Delta County Prosecutor's Office

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October 30, 2025

[redacted]

Re: FOIA Request #25-239 through 25-245

[redacted]

I acknowledge receipt of your Freedom of Information Act requests dated October 10, 2025 received by the Delta County Prosecutor's Office on October 13, 2025. An extension was filed on October 16, 2025 by the Public Body. Your requests are for the following documents:

FOIA REQUEST 25-239

Pursuant to Michigan's Freedom of Information Act, MCL 15.231 et seq., I respectfully request access to and copies of the following public records maintained by the Delta County Prosecutor's Office:

1. **Any list, memorandum, database, record, spreadsheet, or communication maintained by your office identifying or referencing law enforcement officers (past or present) whose credibility, honesty, or integrity has been found to be compromised or who have been subject to disclosure obligations under *Brady v. Maryland* or *Giglio v United States*.**

2. **Any written policy, memorandum, or procedure describing how the Delta County Prosecutor's Office tracks, evaluates, or discloses such officer credibility or impeachment information to defense counsel or the courts.**

3. **The date on which the most recent update to this list or record occurred.**

Your request for "(1) Any list, memorandum, database, record, spreadsheet, or communication maintained by your office identifying or referencing law enforcement officers (past or present) whose credibility, honesty, or integrity has been found to be compromised or who have been subject to disclosure obligations under *Brady v. Maryland* or *Giglio v United States*" is **GRANTED IN PART, DENIED IN PART**.

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(906)789-5115

Brady & Giglio Violation dated 04/01/2025

Your request for "(3) The date on which the most recent update to this list or record occurred" is **GRANTED**. In granting your request, please refer to the above communication, dated 04/16/2025. It is the practice of the Delta County Prosecutor's Office to request information as it becomes known to the Prosecutor's Office, or is requested by Defense Counsel. As such, the above listed responsive documents represent the last time an "update" has occurred that is in the possession of the Prosecutor's Office.

FOIA REQUEST 25-240

Pursuant to the **Michigan Freedom of information Act (MCL 15.231 et seq.),** I respectfully request access to and copies of public records maintained by the Delta County Prosecutor's Office concerning law enforcement misconduct, use-of-force incidents, and officer-involved shootings reviewed by your office.

Specifically, I request:

1. **Logs, summaries, or referral forms** documenting all use-of-force or officer-involved incidents submitted to the Prosecutor's Office for review or charging determination from **January 1, 2020 to present** including but not limited to referrals from the **Delta County Sheriff's Office, Escanaba Police Department, Gladstone Police Department,** and **Michigan State Police.**

2. **Prosecutor review memos, declination summaries, or case-closing statements** for such referrals where **no criminal charges were issued** against the involved officers.

3. **Any written policies, procedures, or training materials** used by the Prosecutor's Office to evaluate officer-involved use-of-force incidents or determine whether to authorize criminal charges.

4. **Correspondence** (letters or emails) between the Prosecutor's Office and any law enforcement agency, **MCOLES,** or **Michigan Attorney General's Office** discussing officer misconduct referrals, use-of-force reviews, or declination decisions.

Your request for "(1) logs, summaries, or referral forms documenting all use-of-force or officer-involved incidents submitted to the Prosecutor's Office for review or charging determination from January 1, 2020 to present including but not limited to referrals from the Delta County Sheriff's Office, Escanaba Police Department Gladstone Police Department and Michigan State Police" is **GRANTED IN PART, DENIED IN PART**.

Your request is **DENIED** as to any logs or summaries as a review of the as a review of the records reveals they do not exist. 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, and described below, 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 is **DENIED** as to any referral forms "concerning law enforcement misconduct, use-of-force incidents [*naming officer as suspect*], and officer-involved shootings" as a review of records reveals they do not exist. 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, and described below, 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 is **GRANTED** as to all "use-of-force or officer-involved incidents" where a police officer is *NOT* named as the suspect. 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. 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.

> Specifically, referrals in which the officer was not the individual against whom charges were requested, but in which the use of force may exist, could have resulted in criminal charges against one or more individuals. These charges could be a variety of things, including but not limited to charges of Police Officer – Assaulting/Resisting/Obstructing, Flee & Elude, or Assault of a Prison Employee. However, not all cases involving these would actually result in a "use of force". As such a review of files involving such charges, (as well as other associated charges) would have to be completed to determine if the charge was the result of a failure to abide by a lawful command, or the use of force by law enforcement to effectuate the arrest, or other lawful action.
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> Such a review will require a review of approximately 50 cases per year, for 6 years, or approximately 300 files. As the majority of these files will be files created prior to the use of the new case tracking system, to conduct such a search will require a review of the case files individually. Upon location, each file will have to be reviewed, not only for exemption purposes, but for content to determine if it fits the above request. As such, the location and identification each file will take approximately 10 minutes to review. The separation of exempt material from nonexempt material would also take approximately 5 minutes per file.
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> 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 90 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Please note, the provided records will be required to have exempt information be separated from non-exempted information, and will be redacted pursuant to MCL 15.243(1)(a), as the information is of a personal nature that public disclosure of which would constitute a clearly unwarranted invasion of the individual's privacy. This information includes, but is not limited to: names, other identifying information of the victim, dates of births, addresses, phone numbers, criminal identification numbers, etc. Further, the provided records have been redacted pursuant to MCL 15.243(1)(b)(iii), as the investigation records compiled for law enforcement purposes, and would constitute an unwarranted invasion of person privacy. Records are further redacted pursuant to MCL 15.243(1)(d), under MCL 780.758 (Crime Victim's Rights Act). Finally, the provided records also include redactions pursuant to MCL 15.243(1)(w), as the information or records would disclose the Social Security Number of an individual.

Your request for "(2) Prosecutor review memos, declination summaries, or case-closing statements for such referrals where no criminal charges were issued against the involved officers" is **DENIED** as a review of the as a review of the records reveals they do not exist. 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, and described below, 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 "(3) Any written policies, procedures, or training materials used by the Prosecutor's Office to evaluate officer-involved use-of-force incidents or determine whether to authorize criminal charges" is **DENIED** as a review of the as a review of the records reveals they do not exist. 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, and described below, 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 "(4) Correspondence (letters or emails) between the Prosecutor's Office and any law enforcement agency, MCOLES, or Michigan Attorney General's Office discussing officer misconduct referrals, use-of-force reviews, or declination decisions" is **DENIED** as a review of the as a review of the records reveals they do not exist. 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, and described below, do not exist within the records of the public body under the name nor any other name reasonably known to the public body.