Delta County Prosecutor's Office

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September 15, 2025

[redacted]

Re: FOIA Request #25-215

[redacted]

I acknowledge receipt of your Freedom of Information Act request dated August 9, 2025[1] received by the Delta County Prosecutor's Office on September 9, 2025 for the following documents:

> Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I request copies of any records, reports, data, or summaries maintained by the Delta County Prosecutor's Office that document **average or median case processing times** for criminal cases handled by the office during the years **2020, 2021, 2022, 2023**.
>
> To clarify, by "case processing time," I mean the time period between case initiation (such as warrant authorization or charging decision) and final resolution (such as plea, dismissal, or trial verdict). I am requesting any statistics, summaries, or reports the Prosecutor's Office maintains internally or for external reporting purposes.

Your request for "records, reports, … or summaries maintained by the Delta County Prosecutor's Office that document average or median case processing times for criminal cases handled by the office during the years 2020, 2021, 2022, 2023" are **DENIED** as the records do not exist. As the requested time period was in the time frame of the previous case tracking system, that system is no longer available to the Prosecutor's Office in anyway. The undersigned hereby certifies that, after a search for records 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.

Your request for "any statistics, summaries, or reports the Prosecutor's Office maintains internally or for external reporting purposes" are **DENIED** as the records do not exist. As the requested time period was in the time frame of the previous case tracking system, that system is

[1] This is believed to be a typo or oversight, as the request was received by Fax on September 9, 2025

no longer available to the Prosecutor's Office in anyway. Moreover, there are no such reports that are maintained internally or for any external report purposes. The undersigned hereby certifies that, after a search for records 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.

Your request for "data maintained by the Delta County Prosecutor's Office that document average or median case processing times for criminal cases handled by the office during the years 2020, 2021, 2022, 2023" is **GRANTED**, subject to any necessary and statutorily outlined exemptions, including but not limited to MCL 15.243(1)(a). However, given the breadth of your request and the number of records which must be searched (*approximately 1000 files per year, for 4 years*) and reviewed (*at least two documents related to each file that would have to be located, reviewed and redacted)* 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. Such costs are specifically outlined in the attached FOIA Fee Itemization but include the significant time and cost for searching for and locating the records.

To detail the process in this matter, due to the time period being *before* the adoption of ProsecutorbyKarpel, a review of dockets and calendars from 2020, 2021, 2022, and 2023 will be required to generate a case list. Those individual cases will then have to be located, matched up and determine if the associated documents (i.e. the charging document, resolution documents) are included with ProsecutorbyKarpel storage. If not, a review of the files maintained outside of ProsecutorbyKarpel will have to be conducted. It is estimated that each year, 1000 files were initiated from the Prosecutor's Office, and will each have to be reviewed to determine if they fit the request. Moreover, information of a personal nature (i.e. Defendant's name, Defendant's address, Defendant's criminal identification/tracking number, Defendant's Date of Birth, victim/witness names, victim/witness addresses, crime location addresses, telephone numbers) will have to be redacted from any located documents.

Because the estimated fee in this case is great 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 total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

This Request is substantially similar to FOIA Request 25-137. FOIA Request 25-137 has already been responded to, appealed to the head of the public body, and the denial was upheld. However, your instant request is substantially similar to that previous request, just requesting a different year, our office has provided an update in the form of an estimate in further response to FOIA Request 25-137. This estimate was calculated using the same metrics as described above and is attached herein. Any responsive records would be subject to redactions to sever exempt from not exempt, pursuant to MCL 15.243 to include, but not limited to subsections (1)(a) and (1)(w).

Moreover, while explanation is not necessary in responding to a FOIA request, as you cite to the direct public interest in disclosure you should note a few items for your consideration. While it may appear that the trajectory of a case is within the hands of the Prosecutor's Office, the warrant authorization is actually a task handled by the District Court staff. This authorization can happen anywhere from same day as the charging decision, or months later, through no fault of the Prosecutor's Office. Moreover, once it is authorized, the mechanism of arrest, the setting of the court hearings, whether a defendant appears in court, the scheduling of trial, and even when a plea can be taken, are all dates and matters outside the hands of the Prosecutor's Office, as they are directly in the realm of the Court. Perhaps your request would be best submitted to the 94th District Court or 47th Circuit Court. As a whole, "case processing time" is not a fundamental measure of prosecutorial efficiency and is minimally in the hands of the Prosecutor's Office after the charging decision is made.

Even the Michigan State Court Administrator's Office does not maintain records of the average "case processing times" from the point of authorization to the point of resolution, but tracks the "clearance rates" and "case age". In an effort to be transparent, our office provides the applicable statistics that are publicly available, herein in the form of the following records:

Clearance Rates for 94th District Court 2006 to 2024

Clearance Rate for 94th District Court for 2019, 2020, 2021, 2022, 2023, 2024

Clearance Rate for 47th Circuit Court 2006 to 2024

Clearance Rate for 47TH Circuit Court for 2019, 2020, 2021, 2022, 2023, 2024

Case Age for 47th Circuit Court Criminal 2006 to 2024

State Court Administrative Order 2011-3

Case Management for Trial Courts

Further information related to Case Clearance Rates or Case Age, as well as additional statistics maintained by the Michigan State Court Administrator's Office is publicly available at: https://www.courts.michigan.gov/publications/statistics-and-reports/interactive-court-data-dashboard/

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. If you prevail in Circuit Court, you may be entitled to receive attorney fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of $1,000.00.

I have also included the website utilized to find Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms as well as the FOIA Appeal Form.

If you have any questions or concerns, please contact me.

Best Regards,

Lauren M. Wickman
Chief Prosecuting Attorney

Emily Desalvo
FOIA Coordinator

Encl.