

EXECUTIVE ORDER 86-11

DECLARING PUBLIC SAFETY EMERGENCY
AND AUTHORIZING USE OF OUTSTANDING
APPROPRIATIONS FOR EMERGENCY EXPENDITURE

WHEREAS, section 6113 GC, as amended by Public Law 15-75:4, authorizes the Governor to use any part not exceeding Two Hundred Fifty Thousand Dollars (\$250,000) of outstanding appropriations within the General Fund for expenses caused by civil defense, public safety or health emergencies; and

WHEREAS, the limited amount of travel funds appropriated for the Executive Branch by the Legislature under P.L. 18-15 for FY '86 was wholly inadequate to provide for necessary travel expenses incurred by the Department of Law in the prosecution of criminal cases, and budgeted funds are now exhausted; and

WHEREAS, the Prosecution Division of the Department of Law is without needed funds to provide travel expenses for essential witnesses in a number of serious felony cases, including aggravated murder, and will be forced to dismiss these cases without the testimony of these witnesses; and

WHEREAS, the government of Guam also is currently obliged by either court order or plea bargain to immediately transfer seven prisoners in the custody of the Department of Corrections to off-island facilities for confinement, but is unable to comply because of lack of the travel funds for the transportation of the prisoners and their security escorts; and

WHEREAS, there are criminal cases on appeal that may require off-island travel of government attorneys; and

WHEREAS, on May 9, 1986, the Attorney General requested an emergency appropriation from the Legislature for essential off-island travel in these critical law enforcement and corrections matters which request to this date has not been approved by the Legislature; and

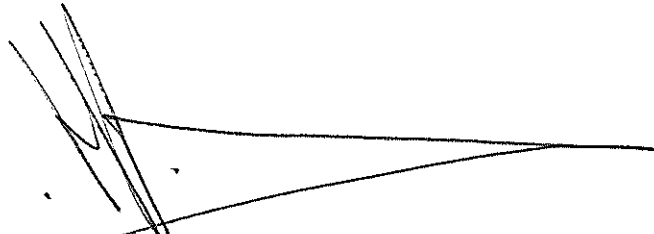
WHEREAS, because of the inability of the Department of Law to discharge its prosecutorial and law enforcement responsibilities in these matters there is a clear and present danger that persons constituting a threat to the personal safety and well-being of the people of Guam will be released from custody;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by the authority vested in me by the Organic Act and the laws of Guam, do hereby declare that a public safety emergency exists, and hereby order as follows:

1. The Attorney General is authorized to expend the total amount of not more than Seventy-Five Thousand Dollars (\$75,000) from outstanding FY '86 appropriations within the General Fund for the following:
 - (a) All expenses incidental to the transportation of prisoners, pre-trial detainees, or individuals held in protective custody by the government of Guam; and
 - (b) all expenses incidental to the transportation of witnesses, expert witnesses, or sworn peace officers whose travel is necessary to interview said witnesses; and,

- (c) all expenses incidental to the prosecution or appeal of litigated criminal matters.
2. The authorization for the certification, approval and expenditure of funds for items (a), (b) or (c), above, shall be this Executive Order 86-11.
3. All departments and agencies of the Executive Branch shall provide such assistance as is necessary to the Department of Law so that it may proceed in these crucial matters without delay.

Signed and promulgated at Agana, Guam this 19th day of June, 1986.



RICARDO J. BORDALLO
Governor of Guam

Countersigned:



EDWARD D. REYES
Lieutenant Governor of Guam

dlp8/gct