

Protecting Yourself Legally as an Individual

Overview

Members of the SM/Leather/Fetish communities have always had some level of concern regarding the issues of privacy, discretion, and personal security. The Radical Right, employers, ex-partners, and others may pose threats to these concepts. Many times their motivation comes from ignorance, but new motivations like custody of children, and revenge are also becoming commonplace. This presentation provides tips for protecting yourself legally for various circumstances.

Sharing Information

First and foremost, be careful of what personal information you disclose and to whom you disclose it. In particular be careful about sharing your last name, employer, address, phone number, date of birth, and Social Security number. Ask yourself, “Is the person I am sharing with trustworthy?” and “who is this person likely to inform?”

Playing with New People

- Check references
- Establish safe calls, safety network and safety procedures
- Select and communicate regularly with a mentor
- Do not allow photos, recordings or videos
- Ask age and verify with a photo ID if in question

Playing at Home

- Check outside of house and “look in”
- Check noise levels from outdoors, and take appropriate measures
- Tell guests how to dress and conceal toys when arriving and leaving
- Know the real names and identities of participants
- Be clear that illegal activities such as drugs are not allowed. If several people are involved, particularly ones that you don’t know well, write and distribute the rules to guests.
- Be familiar with what to do if police arrive for any reason
- Have medical and safety supplies close and visible to scene
- Keep play out of the entry area so it is not visible from the door
- Be sure parking is not a problem with neighbors
- Use caution with photos, recordings and videos, and contracts, and be aware of potential legal consequences
- Call 911 promptly if serious problems occur
- Know your local laws as they apply to BDSM activities

Home Insurance

- “standard liability coverage” versus “umbrella policy” (umbrella has higher level of protection for negligence)

Playing in Public

- Avoid areas with children
- Be aware that those around you in public are not consenting to participate in your scene
- Be aware that certain conduct, such as exposure or public sex, is illegal
- Be aware that this may be someone else’s first exposure to someone who is a BDSM practitioner
- Use common sense

Disclaimer: The material presented is not offered as legal advice. Many options are suggested for dealing with law enforcement and other authorities. The best course of action for you to take in a given situation is dependent on that situation and is entirely up to the parties involved. No single option is always going to work. Remember that situations, laws, and attitudes will vary from place to place and from time to time.

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Employment Issues

- BDSM activities are not covered in current anti-discrimination legislation or policies
- Be discreet with coworkers; maintain good relationships
- Document thoroughly any treatment you consider discriminatory and keep a written record for future use
- For Military Personnel: You have no job protection rights and can be discharged – be very careful and don't freely admit to BDSM activity
- For Persons with Security Clearances: don't lie or you will lose your clearance permanently
- Seek advice from NCSF if you believe you have been discriminated against due to BDSM involvement

Custody/Children Issues

- Be familiar with child protective services policies in your area
- Keep toys and scene paraphernalia locked and inaccessible to children
- Talk to your minor children about BDSM at your own risk; be aware of consequences
- It is extremely easy for someone to get CPS to investigate someone - anonymously and without any evidence. CPS must investigate when a report is made.
- Seek advice from NCSF and an attorney if CPS intervenes due to your involvement with BDSM

Relationships Do Not Always Last

- Letters, photos, videos, recordings and contracts have all been introduced into criminal and civil proceedings as evidence
- Outing is a common threat in difficult relationship break-ups, and one which all too often moves beyond a threat to actual action
- Abuse may be claimed when there is none
- Incidents of stalking appear to be increasing
- BDSM is frequently introduced in difficult divorces related to child custody

Electronic Information / Email / Etc.

- Employers have the right to monitor email and phone calls
- Internet Service Providers archive email and account information for long periods. This info is fairly easy to access by hackers, private investigators, attorneys, and law enforcement.
- Chat rooms, email lists, etc. are routinely logged and saved.
- Electronic communications pose a serious danger to those who wish to remain discrete

Policy Emphasis

1. NCSF recommends dealing with law enforcement, security and government officials in a courteous, respectful manner.
2. NCSF recommends being honest with law enforcement and government officials. This does not mean you need to volunteer all the information at your disposal.
3. Each situation is unique - there are no blanket rules or tactics that will work in every situation. Decisions concerning law enforcement / security related issues must be decided based on all available information at the time.

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