Delta County Prosecutor's Office

Lauren M. Wickman
Prosecuting Attorney
Civil Counsel
Beth Wickwire
Chief Assistant Prosecutor
Deputy Civil Counsel
Lauren Mattson
Assistant Prosecutor

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**.

310 LUDINGTON STREET, SUITE 237 ESCANABA MI 49829
(906)789-5115

FOIA REQUEST 25-241

Pursuant to the **Michigan Freedom of Information Act (MCL 15.231el seq.),** I respectfully request access to and copies of public records maintained by the Delta County Prosecutor's Office concerning charging and declination decisions involving law enforcement officers.

Specifically, I request:

1. Prosecutor declination memoranda, charging review summaries, or case closing statements for all cases between **January 1, 2020 and the present** in which a **law enforcement officer** (local, county, state, or federal) was identified as a subject or suspect in a criminal complaint, investigation, or referral, and the Prosecutor's Office **declined to issue charges.**

2. Any internal spreadsheets, logs, or lists maintained by the Prosecutor s Office that record or track **warrant requests submitted by law enforcement agencies** which were **denied, returned, or rejected** for insufficiency or lack of probable cause between 2020 and the present.

3. Policies, training materials, or internal guidance documents describing how charging decisions are made when the subject of a complaint Is a law enforcement officer, including any written criteria for evaluating "insufficient evidence," "no probable cause," or "conflict of interest" considerations

4. **Communications or memoranda** referencing or summarizing **declination decisions** for law enforcement officers, including correspondence with the **Delta County Sheriff's Office, Escanaba Police Department, Gladstone Police Department, Michigan State Police,** or the **Michigan Attorney General's Office.**

Your request for "(1) Prosecutor declination memoranda, charging review summaries, or case closing statements for all cases between January 1, 2020 and the present in which a law enforcement officer (local, county, state, or federal) was identified as a subject or suspect in a criminal complaint, investigation, or referral, and the Prosecutor's Office declined to issue charges" is **GRANTED IN PART, DENIED IN PART**.

In granting your request, please find the following documents enclosed:

Petition for Special Prosecutor regarding 84-1384-22, email exchange regarding Special Prosecutor Denial (dated 09/19/2022), memo regarding 84-1384-22.
Memo regarding 84-717-24.

However, the provided records have been 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, as no arrest or criminal charges resulted from either incident. Records are further redacted pursuant to MCL 15.243(1)(d), under MCL 780.758 (Crime Victim's Rights Act).

Your request for "(2) Any internal spreadsheets, logs, or lists maintained by the Prosecutor's Office that record or track warrant requests submitted by law enforcement agencies which were denied, returned, or rejected for insufficiency or lack of probable cause between 2020 and the present" is **GRANTED IN PART, DENIED IN PART**.

Your request is **DENIED** as to "Any internal spreadsheets, logs, or lists maintained by the Prosecutor's Office that record or track warrant requests submitted by law enforcement agencies which were denied, returned, or rejected for insufficiency or lack of probable cause between 2020 and the present" as a review of records reveals they do not exist in the form of a "internal spreadsheet, log, or list". 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 underlying records that could be used to create or formulate such a spreadsheet, log, or list when *an officer* is the named suspect, as a review of records reveals they do not exist in the form of a "internal spreadsheet, log, or list". 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 any underlying records that could be used to create or formulate such a spreadsheet, log, or list, when *an officer is NOT* the named suspect. Warrant requests submitted by law enforcement agencies are "denied, returned, or rejected for insufficiency or lack of probable cause" on a nearly daily basis. As such, 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.

To locate responsive records, a review of digital files for the years 2020, 2021, 2022, 2023, and partially 2024, would have to be conducted. There is no way to search or locate these documents, within the criteria requested through a search, as many of the records were not transferred properly from the old system to the new case tracking system. It is estimated that a review of approximately 1000 files per year, for each of the 6 years would be required. This would include cases in which charges were initially denied for one of the listed reasons, but subsequently authorized with the inclusion of additional information. This review would take approximately 7 minutes per file. Subsequent to the location of the file, there would be the requirement to separate exempt information from non-exempt information. This process would take approximately 5 minutes per file.

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 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, dates of births, addresses, phone numbers, criminal identification numbers, etc. In addition, 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 "(3) Policies, training materials, or internal guidance documents describing how charging decisions are made when the subject of a complaint is a law enforcement officer, including any written criteria for evaluating "insufficient evidence," "no probable cause," or "conflict of interest" considerations" is **GRANTED IN PART, DENIED IN PART**.

In **GRANTING** your request related to "conflict of interest" considerations, please find the following documents enclosed:

Best Practices Conflict of Interest/Special Prosecutor, approved February 10, 2017
Conflict of Interest Manual, November 2015
Special Prosecutor Assignment (SPA) Checklist
Special Prosecution Assignment (SPA) Process

In **DENYING** your request, specifically: "insufficient evidence" or "no probable cause" consideration" a review of records reveals no "policy, training materials, or internal guidance documents" exist related to "how charging decisions are made when the subject of a complaint is a law enforcement officer" exists. 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) Communications or memoranda referencing or summarizing declination decisions for law enforcement officers, including correspondence with the Delta County Sheriff's Office, Escanaba Police Department, Gladstone Police Department, Michigan State Police, or the Michigan Attorney General's Office" is **GRANTED**. In granting your request, please find the following documents enclosed, referenced additionally in response to FOIA Request 25-241 paragraph (1):

Memo regarding 84-1384-22
Memo regarding 84-717-24

However, the provided records have been 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.

FOIA REQUEST 25-242

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 **policies, procedures, and training** related to Brady/Giglio disclosure obligations, ethics, and management of officer credibility issues.

Specifically, I request:

1. **All current and prior written policies, internal guidance documents, or memoranda** maintained by the Delta County Prosecutor's Office that describe procedures for:
    - Compliance with *Brady v. Maryland* and *Giglio v, United States,*
    - Disclosure of impeachment or credibility material concerning law enforcement officers, and