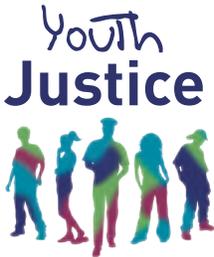


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YOUTH RECORDS



As a general rule, the *Youth Criminal Justice Act* (YCJA) protects the privacy of young persons who are accused or found guilty of a crime by keeping their identity and other personal information confidential. The protection of privacy is achieved by prohibiting the publication of information that would identify a young person's involvement in the criminal justice system and by restricting access to their youth records.

This fact sheet contains general information regarding youth records under the YCJA. To learn more about the restrictions on publication, please consult the Publication Bans fact sheet. This information is of a general nature and is not intended as a substitute for professional legal advice. For more information, see the *Youth Criminal Justice Act: Summary and Background* or the full text of the YCJA.

What Is a Youth Record?

A record is anything that contains information created or kept for the purposes of the YCJA or for investigating an offence that could be prosecuted under the YCJA. For example, the following information may be part of a youth record: name or birth date; details about arrest, charge or sentence; and information provided by family members, neighbours, school authorities and victims.

- Police officers involved in the case;
- Directors of correctional facilities where the youth serves a sentence;
- People involved in a youth justice conference;
- The victim; and
- Someone carrying out a “criminal record check” for a government job (municipal, provincial or federal).

Access to Youth Records

One of the biggest differences between the youth justice system and the adult justice system is that the privacy of young people is protected and their personal information is kept confidential. The YCJA restricts access to youth records to certain people. Those who may be allowed to see a youth record include:

- A young person who is accused or found guilty of a crime, along with the young person's lawyers, parents or guardians, and anyone else authorized by the court;
- Crown prosecutors;
- Judges, courts and review boards;

How Long Does a Youth Record Last?

How long a record remains open depends on the offence committed, the sentence imposed, and whether a young person commits another offence while the record is still open. The period during which a record is open is called the **access period**. Once the access period ends, youth records are sealed and/or destroyed. However, if someone over the age of 18 with an open youth record commits another crime, the youth record will become part of that person's adult record.

The following table sets out the access periods for a record depending on the type of offence and how the offence is dealt with:

How Offence Is Dealt With / Type of Offence	How Long Before Record Will Be Sealed or Destroyed? (Access Period)
Youth is acquitted (other than verdict of not criminally responsible on account of mental disorder)	Two (2) months after the time allowed to file an appeal, or, if an appeal is filed, three (3) months after all proceedings related to the appeal are completed
Charge is dismissed or withdrawn	After two (2) months
Youth is found guilty and given a reprimand	After two (2) months
Charge is stayed	After one (1) year, if no further court proceedings have been taken
Extrajudicial sanction is imposed	Two (2) years after the young person has consented to the extrajudicial sanction
Youth is found guilty and given an absolute discharge	One (1) year after the young person has been found guilty
Youth is found guilty and given a conditional discharge	Three (3) years after the young person has been found guilty
Youth is found guilty and sentenced for summary conviction offence	Three (3) years after the sentence has been completed (any subsequent offence will result in an extension)
Youth is found guilty and sentenced for indictable offence	Five (5) years after the sentence has been completed (any subsequent offence will result in an extension)
Murder, manslaughter, attempted murder, or aggravated sexual assault	Record may be retained indefinitely
Certain scheduled offences	Record will be retained for an additional five (5) years
Youth is found guilty and receives an adult sentence	Record is treated as an adult record, and the rules applicable to adult records apply.
Person is convicted of an offence committed after he or she turns 18, while the access period for their youth offence is still open	Record for the youth offence will be treated as an adult record, and the rules applicable to adult records apply.

** If you are unsure whether your youth record has been sealed or destroyed, check with your local police service to verify the status of the record.*

Travel Considerations

Other countries do not have access to youth records except in very rare circumstances. For instance, Canada may disclose information to foreign countries under international agreements that govern cooperation in the investigation of criminal matters. Alternatively, a customs officer in a foreign country may find out about an offence simply by asking questions to those seeking entry to that country. If another country does obtain information about a youth record, they may decide to keep it in their own files permanently.

Any criminal record may prevent a person from getting into another country, no matter how minor the offence. Generally speaking, Canada's laws do not apply outside of Canada, so an official from another country who learns about a youth's record may choose to not allow the young person into that country.

Employment Considerations

Having a youth record may limit a person's job options. The police will not give any employer, except a government employer, information about a youth record. However, other employers can ask that a young person complete a "criminal record check" in order to prove that they do not have a record. Young persons have the right to refuse to provide a criminal record check, although doing so may jeopardize the employment opportunity.

** If you have concerns about your youth record, you should consult with a lawyer.*