



CONSEQUENCES OF A YOUTH RECORD

THIS FACT SHEET PROVIDES GENERAL INFORMATION ONLY. YOU SHOULD NOT RELY ON IT FOR LEGAL ADVICE.

What is a youth record?

Youth records apply to people aged 12 to 17. A youth record is established when a young person gets in trouble with the law and the incident is recorded by the police, crown prosecutors, courts and, or correctional agencies.

What information is in a youth record?

Youth records can include name or birth date; details about arrest, charge or sentence; and information provided by others involved or others questioned.

When is the youth's privacy protected?

In most cases, it is against the law for anyone to publish the name of a young person charged with or found guilty of an offence, or any information that could let the public identify who the young person is. This law is upheld under the *Youth Criminal Justice Act* that governs how Canada deals with young persons in trouble with the law.

There are instances where a young person's name can be released.

For example:

- The youth is found guilty and receives an adult sentence.
- The youth receives a youth sentence for a violent offence and the court determines that there is a high risk the youth will commit another violent offence and lifting the publication ban is necessary to protect the public.
- Where a youth alleged to have committed a crime is at large and the judge is satisfied that the youth presents a danger to others, and that publication is necessary to apprehend the youth.
- Publicizing a youth's name is not the same as providing access to a youth record

How long does a youth record last?

How long a youth record stays open depends on three factors:

1. The seriousness of the offence.
2. Outcome of the case.
3. If there is a conviction of another offence while the youth record is still open.

Consequences of a youth record

A youth record can create problems for a youth, even after they become an adult. A youth record may show up when you apply for a job or travel.

Having a youth record can limit a youth and an adult's travel opportunities. Some countries will not process a visa for someone that has a youth record.



Each country has their own rules – Canadian laws do not apply. If you have or had a youth record you should contact a lawyer for advice before making an application or before crossing a border.

A youth record can make it harder for a young person to get a job at the beginning of their working life. This is sometimes a long-term problem because early work experience is useful when applying for more desirable jobs later on.

When you apply for a job, an employer may ask you if you have a youth record. If you lie and the employer finds out, they may choose to hire someone else.

An employer can also ask you for a police record check. You are entitled to refuse, but if you do, the employer might think you have something to hide and choose to hire someone else.

Closing a youth record

In order to avoid the difficulties that a youth record can cause, it is important to ensure that officials close the record when they are supposed to.

In order to make sure a youth record is closed the youth or the adult should go to a local police station with photo ID and ask the police to check their files. If the record is still there a request can be made to the local police to contact the RCMP and have the record destroyed.

It is a good idea to close a youth record if you were found not guilty of the offence on your record.

It is a good idea to close a youth record before you cross a border or apply for a visa. If you need advice on your particular situation, contact a lawyer.

If you are not in agreement with the existence or accessibility of your youth record, you should speak with a lawyer who has experience in youth criminal justice matters.

Want more Information?

Clicklaw

BC's portal for legal information. Visit www.clicklaw.bc.ca and enter for youth records in the search field.

Department of Justice Canada

More information at www.justice.gc.ca/youth.

Legal Services Society Call Centre

LSS-Call Center can provide answers to legal questions and direct you to other information or resources. Note the call centre does not provide legal advice. In Vancouver region call 604.408.2172 or toll-free outside the lower mainland call 1.866.577.2525.

People's Law School

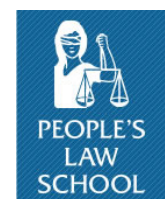
Offers seminars and has a resource booklet on Consequences of a Youth Record.

Visit www.publiclegaled.bc.ca resource page or contact us through our online PLS Ask service or at 604.331.5400.

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