
 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Creative Arts Projects</b>		NO. 4406
			DATE 05/11/2023
SUPERSEDES	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directives #4405, #4422, #4572, #4750, #4761, #4911	APPROVING AUTHORITY 		

- I. PURPOSE:** This directive establishes the framework, policies, and procedures through which incarcerated individuals may submit their creative works of art for publishing, entry into contests, display in exhibitions, or donation to non-profit organizations in the community. It also establishes the procedure for community agencies to submit a written request for approval to the Department to solicit submissions of creative arts projects from the incarcerated population.
- II. POLICY:** The Department of Corrections and Community Supervision (DOCCS) encourages constructive interaction between incarcerated individuals and the community. Incarcerated individuals may participate in community creative art projects that meet the Department guidelines outlined in this directive.
- III. DEFINITIONS**
- A. Community Agency: A non-profit organization or educational institution engaged in meeting educational, environmental, or public safety community needs.
  - B. Creative Arts: Includes but is not limited to artwork, dramatic composition, music composition, graphic arts/cartooning, film scripts, poetry, short stories, or book manuscripts.
  - C. Contest: A competition in which a prize or prizes may be awarded to a winner or winners.
  - D. Exhibition: An organized presentation and display of a selection of creative art projects.
  - E. Publication: The preparation and issuing of a book, journal, piece of music, or other work for distribution.
- IV. RESTRICTIONS**
- A. All Creative Art Projects
    1. Costs associated with creation and submission of any creative arts project shall be the responsibility of the participating incarcerated individual or the community agency sponsoring the contest, exhibit, or publication.
    2. All creative arts project materials and finished work are limited to the policies and specifications listed in Directive #4405, "Art and Handicrafts," and/or Directive #4911, "Packages and Articles Sent to Facilities."
    3. Any creative arts projects by incarcerated individuals violating the criteria outlined in subsection VI-A will be considered contraband.

B. Community Agency Sponsored Creative Arts Contests, Exhibitions, or Publication

1. All requests for incarcerated creative arts projects by community agencies must be approved by the Deputy Commissioner for Program Services prior to solicitation of the incarcerated population.
2. Community agencies shall submit a completed [Form #4406A](#), "Request for Incarcerated Creative Arts Projects," to the Central Office Director of Education.
3. Incarcerated participants may not receive any prize, gift, or proceeds which result from submission of any creative arts projects, unless permission is granted by the Commissioner or designee. Any prize or proceeds generated from the submission must fund non-profit agency projects and activities. A certificate of participation with notices of the contest results are allowed.
4. All submissions of creative arts projects by incarcerated individuals to community agencies for any contest, exhibition, or publication are donations. The sale of any incarcerated individual's creative arts projects by the community agency is prohibited unless the sale of the project is by an accredited non-profit agency for funding of non-profit projects.

C. Creative Arts Projects Submitted by Incarcerated Individuals

1. Incarcerated individuals may not receive any prize, gift, or proceeds which result from submission of any creative arts projects, unless permission is granted by the Commissioner or designee. A certificate noting an incarcerated individual's participation is not considered a prize or gift.  

NOTE: Any prizes, gifts, or proceeds related to the submission of creative arts projects by incarcerated individuals are to be donated to the NYS Office of Victim Services.
2. All submissions of creative arts projects by incarcerated individuals for inclusion in an approved community agency sponsored event are considered a donation.
3. Each creative art project submitted for entry to an approved community agency sponsored event must first be submitted to the Superintendent for review accompanied by a completed [Form #4406B](#), "Incarcerated Creative Arts Release Form," from each incarcerated individual involved in the creation of the art. Utilizing the guidance outlined in Section VI, the facility Superintendent or designee will notify the incarcerated individual of the facility determination in writing.
4. If the project is approved for submission, the facility will forward the creative art with the completed copy(ies) of [Form #4406B](#) to the designated community agency representative.
5. Incarcerated individuals are to include a copy of [Form #4406C](#), "Incarcerated Creative Arts Guidelines," with submission of any creative arts project for any contest, exhibition, or publication, to any entity other than those pre-approved by Central Office.
6. Once a creative arts project has left the facility, it cannot be returned, unless pre-approved by the Superintendent under exceptional circumstances.

7. All publications sent to or brought into a facility are subject to the guidelines of Directive #4572, "Media Review." This includes creative arts projects published in book, magazine, or newsletter format.

## V. PROCEDURE FOR REQUEST FOR INCARCERATED CREATIVE ARTS PROJECTS

- A. The community agency shall submit a request for incarcerated participation in a creative arts contest, exhibition, publication, or for creative arts donations to non-profit organizations on [Form #4406A](#) to the Central Office Director of Education no less than sixty days prior to the requested date of submissions.
- B. The community agency must include a copy of [Form #4406B](#), with Section I completed, with each request.

## VI. ADMINISTRATIVE CONTROL

- A. The Superintendent or designee shall review all creative arts projects submitted by incarcerated individuals.
  1. Incarcerated creative arts projects shall not:
    - a. Include depictions or descriptions of the incarcerated individual's crime or crime victims.
    - b. Depict hand signs, insignias, graffiti, or any other identifiers depicting or pertaining to a gang or unauthorized group activity.
    - c. Promote sexual activity.
    - d. Contain information that appears to be written in code.
    - e. Portray individuals of a religion or protected class in a negative light.
    - f. Advocate rebellion against government authority.
    - g. Portray law enforcement officers or DOCCS in a manner which could jeopardize safety or security.
  2. Incarcerated individuals must submit a completed [Form #4406B](#) affirming that the material is submitted for inclusion in the specific community agency contest, exhibition, or publication and include the following information:
    - a. The title of the work.
    - b. A declaration that they are the artist/writer that completed the work.
    - c. The name of the community agency that the creative art project is being donated to.
    - d. A statement that the incarcerated individual acknowledges the submission is a donation and will receive no financial benefit from the creative art project, unless permission is granted by the Commissioner or designee, and that once the material leaves the facility it cannot be returned to the facility under any circumstances, unless pre-approved by the Superintendent under exceptional circumstances.
- B. Community agency representatives shall not remove any creative arts projects from the facility without the written authorization of the Superintendent or designee.

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**VII. VOLUNTEER PROGRAMS FOR CREATIVE ARTS**

- A. A community individual, community agency, or non-profit organization that wishes to provide a creative arts program directed by community volunteers at a specific correctional facility shall submit a written proposal to that facility, addressed to the Deputy Superintendent for Programs. The written proposal shall include the following information:
  - 1. A description of the proposed program.
  - 2. A list of materials that will be provided for the program.
  - 3. The names and credentials of the community volunteers that will provide the program.
  - 4. The criteria for incarcerated participation and the number of incarcerated individuals that will be accepted to the program.
- B. The facility shall review the written proposal and submit their recommended determination utilizing the Program Proposal Form (which can be accessed through the DOCCS Training Icon), including the written proposal, to the Central Office Director of Education to begin the Central Office review process.
- C. The Central Office Assistant Director of Volunteer Services shall notify the facility and the community agency or individual of the Central Office determination.
- D. If the program proposal is approved, the registration of community volunteers shall be arranged by the facility in compliance with Directive #4750, "Volunteer Services Program."