



THE STATE OF TEXAS
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS

March 5, 1987

EXECUTIVE ORDER
WPC-87-5
Amendment 1

WHEREAS, the Texas Department of Corrections has notified the Attorney General in writing on March 4, 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 30 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, 30 total 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
5th day of March, 1987.



W. P. Clements, Jr.

William P. Clements, Jr.
Governor

Jack M. Rains

Jack M. Rains
Secretary Of State

Filed in the Office of
Secretary of State
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**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

March 4, 1987

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

Hand Delivery

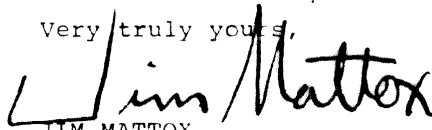
Re: Certification that TDC has Reached 95% of Capacity

Dear Governor Clements:

On March 4, 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 March 4, 1987 was 40,436. The midnight count on March 3, 1987 was 38,496. 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

Filed in the Office of
Secretary of State

JM/lk

cc: Chairman Hughes
Director Lynaugh
Director Byrd
Rider Scott
File

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MFK/md

c: Chairman Hughes
Director Lynaugh
Chairman Odom
Director Byrd
Rider Scott
File

TEXAS DEPARTMENT OF CORRECTIONS
O.I. McCotter, Director • Huntsville, Texas

James A. Lynaugh
Deputy Director - Finance

March 5, 1987

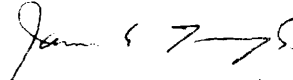
The Honorable William Clements
Governor of Texas
P. O. Box 12428, Capitol Station
Austin, Texas 78711

Dear Governor Clements:

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

TDC's current Board-established system capacity is 40,436. Effective midnight March 3, 1987, the system's prisoner population was 38,496. That amounts to 95.20% of TDC's capacity.

Sincerely,



James A. Lynaugh
Interim Director

JAL/lk

cc: Mr. Carl Jeffries
Mr. Bill Barry
Mr. Andy Collins
Mr. John Byrd
Mr. Jim Arnold
Mr. Ryder Scott
Mr. Alfred D. Hughes
Mr. F. Scott McCown

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JOHN W. BYRD
EXECUTIVE DIRECTOR

GLENN T. HECKMANN
DEPUTY EXECUTIVE DIRECTOR

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NEAL PFEIFFER, VICE CHAIRMAN
CONNIE L. JACKSON, MEMBER
WINONA W. MILES, MEMBER
ANTONIO G. MORALES, MEMBER
RUBEN M. TORRES, MEMBER

BOARD OF PARDONS AND PAROLES

8610 SHOAL CREEK BLVD.
P.O. BOX 13401, CAPITOL STATION
AUSTIN, TEXAS 78711
(512) 459-2700

March 5, 1987

PAROLE COMMISSIONERS:

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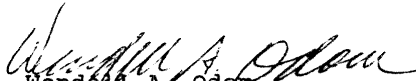
STENNETT D. POSEY
RT. 5, BOX 258-A
GATESVILLE, TX 76528
(817) 865-8870

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 30 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,

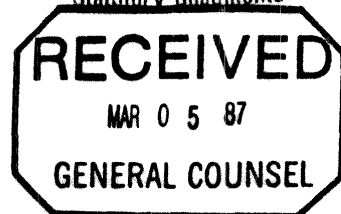

Wendell A. Odom
Chairman

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