

1.2.E.1 Inmate Commissary

I Policy Index:



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Office of Primary Responsibility: DOC Administration

II Policy:

Department of Corrections (DOC) institutions will arrange for commissary services to be offered to qualifying inmates to purchase allowable property items for personal use.

III Definitions:

Indigent Commissary:

Limited and controlled commissary services for inmates with no funds or limited funds, and no immediate source of income or in the foreseeable future.

IV Procedures:

1. Commissary Services:

- A. The DOC shall establish commissary services for inmates through an approved commissary vendor, in accordance with the standards set forth within this policy. Commissary services are considered a privilege, not an implied right. Neither this policy nor its application may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.
1. Inmates may make withdrawals from their available spend subaccount funds to purchase commissary, in accordance with DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#).
 - a. Inmates may purchase approved personal property items listed on [Attachment 3](#) of DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#), as available through the commissary vendor, subject to limitations. Property purchases must be from the inmate's savings subaccount.
- B. In addition to the standards established by DOC policy, the Warden at each institution shall 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 inmates of the commissary schedule permitting eligible inmates to make commissary purchases.

2. Inmates who miss the deadline to submit a commissary order for reasons other than those controlled by DOC (e.g. inter-facility transfer, scheduled appointments, suspended commissary privileges, temporary absence-out to court/hospital etc.) are not entitled to a second opportunity to purchase commissary.
 3. Each institution will maintain a list of personal property and commissary items available for purchase by inmates. The list shall include the current price for each item.
- C. Inmates must have sufficient funds in their account at the time the funds are withdrawn to purchase the item, unless the inmate has been approved for indigent commissary.

2. Indigent Commissary Services:

- A. Inmates may request and receive indigent commissary a maximum of once every thirty (30) days, provided the inmate meets all of the established criteria at the time of the request.
- B. Inmates are eligible for indigent commissary if their current spend fund balance is less than \$1.00 and they have no commissary purchases in the calendar month, no deposits in the last calendar month, no funds in their specialty account (for exempt funds only), and no verified outside source from which may provide any funds (See DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#)).
1. Inmates must send a request for indigent commissary to their unit staff.
 2. Unit staff and inmate banking staff will confirm the inmate is eligible for indigent commissary.
 2. Inmates may only order and receive items identified as "indigent". Health Services staff may issue a medical order permitting an inmate to order and receive specified hygiene items or medical items, e.g. medicated shampoo, foot powder.
 3. Inmates are not required to accept all indigent items on the approved list and will only be charged for the items received.
 4. Each Warden may establish a maximum dollar value for indigent purchases during the calendar month.
- C. Indigent inmates will have a credit obligation for the cost of any items they receive. This does not imply permission for an inmate to overdraw his/her commissary spend account at will.

3. Loss of Commissary Privileges:

- A. An inmate's commissary privileges may be temporarily suspended through sanctions issued for committing an offense in custody, in accordance with DOC policy 1.3.C.2 [Inmate Discipline System](#) and pursuant to SDCL § 24-2-9(4) and SDCL § 24-15A-4(3).
- B. An inmate's commissary privileges may be temporarily suspended, limited or restricted for the safety or security, i.e. mental health watch, hunger strike and placement on dry cell status or placement on a restricted status. Limited items may be made available for the inmate, as approved by staff or set by the unit plan.
- C. Inmates whose commissary privileges are temporarily suspended are permitted to purchase personal hygiene items and legal materials identified on the indigent commissary list only. The inmate must have funds in their account to cover the cost of the item ordered.

V Related Directives:

SDCL §§ [24-2-9\(4\)](#) and [24-15A-4\(3\)](#).

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

DOC policy 1.3.C.2 -- [Inmate Discipline System](#)

VI Revision Log:

Removed revisions from November 2003 to October 2009.

October 2010: Revised formatting of Section I. Added new ss (E of Commissary Services). Deleted reference to the inmate's spending account being debited for the cost of indigent items within ss (C of Loss of Commissary Privileges).

November 2011: Added 2. to Section 1 A. Added "deposit on lost/damaged items" and "Staff approval is required in some cases before an inmate may overdraw their spend account" to Section 1 A. 3. Deleted "expected to" and Replaced with "responsible for" and Added "account balances and" to Section 1 A. 3 Added c. and d. to Section 1 A. Deleted "and will provide a related" and Replaced with "which will include a current list of" to Section 1 C. Added 1. to Section 1 E.

November 2012: Reviewed with No changes.

February 2013: Added "subaccount to purchase commissary" to Section 1 A. 1. Deleted "this is subject to the \$140 balance/deposit limit per twenty-eight day period" in Section 1 A. 2. Added a. to Section 1 A. 2. Deleted "run negative as a result of internal disciplinary fines, restitution owed to the DOC, deposit on lost/damaged items, indigent commissary, legal copies or medical co-pay" and Replaced with "require a credit obligation to be processed as a result of indigent commissary" in Section 1 A. 3. Deleted a. "Inmates are responsible for managing their account balances and commissary purchases to accommodate other weekly costs debited from their spend account so they do not exceed the \$35.00 weekly limit." in Section 1 A. 3. Deleted "Transactions requiring the use of a commissary slip include, but are not limited to: postage, certified letters, fines as a result of internal disciplinary sanctions, restitution, deposits required for "loaner" property, books, fees for copies of records requested by the inmate, etc" in Section 1 A. 3. Deleted "Inmates may transfer money from their spend account to their phone account within the \$35 per week spending limit. Transfers must be in \$5 increments." in Section 1 A. 3. Added "eligible" to Section 1 B. 1. Deleted "spend" and Deleted "balance is negative" and Replaced with "has a credit obligation resulting from a loan created from overdrawing their spend account" in Section 1 E. Deleted 1. Inmates may transfer spend account funds to their savings account and savings account funds to their spend account only after certain requirements have been met" in Section 1 E. Deleted "twenty-eight (28) consecutive days" and Replaced with "calendar month" in Section 2 B. and Section 2 B. 4.

August 2013: Added definition of "Calendar Month". Added "in their spend account" to definition of "Indigent Commissary" Added "commissary sales" to Section 1 A. 1. Added "not" and Deleted "with written permission from unit staff" and Deleted "spending" and Replaced with "commissary sales" in Section 1 A. 2. Deleted "29 consecutive days" and Replaced with "calendar month in Section 2 B and B.4 and Section 3 B.

October 2014: Reviewed with no changes.

October 2015: Reviewed with no changes.

January 2016: Deleted "they have no purchases from their spend subaccount for the past calendar month and they currently have no funds in their spend subaccount at the time the request of indigent commissary is" and Replaced with "their spend funds are less than \$1.00; they have not commissary purchases in the last calendar month and no deposits in the last calendar month" in Section 2 B.

May 2016: Deleted "Inmates identified as indigent will be permitted limited and controlled access to select commissary items" from the policy statement. Deleted "in their spend subaccount" and Added "or in the immediate future" from the definition of Indigent. Deleted "35" and Replaced with "40" in Section 1 A. 2. Added "subject to limitations set by the DOC" in Section 1 A. 2. a. Deleted E. in Section 1. Deleted "calendar month" and Replaced with "thirty (30) days" in Section 2 A. and C.

Added “and no funds in their specialty account and no verified outside source from which they can obtain funds” in Section 2 B. **Added** new 2. to Section 2 B. **Added** B. to Section 3.

October 2017: Reviewed with no changes.

October 2018: Added “Neither this policy nor its application may be the basis for establishing a constitutionally protected liberty, property or due process interest” in Section 1 A. **Added** “their available” in Section 1 A. 1. **Added** “if past date which the commissary order is due” in Section 1 B. 2. **Added** “at the time the funds are withdrawn” in Section 1 D. **Deleted** “last calendar month” and **Replaced** with “thirty days” in Section 2 B. **Added** “The inmate must have funds in their account to cover the cost of the item ordered” in Section 3 C.

February 2020: No changes.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

02/05/2020

Date