

law made easy



PEACE BONDS

"I left Dick because he was violent towards me. Lately he's been coming around to my workplace and threatening me with terrible things if I don't come home."

— Joan

"I know I owe Tom \$2000. He says he'll beat it out of me. I'm afraid he will because he beat up a friend of mine pretty badly a year ago."

— Mike

Both Joan and Mike are afraid another person will injure them. A peace bond is one way to do something about your fear of another person.

This pamphlet explains how to get a peace bond to protect yourself.



What Is A Peace Bond?

A peace bond is an order made by a Judge that tells a person to be of good behavior and to keep the peace. The order may include conditions the person must follow for a set time up to a maximum of 12 months.

The most common condition of a peace bond is that the person not have any direct or indirect contact with you. Direct contact means calling you, coming to your house, going to your place of work, stopping you on the street, etc. Indirect contact means getting messages to you through another person or leaving notes for you.

You can also ask the Judge to place other conditions on the person if you believe they will protect you. Examples of other conditions you might consider are:

- no access to your residence
- no access to children except through a third person, e.g. a social worker.

The Judge can also order a person to pay money into the court. If the person follows the conditions, the money will be returned when the peace bond expires.

Can JP's Give Peace Bonds?

All Judges of the Territorial Court have the authority to grant peace bonds. As well, some Justices of the Peace have this authority. In Yukon the authority of each Justice of the Peace is granted on an individual basis by the Chief Judge of the Territorial Court. Therefore, some Justices of the Peace can issue peace bonds and others cannot. To find out if the Justice of the Peace in your community can issue peace bonds, ask the Justice of the Peace or the police officer. If not, you will have to wait until circuit court, or come to Whitehorse to apply for a peace bond.

Is A Peace Bond A Criminal Charge?

A peace bond is **not** a criminal charge. Therefore, a person who is placed on a peace bond does not have a criminal record. However, it is a criminal offence to break any conditions of a peace bond.

Who Can Apply For A Peace Bond?

Anyone who is afraid that another person is likely to injure them or their family, or cause damage to their

property, can apply for a peace bond. In our examples, both Joan and Mike can apply for a peace bond.

It makes no difference whether the person you're afraid of is a member of your family or a complete stranger. What is important is that you have good reason to be afraid. This means you must show that the person threatened you, and you took the threat seriously.

You do not need to show you've already been injured. You only need to show that the person threatened you and the threat is one you think might be carried out. A peace bond is a protective measure. It's intended to help protect you **before** you are injured.

For example, Joan can show that Dick threatened her and, since he has beaten her before, she knows he might do it again. Mike can show that Tom threatened him and that he has used violence against others in the past.

HOW TO GET A PEACE BOND

You can't get a peace bond simply by asking for one. You must apply, and the Judge or Justice of the Peace will decide whether to grant a peace bond after holding a hearing.

To apply for a peace bond, you can start by going to the RCMP. Here are the steps involved:

- 1. Go to the RCMP and explain why you want a peace bond. The officer will ask you to write a statement explaining what happened and why you are afraid.**
- 2. Then, if the police officer thinks a peace bond is appropriate, the officer will fill out a form called an "information". This document must be sworn before a Justice of the Peace to start the court process in motion. This procedure is called "laying an information."**
- 3. The police officer will take you to the Justice of the Peace to lay the information.**
- 4. If the Justice of the Peace thinks you have good reason to be afraid, he or she will issue a summons. A summons is a piece of paper ordering the person you're afraid of to show up in court at a certain date and time. The police will deliver the summons to that person.**
- 5. Both you and the other person must come to court at the time set. Each of you will tell your story. You**

will not have to hire a lawyer. Your case will be presented in court by the Crown Prosecutor, if you live in Whitehorse. Outside of Whitehorse, the police will present your case if it is to be heard before a Justice of the Peace. The Crown Prosecutor is only available at the court circuit.

6. You will be called to the witness box and sworn to tell the truth. You will be asked to tell what happened and why you are afraid. You may also be asked questions by the other side. This is called "cross-examination."
7. After the Judge or JP has heard both sides, the decision will be made whether to order a peace bond or not. If a peace bond is granted, the Judge or JP will decide what conditions are necessary to protect you, and include them as part of the peace bond.

Getting A Peace Bond On Your Own

If the police feel there is not enough evidence to obtain a peace bond, the officer should explain the reasons to you.

If you wish to proceed, you are entitled to lay an information yourself. To do this, you must go to a Justice of the Peace and explain why you want to apply for a peace bond. You can contact a Justice of the Peace in Whitehorse by calling 667-3541 or the RCMP can give you the names of JPs in your community.

If you are laying the information yourself, it is a good idea to write down what happened and why you are afraid. If there were any witnesses (anyone who heard or saw you being threatened), write down their names. This makes it easier to get all the facts across to the Justice of the Peace.

The Justice of the Peace will receive your complaint, and will decide whether there is enough evidence to summons the person to court. If so, the Justice of the Peace will issue a summons.

If the Justice of the Peace in your community has authority to issue peace bonds, you may be able to get a peace bond before circuit court. Otherwise, you must wait until circuit court, or come to Whitehorse to apply. When you lay the information, the Justice of the Peace will tell you when your court appearance will be.

When you go to lay the information, or when you go to court for the hearing on the peace bond, you may want to bring a friend along for support.

What If The Person Breaks The Peace Bond?

If the person breaks the peace bond, phone the RCMP and tell them what's happening. The person can be charged with breaking a peace bond. This is a criminal offence.

A person guilty of breaking a peace bond may be fined up to \$2000.00 or sent to jail for up to six months, or both.

Alternatives To A Peace Bond

A peace bond may not be the best protection for you. Other protective measures are:

- 1. Assault Charge** — If you were assaulted, you may not be able to get a peace bond **instead of** laying an assault charge. In the Yukon, the police have been directed to lay a charge in cases of spousal assault if there is sufficient evidence to prove that an assault has been committed. Therefore, if you go to the RCMP for help in getting a peace bond, and you have actually been assaulted, the police may lay an assault charge. You can ask for a peace bond **in addition to** an assault charge if you wish.
- 2. Restraining Orders** — If you are involved in a fight over custody of your children or payment of support, and your spouse is annoying or harassing you or the children, you can apply for a restraining order. Contact the Legal Aid Office in Whitehorse (667-5210) or a lawyer for more information about restraining orders.

DID YOU KNOW?

- A peace bond cannot be extended once it expires. However, you can apply for a **new** peace bond if you feel you still need protection.
 - If you decide you don't want to go ahead with a peace bond, you should let the police officer know why you changed your mind. If you've been dealing with the Crown Prosecutor, let the Crown Prosecutor know.
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- **What Is A Peace Bond?**
- **Can JP's Give Peace Bonds?**
- **Is A Peace Bond A Criminal Charge?**
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- **How Do You Get a Peace Bond?**
- **Getting A Peace Bond On Your Own**
- **What If The Person Breaks The Peace Bond?**

If you need more information about the procedure for getting a peace bond, we may be able to help:

Yukon Public Legal Education 667-4305

This pamphlet is one in a series called "Law Made Easy" which is designed to give you general information about the law. As changes in law may occur rapidly, the information may quickly go out of date.

People making any important decisions for themselves after reading this pamphlet should first discuss things with a lawyer to make sure they understand exactly how the law applies to them.

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