DEPARTMENT OF CORRECTIONS

Policy Number:	**204.048**
Title:	**Offender Sale of Artwork**
Effective Date:	**2/18/20**

PURPOSE: To provide guidelines for selling offender artwork made through an educational program.

APPLICABILITY: All adult facilities

DEFINITIONS: None.

PROCEDURES:

A. General

Offender artwork created in an education setting may be displayed and sold to the general public including agency employees.

1. Commissions for offender art are not accepted.

2. Financial services staff are responsible for processing sales made through facility art programs.

3. Art sale venues may be at a facility or other location. Only venues that do not require commissions on sales may be approved.

4. The art instructor guides the process of pricing art that is for sale.

5. The education director or designee must ensure that all artwork complies with DOC directives/policies.

6. Offenders who choose to attach their names to art on display and/or for sale must complete an Offender Art Display Agreement (attached). The Offender Art Display Agreement is retained in secure storage in the facility education director/designee's files.

B. Art Show Processes

1. Art shows must include times when attendees are able to view and purchase art without the presence of offenders.

2. Offenders may choose whether or not to sell art they display.

3. Art show attendees who wish to purchase art must sign an Art Sales Receipt (attached) that includes a description of the piece, the price, and the signatures of the education director/designee and purchaser. All art purchases must meet the following conditions:
   a) Payment must be made with cash or by check.
   b) Checks must be made payable to the State of Minnesota.
   c) All purchases must include applicable state and local sales tax.

4. Following the art show, the education director/designee must contact the purchaser to schedule pick up. If the art is inside the secure perimeter of a facility, appropriate procedures for removing the art must be followed.

5. Payment must be made in full prior to receipt of artwork.

6. Funds received through the sale of art must be distributed as follows:
   a) Deduct state and local sales tax as applicable.
   b) After taxes, 25 percent of the remainder must be deposited into the facility art budget or into the facility budget from which art supplies are purchased.
   c) The remaining 75 percent must be deposited into the offender's account, less ten percent cost of confinement and restitution/fines, if applicable.

7. Financial records associated with the sale of artwork are retained at the regional finance office.

C. Disposition of Offender Art

1. Upon completion of an art show, offenders may not have any contact with their displayed art.

2. Unsold art must be returned to the facility education department for a future display/art show or taken to Property for disposition, using Property Disposition Record 302.250H per Division Directive 302.250, "Offender Property," procedures.

INTERNAL CONTROLS:

A. The Offender Sale of Artwork Agreement is maintained in hardcopy format in a designated folder residing in the facility education director/designee's files

ACA STANDARDS: None

REFERENCES: Minn. Stat. § 241.01, subd. 5a
Policy 204.047, "Hobby Craft"
Policy 302.250, "Offender Property"

REPLACES: Division Directive 204.048, "Offender Sale of Artwork," 8/18/15
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Offender Art Display/Sales/Receipt (204.048A)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Organizational Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Office of Strategic Planning, Implementation, and Employee Development
Assistant Commissioner, Criminal Justice Policy, Research, and Performance