

April 16, 2014

*By E-mail and First Class U.S. Mail*

Mr. Luke H. Britt  
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**Re: Formal Complaint No. 14-FC-41  
Corrected Advisory Opinion**

Dear Mr. Britt:

I represent the Purdue Student Publishing Foundation, Inc., d/b/a the Purdue Exponent (the "Exponent"), and on its behalf thank you for the correction of your advisory opinion originally issued April 4, 2014, and reissued on April 11, 2014. The original advisory opinion erroneously named the Exponent's photographer, Michael Takeda ("Takeda"), as the "campus shooter" in the brutal slaying of Andrew Boldt ("Boldt") on January 21, 2014. The suspect in the shooting is actually Cody Cousins. Takeda was involved in a different incident the same day that (although certainly less harrowing than Boldt's death) is the subject of public interest because it concerns a pattern of harassment of Exponent's journalists by the Purdue Police Department. The Exponent is **not** seeking any public documents relating to the investigation of the shooting.

The Exponent is an independent student-produced newspaper. It is Indiana's largest collegiate daily newspaper and publishes five editions per week from its offices near the Purdue University campus.

Although a central factual error in the advisory opinion was corrected, we remain concerned that the analysis of the issue continues to reflect confusion about important facts. The opinion states, for example, that the records the Exponent seeks "are clearly related to the criminal investigation." That is not correct. The recordings described in the public records request are separated in time, location and subject matter from the campus shooting. The "who-what-when-where" of the incident involving Takeda are entirely different from the crime under investigation. The only commonality between the events is that they happened the same day in the same building. However, the shooting occurred in the basement and Takeda's unfortunate encounter with the campus police occurred on the second floor at least 35 minutes after the shooting and arrest of the suspected gunman.

More importantly, nothing about the incident involving Takeda conceivably sheds any light on the crime that occurred in the basement of the building earlier that day. As you state in your advisory opinion, the investigative records exception of APRA is “not a catch-all for any and all material which could possibly have a remote association with an investigation.” There must be a “reasonable nexus” between the public records and the crime. No such nexus exists here. The encounter between Takeda and the campus police is wholly unrelated to the crime under investigation, and release of the video showing Takeda’s arrest would not plausibly impact the integrity of the investigation of Boldt’s death.

It is very disconcerting that the investigative exception is being used in a manner that shields direct evidence of police misconduct. Purdue University is using the coincidental occurrence of Takeda’s harassment in the same building as Boldt’s slaying as a pretext to shield public records from disclosure – public records that although irrelevant to the shooting would be very revealing about what occurred in the incident involving Takeda.

Finally, the advisory opinion does not address the police inventory related to Mr. Takeda’s camera equipment that the police seized from him. Obviously, the inventory again has nothing to do with the crime or evidence of the crime. However, the inventory may help us identify what police personnel handled the equipment and what, if anything, was done with it while it was in possession of the police. The inventory could provide direct evidence of abuses by the campus police and violations of federal law. See 42 U.S.C. § 2000aa (“representatives of the government may not search a newsroom for the purpose of obtaining work product or documentary materials relating to a criminal investigation or criminal offense, if there is reason to believe that the work product belongs to someone who will publish it in a public communication”). The inventory is a public record that should be provided to the Exponent.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,



Steven M. Badger  
*Attorney for the Exponent*

cc: Abby K. Daniels ([daniel65@purdue.edu](mailto:daniel65@purdue.edu))