Delta County Prosecutor's Office

Lauren M. Wickman
Prosecuting Attorney
Civil Counsel
Beth Wickwire
Chief Assistant Prosecutor
Deputy Civil Counsel
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December 18, 2025

[redacted]

Re: FOIA Request #25-277

[redacted]

I acknowledge receipt of your Freedom of Information Act requests dated November 25, 2025 received by the Delta County Prosecutor's Office on November 26, 2025. An extension was filed on December 3, 2025 by the Public Body.

Your Request is as follows:

Pursuant to **Michigan Freedom of Information Act (MCL 15.231 et seq.)**, I hereby request access to and copies of annual statistical reports and related data from the Delta County Prosecutors Office for the specified period below.

DOCUMENTS REQUESTED

I am requesting all annual statistical reports, year-end reports, and similar summary documents that contain prosecutorial data, including but not limited to:

Specific Data Categories:

Within these reports, I am particularly interested in statistics covering:

Case Management Data:

- Clearance rates and backlog statistics
- Conviction and acquittal rates

TIME PEROID

I request these documents for the following timeframe:

- **Primary focus**: fiscal years since Prosecutor Lauren Wickman took office to present
- **Extended Period**: If available, include the most recent completed fiscal year
- **Interim Reports**: Any quarterly or semi-annual reports from the specified period

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FORMAT AND DELIVERY

1. **Format**: Please provide all documents in electronic format (PDF preferred)
2. **Organization**: If possible, organize documents chronologically by year
3. **Completeness**: include all appendices, charts, graphs, and support data
4. **Cost Notification**: Please inform me in advice if any fees will exceed $[amount]

Your request was clarified for missing information related to above request, with the clarification dated November 25, 2025, and received by the Prosecutor's Office on November 26, 2025. This clarification stated:

> I have realized I never attached any dates to the specific request. The dates requested are from January 2020-present, if one or more years are unavailable please provide the ones that do.

Please find the following in response to the above-referenced request:

Your request for "clearance rates and backlog statistics" from 2020 to present is **GRANTED IN PART, DENIED IN PART**.

> At this time, there are no statical reports or summary documents that document or record the "clearance rates and backlog statistics" from 2020 to present. This information is not something that is regularly maintained or possessed by the Prosecutor's Office in the course of its normal course of business. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record." These records do NOT exist at this time as they have not been a record or report that the Prosecutor's Office has been required to or need to create prior to your request.
>
> Our office has previously provided the Delta County Court information related "backlog statistics" in response to FOIA request 25-215. As they have been previously provided, and you have not established a reason why a second production of the same documents is required, they will not be provided again.[1]
>
> Further clarification on what you mean by "clearance rate" and "backlog statistics" may also aid in finding relevant and appropriate documentation.
>
> The definition currently being used to interpret "clearance rates" the number of cases charged vs the number of cases resolved with a conviction.
>
> > While no "annual statistical reports, year-end reports, and similar summary documents" exist related to "clearance rates", the underlying raw data related to "clearance rates" can be derived from existing data that is contained within the

[1] *Densmore v Department of Corrections*, 203 Mich 363 (1994).

possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**.

To locate and examine the responsive documents related to this request, the Prosecutor's Office would be required to review of digital and physical files from 2020 on to determine their "status." [2] This would require the review of approximately 1,000 files per year, amounting to 6,000 files. As documented in FOIA Request 25-215, given the breadth of your request and the number of records which must be searched (approximately 1000 files per year, for 6 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. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

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.

A definition to interpret "backlog statistics" is much harder to determine. Cases within the office fall into one of five categories: authorized and pending court, pending in court, sent for further information/investigation, denied, or in review.

A "backlog" would generally be defined as cases with no movement or progress forward. Cases pending in District or Circuit Courts of Delta would be accounted for the documents in the responsive document associated with FOIA Request 25-215, as addressed above. These records have already been provided to you in response to FOIA Request 25-215. As they have been previously provided, and you have not established a reason why a second production of the same documents is required, they will not be provided again.[3] No further documents are possessed or maintained by the Prosecutor's Office related to "backlog statistics".

As the documents in 25-215 have already been provided, and no further documents exist, the request is **DENIED.** The undersigned hereby certifies that,

[2] I.e. is the case open, closed, bench warrant status, etc.

[3] *Densmore v Department of Corrections*, 203 Mich 363 (1994).

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 "conviction and acquittal rates" from 2020 to present is **GRANTED IN PART, DENIED IN PART**.

Your request for "conviction and acquittal rates" from 2020 to present is nearly identical to that of FOIA Request 25-94, only with a wider timeframe that you are seeking (2021 to 2025, vs 2020 to 2025). As indicated in that response, the Prosecutor's Office has provided you the records that exist within its possession. Specifically, a Screening Decision table for January 1, 2024, to December 31, 2024. Subsequently, the matter was appealed to the Board, which upheld in part the denial. An additional document was provided to on July 7, 2025, you related to data from January 1, 2025, to July 3, 2025. As both of these documents, have been previously provided to you, and you have not established a reason why a second production of the same documents would be required, they will not be provided again.[4]

Further, other statistical information was provided to you in response to FOIA Request 25-195, related to statistics and information provided the Delta County Board of Commissioners. This FOIA Request was also Appealed to the County Board, with the Denial being upheld. All "annual statistical reports, year-end reports, and similar summary documents" related to "conviction and acquittal rates" from 2020 to present, that exists have previously been produced to you. As they have been previously provided, and you have not established a reason why a second production of the same documents is required, they will not be provided again.[5]

Moreover, pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record." These records do NOT exist at this time as they have not been a record or report that the Prosecutor's Office has been required to or need to create prior to your request.

While no "annual statistical reports, year-end reports, and similar summary documents" exist related to "conviction and acquittal rates", the underly data that would allow you to create such summary documents or statistical reports, can be provided. As such, your request is **GRANTED IN PART, DENIED IN PART**.

To locate and examine the responsive documents related to this request, the Prosecutor's Office would be required to review of digital and physical files from 2020 on to determine their "status." [6] This would require the review of

[4] *Densmore v Department of Corrections*, 203 Mich 363 (1994).
[5] *Densmore v Department of Corrections*, 203 Mich 363 (1994).
[6] I.e. is the case open, closed, bench warrant status, etc.

approximately 1,000 files per year, amounting to 6,000 files. As documented in FOIA Request 25-215, given the breadth of your request and the number of records which must be searched (approximately 1000 files per year, for 6 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[7] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

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.

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

[7] Please note that the review of the 6,000 referenced in the estimate related to "clearance and backlog statistics" (page 2-3), would be redundant of this estimate. As such, only one estimate is being drafted as it would apply to both requests.