

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)

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 Former Disturbing Schools 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 Kenny v. Wilson)	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	n/a	38 <i>(14 in Orangeburg County, 4 in Calhoun County, and 21 in Dorchester County; no additional to be identified, number may decrease based upon enrollment [or not] in school as of October 13, 2021)</i>	0	0	18	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)		
2	0	n/a	136 <i>(no more to be identified)</i>	136	0	0	Emailed compiled list to DJJ, Clerk of Court, and SLED. Our Office has destroyed/expunged our records. Received confirmation from SLED that they have completed the expungement process on their end.	Incident Report; Form 5 (Juvenile criminal history); DJJ recommendations; JAP records; evaluations	Juvenile Petition; Evaluation (multiple charges); Incident Reports (multiple charges), Bench warrants; booking/arrest records

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3	0	n/a	0	13	0	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 records not in solicitor's office		
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	1	Other charges	229 (63 in Kershaw County and 166 in Richland County)	229 (166 in Richland County and 63 in Kershaw County)	0	0	n/a	All cases have been purged from Kershaw in Solicitor's database/ Richland cases (166) are currently being purged in database at time of this report	None

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6	0 (no more will be identified because this charge is no longer used)	n/a	84 (17 in Chester County, 49 in Fairfield County, and 18 in Lancaster County; it is possible more cases in Lancaster County could be found)	18 with Lancaster Clerk have been expunged so far. None have been expunged with DJJ.	66 still in process of expugment with Clerks of Court in Fairfield and Chester as well as with DJJ.	No more are awaiting inspection.	All Clerk's offices have expunged the 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	136 (no more to be identified)	136	0	0	Emailed compiled list to DJJ, Clerk of Court, and SLED. Our Office has destroyed/ expunged our records. Received confirmation from SLED that they have completed the expungement process on their end.	Incident Report; Form 5 (Juvenile criminal history); DJJ recommendations; JAP records; evaluations	Juvenile Petition; Evaluation (multiple charges); Incident Reports (multiple charges), Bench warrants; booking/ arrest records

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8	0	n/a	530 (charges are closed. It is unlikely that any more will be identified.)	445	0	85	Expungement of these records requires us to go through each entry in our case management individually.	Incident report, juvenile complaint form, Solicitor's recommendation to DJJ, case file labels, correspondence, proposed orders, evaluation reports, warrants, indictments, booking reports, motions	None
9	0	n/a	4,222	4,222	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	n/a	67 (no more to be identified)	0	67 (submitted to SLED 7/28/23)	0	awaiting confirmation of expungement to delete remaining records in case SLED requires assistance	all paper records	None

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11	0	n/a	3,344 (no additional cases expected)	3,344	0	0	None - Expungement process completed November 3, 2023 for all identified cases	None	3,344 digital records were expunged from 11th Judicial Circuit computer systems and paper records were sealed using established expungement policies and procedures.
12	0	n/a	72 (no additional cases should be identified)	none, but information is being collected to submit to SLED	none, but information is being collected to submit to SLED	0	need to collect identifying information to submit to SLED	Our office destroyed our files for these 72 cases.	None
13	0	n/a	No additional cases identified in Greenville since last report; no more expected in Pickens or Greenville	0	60	7,535	High number of cases; compiling spreadsheet.	None to date	

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14	0	n/a	69	76	126	Unknown	Many files, particularly juvenile records, must be manually inspected. If additional cases are discovered in the future, they will be processed accordingly.		
15	0	n/a	726	726	0	0	n/a	All currently in progress	
16	0	n/a	287 (12 in Union County and 275 in York County; no more to be identified)	287	0	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