

**DECISION OF
THE ȤAWIIȤ COUNCIL**

Application # HCR 4

**Determination re Risk to Public Safety – Christine Robinson
2024 HCD 4**

Place and date of hearing: Port Alberni, BC
November 8, 2024

Date of judgment: November 20, 2024

Panel:

Yaalthuuaa-uks (Sherri Cook), head of YaaluwaštakamałȤ house,
Ȥapinyuuk (Tommy Happynook), head of ČačaahsiȤas house,
Phyllis Williams sitting in for daughter ȤuutstuȤaksa (Victoria Williams), head of
Ȥ'amahuus house

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I. BACKGROUND

1. On August 17, 2022, Christine Robinson (“Christine”) was convicted of the offence of uttering threats under section 264.1(1) of the Criminal Code. As a result, the Executive Director issued an exclusion order against Christine as required under section 6(1) of the *Community Safety Act*, HFNA 4/2021 (the “Act”) prohibiting her from being on Huu-ay-aht treaty lands.
2. Christine made an application under section 10(1) of the Act for a determination that she does not pose an unreasonable risk to public safety and as a result the exclusion order should be varied or rescinded. The H̱aw̱iiẖ Council arranged to hold a hearing to consider the matter. Public notice of the application was given on October 25, 2024, and public notice of the hearing was given on October 11, 2024.
3. The public notice advised how people designated as “impacted individuals” under the Act, and others, could seek to participate in the hearing.
4. The hearing was held in person in Port Alberni on November 8, 2024. Participants had the option of speaking at the hearing or of providing written submissions. There was also an option to attend by Zoom.
5. A panel of three members of the H̱aw̱iiẖ Council (the “panel”), made up of Yaalthuuaa-uks (Sherri Cook), head of Yaaluwaštakamaltẖ house, ḥapinyuuk (Tommy Happynook), head of Čačaaḥsiḡas house, and Phyllis Williams sitting in for daughter ḡuutstuḡaksa (Victoria Williams), head of ḡamahuus house heard the matter on behalf of the H̱aw̱iiẖ.
6. The panel heard from the following individuals:
 - Christine Robinson
 - Stephane Cloutier
 - Karen Robinson
7. Additionally, the H̱aw̱iiẖ Council received letters from the following individuals:
 - Danielle Cloutier

- Jacqueline (Jacquie) Dennis
- Kristine Freeman
- Cindy Prior
- Stephanie Clappis

II. WHAT THE ḤAWĪIḤ COUNCIL HEARD

Christine

8. Christine attended the hearing in person and also provided the panel with a brief letter with information about how she has been doing since the offence occurred.
9. She confirmed that she pleaded guilty to the offence of uttering threats and was convicted in August 2022. She was sentenced to a probation order which, among other things, prohibited Christine from having any contact with Stephane Cloutier and Danielle Cloutier. That probation order expired in 2023, and Christine and Stephane are currently in a relationship.
10. At the time of the hearing, Christine was on probation for a separate matter, although she advised that her probation would expire on November 10, 2024. Christine's probation officer Kristine Freeman provided the panel with a letter confirming that she had been compliant with her probation reporting.
11. In her letter, Christine stated that she wished to apologize for her actions and that she would like to come back to the community, where she has family. If allowed to return to treaty lands, Christine informed the panel that she intends to live with her partner Stephane and would like to look for employment in the community.
12. Christine shared in her letter that she has struggled with addiction since age 19. She stated that the offence giving rise to the exclusion order involved drugs and alcohol. However, Christine advised that she has been drug-free for the past three and a half years.
13. Christine has previously attended treatment for addictions, although she did so prior to the offence for which the exclusion order was issued. When asked if she had a plan to stay clean in Anacla, Christine stated that she is not currently

participating in any drug and alcohol counselling or programming designed to help with maintaining sobriety. She told the panel that she does not go out very much and did not express concern about being able to maintain a substance-abuse free life in an environment where others may be using drugs or alcohol.

14. Christine advised that she has previously attended counselling and has also reached out to HUU-AY-AHT's clinical counsellor, Rena Johnson. She has spoken with Rena and is waiting to hear about the availability of potential counsellors. She provided the panel with a letter from a family counsellor at the Port Alberni Family Guidance Association, confirming that she attended counselling there between June and October 2023.
15. She has also taken anger management programming in the past, and recently completed a women's group called "Thinking Leads to Change", which was offered through her probation office.
16. Christine has not been highly involved in HUU-AY-AHT cultural or community activities. She told the panel that she does not usually attend community engagement sessions, cultural events and programming, or the People's Assembly.
17. The panel was informed that Christine had spent time on treaty lands in early 2024, contrary to the exclusion order. Christine was sent a letter reminding her of her exclusion order. The panel asked Christine about this. She told the panel that she did not realize she was not allowed on treaty lands at the time. When asked whether she has visited treaty lands since receiving that letter and becoming aware that she was not permitted on treaty lands, Christine did not respond.
18. The panel asked Christine whether she had attempted to make restitution to the victim, Danielle Cloutier. Her partner Stephane, Danielle's brother, advised that Christine has not done so due to difficulties with talking to Danielle. However, Christine confirmed that she would like to make amends with Danielle in the future. She did not describe a plan for doing so.

Karen Robinson

19. Karen Robinson is Christine's mother. She stated that she had been part of her daughter's journey and wanted to confirm the information Christine provided in her letter to the panel.

Stephane Cloutier

20. Stephane Cloutier is Christine's partner. Although he is not a Huu-ay-aht citizen, he is Huu-ay-aht through his mother's side of the family. He lives in lower Anacla and works in the community.

21. Stephane advised that he would be able to help Christine get to and from Port Alberni for appointments if she were permitted to live in Anacla. He also told the panel that he and Christine would like to attend treatment together as well as participate in more community and cultural activities, but that as they currently live apart, it is difficult for them to make plans to do so.

Danielle Cloutier

22. Danielle Cloutier is a victim of the offence giving rise to the exclusion order. She did not attend the hearing but provided written submissions expressing concerns about Christine's potential return to treaty lands. She stated that she has not observed significant changes in Christine's behaviour or attitude and recommended that Christine undergo more comprehensive treatment programs. Her comments primarily focused on her concerns about her brother's well-being and safety.

23. The panel understands that Danielle lives in upper Anacla.

Jacquie Dennis

24. Jacquie Dennis is Stephane's mother. She provided a letter to the panel regarding an incident with Christine Robinson during November 2022 in which there was a lot of yelling and screaming and her window was broken. Police had to be called. As a result of the broken window, Jacquie had a higher-than-usual heating bill.

25. Jacquie told the panel that Christine approached her approximately 2 months ago to apologize and gave her some money to help with the cost of her heating.

26. Jacquie also expressed the view that Christine is a different person when sober and when intoxicated and noted that both Stephane and Christine are recovering from heroin addiction. She suggested that a treatment program could be helpful for both of them to support them in their healing journey.

Stephanie Clappis

27. Stephanie Clappis is Christine's aunt. She provided a letter of support for Christine, describing her as a person of good moral character who needs more people to believe in her in order to become a better version of herself. She also stressed the importance of family and community support for Christine. Stephanie resides in Anacla.

III. WHAT THE ḤAWĪIḤ COUNCIL MUST CONSIDER

28. Section 11 of the Act sets out the factors that the ḤawĪiḤ must take into account in determining whether an excluded person poses an unreasonable risk to public safety, and deciding whether to uphold, rescind, or vary an exclusion order as follows:

- a) the time that has elapsed since the actions giving rise to the conviction and the excluded person's behaviour during that time;
- b) the role of substance use in the offence and the excluded person's current status with respect to substance use, including participation in any treatment program;
- c) the excluded person's ties to the HUU-AY-AHT community;
- d) the potential impacts of the exclusion order on the excluded person, impacted individuals, and the HUU-AY-AHT community;
- e) the nexus between the offence and the potential risk posed by the person to people on Treaty Lands and to the HUU-AY-AHT community;
- f) any proposed mitigation plan;
- g) participation of the individual in a restorative program;
- h) any supports put in place by the excluded person's HUU-AY-AHT MAHT MAHS;

- i) whether the excluded person has a criminal history beyond the commission of the prescribed offence giving rise to the exclusion order;
- j) whether the excluded person has a history of non-compliance with court orders;
- k) any expressions of remorse or attempts to make restitution undertaken by the person; and
- l) any other factors it considers relevant.

IV. APPLICATION

29. The panel listened carefully to all the evidence and comments received at the hearing, and reviewed the documents and information provided in writing. In making a decision, the panel considered the factors set out in section 11 of the Act. In particular, the panel's considerations included the matters discussed below.

30. Christine has ties to treaty lands. She is a Huu-ay-aht citizen and has lived in Anacla in the past. Her partner currently lives and works in the community. Her aunt Stephanie, who provided a letter of support, also lives on treaty lands.

31. Christine also has some family support off treaty lands—her mother, who resides in Port Alberni, attended the hearing in support of her.

32. The offence took place in June 2022. The panel recognizes that Christine has made progress to improve herself and her life since then and commends her for the steps she has taken to date. She has participated in counselling programs through her probation and advised that she has been clean for three and a half years. However, the panel does not consider that Christine's journey is complete.

33. Uttering threats is a serious offence and the victims were members of the Huu-ay-aht community.

34. Christine told the panel that she has not had any further charges or convictions since the offence giving rise to the exclusion order. We note that documentation provided by Christine's probation officer suggests that she was charged with assault, although the details of any such charges and the basis for the probation

order which expired on November 10 are not clear to us. However, the panel's decision in this case would be the same even if Christine was charged with assault after the excludable offence took place.

35. Christine did not respond to a direct question about whether she had been on treaty lands since receiving a letter reminding her of the exclusion order in early 2024. The panel is concerned that Christine has not been compliant with the exclusion order.
36. Although Christine has demonstrated some accountability by pleading guilty to the offence and by apologizing in her letter, she did not express remorse at the hearing and she has not made restitution to Danielle Cloutier.
37. The panel has considered the letter provided by Jacquie Dennis, but it does not change the panel's decision in this case. The panel understands that this letter relates to a separate incident which occurred in November 2022, and is not in relation to the excludable offence.
38. When asked if she was clean and sober, Christine responded that she was clean. The panel is concerned that Christine continues to use alcohol, particularly given that the excludable offence involved drugs and alcohol.
39. The panel recognizes that Christine has attended treatment in the past. However, she advised that she attended treatment before the excludable offence took place. As that offence involved intoxication, it is evident that Christine has had at least one relapse since attending treatment, and this was implicated in a criminal offence. As a result, the panel is concerned that Christine continues to require support to maintain a life free from substance abuse.
40. The services and supports that may be helpful to Christine are less available and more difficult to access in Anacla. The panel understands that Christine would be reliant on Stephane to drive her to and from Port Alberni for appointments or to access services. As Stephane works in the community, the panel is concerned with the feasibility of this plan.

41. More importantly, however, the panel is concerned that Christine is not currently engaging with supports and services regardless of where they are located and has not made concrete plans to access services if she moves to Anacla. She is not enrolled in counselling, treatment, or accessing other supports designed to maintain sobriety. While Stephane informed the panel that he and Christine would like to attend treatment together, the panel did not hear Christine herself express an interest in this and she has not made any plans to do so.
42. The panel is concerned that allowing Christine to reside on treaty lands, in close proximity to the victim and without a solid plan in place for how she will continue to move forward on her healing journey and mitigate risk to the community, will not support the safety and well-being of the Huu-ay-aht community.
43. It is an applicant's responsibility to persuade the panel that they do not pose an unreasonable risk to public safety. At the hearing, Christine appeared disengaged and volunteered little information about her circumstances, the work she has carried out to date and how it has affected her, and her plans for being a safe community member in the future. Christine frequently gave very brief responses and did not elaborate or provide detail in response to the panel's questions. She has not convinced us that it is safe for her to return to treaty lands at this time.

V. DECISION

44. The panel has determined that Christine's presence on treaty lands continues to pose an unreasonable risk to public safety.
45. However, the panel recognizes that Christine has done important work to improve her circumstances and if she continues to do so, she may be in a position to make a successful application in the near future. The panel will therefore reduce the time period before which Christine can re-apply to the Hāwīih Council from twelve months to three months.

46. Should she choose to re-apply, the panel would like to see Christine actively participating in counselling and she will need to demonstrate that she has a strong plan in place to ensure she is able to maintain sobriety in Anaclda.


47. The panel also recommends that Christine participate in cultural wellness and healing activities. We invite Christine to reach out to her head of house, Ciicaacistuł (Andy Clappis), or to the Huu-ay-aht Cultural Wellness Administrator, if she would like support in accessing cultural activities.

VI. ORDER

The H̄awiih̄ Council orders as follows:

1. The exclusion order is affirmed.
2. Christine may submit a new application to the H̄awiih̄ Council no earlier than February 20, 2025.

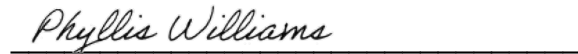
Decided this 20th day of November, 2024.



Yaalthuuaa-uks (Sherri Cook)



h̄apinyuuk (Tommy Happynook)



Phyllis Williams