

SCCPC Summary of Information from Circuit Solicitors' Sixth & Seventh Progress Reports on Compliance with *Kenny v. Wilson* (received as of 3:00 p.m. 9/24/2024)

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		24 <i>(Orangeburg = 7, Calhoun = 3, Dorchester=14) (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	10	Only delay is determining whether these juveniles were enrolled in school as of October 13, 2021 (records available to the Solicitor's Office do not indicate enrollment dates)	Orangeburg/Calhoun: 7 (dismissal sent to DJJ and entire packet shredded)	None
2	0 <i>(No more to be identified)</i>		573 <i>(no more to be identified)</i>	573		0	Completed review of records to determine eligibility under <i>Kenny v. Wilson</i> . Emailed list to Clerk of Court, DJJ, and SLED for expungements. Our office has expunged/destroyed appropriate records. Received confirmation of expungement from SLED.	Juvenile criminal history, DJJ recommendations; JAP records; evaluations; incident reports; case notes	Juvenile petition; evaluation (for multiple charges); incident reports (multiple charges); bench warrants, arrest/booking information

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3	0		1	9	1	0			
4	0	We contacted DJJ's Statistical Department to request the information that would allow us to move forward but we have not received a response.	Unknown	Unknown	Unknown	Unknown	We still have not received any feedback from DJJ requesting assistance in identifying possible juveniles with the above charge. We have been advised that DJJ is still compiling their list of names to be submitted to SCDOE. DJJ may be willing share their list once we have insured confidentiality. We are willing to sign any document. Once we have a starting point, we can move quickly on taking necessary action.	Unknown	Unknown
5	0	n/a	28 (7 in Kershaw County and 21 in Richland County)	All 28 cases sent to SLED for expungement	0	0	n/a	All records purged from Solicitors database in Kershaw Richland county cases currently in process of purge at time of this report.	none

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6	0	n/a	430 (196 in Chester County, 177 in Fairfield County, and 57 in Lancaster County; possible more Lancaster cases could be found)	57 in Lancaster Clerk's office; none of these have been expunged with DJJ.	196 in Chester and 177 in Fairfield	No more are awaiting inspection.	All Clerk's offices have expunged records. SLED has not responded to our expungement lists. DJJ refuses to expunge without school records. As a Circuit we are requesting expungement of all records regardless of whether in school or not.	Our circuit did not retain any juvenile paper or digital case files during this time period and none exist. Clerk's file will be expunged or has been expunged. Waiting on DJJ to expunge their database as well as SLED.	Retained records will include - if in existence - arrest and booking record, associated bench warrants, mug shots, and fingerprints
7	0	n/a	573 (No more to be identified)	573	0	0	Completed review of records to determine eligibility under Kenny v. Wilson. Emailed list to Clerk of Court, DJJ, and SLED for Expungements. Our office has expunged/ destroyed appropriate records. Received confirmation of expungement from SLED.	Juvenile Criminal History, DJJ recommendation; JAP records; evaluations; incident reports; case notes	Juvenile Petition; Evaluation (for multiple charges); Incident reports (multiple charges); bench warrants, arrest/booking information
8	0		338 (unlikely that any more will be identified)	338	0	0	Expungement of these records requires us to go through each entry in our case managment individually.	Incident report, juvenile complaint form, Solicitor's recommendation to DJJ, case file labels, correspondence, and proposed orders	none

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9	0		962	962	0	0	N/A	hard copy of case file destroyed including; incident reports, supplemental reports, form 5, petitions, statements, school records, and evaluations	digital copy of case file retained in Case Management System *viewing access restricted to office expungement team
10	0		23 (no more expected)	0	List submitted to SLED 7/28/23	0	Awaiting confirmation of expungement to delete records in case SLED requires assistance	Awaiting confirmation of expungement to delete records in case SLED requires assistance	0
11	0		1,015 (no more expected)	1,015	0	0	None - Expungement process completed November 3, 2023 for all identified cases	0	1,015 digital records were expunged from 11th Judicial Circuit computer systems and paper records were sealed using established expungement policies and procedures.
12	0		103 (no other cases should be identified)	0 (but information is being collected to submit to SLED)	0 (but information is being collected to submit to SLED)	0	Need to collect identifying information to submit to SLED	Our office destroyed, or is in the process of destroying, our files for these 103 cases	

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13	0		0 <i>(no additional cases identified in Greenville since last report; no more expected in Pickens or Greenville)</i>	0	28	1,762	High number of cases; compiling spreadsheet	None to date	None to date
14	0		331	263	68	Unknown	Most juvenile files must be manually inspected. If we come across any additional cases, they will be processed accordingly.	TBD	TBD
15	0		1,929	1929	0	0	n/a	All currently in progress	n/a
16	0		674 <i>(200 in Union County and 474 in York County; none remaining to be identified)</i>	674		0		Digital files as per expungement process- any questions contact david.sanders@yorkcountygov.com	As per expungement process- any questions contact david.sanders@yorkcountygov.com