

Sexual and erotic practices involving force and restraint are often referred to as Kink or BDSM. Many people use their own descriptors for what they do rather than the more common terms of BDSM or Kink.

ADULTS IN AMERICA

30% engage in spanking

22% in roleplay and

20% in bondage

Only 4% have attended a BDSM or sex workshop

- Herbenick, 2017

To encourage a disclosure of kink involvement, consider saying:

- I understand that people are discriminated against for being kinky or non-monogamous.
- I know that a lot of people enjoy different types of play in the bedroom.
- As long as it's consenting adults, and no one is harmed, I have no problem with it.
- How do you identify?
- Do you have partners?
- Who are you out to about these activities?
- Do you participate in educational or social adult groups and events?
- What are your relationship agreements?

how you help can help

The NCSF relies overwhelmingly on contributions from individuals and local BDSM, swing and polyamory groups for financial support. Ask your group to organize a fundraiser for NCSF, and contact us at ncsfreedom@ncsfreedom.org to find out how easy it can be!

You can also participate in NCSF activities, ranging from writing letters to the media and government officials, to joining in community outreach. Get information about NCSF actions as well as coverage of mainstream news concerning sexual freedom issues by subscribing to our free newsletter at www.ncsfreedom.org.

NCSF Mission Statement

The NCSF is committed to creating a political, legal and social environment in the U.S. that advances equal rights for consenting adults who engage in alternative sexual and relationship expressions.

The NCSF aims to advance the rights of, and advocate for, consenting adults in the BDSM, Lifestyle, leather, fetish, swing, and polyamory communities.

Diversity, Equity and Inclusion Vision

NCSF's goal is to fulfill our mission through a better understanding of a diverse range of voices and experiences in our communities. We recognize the similarities and differences between people that make us all unique. We aim to be inclusive by creating opportunities for more people of various backgrounds to be represented and heard by NCSF.



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KINK for LAW ENFORCEMENT



Explicit Prior Permission for Consent to Kink



Questions to ASK

- Was there consent to the specific act(s) that happened prior to the incident?
- Were there any acts done during the incident that were not explicitly consented prior to being done?
- Was consent withdrawn during the incident?
- Was there any agreement that roleplay resistance could be ignored and that consent would be withdrawn by a safeword or safe signal?
- Were any objects or toys used during the incident? How were they employed?
- Did everyone involved understand the risks involved in the act(s)?
- Was consent given to the intensity of the act(s)?
- Were there any circumstances that prevented the withdrawal of consent?
- Was there a risk of serious physical injury (i.e., leaving a disfiguring permanent mark, impairment of a limb or organ, or risk of death)?
- Was any physical harm caused?

About the Ability to Consent

- Was anyone involved intoxicated or drugged to the extent that they were unable to either grant consent or to withdraw consent?
- Was anyone involved having a mental health crisis to the extent that they were unable to either grant consent or to withdraw consent?
- Was anyone involved coerced or threatened into doing the act(s)?

NCSF worked with the American Law Institute (ALI), a research and advocacy group of judges, lawyers, and legal scholars, to create the legal framework of Explicit Prior Permission for consent to erotic force and restraint in the revised Model Penal Code on Sexual Assault - Section 213:10. The ALI says this model law should replace outdated case law involving BDSM acts.

Explicit Prior Permission (EPP) to get consent to kink requires:

- You agree to specific acts and the intensity of those acts before you start.
- You agree what roleplay resistance is ok to ignore.
- You have to have a way to stop at any time, like a safeword or safe signal.
- You are of sound mind.
- You aren't allowed to risk seriously injuring someone.

What is the Model Law?

Model Penal Code on Sexual Assault - Section 213:10.
AFFIRMATIVE DEFENSE OF EXPLICIT PRIOR PERMISSION:

You may personally give another person explicit prior permission to use or threaten to use physical force or restraint, or to inflict or threaten to inflict any harm in connection with an act of sexual penetration, oral sex, or sexual contact, as long as it doesn't cause serious injury. Permission is "explicit" under subsection (1) when it is given orally or by written agreement:

- (a) specifying that the actor may ignore the other party's expressions of unwillingness or other absence of consent;
- (b) identifying the specific forms and extent of force, restraint, or threats that are permitted; and
- (c) stipulating the specific words or gestures that will withdraw the permission.

Prohibited acts under Section 213.10 are:

- (1) The defense provided by this Section is unavailable when:
- (a) the act of sexual penetration, oral sex or sexual contact occurs after the explicit permission was withdrawn, and the actor is aware of, yet recklessly disregards, the risk that the permission was withdrawn;
 - (b) the actor relies on permission to use force or restraint or ignore the absence of consent when the other party will be unconscious, asleep, or otherwise unable to withdraw permission;
 - (c) the actor engages in conduct that causes or risks serious bodily injury and in doing so is aware of, yet recklessly disregards, the risk of such injury; or
 - (d) at the time explicit permission is given, the other party is, and the actor is aware of, yet recklessly disregards, the risk that the other party is:
 - i. younger than 18;
 - ii. giving permission while subjugated to physical force or restraint;
 - iii. giving permission because of the use of or threat to use physical force or restraint or extortion if that party does not give the permission;
 - iv. lacking substantial capacity to appraise or control his or her conduct due to intoxication, whether voluntary or involuntary, and regardless of the identity of the person who administered the intoxicants;
 - v. incapacitated, vulnerable or legally restricted;
 - vi. subjected to prohibited deception;
 - vii. subject to trafficking.