

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)

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 <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		38 <i>(14 in Orangeburg County, 4 in Calhoun County, and 20 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		136 <i>(no more to be identified)</i>	136	0	0		Spread sheet of charges for each county provided to Clerk of Court, SLED, and DJJ for expungement. No update on their actions.	Spread sheet of charges for each county provided to Clerk of Court, SLED, and DJJ for expungement. No update on their actions.

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3	0		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		None yet	0	0	Unknown	In 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. 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.	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	229 (63 in Kershaw County and 166 in Richland County)	229 (166 in Richland County and 63 in Kershaw County)	0	0			

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6	0 (no more will be identified because this charge is no longer used)		84 (17 in Chester County, 49 in Fairfield County, and 18 in Lancaster County; <i>it is possible more cases in Lancaster County 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, and 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		0 <i>(expect to identify some; still going through paper files)</i>	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 then clearing storage in March 2024, paper files have been localized for an ongoing box-by-box and file-by-file review to find any juvenile files showing a pre-May 2018 Disturbing Schools charge.	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		530 <i>(closed charges that have been identified as potentially falling under the order; unlikely that any more will be indentified)</i>	66	0	464	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, proposed orders, evaluation reports, warrants, indictments, booking reports, and motions	if possess: arrest and booking record, associated bench warrants, mug shots, and fingerprints

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9	0		4,222	4,222	0	0		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		67	0	67 (submitted to SLED 7/28/23)	0	awaiting confirmation of expungement to delete remaining records in case SLED requires assistance		
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	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		72 (no additional cases should be identified)	0	0	0	Now ready to proceed with the expungement process	Our office destroyed our files for these 72 cases.	None

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13	0		2,172 additional cases identified in Greenville since last report; no more expected in Pickens; more expected in Greenville	0	60	7,535	High number of cases; compiling spreadsheet.		
14	0		271	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		726	0	726	0			
16	0		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