




a
youth
record
is
no
joke

**YOUR RECORD
DOESN'T END**



when you
Turn 18









The time a youth record lasts has nothing to do with turning **18**

It can be **closed before** you turn 18,

or it can **stay open long after.**



The **TIME** a Youth Record lasts depends on:

- 
-  how serious the crime was,
 -  the sentence, and
 -  whether you commit another crime while your record is open.



Your youth court record is a record of all court proceedings that involve you.

It can include any charges laid against you, reports prepared by experts, previous findings of guilt, any sentences you have received, and information about whether you have finished serving the sentence.

The Seriousness of the CRIME

S Summary conviction offences are **minor crimes**.

An adult can only be fined up to \$2000 or go to prison for up to 6 months, or both, for these crimes.

If you are found guilty of a summary conviction offence, your youth **record will last for 3 years** after the end of your sentence.

The 3 years don't start when you commit the crime, or when you are found guilty. **They start when you have finished your whole sentence**, including your probation.



How old you will be when your youth record for a summary conviction offence is closed depends on how old you are when you are sentenced, and how long the sentence, including the probation, is for.



Your youth record will only be closed before you turn 18 if you finish your sentence before your 15th birthday.

If you are 17 or older when you are sentenced, you will have an open record into your 20s.



The Seriousness of the CRIME

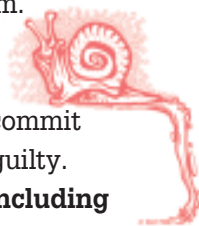
Indictable offences are **serious crimes**.

Punishment for these crimes **is more severe** than the punishment for summary conviction offences.



If you are found guilty of an indictable offence, **your youth record will last at least 5 years after you finish your sentence**. It can sometimes remain open to the police and the Attorney General for **10 years or more**. This can happen if the crime you committed was a serious sexual or violent crime in which you used a weapon or injured the victim.

The 5 years don't start when you commit the crime, or when you are found guilty. **They start when your sentence (including your probation) is over** and you have done everything you were told to do.



If you are 13 or older when you finish your sentence, you will still have a youth record after you turn 18.



In many cases, you will be in your 20s before your youth record is closed, even if you don't commit another crime.

The Seriousness of the CRIME

Hybrid offences

are crimes that can be treated as either summary conviction offences or indictable offences. Only a few minor crimes are always summary conviction offences.

Very serious crimes are always indictable. **Most of the common youth crimes can be either one or the other.**

It is up to the Crown attorney to decide which way to treat these crimes.

If you commit a hybrid offence, you won't know how long your youth record will last until the Crown attorney decides.

(definition)

The Crown attorney is a lawyer who works for the government. It is their job to present the case against you in court.





THE SENTENCE



You will always get a youth record if you have been involved in the youth justice court system. The length of time it will last depends on the outcome of your case.

For example:

- ➔ If the charges are dismissed or withdrawn, or you are given a reprimand, your record will last for 2 months after the decision.
- ➔ If you have a hearing and the judge gives you an absolute discharge, your record will last for one year after the judge's decision.
- ➔ If the discharge is conditional, the record will last for 3 years after the decision.
- ➔ If you are found guilty of a summary conviction offence, your record will last for 3 years after you finish your sentence, including probation.

- ➔ If you are found guilty of an indictable offence, your record will last for at least 5 years after you finish your sentence, including probation.
- ➔ Even if you are acquitted, your youth record will last for 2 months after the end of the time allowed for an appeal. Or, if an appeal is heard, 3 months after all appeals have been heard or decided.
- ➔ If you are sent to an alternative program instead of having a court trial, you won't have a court record. Instead you will have a police record showing that you have been in an alternative program because you have committed a crime. That record will last for 2 years from the time you agree to enter the alternative program.



Committing another crime

Committing another crime before your record is closed makes your record for the first crime last longer.

BEFORE you turn 18 and AFTER you turn 18

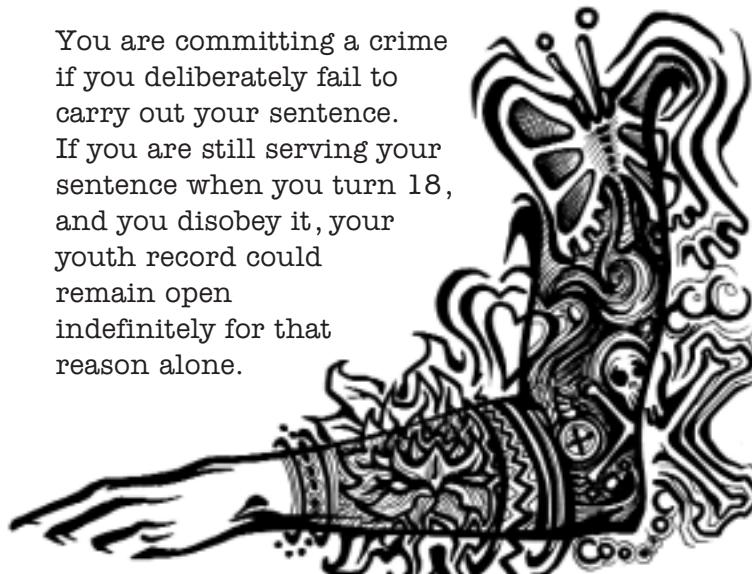
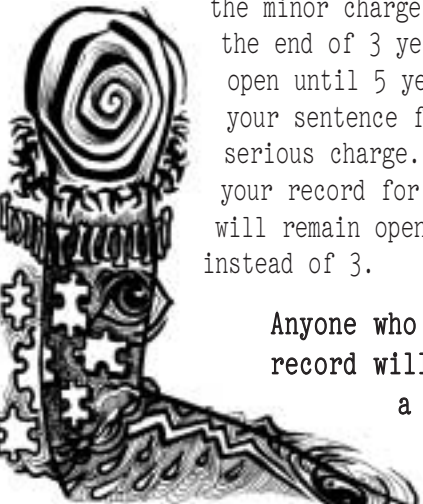
If you have an open youth record, and you are found guilty of another crime before you turn 18, the record for the first offence won't be closed until it is time to close the record for the later offence. For example, if you are found guilty of a serious crime 2 years after you have finished serving a sentence

for a minor offence, your record on the minor charge won't be closed at the end of 3 years. It will remain open until 5 years after the end of your sentence for the second, more serious charge. This means that your record for the minor charge will remain open for 8 years instead of 3.

Anyone who has access to your record will see that you are a repeat offender.

If you commit another crime after you turn 18, but while your youth record is still open, your youth record will remain open indefinitely. This means that police and other government agencies will be able to look at your records at any time.

You are committing a crime if you deliberately fail to carry out your sentence. If you are still serving your sentence when you turn 18, and you disobey it, your youth record could remain open indefinitely for that reason alone.






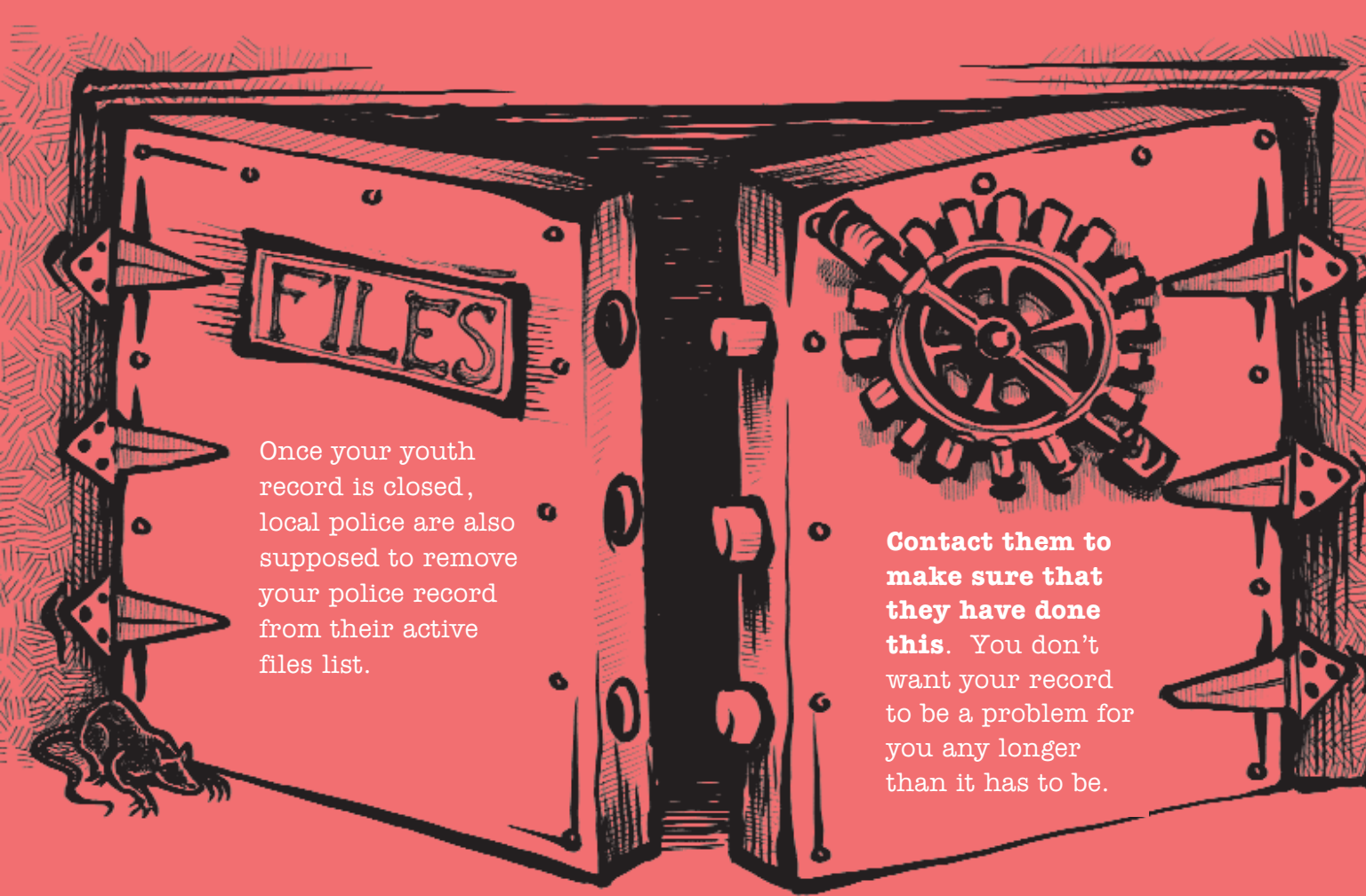
MAKING SURE your record is **CLOSED**

Once your youth record is closed, the law considers you to have never committed an offence. This means nobody can see your youth record or tell anyone about it. The Royal Canadian Mounted Police should take any information about you off their “active files” list. **You should make sure that they do this.**



Go to your local police station with a photo ID and ask them to check the R.C.M.P. files for you. You should do this even if you have been charged but found not guilty.





Once your youth record is closed, local police are also supposed to remove your police record from their active files list.

Contact them to make sure that they have done this. You don't want your record to be a problem for you any longer than it has to be.

This pamphlet has general information only. Each situation is unique. The law can also change. As well, policies and practices can change or vary. If you have a legal problem, contact a lawyer.



This pamphlet is part of a series produced by Community Legal Education Ontario (CLEO). CLEO has publications on other areas of law as well. Most are free. For an order form call **416-408-4420, extension 33** or visit our web site at **<www.cleo.on.ca>**.

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