

Native Legal Info

PEACE BONDS

Éducaloi, in collaboration with the Quebec Native Women Association, presents Native Legal Info. These legal information sheets are aimed at informing Native women about their rights, as well as the judicial recourses that may help them defend their rights.

Janet is a project officer for the band council. Last week, she met Paul to explain to him that she could not hire him for her project. Paul was really furious. Janet is very worried because she knows that Paul can be violent.

Janet speaks to Sylvia, who works in para-judicial services.

Sylvia: Hello Janet, what can I do for you?

Janet: I am very worried, I decided not to hire Paul on a project and ever since then, I find that his behaviour toward me is threatening. I am scared he might get violent...

Sylvia: Oh really? Can you give me examples?

Janet: Well, at the end of our last meeting, he told me, "I'm not done with you!" I don't really know what he meant by that, but it scared me! When I saw him again a few days later at the dépanneur, he still seemed just as angry. He stood very close to me and started staring at me for quite a while. My family and I really don't feel safe, especially because we know about his violent past! We know he's capable of acting on his anger!

Sylvia: Have you gone to see the police?

Janet: Yes, I went and filled out a report. The police gave the file to the Crown prosecutor, but he refused to authorize charges. It seems that there is not enough evidence! The police suggested I file a private complaint to obtain an "810", but I have no idea what that is...

Sylvia: 810 is an article in the Criminal Code. It allows you to present a request to the court when you're scared of a person and you have reason to believe he will injure you.

If your request is accepted, Paul will have to agree to keep the peace and be on good behaviour for up to one year. This is also called a “peace bond” or “recognizance”. The court could include other conditions in the 810 that Paul would have to respect. For example, Paul might be prohibited from approaching or communicating with you, or from coming near your house or work. He might even face a weapons prohibition.

Janet: And what do I do to get an 810? Do I need a lawyer?

Sylvia: You can present the request yourself, but it’s easier with the help of a lawyer. At the courthouse, there are report forms in which you can explain what happened to you. Once the form is complete, you hand it in at the office of the court. Then, the office sets a hearing date before a judge.

Janet: So, I will have to go before a judge?

Sylvia: Yes, because you will have to explain what has happened to make you scared of Paul. After hearing both sides of the story, the judge will determine whether your fear is reasonable. If so, he will ask Paul if he is ready to sign an agreement to keep the peace. If Paul refuses, the judge can put him in prison for up to 12 months. In your case, the fact that Paul has a violent past should work against him!

Janet: What happens if Paul does not respect the conditions of the 810?

Sylvia: You would be able to file a police complaint and Paul might be arrested. The police would then ask the Crown prosecutor to start criminal proceedings against Paul. If he is found guilty, Paul might be sentenced to pay a fine. Depending on the seriousness of the act, he might even go to prison!

Janet: Thank you, this really helps!

Sylvia: You’re welcome. Good luck!

If you are in a similar situation and want to obtain a peace bond, do not hesitate to contact the police or consult a lawyer. To find a lawyer, contact the referral service of the *Association des avocats et avocates de province* at 1 866 954-3528.

Native Legal Info was developed with funding from the Ministère de la Justice du Québec and the Department of Justice Canada.