



STATE OF INDIANA

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September 16, 2026

Re: Complaint 26-FC-045
Alex Ellis (Complainant) v.
Purdue University (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on January 23, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 11, 2026, requesting a formal response by April 9, 2026. A formal response, submitted by Kaity Heide, Legal Services Coordinator with Purdue University on behalf of Respondent, was received in this office on April 8, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by using the investigatory exception found in IC 5-14-3-4(b)(1) to deny the request to produce records.

ANALYSIS

The public policy of 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." Indiana Code (IC) 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(s). As a result, unless an exception applies, any person has the right to inspect and copy Respondent's public records during regular business hours. IC 5-14-3-3(a).

On January 9, 2026, the Complainant made his APRA request for:

1. All email Communications sent or received by Professor Dr. Jeffrey Turco, Department Head Madeleine Henry, or any Purdue University Police Department personnel - including but not limited to Detective Matthew Rosenberger - between February 1, 2017 and March 15, 2017, that reference or relate to:

- A request or inquiry from the Purdue University Police Department, Indiana State Police, or the FBI regarding "Request Regarding Viking History" or similar subject matter.
 - The meeting that occurred on or about February 28, 2017, between Dr. Turco Indiana State Police Sergeant Steve Buckley, and FBI Special Agent Nikkole Robertson.
 - Any attempts to schedule or discuss a follow up meeting on or about March 8, 2017.
2. All email communications between Dr. Turco and Detective Rosenberger with the Indiana State Police or Carroll County Prosecutor's Office between August 1, 2023 and August 31, 2023, including any attachments, regarding:
- The 2017 meeting referenced above.
 - The March 2, 2017 report authored by Dr. Turco.
 - Scheduling a follow-up meeting between Dr. Turco, Detective Rosenberger, and Indiana State Police Sergeant Jerry Holeman.

Respondent properly acknowledged the request on January 12, 2026, within the required seven (7) days, then denied the request on January 23, 2026, citing the investigatory records exception IC 5-14-3-4(b)(1).

Respondent states in its response, and we agree

[T]hat a public agency may deny a request if the denial is in writing and includes a statement of the specific exemption(s) authorizing the withholding of all or part of a public record, as well as the name and title of the person responsible for the denial.

IC 5-14-3-9. We further agree with Respondent that:

APRA does not require that an agency must provide further explanation or justification.

Complainant states:

While Purdue University maintains a police department, the Office of Legal Counsel is not a law enforcement agency under IC 5-14-3-2(q). Purdue's denial did not claim that the Purdue University Police Department created the records, possessed the records, or compiled them for investigative purposes.

Complainant also states that he submitted his public records request to Respondent and not to Purdue University Police Department (PUPD).

PUPD is part of Respondent as is the Office of Legal Counsel (OLC). We agree that OLC could have been clearer in explaining that it represents PUPD, is responding on its behalf, and is using the investigatory records exception on PUPD's behalf.

However, this office agrees that the investigatory exception applies both by statute and as discussed in its response.

The investigatory records exception, allowed at the discretion of the public agency, provides, in the relevant part:

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments.

IC 5-14-3-4(b). PUPD is the law enforcement agency for the university for purposes of the investigatory records exception. IC 5-14-3-2(s)(6).

Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

The definition of investigatory record is:

(j) "Investigatory record" means information compiled in the course of the investigation of a crime.

IC 5-14-3 2(j). In other words, APRA speaks to information gathered, accumulated or prepared in or during the investigation of a crime. In reading Complainant's APRA request, a reasonable person would likely consider those records to be compiled for an investigation. We agree that Respondent properly used the investigatory records exception.

However, we also find Respondent's citing *Carroll County E911 v. Hasnie* compelling:

[Fox 59] argued below that a record may be disclosable under the investigatory records exception if requested from one agency [] but not disclosable if requested from a law enforcement agency. If interpreted in this way, the exception loses much of its utility. This is particularly true today because information is often stored in electronic form. It would be nearly impossible for a law enforcement agency to ensure a record is not publicly disclosed by another agency short of physically seizing a computer hard drive or other electronic storage device. In other words, multiple agencies have "possession" of a record when stored in electronic form, and if the crux of disclosure is from which agency a record is requested, rather than if a law enforcement agency had compiled the record, the investigatory records exception ceases to serve its purpose.

[Fox 59] also misinterprets the language of the exception by essentially reading "compiled" to mean "created." Even if a record is created outside of a criminal investigation, it may still be compiled for such a purpose. The plain language of the statute must govern, and to hold as much facilitates the underlying purpose of the exception-to facilitate the investigation and prosecution of crimes.

*...
A reasonable finder of fact could infer from the designated evidence that local law enforcement agencies exercised control over the records.*

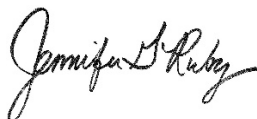
Carroll Cnty. E911 v. Hasnie, 148 N.E.3d 996, 1003 (Ind. Ct. App. 2020).

The understanding of this office is that PUPD has the requested records and is working in conjunction with the Carroll County Prosecutor's Office, which "considers any responsive documents to be investigatory records", as well as other law enforcement agencies, related to matter of the *State of Indiana v. Richard M. Allen*, currently at the Indiana Court of Appeals.

CONCLUSION

This office finds that Respondent did not violate APRA as alleged in the complaint.

However, due to the size and many facets of Respondent, it could have been clearer in explaining how the investigatory records exception applied.



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