

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

**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 school districts, but they don't have information concerning whether the minor was enrolled in another district)	None yet	
2	0		136 - No more to be identified	0	136	0	Spread sheet of charges for each county provided to Clerk of Court, SLED, and DJJ for expungement.	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 only records allowed by law shall be retained.

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3	0		0	0	7	13	Difficulty in determining whether defendant was in school at the applicable time (must go through files manually because not computerized), files for magistrate court records not in solicitor's office	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	1	Other charges	209 (60 in Kershaw County and 149 in Richland County)	0	14	135 submitting as we go to SLED as instructed	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-race and gender must also be confirmed manually by office		
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		530 charges are closed. It is unlikely that any more will be identified.	26	0	504	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		4,222	189	139	3,894	There are 3,849 cases awaiting expungement. But it is a lengthy process and there is only 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.	all paper records	
11	0		3,344 No additional cases will be added	3,344	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		30	0	0	Unknown	Need to review records to provide a correct accounting.		

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13	0		669 additional cases identified in Greenville since last report; no more expected in Pickens; more expected in Greenville	0	60	5,363	High number of cases; compiling spreadsheet.	None to date	None to date
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. We were unable to obtain information for the third report but will include numbers in the fourth report.	TBD	TBD
15	0		726	0	726	0			

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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 expungement process (No Paper Files exist) - any questions contact david.sanders@yorkcountygov.com	As per expungement process - any questions contact david.sanders@yorkcountygov.com