

Crown Attorney Consent

Among other considerations for a participant's eligibility to participate in the Nova Scotia Mental Health Court Program, is the necessity of having the Crown Attorney's consent. It is the Crown Attorney's role to assess the file from the perspective of public interest and public safety to ensure that risk of public harm is minimized or managed in an acceptable fashion. In some cases, the Crown Attorney may not provide consent for a particular applicant to be considered for inclusion in the Program.

Crown Attorney Consent is separate from eligibility criteria. There are times when, notwithstanding the fact that the applicant meets the eligibility criteria for the court, the

Crown Attorney may not provide consent. Some factors the Crown may consider are as follows:

- How serious is the offence?
- What is the degree of harm resulting from the offence?
- How dated are the offences?
- Does the applicant have a history of breaching court orders?
- Has the accused been before the Mental Health Court in the past? Was the participation successful or unsuccessful?
- Does the accused have a general history of non-compliance with programming and counseling?
- Does the accused have a history of non-adherence to prescribed medication recommendations?
- Does the accused have a lengthy record of related offences?
- Does the accused have a longstanding history of violent offences or sexual offences?
- What is the likelihood of criminal recidivism and/or risk of violence?
- Are there adequate resources to manage the offender's needs within the community?
- Will the referral interfere with a scheduled preliminary inquiry or trial date?