1.2.E.1 Inmate Commissary

I Policy Index:

Date Signed: 05/09/2016
Distribution: Public
Replaces Policy: N/A
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Affected Units: All Institutions
Effective Date: 05/09/2016
Scheduled Revision Date: October 2016
Revision Number: 16
Office of Primary Responsibility: DOC Administration

II Policy:

Department of Corrections (DOC) institutions will arrange for commissary services to be offered to qualifying inmates who have funds available to purchase allowable items for personal use. Inmates identified as indigent will be permitted limited and controlled access to select commissary items.

III Definitions:

Indigent Commissary:
Limited and controlled commissary services for inmates with no funds or limited funds in their spend subaccount or source of income.

IV Procedures:

1. Commissary Services:

   A. Each facility will establish commissary services through an approved vendor for inmates, in accordance with the standards set forth within this policy. Commissary services for individual inmates are considered a privilege, not an implied right.

      1. Inmates may make withdrawals from their spend subaccount funds to purchase commissary at the rate of no more than $35.00 per week, in accordance with DOC policy 1.1.B.2 Inmate Accounts and Financial Responsibility.

      2. Inmates are not allowed to exceed the $35 per week commissary sales limit for the purpose of purchasing approved personal property items from their spend account.

         a. An inmate’s savings subaccount may be used to purchase approved personal property items from the list located on Attachment 3 of DOC policy 1.1.B.2 Inmate Accounts and Financial Responsibility, as made available through the commissary vendor.

      3. An inmate’s spend account may require a credit loan obligation be processed as a result of indigent commissary provided to the inmate.

         a. This does not imply permission for an inmate to overdraw his/her commissary spend account at will.
B. In addition to the standards established by this policy, each facility may develop and maintain specific procedures directing the operation of commissary services that are unique to the facility.

   1. The procedures may include a published schedule permitting eligible inmates to make commissary purchases on a weekly basis.

   2. Inmates who miss their scheduled commissary time for reasons beyond the control of DOC staff/commissary staff (e.g. inter-facility transfers, outside appointments, suspended commissary privileges) are not entitled to make up any missed opportunity to purchase commissary.

C. Each facility will publish a list of inmate personal property items that may be purchased by inmates through commissary. The list shall include the current prices for each available item.

D. Inmates must have sufficient funds in their spend subaccount (or savings subaccount in some situations) at the time of purchase to make a commissary purchase, unless the inmate is approved for indigent commissary.

E. Inmates are not allowed to purchase property items from savings when their account has a credit obligation resulting from a loan created from overdrawing their spend account.

2. Indigent Commissary Services:

A. Inmates may request and receive, indigent commissary, once every thirty (30) days, provided they meet all of the established criteria.

B. Inmates are eligible for indigent commissary if their spend funds are less than $1.00; they have no commissary purchases in the last calendar month and had no deposits in the last calendar month. (See DOC policy 1.1.B.2 Inmate Accounts and Financial Responsibility).

   1. Inmates must initiate a request for indigent commissary through their unit team. Inmates must receive advance approval from their unit team to be eligible to request indigent commissary items.

   2. Inmates may only order and receive items identified as “indigent items”, unless the inmate has a medical order from Health Services staff for personal hygiene items or medical items, e.g. medicated shampoo, foot powder.

   3. Inmates are not required to accept all indigent items available from the commissary list.

   4. Each Warden may establish a maximum dollar value for indigent purchases during the thirty (30) day period.

C. Inmates will have their accounts debited with a credit obligation for the cost of any indigent items they receive.

3. Loss of Commissary Privileges:

A. An inmate’s commissary privileges may be temporarily suspended as a result of a disciplinary sanction issued in accordance with the inmate discipline system, pursuant to SDCL § 24-2-9(4) and/or SDCL § 24-15A-4(3).
B. Inmates whose commissary privileges are suspended may purchase personal hygiene items identified on the indigent commissary list.

V Related Directives:
SDCL §§ 24-2-9(4) and 24-15A-4(3).

DOC policy 1.1.B.2 – Inmate Accounts and Financial Responsibility

VI Revision Log:

- **November 2003:** New policy.
- **October 2004:** Clarified information on tracking account balances and missed commissary under the section on Commissary Services. Reworded the language on maximum indigent purchases Added reference to DOC policy 1.3.C.11.
- **December 2005:** Clarified indigent commissary services for inmates on loss of commissary status.
- **October 2006:** Added language about inmates also having sufficient funds in their savings account for commissary purchases.
- **November 2007:** No changes made.
- **October 2008:** Revised formatting of policy in accordance with DOC policy 1.1.A.2. Replaced “commissary spending account” to “spend account” throughout policy Clarified SDCL sections within section V to be consistent with reference in policy.
- **October 2009:** Added hyperlinks.
- **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 definition of “Calendar Month.” Added “in their spend account” to definition of “Indigent Commissary” Added ”commissary sales” to Section 1 A. 1. Deleted “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 “calendar month” and Replaced with “thirty (30) days” in Section 2 A. and C.

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<th>Denny Kaemingk (original signature on file)</th>
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<td>Denny Kaemingk, Secretary of Corrections</td>
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