

STATE OF INDIANA            )            IN THE TIPPECANOE SUPERIOR COURT  
  )  
COUNTY OF TIPPECANOE    )            CAUSE NO. 79D02-1408-PL \_\_\_\_\_

PURDUE STUDENT PUBLISHING    )  
FOUNDATION, INC. d/b/a        )  
THE PURDUE EXPONENT,         )  
  )  
                  Plaintiff,        )  
  )  
                  v.                 )  
  )  
PURDUE UNIVERSITY,            )  
  )  
                  Defendant.      )

**Complaint**

**Introduction**

1. On January 21, 2014, Cody Cousins entered a basement classroom in the Electrical Engineering (“EE”) Building at Purdue University and murdered Andrew Boldt in front of witnesses. Calls to emergency services began coming in at 12:03 p.m. When police arrived, Cousins was sitting outside the building; he was taken into custody without incident. Although police put yellow crime scene tape around first floor entrances to the building, access through a skywalk from a neighboring building remained open. A photographer with The Purdue Exponent (“Exponent”), the student newspaper, entered the EE Building via the skywalk on the second floor. Soon after, he encountered police officers. Although he immediately identified himself as an Exponent photographer, raising his hands, each of which was holding a camera, he was pushed roughly to the ground causing damage to his camera equipment, then pulled to his feet and shoved into a wall, and subsequently detained without accusation, interrogation, or charges for several hours.

2. The Exponent submitted a request to Purdue University (“Purdue”) requesting a copy of the videotape from the security cameras on the second floor of the EE Building showing the Exponent photographer’s interaction with the police. The request was denied by Purdue, which cited the “investigatory records of law enforcement agencies” exception to the Access to Public Records Act (“APRA”). These tapes have no nexus to the investigation of the murder of Andrew Boldt, but relate solely to police conduct in regard to the Exponent photographer, and therefore do not fall within APRA’s investigatory records exception.

**Parties**

3. Purdue Student Publishing Foundation, Inc. d/b/a The Purdue Exponent is an independent student newspaper published by a not-for-profit Indiana corporation.

4. Purdue University is a state-assisted school of higher education with its principal place of business in West Lafayette, Indiana.

**Factual allegations**

5. On January 21, 2014, Purdue student and teaching assistant, Andrew Boldt, was shot and stabbed to death in front of witnesses in the basement of the EE Building on the Purdue campus. Calls to law enforcement began coming in at approximately 12:03 p.m.

6. The suspect, Cody Cousins, immediately exited the building and sat on the sidewalk outside the EE Building until police arrived and took him into custody. The criminal case is pending.

7. Police sealed off first floor entrances to the EE Building with crime scene tape, but did not close access through a skywalk from a neighboring building.

8. An Exponent photographer entered the second floor of the EE Building via the skywalk in order to do his job of providing media coverage of the crime.

9. The Exponent photographer encountered police as he entered the EE Building, including members of the Purdue University Police Department (“Purdue Police”) and other local law enforcement agencies. The Exponent photographer immediately identified himself as a member of the Exponent staff, raising his arms to show that he was carrying a camera in each hand.
10. Upon being directed to “get down,” the Exponent photographer lowered himself to his knees, still holding the cameras.
11. Police officers pushed the Exponent photographer to the ground causing damage to his camera equipment.
12. Police subsequently pulled the Exponent photographer to his feet. A police officer then roughly shoved the Exponent photographer into the wall.
13. Police did not handcuff or otherwise arrest the Exponent photographer for any crime or infraction.
14. Police escorted the Exponent photographer from the building and placed him in a police car. He was then transported to a police station and detained.
15. The police did not question the Exponent photographer about any involvement in or knowledge of the crime that had occurred in the basement of the EE Building. Police never indicated that they believed the Exponent photographer was involved in the death of Mr. Boldt.
16. Police confiscated the Exponent photographer’s camera equipment. The prosecutor was contacted about reviewing the contents of the cameras and declined to do so.
17. The Exponent photographer was released by the police two hours later. His cameras were returned to him about an hour after that.
18. On February 5, 2014, the Exponent made a public records request to Purdue University under the Access to Public Records Act (“APRA”), Indiana Code § 5-14-3 *et seq.*, requesting a

copy of security camera video showing the Exponent photographer's interaction with the Purdue Police and other law enforcement officers present in the EE Building on January 21, 2014. (Exhibit 1)

19. On March 4, 2014, Purdue denied the request, citing the "investigatory records of law enforcement agencies" exception to APRA, Ind. Code § 5-14-3-4(b)(1). (*See* Exhibit 1)

20. On March 5, 2014, the Exponent submitted Formal Complaint 14-FC-41 to the State of Indiana Public Access Counselor ("PAC"). (Exhibit 2)

21. By undated letter, Purdue responded to the Formal Complaint and contended that "all of the video records regarding events on the West Lafayette campus on Tuesday, January 21, 2014 which exist ... were obtained and complied in the in course (*sic*) of the investigation of an alleged murder by a law enforcement agency . . ." (Exhibit 3)

22. On April 4, 2014, the PAC issued an advisory opinion on the Formal Complaint. Therein, the PAC:

- a. Confirmed that "[t]here can be no doubt the records you seek are public records";
- b. Noted that "the materials must have a reasonable nexus to the crime" to fall within the investigatory records exception;
- c. But, after erroneously asserting that the Exponent sought video "related to [the] campus shooter," whom he identified as the Exponent photographer;
- d. Concluded that the records "are all records relating to the arrest and investigation of the January 21, 2014 shooting."

(Exhibit 4)

23. The PAC issued a revised advisory opinion correcting his mistaken identification of the campus shooter. However, despite this material misunderstanding of the facts, the PAC did not otherwise revise his conclusions.

24. Although the encounter between the Purdue Police and the Exponent photographer occurred more than 30 minutes after the murder suspect had been arrested and two floors removed from the crime scene, Purdue persists in its refusal to release the video recordings.

25. However, Purdue has allowed the Exponent photographer, the Exponent's general manager, and others to view the video.

26. The requested video demonstrates that the Exponent photographer raised his arms upon encountering the police, while holding cameras in each hand, lowered himself to his knees, was pushed to the ground by police officers, then pulled to his feet, and subsequently was shoved into the wall by police officers, before being escorted out of the building.

27. Contrary to what Purdue told the PAC, the video was not "compiled" as part of the criminal investigation into the tragic murder of Andrew Boldt and contains no information with any nexus to that crime.

### **Legal claims**

28. Video of the encounter between the Exponent photographer and the Purdue Police and other law enforcement officers is a public record subject to disclosure under APRA.

29. Video of the encounter between the Exponent photographer and the Purdue Police and other law enforcement officers has no nexus to the criminal investigation of the murder that occurred in the basement of the EE Building and, therefore, does not fall within APRA's investigatory records of a law enforcement agency exception, Ind. Code § 5-14-3-4(b)(1).

30. Purdue's refusal to release the requested video is arbitrary and capricious.

**Request for relief**


WHEREFORE, plaintiff requests that this Court:

- A. Determine that the public records requested by The Purdue Exponent do not fall within the “investigatory records of a law enforcement agency” exception to the Access to Public Records Act.
- B. Order Purdue University to disclose the requested video for inspection and copying.
- C. Award plaintiff its reasonable costs and attorneys’ fees pursuant to Ind. Code § 5-14-3-9(i)(1).
- D. Award all other proper relief.



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317/635-4059  
fax: 317/635-4105  
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kfalk@aclu-in.org

Attorneys for Plaintiff

Saran-

Good morning! Regarding your public records request of February 5, 2014, the material requested therein is exempted under IC 5-14-3-4(b)(1) which allows the public agency the discretion to exempt "investigatory records of law enforcement agencies".

Purdue considers this request closed. Please call me at 494-0485 if you have any questions.

Thank you!  
Abby Daniels

**From:** Saran Mishra <[editor@purdueexponent.org](mailto:editor@purdueexponent.org)>  
**Date:** February 5, 2014, 2:25:43 PM EST  
**To:** <[lucia@purdue.edu](mailto:lucia@purdue.edu)>  
**Cc:** <[publisher@purdueexponent.org](mailto:publisher@purdueexponent.org)>  
**Subject:** public informations request  
**Reply-To:** <[editor@purdueexponent.org](mailto:editor@purdueexponent.org)>

Hello Lucia:

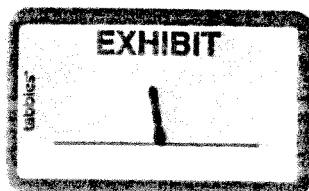
We seek the following public information:

1. The video and audio from cameras inside, and in the hallways adjacent to, the skywalk connecting the Materials and Electrical Engineering building to the Electrical Engineering building for the period at approximately 12:25 p.m. on Tuesday, Jan. 21, when an Exponent photographer, Michael Takeda, was detained by police. This should include video and audio from the time Takeda was confronted, detained and/or removed from the site.
2. We seek video and audio of the same location described in number 1. from noon to 1 p.m on Tuesday, January 21, 2014.
3. We seek the video and audio from the police car that Michael Takeda was detained in from Northwestern Avenue to Police headquarters on Tuesday, Jan. 21, 2014.
4. All audio and video of Michael Takeda and accompanying Purdue authorized personnel who sat with, communicated with and or questioned Takeda while he was at the Purdue police department headquarters on Tuesday Jan. 21. This includes but is not limited to his interaction with police officers, non police officers or any other party that interacted with him at headquarters.
5. All video and audio recordings of inspection and/or handling of the camera equipment seized from Takeda on Jan. 21, 2014.
6. All written police inventory of evidence related to camera equipment seized from Takeda and the list of personnel, who accessed, handled or reviewed electronic files and/or the camera itself while in possession of Purdue Police or police authorized personnel on Jan. 21, 2014.

Regards,

Saran

--  
Saran Mishra  
Editor-in-chief  
The Purdue Exponent  
[editor@purdueexponent.org](mailto:editor@purdueexponent.org)  
Office: (765)743-1111 x. 207  
Fax: (765)743-6087





**OFFICE OF THE PUBLIC ACCESS COUNSELOR  
FORMAL COMPLAINT**

State Form 49407 (R5 / 5-13)

**PUBLIC ACCESS COUNSELOR**  
Indiana Government Center South  
402 West Washington Street  
Indianapolis, Indiana 46204  
Telephone: (317) 234-0906  
Toll free: (800) 228-6013  
Fax: (317) 233-3091

*INSTRUCTIONS: This form is to be used only when filing complaints under Indiana Code 5-14-5.  
All information provided is disclosable under the Access to Public Record Act. PLEASE TYPE OR PRINT.*

FOR OFFICE USE ONLY		
Date received (month, day, year)	Complaint number	Date due (month, day, year)

**COMPLAINANT INFORMATION**

Name (last, first, middle initial) <b>Mishra, Saran</b>			
Address (number and street) <b>460 Northwestern Ave., PO Box 2506</b>		City <b>West Lafayette</b>	State <b>IN</b>
Telephone number <b>( 765 ) 743-1111 ext. 207</b>		Fax number <b>( 765 ) 743-6087</b>	E-mail address <b>editor@purdueexponent.org</b>
ZIP code <b>47906</b>			

**INFORMATION ABOUT PUBLIC AGENCY DENYING ACCESS**

Name of public agency <b>Purdue University</b>			
Address (number and street) <b>Hovde Hall Room 216; Purdue University</b>		City <b>West Lafayette</b>	State <b>IN</b>
Telephone number <b>( 765 ) 494-0485</b>		Fax number <b>( 765 ) 496-7465</b>	E-mail address <b>daniel65@purdue.edu</b>
ZIP code <b>47907</b>			
Name of Elected / Appointed Official or Presiding Officer responsible for the denial <b>Abby Daniels</b>			

**COMPLAINT (Check all that apply.)**

<input type="checkbox"/> <b>Open Door Law Violation</b>	<input checked="" type="checkbox"/> <b>Public Records Access Violation</b>
<input type="checkbox"/> Executive Session	<input checked="" type="checkbox"/> Denial of Access
<input type="checkbox"/> Notice	<input type="checkbox"/> Denial of Electronic Access
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Copy Fee	
<input type="checkbox"/> <b>Request for priority status</b> [See Indiana Admin. Code (62 IAC 1-1-3)] (Must include in narrative the reason for priority status.)	

**IMPORTANT**

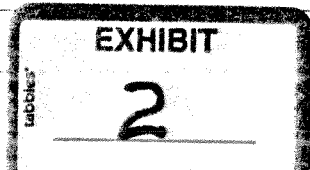
Date denied access to public record (month, day, year) <b>March 4, 2014</b>
Date notified of denial of access to meeting (month, day, year) <b>March 4, 2014</b>

*Please describe denial of access to meeting or public records below. Attach additional sheets if necessary. (Required)*

On Feb. 5, 2014, I made a public document request to Lucia Anderson of Purdue University for a copy security camera video of an Exponent photographer's interaction with Purdue Police and other agencies. Video from security cameras inside Purdue's Electrical Engineering Building run continuously and, thus, are not created for the purpose of any criminal investigation. Furthermore, the video we are seeking is not part of a murder investigation and the question of police detaining a photographer is not a criminal matter. Accordingly, the video I am seeking is a disclosable record from its creation to the day it was requested (and thereafter). Furthermore, the video I am seeking is not on the floor where a murder investigation occurred. IC 5-14-3-4(b)(1) was designed to exempt records COLLECTED or CREATED in the course of an investigation. The security camera video may have become part of an investigation, but that does not change its original status as a public record. The video footage I am seeking is from different time and a different location from where any criminal investigation took place.

**PLEASE ATTACH COPIES OF ANY WRITTEN DENIAL OR DOCUMENTATION CONCERNING DENIAL.**

Signature	Date (month, day, year) <b>March 5, 2014</b>
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# PURDUE

OFFICE OF LEGAL COUNSEL

Via email to [pac@icpr.in.gov](mailto:pac@icpr.in.gov)

Luke K. Britt, Esq.  
Public Access Counselor  
Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745

Re: Formal Complaint 14-FC-41

Dear Mr. Britt:

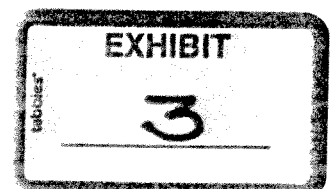
On January 21, 2014, a Purdue University student's life was taken in the Electrical Engineering building on the West Lafayette campus. Another Purdue University student has been arrested and charged with murder under Indiana Code § 35-42-1-1(1). The individual named in the request, Michael Takeda, is a photographer for the Purdue Exponent. Mr. Takeda was detained by police officers in the Electrical Engineering building within 30 minutes after the shooting in the basement of the Electrical Engineering building. At the time of Mr. Takeda's detention, police were actively securing and clearing the building to ensure it was free of any further threats.

On February 5, 2014, Saran Mishra of the Purdue *Exponent* submitted a public records request seeking six categories of records. Five of the categories sought "video and audio" from January 21, 2014 from cameras

- a) in the skywalk connecting the Electrical Engineering building and the Materials and Electrical Engineering buildings (paragraph numbers 1 and 2);
- b) in a police car that responded to the scene of the alleged murder (paragraph number 3);
- c) in the Purdue University Police Department headquarters (paragraph number 4);
- d) in an unspecified location (paragraph 5).<sup>1</sup>

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<sup>1</sup> The University does not possess records responsive to requests (b) and (c). The PAC has frequently opined that there is no obligation under the APRA to produce records which do not exist. See e.g., *Formal Complaint 04-FC-76*. Moreover, even if these records did exist, they would be excluded from access at the discretion of the University, pursuant to the exception for investigatory records of law enforcement, Indiana Code § 5-4-3-1(b)(1).



A copy of the request was provided to your office with the Formal Complaint. The Formal Complaint does not mention the denial of the records sought in paragraph number 6, and references only "videos" without any mention of audio recordings. Based upon these omissions, Purdue submits that Mr. Mishra has waived any challenge to the denial of records pursuant to paragraph number 6 and any audio recordings.

Purdue acknowledged receipt of the request by email dated February 5, 2014. On March 4, 2014, the undersigned denied the request citing Indiana Code § 5-14-3-4(b)(1) -- investigatory records of law enforcement agencies.

Advisory opinions from the Indiana Public Access Counselor have characterized the investigatory records exception as "one of the broadest exceptions in the APRA. The exception allows a law enforcement agency to withhold nearly all records it compiles during the course of the investigation of a crime." *Formal Complaint 09-FC-95, Alleged Violation of the Access to Public Records Act by the Anderson Police Department*. The only records that the police agencies must release is the information set forth in the APRA at Indiana Code § 5-14-3-5(c).

This is consistent with the analysis of the Indiana Court of Appeals in *An Unincorporated Operating Division of Indiana Newspapers, Inc. v. The Trustees of Indiana University*, 787 N.E.2d 893, 902-903 (Ind. Ct. App. 2003), trans. denied, where the court found that records of the investigation by the Indiana University Police Department of a potential battery of a basketball player by former coach Bobby Knight were excepted from disclosure under the investigatory records of law enforcement provision:

[T]he Star does posit that the IUPD materials might not be non-discloseable investigatory records because there was designated evidence that there was little or no chance of prosecution. . . . The plain language of section 4(b)(1), however, makes no mention of the likelihood of prosecution. . . .

It cannot be doubted that IUPD materials are investigatory in nature and that IUPD is a law enforcement agency. Section 2 of APRA defines 'investigatory record' as 'information compiled in the course of the investigation of a crime.' I.C. § 5-14-3-2. The Star does not claim that the IUPD files do not meet this definition. Section 2 also defines 'law enforcement agency' as 'an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders....' The Star does not claim that IUPD does not meet this definition.

Because the plain language of section 4(b)(1) states that, subject to certain exceptions not applicable here, investigatory records of law enforcement agencies shall be excepted from public

disclosure at the discretion of the public agency, we hold that the materials generated by IUPD in the course of its investigation are excepted from public disclosure at the Trustees' discretion. . . .

The University has exercised its discretion to deny access to videos that were recorded in the general vicinity of an alleged murder on the day of the shooting, i.e., Tuesday, January 21, 2014. All of the records were compiled by law enforcement agencies, i.e., the Purdue University Police Department and the Office of the Tippecanoe County Prosecutor, in the course of the investigation of an alleged murder on campus. See Indiana Code § 5-14-3-2(i). The *Exponent* challenges this characterization of the records and asserts that the "video . . . are (sic) not created for the purpose of any criminal investigation . . . the video we are seeking is not part of a murder investigation and the question of police detaining a photographer is not a criminal matter." Formal Complaint dated March 5, 2014. While the University disagrees with the position of the *Exponent* on this issue given that all of the events recorded on the videos occurred within a few minutes to a few hours of a shooting on campus and have been compiled by law enforcement agencies during their investigation of the shooting, the *Exponent's* argument also fails due to the extremely broad nature of the exception:

The investigatory records exception does not apply only to records of ongoing or current investigations. It does not apply only to an investigation where a crime was charged or an investigation where it was adjudicated that a crime was indeed committed. Instead, the exception applies to all records compiled during the course of the investigation of a crime, even where a crime was not ultimately charged, and even when an investigation is long completed. The investigatory records exception affords law enforcement agencies broad discretion in withholding from disclosure those records. . . .

*Formal Complaint 09-FC-157; Alleged Violation of the Access to Public Records Act by the City of Greensburg.*

*In Informal Inquiry 14-INF-04; Purdue University*, you opined regarding a different request for public records made by local media in response to the same shooting at Purdue on January 21, 2014. You noted that,

In construing any statute, Indiana courts will look to the plain, ordinary, and usual meaning of the language unless the statute itself clearly provides a contrary meaning. Nontechnical, undefined words are to be defined by their ordinary and accepted dictionary meaning. [citations omitted]

Because the statutory language is clear the exception does not only apply to those records created by law enforcement agencies, but also to those records compiled by law enforcement agencies


*compiled in the course of an investigation.* it is my opinion any Purdue.edu accounts and emails obtained and compiled in the course of an investigation can be construed as 'investigatory records' within the meaning of Section 2(i).

*Id.*

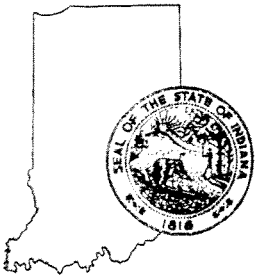
Purdue submits that all of the video records regarding events on the West Lafayette campus on Tuesday, January 21, 2014 which exist and which have been requested by the Purdue *Exponent* were obtained and compiled in the in course of the investigation of an alleged murder by a law enforcement agency and are therefore exempt from disclosure under the investigatory records of law enforcement agencies exception, Indiana Code § 5-14-3-4(b)(1).

Purdue University has not violated the Indiana Access to Public Records Act, and therefore Purdue respectfully requests that you conclude that Mr. Mishra's Formal Complaint is without merit.

Sincerely,

  
Abby K. Daniels  
Legal Services Coordinator

cc: Steven R. Schultz, Esq.



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT

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1-800-228-6013  
www.IN.gov/pac

April 4, 2014

Mr. Suran Mishra  
[editor@purdueexponent.org](mailto:editor@purdueexponent.org)

*Re: Formal Complaint 14-FC-41; Alleged Violation of the Access to Public Records Act by Purdue University*

Dear Mr. Mishra,

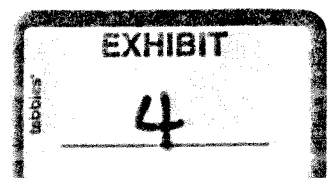
This advisory opinion is in response to your formal complaint alleging Purdue University ("University") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The University has provided a response to your complaint via Ms. Abby K. Daniels, Esq. her response is attached for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on March 5, 2014.

## BACKGROUND

Your complaint dated March 5, 2014 alleges Purdue University violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On February 4, 2014, you served upon the University a public records request for copies of security camera footage related to campus shooter Michael Takeda. Specifically, you are seeking:

1. The video and audio from cameras inside, and in the hallways adjacent to, the skywalk connecting the Materials and Engineering building to the Electrical Engineering building for the period at approximately 12:25 p.m. on Tuesday, Jan. 21, when an Exponent photographer, Michael Takeda, was detained by police. This should include video and audio from the time Takeda was confronted, detained and/or removed from the site.
2. We seek video and audio of the same location described in Number 1, from noon to 1 p.m. on Tuesday, January 21, 2014.



3. We seek the video and audio from the police car that Michael Takeda was detained in from Northwestern Avenue to Police headquarters on Tuesday, Jan. 21, 2014.
4. All audio and video of Michael Takeda and accompanying Purdue authorized personnel who sat with, communicated with and or questioned Takeda while he was at the Purdue police headquarters on Tuesday Jan. 21. This includes but is not limited to his interaction with police officers, non-police officers or any other party that interacted with him at headquarters.
5. All video and audio recordings of inspection and/or handling of the camera equipment seized from Takeda on Jan. 21, 2014.
6. All written police inventory of evidence related to camera equipment seized from Takeda and the list of personnel, who accessed, handled or review electronic files and/or the camera itself while in possession of Purdue Police or police authorized personnel on Jan. 21, 2014.

On February 5, 2014, the University denied your request stating the investigatory records exemption under the APRA. You argue the video from the security system is not created for the purpose of a criminal investigation and therefore should not be considered part of the investigation exempting it from disclosure under Ind. Code § 5-14-3-4(b)(1).

In its response, the University contends the security camera video has been collected by campus police and the Tippecanoe County Prosecutor as evidentiary elements of a criminal investigation.

#### **ANALYSIS**

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. Purdue University is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the University's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

There can be no doubt the records you seek are public records. The APRA defines "Public record" as any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics. Ind. Code § 5-14-3-2(o).

The question becomes whether the public record is disclosable to the public. The APRA sets forth several exceptions to disclosure. One of the instances when the release of records is discretionary is when information is compiled in the course of a criminal investigation. See Ind. Code § 5-14-3-4(b)(1). Ind. Code § 5-14-3-2 (i) defines investigatory records as information compiled in the course of the investigation of a crime.

The investigatory records exception captures material collected or compiled during the course of a criminal investigation. It is important to note this applies to pre-existing public records which would normally be subject to disclosure *but for* the criminal investigation. The records you describe are clearly related to the criminal investigation. I would, however, set forth the notion the materials must have a reasonable nexus to the crime. An agency cannot claim an investigatory record and not truly be part of the investigation. While the University is correct it is a broad category and relatively straightforward, it is not a catch-all for any and all material which could possibly have a remote association with an investigation. It must have a direct correlation with an investigation.

In this case, the materials you describe are all records relating to the arrest and investigation of the January 21, 2014 shooting. As this incident is clearly a crime, the release of all materials compiled which are associated with the subsequent investigation is at the discretion of the University. The public policy considerations are clear – the exception protects in the integrity of the ongoing investigation.

Finally, consider the following language from former Public Access Counselor, Joseph B. Hoage, who has addressed this very issue many times:

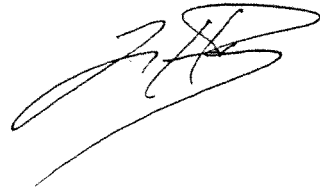
The investigatory records exception to the APRA provides that a law enforcement agency has the discretion to disclose or not disclose its investigatory records. See I.C. § 5-14-3-4(b)(1). An investigatory record is “information *compiled in the course* of the investigation of a crime.” I.C. § 5-14-3-2(h) (emphasis added). Because the statutory language is clear that the exception does not only apply to those records created by law enforcement agencies, but also to those records compiled by law enforcement agencies during an investigation, it is my opinion that any records obtained by the Department during the investigation of a crime can be construed as “investigatory records” within the meaning of section 2(h).

Informal Opinion of the Public Access Counselor 12-INF-27.

### CONCLUSION

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor Purdue University has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to be 'LH Britt', written in a cursive style.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Abby K. Daniels, Esq.