



5.20 Youth Criminal Justice File

5. Students - Administrative Procedure Manual

A youth criminal justice file is established when information about a pupil involving offences and proceedings under the *Youth Criminal Justice Act* is provided to a school division by a court, a peace officer, a youth worker, a government department, etc. Youth criminal justice information must be handled in accordance with the *YCJA*, even when it is included as part of a pupil file or of some other file and record. Manitoba statutes such as the *Public Schools Act*, the *Education Administration Act*, *FIPPA*, and *PHIA* do not apply to youth criminal justice information. The file may include:

- A copy of the youth court order and other relevant information obtained from the court or justice officers.
- Any information relevant to the safety of staff and students in the division, such as the identification of at-risk individuals or groups, dangerous behavior patterns, violence and risk reduction recommendations or strategies.

Security

The Youth Criminal Justice File has the highest level of security. Records will be kept in a locked cabinet, under the control of the principal. The information must be kept separate from all other records about the young person. The principal of the school is the custodian of the youth criminal justice information and is responsible for the receipt and release, maintenance, protection and security of youth criminal justice information.

Access

A list will be attached to the Youth Criminal Justice File listing those individuals that should have access to the information. Only those persons whose names appear on the list will have access to the file.

Access by the pupil to the youth criminal justice information in his or her pupil file is governed by the *YCJA*. The *YCJA* does not permit a student to access young offender information held at the school.

The *YCJA* does not permit parent (s) or legal guardians to access young offender information held at the school.

Disclosure of Information

Access to the youth criminal justice file component is on a strict “need-to-know” basis. The information will not be disclosed to any other person (including teaching and other staff) except where disclosure to that person is necessary:

- To ensure compliance with a youth justice court order or authorization for reintegration leave or day release.
- To ensure the safety of the staff or students of the school or other persons; or
- To facilitate the rehabilitation of the young person the information is about;

Or, if access or disclosure is authorized under another provision of the *YCJA*.

It is recommended that the principal should verbally advise school staff and others who need to know the information for the authorized purposes, or should let them review but not copy the information for those purposes.

The YCJA does not permit sharing of youth criminal just information between principals.

Transfer and Destruction

If a student transfers to another school division, the Youth Criminal Justice file must be destroyed immediately.

The principal is to inform the youth worker responsible for the student that he/she is no longer attending the school, and the name and location of the new school where the student is attending.

The youth worker is responsible for advising the new school of any pertinent information. The decision to release youth criminal justice information to school principals rests solely with justice officials including the police and youth workers. The principal may recommend to the youth worker that the new school be provided with the youth criminal justice information. Where there is a difference of opinion between a Manitoba Justice youth worker or a police officer and a school principal regarding the nature or extent of information to be disclosed under YCJA, the matter should be referred to the supervisors of each for resolution.

Retention and Destruction

Youth Criminal Justice information must be destroyed when the information is no longer required for purpose for which it was disclosed, or when a student transfers to another school division.