



## SM Groups & Law Enforcement: Group Issues

National Coalition for Sexual Freedom  
Law Enforcement Outreach Program - Presentation 1

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It is important for SM-Leather-Fetish groups to have an understanding of the relationship between the SM community, and law enforcement and of the numerous legalities that can effect their group functions. Once this is accomplished, the group can dispel myths, educate its members, and constructively interact with law enforcement as the need arises. This presentation will focus on three aspects: (1) interacting with local law enforcement, (2) avoiding legal trouble, and (3) group considerations.

### **Introduction(s) & Disclaimers**

- Options - whichever one you take is up to you
- Situations, Laws, & Attitudes vary
- Interpretation of the law may be different from the spirit of the law (at each level: officer, prosecutor and judge)

### **The Attitude of the Police Towards SM**

#### **What they know**

- average citizen knowledge & interest - same stereotypes and preconceptions as the typical vanilla folk
- police training on SM activities/lifestyle is extremely rare - only a hand-full of agencies provide anything at all about SM

#### **Consensual activity ?**

- Play parties vs. Private scenes - first impressions may be radically different

#### **Is SM a crime?**

- Very few state statutes specifically address SM activities
- Subject to interpretation
- Victimless crime = no enforcement?

### **Reasons for an Individual Officer to Take Action Against SM Activities**

- Perceived as illegal
- Peer pressure,
- Fear of not acting (CYA)
- Attitude of involved parties

### **Reasons for a Law Enforcement Agency to Take Action Against SM Activities**

- Directed by person of authority for reasons above (illegal, peer pressure, CYA, or attitude)
- Directed by person of authority as a perceived political opportunity
- Political issue
- Community pressure

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### How to Effectively Deal with Law Enforcement

- Be respectful and polite in all dealings with any authority
- Be honest - you don't have to say anything you are not comfortable with sharing, but be honest in the things you do tell them.
- Don't have an "attitude problem" from their perspective.
- Don't be dishonest - they are very good at recognizing fabrications.
- Use simple language - you don't want to come across as speaking down to them / also avoid graphic or extreme descriptions
- Use your common sense.
- When / if explaining what we do emphasize:
  - Only adults are involved - no minors
  - No alcohol is involved (if applicable)
  - It is a desired and consensual activity by all participants
  - That we enjoy it
  - "adult kinky sex"
  - "Safe, Sane, Consensual"
- If arrests or charges are made, do not make any statements and immediately ask to speak to an attorney

### Things SM groups should do

- No alcohol
- No drugs
- No minors
- Research:
  - state and local laws
  - local permit rules
  - local zoning ordinances

### Social / Play Events in General

- Do not allow minors into your events.
- Do not allow alcohol on the premises.
- Do not take money at door - you don't want to provide anything that looks like "sexual services" for compensation. Your options are:
  1. make your event free of charge - *best, but near impossible*
  2. use a *true* donation system - *good*
  3. use a pre-register system - *fair-good depending on how you enforce it, and the authority's interpretation*

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- Avoid residential areas, churches, schools, and daycare centers.
- In response to allegations of public lewdness, public indecency, etc., establish rules for attendance and enforce them. Typically only members and their guests may enter. Do not allow people off the street to enter.
- In response to allegations of people being "offended", post "event description/disclaimer" at entryway. This demonstrates that all attendees had informed consent as to the kind of event. Another option is to include a description on the waiver or sign-in sheet.
- Post group rules and enforce them. A better option is to hand a copy of event rules to every attendee during entry.
- Have attendees sign a "Waiver of Liability" or "Assignment of Risk".
- Reduce your civil liability and increase rapport with authorities by making first aid and disinfecting supplies readily available and having a Play Monitor(s) on duty at all times. You should maintain a highly visible area where emergency supplies are located. These items should include: First Aid kit, paramedic shears, bolt cutter, fire extinguisher, etc
- Do not err in following the rules of your local fire code. Do not block fire exits.
- Have a working phone to call 911 in case of an emergency.
- Do not draw unwanted attention - sound control, visual control, watch for illegal parking, and others. Check for all potential problems:
  1. Sound control
  2. Visual control
  3. Parking problems
  4. Advertising
  5. Smokers
  6. Others?

### **Event Entryways**

- The entryway (where attendees would sign waivers, etc.) should not be in sight of play areas. This should be strictly enforced.
- The entryway should be "defined". In other words, sectioned off, or its purpose made very clear that it is a business area - not a social or play space.
- The entry should be monitored at all times.
- If you lock the entry door, you may be violating the fire code. (Unless it is equipped with an emergency egress push handle on the interior.)
- "Door People" (see below) and anyone going outside should be dressed "street legal".

### **For a single door entryway (diagram 1)**

- A visibility barrier (sheet, movable wall, etc.) should be in place unless, the play areas (and possibly social areas) are not within sight of this entry room.

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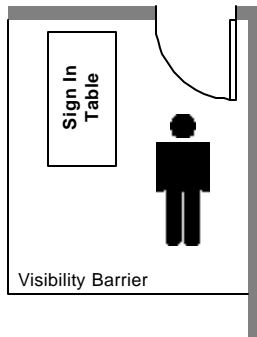


Diagram 1  
Single Door

- Ideally, a peephole or window (covered with a curtain) would allow the person answering the door to see who is there prior to opening it.

For a double door entryway (diagram 2)

- The entryway (where attendees would sign waivers, etc.) should be contained in the space between the doors. This should be strictly enforced.
- No social or play activities should take place in this entry area.
- Ideally, the inner door would have an electronic lock controlled by persons manning the sign-in desk.

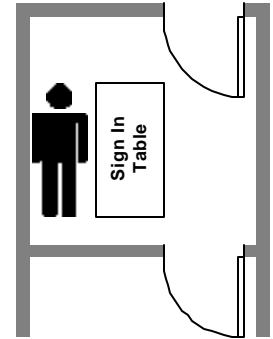


Diagram 2  
Double Door

- This is preferred over the single door entryway.

## Events: Door Answering Procedure for Unfriendly or Unknown Areas

Designated Door People are the only persons other than "*Owners/Agents*" to greet people at the door. They exercise the groups' attendance procedure - check ID, have waivers signed, etc.) Door people should be trained on what to do if authorities arrive. If law enforcement or other authority arrives at the entryway:

1. Go outside, and close the door behind you.
2. Ask if you can be of assistance. Try to resolve the issue there.
3. If they want entry advise them that you do not have the authority to grant entry and that you will go get a person that does.
4. Leave the officer outside while you get an "*Owner/Agent*".
5. If the officer does not want to wait, do not block his/her entry (obstructing justice).
6. Regardless if the officer waits or not, attempt to stop all play and get everyone dressed as soon as possible.
7. Locate an "*Owner/Agent*" as soon as possible and let that person talk to the officer.

Owner/Agents are the only ones with the legal authority to grant someone entry (property owner, rentor, lessor, or manager-type people).

1. Go outside to talk with the officer if possible. Try to resolve it there.
2. If entry is required, attempt to secure time for people to dress, etc.

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### Medical Emergencies and Events

- Plan for medical emergencies
- Can happen -- most are non-play related
- It may be local policy to send law enforcement with the Emergency Medical Service (EMS)
- Move victim from play area to entry door **if** it's a minor injury
- If the nature of the injury is unknown or serious (i.e. possible spinal injury or broken bone) you should not move victim, instead prepare for EMS and LE to enter the play space
- Get proper medical attention if needed, do **not** put a concern for privacy over the victims safety

### Additional Things Groups *Could* Do

- Outreach to Law Enforcement, Prosecutor, etc.

(For more info, see the NCSF handout/presentation on "Approaching Your Local Authorities".)

### Crimes / Offenses to Research

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|---|--|
| <ul style="list-style-type: none"><li>• Assault</li><li>• Battery</li><li>• Indecent Exposure</li><li>• Indecent / Lewd Conduct</li><li>• Kidnapping / False Imprisonment</li><li>• Sexual Assault / Rape</li></ul> | <ul style="list-style-type: none"><li>• Weapon Violations</li><li>• Uniforms, equipment, police paraphernalia</li><li>• Alcoholic Beverage Laws</li><li>• Zoning Ordinances</li><li>• Permits</li><li>• Age of Consent</li></ul> |
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### Policy Emphasis

1. NCSF recommends thoroughly researching your local laws and ordinances including alcohol beverage regulations.
2. NCSF suggests developing a good working relationship with law enforcement and other local authorities prior to holding events where SM activities will take place.
3. NCSF recommends dealing with law enforcement and government officials in a courteous, respectful manner.
4. NCSF recommends being honest with law enforcement and government officials. This does not mean you need to volunteer all the information at your disposal.
5. Each situation is unique - there are no blanket rules or tactics that will work in every situation. Decisions concerning law enforcement related issues must be decided based on all available information at the time.

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