



State of North Carolina
Department of Correction
Division of Prisons

POLICY & PROCEDURES

Chapter: B
Section: .0700
Title: **Inmates Conducting
Personal Business**
Issue Date: 03/01/10
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.0701 PURPOSE

The purpose of this policy is to establish guidelines which prohibit inmates from conducting business (i.e. providing goods or services) for compensation.

Inmate operation of a business of any nature or any unapproved inmate 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 inmate being viewed as a potential source of funds or other benefit, avoiding disputes among inmates and limiting the potential for fraud.

.0702 POLICY

Inmates 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. Inmates 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, inmates, 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 Division of Prisons Special Account (refer to Fiscal Policy .2100).
- (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 inmate threat to end correspondence with another unless or until additional funds are deposited to the inmate'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 inmate.
- (d) Lending, loan sharking, or bartering or trading of any funds, product or other thing of value.

.0704 SPECIAL PROVISIONS

If an inmate can demonstrate that he/she was already engaged in a legitimate business or commercial enterprise prior to incarceration, the facility head 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 INMATE MANUSCRIPTS**(a) Preparation**

- (1) An inmate may prepare a manuscript for private use, for outside typing, for copyrighting, and /or for publication while in the custody of the Department of Correction 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 inmate may use only non-work or non-program assignment time to prepare a manuscript.
- (4) Consistent with Division of Prisons policy F.0501 (b), the Facility Head 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 inmate may mail a manuscript as general correspondence at the inmate's own expense.
- (2) An inmate may not circulate a manuscript within the institution or to any other inmate.

(c) No Compensation

- (1) Consistent with B.0701 through B.0704 above, an inmate may not receive compensation of any sort from the sale of published or unpublished manuscripts.
- (2) Written or oral communications by an inmate 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 inmate did not solicit or initiate the communication and unless the inmate acts immediately to terminate the communication and to discourage future such communications. A general power of attorney given by an inmate to a parent, spouse, or child of the inmate shall not, by itself, be considered evidence that the inmate has violated this subsection (c).

- (3) Any check, money order, or other payment sent by a publisher or marketer of manuscripts to an inmate at the inmate'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 inmate has violated this section.

(d) Confiscation

- (1) If a prison staff confiscates an inmate's manuscript because the inmate 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 DOC's custody unless it is mailed out in accordance with subsection (d)(3) below or returned to the inmate.
- (2) Any confiscation of an inmate's manuscript shall be performed jointly by at least two staff members. Both staff members and the inmate shall sign and date the DC-160. The inmate 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 inmate may elect to have the manuscript mailed out at the inmate's expense. The appropriate Region Director shall be consulted prior to the final disposition of any confiscated manuscript.

(e) Receipt of Publications authored by Inmates

An inmate's receipt of publications authored by others inmates shall be governed by Division of Prisons policy D.0100, 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 inmate's manuscript has been published does not necessarily mean that it will be approved for receipt by other inmates. Inmates who author publications may not encourage or intimidate other inmates to purchase their publications. Inmates who author publications may discuss those publications with other inmates 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 inmate's writing is allowable provided it does not involve compensation and does not constitute an advertisement or similar solicitation.


Director of Prisons Date

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