



| Committee on Homeland Security, Public Safety, and Justice

Legislature USVI

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0:00:00 Thank you. Thank you. Thank you. We'll be right back. I love the lombard.

0:02:30 Thank you. Li-lo-la-la-le-lo-te-lo-dai Li-lo-la-la-le-lo-te-lo-dai Thank you. Thank you.

0:04:30 Lilo, la, la, lilo, te lo da Lilo, la, la, lilo, te lo da Óyame Thank you. Thank you. Oh, my God. ¶¶ I love you.

0:07:30 Thank you. Thank you. Thank you.

0:09:00 Thank you. Oh, my God. [2 such phrases repeated 13 times · standby audio before the proceeding, transcribed by the recogniser as speech]

0:15:30 Thank you. Thank you.

0:16:30 Thank you. Oh, my God.

0:17:30 Thank you. I love you Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

0:21:30 Thank you. We'll be right back. Thank you. Thank you. Thank you. Thank you.

0:24:30 Thank you. Oh, my God. Thank you.

0:26:00 I love you. Thank you. Oh, my God. Thank you. Thank you. Thank you. I'll see you next time Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. I love you Thank you. Let's go. We'll be right back. I'll see you next time. I love you Thank you. We'll be right back. Let's go. We'll be right back. Let's go. We'll be right back. Thank you. Sous-titrage Société Radio-Canada Let's go. We'll be right back. We'll be right back. Thank you. Let's go.

0:42:30 ¶¶ Oh, my God. Thank you.

0:43:59 Thank you. Thank you. Thank you.

0:45:29 I love you. Thank you. Oh, my God. Oh, my God. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Oh, my God. I love you, I love you

0:51:59 Thank you. Thank you. I love you.

0:53:29 I love you, I love you, I love you I love you Thank you.

0:54:59 Thank you. Thank you.

0:55:59 Thank you. Thank you. Thank you.

0:57:29 Thank you. Let's go.

0:58:29 Thank you. Thank you.

0:59:29 Thank you. Let's go. Thank you.

1:00:59 I love you. Thank you. I love you ¶¶ ¶¶ Oh, my God.

1:03:28 Thank you. We'll be right back.

1:04:28 Thank you. Thank you. Lilo la la, lilo te lo da, lilo la la, lilo te lo da, lilo la la, lilo te lo da, ¡Oyame!

1:05:58 Thank you. Thank you. Let's go ¶¶ Thank you.

1:08:28 Thank you. Thank you.

1:09:28 Thank you. Thank you. I love you. Thank you. Oh Oh, my God. Oh, my God. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

1:15:58 Oh, my God. Thank you. Thank you.

1:17:28 Thank you. Thank you.

1:18:28 Thank you. I love you, I love you Thank you. Thank you.

1:20:28 Thank you. Thank you.

1:21:28 Thank you. Thank you. Thank you.

1:22:58 Thank you. Thank you.

1:23:58 Thank you. Thank you. Thank you.

1:25:28 Oh, my God. Thank you. Let's go.

1:26:58 I love you. Thank you. I love you Let's go. Thank you. Thank you. I'll see you next time. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. I love you Let's go. Let's go.

1:35:28 Good morning, the Committee on Homeland Security, Justice and Public Safety is hereby called to order. Today is March 12th, 2024. Again, welcome to all. Everyone at the testifiers table look well refreshed and good and ready to rumble this morning. Rumble in a good way for the people of the Virgin Islands. Thank you again for your service. I welcome each and every one of you to today's hearing and I want to start out by reminding all that March is an important month as we are celebrating Women's International Month, and I want to thank all the women in our territory that have helped to shape and form this territory, and all the work that you have done, I want to thank you all for all that you do and all that you continue to do. This is also Virgin Islands History Month, and we know that Women's Month, Black History Month, Virgin Islands History Month, whatever it is, we celebrate that each and every day.

1:36:48 And we have to be thankful and grateful to the Almighty. We'll be culminating the month of March with the celebration of our transfer from Danish government to US on March 31st. So I'm just reminding all as well of these events and encouraging you to participate in these events as well that are planned for you. Again, recognizing the many wonderful women in our territory who have helped somehow to shape and form what we have today, I say thank you to all and I salute you. We must also recognize, I see a note here, again, the month of March, We're celebrating a lot of birthdays, some important people. My chief correspondent, Ms. Fiona Stokes, happy 16th birthday to you yesterday. And she really feel like she's 16 for children, but she on the hill now, she better go knock on AARP door. Happy birthday to you. Also, a special happy birthday to our vice chair of the committee, Senator Ray Fonseca, who celebrated on Sunday. Happy birthday to you as well. And your staff said to let everyone know to stop by your office because you have the best Vienna cake. But I want to still remind you that the best Vienna cake come out of St. Croix. So unless they came from St. Croix, you do have the best. So they'll stop by your office. Again, happy birthday to you.

1:38:41 You guys live to see many, many more blessed birthdays. So we have two blocks today of events that we'll be discussing. In the first block, we do have a bill by one of our esteemed members, who will present the bill at the appropriate time.

We'll break for lunch and then in the second block we'll continue the review of our law enforcement entities within the territory. Again, I want to remind all that have a law enforcement component under their department or agency that you will be reviewed and we have started that process. Today is the second day that we're doing so because we want to make sure that our law enforcement community is doing what they're supposed to do as we always ask the community to do what they're supposed to do.

1:39:37 So the review will continue. Unfortunately, last night I had to put on my police hat to assist with an accident on St. Croix and I want the Department of Public Works and the Virgin Islands Police Department to just work a little more collaboratively so that the safety of our public is not at risk. We have a lot of roadway construction going on on St. Croix. And in the area of the Hovensha Training School, there's absolutely no lights in that area.

1:40:23 So when one side of the lane is sort of restricted, you have the cars fighting to stay away from the construction area but close to that concrete median. And what happened last night was a lady who was visiting the island, a lovely lady, and it was her 81st birthday. I felt so sorry for her. But her vehicle actually went up on the concrete median because how the concrete median is, it's like a ramp. And her right tire just hit that ramp and she went up and I just heard this scraping in the middle of the night and I'm like, where is this coming from? Next thing I know, I see this big yellow Jeep up on the concrete median.

1:41:12 But again, you know, God was with her. and I say thank you to all those who stopped and assisted or asked if everyone was okay, but I'm going to make it public that one officer that was driving a mock police car that didn't fit to stop, turn on your lights and assist, I will be putting pen to paper and we will address that. On that note, Madam Clerk, can I get a roll call? Yes, Mr. Chair, Senator Angel L. Bocas, Jr.

1:41:51 Present. Senator Bocas, Jr., present. Senator Duane M. DeGraf. Yes. Senator DeGraf, present. Senator Ray Fonseca. Yes. Senator Fonseca, present. Senator Alma Francis Heiliger. Senator Alma Francis Heiliger, absent. Senator Javon James, Jr., I'm sorry. Senator James, Sr., absent. Senator Franklin D. Johnson. Okay, Senator Johnson, present.

1:42:25 Senator Kenneth L. Gittins. Here. Senator Gittins. Here. Senator Gittins, present. Mr. Chair, you have five present, two absent. Thank you, we do have a quorum and we will proceed. Madam Clerk, you may proceed to read today's agenda, the full agenda, into the record. Okay, yes, Mr. Chair, the agenda is as follows. Block 1, 10 EM, Bill 35-0115, an act repealing Title 24, Virgin Islands Code, Chapter 17, Subchapter 2, limited use of criminal records in hiring practices, and enacting in its place the Fair Chance for Employment Act relative to criminal record checks in the employment application process, and amending Title III, Virgin Islands Code, Chapter 25, Subchapter 1, Section 452, requiring the director of personnel to develop and implement fair chance hiring policies and for other related purposes. Sponsored by Senator Donna A. Fred Gregory. Invited testifiers, the Honorable Gary Malloy, Commissioner of Department of Labor. Honorable Winnie Testamark, Director, Bureau of Corrections.

1:43:48 Honorable Cindy Richardson, Director, Division of Personnel. Akil St. Jean, Chairman of St. Croix Chamber of Commerce. John P. Woods, President. the St. Thomas, St. John Chamber of Commerce, Kendra Roach, President, VI Society for Human Resource Management. Break for lunch at 12.30 p.m., Block 2, 1 p.m., Law Enforcement Officer Agency Update. This update intends to provide information from agency enforcement divisions. The testimonies will include, yet not limited to reports on agency recruitment efforts, certification and recertification procedures, enforcement strategies, execution of penalties, citation records, and current initiatives. Testifiers, Antonio Stevens, Director, VI Fire Emergency Medical Services, Leon Baptiste, Fire Marshal, St. Thomas St. John, VI FEMS, Kevin DeLand, Fire Marshal, St. Croix, V.I. F.N. Carlton Dow, Executive Director of the Virgin Islands Port Authority. Edward Wilkes, Chief, St. Thomas, V.I. Port Authority. Louis Flynn, Chief, St. Croix, V.I. Port Authority. Roger Merritt, Executive Director of the Virgin Islands Waste Management Authority. Anderson Pullian, Director, V.I. Waste Management Authority. Raymond Williams, Executive Director, VA Lottery. Jakima Richards, Director, VA Lottery.

1:45:33 That concludes the agenda, Mr. Chair. Thank you, Madam Clerk. Before I ask you if there's any correspondence, let me recognize the presence of the Honorable Donna Fred Gregory, non-committee member, finance chair, welcome. any correspondence to be read into the record yes mr. chair we have correspondence from senator Alma Francis Heiliger greetings senator gittins please note for the records I'll be tardy to the committee on homeland security justice and public safety scheduled for 10 a.m. on Tuesday March 13 in the Earl B. Otley Legislative Chambers due to a previously scheduled appointment. I will arrive as soon as possible. Thank you for your understanding.

1:46:25 Regards, Senator Alma Francis Heiliger. Thank you. Please mark Senator Heiliger as excused. Any other correspondence? Yes, Mr. Chair. From whom, and you may proceed. We have correspondence from Antonia Stevens, acting director of the Virgin Islands Fire and Emergency Medical Services. Dear Chairman Gittins, thank you for the invitation to testify at the Committee on Homeland Security, Justice, and Public Safety hearings scheduled for 10 a.m. on

Tuesday, March 12, 2024. Unfortunately, I'm out of the territory and cannot be present. As the newly nominated director, my preference is to represent the agency at such key hearings and I humbly ask that the committee grant Virgin Islands Fire Emergency Medical Services an opportunity to testify at a later date my team and I look forward to providing an update on our enforcement division I will be available to appear before the committee after March 20th 2024 thank you for understanding respectfully Antonio Stevens that concludes the to the correspondence, Mr. Chair. Thank you, Madam Clerk. While I understand the absence of the acting director, I must make note to committee members that this is the second time that we've scheduled the Virgin Islands Fire and Emergency Medical Services to come before us. The first time I excused them because of a last-minute something that came up and now here it is again just yesterday we received notice of their unavailability again.

- 1:48:16 In ballgame we said three strikes and you're out. So hopefully there wouldn't be a third time. At this time, I will proceed and ask who speaks to Bill No. 35-0115. Senator Fred Gregory, you're recognised for the introduction of Bill No. 35-0155, an act repealing 24 of the Virgin Islands Code, limited use of criminal records in hiring practices you're recognized good morning colleagues good morning good morning to the listening and viewing audience and i see that we have a whole host excuse me i humbly apologize i'm getting ahead of myself i didn't even introduce uh the testifiers you're good you're good and uh but i'll allow you to complete and then we will do a mic check and introduce our very well uh testifiers my apologies good morning again and um good morning to the to the listen listening audience my colleagues and all those that are in the chambers with us today this morning um while i'm sitting i rise to offer bill number 35.0015 and this is an act repealing title 24 virgin ounce code chapter 17 sub chapter 2 limited use of criminal records in hiring practices and enacting it in its place the fair chance for employment act relative to criminal background checks in the employment application process and amending title 3 virgin ounce code chapter 25 chapter 1 section 452 which requires a director of the division of personnel to develop and implement fair chance hiring policies and for other
- 1:50:24 related purposes and I say when I open I say I rise while I'm sitting because I have been working on this measure for well over three years bill number 35 Article 5.0115 strengthens existing law and promotes public safety by removing barriers to gainful employment for previously incarcerated persons. It gives formerly incarcerated citizens a chance to be considered for employment based on their merit and prevents them from being stigmatized and rejected outright. solely on their past criminal record given formerly incarcerated individuals a fair shot at getting a job reduces recidivism supports children and families expand our workforce and grows our economy this bill is in fact a win win proposition for formerly incarcerated their families employers and the Virgin Islands as a whole.
- 1:51:38 Almost 90% of incarcerated persons will eventually rejoin their communities once they've completed their sentence. Under existing law, an employer cannot ask a job applicant about any arrests or detention that did not result in a conviction. And that's 24VIC 46 section 465. But they can still ask about convictions. In fact, most job applications now include the question, have you ever been convicted of a crime? In the vast majority of cases, once applicants check the yes box, their application is never even considered.
- 1:52:24 It places in the infamous, it's placed in the infamous file 13 never to be touched again. Studies have shown that if an employer discriminates at all, they are most likely to do so when someone applies for a job. But society pays a heavy price for this discrimination, which can be measured in terms of loss of productivity, higher unemployment, and higher rates of recidivism. And of course, we see that right here in the U.S. Virgin Islands. And that cause is borne disproportionately by black and brown men and women who are greatly overrepresented in a criminal justice system. Because of racial and economic disparities, blacks and Latinos are much more likely to have a criminal record. and therefore much more likely to have their job applications pushed aside when they check the yes box. In one study, the callback rate for black applicants fell by two-thirds after they disclosed a criminal record on their job application. If we are truly serious about re-entry and rehabilitation in the U.S. Virgin Islands, then we must pass laws that gives previously incarcerated person a fighting chance to do at least get their foot in the door. Incarcerations lead to limited future employment opportunities and earnings, which are amongst the strongest predictors for recidivism in other words finding a job is probably the strongest factor in turning away
- 1:54:23 from a life of crime leveling the playing field for persons with a criminal record is at its core a public safety issue that also falls within the jurisdiction of the committee on homeland security justice and public safety i want to make clear what this bill does not do do. It does not prevent employers from conducting a criminal background check. It only delays that background check until later in the onboarding process, after the employer meets with an otherwise qualified applicant and extended a conditional offer. That gives employers an opportunity to evaluate applicants on their merits without the stigma that a criminal record carries. Job applicants can compensate for a criminal record with their personality during an interview.

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

- 5x

Senator Alma Francis-Heyliger
the surname alone also matches: Alma Francis Heiliger
heard in this transcript as: Alma Francis Heiliger, Heiliger
- 5x

Senator Kenneth L. Gittens
heard in this transcript as: Gittins, Kenneth L. Gittins
- 4x

Senator Ray Fonseca
heard in this transcript as: Fonseca
- 3x

Senator Angel L. Bocas Jr
heard in this transcript as: Angel L. Bocas Jr., Bocas Jr.
- 3x

Senator Dwayne DeGraff
heard in this transcript as: DeGraf, Duane M. DeGraf
- 3x

Senator Franklin D. Johnson
heard in this transcript as: Johnson
- 2x

Senator Fred Gregory
the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory
- 2x

Senator Javan James
heard in this transcript as: Javon James Jr.
- 2x

Senator Marise C. James
the surname alone also matches: Javan James; Giovanni James Sr
heard in this transcript as: James Sr.
- 1x

Senator Donna A. Frett-Gregory
heard in this transcript as: Donna A. Fred Gregory
- 1x

Senator Donna Frett-Gregory
heard in this transcript as: Donna A. Frett-Gregory

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

- Bill 35-0155**

Act 8748 · An Act providing an appropriation from the Caribbean Basin Initiative Fund as a contribution to the General Fund of the Treasury of the Virgin Islands for the fiscal year October 1, 2023, through September 30, 2024 ---0
- Act 8748**

Act 8748 · An Act providing an appropriation from the Caribbean Basin Initiative Fund as a contribution to the General Fund of the Treasury of the Virgin Islands for the fiscal year October 1, 2023, through September 30, 2024 ---0

Referred to but not found in our acts corpus: Bill 35-0115