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ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Commissaries

NUMBER: 16-41

SUPERSEDES: 11-56

APPLICABILITY: Employees and Inmates of the Department of Correction

REFERENCE: AR 103 - Offender Commissaries

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APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 8/26/2016

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to provide Inmate Commissaries from which inmates may purchase products.

A. Sale price of commissary products shall be established and approved by the Board of Corrections.

1. Pre-stamped envelopes shall be sold at cost.
2. All food items deemed healthy by the ADC Dietitian and over the counter health aids shall be sold at 40 percent above cost inclusive of state tax and local tax rate of each unit's location.
3. All remaining items shall be sold at 50 percent above cost inclusive of state tax and local tax rate of each unit's location.

B. Approval Process of Standard Commissary Items for Inmate Purchase.

1. A *Standardized Commissary List Committee* shall be appointed by the ADC Management Team for the review and approval of all commissary items available for inmate purchase.

2. The appointed committee shall include no less than nine (9) members to include the following persons:
 - a. Warden of Cummins Unit
 - b. Warden of Varner Unit
 - c. Warden of East Arkansas Unit
 - d. Warden of Wrightsville Unit
 - e. Warden of a work release unit
 - f. Medical Administrator or designee
 - g. Budget Administrator
 - h. Chief of Security (unit to be determined by Director)
 - i. Drug Coordinator
3. The Budget Administrator shall be the Coordinator of the Commissary Committee.
4. Any unit with need for a new item to be considered for approval for inmate purchase shall request the unit's Business Manager to locate the product and a vendor to supply the product.
 - a. The unit Business Manager shall present the product to the unit Warden for his/her review.
 - b. If the Warden determines there is a need for the new item, the Warden shall advise the Business Manager to contact the Coordinator to schedule the committee's review of the item.
 - c. The Coordinator or other committee member shall present the item(s) that have been reviewed and approved to the Institutional staff meeting for final approval of required administrative staff.
 - d. The Coordinator shall advise inmate banking of items approved at the Institutional staff meeting.
 - e. Inmate Banking shall add the item to the commissary item file and advise all unit Business Managers and Commissary Supervisors of the approved item(s).
5. The Commissary Committee members shall review on a quarterly basis all products, packaging and containers sold within the

commissaries to ensure safety and security of the facilities and staff is maintained.

6. Items sold in institutions housing work release inmates specifically approved for sale to work release inmates will be considered contraband on the date the inmate no longer qualifies for work release programs. These items MUST be disposed of prior to transfer and in accordance with unit policy. The receiving unit will notify their Assistant/Deputy Director upon transfer of the inmate, when these items are found in the inmate's property.

A list of approved items for sale to work release inmates shall be maintained by the Budget Administrator or Commissary Coordinator and provided to each unit Business Manager.

C. ACA 12-29-107 authorizes establishment of an Inmate Welfare Fund. Amounts held as inmate welfare funds, or received as inmate welfare funds through contributions, profit from sale of products to inmates or otherwise, shall be held as a special fund to be administered and used by the Director for the general benefit of the inmates under rules and regulations as established by the Board of Corrections.

1. Through regulation and past usage of proceeds of the fund, expenditures shall be limited to items of mutual benefit for all inmates and operating expenses of the fund required to support the inmate commissary operations and inmate banking. Consequently, expenditures for non-recreational construction, repairs or maintenance of structures and buildings are the responsibility of the state, and shall be paid from other fund sources, except that repairs or maintenance resulting from deliberate destruction or damage caused by inmates may be paid from the Inmate Welfare Fund after proper investigation and approval of investigative finding by the Director.
2. Expenditures from the Inmate Welfare Fund require approval as follows:
 - a. Board approval for amounts of \$10,000 and greater;
 - b. Director approval for amounts of \$1,000 to \$9,999;
 - c. Administrative Services Assistant/Deputy Director approval for amounts of \$1,000 or less; and
 - d. Expenditure(s) for procurement of inmate commissary resale items is exempt from the above approval process.

II. PROCEDURES:

A. Inmate Commissaries

1. Access to stores shall be restricted to authorized employees and inmates.
2. Keys to stores shall be restricted to the store manager and employee(s) whose primary duty assignment is the store, and a single key for the Warden (each of these is an authorized employee for purposes of store entry). Ordinarily, entry to the store is only to be made when there is an authorized employee present in the store. In the event of an emergency that requires entry to the store when there is not an authorized employee present, a log shall be maintained in the store to document the entry, i.e., reflecting date and time of entry, person(s), and purpose of the entry.
3. An employee of the store shall be continuously present in the store at all times when the store is not locked. Otherwise, the store shall be locked at all times to prevent unauthorized entry.
4. An employee whose primary duty assignment is the store shall continuously supervise inmate workers authorized to work in the store. Commissaries should be operated with the minimum number of inmates.
5. An employee whose primary duty assignment is the store will ordinarily receive all merchandise for the store. If other employees whose primary duty assignment is not the store are to be permitted to receive merchandise for the store, the Warden is to identify such employees in writing and post same in the store. All receiving documents for merchandise are to be manually signed by an employee authorized to receive merchandise for the store.
6. Physical inventory of store merchandise will be conducted for each Unit's Commissary Month-End Report on the last working day of each month, unless otherwise notified by Centralized Inmate Banking; Accounting Control; or Internal Auditor. Other physical inventories will be conducted in accordance with instructions of the Internal Auditor or Legislative Auditors.
7. Consignment of store merchandise to other than satellite stores is strictly prohibited. The Warden and Internal Auditor must approve establishment and location of satellite stores.
8. Sale of store merchandise will be to inmates only and credit shall not be extended.

9. Merchandise may be taken from store inventories to satisfy any inmate property loss complaint upon request of the Legal Division, to settle a claim for lost property by the state. The store will be given credit for the item and the item will be written off. Other claims will be satisfied using state funds (ordinarily from the Inmate Care and Custody Account).
10. Inventories of store merchandise will not be commingled with other inventories and will be kept secured by store entrance to authorized personnel.
11. Maximum levels of individual items of inventory will be considered to prevent undue adjustments to perpetual inventory records due to spoilage, outdated merchandise, etc., and any negative impact on cash requirements.
 - a. Prior to adjustment entries to perpetual inventory records, adjustments are to be reviewed and approved in accordance with instructions provided by Centralized Inmate Banking, Accounting Control or Internal Auditor.
 - b. Inventory adjustment reports shall be reviewed and signed by the Unit Business Manager and Warden.
 - c. Accounting Control's commissary financial reports shall include reporting of adjustments to the perpetual inventory records. Financial reports will be distributed to Management Team, Wardens, Accounting Control Administrator, Agency Controller, Internal Auditor and Business Managers.
 - d. Records of inventory adjustments are subject to review by Accounting Control, Internal Auditor, Legislative Auditors and Board Compliance Division.