

SCCPC Summary of Information from Circuit Solicitors' Fifth Progress Reports on Compliance with *Kenny v. Wilson* (received as of 12:00 p.m. 4/3/2024)

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>	294	279	0	Completed review of DOC records to determine expungement eligibility under <i>Kenny v. Wilson</i> . Emailed list to Clerk of Court, DJJ, and SLED for Expungements.	Emailed list to Clerk of Court, DJJ, and SLED for Expungements. Records destroyed in 294 cases in accordance with expungement law. In the process of expunging 279.	Emailed list to Clerk of Court, DJJ, and SLED for Expungements. No word on their progress.

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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 contacted our county DJJs and Family Courts requesting assistance in obtaining the necessary information to move forward. Although we received responses, they are unable to provide the information and we were directed to DJJ's Statistical Department.	Unknown	Unknown
5	0		28 (7 in Kershaw County and 21 in Richland County)	All cases sent to SLED for expungement	28	0		none	none

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6	0	n/a	430 <i>(196 in Chester County, 177 in Fairfield County, and 57 in Lancaster County; possible more Lancaster cases could be found)</i>	0	Expungement process started on identified cases.	Possible inspection of Lancaster logs from 2006-2011. No other case logs or database of old cases exist. Old files do not exist.	Reviewing available handwritten DJJ case logs from 2006-2023 for Fairfield and Chester Counties and from 2012-2023 for Lancaster County		

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7	Unknown		More to be identified by going through paper files	0	0	Ongoing	A ransomware attack in April 2023 destroyed all electronically saved information. Only paper files remain to be searched. In the process of moving to a new courthouse in the middle of January 2024 and clearing storage in March 2024, paper files have been localized for an ongoing box-by-box and file-by-file review to find any school-based PDCs.	All electronically saved case information is destroyed - none remains to either be destroyed or to be searched.	All juvenile records remain confidential. Incident Reports that allow us to determine the charge and the location of the charge are saved in paper format in individual files.
8	0		338 (closed charges that have been identified as potentially falling under the order; unlikely that any more will be identified)	63	0	275	Must go through each entry in our case management system 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	all paper records	
11	0		1,015 (reduction of 1 case from the last report; no additional cases will be added)	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.

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12	0		103 <i>(no other cases should be identified)</i>	0	0	103	Information is now available to complete the expungements	Our office destroyed, or is in the process of destroying, our files for these 103 cases	unknown
13	0		343 additonal cases identified in Greenville since last report; no more expected in Pickens; more expected in Greenville	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	0	1,929	0			

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16	0		674 (200 in Union County and 474 in York County; none remaining to be identified)	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