



EXECUTIVE ORDER NO. 2005 - 39

RELATIVE TO AMENDING EXECUTIVE ORDER NO. 2005-36 TO INCLUDE THE DEPARTMENT OF CORRECTIONS IN THE DECLARATION OF A STATE OF EMERGENCY TO EXPEDITE THE RESPONSE TO THE SEXUAL PREDATOR OPERATIONS AS OF 12: 00 A.M. NOVEMBER 6, 2005

WHEREAS, at approximately 12:00 A.M. on Sunday, November 6, 2005, the Guam Police Department initiated an investigation relative to a complaint reporting an eleven year old female minor and a fifty nine year old male adult missing. The female minor was later located and through her interview it was revealed that the male adult, Mr. William San Nicholas, had sexually assaulted her. Mr. San Nicholas has a criminal history dating back to 1964. He has previously been arrested for criminal sexual conduct involving minors; and

WHEREAS, San Nicholas is considered armed and dangerous and poses a serious threat to the island. His apprehension and arrest is vitally necessary for the safety and well being of the community; and

WHEREAS, in response to this complaint, the Guam Police Department and the Department of Corrections had activated all personnel to assist in the operations of this incident, thereby necessitating the deployment of contractual needs/supplies, equipment, and personnel which requires overtime and holiday compensation and other response and recovery of expenses required in order to ensure immediate apprehension of this suspect.

NOW, THEREFORE, I, FELIX P. CAMACHO, I *Maga Lahen Guahan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam as amended, do order:

1. **Declaration of State of Emergency.** A state of emergency exists due to the immediate need to apprehend the abovementioned suspect since he is a threat to the safety of the community.
2. **Emergency Procurement and emergency expenses.** Pursuant to 5 G.C.A. 5215, authorizing emergency procurement upon executive order, this Executive Order shall authorize emergency procurement to the Guam Police Department and the Department of Corrections for overtime, and goods and services necessary to respond appropriately to the search and apprehension of the suspect.
3. **Exemption from Overtime prohibitions of Executive Order 95-11 and Executive 2005-28.** Notwithstanding the provisions of Executive Order No.95-11 and Executive Order No. 2005-28, all employees to include exempt and non-exempt employees, for the Guam Police Department and the Department of Corrections employees who were required to participate in the search.



4. **Documentation of Expenses.** The Guam Police Department and the Department of Corrections are hereby instructed to keep appropriate documentation on all expenses pertaining to the emergency for inspection by the Executive and Legislative Branches and the Public Auditor of Guam.

SIGNED AND PROMULGATED at Hagatna, Guam this 16th day of **November, 2005.**

FELIX P. CAMACHO
I Maga' Låhen Guåhan
Governor of Guam