WHEREAS, the Texas Department of Corrections has notified the Attorney General in writing on February 25, 1987, that the inmate population of the Texas Department of Corrections has reached 95% of capacity, as defined by statute and as imposed by the agreed order in Ruiz v. McCotter; and

WHEREAS, the Attorney General has certified, in writing, that the inmate population has reached 95% of the capacity, as defined above, of the Texas Department of Corrections; and

WHEREAS, by S.B. 215, 70th Legislature, Regular Session, amending the Texas Prison Management Act, Article 6184o Texas Revised Civil Statutes, the legislature has required that under these circumstances the Governor shall certify that an emergency overcrowding situation exists and shall take certain steps to resolve the certified overcrowding condition; and

WHEREAS, the Texas Board of Pardons and Paroles has met in a called session and has recommended, in writing, an award of 60 days of administrative good conduct time to alleviate the certified overcrowding condition in the Texas Department of Corrections.

NOW, THEREFORE, I, William P. Clements, Jr. Governor of Texas, do hereby certify that an emergency overcrowding situation exists among the inmate population of the Texas Department of Corrections.

FURTHERMORE, under the authority vested in me, I do hereby order the Director of the Texas Department of Corrections to credit to all eligible inmates, as defined by Senate Bill 215, 60 days of administrative good conduct time.
This Executive Order shall be effective immediately and shall be binding as authorized by law. This Executive Order may be modified or amended from time to time, as required to carry out the intent of the legislature, until the emergency overcrowding condition no longer exists.

Given under my hand this 27th day of February, 1987.

[Signature]
William P. Clements, Jr.
Governor

[Signature]
Jack N. Rains
Secretary Of State

Filed in the Office of Secretary of State

FEB 27 1987
Statutory Filings Division
Statutory Documents
February 25, 1987

The Honorable William Clements
Governor of Texas
P.O. Box 12428, Capitol Station
Austin, Texas 78711

Dear Governor Clements:

This is to notify you, pursuant to the provision of Article 6184o, VATSS, that the Texas Department of Corrections (TDC) has reached 95% of capacity.

TDC's current Board-established system capacity is 40,418. Effective midnight February 24, 1987, the system's prisoner population was 38,507. That amount to 95.27% of TDC's capacity.

Sincerely,

James A. Lynaugh
Interim Director

cc: Mr. Carl Jeffries
    Mr. Bill Barry
    Mr. Andy Colline
    Mr. James Mattox
    Mr. John Byrd
    Mr. Jim Arnold
    Mr. Ryder Scott
    Mr. Alfred D. Hughes
    Mr. Scott McCown

The Honorable William P. Clements, Jr.
February 25, 1987

FSM/md

C: Chairman Hughes
   Director Lynaugh
   Director Byrd
   Rider Scott
   File
February 25, 1987

The Honorable William P. Clements, Jr.
Governor of Texas
State Capitol Building
Austin, Texas 78711

Hand Delivery

Re: Certification that TDC has Reached 95% of Capacity

Dear Governor Clements:

On February 25, 1987, Interim Director Lynaugh notified us in writing that the inmate population of the Texas Department of Corrections reached 95% of capacity. We have reviewed TDC's capacity and count calculations. The official capacity of TDC on February 25, 1987 was 40,418. The midnight count on February 24, 1987 was 38,507. Accordingly, pursuant to Senate Bill 215, the Attorney General hereby certifies that TDC has reached 95% of capacity.

Pursuant to Senate Bill No. 215, signed into law on February 20, 1987, you are required to immediately certify that an emergency overcrowding situation exists and order Interim Director Lynaugh to credit not more than 90 days of administrative good conduct time to all eligible inmates. Once we have had an opportunity to assess whether the credit of good conduct time has resolved the emergency, we will advise you whether further steps must be taken.

Very truly yours,

JIM MATTOX
Attorney General of Texas

By /s/ F. SCOTT McCOWN
F. SCOTT McCOWN
Special Assistant
Attorney General
February 26, 1987

Honorable William P. Clements
Governor
State of Texas
Capitol Building
Austin, TX 78701

Dear Governor:

The Members of the Board of Pardons and Paroles have in meeting called this date established their recommendation that an award of 60 days administrative good time be credited to each eligible inmate of the Texas Department of Corrections under the provisions of Senate Bill 215, 70th Legislature 1987.

Respectfully submitted,

Wendell A. Odom
Chairman
The Honorable William P. Clements, Jr.
Governor of Texas
State Capitol Building
Austin, Texas 78711

Re: Prison Overcrowding Crisis

Dear Governor Clements:

On February 25, 1987, the Attorney General certified that TDC had reached 95% of capacity. As required by Senate Bill No. 215, on February 27, 1987, you certified that an emergency overcrowding situation existed and ordered Interim Director Lynaugh to credit 60 days of administrative good conduct time to all eligible inmates. The Attorney General certifies that the overcrowding crisis that produced the emergency certification has been resolved, though population pressures may very well force another certification.

Very truly yours,

JIM MATTOX
Assistant General of Texas

Mary Keller
Executive Assistant
Attorney General