

## 1.5.A.4 Prison Industries

### I Policy Index:



**Date Signed:** 03/22/2016  
**Distribution:** Public  
**Replaces Policy:** 5A.4  
**Supersedes Policy Dated:** 11/04/2010  
**Affected Units:** All Institutions  
**Effective Date:** 03/22/2016  
**Scheduled Revision Date:** December 2016  
**Revision Number:** 8  
**Office of Primary Responsibility:** DOC Administration

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### II Policy:

Prison Industries (Pheasantland Industries) provides goods, services and products for use by governmental agencies, non-profit organizations and individuals, pursuant to SDCL Chapter 24-7.

### III Definitions:

### IV Procedure:

#### 1. Establishment of South Dakota State Prison (Pheasantland) Industries:

- A. The Department of Corrections (DOC) prison industries operate under the business name Pheasantland Industries.
- B. Pheasantland Industries consists of a License Plate/Decal shop, Cabinet shop, Upholstery shop, Print/Bindery shop, Braille/Tactile Graphic shop, Sign shop, Machine shop, Garment/Screen Print shop, Custom Furniture shop and Data Entry shop.
- C. Pursuant to SDCL § 24-7-32, all state departments are required to buy license plates and licensing decals from Pheasantland Industries, provided Pheasantland Industries is able to furnish such license plates and licensing decals.
  1. Pheasantland Industries will furnish license plates and licensing decals to state departments at the actual cost of production plus fifteen percent (15%).
  2. Any state department contracting for products provided by Pheasantland Industries will pay for such goods, as provided by law (See SDCL § 24-7-33).
  3. All money received by Pheasantland Industries for producing such products will be deposited to the credit of the revolving fund, in accordance with SDCL § 24-7-7 (See the section on [Fiscal Responsibilities of Pheasantland Industries](#)).
- D. Inmates cannot purchase items from Pheasantland Industries, including private sector prison industries.

## **2. Director of Pheasantland Industries:**

- A. The Secretary of Corrections will appoint a director of Pheasantland Industries, who will supervise the operation of the various prison industries (See SDCL § [24-7-5](#)).
- B. The director of Pheasantland Industries may sell the products and services produced by the various prison industries to the federal government, states and subdivisions thereof, nonprofit organizations and individuals (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 of Pheasantland Industries, with the approval of the Secretary of Corrections (See SDCL § [24-7-15](#)).
- D. The DOC Director of Operations is the custodian of all Pheasantland Industries' contracts.
- E. With the approval of the Secretary of Corrections, the director of Pheasantland Industries may execute such contracts on behalf of Pheasantland Industries (See SDCL § [24-7-16](#)).

## **3. Fiscal Responsibilities of Pheasantland Industries:**

- 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 Pheasantland Industries goods and services will be deposited in the revolving fund.
  - 2. Authorized expenses of Pheasantland Industries will be paid from the revolving fund.
  - 3. If the Secretary of Corrections and the Governor determine the balance in the Pheasantland Industries revolving fund is greater than the needs of the prison industries, they may jointly authorize transfer of the unneeded balance to the general fund of the State (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 Pheasantland Industries 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, make all reports, requisitions and statements (See SDCL § [24-7-10](#)).

## **4. Employment of Inmates at Pheasantland Industries:**

- A. An inmate's, custody level/classification, aptitude, experience and abilities (based on tests and/or a personal interview with the inmate) may be reviewed when considering the inmate for any job within Pheasantland Industries.
  - 1. Inmates who are designated "high risk" for institutional job assignment purposes may

not be assigned to any job within a Pheasantland Industries shop. Questions regarding whether an inmate is designated "high risk" shall be directed to the inmate's unit staff.

- B. The director of Pheasantland Industries may use inmate labor, as necessary, in the operation of the prison industries, and pay wages to inmates within the limits fixed by the Secretary of Corrections (See SDCL § 24-7-6).
  - 1. Inmate wages are subject to all procedures established in DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility* and state law.
- C. Inmates working in Pheasantland Industries shops must notify their shop foreman of their intent to attend any class, program or appointment that takes them away from the workplace during normal working hours.
- D. No inmate under the jurisdiction of the DOC has any implied right or expectation to work in any particular job and an inmate is subject to transfer to another job or removal from any job assignment at the discretion of the supervisor, Warden or the Secretary of Corrections.

## **5. Environmental Health Program at Pheasantland Industries:**

- A. Pheasantland Industries and institutional staff will develop work-related environmental health programs which will include the following:
  - 1. Assigning workers who are physically and mentally able to perform the duties required.
  - 2. Providing working conditions which conform to all federal, state, and local health laws and regulations.
  - 3. Passing health and safety inspections conducted at least annually by state inspectors (See DOC policy 1.2.A.3 *Sanitation, Safety and Fire Prevention Inspections*).
  - 4. Participating in regular weekly and monthly inspections conducted by DOC staff (See DOC policy 1.2.A.3 *Sanitation, Safety and Fire Prevention 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 that were engaged in the previous year (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 with private organizations and individuals (See DOC policy 1.5.A.2 *Private Sector Prison Industries Employment*).
  - 2. The annual report will also include a summary of the planned activities of Pheasantland Industries for the next year.
- B. The annual report from the Secretary of Corrections will be submitted on or before the first legislative day of each session.

## V Related Directives:

SDCL §§ [1-15-1.13](#), [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 – [Sanitation, Safety and Fire Prevention Inspections](#)

DOC policy 1.5.A.1 – [Inmate Pay](#)

DOC policy 1.5.A.2 – [Private Sector Prison Industries Employment](#)

DOC policy 1.5.A.3 – [Pheasantland Industries Sales to State Employees](#)

## 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.

*Denny Kaemink (original signature on file)*

Denny Kaemingk, Secretary of Corrections

03/22/2016

Date