



The purpose of this brochure is to help guide you through the process of acquiring a peace bond. The information within is for general purposes only. For advice on your particular circumstance, be sure to consult a lawyer.

What is a Peace Bond?

If a person makes you:

- Fear for your safety;
- Fear for the safety of your spouse, common law partner, or child(ren); and/or
- Fear destruction of your property.

A peace bond may be one way to help protect you and your family. A peace bond, also known as a “recognizance order”, “810” or “non contact order” is a protection order made by a criminal court judge that requires the person you fear to comply with certain conditions that help increase your safety.

Contents

Peace Bond Basics	2
The Process	3
Protecting Privacy	5
Joint Peace Bonds	9

Important Phone Numbers

Ottawa Victim Services
(613) 238-2762

Victims Crisis Unit, Ottawa Police Services
(613) 236-1222 ext. 5822

Victim Witness Assistance Program
Ottawa
613-239-1229

Victim Support Line
Toll Free: 1-888-579-2888

Crown Attorney's Office (Ottawa)
(613) 239-1200

How Can Ottawa Victim Services Help?

Ottawa Victim Services is a non-profit organization dedicated to helping people who have been victimized as a result of crime or tragic circumstance. Our staff and trained volunteers can provide emotional and practical support during a family or criminal proceeding, including all stages of applying for a peace bond. We can also help you create a personalized safety plan, and can lend an emergency 911 cell phone to qualified individuals. We can help fill out forms, answer your questions, accompany you to the courthouse and connect you to other community resources. Just give us a call. We are here to help.



Peace bonds and restraining orders may not stop an abusive partner from contacting you or harming you. You must also take safety precautions.

Essential Terms

You, as the person applying for the peace bond, are called the “**informant**”, and the person who has threatened, harassed, stalked you etc. (i.e. the person you are trying to get the peace bond against) is called the “**defendant**”. The defendant could be anyone you know—a current or past intimate partner, a co-worker, a neighbour, etc.

You can find a list of other commonly used terms and their meanings on page 10 of this booklet.

Peace Bond Basics

The peace bond process can be confusing. Below is a list of the answers to some of the most frequently asked questions about peace bonds:

- You do not have to have a lawyer to get a peace bond. You can hire a paralegal or represent yourself.
- Legal Aid is not available to people applying for a peace bond.
- Applying for a peace bond is free.
- You should start filling out the paperwork for a peace bond within 6 months of the incident that prompted you to apply for a peace bond in the first place.
- Acquiring a peace bond from start to finish can take 3-4 months.
- Peace bonds can be in effect for up to 12 months.
- If a peace bond is ordered, the *defendant* will only get a criminal record if he or she is convicted of violating a condition of the order.
- Peace bonds are not renewable. If you need another one, you must reapply.
- Peace bonds cannot guarantee your safety. It is very important that you always keep yourself safe and seek other community resources that can assist you in increasing your safety.

What is the Difference Between a Peace Bond and a Restraining Order?*

Peace Bond

You can apply for a peace bond for protection from anyone, including someone you have had only a dating relationship with, including same sex relationships. You can also apply for peace bonds against neighbours, coworkers, or anyone else you come into contact with.

You can apply for a peace bond if you fear for your safety, the safety of your children, or your property.

You do not need a lawyer to apply for a peace bond. You may hire a paralegal or represent yourself. Legal Aid is not available.

The hearing will be held in criminal court.

A peace bond lasts up to one year. You must reapply if you need another one.

Restraining Order

For a restraining order, you must have a family connection—you are (or were) married or living together, or you have children together.

You can apply for a restraining order if you are afraid for your safety, or for less serious problems — for example, to get your partner or ex-partner to stop calling you every day, or to stop him or her from showing up uninvited at your home or your child's school.

You may apply for a restraining order with or without a lawyer (it is your choice) but a lawyer is recommended. Legal Aid is available for qualified individuals

The hearing will be held in civil (family) court

A restraining order has no time limit, unless the judge in your case includes a specific expiry date.

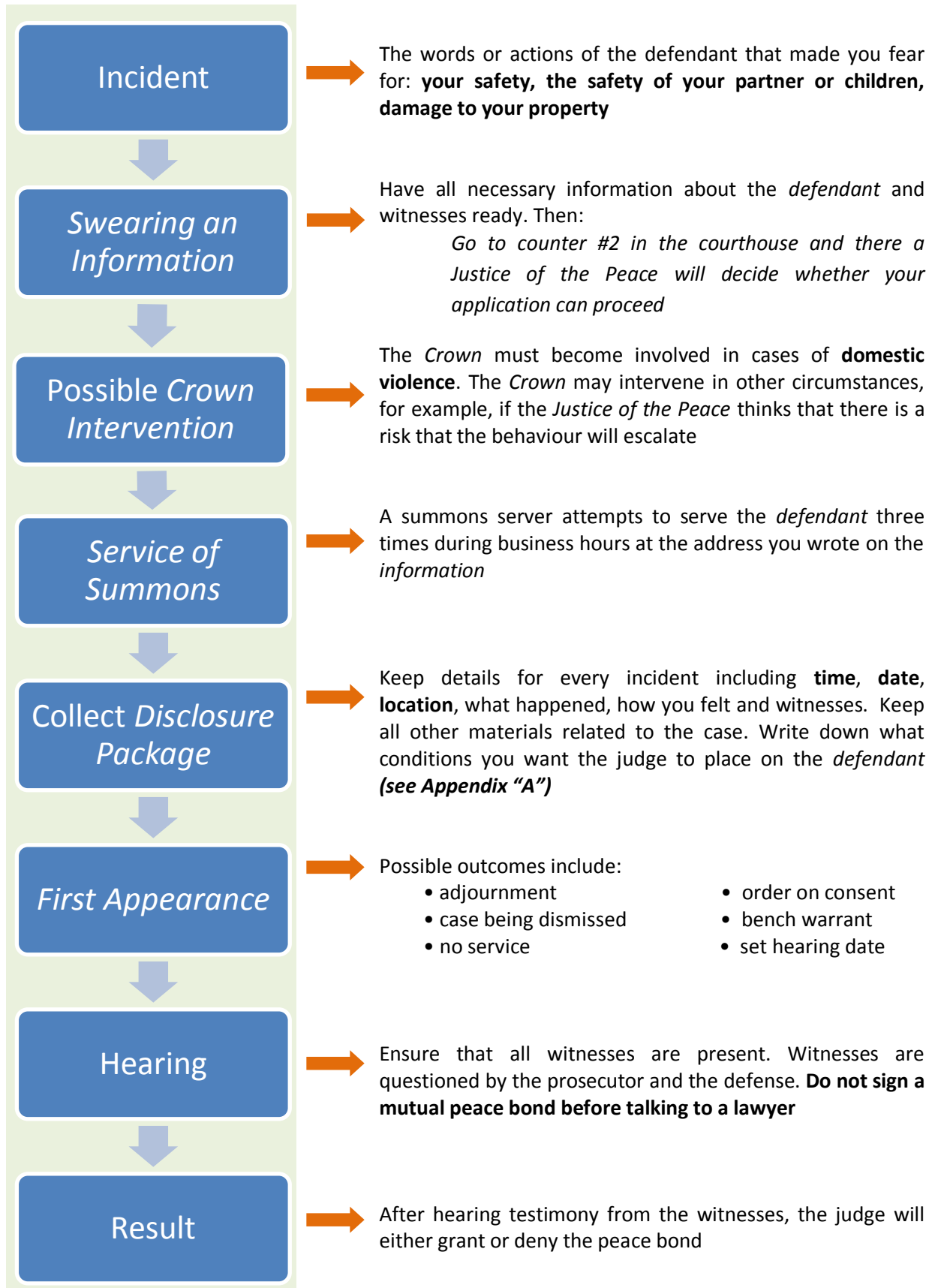


When Must the Crown Intervene in the Peace Bond Process?

If your circumstances involve **domestic violence**, it is extremely important that you tell the *Justice of the Peace* and write it on the *information*.

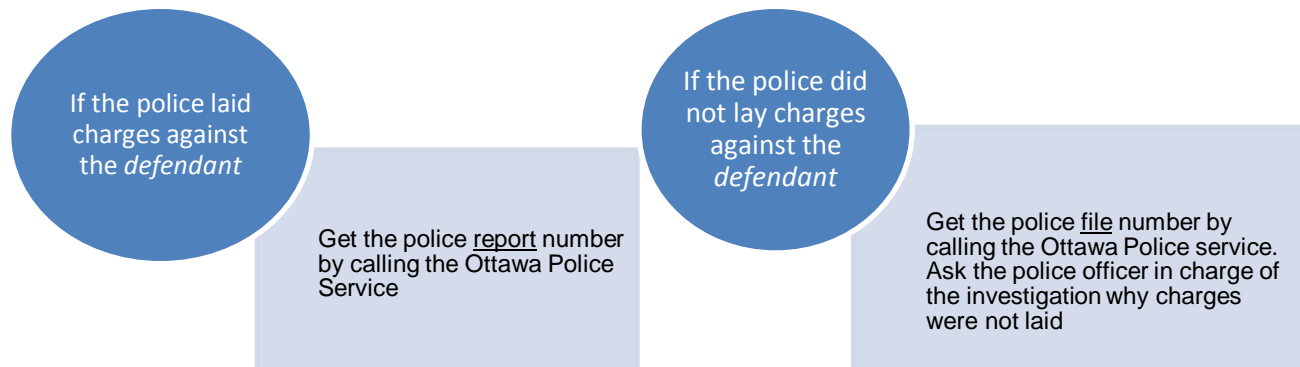
Domestic violence is defined as: the use of physical or sexual force, actual or threatened, in an intimate relationship (same sex or opposite sex partners) and can include current and former dating, common law or married couples. The *Crown* must *intervene* in cases of domestic violence.

A Brief Overview



Swearing an *Information*

When the police are involved, it is a good idea to collect some facts that will help the process run more smoothly. What kind of facts to collect depends on whether the police laid charges after the incident against the *defendant* (i.e. the person who threatened, harassed, or stalked you or your family, or threatened to damage your property):



Where Do I Go Next?

Next, go to counter #2 (Criminal Court Division) at the Ottawa Courthouse (161 Elgin Street). Counter #2 is currently on the main floor, to the right of the main entrance. A *Justice of the Peace* will ask you to fill out an *information*. An *Information* is like the peace bond application form. It is a document you complete that describes why you need a peace bond. It is a sworn statement, which means that you swear or affirm that what you write down is true. On the *information*, write down:

- Your full name;
- The *defendant's* full name (including middle name);
- The *defendant's* date of birth;
- The address where the *defendant* can be reached during business hours;
- Why you fear for your own safety or the safety of your spouse, common law partner or your children; and
- Why you fear for the destruction to your property (*If applicable*)

Other Things to Remember

When filling out the *information* form try to remember the following:

Be specific. Describe any incidents of violence, threats, or intimidation against you or your family.

Describe any events where you told the *defendant* verbally or in writing to stop harassing or threatening you or your family.

Describe what steps, if any, you have taken to avoid contact with the *defendant* (for example, changed your schedule, changed your phone number, locks, or address.)

Can a Justice of the Peace grant a Peace Bond?



No. But they will decide if there are sufficient grounds to continue with the peace bond application. If your application proceeds, one of two things will happen: the *Crown* will intervene, OR the *Crown* will not. As mentioned before, the *Crown Attorney* must intervene in cases involving **domestic violence**. They may also intervene in cases where an

Informant's (your) safety is at great risk, such as when the *Justice of the Peace* thinks the *defendant's* behaviour will escalate. If the *Crown Attorney* chooses not to intervene, the application can still go forward, though you will be taking on more responsibility.

No peace bond exists in the time between swearing an information and the first appearance. Make sure you keep yourself safe during this time.

Service of the Summons

After you sign the *information* and the peace bond application proceeds, a provincial enforcement officer, called a "*summons officer*" will attempt to serve the *defendant* with a *summons*. A summons is a piece of paper requiring the *defendant* to come to court. Officers will attempt to serve the *defendant* up to three times during business hours at the address provided on the *information*. The *summons* can only be served on the *defendant* or someone else who lives at the same address and appears to be over 16 years old.

If you know the *defendant* is not likely to be home during business hours, the *summons* can be served at a place other than the *defendant's* residence (i.e. workplace) so long as the address is on the *information*.

If you know a community police officer, you may be permitted to ask him or her to serve the *defendant* instead of a *summons officer*, so long as you receive permission from the Justice of the Peace and you know the location of the *defendant* at a particular time and date.

Top Ten Safety Tips

1. Home Security Inspection
(conducted by the Ottawa Police Service)
2. Avoid public isolation, and unlit areas
3. Carry a cell phone or personal alarm
4. Vary routine and driving route
5. When possible avoid travelling alone
6. Ask someone to walk you to your car
7. Be aware of your surroundings
8. Do not engage in phone calls with unknown callers
9. Screen all calls
10. Self Care- You are important

Preparing for a Hearing

Whether or not the *Crown intervenes*, you should prepare for a possible hearing. You can begin preparing by writing down—or “documenting”—the following information every time the *defendant* stalks, harasses, or threatens you, your family, or property: **See Appendix “A”**

- Date;
- Time;
- Location;
- A detailed description of events, for you, the *defendant*, and anyone else involved;
- how you felt; and
- the full names and contact information of any witnesses

In addition to documenting the incidents, it is important that you:

- **Keep any evidence** of abuse such as hospital records, photographs etc.;
- In the case of a partner/ex partner, if applicable, keep evidence of mistreatment of your children. If at any time you feel your children are in danger, call the police or the Children’s Aid Society;
- **Document** every time the *defendant* threatened to damage your property;
- **Take photographs**, if possible;
- Create a **list of witnesses** who have actual knowledge of the incidents that you plan to question; and
- Fill out a thorough **witness statement** (or if not possible, a “will say” statement describing what the witness will say in court). Instructions on what to include and what to leave out in these statements is written on the form and can be found at the *Crown Attorney’s* office.



Protecting Your Personal Information

Some of your personal information as well as that of your witnesses can be blacked out in the *disclosure package*, including:

- Contact information;
- Dates of birth; and
- Other personal identifying information

It is very important that you black out these details yourself, or ask the *Crown* to do it for you before you give your *disclosure package* to the *defendant* in court.

All of these documents, as a collection, is called a disclosure package, and must eventually be given in court to the person who has stalked, harassed, threatened etc, you or your family (the defendant). Having the disclosure package ready before the first appearance will reduce delay.

What Conditions can I try to Place on the Defendant?

It is important that you determine and write down what conditions you want placed on the *defendant* if the peace bond is granted. You should do this before the hearing date. Examples of conditions are:

- Prohibiting the *defendant* from possessing a firearm, crossbow, prohibited weapon and ammunition;
- Prohibiting the *defendant* from being at, or within a specified distance from a particular place (i.e. your home or workplace);
- Prohibiting the *defendant* from contacting you, your spouse or children in person, by telephone, or e-mail;
- Requiring the *defendant* not to use illegal drugs or alcohol and/or participate in a treatment program; and/or
- Requiring the *defendant* not to leave a city without written permission from a judge.

A complete list of possible conditions can be found at the Crown Attorney's office

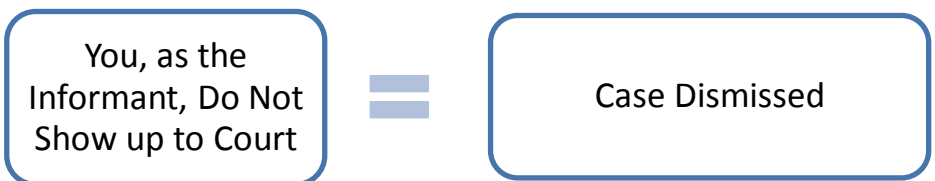
The First Appearance

What Should I Bring to the First Appearance?

- The *defendant's* most recent address, and alternate addresses (if possible);
- The complete disclosure package (if possible); and
- The list of conditions you would like to place on the *defendant*

The first time you, as the *informant* and the other person, as the *defendant*, appear in front of a judge is called a *first appearance*. *First appearances* are always held in court room number 5, beginning at 8:30am. Make sure you arrive early and check the docket near the doors of the courtroom. The docket is the schedule of cases that will be heard in that court room on that day. Your case will be under the name of the *defendant*. For example, if you are seeking a peace bond against Joe Smith, the name on the docket will read "Smith, Joe". When in doubt, enter the courtroom and sit in one of the rows of benches. When it is your turn, the judge will ask both of you to approach the front of the room. There are several different outcomes possible on a *first appearance*:

Possibility #1



Possibility #2



Possibility #3



The First Appearance (Continued)

Important Information

It is **against the law** not to show up to court on the day specified in a *summons*. If the *defendant* has been served with a summons and still does not show up to court for the *first appearance*, the judge will order a *bench warrant*. This means that a judge gives permission to a police officer to arrest the *defendant* and release him or her on the promise that he or she will appear at the next scheduled court date.

Order on consent means that the *defendant* consents to having a peace bond placed on him or her. If this happens, there is no need for a hearing. Your next step is to hand the judge the list of conditions you would like to place on the *defendant* that you prepared earlier. The *defendant* then goes to the 2nd floor of the court house to sign the peace bond.

The judge may also *adjourn* the case to give you time to compile your *disclosure package* (if you have not already done so), to give the *defendant* time to obtain legal advice or hire a lawyer, or to review the *disclosure package*. *Adjournments* last approximately 2-3 weeks.

If the *defendant* does not consent on *first appearance*, and the case does not need to be adjourned, the judge will set a date for the hearing.

No Service

Sometimes *summons* servers are not able to serve the *defendant* successfully. Unfortunately, you can only find this out at the *first appearance*. If there is no *service*, you can confirm the defendant's address and ask for re-service of the summons. Below are examples of what you can say to the judge during the first appearance:

1. Confirm the *defendant's* address:
 - “Your Honour, I would like to confirm the *defendant's* address for *service*”. The court clerk will then read out the address on the *information*. You may verbally correct any mistakes in the address or give them an alternate address at this time.
2. Ask for re-*service* of the summons:
 - “Your Honour, may I request that the *summons* be re-served”. The judge will typically re-serve the *summons* 2 or 3 times before your case is dismissed or “struck” and you have to begin again.

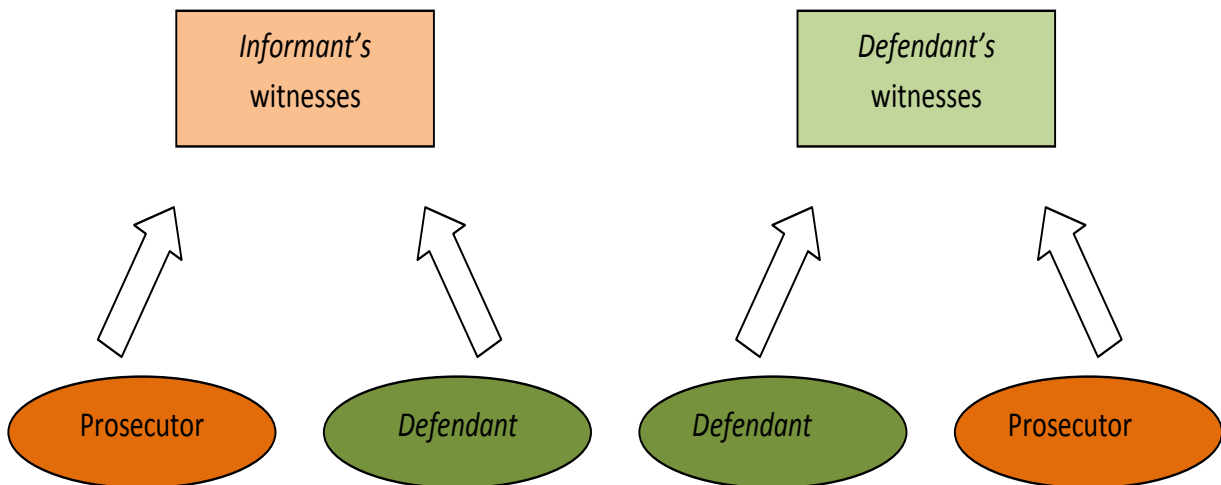
Reaching Out

Applying for a peace bond—or being a part of any legal proceeding—can be physically and emotionally exhausting. If you need help during this often difficult time, try to reach out to trusted family and friends. You can also check out the many services available to you in your community. Ottawa Victim Services can connect you to a variety of resources, from support groups to city recreation programs, and everything in between. We also have trained volunteers that can go to the courthouse with you and offer emotional and practical support. Just give us a call and we will be happy to help.

The Hearing

Here is a basic outline of how the hearing will proceed. The purpose of a hearing is to present all the relevant facts to a judge so that he or she can make a decision about whether or not to grant a peace bond. The judge learns the facts through the answers that witnesses give. The prosecutor will question a witness, and then the defence will question (or “cross examine”) the same person before moving on to the next witness.

If the *Crown* does not *intervene*, you take the place of the prosecutor. Otherwise, the *Crown* will question the witnesses for you. If the person you are trying to get the peace bond against is representing him or herself, he or she will conduct his or her own questioning. If the *defendant* has a lawyer, however, that lawyer will question witnesses on the *defendant’s* behalf. Each side will have chance to question the witnesses in a particular order:



Whether the *Crown* intervenes or not, you, as the *Informant*, will likely have to testify in court

I Don't Think I can Face the *Defendant*. What Can I Do?

If the *defendant* is representing him or herself, and feel that you won't be able to answer his or her questions fully, you can ask that a lawyer unrelated to your case to question you in place of the *defendant*. The judge will make this decision. If you want to ask for this option:

1. Explain to the judge why you will not be able to give a full and candid account of what happened if the *defendant* questions you. For example, you may fear the *defendant* so much that you will not be able to answer the questions at all. The judge is concerned about the quality of evidence you can provide, not whether or not you are comfortable answering the *defendant's* questions.

2. Make the request to the judge at the beginning of the hearing. You can say “your, Honor, I would like a lawyer to cross-examine me in accordance with section 486.3(2) (pronounced “486 point 3 sub 2”) of the Criminal Code.” Telling the judge the exact section in the Criminal Code will make it easier for him or her to understand what you are asking for.

This is a rare request, and judges only grant it in a small percentage of cases. If the judge does not grant your request, **you will still have** to answer the *defendant's* questions.

The judge's decision on whether to grant the peace bond happens immediately after all the evidence is heard.

When Testifying

Remembering to breathe deeply and keeping a small trinket with you may help you feel more relaxed in court.

What is a Joint Peace Bond?

A joint peace bond occurs when the person who has threatened, stalked, or harassed etc., you or your family (the *defendant*) applies for a peace bond against you at the same time you are trying to get a peace bond against them. Some defendants will tell the court that they will only sign a peace bond if you sign one, too. If you consent to a peace bond against you, it suggests that you have done something to provoke the harassment, which is often not the case. Also, your partner/ ex partner may try to set you up to disobey the conditions of the mutual peace bond. **Never sign a joint peace bond without talking to a lawyer first.** If the *defendant* asks you to sign a joint peace bond during the first appearance, immediately ask the judge for a break or “recess” so that you can consult a lawyer. Go to the *Crown Attorney* office and ask for assistance before you sign anything like a joint peace bond.

Tips for the Peace Bond Process

- If criminal charges are being laid against the *defendant*, **don't abandon the peace bond application** once the criminal case begins. If the *defendant* is found not guilty, you may still be successful in placing conditions on him or her through a peace bond.
- **No peace bond exists** between signing the *information* and the first appearance. Make sure you keep yourself safe during this time.
- Since the *Crown* is not your lawyer, the rules about lawyer/client confidentiality do not apply. This does not mean that the *Crown* will tell the *defendant* what you say. It means that the *Crown* is not bound by strict legal rules to keep your conversations secret no matter what.
- If there is **domestic violence** involved, tell the *Justice of the Peace*. The *Crown* will be more likely to *intervene* on your behalf.
- If the *Crown intervenes*, you, as the *informant* will not have to attend court until the hearing.
- If the *Crown* does not *intervene*, you, as the *informant* can hire your own lawyer or paralegal, to represent her during the peace bond process.
- **Do not contact** the *defendant* during this process.
- IF YOU SUCCESSFULLY GET A PEACE BOND AGAINST THE *DEFENDANT*, **KEEP A COPY OF IT WITH YOU AT ALL TIMES**
- Should the *DEFENDANT* breach of any of the conditions of the peace bond, contact Ottawa Police to report any violations.



Common Terms

Adjournment: Postponement of a court hearing to another date.

Bench warrant: An order issued by a judge to a police officer for the arrest of a person who has failed to appear, or remain in attendance, at a hearing or trial.

Crown Attorney or Crown: a lawyer who prosecutes criminal matters like peace bonds on behalf of the public interest. The *Crown* is not your lawyer, but can argue the case on your behalf.

Defendant: The person who has made you fear for your own safety, the safety of your family, or your property. Some examples of the *defendant's* behavior may include stalking, threatening, or harassing you or your family, or threatening to damage your property.

Disclosure package: a package of documents and *information* relevant to the case that you or the *Crown* must give to the *defendant*.

First Appearance: *the first time you and the defendant* appear in front of a judge. This is not a hearing.

Informant: You. The person who has signed the *information* and is seeking the peace bond.

Information: A sworn document containing the offences that the accused is charged with. Examples include threatening you or your family, stalking you, or harassing you.

Intervention by the Crown: where a *Crown Attorney* takes over the role of prosecutor from the *informant*.

Justice of the Peace: A staff member of the courthouse that you will meet when you fill out the application for a peace bond. Part of his or her job to determine if your request for a peace bond should proceed in front of a judge. A *Justice of the Peace* is not a lawyer or a judge.

Peace Bond, 810, 810 recognizance, recognizance to keep the peace, no contact order: An order in criminal court where the *defendant* is required by law to keep the peace and meet certain conditions for up to 12 months.

Service of a summons: The act of delivering a legal document by a summons server that orders the *defendant* to come to court for a first appearance or hearing.

Subpoena: A document that compels a person to attend court as a witness in order to give testimony.

Appendix "A" Documenting an Incident

Date	Time	Location	Detailed description of events (what they said and did, what you said and did)	How you felt	Full names and contact information of witnesses