criminal justice system, and how discrimination based on race/ethnicity, color, disability status, national origin, age, religion, sex (incl. gender identity and sexual orientation), and/or familial status might factor into the alleged overrepresentation of COFA Migrants.

As part of this inquiry the Committee heard testimony via videoconference held on August 14, 2024, September 18, 2024, February 7, 2025, April 10, 2025, April 17, 2025, and December 16, 2025.² The following report results from a review of testimony provided at these meetings, combined with written testimony submitted during this timeframe. It begins with a brief background of the issues to be considered by the Committee. It then identifies primary findings as they emerged from this testimony. Finally, it makes recommendations for addressing civil rights concerns related to the overrepresentation of COFA Migrants within Guam’s criminal justice system. While other important topics may have surfaced throughout the Committee’s inquiry, matters that are outside the scope of this specific civil rights mandate are left for another discussion. This report and the recommendations included within it were adopted by a majority of the committee members present at a meeting on March 3, 2026.

² Briefing records and transcripts are available: <https://usccr.box.com/s/yn65qig0mko7vhfevig8hyndkmdk75ph>
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, August 14, 2024, (web-based), Transcript (hereinafter cited as “*Transcript I*”).
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, August 14, 2024, (web-based), PowerPoint (hereinafter cited as “*PowerPoint I*”).
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, September 18, 2024, (web-based), Transcript (hereinafter cited as “*Transcript II*”).
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, February 7, 2025, (web-based), Transcript (hereinafter cited as “*Transcript III*”).
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, April 10, 2025, (web-based), Transcript (hereinafter cited as “*Transcript IV*”).
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, April 17, 2025, (web-based), Transcript (hereinafter cited as “*Transcript V*”).
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, December 16, 2024, (web-based), Transcript (hereinafter cited as “*Transcript IV*”).
 Briefing before the Guam Advisory Committee to the U.S. Commission on Civil Rights, December 16, 2024, (web-based), PowerPoint (hereinafter cited as “*PowerPoint IV*”).

Background

The Compacts of Free Association and Compact Impact on Guam

In 1947, the United Nations assigned the United States administering authority over the Trust Territory of the Pacific Islands (Trust Territory), which included Federated States of Micronesia (FSM), the Republic of the Marshall Islands (Marshall Islands), and the Republic of Palau (Palau), and the Commonwealth of the Northern Mariana Islands.³ Under this UN trusteeship system, the United States was instructed to (a) further international peace and security, (b) promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, (c) to encourage respect for human rights, and (d) ensure equal treatment in social, economic, and commercial matters.⁴ In spite of this, the United States primarily viewed the islands as military strategic areas and used these areas to safeguard its own national security.⁵ The Compacts of Free Association, thus, grew out of this unsuccessful trusteeship relationship.

The Compact of Free Association Act of 1985 (the “Compacts”) (Public Law 99-239 and, later, Public Law 99-658) terminated the United States’ trusteeship over the Freely Associated States (the “FAS”), including the FSM, Marshall Islands, and Palau, and the United States recognized the FAS as independent nations.⁶ In exchange for unlimited and exclusive access to land and waterways, the Compacts allows individuals from the FAS, among other things, to enter, work, and reside indefinitely in the United States without a visa.⁷ Therefore, FAS members are neither U.S. citizens nor U.S. nationals.⁸ Rather, individuals from the FAS living in the United States under the Compacts are considered legal non-immigrants.⁹ For the purposes of this project proposal, individuals from the FAS, and their immediate and extended families (regardless of

³ U.N. Charter, Chap. XII, art. 76, para. 1.

⁴ *Id.*

⁵ Many people perceive the Compacts as compensation for the United States’ nuclear tests conducted on the Marshall Islands, the Bikini Atoll, and the Enewetak Atoll beginning in 1946. The United States conducted at least 67 nuclear bomb tests between 1946 to 1958, which sent irradiated dust throughout the islands. “Marshall Islands,” *Atomic Heritage Foundation*, <https://ahf.nuclearmuseum.org/ahf/location/marshall-islands/>, (last accessed on June 24, 2026). These tests resulted in loss of life, long-term health issues, and a reduction in usable land and resources. “Compact of Free Association – A Brief History and Modern Contextualization,” *Climate Security in Oceania*, Nov. 12, 2019, <https://sites.utexas.edu/climatesecurity/2019/11/12/compact-of-free-association-a-brief-history-and-modern-contextualization/>. In 1948, the U.S. government forced residents of Enewetak Atoll to evacuate. “Marshall Islands,” *Atomic Heritage Foundation*. In the 1970s, the U.S. started to clean up the Enewetak Atoll in an effort to make the island habitable again. “Marshall Islands,” *Atomic Heritage Foundation*. The Marshallese people, however, voted to establish a new political relationship with the U.S., which led to the original Compacts. “Marshall Islands,” *Atomic Heritage Foundation*. See Compact of Free Association Act of 1985. Pub. L. 99-239. Title I, Article VII § 177(a).

⁶ Compact of Free Association Act of 1985, Pub. L. No. 99-239, 99 Stat. 1770 (1986). Joint Resolution between the United States and the Republic of Marshall Islands and the Federated States of Micronesia. Palau Compact of Free Association Act of 1986, Pub. L. No. 99-658, 100 Stat. 3672 (1994). Joint Resolution between the United States and the Republic of Palau.

⁷ Compact of Free Association Act of 1985. Pub. L. 99-239. Art. IV § 141(a).

⁸ “Status of Citizens of the Freely Associated States of the Federated States of Micronesia and the Republic of the Marshall Islands Fact Sheet,” *U.S. Citizenship and Immigration Services*, <https://www.uscis.gov/working-in-the-united-states/status-of-citizens-of-the-freely-associated-states-of-the-federated-states-of-micronesia-and-the> (last accessed on June 24, 2026).

⁹ *Ibid.*

place of birth or citizenship), who migrated from the FSM or Marshall Islands during or after 1986, and from Palau during or after 1994, are considered “COFA Migrants.”¹⁰

In 2003, the United States and FAS negotiated a second and final financial package and the U.S. Congress passed the Compact of Free Association Amendments Act (the “Compact Amendments”).¹¹ The Compact Amendments acknowledged the potential harm to jurisdictions to which COFA migrants immigrated under the original Compact, and expressed its intent “not to cause any adverse consequences for an affected jurisdiction.”¹² Under the Compact Amendments, the federal government appropriated \$30 million in formula aid each year for twenty years and, beginning in 2012, \$3-\$6 million in discretionary funding to be distributed between Hawaii, Guam, the Northern Mariana Islands, and American Samoa.¹³ This temporary funding aimed to defray costs due to increased demands placed on health, educational, social, or public sector services, or infrastructure related to such services arising out of Compact Impact.¹⁴ While the agreements in the original Compact are perpetual, the funding to the FAS and impacted areas via the Compact Amendments was only appropriated for 20 years.¹⁵ Therefore, the federal funding provided to these areas expired in 2023.¹⁶

On March 9, 2024, the President of the United States signed Public Law No. 118-42—a \$460 billion appropriations bill—into law.¹⁷ Part of the appropriations bill included the Compact of Free Association Amendments Act of 2024 (the “COFA Amendments Act of 2024”).¹⁸ While the COFA Amendments Act of 2024 extends financial provisions of the original Compact to the FAS nations for another twenty years, appropriations for Compact Impact aid to impacted jurisdictions such as Guam, were not included.¹⁹ Recent reports state that the Governor of Guam, Lou Leon Guerrero (“Governor Guerrero”), is still working on negotiations to ensure Guam receives adequate reimbursements for the territory’s compact impact expenses.²⁰

¹⁰ Important Note: The Committee acknowledges that there is a distinction between non-U.S. Citizens FAS members residing on Guam vs. a U.S. Citizen who racially or ethnically identifies with the FAS (e.g., an individual who racially/ethnically identifies as Chuukese but did not migrate from Chuuk and was born on Guam). The Committee, however, has no means of differentiating the two categories and, therefore, combines the two populations for this proposal. Thus, the Committee uses the term “COFA Migrants” to include both populations.

¹¹ Compact of Free Association Amendments Act of 2003, Pub. L. No. 108-188, 117 Stat. 2720. While the agreements in the Compacts are perpetual, funding to the FAS and areas adversely affected by the Compacts was only guaranteed for 20 years. Therefore, the Compact Impact aid to these areas expired in 2023.

¹² Compact of Free Association Act of 2003, Pub. L. 108-188, Title I, Article I § 104(e).

¹³ “U.S. Department of the Interior Supports Solution for Compact Impact,” *U.S. Dep’t of the Interior*, May 5, 2023, <https://www.doi.gov/oia/press/U.S-Department-of-the-Interior-Supports-Solution-for-Compact-Impact>.

¹⁴ U.S. Gov’t Accountability Off., GAO-20-491, COMPACTS OF FREE ASSOCIATION: Populations in U.S. Areas Have Grown, With Varying Reported Effects 1 (2020), <https://www.gao.gov/assets/gao-20-491.pdf>.

¹⁵ “U.S. Department of the Interior Supports Solution for Compact Impact,” *U.S. Dep’t of the Interior*

¹⁶ *Ibid.*

¹⁷ Consolidated Appropriations Act, 2024, PL 118-42, March 9, 2024, 138 Stat 25.

¹⁸ Compact of Free Association Amendments Act of 2024, PL 118-42, March 9, 2024, 138 Stat 25, 419-450.

¹⁹ “Compact Impact Funds Left Out of Spending Package, Moylan to Continue Pushing Issue,” *The Guam Daily Post*, Mar. 20, 2026, https://www.postguam.com/news/local/compact-impact-funds-left-out-of-spending-package-moylan-to-continue-pushing-issue/article_c175044c-e502-11ee-a554-c73a55611c12.html; “The Compacts of Free Association and Living in the United States,” *U.S. Dep’t of the Interior*, <https://www.doi.gov/oia/COFAinUS> (last accessed on June 24, 2026).

²⁰ “Governor Continues Push for COFA Funding,” *Pacific Daily News*, July 22, 2023,

Guam's Congressional Delegate James Moylan ("Congressman Moylan") has been vocal about the importance of renewing funding for Compact Impact aid to Guam and proposed the Guam Host Community Compensation Act in 2023.²¹ While that bill did not pass, the Compact Impact Fairness Act (CIFA) was incorporated in the Consolidated Appropriations Act of 2024 (Public Law 118-42) to defray costs to impacted jurisdictions.²² Under the Consolidated Appropriations Act of 2024, some health care benefits and federal assistance were extended to COFA migrants.²³ Critics highlighted that this creates a dichotomy for U.S. citizens residing in the U.S. territories and commonwealths.²⁴ U.S. citizens residing in Guam cannot qualify for SSI but, under CIFA, COFA migrants residing on Guam would be able to qualify for SSI.²⁵ This could intensify tensions between the U.S. citizens residing in Guam and the COFA Migrants.²⁶ In addition to the inequity of federal benefits between Guam residents, CIFA has been criticized because it may alleviate funding strains on Guam's locally funded healthcare system, but does not address the financial strains placed on Guam's other agencies like the Department of Education, Guam Memorial Hospital Authority, Guam Housing & Urban Renewal Authority, Department of Youth Affairs, Department of Corrections and Department of Public Safety.²⁷

For example, Congressman Moylan purported in a letter to Carmen Cantor, the Assistant Secretary for Insular and International Affairs at the Department of Interior (DOI), that COFA Migrants are placing a "serious strain" on Guam's local resources, such as the Guam Police Department (GPD), the Guam Department of Corrections (DOC), and the Superior Court of Guam.²⁸ Congressman Moylan also inquired about DOI funding/resources that could assist with defraying Guam's public safety costs associated with Guam being a COFA host.²⁹ The letter

https://www.guampdn.com/news/governor-continues-push-for-cofa-funding/article_ff632a70-285d-11ee-b185-8f4f34b427fd.html.

²¹ H.R. 6273, 118th Cong. (1st Sess. 2023).

²² Consolidated Appropriations Act of 2024, 48 U.S.C. § 1990 (2024).

²³ *Id.*

²⁴ "Underwood: Island Ohana and Aloha to Compact Impact Aid," *Pacific Daily News*, Dec. 14, 2023, https://www.guampdn.com/opinion/underwood-island-ohana-and-aloha-to-compact-impact-aid/article_dc0a20f2-9a30-11ee-891f-9b4c7553a81d.html.

²⁵ "Blas: CIFA Doesn't Clear Out Outstanding Tabs for Compact Impact Owed to Guam," *Pacific Island Times*, Mar. 16, 2024, <https://www.pacificislandtimes.com/post/blas-cifa-doesn-t-relieve-the-us-of-its-obligation-to-settle-outstanding-tabs-for-compact-impact>; "Federal Agency Guidance Regarding COFA Eligibility for Public Programs," *Nat'l Immigration Law Center*, Jan. 5, 2026, <https://www.nilc.org/resources/federal-agency-guidance-regarding-cofa-eligibility-for-public-programs/>.

²⁶ "Blas: CIFA," *Pacific Daily News*; Hezel, Francis Xavier. 2013. "Micronesians on the Move: Eastward and Upward Bound." In *Pacific Islands Policy*, edited by Robert C. Kiste and Gerard A. Finin, 1–39. Honolulu: East-West Center.

²⁷ See Angelo Paule and Alec Weiker, "What the Compact Impact Fairness Act Means for Compact Host Governments and Migrants," *East West Center*, June 26, 2023, <https://www.eastwestcenter.org/publications/what-compact-impact-fairness-act-means-compact-host-governments-and-migrants>.

²⁸ Letter from James Moylan, Member of Congress, U.S. Congress House of Representatives, to Carmen Cantor, Asst. Secretary for Insular Affairs, Dep't of Interior (Nov. 8, 2023) <https://bloximages.newyork1.vip.townnews.com/postguam.com/content/tncms/assets/v3/editorial/6/29/62940e36-7ed8-11ee-adc5-7b039ef2f584/654c9588aa421.pdf.pdf>. On November 8, 2023, and amidst Compact renewal negotiations, Congressman Moylan sent a letter to Carmen Cantor, the Assistant Secretary for Insular and International Affairs at the Department of Interior (DOI). *Ibid.*

²⁹ *Ibid.*

presented the following statistics related to the strain that COFA Migrants were placing on Guam: 58 of 349 (or 16.6%) confined inmates at the Guam DOC are COFA migrants; of these convicted felons, nearly 50% are sex offenders and 67% are repeat offenders; 121 of the 474 (or 25%) detainees awaiting trial are COFA migrants; and GPD arrest records show that 1,577 of 4,624 (or 34.1%) of all 2022 arrests made were COFA migrants.³⁰

Overrepresentation of COFA Migrants in Guam's Criminal Justice System

According to the 2020 U.S. Census of Guam, published by Guam's Bureau of Statistics and Plans, Guam's total population is about 153,836.³¹ Of the 153,836, 20,200 individuals (or 13.13% of all Guam residents) racially identify as Carolinian, Chuukese, Kosraean, Marshallese, Palauan, Yapese, or Other Pacific Islander (i.e., not CHamoru, Guamanian or Native Hawaiian).³² For the purposes of this report, the Committee recognizes the 20,200 individuals who racially identify with these categories, without regard to citizenship, as "COFA Migrants."³³

As of June 2024, some reports indicated there was a disproportionate number of COFA Migrants involved in Guam's criminal justice system.³⁴ According to the Guam DOC 2020 Citizen-Centric Report, DOC houses a total of about 604 prisoners (i.e., local inmates, local and federal pre-trial detainees, and immigration pre-trial detainees).³⁵ 132 of the 604 prisoners (or about 22%) identified "FSM" as their nationality, 5 of 604 (or about 1%) identified "Palau" as their nationality, and 1 of 604 (about .2%) identified "the Marshall Islands" as his/her nationality.³⁶ Therefore, approximately 138 of 604 (or about 23%) DOC prisoners may be considered COFA Migrants.³⁷ According to the GPD's 2021 Uniform Crime Report, GPD arrested a total of 4042 individuals in 2021.³⁸ 1298 of the 4042 individuals arrested racially identified with the "Federated States of Micronesia."³⁹ The report did not further disaggregate

³⁰ Ibid.

³¹ "U.S. Census Guam 2020," *The Bureau of Statistics and Plans*, <https://bsp.guam.gov/census-of-guam/> (last accessed on June 24, 2026).

³² Ibid. The number of individuals for each demographic is as follows: Carolinian-92; Chuukese-10,274; Kosraean-456; Marshallese-180; Palauan-2,149; Pohnpeian-2,096; Yapese- 1,533; Other Pacific Islander-3,420. Ibid.

³³ Important Note: The Committee acknowledges that there is a distinction between non-U.S. Citizens from the FAS residing on Guam vs. a U.S. Citizen whose race is one of those that come from the FAS (i.e., an individual may identify as Chuukese but may not be from Chuuk and may have been born on Guam). The Committee, however, has no means of differentiating the two categories, and combines the two populations for this proposal. Thus, the Committee uses the term "COFA Migrants" to include both populations.

³⁴ See *infra* notes 38-43 and corresponding text for data on possible disproportionate number of COFA Migrants within Guam's criminal justice system.

³⁵ "FY 2020 Citizen Centric Report," *Dep't of Corrections*, <https://doc.guam.gov/wp-doc-content/uploads/2016/09/FY2020-Centric-Report.pdf> (last accessed on June 24, 2026).

³⁶ Ibid.

³⁷ Ibid.

³⁸ Guam Police Department, Planning, Research and Development Division, *Uniform Crime Report*, 2021, p. 56, <https://gpd.guam.gov/wp-gpd-content/uploads/2023/01/UCR-2021.pdf>. Note: while only 4,042 individuals were arrested, GPD made a total of 7,380 arrests in 2021. Ibid. at 52.

³⁹ Ibid. at 56. The categories for "race" in the UCR report were: White/Native American Indian, Black, Asian, Pacific Islander, Federated States of Micronesia, and Unknown. Ibid. Note: The Committee recognizes that the Federated States of Micronesia is not a race but relies on the GPD 2021 Uniform Crime Report that published this data.

the demographics. Thus, 1298 of 4042 (or about 32%) arrestees may be considered COFA migrants.”⁴⁰

The data above raised several problems. For example, it was unclear whether any guidelines for collecting, nor reporting on demographic data to ensure continuity between government agencies exist. In addition, some agencies appeared to be collecting inaccurate demographic data. For example, some datasets mistakenly categorized “FSM” as a race; instead, FSM should be used as a nationality or ethnicity. In addition, datasets did not differentiate between citizenship and race. As mentioned, individuals who racially identify as Chuuk or Marshallese may be non-U.S. Citizen migrants or U.S. Citizens—an important distinction when creating policies, especially those targeted towards deportation.

Anti-Immigrant Sentiment on Guam

Relations between indigenous CHamoru and non-CHamoru populations on Guam have been tense since the Spanish (then United States and, briefly, Japan) first colonized the island—leading to the CHamorus’ loss of autonomy and self-determination.⁴¹ Guam has been governed by the United States as an unincorporated territory since 1898, which has raised numerous controversies around political status and representation, economic challenges, military presence and preservation of indigenous rights.⁴² For example, Guam has a U.S. Congressional Delegate, but that Delegate does not have voting powers in Congress.⁴³ This lack of full political representation can leave Guam residents feeling disenfranchised and resentful about the U.S. government’s decisions that directly impact Guam, such as executing the original Compact, Compact Amendments and CIFA (collectively considered the “Compacts”).⁴⁴

A large percentage of COFA Migrants have settled on Guam because Guam can provide many benefits that their home islands cannot and it is still close enough for migrants to easily return home for important family events.⁴⁵ The first wave of migrants were primarily from Chuuk, and they arrived in the 1980s to seek employment in Guam’s growing tourism industry.⁴⁶ While

⁴⁰ Ibid.

⁴¹ See “Spanish Response to CHamoru/Chamorro Depopulation,” *Guampedia*, <https://www.guampedia.com/spanish-response-to-chamorro-depopulation/> (last accessed on June 24, 2026).

⁴² “Political Issues in Guam – Unpacking the Complexities of Governance, Representation, and Self-Determination,” *Guam Portal*, Jan. 29, 2025, <https://guamportal.com/blog/political-issues-in-guam-unpacking-the-complexities-of-governance-representation-and-self-determination>.

⁴³ Nicholas Iwatomo, “Caught Between the Sun and Stars: The Chamorro Experience During the Second World War,” vol. 18 (2020), <https://hilo.hawaii.edu/campuscenter/hohonu/volumes/documents/CaughtBetweenTheSunandStarsTheChamorroExperienceDuringtheSecondWorldWar.pdf>.

⁴⁴ “Political Issues in Guam,” *Guam Portal*; U.S. Gov’t Accountability Off., GAO-20-491, COMPACTS OF FREE ASSOCIATION: Populations in U.S. Areas Have Grown, With Varying Reported Effects 1, 19-20 (2020) <https://www.gao.gov/assets/gao-20-491.pdf>.

⁴⁵ Sarah Smith and Heide Castañeda, “Nonimmigrant Others: Belonging, Precarity and Imperial Citizenship for Chuukese Migrants in Guam,” *PoLAR: Political and Legal Anthropology Review*, vol. 44(1) (June 2021), <https://anthrosource.onlinelibrary.wiley.com/doi/10.1111/plar.12421>. Migrants report Guam has better education and employment opportunities. Ibid.

⁴⁶ Francis Xavier Hezel, “Micronesians on the Move: Eastward and Upward Bound,” *Pacific Islands Policy*, ed. Robert C. Kiste and Gerard A. Finin (Honolulu: East-West Center, 2013) p. 1–39.

Chuuk migrants were viewed as relatively successful and beneficial to Guam's economy, this perception quickly faded in the 1990s due to economic downturn in Guam.⁴⁷ Thus, beginning in the 1990s, the term "Compact-Impact" was used to describe the adverse financial impact of COFA Migrants on Guam's economy.⁴⁸ Now, Chuukese are perceived as economic burdens rather than benefit.⁴⁹

As the most recent migrants to Guam, COFA migrants are often relegated to the poorest paying jobs and are some rely on public services to survive (e.g., public housing, health insurance, etc.).⁵⁰ In 2012, about 60% of Guam's COFA migrants were earning an estimated amount of less than \$8.00 per hour.⁵¹ In the same year, about 58% of people in Guam's homeless shelters were COFA migrants, and COFA migrants were being arrested at a rate seven times higher than other Guam residents.⁵² Also, according to the Government of Guam's Bureau of Statistics and Plans' 2022 Compact-Impact Report (the "2022 Compact Impact Report"), the Government of Guam incurred about \$144.3 million by providing educational and social services to citizens of the FAS in FY 2022 alone.⁵³

The 2022 Compact Impact Report further estimates that from FY 2004 to FY 2022, the Government of Guam incurred about \$1.9 billion in total costs for providing educational and social services to citizens of the FAS.⁵⁴ Despite such a high cost burden, the appropriated compact impact funds only amounted to \$284 million from FY 2004 to FY 2022.⁵⁵ In addition to the appropriated compact impact funds, the federal government also provided about \$19.66 million from FY 2012 to FY 2022 in discretionary compact impact funding to help offset educational services and infrastructure costs incurred by impacted areas.⁵⁶

The Compact Impact aid for Guam has been insufficient to cover the true costs incurred leaving some residents feeling as though Guam is subsidizing the United States' foreign policy. The burden for carrying the costs associated with providing educational and social services to COFA migrants likely contributes to local residents' perceived unfairness towards COFA migrants. On Guam, the term Compact-Impact often has a negative connotation and has become a common lexicon for Guam residents and politicians.⁵⁷ COFA Migrants are often the scapegoats,

⁴⁷ Ibid.

⁴⁸ Smith and Castañeda, "Nonimmigrant Others: Belonging, Precarity and Imperial Citizenship for Chuukese Migrants in Guam."

⁴⁹ See Stotzer Testimony, *Transcript II*, p. 20.

⁵⁰ U.S. Gov't Accountability Off., GAO-20-491, COMPACTS OF FREE ASSOCIATION: Populations in U.S. Areas Have Grown, With Varying Reported Effects 1, 19-20 (2020).

⁵¹ Ibid.

⁵² Ibid. Despite these statistics, Guam still relies on COFA migrant labor to support its economy.

⁵³ "FY 2022 Compact Impact Report," *The Bureau of Statistics and Plans*, Dec. 2023, https://bsp.guam.gov/wp-content/uploads/2024/04/FY2004-FY2022-Compact-Impact-Report_Dec.-2023-2.pdf.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Smith and Castañeda, "Nonimmigrant Others: Belonging, Precarity and Imperial Citizenship for Chuukese Migrants in Guam."

frequently accused of crime, the overuse of social services, and blamed for Guam's economic troubles.⁵⁸

For example, the Guam Daily Post published an editorial on September 17, 2018, calling for a "beefed up" U.S. Immigration, Customs and Enforcement (ICE) presence on Guam to deport immigrants who are guilty of deportable offenses and prevent immigrants from entering Guam if they "fail to demonstrate they won't be a public burden."⁵⁹ The editorial mentioned that there had been several instances of violence involving "certain citizens of the Federated States of Micronesia, particularly from Chuuk state," and the suspects, "some of them males with recurring criminal records, have threatened people with knives, machetes, metal pipes and rocks, as alleged in countless police reports and court documents and documented in viral videos."⁶⁰ The editorial is just one example of the ethnic conflict and "othering" of COFA Migrants and, specifically, FSM migrants. In a Letter to the Editor, Ann Mariw Gawel, whose family immigrated from FSM to Guam, responded that the editorial incites animosity toward COFA migrants, and specifically those from FSM.⁶¹

Politics and Legislation Target FAS citizens

The above example is just one recent example of othering, but prejudice towards COFA Migrants on Guam has existed for a long time. The 2013 Guam legislature passed the "Three Strikes You're Out" law (Public Law 32-049), authored by Senator Rory Respicio, which singles out COFA offenders and calls for the deportation of convicted criminals who are COFA residents of Guam.⁶² Phil Tydingco, the Chief Deputy Attorney General at the time, voiced concerns over the discriminatory language of the statute.⁶³ The statute states: "Upon conviction of a deportable crime, the Attorney General of Guam shall immediately notify the U.S. Immigration and Customs Enforcement (ICE) Division of the U.S. Department of Homeland Security of *Guam's desire to have the COFA citizen deported.* (emphasis added)"⁶⁴ Senator Respicio explained that the provision aims to address the issue of increased prison population and overcrowding, which was

⁵⁸ Ibid.

⁵⁹ "ICE Needs to Beef Up Guam Presence," *The Guam Daily Post*, Sep. 17, 2018, https://www.postguam.com/forum/editorial/ice-needs-to-beef-up-guam-presence/article_60f50164-b97d-11e8-a362-e7a3a5d3f3f2.html.

⁶⁰ Ibid. This language pushes the narrative that migrant men are violent and alcoholics, while women are hyper-fertile and overly dependent on social services. See Hezel, "Micronesians on the Move: Eastward and Upward Bound."

⁶¹ Ann Marie Gawel, "Editorials Incite Animosity Toward Regional Migrants," *The Guam Daily Post*, Sep. 28, 2018, https://www.postguam.com/forum/letter_to_the_editor/editorials-incite-animosity-toward-regional-migrants/article_b6d39fbe-c215-11e8-aa26-cf798de3cfa0.html.

⁶² 9 GCA § 80.37.2. See Louelle Losinio, "OAG Says Deportation Language Discriminates," *The Guam Daily Post*, Oct. 14, 2013, https://www.postguam.com/news/local/oag-says-deportation-language-discriminates/article_342e3d4e-0c51-5d3f-a45f-89573a3fea68.html.

⁶³ 9 GCA § 80.37.2.

⁶⁴ 9 GCA § 80.37.2(d)(3).

anticipated as an unintended consequence of the “Three Strikes You’re Out” law.⁶⁵ Senator Respicio expressed, “a lot of these problems really stem from an even greater problem that has been imposed upon our community via the Compact-impact situation.”⁶⁶

On October 13, 2013, the Guam Legislature held a multi-agency roundtable to discuss the deportation of COFA offenders and how Guam’s agencies and criminal justice system would respond to the potential rise in prison population.⁶⁷ At the time, the DOC’s 2013 Citizen Centric Report stated there were a total of 740 inmates and detainees, including 520 U.S. citizens (70.27%), 171 FSM citizens (23.11%), 6 Republic of Palau citizens (0.81%), and 43 other non-U.S. citizens (5.81%).⁶⁸ This data pointed to an overrepresentation of COFA citizens in the DOC system, and was used to support the legislation for increased deportation of COFA offenders.

Increased efforts to deport COFA citizens continued in 2014. In April 2014, Senator Benjamin Cruz called for the enforcement of federal deportation laws on Guam by ICE.⁶⁹ Senator Cruz subsequently asked Attorney General Leonardo Rapadas’ office to address the legality of Guam’s efforts to increase deportation of COFA citizens accused and charged with a crime on Guam, including compelling ICE and other federal entities to enforce federal deportation laws.⁷⁰ Cruz stated that the reason for increased deportation efforts is because there is an “overrepresentation of FAS citizens in [Guam’s] correctional facilities... Guam's corrections agency reports that FAS citizens, comprising 11.3% of the island's population, represent over a quarter of its inmate and detainee populations.”⁷¹

In November 2014, the AG Rapadas’ office responded to Senator Cruz’s inquiry and concluded the following:

Under current law there is no way to judicially compel the federal government to enforce federal law pertaining to immigration and deportation of aliens. Additionally, because the entire field has been held to be preempted, state and local jurisdictions are without authority to enforce and prosecute federal law pertaining to the involuntary deportation aliens who commit crimes on Guam when the federal government fails or refuses to do so. Finally, this Office does not advise voluntary

⁶⁵ Louella Losinio, “Bill 107 Changed to 3 Strikes,” *The Guam Daily Post*, June 20, 2013, https://www.postguam.com/news/local/bill-107-changed-to-3-strikes/article_09375c2a-c3d9-50b6-bd6a-4b1be71cfc39.html.

⁶⁶ Ibid.

⁶⁷ Louella Losinio, “Roundtable Sheds Light on High Cost of Maintaining DOC,” *The Guam Daily Post*, Oct. 14, 2013, https://www.postguam.com/news/local/roundtable-sheds-light-on-high-cost-of-maintaining-doc/article_f9feab3-9d46-5f92-a05e-9c895dee21cd.html. According to Senator Respicio, DOC facilities were over capacity. Ibid.

⁶⁸ “FY 2013 Citizen Centric Report,” *Dep’t of Corrections*, <https://doc.guam.gov/wp-doc-content/uploads/2022/06/FY-2013-Centric-Report.pdf> (last accessed on June 24, 2026).

⁶⁹ Letter from Leonardo P. Rapadas, Atty General, Guam Office of the Attorney General, to Benjamin J.F. Cruz, Vice-Speaker, Guam Legislature (Nov. 14, 2014) https://drive.google.com/file/d/1d4NpxRORhihAivK1_Lj7S014iIa2lqDV/view.

⁷⁰ Ibid.

⁷¹ Ibid.

self-deportation as a judicial alternative to imprisonment or as a condition of probation or parole in the case of FAS citizens who commit crimes on Guam.⁷²

Despite AG Rapadas' office advising against using voluntary self-deportation as a judicial alternative to imprisonment or as a condition of probation or parole in the case of FAS citizens who commit crimes on Guam, the current Attorney General, Douglas Moylan ("AG Moylan"), has implemented this exact strategy to increase deportation of COFA citizens.⁷³

In the early stages of Compact renewal negotiations (in or around January 2023), AG Moylan urged Congressman Moylan to ensure that any Compact renewal or amendments made it easier to deport COFA citizens that break Guam's laws.⁷⁴ On February 11, 2023, AG Moylan sent a letter to Congressman Moylan regarding the same issue, but also asked to collaborate on "how FSM citizens accused and adjudicated of wrongdoing (misdemeanor or felony) can immediately be deported."⁷⁵ On February 17, 2023, AG Moylan stated that Guam is "enduring an immigration problem" and "every mayor [on Guam] is having an issue with the immigrants that have been allowed into our island."⁷⁶ AG Moylan associated FSM migrants with not following Guam laws, abusing alcohol and methamphetamine, and homelessness.⁷⁷ Moylan went so far as to compare FAS groups:

The Palau community is better. We all know that Palauans, they don't have as much problems, mainly because of education... They educate their people, then they migrate. FSM has a high incidence that they don't have education for those people that are coming to Guam. That's why we're having, in my opinion, a lot of the problems. They're just more prone to be addicted to substances, not be able to get a job and so forth.⁷⁸

On September 6, 2023, AG Moylan issued a press release announcing the AG's Criminal Deportation Initiative.⁷⁹ The AG Criminal Deportation Initiative is a voluntary, pre- and post-

⁷² Ibid.

⁷³ Press Release, Guam's Office of the Attorney General (Sept. 6, 2023) <https://drive.google.com/file/d/1X9TeBXTpw7YKyg-s6cz3ZUXNIuJ5VW5I/view>.

⁷⁴ John O'Connor, "AG Eyes Compact Changes to Make it Easier to Deport Noncitizen Criminals," *The Guam Daily Post*, Jan. 27, 2023, https://www.postguam.com/news/local/ag-eyes-compact-changes-to-make-it-easier-to-deport-noncitizen-criminals/article_d2be3ce4-9c6c-11ed-8096-a312d9bd093f.html.

⁷⁵ Letter from Douglas Moylan, Attorney General, Guam Office of the Attorney General, to James Moylan, Member of Congress, U.S. House of Representatives (Feb. 11, 2023) https://www.postguam.com/news/local/fsm-undesirables-deportation-pdf/pdf_c5924ea2-ac2f-11ed-a0bb-bfca6028467a.html. AG Moylan specifies that he is seeking increased deportation efforts towards FSM citizens instead of FAS citizens. *Id.*

⁷⁶ John O'Connor, "AG: Guam 'Enduring an Immigration Problem,'" *The Guam Daily Post*, Feb. 17, 2023, https://www.postguam.com/news/local/ag-guam-enduring-an-immigration-problem/article_6caa3334-acd6-11ed-afd6-6b1393daba6f.html.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Press Release by Guam's Office of the Attorney General, *supra* note 79. The press release states, "In our ongoing commitment to crack down on non-US citizen criminals and stop them from hurting us, the AG's Office is pleased

judgment settlement option for non-US Citizens charged or convicted of a crime, which the non-U.S. Citizen would be deported in exchange for suspending all or part of their jail sentence.⁸⁰ The press release states:

Many foreigner criminals are repeat offenders. Remove 1 from our community and you help several crime victims & stop numerous future violent and non-violent crimes. Deporting foreigner criminals not only saves us daily imprisonment costs, but also makes us feel and actually become safer in our homes & villages. It teaches the important lesson to foreigners that they will be forced to leave our Island (never to return) if they break our laws. This also teaches us what being a U.S. Citizen is all about and how we are entitled to live in peace and safety as American citizens. The AG's Criminal Deportation Initiative is an important program to promote a safe Guam so you can feel safe at night.⁸¹

Attached to this press release was a list of 29 criminal defendants who committed violent and non-violent crimes and were removed under this initiative. All 29 individuals were deported on a flight to Chuuk (with connecting flights to Pohnpei, Kosrae, Kwajalein, and Majuro).⁸²

Methodology

As a matter of historical precedent, and in order to achieve transparency, Committee studies involve a collection of public, testimonial evidence and written comments from individuals directly impacted by the civil rights topic at hand; researchers and experts who have rigorously studied and reported on the topic; community organizations and advocates representing a broad range of backgrounds and perspectives related to the topic; and government officials tasked with related policy decisions and the administration of those policies.

Committee studies require Committee members to use their expertise in selecting a sample of panelists that is the most useful to the purposes of the study and will result in a broad and diverse understanding of the issue. This method of (non-probability) judgment sampling requires Committee members to draw from their own experiences, knowledge, opinions, and views to gain an understanding of the issue and possible policy solutions. Committees are composed of volunteer professionals who are familiar with civil rights issues in their state or territory. Members represent a variety of political viewpoints, occupations, racial and ethnic backgrounds, ages, and gender/gender identities, as well as a variety of background, skills, and experiences. The intentional diversity of each Committee promotes vigorous debate and full exploration of the

to present the list of offenders that have been removed from our Island home as of January 2, 2023 during this AG's Administration." Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

issues. It also serves to assist in offsetting biases that can result in oversight of nuances in the testimony.

In fulfillment of the Committees' responsibility to advise the Commission of civil rights matters in their locales, Committees conduct an in-depth review and thematic analysis of the testimony received and other data gathered throughout the course of their inquiry. Committee members use this publicly collected information, often from those directly impacted by the civil rights topic of study, or others with direct expert knowledge of such matters, to identify findings and recommendations to report to the Commission. Drafts of the Committee's report are publicly available and shared with panelists and other contributors to ensure that their testimony was accurately captured. Reports are also shared with affected agencies to request clarification regarding allegations noted in testimony.

For the purposes of this study, **Findings** are defined as what the testimony and other data *suggested, revealed, or indicated* based upon the data collected by the Committee. Findings refer to a synthesis of observations confirmed by majority vote of members, rather than conclusions drawn by any one member. **Recommendations** are specific actions or proposed policy interventions intended to address or alleviate the civil rights concerns raised in the related finding(s). Where findings indicate a lack of sufficient knowledge or available data to fully understand the civil rights issues at hand, recommendations may also target specific directed areas in need of further, more rigorous study. Recommendations are directed to the Commission; they request that the Commission itself take specific action, or that the Commission forward recommendations to other federal or state agencies, policy makers, or stakeholders.

Findings

In keeping with their duty to inform the Commission of (1) matters related to discrimination or a denial of equal protection of the laws; and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,⁸³ the Guam Advisory Committee submits the following findings to the Commission regarding the overrepresentation of COFA migrants within Guam's criminal justice system.⁸⁴ This report seeks to highlight the most salient civil-rights themes as they emerged from the Committee's inquiry. The complete meeting transcripts and written testimony received are accessible by a weblink in citation and at the end of the report for further reference.

I. Overrepresentation: What the Numbers Say

- a. COFA migrants are overrepresented in number/percentage of GPD arrests and contacts, in DOC pretrial detainees and sentenced inmates, in PDSC cases, and in Guam's Judiciary adult and juvenile cases. However, the number and percentage of COFA related cases have declined over the last 10 years—showing a steady trend downwards.

⁸³ 45 C.F.R. § 703.2 (2018).

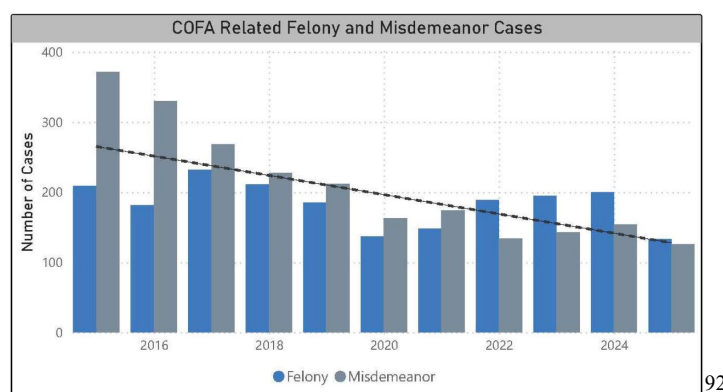
⁸⁴ The Committee acknowledges that there is a need for further inquiry/reporting on this topic; particularly, a data or statistical analysis.

i. **Guam Department of Corrections (DOC)**

- At the time the Committee gathered testimony, DOC housed over 900 inmates, including approximately 500 pretrial detainees and 300 sentenced inmates.⁸⁵ DOC reported that roughly 235 of the 500 pretrial detainees are non-U.S. citizens, and approximately 77 of the 300 individuals serving sentenced terms are non-U.S. citizens.⁸⁶ Majority of these non-U.S. citizens are reportedly from the Federated States of Micronesia (FSM).⁸⁷
- These figures indicate that non-U.S. citizens, many of whom are COFA migrants, comprise a substantial share of the prison population; particularly, the pretrial population—suggesting disproportionate early-stage system contact.⁸⁸

ii. **Judiciary of Guam**

- According to the Judiciary of Guam, COFA defendants⁸⁹ account for approximately 27.9-percent of criminal cases (or about 4,322 individuals) while non-COFA defendants account for approximately 72.1-percent of the Judiciary’s criminal docket.⁹⁰
- Testimony indicates that felony and misdemeanor filings involving COFA defendants have declined over a ten-year period (2015-2025), which is consistent with system-wide reductions in cases within the Judiciary of Guam.⁹¹



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⁸⁵ Bordallo Testimony, *Transcript IV*, p. 3.

⁸⁶ Ibid.

⁸⁷ Ibid.

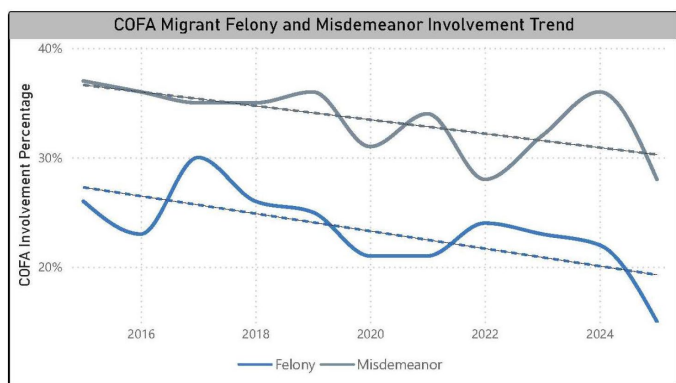
⁸⁸ Ibid.

⁸⁹ Torres Testimony, *Transcript VI*, p. 11. Note: According to Judiciary of Guam, “COFA Migrants” includes non-U.S. citizen FAS members residing on Guam, as well as U.S. citizens who racially or ethnically identify with the FAS nations (e.g., an individual who racially/ethnically identifies as Chuukese but did not migrate from Chuuk and was born on Guam). Ibid.

⁹⁰ Torres Testimony, *Transcript VI*, p. 11.

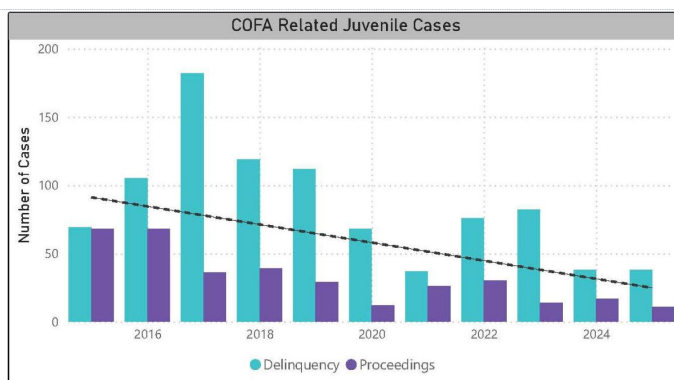
⁹¹ Ibid.

⁹² Torres Testimony, *PowerPoint VI*, slide 5.

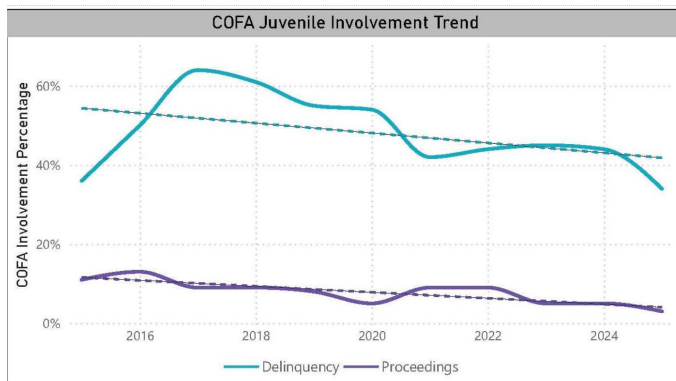


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- Juvenile COFA cases, as well as juvenile cases generally, have also decreased proportionally over ten years.⁹⁴



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- Although COFA individuals are overrepresented in the criminal justice system compared to their population on Guam, the available data indicates that the percentage of adult and juvenile cases involving COFA individuals have declined between 2015 to 2025.⁹⁷

⁹³ Torres Testimony, *PowerPoint VI*, slide 7.

⁹⁴ Torres Testimony, *Transcript VI*, p. 12.

⁹⁵ Torres Testimony, *PowerPoint VI*, slide 6.

⁹⁶ Torres Testimony, *PowerPoint VI*, slide 8.

⁹⁷ Torres Testimony, *Transcript VI*, p. 12. While the overall number of COFA cases decreased, the Judiciary reported a steady increase in expenditures for COFA cases over the last decade. *Ibid.* at 13. This is due to the

iii. Public Defender Service Corporation (PDSC)

- The PDSC provided the following tables that show open case files (i.e., criminal, domestic, juvenile and civil) broken down by ethnicity for fiscal years 2020 through 2023.⁹⁸

FY 2020					
	Criminal	Domestic	Juvenile	Civil	Total
Chamorro	467	34	10	48	559
Filipino	91	6	2	8	107
Caucasian	14	0	0	0	14
Asian (Korean, Japanese, Chinese)	10	1	0	2	13
African American	12	0	0	0	12
Hispanic	1	0	0	0	1
COFA Migrants (U.S. Citizens and Non-U.S. Citizens)	308	1	11	16	336
Chuuk	233	0	8	12	253
Pohnpei	26	0	2	3	31
Yap	22	0	0	1	23
Kosrae	7	0	0	0	7
Republic of Palau	18	1	1	0	20
Republic of Marshall Islands	2	0	0	0	2
Russian					0
Totals	903	42	23	74	1042

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FY 2021					
	Criminal	Domestic	Juvenile	Civil	Total
Chamorro	384	45	40	70	539
Filipino	44	10	2	6	62
Caucasian	20	5	1	4	30
Asian (Korean, Japanese, Chinese)	9	1	0	1	11
African American	10	2	0	0	12
Hispanic	4	0	0	0	4
COFA Migrants (U.S. Citizens and Non-U.S. Citizens)	223	5	4	23	255
Chuuk	178	3	4	15	200
Pohnpei	12	0	0	0	12
Yap	13	1	0	0	14
Kosrae	0	0	0	4	4
Republic of Palau	18	1	0	1	20
Republic of Marshall Islands	2	0	0	3	5
Russian	0	0	0	0	0
Totals	694	68	47	104	913

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increase in services that the Judiciary is providing to COFA individuals to help reduce recidivism. Ibid. at 12. For example, in FY 2015, the Judiciary spent about \$37 million and, in FY 2025, the Judiciary spent over \$45 million. Ibid. at 13-14.

⁹⁸ Note: These tables indicate number of cases and not number of clients. Speaker Stephen Hattori indicated this is a major distinction because an individual may be involved in several cases. Hattori Testimony, *Transcript I*, p. 11.

⁹⁹ In 2020, the PDSC reported having 230 Chuukese citizen clients, 198 FSM citizens clients and 26 U.S. citizen COFA clients. Hattori Testimony, *Transcript I*, p. 11. This Committee notes that the spelling of the word “Chamorro/CHamoru” has been controversial and both continue to be used. Gina E. Taitano, “Chamorro vs. Chamoru,” *Guampedia*, <https://www.guampedia.com/chamorro-vs-chamoru/> (last accessed on June 24, 2026).

¹⁰⁰ In 2021, the PDSC reported having 689 total clients, and 235 of the 689 were FSM citizen clients. Hattori Testimony, *Transcript I*, p. 11.

FY 2022					
	Criminal	Domestic	Juvenile	Civil	Total
Chamorro	441	20	70	38	569
Filipino	57	4	5	8	74
Caucasian	13	2	1	0	16
Asian (Korean, Japanese, Chinese)	15	0	0	1	16
African American	15	0	0	0	15
Hispanic	2	1			3
COFA Migrants (U.S. Citizens and Non-U.S. Citizens)	282	3	12	28	325
<i>Chuuk</i>	238	1	11	23	273
<i>Pohnpei</i>	13	0	0	1	14
<i>Yap</i>	18	2	0	0	20
<i>Kosrae</i>	6	0	1	0	7
<i>Republic of Palau</i>	7	0	0	3	10
<i>Republic of Marshall Islands</i>	0	0	0	1	1
Russian	0	0	0	0	0
Totals	825	30	88	75	1018

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FY 2023					
	Criminal	Domestic	Juvenile	Civil	Total
Chamorro	438	6	92	9	545
Filipino	83	1	5	1	90
Caucasian	17	0	0	0	17
Asian (Korean, Japanese, Chinese)	17	0	1	0	18
African American	11	0	0	2	13
Hispanic	7	2	0	0	9
COFA Migrants (U.S. Citizens and Non-U.S. Citizens)	311	2	39	8	360
<i>Chuuk</i>	240	2	27	5	274
<i>Pohnpei</i>	19	0	4	2	25
<i>Yap</i>	15	0	3	0	18
<i>Kosrae</i>	7	0	1	0	8
<i>Republic of Palau</i>	29	0	4	0	33
<i>Republic of Marshall Islands</i>	1	0	0	1	2
Others	39	0	45	0	84
N/A	4	0	5	0	9
Unknown	0	0	9	0	9
Russian	0	0	2	0	2
Totals	927	11	198	20	1156

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- The PDSC reported that, in 2013, approximately 36-percent of the cases it handled involved individuals from the FSM.¹⁰³ Comparatively, in 2023, approximately 23-percent of its cases involved individuals from the FSM.¹⁰⁴
 - PDSC also reported that the number of Chuukese clients decreased from 2013 to 2023 from 327 individuals to 182 individuals, respectively.¹⁰⁵

¹⁰¹ In 2022, the PDSC reported having 716 total clients and 1,018 cases. Hattori Testimony, *Transcript I*, p. 12.

¹⁰² Hattori Testimony, *Transcript I*, p. 12.

¹⁰³ Hattori Testimony, *Transcript I*, p. 18.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

- In 2023, The PDSC refined its case management system that allows tracking cases and clients by case type, ethnicity and citizenship, which may help provide clearer insight into this issue.¹⁰⁶ For example, the following table was created with its new case management system:

CITIZENSHIP	CF	CF-ARSN	CF-ASSA	CF-BURG	CF-CA	CF-CRIM	CF-CSC	CF-DRUG	CF-DUI	CF-FORG	CF-FV	CF-GJ	CF-HOME	CF-MURD	CF-ROBB	CF-STALK	CF-TERR	CF-THF	CFV	CM	CM-CHDAB	CM-CSC	CM-DUI	CM-FV	CM-GJ	CONSUL	CRA	JD	JP-GUARD	JP-PINS	JP-STATS	PO	PR	SP	Grand Total
FSM	15		9	13		6	3	7	5		7	12		1	4	1	3	7		11	1	1	43	38	19	1		8	5	4	1	1		2	228
CHUUK	14		8	12		5	3	6	5		5	11		1	4		3	6		8	1	1	34	33	18	1		7	5	2	1	1			195
KOS																	1			1			2	1			1							6	
POHN			1			1					2									2			3	1	1					1				2	14
YAP	1			1				1				1				1						4	3							1					13
Marshallis																						1						1						2	
MARSH																						1							1					2	
Others	4	1	3	3		1	7	1	1	1	4		1				3	3		8	2		15	6	2		1	31		16	4				118
AFRICAMR																	1																		1
CHAM				1														1		1															3
CHINESE																							2												2
CHUUK			1														1		1	1		1	2				2							9	
FIL	2	1		1		1	5				3		1				1		2			3	2	1					1					24	
JAPANESE	1																																	1	
KOREAN																								1										2	
N/A			1				1	1									1								1			3		1				8	
OTHERS	1		1	1			1			1	1	1					1			4	1		8	1			1	25		13	4			65	
PAL																							1											1	
RUSSIAN																												1	1					2	
Palau	1			1			1										1					1	5	3				1						15	
PAL	1			1			1										1					1	5	3				1						15	
US	59	1	35	28	1	17	20	95	5	1	27	46	4	3	12	2	21	51	1	26	1	2	50	81	50	4	4	79	6	30	16	11	1	3	793
AFRICAMR						1					2								1		1		1	2	1									1	10
CAUC			1					1				1						1					5	2	3	1									16
CHAM	45	1	23	18	1	8	16	74	3		21	31	3	3	9	1	14	41	1	20	1	2	11	45	36	2	3	47	5	27	14	6	1	1	534
CHINESE																																		1	
CHUUK	3		7	7		4	1	6	1		2	5			2		2	3		2		8	11	4			22		2		1	2		93	
FIL	6			1		2	1	9		1	4	4					2	3		1		10	12	3		1	2		1	1	2	1	67		
HISPANIC			1			1										1						2										1		6	
JAPANESE	1																					1	1				1							4	
KOREAN	1		1				1															2	2		1									8	
KOS																		1				1												2	
MEXICAN																				1			1									1		3	
N/A																															1			1	
OTHERS	2						4											1							1		1	1						10	
PAL	1		1	1		1	1				1				1		2	1				3	4	1			1							19	
POHN						1					1	1					1			1		4	1	1			3							14	
SAMOAN				1																														1	
YAP											1											1						2						4	
Grand Total	79	2	47	45	1	23	24	110	11	2	35	63	4	5	16	3	27	62	1	45	4	3	110	130	74	5	5	119	12	50	21	12	1	5	1156

Data current to August 9, 2024

Data current to August 9, 2024

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- The percentage of COFA-related cases handled by the PDSC has declined over the past decade supporting the judiciary's finding of declining number of COFA criminal cases, though the population remains overrepresented in cases relative to its overall population in Guam.¹⁰⁸

¹⁰⁶ Ibid. at 12.

¹⁰⁷ Hattori Testimony, *Transcript I*, p. 12. This table shows that of the 1,156 total cases, 228 involved FSM citizens, 2 involved RMI citizens, and 15 involved Palauan citizens. Ibid. It further indicates 793 cases involved U.S. citizens. Ibid. Of the 793 cases, 93 involved U.S. citizens who ethnically identified as Chuukese, 19 involved U.S. citizens who ethnically identified as Palauan, 14 involved U.S. citizens who ethnically identified as Pohnpeian, 4 involved U.S. citizens who ethnically identified as Yapese, and 2 involved U.S. citizens who ethnically identified as Kosraean. Ibid. Thus, 245 cases involved non-U.S. citizen COFA migrants and 132 cases involved U.S. citizens COFA migrants (i.e., individuals who were born in Guam or obtained U.S. citizenship through naturalization and ethnically identify as one of the Micronesian ethnicities from the FAS). Ibid.

¹⁰⁸ Hattori Testimony, *Transcript I*, p. 14. Committee Members highlighted it would be interesting to analyze the number of repeat offenders.

iv. **Guam Police Department (GPD)**

- According to the 2023 GPD Uniform Crime Report, 3,115 persons arrested identified as Pacific Islanders; however, arrest data is not disaggregated by specific COFA nationality or citizenship status.¹⁰⁹
 - According to GPD Chief Stephen Ignacio, in 2023, 71% of offenders who committed murder were Chamorro, while 28% (or 2 individuals) were COFA migrants.¹¹⁰
- Chief Ignacio also claims that, anecdotally, COFA migrants may be particularly overrepresented in criminal sexual conduct cases.¹¹¹ Chuukese, however, are overrepresented as both victims and arrestees.¹¹² According to Chief Ignacio, the overrepresentation for both may be credited to increased awareness and education about criminal sexual conduct through programs in schools and community groups.¹¹³
- While Pacific Islanders comprise a significant portion of arrests, the absence of nationality-specific data limits precise assessment of COFA migrant-specific arrest rates.¹¹⁴

v. **Juvenile Justice (Division of Youth Affairs)**

- Since 2021, the Division of Youth Affairs has used locally defined racial/ethnic categories (e.g., Chamorro, Chuukese, other Federated States of Micronesia islands) in compliance reports not the U.S. standard for demographics.¹¹⁵

vi. **Parole Data**

- COFA migrants may experience post-conviction consequences that extend beyond incarceration to include deportation.¹¹⁶ The Guam Parole Board reported 77 parolees from FSM, RMI, and Palau; of these 77 parolees, 23 were deported and 54 remain under supervision on island.¹¹⁷

¹⁰⁹ Tydingco Testimony, *Transcript V*, pp. 3-4.

¹¹⁰ Ignacio Testimony, *Transcript V*, p. 20. Chief Ignacio further stated that the crime was Chuukese on Chuukese crime. Ibid.

¹¹¹ Ibid. at 6, 15, 20.

¹¹² Ibid. at 6.

¹¹³ Ibid.

¹¹⁴ Also, the Speaker highlights that a differential analysis should be done for categories of crimes, such as DUIs, theft, robbery, and sexual assault to determine whether there is overrepresentation by type of crime. Tydingco Testimony, *Transcript V*, p. 15. If COFA migrants are overrepresented in family violence cases or crimes against other COFA migrants, these may not be attributed towards discrimination or racism against COFA migrants. Ibid.

¹¹⁵ Artero Testimony, *Transcript VI*, p. 7. Prior to the change in data collection, the DYA was using U.S. standards for reporting on race (i.e., Caucasian/White, African American/Black, Asian, Native Hawaiian/Pacific Islander, etc.). Ibid.

¹¹⁶ Hattori Testimony, *Transcript I*, pp. 17-18.

¹¹⁷ Quinata Testimony, *Transcript IV*, p. 5.

vii. **Concerns related to data collection and analysis**

- Testimony identified challenges and confusion in data collection as it relates 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.¹¹⁸
- Panelists noted that data is not consistently disaggregated by nationality or COFA status, limiting the ability to accurately measure representation within Guam’s justice system.¹¹⁹
 - While the Department of Corrections’ new data management system maintains robust data on the overall prison population; however, detailed analysis by citizenship status has not been fully developed or publicly reported.¹²⁰
- For the Guam Public Defender Service Corporation, differences between case-based reporting and client-based reporting can make data analysis challenging.¹²¹
- The demographics for race/ethnicity in the GPD Uniform Crime Report are demographics typically used in national reporting (i.e., the U.S. Consensus), such as “White, Black, Asian, Native Hawaiian and Pacific Islander, American Indian or Alaskan, and Other.”¹²²
- Panelists acknowledged that sentencing disparity statistics remain limited, and comprehensive comparative analysis between COFA and non-COFA defendants has not yet been conducted.¹²³
- Representatives from law enforcement and related agencies indicated that police and prosecutorial offices would benefit from improving the enforcement of data collection, as well as improving the systems capable of tracking nationality-specific trends more accurately.¹²⁴

II. Possible Contributing Factors

- a. Many panelists acknowledged and clarified that the overrepresentation of COFA Migrants within Guam’s criminal justice system is not because COFA Migrants are

¹¹⁸ Hattori Testimony, *Transcript I*, pp. 11-12; Bordallo Testimony, *Transcript IV*, p. 6; Quinata Testimony, *Transcript IV*, p. 11; Tydingco Testimony, *Transcript V*, p. 5; Torres Testimony, *Transcript VI*, p. 11.

¹¹⁹ Torres Testimony, *Transcript VI*, p. 11; Bordallo Testimony, *Transcript IV*, p. 3; Tydingco Testimony, *Transcript V*, pp. 3-5, 15; Quinata Testimony, *Transcript IV*, p. 11.

¹²⁰ Bordallo Testimony, *Transcript IV*, p. 6. DOC’s new data management system tracks individuals from intake through incarceration, including their length of stay, housing assignments, and charges filed. *Ibid.*

¹²¹ Hattori Testimony, *Transcript I*, p. 11.

¹²² Tydingco Testimony, *Transcript V*, pp. 3-4.

¹²³ Hattori Testimony, *Transcript I*, p. 31; Santos Testimony, *Transcript II*, p. 24-25; Tydingco Testimony, *Transcript V*, p. 15.

¹²⁴ Santos Testimony, *Transcript II*, p. 24; Ignacio Testimony, *Transcript V*, p. 16; Artero Testimony, *Transcript VI*, p. 7. Police departments (and prosecutors) were tasked to track more demographics and information, but they haven’t really been implementing that. Santos Testimony, *Transcript II*, p. 24.

inclined to commit more crime.¹²⁵ Instead, testimony indicated that this overrepresentation appears to be linked to cultural transition challenges, language barriers, socioeconomic hardship, and institutional limitations, which can affect school engagement, police interactions, and court outcomes.¹²⁶ Panelists also raised concerns about implicit bias, negative public narratives, and certain legislative changes that may unintentionally affect COFA migrants.¹²⁷

b. Cultural Transition and Lack of Preparation Before Migrating

- i. Several panelists described how migration to Guam often involves culture shock due to a lack of pre-migration orientation, which can hinder migrants' understanding of local laws and institutional expectations.¹²⁸
 1. Cultural misunderstandings and unfamiliarity with societal norms may lead to conflicts or behaviors perceived as criminal.¹²⁹
- ii. Because Micronesian¹³⁰ culture is based on collectivism and reciprocity, certain cultural norms, such as informal borrowing within extended networks, may be misinterpreted as criminal conduct in Guam.¹³¹
- iii. Part of Micronesian culture is multi-generational, communal living; however, Guam's housing restrictions limits the ability to maintain communal living arrangements that provide supervision and support.¹³²
 1. Thus, migration disrupts extended-family/clan accountability systems that traditionally regulated behavior within Micronesian communities.¹³³
 2. Loss of elder-based conflict resolution mechanisms increases reliance on formal legal systems.¹³⁴

¹²⁵ Moylan Testimony, *Transcript VI*, p. 3. Chief Justice Torres further highlighted that the data doesn't support claims that COFA migration is driving increased criminal activity. Torres Testimony, *Transcript VI*, p. 14.

¹²⁶ See *infra* note 151-82 and corresponding text for further discussion.

¹²⁷ See *infra* notes 183-93 and corresponding text for further discussion.

¹²⁸ Howard Testimony, *Transcript I*, pp. 8-9, 23; Walters Testimony, *Transcript I*, pp. 6-7, 21; Raigetal Testimony, *Transcript II*, pp. 4-5, 19; Quinata Testimony, *Transcript IV*, p. 13; Ignacio Testimony, *Transcript V*, p. 10.

¹²⁹ Eveluck Testimony, *Transcript II*, p. 7; Walters Testimony, *Transcript I*, p. 21.

¹³⁰ Although Guam is geographically part of the Micronesian, a subregion of Oceania located in the western Pacific Ocean, those in Guam (and other areas like Hawaii) use the terms "Micronesia" or "Micronesian" to describe the islands of or people from the Freely Associated States (including the Federated States of Micronesia (i.e., Chuuk, Yap, Kosrea, and Pohnpei) and the Republics of Palau and the Marshall Islands). "Micronesia," *Britannica*, June 6, 2026, <https://www.britannica.com/place/Micronesia-republic-Pacific-Ocean>.

¹³¹ Raigetal Testimony, *Transcript II*, p. 4; Leon Guerrero Testimony, *Transcript VI*, p. 20. For example, someone might see a bike that is not being used and, culturally, it is acceptable to borrow it. Leon Guerrero Testimony, *Transcript VI*, p. 20. Another example is if a ladder is not being used and on the side of a house, someone might borrow it to pick breadfruit to feed their family and return it. Leon Guerrero Testimony, *Transcript VI*, p. 20. Poverty and stealing are not part of Micronesian culture because people live off the land and families support one another. Howard Testimony, *Transcript I*, p. 36-37.

¹³² Walters Testimony, *Transcript I*, p. 20; Raigetal Testimony, *Transcript II*, p. 4. A speaker stated that homelessness and starvation is not common in Chuuk because, in Chuuk culture, they would take care of each other. Walters Testimony, *Transcript I*, pp. 29-30.

¹³³ Raigetal Testimony, *Transcript II*, p. 5; Howard Testimony, *Transcript I*, p. 23.

¹³⁴ Howards Testimony, *Transcript I*, p. 30; Walter Testimony, *Transcript I*, p. 21.

c. Barriers Due to Limited English Proficiency or Inadequate Education

- i. COFA Migrants often face challenges related to access to quality education and employment opportunities, which may lead to lower paying jobs or unemployment and increased interactions with the criminal justice system.¹³⁵
- ii. Inadequate education and language barriers may contribute to the lack of comprehension or understanding of expectations in Guam and may lead to unintentional legal violations.¹³⁶
- iii. Limited English proficiency and lack of interpreter services can hinder meaningful participation in criminal proceedings.¹³⁷
 1. Testimony indicated that limited understanding of civil and legal rights, particularly among recent migrants facing language and cultural barriers, can hinder the ability to meaningfully exercise those rights within the criminal justice system.¹³⁸ Panelists noted that institutional actors possess greater familiarity and structural power within legal proceedings, creating an imbalance that may result in rights being overlooked or inadequately protected, especially for individuals navigating an unfamiliar system.¹³⁹
- iv. Interpreter services are widely available during court hearings but are less consistent at arrest, probation, and reentry stages.¹⁴⁰
 1. Further, interpreters and translators are rarely accessible outside of court; for example, COFA Migrants with limited English proficiency may require an interpreter to access government services and end up relying on children or other family members to assist with translating or interpreting.¹⁴¹
- v. DOC reported that a key challenge for non-U.S. citizens detainees is the language barrier and limited understanding of their pretrial status, the DOC facility rules, and their legal rights and court processes.¹⁴² For example, DOC provides English-only correctional materials, like the inmate handbook, which limits non-English

¹³⁵ Eveluck Testimony, *Transcript II*, p. 6; see *infra* notes 167-76 and corresponding text for further discussion on how poverty may contribute towards the overrepresentation.

¹³⁶ Eveluck Testimony, *Transcript II*, p. 7.

¹³⁷ Torres Testimony, *Transcript VI*, p. 12; Santos Testimony, *Transcript II*, p. 23. For COFA communities, interpreter services are the gateway to justice. *Ibid.* Guam Judiciary offers interpretation services in 14 languages; Chuukese has the highest number of registered interpreters because there is the highest demand for Chuukese interpreters. *Ibid.* at 13. Further, the Judiciary reports having 4,000 hearings that require COFA language interpreters, which costed the Judiciary about \$97,000 for FY 2025. *Ibid.* at 13.

¹³⁸ Santos Testimony, *Transcript II*, p. 23.

¹³⁹ Santos Testimony, *Transcript II*, p. 23.

¹⁴⁰ Hattori Testimony, *Transcript I*, p. 13; Simpson Testimony, *Transcript I*, pp. 15-16. Speaker Hattori highlighted interpreter services are unavailable at the time of arrest. Hattori Testimony, *Transcript I*, p. 13. He also stated that while interpreters are available at almost every stage in court except probation interviews, which could lead to more COFA individuals in prison. Hattori Testimony, *Transcript I*, p. 13.

¹⁴¹ Simpson Testimony, *Transcript I*, p. 16. The Guam Judiciary provides interpreter services for criminal cases, as well as probation, supervisions, treatment court, marital services, pretrial and other clearance processes. Torres Testimony, *Transcript VI*, p. 13.

¹⁴² Bordallo Testimony, *Transcript IV*, pp. 3-4, 8.

speaking detainees' and inmates' comprehension of institutional rules and available programming.¹⁴³

d. Socioeconomic factors like poverty, housing instability, limited public transportation

- i. Many COFA migrants experience low wages, unemployment or underemployment, overcrowded housing or housing instability, and limited transportation access, increasing exposure to system contact.¹⁴⁴
 1. Testimony referenced GAO findings indicating that approximately 58-percent of Chuukese are unemployed or underemployment; however, some may not have formal employment and are reported as unemployed.¹⁴⁵
 2. High percentage (98–99%) of COFA-involved juveniles families receive public assistance.¹⁴⁶
 3. COFA Migrants that are employed often end up in low paying jobs with minimum wage (e.g., housekeeping, maintenance, restaurant, construction).¹⁴⁷
 - a. Many COFA individuals migrate to Guam to receive better education in hopes of higher paying jobs but sometimes drop out of college because they can no longer afford to go to college.¹⁴⁸
- ii. Economic vulnerability limits access to resources that may prevent incarceration or reentry, such as private defense counsel and rehabilitative resources.¹⁴⁹
- iii. Financial instability may contribute to survival-based offense (e.g., theft).¹⁵⁰
- iv. Overcrowded housing and homelessness increase stress and inter-personal conflicts, which may lead to increased law enforcement system contact.¹⁵¹
- v. A speaker mentioned COFA migrants, particularly Chuukese, are frequently encountered within the homeless population, and homeless encampments are a common point of police interaction.¹⁵²

¹⁴³ Ibid. at 13.

¹⁴⁴ Eveluck Testimony, *Transcript II*, pp. 6, 8; Santos Testimony, *Transcript II*, pg. 13; Walter Testimony, *Transcript I*, p. 21; Tydingco Testimony, *Transcript V*, p. 4; Leon Guerrero Testimony, *Transcript VI*, p. 8; see Moylan Testimony, *Transcript VI*, p. 4

¹⁴⁵ Walter Testimony, *Transcript I*, pp. 5-6. Speaker reported that many are not formally employed but are employed as farmers. Ibid. Speaker stated that anecdotally majority of cooks, cleaners, road construction and contractors are Chuukese or COFA migrants. Ibid. at 27.

¹⁴⁶ Tydingco Testimony, *Transcript V*, p. 5.

¹⁴⁷ Eveluck Testimony, *Transcript II*, pp. 8, 27; Walter Testimony, *Transcript I*, p. 27; Tydingco Testimony, *Transcript V*, pp. 4, 18.

¹⁴⁸ Raigetal Testimony, *Transcript II*, p. 28; Howard Testimony, *Transcript I*, p. 8; Asher Testimony, *Transcript III*, p. 3-4.

¹⁴⁹ Hattori Testimony, *Transcript I*, p. 10. According to the Micronesian Legal Services Corporation, an organization that provides access to justice to low-income individuals in Guam (i.e., not just Micronesians), about 30% of its clients are COFA Migrants and one-third of these clients are Chuukese. Simpson Testimony, *Transcript I*, p. 15.

¹⁵⁰ Howard Testimony, *Transcript I*, p. 36; Eveluck Testimony, *Transcript II*, p. 6.

¹⁵¹ Eveluck Testimony, *Transcript II*, p. 7.

¹⁵² Ignacio Testimony, *Transcript V*, p. 7.

- vi. Lack of reliable transportation limits access to school, employment, and court compliance obligations.¹⁵³

e. Limited Cultural Sensitivity or Implicit Bias Training

- i. Several panelists stated that cultural sensitivity or implicit bias training is insufficient or non-existent in different stages of the criminal justice system.¹⁵⁴
- ii. Panelists raised concerns that limited cultural sensitivity training may contribute to misunderstandings of COFA Migrants' communication styles and norms during police encounters.¹⁵⁵
 - 1. Differences in eye contact, perceptions of authority, and indirect communication may be misinterpreted as noncompliance within Western policing frameworks.¹⁵⁶
 - 2. One speaker recalled in the late 1980s, there was a group who put together packets of translated material for non-English speaking individuals from other cultures.¹⁵⁷ In addition, a professor from the University of Guam held presentations for parole officers and corrections staff about the difference in cultural responses to law enforcement.¹⁵⁸
- iii. Speakers expressed concern that implicit bias within policing, prosecutorial discretion, judicial decision-making, and school discipline practices may influence case outcomes.¹⁵⁹

f. Discrimination, Stereotypes, Perceived Unfairness and Media Narrative

- i. Panelists reported concerns regarding racial and national-origin discrimination affecting COFA migrants.¹⁶⁰
 - 1. Chuukese migrants were described as experiencing disproportionate stigma within FSM communities.¹⁶¹
 - 2. Bias and discrimination weaken community bonds and harm integration and undermine community trust and cooperation.¹⁶²

¹⁵³ Eveluck Testimony, *Transcript II*, p. 27.

¹⁵⁴ Hattori Testimony, *Transcript I*, pp. 13, 31; Tydingco Testimony, *Transcript V*, p. 17; see Quinata Testimony, *Transcript IV*, p. 14.

¹⁵⁵ Hattori Testimony, *Transcript I*, p. 13; Eveluck Testimony, *Transcript II*, p. 7; Quinata Testimony, *Transcript IV*, p. 14.

¹⁵⁶ Walter Testimony, *Transcript I*, p. 21; Quinata Testimony, *Transcript IV*, p. 14. For example, someone from Chuuk may flee from police, not to run away or be disrespectful, but because it is more respectful to leave and not be questioned. Quinata Testimony, *Transcript IV*, p. 14. In Micronesian culture, people are taught that not holding eye contact and communicating face-to-face is respectful. Walters Testimony, *PowerPoint I*, slide 25.

¹⁵⁷ Quinata Testimony, *Transcript IV*, p. 14.

¹⁵⁸ Ibid.

¹⁵⁹ Eveluck Testimony, *Transcript II*, p. 7; Santos Testimony, *Transcript II*, pp. 23, 25, 31.

¹⁶⁰ Stotzer Testimony, *Transcript II*, pp. 11-12; Eveluck Testimony, *Transcript II*, p. 7; Howard Testimony, *Transcript I*, p. 23; Raigetel Testimony, *Transcript II*, p. 5; Asher Testimony, *Transcript III*, p. 17; Tydingco Testimony, *Transcript V*, p. 13.

¹⁶¹ Santos Testimony, *Transcript II*, p. 14.

¹⁶² Stotzer Testimony, *Transcript II*, pg. 12.

- ii. Political rhetoric and enforcement-focused messaging, including the AG’s public billboard campaigns, were cited as reinforcing perceptions of COFA migrants as a public safety burden.¹⁶³
 - 1. Social media and news over-report crimes that involve COFA Migrants, which inaccurately misleads viewers to believe that COFA Migrants are the only individuals on Guam that are committing crimes.¹⁶⁴
- iii. According to the GPD, the police department does not have any discriminatory policies that target any particular group.¹⁶⁵ Instead, the GPD stated that overrepresentation of a certain group is simply due to the higher rate of alleged crimes being reported or called-in or there was an issue that arose during the police’s interaction with the suspect.¹⁶⁶
 - 1. Despite this, several speakers spoke of stereotyping, selective enforcement or police discretion, and profiling based on perceived “local” vs. COFA status.¹⁶⁷
- iv. Panelists reported anecdotal observations that COFA migrants, particularly individuals from Chuuk, may receive comparatively harsher criminal sentences than similarly situated non-COFA defendants, though comprehensive sentencing disparity data has not yet been compiled to confirm or refute these concerns.¹⁶⁸
- v. Frustration over Guam’s limited political representation in Congress and lack of control over federal COFA policy—and the perceived unfairness that Guam bears disproportionate fiscal impacts—may contribute to negative public narratives and implicit bias in institutional interactions.¹⁶⁹
 - 1. A speaker highlighted that a misconception is that COFA Migrants have a financial drain on Guam’s economy; specifically, that they migrate to Guam to be supported by the federal or local government entirely. Migrants, however, pay taxes and provide essential services.¹⁷⁰
 - 2. According to the Judiciary of Guam, costs related to interpreter services makes up a large portion of the Judiciary’s budget.¹⁷¹ While costly, the interpreter services ensure compliance with due process obligations under the U.S. Constitution.¹⁷² From a fiscal perspective, however, these interpreter services are predominantly provided to a population that resides on Guam because of

¹⁶³ Hattori Testimony, *Transcript I*, p. 13; Stotzer Testimony, *Transcript II*, pg. 12; Raigetal Testimony, *Transcript II*, p. 5; Eveluck Testimony, *Transcript II*, p. 7; Santos Testimony, *Transcript II*, pp. 14-15.

¹⁶⁴ Hattori Testimony, *Transcript I*, p. 13.

¹⁶⁵ Ignacio Testimony, *Transcript V*, pp. 7, 19.

¹⁶⁶ Ignacio Testimony, *Transcript V*, p. 7.

¹⁶⁷ Eveluck Testimony, *Transcript II*, p. 7; Santos Testimony, *Transcript II*, p. 31.

¹⁶⁸ Hattori Testimony, *Transcript I*, p. 31; Santos Testimony, *Transcript II*, p. 25.

¹⁶⁹ Eveluck Testimony, *Transcript II*, p. 30; Tydingco Testimony, *Transcript V*, p. 23; Moylan Testimony, *Transcript VI*, p. 3-4; see Torres Testimony, *Transcript VI*, p. 14.

¹⁷⁰ Santos Testimony, *Transcript II*, pp. 17-18.

¹⁷¹ Torres Testimony, *Transcript VI*, pp. 13-14.

¹⁷² *Ibid.* at 14.

federal policy that Guam did not have a meaningful voice in creating.¹⁷³ In other words, the federal government set the COFA policies but the local courts largely absorb the operational costs to ensure COFA Migrants' constitutional rights are not violated.¹⁷⁴

g. Juvenile and Youth-Specific Vulnerabilities

- i. COFA youth may be more susceptible to contact with the criminal justice system or DYA if they drop out of school.¹⁷⁵
 1. A speaker reported that COFA parents in Hawaii unintentionally opted to homeschool their children after signing DOE "4140 forms" (i.e., homeschool withdrawal forms) that they did not understand.¹⁷⁶
 2. Similarly, during COVID, COFA parents thought they were opting for their children to do virtual learning but unintentionally removed their children from school.¹⁷⁷ This may have coincided with increased juvenile justice arrests of COFA youth.¹⁷⁸
- ii. One panelist highlighted that some COFA parents in Hawaii that had children involved in juvenile drug court could have gotten their children out of the system faster by attending a certain program but, because of the language barrier, they did not agree to that program.¹⁷⁹
- iii. Bullying and stigma in schools related to poverty, race and poor educational background may have negative impacts on COFA youth.¹⁸⁰
 1. Bullying and stigma may lead to isolation and, as a result, COFA Migrants may form groups to protect themselves.¹⁸¹
- iv. Guam lacks cultural programs or community building programs for COFA youth, which could serve as effective engagement tools to decrease youth system contact.¹⁸²

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Asher Testimony, *Transcript III*, p. 15. This speaker stated that, often, COFA kids are not necessarily dropping out because they want to be delinquent or do not want to attend college; instead, it could have been a misunderstanding by their parents. Ibid. This speaker is working towards getting these students into the GED program or getting a job. Ibid. GPD stated they are SROs in the Guam DOE schools but reported they did not have data/statistics on how COFA students are represented in school disciplinary incidences. See Ignacio Testimony, *Transcript V*, p. 16.

¹⁷⁶ Asher Testimony, *Transcript III*, p. 15.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Eveluck Testimony, *Transcript II*, p. 8; Santos Testimony, *Transcript II*, p. 14; Stotzer Testimony, *Transcript II*, p. 12; Tydingco Testimony, *Transcript V*, p. 12.

¹⁸¹ Ignacio Testimony, *Transcript V*, p. 8.

¹⁸² Ignacio Testimony, *Transcript V*, p. 20; Santos Testimony, *Transcript II*, p. 28; Eveluck Testimony, *Transcript II*, pp. 26, 29.

- v. Because parents may need to work multiple jobs, COFA youth may have less parental supervision leading to more system contacts.¹⁸³

h. Legislation impacting COFA migrants

- i. Although the legislation that changed the family violence in 2021 from a diversion program to a deferred plea program does not appear to have had a discriminatory intent, the change in the law had a discriminatory impact on COFA Migrants. This change in law has led to deportations of COFA Migrants due to this particular offense.¹⁸⁴
 - 1. There is no indication that legislators considered the deportation effect of a deferred plea program versus the diversion program.¹⁸⁵

i. Substance Abuse Trends

- i. Panelists described a shift from alcohol-related offenses to methamphetamine use, increasing case severity and complexity.¹⁸⁶
 - 1. Methamphetamine distribution networks were associated with firearm-related and violent offenses.¹⁸⁷

III. Policies and Initiatives Potentially Reducing Overrepresentation

- a. Testimony identified several policies and institutional initiatives that may be contributing towards a downward trend in the number of COFA Migrants involved in Guam's justice system.¹⁸⁸ These efforts include expanded language access services, therapeutic court models, juvenile prevention programs, improved data tracking systems, and increased cultural representation within justice institutions.¹⁸⁹ Collectively, these initiatives aim to strengthen due process protections, promote rehabilitation over incarceration, improve early intervention, and enhance cultural responsiveness.¹⁹⁰
- b. Court Interpreter and Language Access Programs**
 - i. The Judiciary reported conducting approximately 4,000 interpreter-assisted hearings annually to ensure meaningful access to court proceedings for non-English-speaking individuals.¹⁹¹ Further, there are about 1,000 non-courtroom activities that require interpretation services for court ordered services such as probation meetings, treatment court sessions, pretrial interviews and compliance checks.¹⁹²

¹⁸³ Leon Guerrero Testimony, *Transcript VI*, p. 8; see Tydingco Testimony, *Transcript V*, p. 12.

¹⁸⁴ Hattori Testimony, *Transcript I*, pp. 12-13, 17.

¹⁸⁵ *Ibid.* at 13, 17.

¹⁸⁶ Santos Testimony, *Transcript II*, p. 15; Quinata Testimony, *Transcript IV*, p. 15; Ignacio Testimony, *Transcript V*, p. 11; Tydingco Testimony, *Transcript V*, p. 12.

¹⁸⁷ Ignacio Testimony, *Transcript V*, p. 11.

¹⁸⁸ See *infra* notes 214-33 and corresponding text for further discussion.

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁹¹ Torres Testimony, *Transcript VI*, p. 13.

¹⁹² *Ibid.*

1. The Judiciary provides interpretation services in 14 languages.¹⁹³
- ii. Recruitment efforts have expanded the availability of Chuukese and other Micronesian language interpreters to address community needs.¹⁹⁴
- iii. The development of an interpreter registry program seeks to professionalize and standardize language services across proceedings.¹⁹⁵
- iv. Interpretation services improve comprehension of the legal process and judges' decisions, thereby increasing trust in the system and increasing the likelihood a defendant will comply with the judges' orders.¹⁹⁶
- v. Access to interpreters for those with limited English proficiency is integral to the juvenile's case outcome at DYA.¹⁹⁷

c. Treatment & Therapeutic Courts

- i. Adult and Juvenile Drug Courts provide structured alternatives to incarceration that emphasize treatment, accountability, and judicial supervision.¹⁹⁸
- ii. Residential Substance Abuse Treatment (RSAT) programming within correctional facilities addresses addiction among incarcerated individuals and supports rehabilitation.¹⁹⁹
- iii. Wraparound supervision models integrate judicial oversight with behavioral health treatment and social service coordination to reduce recidivism.²⁰⁰

d. Juvenile Prevention & Outreach Programs

- i. School Resource Officer (SRO) programs emphasize early intervention and relationship-building between youth and law enforcement.²⁰¹
- ii. DYA outreach initiatives provide education on legal rights, responsibilities, and civic engagement to students.²⁰²
- iii. Community sports tournaments and youth engagement activities were identified as effective pro-social alternatives that strengthen positive peer and adult connections within COFA groups and decrease youth system contact.²⁰³
- iv. Workforce referral programs to increase educational and professional training opportunities for youth that can reduce long-term system involvement and increase the likelihood of higher-paying job prospects.²⁰⁴

¹⁹³ Ibid. at 12.

¹⁹⁴ Ibid. at 13.

¹⁹⁵ Ibid. at 12.

¹⁹⁶ Ibid. at 15.

¹⁹⁷ Artero Testimony, *Transcript VI*, pp. 18-19.

¹⁹⁸ Torres Testimony, *Transcript VI*, p. 21.

¹⁹⁹ Bordallo Testimony, *Transcript IV*, p. 8.

²⁰⁰ Torres Testimony, *Transcript VI*, pp. 21, 24.

²⁰¹ Ignacio Testimony, *Transcript V*, p. 16.

²⁰² Artero Testimony, *Transcript VI*, p. 8.

²⁰³ Ignacio Testimony, *Transcript V*, p. 20.

²⁰⁴ Moylan Testimony, *Transcript VI*, p. 4.

e. Data Infrastructure Improvements

- i. The Department of Corrections and the Public Defender Service Corporation upgraded case management systems to improve tracking of inmate demographics, case outcomes, and longitudinal trends.²⁰⁵
- ii. The Judiciary implements refined cost-allocation methodologies to assess the fiscal impact of FAS-related cases.²⁰⁶

f. Representation & Community Engagement

- i. Recruitment of Micronesian-speaking police officers strengthens culturally competent policing practices and improves communication with COFA communities.²⁰⁷
- ii. The addition of a Chuukese victim advocate supports reporting and improves trust between law enforcement and COFA communities.²⁰⁸
- iii. Increased visibility of COFA leaders in advisory and governmental roles may promote balanced public discourse and reduce stigmatizing narratives.²⁰⁹
- iv. Federal advocacy efforts, including proposals for host community compensation funding, seek to address structural fiscal inequities affecting Guam's justice institutions.²¹⁰

²⁰⁵ Hattori Testimony, *Transcript I*, p. 12; Bordallo Testimony, *Transcript IV*, p. 6.

²⁰⁶ Torres Testimony, *Transcript VI*, p. 17.

²⁰⁷ Ignacio Testimony, *Transcript V*, p. 6.

²⁰⁸ Ibid.

²⁰⁹ Hattori Testimony, *Transcript I*, pp. 13-14; Raigetal Testimony, *Transcript II*, p. 5; Asher Testimony, *Transcript III*, p. 5.

²¹⁰ Leon Guerrero Testimony, *Transcript VI*, pp. 9-10; Moylan Testimony, *Transcript VI*, pp. 3-5.

Recommendations

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws, and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.²¹¹ In keeping with these responsibilities, and given the testimony heard on this topic, the Committee submits the following recommendations to the Commission:

1. The U.S. Commission on Civil Rights should send this report and issue a formal request to Congress and the President to:
 - 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.
 - Accelerate timeline to reconsider COFA and CIFA funding. Particularly, that Congress and the President revisit the amount of funding provided under CIFA biannually to reflect levels that are commensurate with the actual impact on communities like Guam.
 - 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.
 - Direct OMB to coordinate interagency budgeting so that compensation is not siloed within DOI but reflects cross-agency impacts.
 - Require standardized demographic data collection and reporting protocols modeled on OMB's Statistical Policy Directive No. 15 (disaggregating data between AA and NHPI).
 - The White House, through the National Security Council, and as encouraged by Section 105(b)(6) of the Compact of Free Association Amendments Act (Public Law 108-188), should reestablish the Interagency Working Group on the Freely Associated States, to be co-chaired by the Departments of State and Interior, which would together be responsible for managing the uniquely complex set of foreign and domestic laws and programs under the Compacts.

²¹¹ 45 C.F.R. § 703.2.

2. The U.S. Commission on Civil Rights should issue the following recommendation to Guam's Governor's Office to:

- Designate a COFA Integration and Compact Impact Coordinator within the executive branch to lead cross-agency planning on COFA-related policy and funding.
- 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.
- Develop targeted workforce development and job-placement programs for COFA migrants, integrating English language learning with vocational training in high-demand sectors.
- Partner with major public and private employers to create structured employment pipelines for COFA participants who successfully complete training.
- Monitor employment outcomes for COFA participants to evaluate whether these programs are reducing unemployment and economic marginalization that contribute to justice-system involvement.
- Prioritize the use of federal and local funds, to the extent permitted by law, for programs that demonstrably reduce COFA overrepresentation in the criminal justice system (including prevention, deferral, and reentry initiatives).

3. The U.S. Commission on Civil Rights should issue the following recommendation to Guam's Legislature to:

- Enact legislation requiring standardized collection and public reporting of COFA-related data (citizenship and self-identified ethnicity) at key criminal justice decision points (arrest, charging, pretrial detention, plea, sentencing, incarceration).
- Adopt a standardized Racial Equity Impact Assessment process—modeled on jurisdictions that require equity review for legislation—to evaluate whether proposed criminal legal policies, enforcement initiatives, and resource allocations are likely to produce disproportionate impacts across communities.
- Create and fund a COFA Integration and Compact Impact program within the executive branch to lead cross-agency planning on COFA-related policy and funding.

4. The U.S. Commission on Civil Rights should issue the following recommendation to Guam's Police Department to:

- Develop and implement mandatory annual cultural competency and anti-bias training for all sworn officers and recruits, designed and delivered in partnership with COFA community leaders.

- Establish and maintain 24/7 access to qualified interpreters for major COFA languages at the point of arrest and initial questioning.
 - Expand recruitment, retention, and promotion efforts aimed at officers who speak Micronesian languages and embed community liaison officers in COFA neighborhoods to build trust and support problem-solving policing.
5. The U.S. Commission on Civil Rights should issue the following recommendation to Guam's Attorney General's Office to:
- Develop prosecutor-led pretrial deferred charging programs tailored to non-violent offenses commonly charged against COFA migrants, with a focus on treatment, restitution, and community-based accountability.
 - Issue internal guidance directing prosecutors to consider collateral immigration consequences, consistent with public safety and victims' rights, when making charging and plea decisions involving non-citizen defendants.
 - Review public communications practices, including the use of billboards and social media, to ensure that enforcement initiatives do not stigmatize COFA communities as a group and are narrowly focused on individual conduct.
6. The U.S. Commission on Civil Rights should send this report to and issue a formal request to Guam's Judiciary to:
- 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.
 - Expand interpreter and language-access services at all stages of criminal and family court proceedings and ensure that language-access policies explicitly cover probation interviews and court-ordered programs.
 - Support the expansion or development of specialized problem-solving and treatment courts (e.g., drug, mental health, and family violence courts) that incorporate culturally responsive programming and meaningful access for COFA defendants.
7. The U.S. Commission on Civil Rights should issue the following recommendation to Guam's Board of Education to:
- Develop and implement a comprehensive COFA student success strategy, including enhanced multilingual services, English Learner (EL) services, culturally responsive pedagogy, and targeted academic and socio-emotional supports for COFA students.

- Ensure that school-level discipline and referral data are collected and reported in a manner that allows for disaggregation by COFA status and ethnicity, to identify and correct any disparate impacts.
 - Strengthen formal partnerships with COFA community organizations to improve school-family communication, parent engagement, and culturally grounded early-intervention supports that reduce pathways from school exclusion to juvenile and adult justice involvement.
 - Limit law enforcement referrals for school-based misconduct to serious safety threats and clearly define conduct that should remain within school disciplinary processes.
 - Reduce reliance on exclusionary discipline (suspensions, expulsions) and expand restorative and conflict-resolution approaches supported by adequate staffing and training.
 - Standardize definitions of subjective disciplinary categories (e.g., “disrespect,” “defiance,” “disruption”) to reduce inconsistent application.
 - Ensure meaningful language access for COFA families, including translated materials and qualified interpreters for disciplinary proceedings and parent communications.
 - Develop structured newcomer and transition support for COFA students addressing attendance, academic gaps, and family engagement.
 - Track and publicly report discipline and referral data disaggregated by ethnicity and language status to identify patterns and measure progress.
8. The U.S. Commission on Civil Rights should recommend that the Guam Department of Corrections:
- Collect and analyze data on COFA citizenship and ethnicity for all inmates, including offense type, sentence length, program participation, and release outcomes, to identify any disparities and inform targeted reforms.
 - Expand access to culturally responsive programming and reentry planning for COFA inmates, including partnerships with COFA community organizations and navigators to support housing, employment, and family reunification upon release.
 - Develop written policies ensuring that language access and interpretation services are available during intake, classification, disciplinary hearings, and programming for inmates with limited English proficiency.

9. The U.S. Commission on Civil Rights should recommend that the Guam Department of Youth Affairs:

- Systematically collect and report COFA-specific data on referrals, detention, diversion, and commitment, to identify and reduce any disproportionate impact on COFA youth.
- Develop and expand community-based diversion and family-strengthening programs serving COFA youth at risk of justice involvement, in collaboration with schools and COFA community organizations.
- Ensure that all youth in custody, including COFA youth, have meaningful access to education, behavioral health services, and reentry planning, with appropriate language and cultural support.

10. The U.S. Commission on Civil Rights should recommend that Guam Behavioral Health and Wellness Center:

- Expand culturally and linguistically appropriate mental health and substance use services for COFA adults and youth, including co-located services at schools, DYA, DOC, and community centers.
- Develop formal referral pathways from courts, PDSC, and law enforcement to treatment as an alternative or complement to incarceration for eligible COFA individuals.
- Train clinicians and case managers in Micronesian cultural frameworks, to improve engagement, adherence, and treatment outcomes among COFA clients.

11. The U.S. Commission on Civil Rights should recommend that Guam Memorial Hospital Authority and the Department of Public Health and Social Services:

- Enhance language-access and patient-navigation services for COFA patients in hospital, clinic, and public health settings, including the use of trained interpreters and community health workers from COFA communities;
- Collect and report disaggregated utilization and outcome data for COFA patients to identify disparities and guide resource allocation.

12. The U.S. Commission on Civil Rights should recommend that the University of Guam and Guam Community College:

- In conjunction with University of Guam's MARC and Micronesian Studies Program, support the design and delivery of cultural competency and anti-bias training for criminal justice personnel, healthcare providers, educators, and other frontline staff serving COFA communities;
- Expand the number of course offerings that deal specifically with the Micronesian region.

- Conduct independent evaluation of integration, diversion, and recidivism-reduction initiatives recommended in this report, and publicly disseminate findings; and
- Expand bridge, scholarship, and support programs for COFA students, including first-generation and non-traditional learners, to improve educational attainment and long-term economic integration.

13. The U.S. Commission on Civil Rights should recommend that the Guam Office of Public Accountability:

- Periodically audit and report on COFA-related expenditures and outcomes in key agencies (including GDOE, GMHA/DPHSS, DOC, DYA, and the Judiciary), with attention to the effectiveness and equity of services; and
- Incorporate COFA impact analyses into performance audits of major education, health, and justice programs, to ensure that policy decisions are informed by accurate data on COFA needs and outcomes.

14. The U.S. Commission on Civil Rights should recommend that the Mayors' Council of Guam:

- Develop village-level integration plans in collaboration with COFA residents, addressing housing, public safety, youth activities, and community conflict-resolution mechanisms;
- Designate or support COFA community liaisons in villages with significant COFA populations, to facilitate communication between residents and local government; and
- Promote pro-social community events and shared initiatives (e.g., sports, clean-ups, cultural exchanges) that foster positive contact between COFA and non-COFA residents and reduce stigmatizing narratives.

15. The U.S. Commission on Civil Rights should recommend that the Guam Housing and Urban Renewal Authority:

- Review occupancy, eligibility, and enforcement policies for unintended disparate effects or outcomes on COFA households, particularly in light of traditional Micronesian communal living norms;
- Explore and pilot culturally informed housing models that accommodate extended-family living arrangements while maintaining health and safety standards; and
- Ensure that COFA tenants and applicants have access to language-appropriate information and grievance procedures regarding housing rights and obligations.

**Guam Advisory Committee to the
United States Commission on Civil Rights**



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