



YOUNG OFFENDER INFORMATION SHARING

Background

Staff of the Division will collaborate with youth workers in order to address school safety and security issues and provide a collaborative and coordinated case management approach to the rehabilitation of students with young offender status.

The *Youth Criminal Justice Act* provides for information to be shared between school officials and other professionals engaged in the supervision or care of a young person where the disclosure of information is necessary

- To procure information for a report required by the Act;
- To comply with a court order concerning bail, probation, or conditional supervision;
- To ensure conditions imposed on a temporary release; or
- To ensure the safety of staff, students or other persons.

Subsequent disclosure of information received for the above purposes is limited under the Act. A breach of the publication or records provision of the Youth Criminal Justice Act is an offence for which there are legal and professional consequences.

The *Youth Criminal Justice Act* protects the privacy of young persons by placing strict limits on the publication of the identity of a young offender and the disclosure of records that serve to reveal a youth's young offender status. Publishing has been interpreted broadly by the courts to include "any act of communication from one to another." The idea here is to "provide a balance between the rights of the young person and the protection of the community."

Definitions

A person with young offender status is an individual charged with, or found guilty of, a criminal code or other federal statute offence that was committed when he or she was 12 years of age or more but under 18 years of age.

Youth workers are probation officers, group home staff or any other persons employed or contracted by Alberta Justice to engage in the provision of services to young persons.

Procedures

1. All information received by school staff from a youth worker about a student with young offender status shall be kept in confidence.
2. The Principal, or designated staff member, shall be the custodian of all young offender information provided by a youth worker.



3. The designate who initially receives the information provided by the youth worker shall not disclose that information to any other person unless disclosure is necessary to prepare a court report, to ensure compliance with a youth court order, or to ensure the safety of staff, students and other persons.
4. Only school staff who “need to know” are to be informed of a student’s young offender status.
5. Where a student, parent or a professional (e.g. social worker) requests information for the purposes of further counselling or coordinating services in the best interests of the young offender, the request is to be referred to the youth worker.
6. All disclosed information about a young offender shall be kept separate from the student’s school record and from any other record accessible to other staff. A list of the persons to whom the information is to be disclosed is to be appended to the young offender’s file. The records are to be kept in a locked cabinet and be under the control of the designate.
7. Disclosed information shall be destroyed when it is no longer required for the purpose for which it was disclosed.
8. The designate must inform youth workers whenever a young offender about whom the school has received information transfers to another school. The youth worker is responsible for advising the designate at the receiving school about the student’s young offender status. Once the transfer has taken place, the student’s young offender information kept at the sending school must be destroyed.
9. Schools are expected to cooperate with youth workers by providing the relevant information needed in the preparation of reports. Information that could be provided by school staff to the youth worker include:
 - 9.1 Student attendance;
 - 9.2 Student program of courses at school;
 - 9.3 Student performance;
 - 9.4 The nature of any incidents giving rise to discipline and the type of discipline imposed;
 - 9.5 The time period for which the information relates.
10. When requested to prepare a school report to assist in the monitoring and rehabilitation of young offenders, the designate may agree to prepare the report and may include the following information:
 - 10.1 School attendance;
 - 10.2 Record of achievement;



- 10.3 Results of school staff interviews with the young offender;
 - 10.4 Indication of remorse toward victim(s);
 - 10.5 Willingness to make amends; and
 - 10.6 Willingness to undertake counselling.
11. Communication between youth workers and school staff are to be encouraged and ongoing. For example, the designate is to advise the youth worker of attendance or other problems that may result in the young person being found in violation of a court order regarding bail, probation, conditional supervision or temporary absence.
12. In circumstances where there is a difference of opinion between the youth worker and school staff regarding the nature or extent of information to be provided by one party or the other, the Superintendent shall be consulted.

References: Sections 11, 51, 52, 53, 197, 222 Education Act
Student Records Regulation 97/2019
Youth Justice Act
Youth Criminal Justice Act, Section 125
Young Persons with Status under the Youth Criminal Justice Act
The Need to Know, A Guide for Timely and Ongoing Information Sharing Between School Officials and Justice System Personnel (The Canadian School Boards Association, 2003)