

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

**FORMER DISTURBING SCHOOLS 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 the pre-May 17, 2018 version of S.C. Code Ann. §16-17-420**

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		42 (no additional to be identified, number may decrease based upon enrollment [or not] in school as of October 13, 2021)	0	0	42	Difficulty 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 - 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)		
2	0		136 - No more to be identified	0	0	0	Family Court Coordinator is compiling a spreadsheet of juvenile information to submit to SLED for expungement. Working on getting arrest date information from each report.		
3	0		52 and more expected	0	20	4	Difficulty in determining whether defendant was in school at the applicable time.		

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4	0		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	Has additional charges	240	0	0	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		
6	0		0 more may be identified	Unknown	0	Unknown number	Have to request closed cases via DJJ and their records 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 cases where a juvenile is charged with Disturbing School under the statute in effect prior to May 17, 2018.	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-June 2018) to find any charges made under the former Disturbing Schools statute (prior to May 17, 2018) takes time.	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		536 charges are closed. It is unlikely that any more will be identified.	15	0	521	We changed case management systems in July of 2017, and it is unclear how many of these files properly transferred to the current system. In addition, each case needs to be reviewed individually because some incidents resulted in multiple charges against the defendant.	Incident report, juvenile complaint form, Solicitor's recommendation to DJJ, case file labels, correspondence, proposed orders, evaluation reports	Arrest and booking record, associated bench warrants, mug shots, and fingerprints

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9	0		4,258	3	1	Unknown	Difficulty in determining whether juvenile was enrolled in school in October 2021 (computerized records do not contain that information). There is one person in our office who handles all expungements.	Incident reports, supplemental reports, statements, school records	Arrest and booking records, associated bench warrants, mug shots and fingerprints
10	0		67		List submitted to SLED 7/28/23	0	Awaiting expungement to delete remaining records.		
11	0		3,344 No additional cases will be added	0	0	3,344	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		30	0	0	Unknown	Need to review records to provide a correct accounting.		

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13	0		830 additional cases identified since last report; no more expected in Pickens; more expected in Greenville (previous report: 287 from 1/1/2016 to 5/17/2018 and d close to 1,800 for the relevant time frame and are systematically reviewing)	0	60	4,694	High number of cases; compiling spreadsheet.		
14	0		10, possibly more	9	10	Unknown	Many files need to be manually inspected, as our case management system only houses information from 2016.		
15	0		733 No more to be identified	0	0	0	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.		

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16	0		287 (12 Union/ 275 York) - None to be identified	275 York	12 Union awaiting expungement (currently in the process of scanning all paper files - expungement to follow)	0		York - Digital files as per expungment process (No Paper Files exist) - any questions contact david.sanders@yorkcountygov.com	As per expungment process - any questions contact david.sanders@yorkcountygov.com