

1.5.A.4 Prison Industries

I Policy Index:



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Office of Primary Responsibility: DOC Administration

II Policy:

Prison Industries (Pheasantland Industries) provides 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.

III Definitions:

IV Procedure:

1. Establishment and Operating Authority:

- A. The Department of Corrections (DOC) Prison Industries operates under the business name "Pheasantland Industries".
- B. Pheasantland Industries consists of a License Plate Shop, Cabinet and Carpentry Shop, Upholstery Shop, Print Shop, Printing and Bindery Shop, Data Entry and Scanning Shop, Braille and Engraving Shop, Sign Shop, Machine Shop, Garment Shop and Embroidery Shop.
- C. All industries shall operate in compliance with DOC policy and state, federal and local laws.
- D. Pursuant to SDCL § 24-7-32, the state agency assigned to issue vehicle license plates and licensing decals within South Dakota is required to purchase licenses and decals from Pheasantland Industries as needed, provided Pheasantland Industries is able to furnish the license plates and licensing decals.
 1. Pheasantland Industries will furnish license plates and licensing decals to the agency at the actual cost of production, plus fifteen percent (15%).
- E. Any agency contracting for products provided by Pheasantland Industries will pay for such goods, as provided by law (See SDCL § 24-7-33).
- F. Inmates are not permitted to purchase products produced by Pheasantland Industries.

2. Director of Pheasantland Industries:

- A. The Secretary of Corrections will appoint the Director of Pheasantland Industries, who shall supervise the operation of Pheasantland 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*).
- B. The Director shall sell the products and services 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*).
- C. All contracts for materials used in manufactured products, containers, machinery, repairs and services shall be made and executed by the Director, with the approval by the Secretary of Corrections or designee (See SDCL § [24-7-15](#)).
- D. The Director of Pheasantland Industries is the custodian of all Pheasantland Industries' contracts and is responsible for the marketing and advertising of the products and services to promote such contracts.
- E. With the approval of the Secretary of Corrections, Director may execute such contracts on behalf of Pheasantland Industries (See SDCL § [24-7-16](#)).

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 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 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 shall be the custodian of all moneys and property of the prison 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) shall be reviewed and considered by DOC staff and Pheasantland Industries staff when considering an inmate for any job within Pheasantland Industries.

1. Inmates will be considered for work assignment within Pheasantland Industries according to the risk assigned to the inmate and risk assessment score assigned to the Pheasantland Industries work assignment/job, in accordance with DOC policy 1.5.A.9 *Inmate Work Assignment Risk*.
- B. The director of Pheasantland Industries shall use inmate labor, as necessary, 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 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 their shop foreman in advance of any class, program/treatment or appointment the inmate must attend that will take them away from the workplace during their assigned work hours.
- D. No inmate has any implied right or expectation to work in any particular job (See SDCL § 24-2-7). 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 who is currently 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 and security and 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, due process or pay for work completed. Inmates assigned to jobs within Pheasantland Industries are not employees of the state or Pheasantland Industries under the federal Fair Labor Standards Act and are not entitled to federal minimum wage or prevailing wages.
- G. Inmates must be qualified 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 which will include the following:
 1. Assigning inmate workers who are physically and mentally able to perform the duties required.
 2. Providing working conditions which conform to all 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 Prison 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 Related Directives:

SDCL §§ 1-15-1.13, 24-2-7, 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.

DOC policy 1.1.B.2 – *Inmate Accounts and Financial Responsibility*
DOC policy 1.2.A.3 – *Institutional Sanitation and Safety Inspections*
DOC policy 1.5.A.2 – *Prison Industry Enhancement Certification Program*
DOC policy 1.5.A.3 – *Pheasantland Industries Sales to State Employees*
DOC policy 1.5.A.9 – *Inmate Work Assignment Risk*

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).

March 2012: **Added** "and individuals pursuant to SDCL Chapter 24-7" to the Policy section.

Deleted "Carpentry Shop" and **Added** "Cabinet Shop" and "Custom Furniture Shop" to Section 1, B. **Added** D. "All contracts for material used in manufactured product, containers, machinery, repairs and services shall be made and executed by the director of Pheasantland Industries as may best promote its successful operation" to Section 2. **Deleted** "is responsible for the collection of Pheasantland Industries accounts" (repealed SDCL 24-7-17) and **Replaced** with "shall be the custodian of all moneys and property of the prison industries and shall keep accurate account of all

its proceedings and transactions, make all reports, requisitions and statements.” to Section 3 D. **Deleted** 1. and 2. from Section 3 D (Repealed statute). **Deleted** “Inmate wages are governed by DOC policy, unless an inmate is employed in private sector prison industries employment” and **Replaced** with “The payment of wages to inmate workers shall be at a rate which is not less than the prevailing wage for work of a similar nature in prison industry. In the absence of similar work that may be applied as a comparison, inmates will be paid no less than the federal minimum wage” to Section 3 B. 1. **Added** “program or appointment” to Section 3 B. 3. **Added** “custody level/classification” to Section 4 A. **Added** 1. to Section 4 A. **Deleted** “maintain” and **Replaced** with “require” and **Added** “employed in Pheasantland Industries pursuant to SDCL” in Section 4 B. 4. **Added** “or be removed from any job assignment” and “supervisor” to Section 4 C. **December 2015:** **Added** “non-profit organizations” to Section 2 B. **Added** 1. to Section 4 A. **Deleted** 1 & 4 in Section 4 B. **December 2016:** **Updated** language in Section 3 A. 3. **Added** “may be reviewed by institutional and Pheasantland Industries staff” in Section 4 A. **Added** E. and F. to Section 4. **Added** a. to Section 5 A. 1. **December 2017:** **Added** E. F. and G. to Section 4. **April 2019:** **Added** “embroidery shop” to Section 1 B. **Added** C. to Section 1. Deleted “DOC Director of Operations” and Replaced with “Director of PI” in Section 2 D. **Added** “and is responsible for the marketing and advertising of the products and services to promote such contracts” in Section 2 D. **Added** 1. to Section 4 A. **Added** “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” in Section 4 D.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

05/30/2019

Date