



<p style="text-align: center;">SOUTH DAKOTA</p>  <p style="text-align: center;">DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES</p>		POLICY NUMBER 1.5.A.4	PAGE NUMBER 1 OF 6
		DISTRIBUTION:	Public
		SUBJECT:	Correctional Industries
RELATED STANDARDS:	None.	EFFECTIVE DATE:	June 01, 2022
		SUPERSESION:	12/17/2019
DESCRIPTION: Work and Correctional Industry	REVIEW MONTH: May	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections to operate and oversee Correctional Industries and provide goods, services, and products for purchase and use by state and federal governmental agencies, non-profit organizations, and state employees, in accordance with SDCL chapter 24-7.

## II. PURPOSE

Provide guidelines for the operating authority of Pheasantland Industries, the responsibilities of the Pheasantland Industries Manager, fiscal responsibilities, employment of inmates, and requirement of an annual report.

## III. DEFINITIONS

### **Pheasantland Industries:**

Department of Corrections (DOC) owned and operated industries, in accordance with South Dakota codified law. Industries employ inmates and staff to provide products and services, which are offered for sale to eligible government agencies and subdivisions thereof, nonprofit organizations, and individuals, pursuant to chapter 24-7.

### **Pheasantland Industries Manager:**

The Secretary of Corrections may appoint a director of prison industries who shall supervise the operation of the various prison shops, pursuant to SDCL § 24-7-5. The working title of this position is "Pheasantland Industries Manager".

## IV PROCEDURES

### 1. Establishment and Operating Authority:

- A. The Department of Corrections (DOC) Correctional Industries operates under the business name "Pheasantland Industries".
- B. Pheasantland Industries consists of the following shops: license plates, print, braille, carpentry. sign, metal, garment and embroidery, and upholstery.
- C. The operation of any industry within Pheasantland Industries shall be consistent with DOC policy and directives, as well as local, state and federal laws.

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- D. Any agency contracting for products produced by Pheasantland Industries will pay the set cost/price of the product (See SDCL § 24-7-33).
- E. Inmates are not permitted to purchase products produced by Pheasantland Industries.

## 2. Director of Pheasantland Industries:

- A. The Secretary of Corrections may appoint a manager of Pheasantland Industries, who shall supervise the operation of the Correctional Industries, including the Prison Industries Enhancement Certification Program (See SDCL § 24-7-5 and DOC policy 1.5.A.2 *Prison Industry Enhancement Certification Program*). The working title of the director is the Pheasantland Industries Manager.
- B. The Pheasantland Industries Manager shall sell the products produced by the various prison industries to federal and state agencies, nonprofit organizations, and state employees (See DOC policy 1.5.A.3 *Pheasantland Industries Sales to State Employees* and SDCL § 24-7-16).
- C. All contracts for materials used in manufactured products, containers, machinery, repairs, and services shall be made and executed by the Pheasantland Industries Manager, with the approval by the Secretary of Corrections or designee (See SDCL § 24-7-15).
- D. With approval from the Secretary of Corrections, the Director of Finance and Administration is the custodian of all Pheasantland Industries' contracts, with the exception of contracts for materials, which is the responsibility of the Pheasantland Industries Manager (See SDCL § 24-7-16).
- E. The Pheasantland Industries Manager is responsible for marketing and advertising to promote the products and services produced by the industries and the management of contracts for materials.

## 3. Fiscal Responsibilities:

- 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 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 (\$500,000) 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 revolving Pheasantland Industries 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. Any plan that requires official action from the Corrections Commission must be communicated to the Director of Prisons, Director of Finance and Administration, Secretary of Corrections, and the Policy and Compliance Coordinator.
  1. Information describing the proposed action must be prepared in advance for dissemination to the Corrections Commission for review and consideration prior to the commission taking formal action on the proposed action.
  2. The meeting shall be open to public comment, consistent with state open meeting laws.

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- D. The Pheasantland Industries Manager will maintain separate accounts to clearly show the financial condition of each separate prison industry (See SDCL § 24-7-8).
- E. The Pheasantland Industries Manager shall be the custodian of all moneys and property assigned to the industries and shall keep accurate account of all its proceedings and transactions, and make all reports, requisitions and statements as directed by the Secretary of Corrections or designee (See SDCL § 24-7-10).

#### **4. Employment of Inmates:**

- A. An inmate's, custody level, classification, risk, aptitude, experience, and abilities (based on tests and interviews)
  - 1. shall be reviewed and considered by DOC staff and Pheasantland Industries staff when considering an inmate for any job within Pheasantland Industries. Inmates will be considered for work assignments within Pheasantland Industries according to the risk assigned to the inmate and risk assessment score assigned to the work site/assignment, in accordance with DOC policy 1.5.A.9 *Inmate Work Assignment Risk*.
- B. The Pheasantland Industries Manager shall use inmate labor 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 to inmates by Pheasantland Industries 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 withholding laws.
- C. Inmates working in Pheasantland Industries must notify the shop foreman in advance of any scheduled class, program, or appointment which requires the inmate to be absent from their work schedule.
- D. No inmate has any implied right or expectation to work in any particular job (See SDCL § 24-2-27). Inmates are subject to transfer or removal from any job assignment. Nothing in this policy or its application may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.
- E. No inmate seeking employment or employed with Pheasantland Industries, shall be discriminated against on the basis of race, gender, sexual orientation, national origin, disability, religion or other protected status. Pheasantland Industries shall make reasonable accommodations for inmates, consistent with safety, security and the legitimate penological interests of the DOC.
- F. Inmate participation and employment within Pheasantland Industries is strictly voluntary. Inmates removed from employment with Pheasantland Industries have no right to continued employment or due process. Inmates assigned to jobs within Pheasantland Industries are not employees of the state or Pheasantland Industries for the purpose of protections granted under the federal Fair Labor Standards Act and are not entitled to federal minimum wage or prevailing wages. Please refer to DOC Policy 1.5.A.2 *Pheasantland Industries Sales to State Employees* for inmates enrolled in the Prison Industry Enhancement Certification Program (PIECP).
- G. Inmates must be qualified and able to perform the essential functions of the job they are assigned, 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 its staff will develop work-related environmental health programs that will include the following:
  - 1. Assigning eligible inmate workers who are physically and mentally able to perform the duties required of the job to a job assignment.

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2. Providing working conditions which conform to applicable federal, state, and local 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 participate in regular inspections of designated areas of Pheasantland Industries accessible to staff and inmates to ensure compliance with all safety and security requirements and to identify and resolve any deficiency (See DOC policy 1.2.A.3 *Institutional Sanitation and Safety 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 during the previous year on or before the first legislative day of session (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.
  2. The annual report will also include a summary of any significant activities planned for the upcoming year.

## V. RESPONSIBILITY

The implementation and maintenance of this policy is the responsibility of the Pheasantland Industries Manager and the Director of Finance and Administration.

## VI. AUTHORITY

- A. SDCL §§ 1-15-1.13, 24-2-27, 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.

## VII. HISTORY

October 2010  
March 2012  
December 2015  
December 2016  
December 2017  
April 2019  
December 2019

## ATTACHMENTS (Published in PolicyTech unless otherwise noted)

1. DOC Policy Implementation / Adjustments

## DOC POLICY IMPLEMENTATION/ADJUSTMENTS

DESCRIPTION	TITLE	POLICY #	EFFECTIVE
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(FACILITY/WORK UNIT NAME)

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN

NOT APPLICABLE

WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT OF THE POLICY

(SIGNED) \_\_\_\_\_ (DATE) \_\_\_\_\_  
Warden / Director