

Summary of Information from Circuits' Third Progress Reports on Compliance with *Kenny v. Wilson* (received as of 2:00 p.m. 12/14/2023)

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		34 <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>	0	0	34	Difficulty in locating physical file to determine incident location (have to request each individual report from the charging agencies) and also difficulty determining whether defendant was enrolled in school as of October 13, 2021 (records available to the Solicitor's Office do not indicate enrollment dates - We are still waiting to hear back from our schools districts, but they don't have information concerning whether the minor was enrolled in another district)	Orangeburg/Calhoun: 7 (dismissal sent to DJJ and entire packet shredded)	None
2	0 <i>(No more to be identified)</i>		294 <i>(more to be identified)</i>	0	294	310	Completed review of Aiken County's DOC records to determine expungement eligibility under <i>Kenny v. Wilson</i> . Emailed list to Clerk of Court, DJJ, and SLED for Expungements. Will now move on to Bamberg and Barnwell Counties	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.

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3	0		0	4	7	Unknown	Difficulty in determining whether defendant was in school at the applicable time (must go through files manually because not computerized), files for magistrate court not in solicitor's office, determining whether cases occurred on school grounds/during school events	None	None
4	0	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	0		124 (9 Kershaw County and 115 Richland County) revised to 52 cases while attending 07/31/23	0	20	0	Each case must be visually reviewed for school vs non-school location as database does not preserve this information independently outside of uploaded filings in system	none	none
6	0	n/a	10 unknown at this time if more will 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	All juvenile records remain confidential. We do not possess juveniles' mugshots, fingerprints, or bench warrants. 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.	16	0	303	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	95	85	782	We have 782 cases that are awaiting expungement but it is a lengthy process and we only 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	all paper records	
11	0		Originally identified 1,017 cases. One case was misidentified as qualifying and has been removed from the list of identified cases. The adjusted count of identified cases is 1,016. No additional cases will be added.	1,016	0	0	None - Expungement process completed November 3, 2023 for all identified cases	Digital records were expunged from 11th Judicial Circuit computer systems and paper records were sealed using established expungement policies and procedures.	Digital records were expunged from 11th Judicial Circuit computer systems and paper records were sealed using established expungement policies and procedures.
12	0		120	0	Unknown	Unknown	Need to review files to ensure accounting is correct	None	Unknown

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13	0		235 additional cases identified in Greenville since last report; no more expected in Pickens; more expected in Greenville	0	28	1,419	High number of cases; compiling spreadsheet	None to date	None to date
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. We were unable to obtain information for the third report but will include numbers in the fourth report.	TBD	TBD
15	0		1,929	0	1,929	0			

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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