

**SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION**  
**First Progress Report on Circuits Solicitors' Compliance with *Kenny v. Wilson* (8/2/2023)**

**DISORDERLY CONDUCT LAW Sub-Class**

Defined in April 4, 2023 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

Judicial 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	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		37 (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)	0	0	0	Difficulty in locating physical file to determine incident location and also difficulty determining whether defendant was enrolled in school as of October 13, 2021 (records available to the Solicitor's Office do not indicate enrollment dates - I have sent requests to the School Districts)	Orangeburg/Calhoun: 7 (dismissal sent to DJJ and entire packet shredded)	None
2	0		48 (more to be identified)	0	0	653	Expungements for Disturbing Schools are being completed first. We have to go through each incident report to determine if the DOC is school related.	None yet	

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3	0		15 (more expected)	0	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 not in solicitor's office, determining whether cases occurred on school grounds/during school events	None yet	
4	Unknown	Coordinating with DJJ to confirm number, if any	Unknown	0	0	Unknown	All paper records were destroyed due to Hurricane Florence & Hurricane Michael. We do not track juvenile cases electronically or in our case management system.	None yet	
5	0		52	0	0	21	Fifty-two cases have been identified as falling within the sub-class, and expungement is the next step; missing data on location of the conduct in the 21 cases.	None yet	
6	0		10 (with more to be identified)	0	0	0	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.	None yet	

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7	Unknown	There should be no open pending PDC charges where the offense occurred while the juvenile was attending school during the traditional "school day" - we declined to proceed with any such charges once Judge Seymour's Order was received in October 2021.	Unknown	0	0	Unknown	(1) In April 2023 Spartanburg County was the subject of a ransomware attack; our internal electronic case management system has not been recovered; and (2) manual review of paper files will need additional time.	None yet	
8	41 It is unlikely that any more will be identified.	We are investigating to determine if the defendant was a student and the offense occurred on school grounds or during a school event.	344 charges are closed (unlikely that any more will be indentified)	0	0		We are having difficulty in determining whether the offense conduct occurred at school or school event and whether defendant was in school at the applicable time - our computerized records do not include that information so we are going through files manually.	None yet	

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9	0		Undetermined	0	0		Difficulty in determining whether the offense occurred at school/school event and whether defendant was in school at the applicable time (computerized records do not include that information so will have to review all files manually)	None yet	
10	0		23 (no more expected)	0	Expungement lists submitted to SLED on 7/28/23			None yet; next step will be expungement of records	
11	0		1,017 (no additional cases will be added)	0	0	1017	Working group was established and potential charges were identified.	None yet	
12	0		65 (estimate of 40 more to be identified)	0	0	Estimate 60	Need to gather and review incident reports to determine if the crime happened at school	None yet	
13	0		28 (with 848 other possible)	0	28	848 to be systematically reviewed to determine if fall under sub-class.	Had a question whether each requires a formal petition for expungement or if any order signed by a circuit court judge is necessary; told that, because of <i>Kenny v. Wilson</i> order, only need to submit spreadsheet to SLED	None yet, yet, next step will be expungement of records in the 28 confirmed cases	
14	0		55 (more expected)	0	55	Unknown	Many files need to be manually inspected, as our case management system only houses information from 2016.	None yet	None

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15	0		10	0	0	1,573	Tedious process of pulling over a decade of case files to determine where each individual incident took place - need additional man power	None yet	
16	0		674 (none remain to be identified)	None	674	None	List of caharges to be expunged submitted to SLED.	None yet	