

1.5.A.4 Prison Industries

I Policy Index:



Date Signed: 11/4/2010
Distribution: Public
Replaces Policy: 5A.4
Supersedes Policy Dated: 1/21/2010
Affected Units: All Institutions
Effective Date: 11/9/2010
Scheduled Revision Date: December 2011
Revision Number: 7
Office of Primary Responsibility: DOC Administration

II Policy:

Prison Industries (Pheasantland Industries) will provide goods, services and products for use by governmental agencies and non-profit organizations, and provide job skills and a positive work experience that will prepare inmates for a successful return to their communities.

III Definitions:

None

IV Procedure:

Establishment of South Dakota State Prison (Pheasantland) Industries:

- A. The Department of Corrections (DOC) prison industries will operate under the business name of Pheasantland Industries.
- B. Pheasantland Industries consists of a License Plate/Decal Shop, Carpentry Shop, Uphostery Shop, Print/Bindery Shop, Braille/Tactile Graphic Shop, Sign Shop, Machine Shop, Garment/Screen Print Shop and Data Entry Shop.
- C. All State departments are required to buy license plates and licensing decals from Pheasantland Industries if Pheasantland Industries is able to furnish such license plates and licensing decals (See SDCL § 24-7-32).
 1. Pheasantland Industries will furnish such license plates and licensing decals at the actual cost of production, plus fifteen percent (15%).
 2. Any State department contracting for any of the products provided by Pheasantland Industries will pay for such goods as provided by law (See SDCL § 24-7-33).
 3. All money received for the manufacturing of products will be deposited to the credit of the revolving fund (See the section on [Fiscal Responsibilities of Pheasantland Industries](#)).
- D. Inmates cannot purchase items from Prison Industries, including private sector prison industries.

Director of Pheasantland Industries:

- A. The Secretary of Corrections may appoint a Director for Pheasantland Industries, who will supervise the operation of the various prison industries (See SDCL § [24-7-5](#)).
- B. The Director of Pheasantland Industries will sell the products and services of the various prison industries to the federal government, states and subdivisions thereof, and to individuals (See DOC policy 1.5.A.3 *Pheasantland Industries Sales to State Employees*).
- C. The Director of Pheasantland Industries, with the approval of the Secretary of Corrections, may execute such contracts on behalf of Pheasantland Industries as may best promote its successful operation (See SDCL § [24-7-16](#)).

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. If the Secretary of Corrections and the Governor determine that the balance in the Pheasantland Industries revolving fund is greater than the needs of the prison industries, they may jointly authorize transfer of the unneeded balance to the general fund of the State (See SDCL § [24-7-9](#)).
- B. No funds, other than those 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 is responsible for the collection of Pheasantland Industries accounts (See SDCL § [24-7-17](#)).
 - 1. Any uncollectable account, not in excess of fifty dollars (\$50.00), which is one (1) year past due, may be closed.
 - 2. Any uncollected account with a balance of fifty dollars (\$50.00) or more, which is one (1) year past due, will be reported to the Attorney General, who will attempt to collect the money owed.

Employment of Inmates at Pheasantland Industries:

- A. DOC staff may consider an inmate's aptitude, experience and ability based on tests or interviews when hiring inmates for any job at Pheasantland Industries.

- B. The Director of Pheasantland Industries will use inmate labor as may be necessary in the operation of the prison industries and pay wages within limits fixed by the Secretary of Corrections (See SDCL § 24-7-6).
1. Inmate wages are governed by DOC policy 1.5.A.1 *Inmate Pay*, unless an inmate is employed in private sector prison industries employment (See DOC policy 1.5.A.2 *Private Sector Prison Industries Employment*).
 2. Inmate wages are subject to the procedures established in DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*.
 3. Inmates working in Pheasantland Industries Shops must notify their shop foreman of their intent to attend any class that takes them away from the workplace during normal working hours.
- C. No inmate under the jurisdiction of the DOC has any implied right or expectation to work in any particular job and an inmate is subject to transfer to another job at the discretion of the warden or the secretary of corrections.

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.
 2. Providing working conditions which conform to all federal, state, and local health laws and regulations.
 3. Passing health and safety inspections conducted at least annually by state inspectors (See DOC policy 1.2.A.3 *Sanitation, Safety and Fire Prevention Inspections*).
 4. Conducting regular weekly and monthly inspections by institutional staff (See DOC policy 1.2.A.3 *Sanitation, Safety and Fire Prevention Inspections*).

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 that were engaged in 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 DOC policy 1.5.A.2 *Private Sector Prison Industries Employment*).
 2. The annual report will also include a summary of the 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](#), [24-7-1](#), [24-7-5](#) through [24-7-9](#), [24-7-16](#), [24-7-17](#), [24-7-32](#), [24-7-33](#), [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.1 – [Inmate Pay](#)
DOC policy 1.5.A.2 – [Private Sector Prison Industries Employment](#)
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).



Tim Reisch, Secretary of Corrections

11-4-10

Date