

Youth Records and the Youth Criminal Justice Act
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When a young person comes into contact with the justice system a record of that contact is almost always created. A record can be anything that contains information that is created or kept for the purposes of the *Youth Criminal Justice Act* (YCJA) or for an investigation of an offence that is or could be prosecuted under the YCJA. Publishing any information that could identify a young person is prohibited under the YCJA. That is not the case for adults. Adults do not enjoy the same measure of privacy that is afforded to a young person. However, there are some circumstances where releasing a youth record or identifying a youth is not prohibited. An example of this is when a young person receives an “adult sentence”. The YCJA defines an adult sentence, in the case of a young person who has been found guilty of an offence, as a sentence that could be imposed on any adult convicted of the same offence. The record is then treated the same way as an adult record and becomes permanent.

When a young person turns 18 years old they may have their record “closed” depending on the seriousness of the crime committed, and whether or not another crime has been committed while the record was “open”. A youth record is closed when it is either destroyed or sealed. A record may be closed before the young person is 18 years old depending on the seriousness of the offence. For example, if a young person is found guilty and receives a reprimand, the record is sealed or destroyed after two months provided the young person is not found guilty of another crime while the record is open. The record is considered open during those two months.

However, while the youth record is open it can still be accessed by certain people. These people can include the young person’s lawyer, crown prosecutor, police, judges, victims of the crime, as well as a few others who may have valid reasons to inquire into the young person’s record. It can also include agencies that may have a reason to have knowledge of the record for purposes of assisting the youth. Once the record has been closed it is against the law for anyone to disclose its contents.

One of the primary differences between the YCJA is that while a young person is found guilty of a crime, the young person is not convicted of that crime. For this reason a young person does not need to apply for a pardon, unless of course, they received an adult sentence while their record was still open. A young person must keep in mind that their youth record could still be open while they are an adult depending on the seriousness of the crime or when the crime was committed.

If you are not sure whether you have an open record or not then it is advisable to contact a lawyer knowledgeable in this area of law.