



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.2.E.01	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Offender Commissary
RELATED STANDARDS:	ACA 5-ACI-2E-12	EFFECTIVE DATE:	February 15, 2024
		SUPERSESSION:	12/18/2020
DESCRIPTION: Physical Plant - Program and Service Areas	REVIEW MONTH: January	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the Department of Corrections (DOC) institutions to arrange for commissary services to be offered to qualifying offenders to purchase allowable property items for personal use. *Space is provided for an offender commissary or canteen, or provisions are made for a commissary service* [ACA 5-ACI-2E-12].

II. PURPOSE

The purpose of this policy is to establish operational guidelines and procedures for commissary related operations within DOC facilities.

III. DEFINITIONS

Indigent Commissary:

Limited and controlled commissary for offenders with no funds and no immediate source of income at the time of purchase.

IV PROCEDURES

1. Commissary Services:

- A. The DOC shall establish commissary services for offenders in accordance with the standards set forth within this policy. Commissary services are considered a privilege. Neither this policy nor its application may be the basis for establishing a constitutionally protected liberty, property, or due process interest in any offender.
 1. Offenders may make withdrawals from their spend subaccount funds to purchase commissary, in accordance with DOC policy.
 - a. Offenders may purchase approved personal property items.
 - b. The list of approved property items will be available on the offender's tablets and are subject to limitations and prior approval by the warden or designee.
 - c. Property purchases may be made from the offender's savings subaccount.
- B. In addition to the standards established by DOC policy, the warden at each institution may develop and maintain specific procedures directing the operation of commissary services at each institution under his/her authority.
 1. Procedures will include providing notice to offenders of the commissary schedule and permitting eligible offenders to make commissary purchases.
 2. Offenders missing the deadline to submit a commissary order are not entitled to a second opportunity to purchase commissary for that week.

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- C. Offenders must have sufficient funds in their account at the time the funds are withdrawn.
- D. Allowable personal property and commissary items available for purchase will be provided on the offender's tablet. The commissary list shall include the current price for each item.
- E. As defined in DOC policy, offenders may only purchase items which they are approved for or for which they have special permission, i.e., through a medical order.

2. Indigent Commissary Services:

- A. Offenders may receive indigent commissary a maximum of once every thirty-one (31) days. Eligibility is determined at the time which the request for indigent commissary is received.
- B. Offenders are eligible for indigent commissary if:
 1. Spending balance at the time of the request is zero dollars and zero cents (\$0.00).
 2. No commissary purchases within the current calendar month.
 3. No spend account deposits in the last calendar month, and
 4. Not expected to receive spend account funds within the week of the indigent commissary request or week which the property is received.
- C. Offenders that are eligible for indigent commissary may order approved items on the offender tablet.
 1. Offenders may only order and receive approved indigent commissary items. Items ordered may not exceed the approved quantity.
 2. Offenders are not required to accept or order all indigent items on the approved list and will only be charged for the items ordered.
- D. Indigent offenders will have a credit obligation created for the cost of all indigent items ordered and are required to pay towards this obligation if funds are deposited in their account. Creation of a credit obligation does not imply permission for an offender to overdraw his/her commissary spend account at will.

3. Loss of Commissary Privileges:

- A. An offender's commissary privileges may be temporarily suspended through sanctions issued for committing an offense in custody, in accordance with DOC policy 1.3.C.02 *Offender Discipline System*.
- B. Offender commissary privileges may be temporarily suspended or limited for safety or security reasons.
- C. Individual offender commissary privileges may be temporarily suspended, limited, or restricted for placement on mental health precaution, and those housed in a dry cell, or restrictive housing.
- D. Offenders with temporarily suspended commissary privileges are permitted to purchase personal hygiene items and legal materials identified on the indigent commissary list.

V. RESPONSIBILITY

The director of Prisons and the director of Clinical and Correctional Services are responsible for the annual review and revision of this policy.

VI. AUTHORITY

- A. SDCL § [24-2-9](#) **Disciplinary sanctions authorized--Corporal punishment prohibited.**

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VII. HISTORY

February 2024
December 2020
July 2020
October 2018
October 2017
May 2016
January 2016
October 2015
October 2014
August 2013
February 2013

ATTACHMENTS *(*Indicates document opens externally)*

1. DOC Policy Implementation / Adjustments