

**Summary of Information from Circuits' Second Progress Reports on Compliance with *Kenny v. Wilson* (received as of 9:00 a.m. 10/13/2023)**

**DISORDERLY CONDUCT LAW Sub-Class**

Defined in April 2024 order as: all elementary and secondary school students enrolled in a South Carolina school as of October 13, 2021 (including those who have left the school system since that time) for whom a record exists relating to being taken into custody, charges filed, adjudication, or disposition under S.C. Code Ann. §16-17-530

Circuit	Pending Charges against Disorderly Conduct Sub-Class (defined above) as of Report Date		Adjudicated and/or Dismissed Cases Covered by Order (Action Taken as of Report Date)				For All Cases		
	Number of Cases Identified and Whether More to be Identified	Reason for any Remaining Open	Number of Cases Identified and Whether More to be Identified	How Many Expunged (numbers only cover expungements under <i>Kenny v. Wilson</i> )	How Many in Process of Being Expunged	How Many Awaiting Inspection and/or Other Action	Reason for any Delay or Inaction	Records Destroyed (do not need to list by case, just names/types of records destroyed in any, even if a record was only contained in and destroyed in a single case)	Records Retained Under Seal (under Section 17-1-40(B)(1)(a), the only records that may be retained by a prosecution office are arrest and booking record, associated bench warrants, mug shots, and fingerprints)
1	0		37 <i>(no additional to be identified, number may decrease based upon whether incidents occurred at school and enrollment [or not] in school as of October 13, 2021)</i>	Unknown <i>(request has been sent to our Expungement Coordinator)</i>	Unknown <i>(request has been sent to our Expungement Coordinator)</i>		Difficulty in both locating physical file to determine incident location and in determining whether defendant was enrolled in school as of October 13, 2021 (records available to the Solicitor's Office do not indicate enrollment dates - requests sent to the School Districts)	Orangeburg/Calhoun: 7 (dismissal sent to DJJ and entire packet shredded)	None
2	0 <i>(No more to be identified)</i>		48 <i>(more to be identified)</i>	0	0	653	Expungements for Disturbing Schools are being completed first. We have to go through each incident report to determine if the DOC is school related.	N/A at this time. Once expungements are completed, records will be destroyed according to law.	N/A at this time. Once expungements are completed, records will be retained according to law.
3	0		15 <i>(more expected)</i>	0	0	Unknown	Difficulty in determining whether defendant was in school at the applicable time		

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4	Unknown	Coordinating with DJJ to confirm number, if any	Unknown	Unknown	Unknown	Unknown	September 2018 our office roof collapsed due to Hurricane Florence & Hurricane Michael all of our old files were stored on the 3rd floor and had to be destroyed due to mold.	All paper records were destroyed due to Hurricane Florence & Hurricane Michael. We do not track juvenile cases electronically or in our case management system.	All paper records were destroyed due to Hurricane Florence & Hurricane Michael. We do not track juvenile cases electronically or in our case management system.
5	1	Have additional charges	(60 Kershaw) (210 Richland) Total=270 revised 240 while attending 07/31/23	0	0	0	Each case must be visually reviewed for school vs non - school location as data base does not preserve this information independently outside of uploaded filings in system		
6	0	n/a	10 with more to be identified	Investigating, unknown at this time	Investigating, unknown at this time	Investigating, unknown at this time	Requested closed cases via DJJ legal because we did not have case management for juvenile cases during this time; nor were juvenile files kept.		

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7	Unknown	There should be no open pending PDC charges where the offense occurred while the juvenile was attending school during the traditional "school day" - we declined to proceed with any such charges once Judge Seymour's Order was received in October 2021.	Unknown	Unknown	Unknown	Unknown	(1) In April 2023 Spartanburg County was the subject of a ransomware attack; our internal electronic case management system has not been recovered. (2) Culling through years of files (pre-October 2021) for PDC charges that occurred on school grounds during the school day takes time. (3) Clarification as to whether "attending school" as included in Judge Seymour's Order means the traditional educational school day (morning to afternoon) or includes extracurricular functions (example: weekend band competition, nighttime football game) would be beneficial..	None	Juveniles' cases often do not include an arrest or booking report; whether a juvenile is detained by law enforcement and then released to parents or detained by law enforcement and then transported to DJJ Detention is usually included in an Incident Report with an attendant Detention Screening Form by DJJ.
8	0		338 charges are closed. It is unlikely that any more will be identified.	3	0	316	We are having difficulty in determining whether the offense conduct occurred at school or school event and whether defendant was in school at the applicable time - our computerized records do not include that information so we are going through files manually.	Incident report, juvenile complaint form, Solicitor's recommendation to DJJ, case file labels, correspondence, proposed orders	arrest and booking record, associated bench warrants, mug shots, and fingerprints

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9	0		962	17	4	941	Difficulty in determining whether the offense occurred at school and whether defendant was in school at the applicable time (computerized records do not include that information-must review all D/C files manually). We have one person who handles all expungements for our office.	incident reports, supplemental reports, statements, school records	arrest and booking records, associated bench warrants, mug shots and fingerprints
10	0		23 (no more expected)	0	List submitted to SLED 7/28/23	0	Awaiting expungement to delete records in case SLED requires assistance		
11	0		1,017 - no additional cases will be added.	0	0	1017	No additional cases were identified. The working group is continuing to work on the logistics to comply with the order with an objective to have all identified cases either in the process of being expunged or expunged by the end of 2023.		
12	0		120	0	0	Unknown	Need to review files to ensure accounting is correct		

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13	0		336 additional cases identified since last report; no more expected in Pickens; more expected in Greenville	0	28	1,184	High number of cases; compiling spreadsheet		
14	0		131, possibly more	55	131	Unknown	Many files need to be manually inspected, as our case management system only houses information from 2016		
15	0		10	0	0	1,985	We have an employee that has been appointed to create a report to submit to SLED to expunge all records at once, and she has made great progress on that report. The report will be submitted in its entirety upon completion.		
16	0		674 (200 Union/ 474 York) - None remaining to be identified.	474 York	0 York	200 Union awaiting expungement (currently in the process of scanning all paper files - expungement to follow)		York - Digital files as per expungement process (no paper files exist) - any questions contact david.sanders@yorkcountygov.com	As per expungement process - any questions contact david.sanders@yorkcountygov.com