Delta County Prosecutor's Office

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Prosecuting Attorney
Civil Counsel
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February 12, 2026

[redacted]

Re: FOIA Request #26-28

[redacted]

I acknowledge receipt of your Freedom of Information Act request dated February 5, 2026, and received by the Delta County Prosecutor's Office on February 6, 2026. The request we received is as follows:

> **Request for Aggregate Criminal Case Statistics**
>
> Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I request disclosure of the following **existing aggregate statistical information:**
>
> **Request Record:**
> - Total number of criminal cases pending or in progress at the time the current prosecutor assumed office.
>
> Aggregate numerical data only.
>
> If no such calculation is maintained, please indicate that no responsive record exists. This request does not require creation of a new record.

Your request is **GRANTED IN PART, DENIED IN PART.**

A review of existing records within the possession of or maintained by the Delta County Prosecutor's Office reveals that no existing record, document, or "aggregate statistical data" exists that provides the "total number of criminal cases pending or in progress at the time the current prosecutor assumed office." As such, the request for such an existing or identifiable record is **DENIED**. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public record requested, and described above, does not exist within the records of the public body under the name nor any other name reasonably known to the public body.

The underlying data could be obtained which would allow the requester to obtain or calculate the requested "aggregate numerical data". As such, as to the underlying data the request is **GRANTED**, subject to any necessary separation of exempt from non-exempt information.

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However, given the breadth of your request and the number of records (which must be searched for 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.

The significant time and cost for search for and locating the records could require the location of pending/open files date back years. Pending cases would cover matters that would be considered in "warrant status", in "bench warrant status", pending arraignment, pending a court hearing, etc. Records responsive to this request could and would likely include cases that predate the current Prosecutor's Office staff. For example, a defendant was arraigned on a case at the end of 2025 on a case that had been authorized/issued in 2001. Based on information and belief, it is estimated that our office has approximately 800 to 1000 files "open" at any one time, at various stages. As, an estimate to determine the exact number will use 800 files as a baseline. The final amount would be adjusted based on the actual number of files that are located and determined to be responsive of the request, consistent with Michigan FOIA.

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