

**Determination re Risk to Public Safety – Jonathan Durocher
2025 HCD 4**

Place and date of hearing:	Port Alberni, BC May 14, 27, July 22, September 4, 2025
Date of judgment:	September 4, 2025

Panel:

Yaalthuuaa-uks (Sherri Cook), head of Yaaluwaštakamalth house
hapinyook (Tommy Happynook), head of Čačaahsi?as house
Thlut’as aksup (Theresa Nookemus), representing Ȥaw’ehtak’amalth house

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I. BACKGROUND

1. On September 26, 2024, Jonathan Durocher (“Jonathan”) was convicted of assault under section 266 and uttering threats under section 264.1 of the *Criminal Code of Canada*. As a result, on October 16, 2024, the Executive Director issued an exclusion order prohibiting Jonathan from being on Huu-ay-aht treaty lands as required under section 6(1) of the *Community Safety Act*, HFNA 4/2021 (the “Act”).
2. On April 1, 2025, Jonathan made an application under section 10(1) of the Act seeking a determination that he does not pose an unreasonable risk to public safety and that the exclusion order be rescinded or varied.
3. Public notice of the application was given on April 17, 2025. Public notice of the hearing was given on May 1, 2025. The public notice advised how people could seek to participate in the hearing.
4. A panel of three members of the Ḥaw̓iiḥ Council (the “panel”), made up of Yaalthuuaa-uks (Sherri Cook), head of Yaaluuwaštakamalth house, ḥapinyuuk (Tommy Happynook), head of Čačaah̓siʔas house, and Thlut’ as aksup (Theresa Nookemus), head of Ḥaw’eḥtak’amalth house, heard the matter on behalf of the Ḥaw̓iiḥ.
5. The hearing was held between May 14 and September 4, 2025. The panel first met with Jonathan on May 14, 2025. The panel then heard from other individuals who came forward to provide information and comments. On September 4, 2025, the panel met with Jonathan a second time.

II. WHAT THE ḤAW̓IIḤ COUNCIL HEARD

6. The panel first met with Jonathan on May 14, 2025. Jonathan attended in person in Port Alberni. Although Jonathan was accompanied by his partner, she did not provide any comments to the panel. On September 4, Jonathan met with the panel by Zoom to answer some follow up questions.

7. Jonathan told the panel that he is an “ex-violent offender”. He acknowledged that he has convictions for violent offences in the past and told the panel that he has more than 59 charges on his criminal record. However, Jonathan was unwilling to provide details or talk to the panel about his criminal history. He took the position that it was not relevant and that the panel could not “use his past against him”.
8. Jonathan told the panel he spent 6.5 years in prison for aggravated assault in relation to a stabbing he committed in Port Alberni. He was released from prison in March 2020 and moved in with his grandmother, Pat Lecoy, in Anacapa.
9. In 2022, Jonathan was involved in a violent altercation in Anacapa in which he punched and threatened another individual. The incident involved alcohol.
10. The police responded and Jonathan was charged and placed on bail conditions which he described as “house arrest”. He pleaded guilty to possession of a weapon for a dangerous purpose, assault, and uttering threats in relation to this incident and was sentenced in September 2024 to a community sentence order followed by 12 months of probation.
11. Jonathan acknowledged that he had frequently breached court orders in the past. He confirmed that his most recent breach conviction related to an incident in May 2024. However, he told the panel that he followed his no-contact conditions in relation to these offences and has not attempted to contact the victim.
12. Jonathan said he would be interested in having a conversation to make amends once his no-contact conditions are no longer in place. However, he also stated several times that he was just defending himself or sticking up for himself when he assaulted the victim.
13. Upon being sentenced in September 2024, Jonathan attended treatment at Vancouver Island Therapeutic Community in Nanaimo. He was there from September 28, 2024, to March 3, 2025. He technically completed the program at the end of January 2025, but stayed on for an extra month. He provided the panel

with a certificate of completion and a very positive letter of support from a Therapeutic Peer Support Worker in the program.

14. Jonathan has now been sober for a year and three months and has been living independently in Port Alberni since March. He told the panel that he has not been in trouble with the police since getting out of treatment. He meets with his probation officer every three weeks and attends monthly one-on-one counselling sessions at Port Alberni Mental Health and Substance Use. He also participates in a substance abuse management program through his probation office, which requires monthly in-person attendance.
15. Jonathan is not currently accessing any other mental health, counselling, or cultural wellness services. He has taken anger management through probation in the past but is not currently participating in any anger management courses. He told the panel that aside from his partner, his main supports are his probation officer and mental health counsellor. When asked what else he does to stay away from drugs and alcohol, Jonathan told the panel that he likes to go for walks, to the pool, and play video games. He said he has a car now and is doing well.
16. If allowed to return to Anacla, Jonathan told the panel that he intends to live at his late grandmother's home with his partner and possibly with his sister and her children. He said that he was in the middle of having the name changed on the house. He also said if he moved to Anacla he could work for Jay Zanam or Ben Bozak Contracting Inc., where he has previously held jobs in the past.
17. As a result of criminal convictions, Jonathan also has a prohibition on possessing firearms. When asked whether he planned to go hunting if allowed to live in Anacla, Jonathan indicated that he might go hunting with his boss but would not use firearms himself.
18. The panel also heard from Cheryl Eardley ("Cheryl"). Cheryl is Pat Lecoy's niece and the executor of her estate. She spoke to the panel about the probate process and Jonathan's interest in Ms. Lecoy's home in Anacla. Cheryl did not know

Jonathan personally and did not comment on Jonathan's application to be allowed back on treaty lands.

19. Cheryl advised that three individuals are named in Ms. Lecoy's will and may have an interest in her home in Anacla: Jonathan, his sister, and another of Ms. Lecoy's grandchildren. At the time that Cheryl met with the panel in late May 2025, the application to probate the will had not yet been submitted and Cheryl advised that it would be at least 225 days after submission before the process was complete. Until probate is completed, it cannot be said with certainty that any individual will have a right or interest in Ms. Lecoy's home.
20. The panel heard from other individuals that they were fearful of Jonathan and concerned for their safety if he were permitted to return to Anacla. The panel told Jonathan this and asked him to explain why, if he disagreed, he did not think that community members should be fearful of him. Jonathan stated that he did not think anyone had any reason to be afraid of him being in Anacla, that he keeps to himself and does not go looking for trouble.

WHAT THE HAWIIH MUST CONSIDER

21. Section 11 of the Act sets out the factors that the Hawiih must take into account in determining whether an excluded person poses an unreasonable risk to public safety, and deciding whether to extend an exclusion order:
 - 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.

III. APPLICATION

- 22. In making a decision, the panel considered the factors set out in section 11 of the Act. The panel's considerations included the matters discussed below.
- 23. Jonathan is a Huu-ay-aht citizen with a connection to the community. While he did not grow up on treaty lands, he lived in Anacla between 2020 and 2024 and has relatives in the community. It appears that he may have an interest in a home on treaty lands, although this cannot be said with certainty until Pat Lecoy's will has been through the probate process.
- 24. Jonathan did not provide the panel with an explanation as to why he wanted to live in Anacla, other than having the ability to reside in Ms. Lecoy's house there. While he mentioned he thought he had an uncle and some cousins in Anacla, he did not express a desire to be closer to them, to reconnect with family, or to become more involved in the Huu-ay-aht culture or community.
- 25. The criminal offences for which Jonathan's exclusion order was issued occurred in Anacla and the victim was also a Huu-ay-aht citizen. The offences were violent, involved a weapon, and required a police response.

26. Anacla is a remote community, and emergency services often take several hours to respond to incidents that happen there. This situation, while always an issue for safety in the community, is especially concerning to the panel now in light of the indefinite closure of the Bamfield Main Road.
27. Jonathan did not express remorse for his violent behaviour. When directly asked whether he would like to make amends with the victim, he said that he would, but he also repeatedly expressed the view that he was just standing up for himself in committing the assault. He did not express remorse in relation to any of his other criminal offences.
28. Considering the above, the panel is concerned that Jonathan does not have good insight into the serious nature of his conduct. This is evidenced by Jonathan's relaxed attitude to being around firearms despite his prohibition, as well as by his anger when asked about his criminal history. It is also illustrated by Jonathan's limited response when asked why he did not think that community members should be fearful of his presence in Anacla.
29. As noted above, substance use played a role in the offence, and Jonathan has now been sober for over a year. He continues to participate in a substance abuse management program.
30. Almost three years have passed since the offences for which Jonathan's exclusion order was issued took place. For some of that time, Jonathan appears to have conducted himself in accordance with bail or probation conditions. However, Jonathan was convicted of a breach in May 2024 and was either in custody or residential treatment between May 2024 and March 2025. Consequently, Jonathan has only been in the position of having to maintain his sobriety and his behaviour independently in the community since March 2025.
31. While the panel commends Jonathan for the good work he has done to stay sober, overall, the panel considers this to be a relatively brief period of stability. Moreover, the services that have helped Jonathan maintain this stability are in Port Alberni.

He attends counselling sessions in-person, and his substance abuse management program also requires in-person attendance. While Jonathan told the panel that he now has a vehicle, the panel is not convinced that Jonathan will be well-placed to continue accessing these services if he is living in Anacala.

32. The panel also has some concerns about the strength of Jonathan's support system. While the panel is glad that Jonathan has a positive relationship with his probation officer, his probation order expires in December and Jonathan did not indicate that he is interested in expanding his support network or accessing other programs and services.
33. Although Jonathan expressed the view that his criminal record has nothing to do with whether he should be allowed on treaty lands, we are tasked with considering whether Jonathan poses an unreasonable risk to public safety. His criminal history is highly relevant to this question and is one of the factors that we are expressly required to consider under section 11 of the Act. As noted above, Jonathan has a lengthy criminal record which includes a number of serious, violent offences.
34. Jonathan also has a significant history of breaching court orders, including as recently as last year. As a result, the panel does not feel confident that any risk Jonathan poses to public safety if allowed on treaty lands could adequately be mitigated by the imposition of conditions.

IV. DECISION

35. The panel has determined that Jonathan continues to pose an unreasonable risk to public safety.
36. The panel recognizes that Jonathan has made significant progress in the past year. He successfully completed a residential treatment program, stayed out of trouble with the law, and maintained his sobriety.
37. However, the panel is not persuaded that Jonathan's progress is sufficient to make it safe for him to return to treaty lands. Insufficient time has elapsed for the panel to

feel confident that Jonathan can safely reside in Anacle. Moreover, the panel is not convinced that Jonathan himself will be best served by living in a remote community where his access to the programs and services that have helped him to maintain sobriety and stay out of trouble are much less accessible.

38. The panel encourages Jonathan to continue his wellness journey and hopes that he will continue to engage with counselling and other supports even after his probation order expires. In particular, we encourage Jonathan to reach out to the Quu'asa Wellness Program through Teechuktl Mental Health, or to the Huu-ay-aht Cultural Wellness Administrator at 1-888-644-4555, if he would like support in accessing cultural activities.

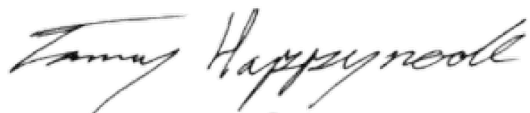
V. ORDER

The Hw̓i̓h Council orders that the exclusion order dated October 16, 2024 is affirmed.

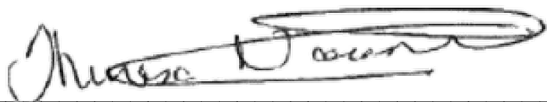
Decided this 4th day of September, 2025.



Yaalthuuaa-uks (Sherri Cook)



hapinyook (Tommy Happynook)



Thlut'as aksup (Theresa Nookemus)