



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: B
Section: .0700
Title: **Offenders Conducting
Personal Business**

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POLICY AND PROCEDURE

References 5th Edition Standards for Adult Correctional Institutions

Related ACA Standards None

.0701 PURPOSE

It is the policy of North Carolina Department of Public Safety, Prisons to establish guidelines which prohibit offenders from conducting business (i.e. providing goods or services) for compensation.

Offender operation of a business of any nature or any unapproved offender activity for compensation is a threat to institutional order and safety. These threats include but are not limited to the staff resources required to monitor activities for compensation, the need to avoid an offender being viewed as a potential source of funds or other benefit, avoiding disputes among offenders and limiting the potential for fraud.

.0702 POLICY

Offenders are prohibited from receiving compensation of any sort, tangible or intangible, for performing any activity or service, except for authorized incentive wage or work release assignments. Compensation may not be provided directly or indirectly. Offenders are also prohibited from conducting business (providing goods or services) for deferred (future) compensation.

.0703 PROHIBITED ACTIVITIES AND SERVICES FOR PERSONAL COMPENSATION

Activities and services that are specifically prohibited for personal compensation include but are not limited to the following:

- (a) Solicitation of others (staff, offenders, public) to purchase or procure any product, service or thing of value. This prohibition does not include authorized solicitations for gifts or contributions which are directed to a bona fide charitable organization or to a Prisons Special Account (refer to Fiscal Policy .2100, **Inmate Service Clubs**).
- (b) Requesting or accepting funds from any person in direct or implied exchange for correspondence, telephone contact or other communication. An example of prohibited activity would be an offender's threat to end correspondence with another unless or until additional funds are deposited to the offender's trust account.
- (c) The sale or offer to sell any craft, document, artwork, or personal activity or service produced

or allegedly produced by the offender.

- (d) Lending, loan sharking, or bartering or trading of any funds, product or other thing of value.

.0704 SPECIAL PROVISIONS

If an offender can demonstrate that they were already engaged in a legitimate business or commercial enterprise prior to incarceration, the Warden is authorized to permit a reasonable number of visits or correspondence as needed solely for the purpose of conserving existing resources or for terminating appropriately that business or commercial enterprise.

.0705 OFFENDER MANUSCRIPTS

(a) Preparation

- (1) An offender may prepare a manuscript for private use, for outside typing, for copyrighting, and/or for publication while in the custody of the Department of Public Safety without staff approval.
- (2) For the purpose of this policy, manuscript means fiction, nonfiction, poetry, music and lyrics, drawings, cartoons, and other writings of a similar nature.
- (3) An offender may use only non-work or non-program assignment time to prepare a manuscript.
- (4) Consistent with Prisons policy F.0500, Offender Personal Property, the Warden may limit the accumulation of manuscript material as necessary for security, sanitation, and safety, including maintaining access to cell doors and preventing fire hazards.

(b) Distribution

- (1) An offender may mail a manuscript as general correspondence at the offender's own expense.
- (2) An offender may not circulate a manuscript within the institution or to any other offender.

(c) No Compensation

- (1) Consistent with B.0701 through B.0704 above, an offender may not receive compensation of any sort from the sale of published or unpublished manuscripts.
- (2) Written or oral communications by an offender with publishers, agents, or other persons regarding the sale or marketing of manuscripts or regarding the proceeds from the sale or potential sale of manuscripts shall be considered the conduct of a business for compensation in violation of this section, unless evidence shows that the offender did not solicit or initiate the communication and unless the offender acts immediately to

terminate the communication and to discourage future such communications. A general power of attorney given by an offender to a parent, spouse, or child of the offender shall not, by itself, be considered evidence that the offender has violated this subsection (c).

- (3) Any check, money order, or other payment sent by a publisher or marketer of manuscripts to an offender at the offender's prison address (other than a refund of a canceled subscription) will be returned to the sender and may, depending on the circumstances, be considered evidence that the offender has violated this section.

(d) Confiscation

- (1) If a prison staff confiscates an offender's manuscript because the offender has violated this section or for any other reason, the manuscript shall be identified on a form DC-160 (Personal Property Inventory) by its title (if any), its number of pages, and any other identifying characteristics. The date and time of the confiscation shall be noted on the DC-160. The manuscript shall be maintained in DPS's custody unless it is mailed out in accordance with subsection (d)(3) below or returned to the offender.
- (2) Any confiscation of an offender's manuscript shall be performed jointly by at least two staff members. Both staff members and the offender shall sign and date the DC-160. The offender shall be given a copy of the signed DC-160 immediately after the confiscation.
- (3) If the confiscated manuscript is not being held as evidence, the offender may elect to have the manuscript mailed out at the offender's expense. The appropriate Region Director shall be consulted prior to the final disposition of any confiscated manuscript.

(e) Receipt of Publications authored by Offenders

An offender's receipt of publications authored by others offenders shall be governed by Prisons policy D.0100 **Publications Received/Possessed by Offenders**, which requires (among other things) that publications be received only from a legitimate publisher, marketer, or distribution center for published materials. The fact that an offender's manuscript has been published does not necessarily mean that it will be approved for receipt by other offenders. Offenders who author publications may not encourage or intimidate other offenders to purchase their publications. Offenders who author publications may discuss those publications with other offenders provided such discussions are not disruptive.

(f) Miscellaneous

- (1) Communications incidental to securing copyright registration are allowable.
- (2) General correspondence with individuals outside the prison about an offender's writing is allowable provided it does not involve compensation and does not constitute an advertisement or similar solicitation.

A handwritten signature in black ink, consisting of a long horizontal stroke followed by a cursive 'h' and 'l'.

Commissioner of Prisons

May 19, 2022

Date

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