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FOIA 25-129 — the response

Delta County Prosecutor's Office · response dated July 17, 2025 · denial, certificate and fee itemization

Request number: 25-129
Response date: July 17, 2025
Signed by: Emily DeSalvo, FOIA Coordinator
Packet: 2-page letter, Notice of Denial, MCL 15.240 excerpt, FOIA Appeal Form, Detailed Cost Itemization (7 pages), fax record, original request, policies page

1. The response letter

Transcribed from the released copy. Personal identifiers removed; obvious scanning artifacts corrected. Quoted passages are verbatim.

The letter acknowledges receipt of the request "dated June 26, 2025 received by the Delta County Prosecutor's Office on June 27, 2025," and restates the four numbered items.

It then states:

> *"Your request for the following records is denied, as the records do not exist:"*

The list that follows names item 1 (average and median days between arraignment and final disposition, felony and misdemeanor) and item 3 (any internal or public summary reports or data tables breaking down case processing timelines by charge level or resolution method). Item 2 is not on that list.

The letter then carries a certificate:

> *"The undersigned hereby certifies that, after a search for records described above, and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body."*

On item 2, the letter grants the request and then attaches a condition:

> *"Your request for '[t]he longest duration (in days) from arraignment to disposition for any single case 2024' is granted. However, given the breadth of your request and the number of records which must be searched and reviewed to respond to such a request, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests."*

On the deposit and the delivery estimate:

> *"Because the estimated fee in this case is great[er] than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. … The public body estimates it will take approximately 120 days from receipt of the deposit to provide you with the responsive, nonexempt public records."*

On appeal rights:

> *"If you disagree with this decision, you may submit an appeal to the chairperson of the Delta County Board of Commissioners, or seek judicial review in the Delta County Circuit Court."*

2. Notice of Denial

The county's standard Notice of Denial form accompanies the letter. Its boxes are marked as follows.

☐ All ☒ **Part of your request for records has been denied**

☐ 1. Exempt from Disclosure — Section 13, Subsection ____ (no subsection number entered)

☒ **2. Record Does Not Exist** — "This item does not exist under the name provided in your request or by another name reasonably known

to the County.”

☐ 3. Redaction — Section 13, Subsection ____ (no subsection number entered)

Only the “Record Does Not Exist” box is marked. No exemption is claimed, and no redaction of a released record is claimed. The form also carries the standard notice of the right to seek judicial review under MCL 15.240.

3. Detailed Cost Itemization

The itemization is dated 07/17/2025 and prepared for Request No. 25-129, with the date received shown as 06/26/2025. The county's website-availability box is marked “None.” The public-interest waiver box and the indigence and nonprofit discount boxes are left blank.

Line 1 explains the search charge in these words:

> *“reviewing approximately 886 cases to determine arraignment date, disposition date, and sentencing records that document the corresponding dates”*

LINE	ITEM	INCREMENTS	RATE	AMOUNT
1	Labor cost to locate — 3,544 minutes at 15-minute increments, rounded down	236	$6.21	$1,465.56
2	Labor cost for copying / duplication	—	—	$0.00
3a	Employee labor cost to separate exempt from nonexempt — 3,544 minutes at 15-minute increments, rounded down	236	$6.21	$1,465.56
3b	Contracted labor cost to redact	—	—	$0.00
4	Copying / duplication cost	—	—	$0.00
5	Mailing cost	—	—	$0.00
Subtotal fees before discounts or deposits				**$2,931.12**
Good-faith deposit required, 50 percent				**$1,465.56**

The form prints “Hourly Wage with Fringe Benefit Cost: $24.82” and “Charge per ¼ hour: $6.21.” It does not print the base wage or the percentage multiplier that produced the fringe-loaded figure. The estimated time frame to provide records is stated as 120 days. The “Date Paid” field is blank.

Note. The itemization's line 14 (late-response labor reduction) is blank, and no reduction is applied. The form's deposit section is marked at 50 percent, which is the statutory ceiling for a good-faith deposit under MCL 15.234(8).