



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

July 29, 2013

13-21

### **Criminal Justice Branch Declines Its Consent to Schoenborn's Request for a Transfer to Manitoba**

**Victoria** - The Criminal Justice Branch, Ministry of Justice (the "Branch"), announced today that it has declined to provide its consent to Allan Dwayne Schoenborn's request for a transfer to a forensic psychiatric facility in Manitoba. As a result, he will remain at the Forensic Psychiatric Hospital in Port Coquitlam, British Columbia pending further review of his detention by the British Columbia Review Board. Absent his consent to an extension, and in accordance with the current provisions of Canada's Criminal Code, the next annual review hearing for Schoenborn must occur before the end of February 2014.

This matter has attracted considerable public attention since 2008, including Schoenborn's request to be transferred to Manitoba. In light of the circumstances, the Branch considers it in the public interest to provide a status update.

On February 22, 2010, Schoenborn was found Not Criminally Responsible by Reason of a Mental Disorder (NCR) for the death of his three children. The children were killed in April 2008. By order of the BC Review Board, Schoenborn has been detained at the Forensic Psychiatric Hospital in Port Coquitlam since the NCR finding.

The Criminal Code currently mandates that Schoenborn's status as a NCR accused be reviewed every year to determine whether he should remain in hospital. If the Review Board finds a person to be a "significant threat" it must impose an order which protects the public. Schoenborn had his most recent Review Board hearing on February 15, 2013. The Board "had no difficulty concluding that the evidence continues to show that the accused remains a significant threat", and that he should "remain in hospital both for public protection as well as treatment".

At the February hearing, Schoenborn asked that he be transferred to a psychiatric facility in Manitoba to be closer to his family members. A transfer is allowable under s.672.86 of the Criminal Code. There are three pre-requisites to its application in this

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case: (1) the BC Review Board must recommend a transfer; (2) the Attorney General for British Columbia must consent to the transfer; and (3) the Attorney General for Manitoba must agree to receive the transfer.

In February, the BC Review Board recommended that a transfer occur. Subsequent to the hearing, Crown Counsel with conduct of the Schoenborn matter gathered the relevant information, including Schoenborn's formal application for an interprovincial transfer, and provided that information to the Office of the Assistant Deputy Attorney General for the Criminal Justice Branch (the "ADAG"). Responsibility for deciding whether to consent to a transfer under s.672.86 of the Criminal Code on behalf of the Attorney General for British Columbia rests with the ADAG.

After reviewing the information provided and considering the relevant factors, the ADAG determined that consent to a transfer to Manitoba should not be provided. The ADAG is satisfied that at this time, protection of the public weighs in favour of Schoenborn remaining under the supervision and treatment of Forensic Psychiatric Services in BC.

As the second of the three pre-requisites under s.672.86 of the Criminal Code has not been met, the Branch will not approach the office of the Attorney General for Manitoba and seek its formal consent to a transfer.

Schoenborn will remain at the Forensic Psychiatric Hospital in Port Coquitlam pending a further review of his detention by the BC Review Board. Absent his consent to an extension, and in accordance with the current provisions of Canada's Criminal Code, the next annual review hearing must occur before the end of February 2014.

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