



Policy: Nudity		
Policy Code: NUD 1	Effective Date: March 1, 2018	Cross-references:

It is the Assistant Deputy Attorney General who provides the requisite consent of the Attorney General to a prosecution for nudity under section 174 of the *Criminal Code* (pursuant to a direction under section 4(3) of the *Crown Counsel Act*).

Factors to be considered in deciding whether a prosecution for nudity is in the public interest include:

- whether there was an element of aggressive exhibitionism in the act of nudity
- whether the act of nudity significantly disturbed adjacent residents or members of the public
- whether there was blatant, repeated or wilful non-compliance with, or disobedience of, the law, despite warnings by the police
- whether the act of nudity occurred in an isolated or secluded location or in an area commonly known to be frequented by nude sunbathers

If Administrative Crown Counsel recommends a charge of nudity, the matter should be reviewed by a Regional Crown Counsel, Director, or their respective deputy. If they concur, they will forward the material to the Assistant Deputy Attorney General for review and provide their opinion as to why a charge would be appropriate.