

GETTING GUAM'S TALENT BACK TO WORK

SHRM GUAM ANNUAL CONFERENCE 2019: THE WORK, WORKER, WORKPLACE

AUGUST 9, 2019 | DUSIT THANI HOTEL GUAM

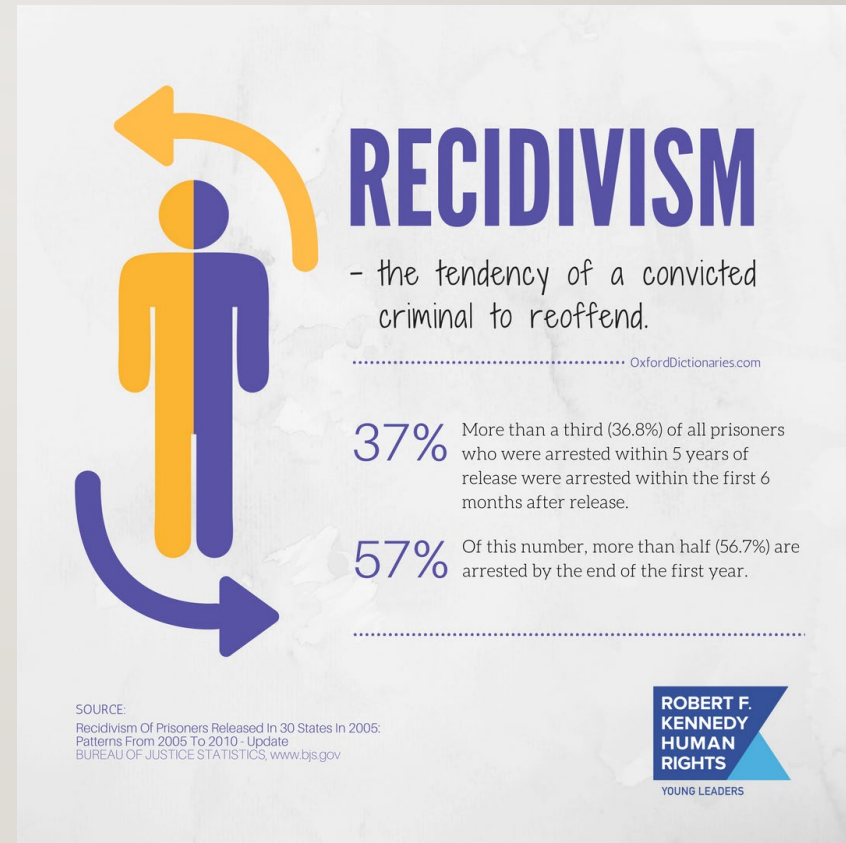
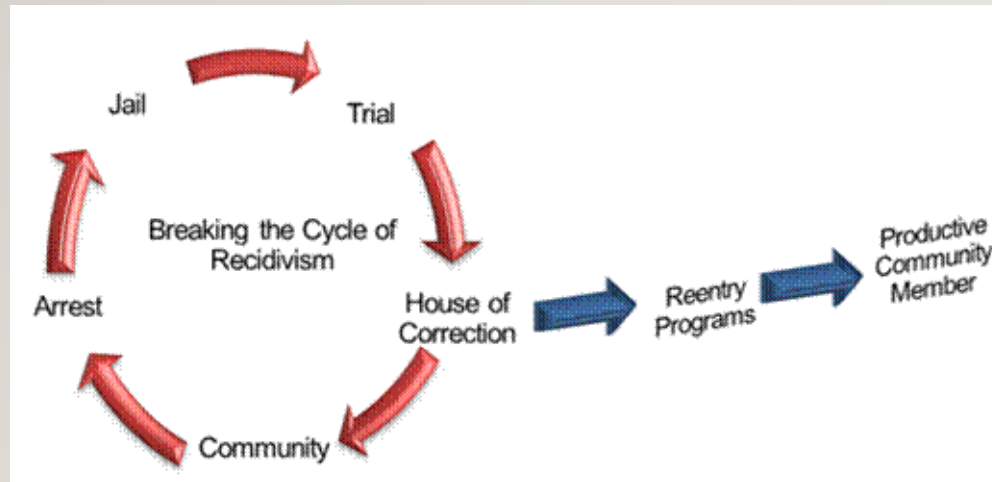


WHY WE NEED TO GET GUAM'S TALENT BACK TO WORK AND HOW TO DO IT

- Recidivism
 - What is it and why is it important?
 - Common Causes
- National Initiatives
 - Second Chance Act
 - First Step Act
 - Next Step Act
- Local Efforts
 - Reentry Court
 - Therapeutic Courts and Specialty Dockets
 - Fair Chances Hiring Process Act
- Next Steps

RECIDIVISM: WHAT IS IT?

- Recidivism can be defined in many ways – new arrest, new charge, new conviction.
- Recidivism rates can be evaluated for both probation services and reentry programs.



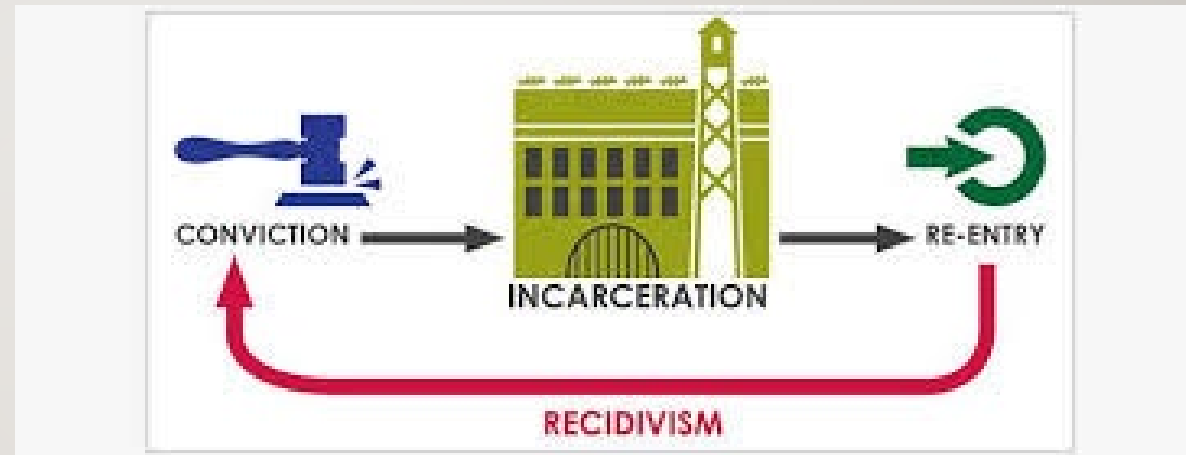
RECIDIVISM: WHY IS IT IMPORTANT?



- Recidivism is the most measurable aspect of a criminal justice system.
- Employment of ex-offenders is the #1 predictor of recidivism. Unemployed offenders are more than two times likely to recidivate than those who have a job.

RECIDIVISM: COMMON CAUSES

- May have not received or completed evidenced-based behavioral therapy and corrections programming.
- May not have the education or training necessary for gainful employment.
- May not have the resources for official documents such as birth certificates, IDs, and clearances.
- May come out of prison with little to no resources, such as housing and transportation.



RECIDIVISM: COMMON CAUSES

- Employers just don't want to hire those with a criminal history, pressuring them to revert back to crime to cover their basic needs, for some of the following reasons:
 - Employers think that consumers will not want to patronize those businesses that hire ex-felons.
 - Employers think that ex-felons will steal from them or cause other issues within the business.
 - Employers think that their current employees will feel uncomfortable working around ex-felons.
 - Even if they wanted to hire them, companies that do business with military bases may limit their access due to criminal history.
- Most of the time, however, this simply ISN'T true (2018 SHRM Poll).

NATIONAL INITIATIVES: SECOND CHANCE ACT

- In 2007, the Second Chance Act, introduced by Representative Danny Davis (D-IL), was signed into law and reauthorized grant programs for reentry of offenders into the community originally contained in the Omnibus Crime Control and Safe Streets Act of 1968.
- Grants to state and local government include programs such as:
 - Reentry Courts
 - Evaluation and improvement of educational services at prisons, jails, and juvenile facilities
 - Evidence-based programs that enhance public safety and reduce recidivism
 - Substance Abuse Treatment
 - Alternatives to Incarceration
 - Comprehensive Reentry Services



NATIONAL INITIATIVES: FIRST STEP ACT



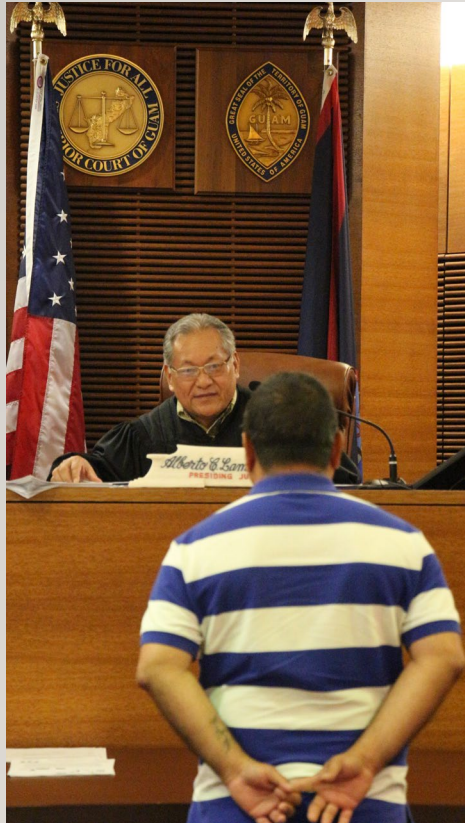
- In 2018, the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act (FIRST STEP) Act, introduced by Representative Dan Sullivan (R-AK), was signed into law.
- The FIRST STEP Act:
 - retroactively applies the Fair Sentencing Act
 - allows compassionate release for terminally-ill
 - in some cases, prioritizes prison placement near family
 - requires de-escalation training for correctional staff
 - provides parity for feminine hygiene
- Thousands of individuals released as a result of Fair Sentencing Act.

NATIONAL INITIATIVES: NEXT STEP ACT

- In 2019, in response to the signing of the FIRST STEP Act, Senator Cory Booker (D-NJ) introduced the Next Step Act.
- The Next Step Act proposes to help those who have served their time reintegrate into society by:
 - Addressing disenfranchisement at the federal level
 - Instituting provisions similar to the Guam FCHPA for federal employers and contractors
 - Sealing of non-violent drug offenses for adults
 - Automatic sealing (and in some cases, expungement) of juvenile records



LOCAL EFFORT: REENTRY COURT



- In 2015, Guam Adult Reentry Court grant was awarded to the Superior Court of Guam from the US Department of Justice's Bureau of Justice Assistance.
- In 2016, representatives from the National Reentry Resource Center provided technical assistance.
- Presiding Judge Alberto Lamorena III chairs the Guam Adult Reentry Court Task Force with members from various government, private, and non-profit agencies.
- Reentry Court provides free government resources, non-profit services, and business training.
- The program is completely voluntary for interested individuals.

LOCAL EFFORT:THERAPEUTIC AND SPECIALTY COURTS/DOCKETS

- Adult Reentry Court
- Adult Drug Court
- Juvenile Drug Court
- DWI Treatment Court
- Family Drug Court
- Family Violence Court
- Veterans Treatment Court
- Mental Health Court
- Project HOPE
- Swift, Certain & Fair Sanctions Program
- BENEFITS
 - Treatment
 - Resources
 - Results
- BOTTOMLINE: Focusing on the underlying causes of criminality, rather than just the act of the crime itself, yields better results.

LOCAL EFFORT: RECORD EXPUNGMENT



- In 2016, Bill No. 213-33, which was introduced by then-Vice Speaker BJ Cruz, was passed by the 33rd Guam Legislature and lapsed into law as Public Law 33-122.
- PL33-122 recognized the Courts efforts prior to the formal establishment of the drug courts and offered those individuals who successfully completed the precursor program an opportunity to have their record similarly expunged.

LOCAL EFFORT: RECORD EXPUNGEMENT BENEFITS

WHY GET YOUR FELONY EXPUNGED?



Clear Background Checks



Restore Certain Rights



Keep/Restore Professional Licenses



Avoid the Stigma of a Criminal Record



Keep Scholarship/Financial Aid Benefits

LOCAL EFFORT: FAIR CHANCES HIRING PROCESS ACT (FCHPA)

- In 2017, Senator Mary Camacho Torres introduced Bill No. 40-34, the Fair Chances Hiring Process Act (FCHPA).
- The FHCPA was passed and signed into law as Public Law 34-22 on July 17, 2017 and became effective on February 8, 2018.
- Under the FHCPA, a prospective employer may not ask for an applicant's criminal history *except* under specific circumstances.



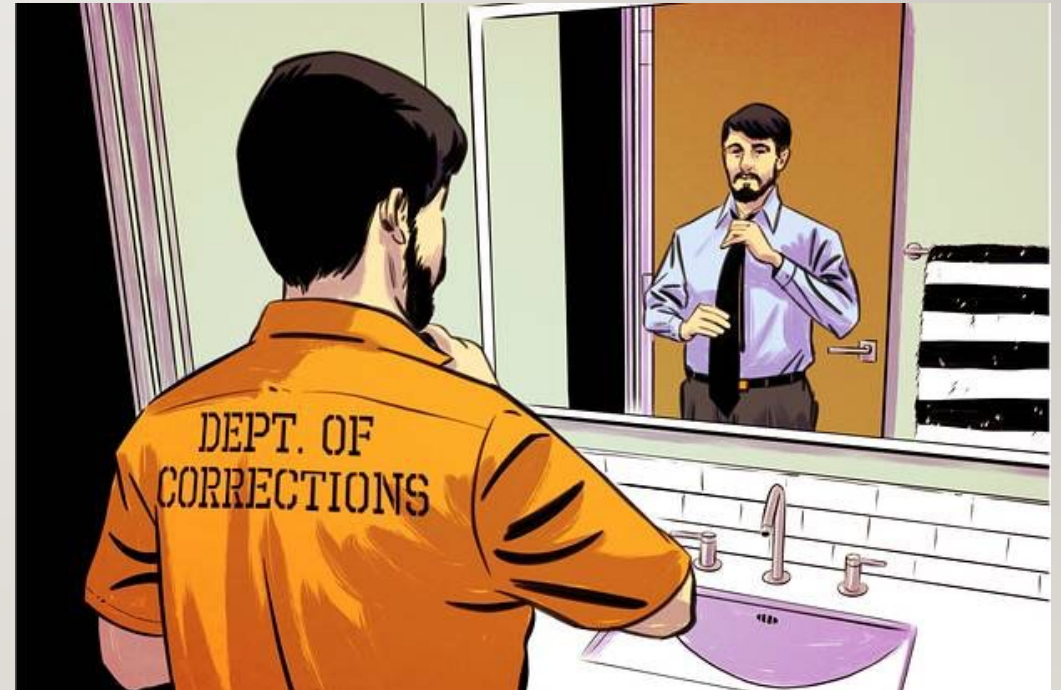
LOCAL EFFORT: FAIR CHANCES HIRING PROCESS ACT (FCHPA)



- Only after a conditional offer of employment may an applicant be asked to provide information about their criminal history or pending criminal cases.
- Conditional offers of employment may only be withdrawn for a legitimate business reason.
- Applicants may ask for written Statement of Denial and all applicant records.
- Any complaints will be handled by the Guam Department of Labor.

BENEFITS OF HIRING EX-FELONS

- Financial opportunities and security
 - Federal Work Opportunity Tax Credit (WOTC)
 - Federal Bonding Program
- Consideration of ex-felons widens the applicant pool
- Lower turnover rates due to less opportunity
- Parolees are motivated to keep their jobs as conditions of their release
- Hiring ex-felons lowers their chances of reoffending, reducing crime in the community



STILL MUCH WORK TO DO...



- Criminal Justice Reform
- Juvenile Justice Reform
- Over-representation of minority groups
- Culturally and Linguistically Appropriate Services (CLAS)
- DATA
- Community policing efforts
- Alternative Dispute Resolution (ADR)
- School safety