

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

FORMER DISTURBING SCHOOLS 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 the pre-May 17, 2018 version of S.C. Code Ann. §16-17-420

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 <i>(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)</i>	Records Retained Under Seal <i>(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)</i>
1	0		50 (no additional to be identified, number may decrease based upon enrollment [or not] in school as of October 13, 2021)	0	0	50	Difficulty in 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)	None yet	
2	0		136 (no more to be identified)	0	10	126	Family Court Coordinator is doing expungements as well as her regular duties.	None yet	
3	0		51 (more expected)	0	0	24	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	None yet	
4	Unknown	Corridinating with DJJ to confirm on number, if any.	Unknown			Unknown	All paper records were destroyed due to Hurricane Florence & Hurrican Michael (mold after roof collapsed). We do not track juvenile cases electronically or in our case management system.	None yet	

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5	1	Has additional charges	206	0	0	149	Two hundred and six 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 149 cases	None yet	
6	0		0 (more may be identified)	0	0	Unknown number	Have to request closed cases via DJJ and their records because we did not have case management for juvenile cases during this time and juvenile files were not kept.	None yet	
7	arrest and booking records, associated bench warrants, mug shots and fingerprints+A9:A13	There should be no open pending cases where a juvenile is charged with Disturbing School under the statute in effect prior to May 17, 2018.	Unknown			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	All juvenile records remain confidential. Please note that we have never had mugshots, fingerprints, or bench warrants re: juveniles in the possession of the Solicitor's Office. Additionally, most juveniles' cases do not include an arrest or booking report - the nature of either being detained by the law enforcement agency and released to parents or being detained by the law enforcement agency at DJJ Detention is included in an Incident Report with an attendant Detention Screening Form by DJJ.

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8	39 It is unlikely that any more will be identified.	There is no reason for these cases to remain open. We are in the process of closing these charges in our case management system.	212 charges are closed (unlikely that any more will be identified)				We are reviewing each document in every case to make sure it was labeled properly, and this is taking some time. We changed case management systems in July of 2017, and it is unclear how many of these files properly transferred to the most recent system.	None yet	
9	0		Approx. 3,000 possible	3	1	Unknown	Having difficulty in determining whether offenders were enrolled in school in October 2021 (computerized records do not contain that information)	incident reports, supplemental reports, statements, school records	arrest and booking records, associated bench warrants, mug shots and fingerprints
10	0		67		All 57	67	Previously, the focus has been to eliminate the pending cases. Expected to finish with 60 days.	None yet	
11	0		3,344 possible (no additional cases will be added)	0	0	3,344	Working group was established and potential charges were identified.	None yet	
12	0		9			estimate 20 additional cases	Need to review records to provide a correct accounting of all files	None yet	
13	0		0 (with 3,924 possible cases)	0	60	3,924 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, next step will be expungement of records in the 60 confirmed cases.	
14	0		9 (more expected)	0	9	Unknown	Many files need to be manually inspected, as our case management system only houses information from 2016.	None yet	

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15	0		733 (no more to be identified)	0	0	0	Tedious process of pulling over a decade of files and case reports	None yet	
16	0		287	0	287				