

# PEACE BONDS

A peace bond is issued under the *Criminal Code* and is granted by a criminal court. A Peace Bond is an order that requires someone to “*keep the peace*” and obey any other conditions that the court places on the order. “*Keeping the peace*” means that the person has to stay out of trouble and must not get charged with any criminal offences during the term of the peace bond. Other conditions that the court may place on a Peace Bond may include forbidding the abusive person from having any contact with the victim, forbidding the abusive person from carrying any weapons, and requiring the abusive person to participate in counselling or treatment.

The victim does not need a lawyer to obtain a Peace Bond and there is no application fee. Similar to “laying a private information” (when the police decide not to lay charges against the abusive person, the victim lays charges her/himself), the victim contacts the police or the Provincial Court – Criminal Division Clerk’s Office and requests a Peace Bond. The Justice of the Peace will hear the complaint, and if there are grounds, will forward the information to the Crown Prosecutor’s Office. The Justice of the Peace will set a court date and the person accused of an offence will be served a summons to appear in court. If this person does not appear in court, the Peace Bond hearing may proceed *ex parte* (i.e. he or she will not get a chance to oppose the request for a Peace Bond).

The victim will have to give evidence that indicates that he/she believes the person is a threat to her/his safety and her/his children’s safety (i.e. abusive person will injure the victim or her/his children and her/his property). If the victim is living with the abusive person, a Peace Bond is not appropriate. It would be difficult to prove fear of personal injury in such a case. The court will require evidence in order to justify restricting the liberty of another person. Therefore, it will be helpful if the victim has kept records of the abusive incidences, as well as any police, medical or counselling records. The victim should also consider whether there are any witnesses who could assist the victim in providing evidence.

In some circumstances where the abusive person’s family and friends have also harassed the victim, it is possible to have them included on the Peace Bond as well. But again, the victim will have to demonstrate to the court that these others are a threat to her/his safety or that of her/his children.

Frequently in domestic violence cases, a Peace Bond will contain a condition that requires the accused to report to probation authorities as required. If such a condition exists, it is important for the victim to determine who the probation officer is and maintain regular contact with the probation officer.

A Peace Bond can be ordered for a maximum of twelve (12) months. A current copy of the Peace Bond should be kept with the victim at all times, so that she/he can show it to the police if the order is violated. If the accused person refuses to sign the bond, he or she can be imprisoned for up to twelve (12) months.

**Violation or Breach of a Peace Bond:** A violation or breach of a Peace Bond is a criminal offence for which the offender can be arrested and charged. The victim should keep records of the incidences and nature of the harassing behaviour and report it to the police (if the police are not informed of the breach, the Peace Bond is useless). The police will swear an information before a judge. The victim will not have to swear the information her/himself as was done when the Peace Bond was originally requested.

**A Peace Bond is only effective if the abusive person obeys it, or if the Peace Bond is breached, there are immediate consequences.** Having a protection order may discourage the abusive person from further threats or assaults. It does not guarantee the physical safety of the victim. Therefore, it is extremely important that the victim also develops a plan to address her or his own safety needs.

Please refer to the information on personal safety planning.