
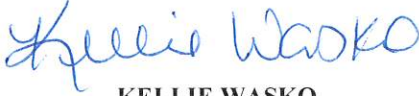


SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 400-14	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Offender Commissary
RELATED STANDARDS:	ACA 5-ACI: 1B-18, 2E-12	EFFECTIVE DATE:	November 15, 2024
		SUPERSESSION:	02/15/2024
DESCRIPTION: Offender Services	REVIEW MONTH: October	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## 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. *An offender commissary or canteen is available where offenders can purchase approved items that are not furnished by the facility. The canteen/commissary's operations are strictly controlled using standard accounting procedures* [ACA 5-ACI-1B-18].
- B. 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.

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- C. 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.
- D. Offenders must have sufficient funds in their account at the time the funds are withdrawn.
- E. 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.
- F. 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 an indigent hygiene kit and/or an indigent writing kit 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 an indigent hygiene kit and/or an indigent writing kit 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 kits on the offender tablet.
  - 1. Offenders may only order and receive one (1) approved indigent hygiene kit and/or one (1) approved indigent writing kit.
  - 2. Offenders are not required to order both indigent kits and will only be charged for the kits ordered.
- D. Indigent offenders will have a credit obligation created for the cost of any indigent kit 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.
- E. Indigent Offenders are not permitted to receive packages through the package program from approved visitors.

## 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 300-17 – *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 an indigent hygiene kit and indigent writing kit subject to safety or security reasons. Offender must have the funds available to purchase the kit.

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## **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.

## **VII. HISTORY**

November 2024 – renumbered from 800-06 to 400-14

February 2024

December 2020

July 2020

October 2018

## **ATTACHMENTS**

1. DOC Policy Implementation / Adjustments