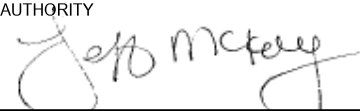
 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 4406
	Creative Arts Projects		DATE 05/11/2023
SUPERSEDES	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directives #4405, #4422, #4572, #4750, #4761, #4911	APPROVING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

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."

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
Request for Incarcerated Creative Arts Projects

1. Application Date		2. Agency Employer Identification Number (EIN)	
3. Name & Address of Community Agency/Organization		<input type="checkbox"/> Agency is a Non-Profit (check if applicable)	
4. Name & Title of Agency/Organization Contact Person			
5. Contact Phone Number		6. Contact E-mail	
7. Anticipated Start Date		8. Final Submission Date	
9. Purpose of Project (check all that apply)			
<input type="checkbox"/> Creative Art Contest		<input type="checkbox"/> Inclusion in Community Publication	
<input type="checkbox"/> Art Exhibition		<input type="checkbox"/> Donation to Non-Profit (name)_____	
10. Description of Project Theme			
11. Type of Creative Art Projects Accepted (check all that apply)			
<input type="checkbox"/> Dramatic Composition		<input type="checkbox"/> Drawings	
<input type="checkbox"/> Music Composition		<input type="checkbox"/> Poetry	
<input type="checkbox"/> Paintings		<input type="checkbox"/> Short Stories	
<input type="checkbox"/> Graphic Art/Cartooning		<input type="checkbox"/> Other (specify)_____	
12. This Request is for Submissions from (check one)			
<input type="checkbox"/> All incarcerated individuals in NYS DOCCS Facilities			
<input type="checkbox"/> Incarcerated individuals in the following facility(ies)			
List applicable:			

Acknowledgement of Standards

- I hereby acknowledge that I have read and agree to the restrictions as stated in DOCCS Directive #4406, "Creative Arts Projects," and that incarcerated participants may not receive a financial prize or award for participation in any contest or project.
- I hereby acknowledge that any creative arts submission by an incarcerated individual is considered a donation, and any proceeds generated from the broadcasting, publishing, reproduction, sale and/or distribution of any incarcerated individual's creative arts project may only be utilized to support accredited non-profit agencies and/or fund non-profit projects of accredited non-profit agencies.

Print Name:	Signature:	Date:
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Submit completed application with a copy of the Project Announcement, Entry Information, and the Incarcerated Creative Arts Release Form a minimum of 60 days prior to the anticipated start date:

Via E-mail to: DOCCS.sm.DivisionofEducation@doccs.ny.gov or

US Mail to: Director of Education
New York State Department of Corrections and Community Supervision
The Harriman State Campus
1220 Washington Avenue, Bldg. 4
Albany NY 12226-2050

Agency Name	Project Start Date
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CENTRAL OFFICE REVIEW

Determination: Project Approved Project Disapproved

Reason(s) for Disapproval:

Deputy Commissioner for Programs Signature

Date

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
Incarcerated Creative Arts Release Form

SECTION I: TO BE COMPLETED BY REQUESTING AGENCY/ORGANIZATION

Name of Community Agency/Organization: _____

Project Start Date: _____ Final Submission Date: _____

Purpose of Project (check all that apply):

- Creative Art Contest Art Exhibition Inclusion in Publication Other _____

Type of Creative Arts Projects Accepted (check all that apply):

- Drawings Paintings Graphic Art/Cartooning Music Composition
- Dramatic Composition Short Stories Poetry Other (specify) _____

SECTION II: TO BE COMPLETED BY THE INCARCERATED CREATIVE ARTS PROJECT CREATOR

- This form must be completed by each incarcerated individual involved in the creation and/or development of each creative arts project.
- All release forms must be submitted with the creative art project at the time of review.

Introduction: This document permits the above-named agency/organization and its licensees to use content created by incarcerated individuals. By signing below, you agree that you have read and understand the contents of this document.

I, (enter legal name) _____, do hereby attest that I am submitting a creative arts project entitled _____, to the above referenced agency/organization for inclusion in an approved sponsored event.

The creative arts project covered by this release is the following (check appropriate item(s)):

- Drawing Painting Graphic Art/Cartooning Poetry
- Dramatic Composition Short Story Music Composition

Provide a brief description of the content of the project (hereinafter the "Content"):

Declaration: I am I am not (check one box) the sole creator of the described "Content".

These are the names and DINS of all co-creators of the "Content":

Rights in the Content: I represent and warrant that the "Content" is original and shall not infringe upon or violate the rights of any third party. If the "Content" incorporates any materials created by third parties, I represent and warrant that I have secured their permission to use such materials. I hereby indemnify the above listed agency/organization and its licensees from any claims that might arise from their use of the "Content."

License: This submission is considered a donation to the above-named agency. I hereby grant the above-named agency/organization and its licensees an unrestricted perpetual license to use the "Content" for any purpose in any and all media or formats, including but not limited to exhibitions, publications, educational, archival, fundraising, and public relations purposes. In addition, I authorize the above listed agency/organization and its licensees to reproduce, edit, display, distribute, publish, transmit and otherwise use the "Content" on its own or in connection with a product created by the above listed organization such as an electronic publication.

No Payment/Release: I understand that I shall not receive any payment from the above listed agency/organization or any party other connected with this license. I expressly waive, release, and discharge the above listed agency/organization (including Trustees, officers, employees, agents, and volunteers), and its licensees from all claims, causes or actions, and demands that I may have against them arising out of the use of the "Content." I agree to donate any inadvertent monetary awards or payments received in relation to my creative arts submission to the NYS Office of Victim Services. I agree that this release shall be binding upon me and my heirs, legal representatives, and assignees.

**Signature of
Content Creator:** _____

Printed Name: _____

Department ID #: _____

Date: _____

**Signature of
Staff Witness:** _____

Printed Name: _____

Title: _____

Date: _____

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
Incarcerated Creative Arts Guidelines

The enclosed work of Creative Art has been submitted by an individual currently incarcerated in a New York State Department of Corrections and Community Services (NYSDOCCS) facility for use in a contest, exhibition, or publication.

Individuals incarcerated in a NYSDOCCS facility are forbidden to receive any prize(s), gift(s), or proceeds generated by the use of their creative art resulting from any contest, sale, auction, or publishing. Any prize, gift, or money for the rights, use, and/or publishing of an incarcerated individual's creative art are to be donated to the NYS Office of Victim Services unless approved for donation to a non-profit organization by NYSDOCCS.

A creative arts project sent out of the facility by an incarcerated individual cannot be returned, unless approved by the facility Superintendent under exceptional circumstances.

All publications, including incarcerated individual creative arts projects published in book, magazine, or newsletter format sent to or brought into a facility are subject to the guidelines of Directive #4572, "Media Review":

- A. In general, the materials must be acceptable for regular mailing according to United States Postal Law and regulations.
- B. Publications which contain child pornography, or which promote a sexual performance of a child in violation of Penal Law Article 263 are unacceptable. Publications in which models of any age are depicted or portrayed as underage persons in sexually provocative poses or engaged in sexual activity are unacceptable. Publications depicting nude children in a non-pornographic context but, which could promote or encourage prurient interest in the sexual performance of children, are unacceptable. Publications which are obscene when taken as a whole by the average person applying contemporary community standards, appeal to prurient interest, which depict or describe in a patently offensive way sexual bestiality, sadism, masochism, necrophilia, or incest, and which taken as a whole lack serious literary, artistic, political, or scientific value, are unacceptable.
- C. The publication should not incite violence based on race, religion, sex, sexual orientation, creed, or nationality. "Incite violence" for purposes of this guideline means to advocate, expressly or by clear implication, acts of violence.
- D. Any publication which advocates and presents a clear and immediate risk of lawlessness, violence, anarchy, or rebellion against Governmental authority is unacceptable.
- E. The publication should not incite disobedience towards law enforcement officers or prison personnel. "Incite disobedience" for purposes of this guideline means to advocate, expressly or by clear implication, acts of disobedience.
- F. The publication should not give instruction in the use or manufacture of firearms, explosives, and other weapons, or depict or describe their manufacture. Mere depictions of the use of hunting and/or military weapons which reasonably would not affect the safety and/or security of the facility are not prohibited.
- G. The publication should not provide instruction by word(s) or picture(s) regarding martial arts skills. Martial arts include, but are not limited to, aikido, jujitsu, judo, karate, kung fu, and tai chi chu'an. Publications which discuss martial arts without providing instruction are acceptable.
- H. The publication should not:
 1. Contain information which appears to be written in code; or
 2. Depict or describe methods of lock picking; or
 3. Depict or describe methods of escape from correctional facilities; or
 4. Contain detailed maps or topographical maps, which could aid an inmate in an escape. No maps of New York State shall be allowed without specific approval of the Superintendent.
NOTE: Maps that are designated for educational purposes and do not violate the above criteria, including the World Atlas, Geographical Map of the United States, etc. are acceptable; or
 5. Depict or describe methods of survival techniques which could aid an inmate in an escape from a correctional facility; or
 6. Depict or describe procedures for the brewing of alcoholic beverages or the manufacture of drugs or use of illegal drugs; or
 7. Depict or describe methods or procedures for smuggling prison contraband; or
 8. Depict or describe techniques or methods for rioting and/or information instructive in hostage or riot negotiation techniques; or
 9. Depict or describe hand signs, insignias, graffiti, or any other identifiers depicting or pertaining to a gang, or text that describes or depicts gang or other unauthorized group activity in such a way that it would promote or instruct in the formation of such groups inside a correctional facility.