



**Florida Action Committee, Inc.**  
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[www.floridaactioncommittee.org](http://www.floridaactioncommittee.org)

November 19, 2020

Dr. Christopher Duszka  
116 Mossman Hall  
Southwestern College  
Winfield, KS 67156-2499  
**SENT VIA EMAIL**  
**[chris.duszka@sckans.edu](mailto:chris.duszka@sckans.edu)**

**RE: YOUR 'SORNA COMPLIANCE AND OPINION SURVEY'**

Dr. Duszka:

I am President of the Florida Action Committee (FAC), a 2000+ member non-profit organization that advocates for public safety and laws based on empirical research. Our focus is on the Florida Sex Offender registry and many of our members are registrants or their families.

Over the past few days, we have received numerous calls and emails from members who were contacted by you via SurveyMonkey and asked to participate in a survey concerning their presence on the registry. Most were very concerned by the email you sent. We share their concern.

Our first concern was how you got their information. You contacted people on their personal emails, business emails, even email addresses that are part of distribution groups that get sent to multiple recipients in an organization. Clearly this information had to be obtained from the Florida Department of Law Enforcement database, which does not make email addresses publicly available on their website.

Our Second concern is that some of your questions deal with failing to register. Specially, question 31 directly asks "how many times have you failed to comply with sex offender registration and notification requirements?" Question 35 asks "what was/were the reason(s) for failing to comply?" Your questions do not ask about *convictions* for failure to register (FTR), they ask whether they failed to register. If an individual admits to one or more FTRs for which they were not prosecuted, they would be incriminating themselves.

Our third concern governs your use of this potentially incriminating information. Florida Statutes §943.0435(13) states, “[a]ny person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, ... (a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender’s noncompliance with the requirements of this section ... commits a felony of the third degree” If a participant discloses their non-compliance to you via the survey or the other means of contact you provided, would you risk a third degree felony on their behalf? If the FDLE subpoenaed the survey responses along with the IP Addresses of the participants, would you or the College refuse to comply with the subpoena?

Our last and biggest concern is that a simple Internet search revealed that just last year you were employed by the Florida Department of Law Enforcement as a Crime Intelligence Analyst. In fact, you just changed the position from that on your LinkedIn profile yesterday. As you know from having worked there, the FDLE is the agency that administers Florida’s Sex Offender Registry. The FDLE is the agency of law enforcement that facilitates enforcement actions against registrants for, primarily, registration violations. Your ties to the FDLE, as well as your access to information from the FDLE in the context of this survey are suspicious.

Considering the foregoing, we are advising members to not participate in your survey, at least until our concerns are addressed. We are also looking into whether the use of registry information for your stated purpose is lawful. As you can imagine, many people would not want an email concerning their presence on a sex offender registry sent to their work emails or to distribution groups within their employment.

Even if we consider the possibility that your survey is not part of a law enforcement sting and was well intentioned, clearly you did not consider the jeopardy you place these individuals into by indiscriminately using registry information as a marketing list and asking them to disclose failure to registers in an academic survey. That, or it is precisely as it appears to our members.

Our organization holds a monthly member call on the first Thursday of each month at 8PM EST. I welcome you to be a guest on our next call so that you can answer some of these concerns and speak to our members about your research.

Sincerely.  
s/  
Gail Colletta, President  
The Florida Action Committee, Inc.

Cc: Brad Andrews, President Southwestern College  
Via email Brad.Andrews@sckans.edu