Delta County Prosecutor's Office

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November 5, 2025

[redacted]

Re: Updated response to FOIA Request #25-268

[redacted]

I acknowledge receipt of your Freedom of Information Act requests dated November 13, 2025 received by the Delta County Prosecutor's Office on November 13, 2025. An extension was filed on November 13, 2025 by the Public Body.

FOIA REQUEST 25-268

Pursuant to the Michigan Freedom of Information Act (**MCL 15.231 et seq.**), I request all records in your possession **related to alleged misconduct by Sergeant Thomas Lewis** that occurred during, resulted from, or was discovered in connection with his involvement in the homicide investigation under **Case Number 23-011013-FC**.

This request is based solely on the conduct described in the published Court of Appeals opinion dated **July 22, 2025**, and seeks only **existing records**.

Please include, but do not limit your search to, the following:

1. Witness Complaint and Statements

- The citizen's complaint filed against Sergeant Lewis by the female witness referenced in the appellate opinion.
- Any supplemental statements, attachments, notes or clarifications provided by the complainant.

2. Internal Affairs/Professional Standards Records

All IA/PS documents related to the misconduct described in the opinion, including:

- Reports, interviews, written statements, and investigative notes
- Command-level summaries or recommendations
- Findings, conclusions, or closing reports
- Any notices of discipline, reprimands, suspensions, or corrective action
- Records showing whether Sergeant Lewis was placed on administrative leave or reassigned

3. Michigan State Police Investigation

(As explicitly mentioned in the appellate opinion.)

Please provide:

- All MSP investigative reports concerning Sergeant Lewis arising from the witness complaint
- Communications between MSP and the Sheriff's Office about the complaint and findings
- Any closing memos, summaries, or determinations
- Any documents discussing whether criminal charges or administrative actions were considered

4. Communications between Sergeant Lewis and the Witness

- All Text messages, emails, digital messages, handwritten notes, or other communications
- All agency-held records relating to communications where he stated:
    - Stated he was "too drunk to drive"
    - Asked the witness to come to his home
    - Threatened to "get her in trouble for dealing cocaine"
    - Requested she spend the night
    - Requested a kiss or sexual photographs
    - Made coercive or threatening statements

(As described in the appellate record.)

5. Communications Within the Agency About the Misconduct

- Any emails, messages, or reports referencing allegations against Sergeant Lewis
- Any correspondence discussing his conduct with the witness
- Any documents regarding concerns about his credibility, behavior, or fitness for duty during the investigation

6. Communications With Prosecutor or the Attorney General

- All communication between your agency and the **Delta County Prosecutor's Office** regarding:
    - The witness complaint
    - Sergeant Lewis's conduct
    - His involvement in the homicide investigation
    - Issues affecting credibility or investigation integrity
- Any communication with the **Michigan Attorney General's Office** regarding the same.

7. Records of His Role in the Homicide Investigation

Only those related to the misconduct described, including:

- Logs or reports showing his role in:
    - Search for the victim's body
    - Photographing the crime scene
    - Searching the defendant's home
    - Witness interviews

(As referenced in the appellate opinion)

- Any notes or reports referencing whether his conduct affected these investigative duties

8. Body-Worn Camera, Audio, Photos, or Digital File
Any BWC, audio recordings, photos, videos, or digital files related to:

- His interaction with the witness
- His investigative activities during the time of the misconduct
- Any recordings documenting intoxication, threats, or improper behavior

9. Personnel Records Related to the Misconduct
(Only records not exempt under MCL 15.243)

- Notices of complaint
- Notices of investigation
- Outcome letters
- Records of discipline or recommended action

Upon review of your request, your request for the above-described records is **GRANTED IN PART, DENIED IN PART**, based on the following:

Your request for records described above in Paragraph 1 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[t]he citizen's complaint filed against Sergeant Lewis by the female witness referenced in the appellate opinion" is **GRANTED IN PART, DENIED IN PART.** In granting your request, please find the following records:

Delta County Sheriff Department Citizen/Outside Agency Complaint form dated 07/21/2023

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy."

Your request for [a]ny….attachments…provided by the complainant" is **GRANTED IN PART, DENIED IN PART.** In granting your request, please find the following records:

Email dated 02/28/2024 containing attachments
Screenshot messages (3)

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy."

Your request for "[a]ny supplemental statements, … notes, or clarifications provided by the complainant is **DENIED** as a review of the records within the public body's

possession 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 records described above in Paragraph 2 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "all IA/PS documents related to the misconduct described in the opinion, including: Reports…written statements…; Command-level summaries or recommendations; Findings, conclusions, or closing reports; Any notices of discipline, reprimands, suspension, or corrective actions; records showing whether Sergeant Lewis was placed on administrative leave or reassigned" is **GRANTED IN PART, DENIED PART**. In granting your request, please find the following records:

Delta County Sheriff Department Citizen/Outside Agency Complaint form dated 07/21/2023
Memo dated 08/21/2023
Memo dated 09/06/2023

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy."

Your request for "all IA/PS documents related to the misconduct described in the opinion, including: …interviews, … and investigative notes" is **DENIED** as a review of the records within the public body's possession 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 records described above in Paragraph 3 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ll MSP investigative reports concerning Sergeant Lewis arising from the witness complaint" is **GRANTED IN PART, DENIED IN PART.** In granting your request, please find the following records:

MSP Report 80-43-24

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a

clearly unwarranted invasion of an individual's privacy." Moreover, material is exempt pursuant to MCL 15.243(1)(b))(iii), as "investigating records compiled for law enforcement purposes….and constitute an unwarranted invasion of personal privacy".

Your request for "[c]communications between MSP and the Sheriff's Office about the complaint or findings **DENIED.** as a review of the records within the public body's possession 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 "[a]ny closing memos, summaries, or determinations" is **GRANTED IN PART, DENIED IN PART.** In granting your request, please review MSP Report 80-43-24, Supplement 3, specifically stating:

> UNFOUNDED, no evidence or corroborating information about wrong doing was located.
>
> In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." Moreover, material is exempt pursuant to MCL 15.243(1)(b))(iii), as "investigating records compiled for law enforcement purposes….and constitute an unwarranted invasion of personal privacy".

Your request for "[a]ny documents discussing whether criminal charges or administrative actions were considered" is **GRANTED IN PART, DENIED IN PART**. In granting your request, please review MSP Report 80-43-24 in its entirety, and Memo dated 09/06/2023, both referenced above.

> In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." Moreover, material is exempt pursuant to MCL 15.243(1)(b))(iii), as "investigating records compiled for law enforcement purposes….and constitute an unwarranted invasion of personal privacy".

Your request for records described above in Paragraph 4 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ll text messages, emails, digital messages, handwritten notes, or other communications is **GRANTED IN PART, DENIED IN PART.** In granting your request, please find the following records:

Screenshot messages (3)

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy."

Your request for "[a]ll agency-held records relating to communications where he: Stated he was "too drunk to drive"; Asked the witness to come to his home; Threatened to "get her in trouble for dealing cocaine"; Requested she spend the night; Requested a kiss or sexual photographs; Made coercive or threatening statements" is **GRANTED IN PART, DENIED IN PART.** In granting your request, please find the following records:

Delta County Sheriff Department Citizen/Outside Agency Complaint form dated 07/21/2023
Email dated 07/20/2025
Screenshot messages (3)
Memo dated 08/21/2023
MSP Report 80-43-24

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." Moreover, material is exempt pursuant to MCL 15.243(1)(b))(iii), as "investigating records compiled for law enforcement purposes….and constitute an unwarranted invasion of personal privacy".

Your request for records described above in Paragraph 5 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ny emails, messages, or reports referencing allegations against Sergeant Lewis is **GRANTED IN PART, DENIED IN PART.** In granting your request, please find the following records:

Email dated 07/20/2023
Email dated 02/28/2024 with attachments
Email dated 01/22/2024
Email dated 01/23/2024
Email dated 02/26/2024 with attachments
Email dated 04/12/2024

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy."

Your request for "[a]ny correspondence discussing his conduct with the witness" is **DENIED** as a review of the records within the public body's possession 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 "[a]ny documents regarding concerns about his credibility, behavior, or fitness for duty during the investigation" is **DENIED** as a review of the records within the public body's possession 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 records described above in Paragraph 6 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for [a]ll communications between your agency and the Delta County Prosecutor's Office regarding: The witness complaint; Sergeant Lewis's conduct; His involvement in the homicide investigation; Issues affecting credibility or investigation integrity" is **DENIED** as a review of the records within the public body's possession 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 "[a]ny communication with the **Michigan Attorney General's Office** regarding the same" is **GRANTED IN PART, DENIED IN PART.** In responding to your request, please find the following records:

Email dated 02/28/2024 with attachments
Email dated 01/22/2024
Email dated 01/23/2024
Email dated 02/26/2024 with attachments
Email dated 04/12/2024

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation

of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy."

Your request for records described above in Paragraph 7 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "logs or reports showing his role in: Searching for the victim's body; photographing the crime scene; searching the defendant's home; witness interviews" is **GRANTED IN PART, DENIED IN PART.** 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.

In this matter, the breadth of the report from all agencies involved that may fit the request totals approximately 165 pages. As this matter is scheduled for trial, a review of the materials to determine what information is exempt is significant. Inaccurate separation of exempt from non-exempt information pursuant to MCL 15.243(1)(b)(ii) would deprive a person of the right to a fair trial. A jury trial is scheduled in this matter to commence in March 2026. Much of the information contained within the report has never been publicly disclosed or discussed and would tamper with or taint the jury pool. Moreover, as the records requested are investigating records compiled for law enforcement purposes, the failure to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1)(b)(iii) would constitute an unwarranted invasion of personal privacy, or would, pursuant to MCL 15.243(1)(b)(i), would interfere with law enforcement proceedings.

In conducting similar redactions on similar police reports, it has taken staff approximately 45 minutes to review 5 pages of a report. This equates to approximately 9 minutes per page. When extrapolated to the entire 165 pages associated with this matter, an appropriate review and separation of exempt materials from non-exempt materials would take approximately 1,485 minutes, or 24.75 hours.

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 30 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Your request for "[a]ny notes or reports referencing whether his conduct affected these investigative duties" is **DENIED** as a review of the records within the public body's possession 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 records described above in Paragraph 8 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ny BWC … related to: his interactions with the witness, his investigative activities during the time of the misconduct is **GRANTED IN PART, DENIED IN PART**. In granting your request, there appears to be approximately 15 body camera videos from the Delta County Sheriff's Department that may be responsive. This would require not only a review of numerous hours of footage to sperate exempt from non-exempt information within the videos. An attached estimate is included related to the calculation.

As such, 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. The anticipated, exempt material would include, but is not limited to: MCL 15.243(1)(a), MCL 15.243(1)(b)(i)-(iii), MCL 15.243(1)(d) (specifically MCL 28.214 and/or MCL 780.311).

In this matter, a review of approximately 15 total body cameras and/or in car videos from the Delta County Sheriff's Office alone would be required to determine if the footage is appliable to the request. This would require not only a review of numerous hours of footage to sperate exempt from non-exempt information within the videos.

This process of redaction of video not only takes specialized computer skills, but also specialized computer programs. There are limited numbers of people within the County with access to the program. As such, the lowest paid employee with access to a license or with the ability to operate the computer program was utilized as the base salary despite the fact the work will likely be done by a different employee.

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.

Your request for records described above in Paragraph 9 is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "personnel records related to the misconduct" to include "Notices of complaint" "Outcome letters", "records of discipline or recommended action" is **GRANTED IN PART, DENIED IN PART.** In granting your request,

Delta County Sheriff Department Citizen/Outside Agency Complaint form dated 07/21/2023
Memo dated 08/21/2023
Memo dated 09/06/2023

In denying your request, material that is exempt has been separated from non-exempt material pursuant to MCL 15.234(1)(a), specifically that "[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy."

Your request for "personnel records related to the misconduct" to include "Notices of investigation" is **DENIED** as a review of the records within the public body's possession 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.

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,

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