

1.5.A.4 Prison Industries

I Policy Index:



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II Policy:

Prison Industries (Pheasantland Industries) provides goods, services and products for use by governmental agencies, non-profit organizations and individuals in accordance with SDCL Chapter 24-7.

III Definitions:

IV Procedure:

1. Establishment of South Dakota Prison Industries:

- A. The Department of Corrections (DOC) Prison Industries operate under the business name Pheasantland Industries.
- B. Pheasantland Industries consists of a License Plate Shop, Cabinet Shop, Upholstery Shop, Print Shop and Bindery Shop, Braille Shop, Carpentry Shop, Sign Shop, Machine Shop, Garment Shop and Laser Engraving.
- C. Pursuant to SDCL § 24-7-32, the department(s) assigned to issue vehicle license plates and licensing decals are required to purchase these items from Pheasantland Industries, provided Pheasantland Industries is able to furnish the license plates and licensing decals.
 1. Pheasantland Industries will furnish license plates and licensing decals to the department(s) at the actual cost of production plus fifteen percent (15%).
 2. Any department contracting for products provided by Pheasantland Industries will pay for such goods, as provided by law (See SDCL § 24-7-33).
 3. All money received by Pheasantland Industries for producing such products will be deposited to the credit of the revolving fund, in accordance with SDCL § 24-7-7 (See the section on Fiscal Responsibilities of Pheasantland Industries).
- D. Inmates cannot purchase products produced by Pheasantland Industries.

2. Director of Pheasantland Industries:

- A. The Secretary of Corrections will appoint a director of Pheasantland Industries, who will supervise the operation of Pheasantland Industries and the Prison Industries Enhancement Certification Program (See SDCL § 24-7-5 and DOC policy 1.5.A.2 *Prison Industry Enhancement Certification Program*).
- B. The director of Pheasantland Industries may sell the products and services produced by the various prison industries to the federal government, states and subdivisions thereof, nonprofit organizations and eligible individuals (See DOC policy 1.5.A.3 *Pheasantland Industries Sales to State Employees*).
- C. All contracts for materials used in manufactured products, containers, machinery, repairs and services shall be made and executed by the director of Pheasantland Industries, with the approval of the Secretary of Corrections (See SDCL § 24-7-15).
- D. The DOC Director of Operations is the custodian of all Pheasantland Industries' contracts.
- E. With the approval of the Secretary of Corrections, the director of Pheasantland Industries may execute such contracts on behalf of Pheasantland Industries (See SDCL § 24-7-16).

3. Fiscal Responsibilities of Pheasantland Industries:

- A. A Pheasantland Industries revolving fund will be available for the operation of the various prison industries (See SDCL § 24-7-7).
 - 1. Receipts from the sale of Pheasantland Industries goods and services will be deposited in the revolving fund.
 - 2. Authorized expenses of Pheasantland Industries will be paid from the revolving fund.
 - 3. At the end of the fiscal year, the state treasurer shall transfer any cash balance in excess of five hundred thousand dollars from the prison industries revolving fund to the state general fund (See SDCL § 24-7-9).
- B. No funds, other than those designated for normal operating costs and replacement of existing necessary equipment may be expended from the Pheasantland Industries revolving fund for the purposes of enhancement, development, or expansion of Pheasantland Industries without approval of the Corrections Commission (See SDCL § 1-15-1.13).
- C. The director of Pheasantland Industries will maintain separate accounts to clearly show the financial condition of each separate prison industry (See SDCL § 24-7-8).
- D. The director of Pheasantland Industries shall be the custodian of all moneys and property of the prison industries, and shall keep accurate account of all its proceedings and transactions, make all reports, requisitions and statements (See SDCL § 24-7-10). The status of the various industry accounts shall be reported during the monthly Metrics briefing.

4. Employment of Inmates at Pheasantland Industries:

- A. An inmate's, custody level, classification, risk, aptitude, experience and abilities (based on tests and/or personal interview with the inmate) shall be reviewed and considered by institutional staff

and Pheasantland Industries staff when considering an inmate for any job within Pheasantland Industries.

1. Inmates designated "high risk" for institutional job assignment purposes may not be assigned any job within Pheasantland Industries. Questions regarding whether an inmate is designated "high risk" shall be directed to the inmate's unit staff.
- B. The director of Pheasantland Industries may use inmate labor, as necessary, in the operation of Pheasantland Industries and shall pay wages to inmates within the limits fixed by the Secretary of Corrections (See SDCL §§ [24-7-6](#) and [24-4-7](#)).
 1. Wages paid by Pheasantland Industries to inmates assigned a job within a Pheasantland Industries shop are subject to processes and procedures regarding deposit and disbursement, as set forth in DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility* and state and federal law.
- C. Inmates working in Pheasantland Industries must notify their shop foreman in advance of any class, program or appointment the inmate intends to attend that will take them away from the workplace during their assigned work hours.
- D. No inmate under the jurisdiction of the DOC has any implied right or expectation to work in any particular job (See SDCL § [24-2-7](#)) and an inmate is subject to transfer to another job or removal from any job assignment at the discretion of the supervisor, Warden or designee or Secretary of Corrections.
- E. No inmate seeking employment or currently employed with Pheasantland Industries shall be discriminated against on the basis of his/her race, gender, sexual orientation, national origin, disability, religion or other protected status. Pheasantland Industries shall make reasonable accommodations for inmates, consistent with safety and security and penological interests of the DOC.
- F. Inmates participation and employment within Pheasantland Industries is strictly voluntary. Inmates removed from employment with Pheasantland Industries have no right to continued employment, due process or pay for work completed. Inmates assigned to jobs within Pheasantland Industries are not employees of the state or Pheasantland Industries under the federal Fair Labor Standards Act and are not entitled to federal minimum wage or prevailing wages.
- G. Inmates must be qualified to perform the essential functions of the job with or without a reasonable accommodation. Pheasantland Industries retains the right to hire the best qualified inmate applicant for the job.

5. Environmental Health Program at Pheasantland Industries:

- A. Pheasantland Industries and institutional staff will develop work-related environmental health programs which will include the following:
 1. Assigning workers who are physically and mentally able to perform the duties required.
 - a. Neither Pheasantland Industries or its staff shall discriminate against any inmate on the basis of race, color, religion, national origin, creed, gender, disability, age, or other legally protected status or characteristic.

2. Providing working conditions which conform to all federal, state, and local health laws and regulations.
3. Participating in health, fire, risk and safety inspections conducted at least annually by designated state inspectors/agencies (See DOC policy 1.2.A.3 [Sanitation, Safety and Fire Prevention Inspections](#)).
4. Designating appropriately trained staff to participating in regular weekly and monthly inspections of the industries (See DOC policy 1.2.A.3 [Sanitation, Safety and Fire Prevention Inspections](#)).

6. Annual Report of Activities of Pheasantland Industries:

- A. The Secretary of Corrections will submit an annual report to the Governor and the Legislature setting out all the activities of Pheasantland Industries engaged in during the previous year (See SDCL § [24-7-37](#)).
 1. The annual report will include financial summaries of all activities of Pheasantland Industries and a listing of all contracts with private organizations and individuals (See the Prison Industries Enhancement Certification Program).
 2. The annual report will also include a summary of any planned activities of Pheasantland Industries for the next year.
- B. The annual report from the Secretary of Corrections will be submitted on or before the first legislative day of each session.

V Related Directives:

SDCL §§ [1-15-1.13](#), [24-2-7](#), [24-4-7](#), [24-7-1](#), [24-7-5](#), [24-7-7](#), [24-7-9](#), [24-7-10](#), [24-7-15](#), [24-7-16](#), , [24-7-32](#), [24-7-33](#) and [24-7-37](#).

DOC policy 1.1.B.2 – [Inmate Accounts and Financial Responsibility](#)

DOC policy 1.2.A.3 – [Sanitation, Safety and Fire Prevention Inspections](#)

DOC policy 1.5.A.2 -- [Prison Industry Enhancement Certification Program](#)

DOC policy 1.5.A.3 – [Pheasantland Industries Sales to State Employees](#)

VI Revision Log:

December 2004: **Changed** the policy name from Prison Industries Employment to Prison Industries. **Revised** the policy statement. **Rewrote** the procedures to include applicable SDCL from chapter 24-7 and SDCL § 1-15-1.13).

November 2005: **Deleted** Native American Crafts Shop from the list of Pheasantland Industries shops. **Added** language that inmates cannot purchase items from PI. **Added** language stating an inmate does not have a right to any particular job and an inmate is subject to a job transfer at the Warden or Secretary of Corrections' discretion.

January 2007: **Deleted** reference to the Habitat for Humanity Shop.

January 2008: No changes made.

December 2008: **Revised** formatting of policy in accordance with DOC policy 1.1.A.2. **Revised** other minor grammatical changes throughout policy.

December 2009: **Deleted** ss (C of Employment of Inmates at Pheasantland Industries) referencing prison labor to private enterprises. **Deleted** SDCL 24-7-3 from section V. **Added** reference to DOC policy 1.5.A.2 in ss (A1 of Annual Report of Activities of Pheasantland Industries). **Added** hyperlinks.

October 2010: Revised formatting of Section I. Revised list of shops within ss (B of Establishment of South Dakota State Prison (Pheasantland Industries).

March 2012: Added "and individuals pursuant to SDCL Chapter 24-7" to the Policy section.

Deleted "Carpentry Shop" and **Added** "Cabinet Shop" and "Custom Furniture Shop" to Section 1, B.

Added D. "All contracts for material used in manufactured product, containers, machinery, repairs and services shall be made and executed by the director of Pheasantland Industries as may best promote its successful operation" to Section 2. **Deleted** "is responsible for the collection of Pheasantland Industries accounts" (repealed SDCL 24-7-17) and **Replaced** with "shall be the custodian of all moneys and property of the prison industries and shall keep accurate account of all its proceedings and transactions, make all reports, requisitions and statements." to Section 3 D.

Deleted 1. and 2. from Section 3 D (Repealed statute). **Deleted** "Inmate wages are governed by DOC policy, unless an inmate is employed in private sector prison industries employment" and **Replaced** with "The payment of wages to inmate workers shall be at a rate which is not less than the prevailing wage for work of a similar nature in prison industry. In the absence of similar work that may be applied as a comparison, inmates will be paid no less than the federal minimum wage" to Section 3 B. 1.

Added "program or appointment" to Section 3 B. 3. **Added** "custody level/classification" to Section 4 A. **Added** 1. to Section 4 A. **Deleted** "maintain" and **Replaced** with "require" and **Added** "employed in Pheasantland Industries pursuant to SDCL" in Section 4 B. 4.

Added "or be removed from any job assignment" and "supervisor" to Section 4 C.

December 2015: Added "non-profit organizations" to Section 2 B. **Added** 1. to Section 4 A. **Deleted** 1 & 4 in Section 4 B.

December 2016: Updated language in Section 3 A. 3. **Added** "may be reviewed by institutional and Pheasantland Industries staff" in Section 4 A. **Added** E. and F. to Section 4. **Added** a. to Section 5 A. 1.

December 2017: Added E. F. and G. to Section 4.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

01/08/2018

Date