

**Via Electronic Mail**

January 30, 2014

Mickey H. Osterreicher, Esq.  
General Counsel  
National Press Photographers Association  
1100 M&T Center  
3 Fountain Plaza  
Buffalo, New York 14203

Re: Michael Takeda Complaint

Dear Mr. Osterreicher:

I am writing in reference to your letter dated January 24, 2014 to Carol Shelby, Purdue's Senior Director for Environmental Health and Public Safety, concerning the incident involving Purdue Exponent photo editor Michael Takeda in the immediate aftermath of the shooting on our West Lafayette campus last week.

At the outset, and on behalf of President Daniels, the Purdue University Policy Department ("PUPD") and the Purdue community, I wish to emphasize our agreement with you in principle about the importance of First Amendment freedoms and the need to safeguard their protection with great care. As a key statement of Purdue policy recognizes:

"Freedom of thought and expression are the lifeblood of our academic community and require an atmosphere of mutual respect among diverse persons, groups and ideas. The maintenance of mutually respectful behavior is a precondition for the vigorous exchange of ideas, and it is the policy of the University to promote such behavior in all forms of expression and conduct. The University reaffirms its commitment to freedom of speech as guaranteed by the First Amendment to the United States Constitution."

At the same time, we hope there would be some understanding, from even the most ardent protectors of our civil liberties, of the extreme pressures and difficulties faced by first responders whose first duty in such critical moments is and must be the protection of students and other bystanders. Just as we share your commitment to the principles enshrined in the First Amendment, we are hesitant to second-guess the essential and often life-saving judgment calls made on the spot by brave men and women who risk their lives to ensure the safety of others in situations of high stress and potentially great danger.

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Nonetheless, please be assured that PUPD will conduct a thorough investigation of this matter in accordance with its General Orders and procedures on responding to complaints, consistent with its commitment to transparency as an accredited law enforcement agency. This investigation is ongoing and is expected to be completed in approximately two weeks' time. In light of the fact that at least one, and possibly two, other responding law enforcement agencies were involved in the situation about which Mr. Takeda has complained, the investigation will entail some additional fact gathering with those other units.

Upon the conclusion of the investigation, Chief of Police John Cox will issue a report setting forth findings of fact and a determination of whether the conduct cited in the complaint involves violations of PUPD policy or standards of conduct. We will make sure you obtain a copy of this report as soon as it is released. As we review the report ourselves, we will be mindful of the important First Amendment considerations you have highlighted and assess the need for further actions in that regard.

In the meantime, please do not hesitate to contact me with further questions or concerns.

Very truly yours,



Steven R. Schultz  
Legal Counsel

cc: John Cox, Chief, Purdue University Police Department [jkcox@purdue.edu](mailto:jkcox@purdue.edu)  
Mitch Daniels, President, Purdue University [president@purdue.edu](mailto:president@purdue.edu)  
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