

CIRCULAR

Date: November 16, 2012

CIRCULAR NUMBER: EIA #2012-61

Alternate Program(s):

To: Community Social Service Supervisors/Program Managers

Subject: Outstanding Warrants

Reference: The Employment and Income Assistance Act Section 5.5 and 22.1
The Employment and Income Assistance Regulation Section 16 and Schedule C
EIA Administrative Manual Section 6.4.9 and 6.7.14

Type: ☒ Policy
☒ Procedure
☐ Rate
☐ Information Only

Effective Date: Immediately

Background

Effective November 15, 2012, *The Employment and Income Assistance (EIA) Act* and Regulation have been amended to allow for the discontinuation, suspension or reduction of EIA benefits for individuals with outstanding warrants for prescribed offences under the federal *Criminal Code*.

These changes to *The EIA Act* and Regulation are part of an overall government strategy to address the issue of outstanding warrants and complements the creation of a Manitoba Integrated Warrant Apprehension Unit that tracks down and apprehends individuals with outstanding warrants. This legislative change encourages Manitobans applying for, or receiving, income assistance to take personal responsibility and deal with their outstanding legal obligations so that they can move forward with their lives.

Only outstanding warrants for certain, serious *Criminal Code* offences will impact eligibility for EIA benefits ("prescribed offences"). A complete list of offences that are prescribed by the EIA Regulation is attached. Outstanding warrants for prescribed offences committed when a person was under age 18 will not impact EIA eligibility.

The attached **plain language fact sheet** (French and English) has been developed to help applicants and participants understand how the new legislative and regulatory requirements may impact them. Offices will receive a shipment of fact sheets in the next month; in the meantime, please print off copies of the circular attachment as needed. The **Pre-Intake**

Orientation has also been updated to include information about the Outstanding Warrants policy.

Identifying Applicants/Participants with Outstanding Warrants for Prescribed Offences

The EIA Program will be able to identify individuals self-declaring an outstanding warrant at application, or ongoing EIA participants who have outstanding warrants for prescribed offences by checking their names against a monthly list that will be provided by Manitoba Justice.

When an individual self-declares an outstanding warrant during the EIA application process, staff will need to contact Service Delivery Support (SDS) to have the name and birth date checked against the monthly list. **A question about outstanding warrants will be included on the EIA application form beginning Monday, November 19, 2012.**

EIA Programs will identify current participants with an outstanding warrant through a monthly matching process; SDS will then send each of these participants a letter advising them they will need to present confirmation to EIA within 60 days of the date of the letter to ensure their eligibility for benefits is not impacted. **The first monthly match for active cases will occur in December. The first batch of SDS letters will be mailed at the end of December 2012.**

Consequence of Outstanding Warrants for Prescribed Offences

Applicants with outstanding warrants for prescribed offences may have their application denied or benefits immediately reduced depending on their case composition. Active cases with outstanding warrants for prescribed offences will be provided 60 days to provide confirmation that their outstanding warrant has been dealt with before benefits will be reduced or discontinued. In exceptional circumstance, when an applicant or participant is residing in a hospital or family violence shelter, or at a Director's discretion, the Outstanding Warrants policy can be waived until the situation changes.

Dealing with an Outstanding Warrant for a Prescribed Offence

To deal with an outstanding warrant for a prescribed offence, individuals must present themselves to their local police station with a copy of the attached "Outstanding Warrants Check Form". The police will complete and sign this form and, if it is confirmed that the person has an outstanding warrant, may give the person another law enforcement document (usually a Promise to Appear in Court) that will confirm the outstanding warrant is no longer active. The police may also take the individual into custody and they will need to go to court to deal with their outstanding warrant. If the individual is released by the court back into the community, the court will give them a document that indicates the warrant has been dealt with. **(removed)** The individual then needs to bring these documents back to EIA.

There may be instances where an individual has dealt with his/her outstanding warrant after the monthly list from Justice was prepared. Acceptable proof is a confirmation document from police or court dated in the month the person applies for EIA (e.g., person applies November 15, and document is dated November 1st or afterwards), or anytime during or after the month in which EIA sent a letter to a current participant advising of the warrant.

Policy

EIA does not provide funds for the participant to travel to get their Outstanding Warrants Check Form completed. Most often, warrants can be dealt with at the local police station, even if the warrant was issued in another part of the province.

When an applicant self-declares that they have an outstanding warrant, but it is deemed not to be for a prescribed offence, the individual should be encouraged to deal with it in order to

remove any potential barriers to employment or legal complications. However, eligibility for EIA benefits is not affected.

Having an outstanding warrant for a prescribed offence does not impact the participant's other responsibilities while receiving EIA such as following their Action Plan.

Attachments:

Background/Communications

Outstanding Warrants Fact Sheet

List of Prescribed Offences

Prescribed Offences under Schedule C of the Employment and Income Assistance Regulation

Criminal Code	Offence (Primary DNA)	Criminal Code	Offence (Primary DNA)
75	Piratical Acts	245(a)	Administering noxious thing with intention to endanger life or cause bodily harm
76	Hijacking	246	Overcoming resistance to commission of offence
77	Endangering safety of aircraft or airport	249(4)	Dangerous operation of motor vehicles, vessels and aircraft causing
78.1	Seizing control of ship or fixed	255(3)	Impaired driving cause death
81(1)	Using explosives	255(3.1)	Blood alcohol over .08 – cause death
83.18	Participation in activity of terrorist group	255(3.2)	Failure or refusal to provide sample – death
83.19	Facilitating terrorist activity	264	Criminal harassment
83.2	Commission of offence for terrorist group	267	Assault with a weapon or causing bodily harm
83.21	Instructing to carry out activity for terrorist group	268	Aggravated assault
83.22	Instructing to carry out terrorist activity	269	Unlawfully causing bodily harm
83.23	Harbouring or concealing	270	Assaulting a peace officer
151	Sexual interference	270.01	Assaulting peace officer with weapon or causing bodily harm
152	Invitation to sexual touching	270.02	Aggravated assault of peace officer
153	Sexual exploitation	271	Sexual assault
153.1	Sexual exploitation of person with disability	272	Sexual assault with a weapon, threats to a third party or causing bodily harm
155	Incest	273	Aggravated sexual assault
160(2)	Compelling commission of bestiality	273.3	Removal of child from Canada
160(3)	Bestiality in the presence of or by child	279	Kidnapping
163.1	Child Pornography	279.01	Trafficking in Persons
170	Parent or guardian procuring sexual activity	279.011	Trafficking of a person under the age of eighteen)
172(1)	Corrupting children	279.1	Hostage taking
172.1	Luring a child	344	Robbery
173(2)	Exposure	346	Extortion
212(1)	Procuring	348(1)(d)	Breaking and entering a dwelling-
220	Causing death by criminal negligence	423.1	Intimidation of a justice system participant or journalist
233	Infanticide	431	Attack on premises, residence or transport of internationally protected person
229, 230, 231 or 235	Murder	431.1	Attack on premises , accommodation or transport of United Nations or associated personnel
236	Manslaughter	431.2(2)	Explosive or other lethal device
239	Attempt to commit murder	467.11	Participation in activities of criminal organization
244	Discharging firearm with intent (formerly Causing Bodily Harm with Intent – Firearm)	467.12	Commission of offence for criminal organization
244.1	Causing bodily harm with intent – air gun or Pistol	467.13	Instructing commission of offence for criminal organization
244.2	Discharging firearm – recklessness		

