

Should the Public “Police” Policing? Applying Principles from Health Profession Regulation and Discipline to Law Enforcement

M A R I A N N A P O Z D I R C A *

ABSTRACT

As highlighted by numerous recent media investigations, the relationship between police and the public is often one of mistrust or at least suspicion. This can be partially explained by the limited public awareness or involvement in police discipline mechanisms. Current police discipline mechanisms in Manitoba have significant limitations. Firstly, professional standards units, which are internal to the officer’s employer, limit the release of information or public participation in their proceedings. Other disciplinary mechanisms, such as the Independent Investigations Unit can determine whether charges are to be laid but lack the powers to proceed and prosecute these. Finally, a complaint can be made to the Law Enforcement Review Agency, but the commissioner of this agency must consult with the chief of police regarding any penalty, thereby

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not being entirely independent of the officer's employer. In contrast, most health care professionals (HCPs) are regulated by an independent college, which has a complaints investigation committee and inquiry committee, handling HCP discipline. At least one third of the members on these committees must be public representatives. Hearings are public, with very limited exceptions. Decisions are also made public. If police were regulated through a college of policing, this would likely enable greater transparency, enhance public involvement, and ensure independence in police discipline. Calls for a college of policing are not new, and one can be structured and implemented in Manitoba.

Keywords: *police, police transparency, law enforcement, self-regulation, professional regulation, health professionals, public interest*

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I. INTRODUCTION

The sheer number of news stories and commentary about police discipline shows the public is engaged in these issues, yet there seems to be little to no public engagement directly integrated in police discipline processes. For example, even after making a complaint against Winnipeg Police Service (WPS) officers for aggressive interrogation, complainants are not made aware of the outcome of their complaints.¹ Even access to aggregate data of police defaults (i.e., breaches of police service regulations) and resulting penalties was denied by the WPS until the Manitoba Court of King’s Bench (MBKB) ordered its release.² While this paper’s focus is on Manitoba, similar issues persist across Canada where most police complaints are handled through closed-door hearings, unpublished decisions, and ultimate decision-making deferred to chiefs of police.³ Chiefs of police generally face a significant conflict of interest in such cases, which was well-articulated by lawyer Lynn Moore, who noted the chief “is in a very difficult position in terms of being a champion for the police and trying to represent the police as a proud and noble institution, and at the same time being responsible for the discipline of police

¹ Kristin Annable, “Winnipeg officers disciplined dozens of times in 5-year period, records released under court order show”, *CBC News* (16 January 2023), online: <cbc.ca> [perma.cc/9DX5-3]K2] [Annable, “Winnipeg officers disciplined”].

² *Annable (CBC) v City of Winnipeg*, 2022 MBKB 222 at paras 2–5, 45 [*Annable v Winnipeg*].

³ Ariana Kelland, “What these previously unreleased police discipline files show about conduct at the RNC”, *CBC News* (2 May 2023), online: <cbc.ca> [perma.cc/Y24D-PK3A] [Kelland, “police discipline files”].

officers.”⁴ This conflict of interest presents numerous times throughout the police discipline process.

Police hold a unique position of trust and are permitted to engage in restricted activities, such as the use of force.⁵ When other professionals (e.g., healthcare professionals) engage in restricted activities that are reserved for those in positions of trust, there are specific provisions that inject public interest and participation into the core of how these professionals are disciplined, usually through a regulatory college.⁶ The Coalition for Canadian Police Reform, which has two former WPS chiefs of police on its board (Dave Cassels and Devon Clunis), has publicly called for a “College of Policing” modeled after healthcare professional (HCP) colleges.⁷ This kind of call is not new and also not localized to any particular province. In 2017, the Honourable Michael H. Tulloch, in his *Report of the Independent Police Oversight Review*, stated, “serious consideration should be given to establishing a College of Policing in Ontario as the professional body for policing”, emphasizing that, “for many people, policing is a calling in the same way many doctors are called to medicine and teachers are called to teaching. Policing should be seen as a distinguished profession.”⁸ In 2022, a study funded by the British Columbia (BC) Ministry of Public Safety and Solicitor General found that over 70 percent of the public and over half of police in BC support the establishment of a college of policing.⁹

⁴ *Ibid*, under heading “How are complaints handled?”.

⁵ *The Police Services Act*, SM 2009, c 32, CCSM c P94.5, s 48(2) [*Police Services Act*].

⁶ See for example, *The Regulated Health Professions Act*, SM 2009, c 15, CCSM c R117, ss 5(1)–(5), 10(1)–(3), 13(1)–(5) [*RHPA*].

⁷ Coalition for Canadian Police Excellence, “The National Centre for Policing Excellence (NCPE)” (last visited 5 November 2025), online: <c-cpr.com> [perma.cc/W826-LGUU].

⁸ The Honourable Michael H. Tulloch, *Report of the Independent Police Oversight Review* (Toronto: Queen’s Printer for Ontario, 2017) at 257, online: <siu.on.ca> [perma.cc/99HE-MXUG].

⁹ Kelly W Sundberg et al, “Perceptions of Police Professionalism in British Columbia: Police Reform Study” (Calgary, Mount Royal University, 2022), at 1, online (pdf): <arcabc.ca> [perma.cc/6ES7-RFSL].

A college of policing would significantly change how police are held accountable, aligning it closer to HCP discipline and self-regulation.¹⁰ In this paper, I first outline discipline-related legislative provisions for police officers and HCPs in Manitoba. This provides a basis for comparing how complaints and discipline proceedings operate for a profession with no regulatory college, as opposed to HCPs which are governed by regulatory colleges. I then analyze key themes to argue that Manitoba should establish a provincial college of policing, as this would enable greater transparency, enhance public involvement, and ensure independence in police discipline processes. In the final part of this paper, I synthesize these findings with previous calls for a college of policing and recommend how this could be operationalized in Manitoba.

Despite the myriad of differences in delivering health services and police services,¹¹ both fit under provincial jurisdiction, according to Canada’s *Constitution*.¹² This means provinces are empowered to regulate those who deliver either of these critical services. However, the mechanisms to regulate and discipline those who contravene standards in delivering these services differs considerably. In Manitoba, police discipline is conducted through a multi-layered system, including the specific police force’s professional standards unit, the provincial Independent Investigations Unit (IIU), and the Law Enforcement Review Agency (LERA). While discipline of HCPs can involve internal employer reviews as well, it is primarily conducted and streamlined

¹⁰ It is worth noting that self-regulation alone is not a panacea. Lawyers, for example, are a self-regulated profession, and there have been issues with self-regulation, particularly when regulators begin to deviate from the core mandate of public interest (see Anita Balakrishnan, “Self-regulation: the end of an era? Lawyer discipline and the role of law societies”, *Canadian Lawyer* (14 November 2019), online: <canadianlawyermag.com> [perma.cc/YW6Z-ZJPF?type=standard]). However, given the current context of police regulation and discipline, a self-regulated college is an improvement over the current police discipline mechanisms.

¹¹ With the exception of the Royal Canadian Mounted Police (RCMP).

¹² *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, s 92, reprinted in RSC 1985, Appendix II, No. 5 [*Constitution*].

through regulatory colleges created by *The Regulated Health Professions Act (RHPA)* or other similar, profession-specific legislation. Although not all HCP colleges are under the *RHPA*, the province and non-*RHPA* colleges appear to be working towards coming under this umbrella legislation.¹³ This will further streamline and ensure consistency in HCP discipline processes.

II. MANITOBA'S CURRENT DISCIPLINARY MECHANISMS FOR POLICE OFFICERS

Turning first to disciplinary mechanisms applicable to police officers in Manitoba, these can be divided into three parts which are reviewed in each of the following subsections: (1) employer/police force-specific disciplinary provisions, using the WPS as an example; (2) procedures of an IIU established by *The Police Services Act*; and (3) LERA proceedings.

A. *Police Force Discipline*

The Police Services Act sets out the responsibilities of chiefs of a municipal police service (chief), such as the WPS, and makes them accountable to a police board.¹⁴ One of the specific responsibilities of a chief is “the maintenance of discipline in the police service”.¹⁵ While *The Police Services Act* allows a director of police to create and enforce a policing standard for the entire province,¹⁶ Manitoba has yet to develop these. Danny Smyth, then-chief of the WPS, himself stated, “in Manitoba, there are no mandated standards for law

¹³ For an example of a college not currently under the *RHPA* but working towards this goal, see College of Pharmacists of Manitoba, “Advancing Pharmacy Regulation Under the *RHPA*” (last visited 22 April 2026), online: <cphm.ca> [perma.cc/3NEU-C5KZ]. Even though the College of Pharmacists is not currently under the *RHPA*, they still have fairly similar complaints and discipline processes right now (see College of Pharmacists of Manitoba, “Filing a Complaint” (last visited 22 April 2026), online: <cphm.ca> [perma.cc/8SMX-RUS8]).

¹⁴ *Supra* note 5, ss 22(1)-(2).

¹⁵ *Ibid*, s 22(1)(c).

¹⁶ *Ibid*, s 48.

enforcement agencies” and explained how the WPS voluntarily enrolls in accreditation bodies that create standards, “given the current absence of provincial policing standards.”¹⁷ This shows the lack of enforcement of consistent policing standards in Manitoba. Furthermore, while the WPS may have the resources to consider, engage with, and enrol in external standards, other—generally smaller—police services are less likely to have this capacity.

The WPS, through municipal by-law, has very clear and publicly accessible regulations governing the police force.¹⁸ This itself is not guaranteed for each police force in the province, as many are smaller and not as well-resourced as the WPS; however, the WPS can be a helpful example to see a police force’s internal disciplinary mechanisms. The WPS Regulation defines “complaint” as “an allegation made by any person against a member of the Service, alleging an improper act or omission which violates these Regulations”.¹⁹ Improper acts or omissions are generally referred to as “defaults” which are further divided into “minor service defaults” (e.g., abuse of conduct, insubordination, neglect of duty, or improper maintenance of a firearm) and “service defaults” (e.g., discreditable conduct, improper use of firearm, misuse of liquor or drugs, neglect of duty, unauthorized release of information, corrupt practice, abuse of authority, unlawful conduct, or breach of any other order or instruction of the chief or city).²⁰ Each specific “default” is defined in by-laws and specific penalties are prescribed for each. A “minor service default” may be dealt with by ordering one or more penalties, such as admonition, written reprimand, up to two days’ loss of weekly leave, or a fine up

¹⁷ Chief Danny Smyth, “Police accountability in Manitoba means layers of oversight and safeguards” (30 June 2022) under heading “Police Standards”, online (blog): <winnipegpolice.substack.com> [perma.cc/8TEZ-DGTD].

¹⁸ City of Winnipeg, by-law No. 7610/2000, *A By-law of the City of Winnipeg to establish and adopt Regulations governing the Winnipeg Police Service* (24 May 2000) [WPS Regulations].

¹⁹ *Ibid* (note that section 11.01 of the Regulation refers to a member’s duty to disclose if they are charged with any criminal offence or “matter likely to bring discredit upon the reputation of the Service”).

²⁰ *Ibid*, ss 18.01–18.04, 20.01–20.09.

to two days' pay, in addition to remedial training.²¹ If an officer has committed two or more "defaults" in a three-year period, any subsequent allegation of a "minor service default" is treated as a "service default."²² Penalties for a "service default" are harsher and may include any of the "minor service default" penalties (as there are no specified minimums for "service default" penalties) or loss of weekly leave, a fine, probation, reduction in rank or pay (but retention of all seniority and pension rights), ineligibility for promotion for up to two years, suspension without pay, permission to resign, or dismissal.²³ Interestingly, the chief has discretion to treat any "service default" as a "minor service default."²⁴ In determining an appropriate penalty, the facts and circumstances, officer's service file, penalties imposed for similar defaults under similar circumstances, and progressive discipline are considered.²⁵ If an officer's service file has been free of defaults for five years, any prior defaults, whether they are minor service or service, cannot be considered when it comes to imposing a penalty.²⁶

When it comes to complaints from a member of the public, the specific allegation determines whether discipline proceeds through LERA (if the alleged default fits under LERA's jurisdiction) or through the WPS Regulations (if the alleged default does not fit under LERA's jurisdiction).²⁷ Allegations covered by WPS' internal processes face a 30-day "statute of limitations" from the date of the alleged default, though it may be extended to six months at the chief's discretion.²⁸ It is unclear what happens if a member of the public files a complaint beyond this timeframe, which may very well happen depending on the officer's alleged actions and the impact

²¹ *Ibid*, s 19.02.

²² *Ibid*, s 19.03.

²³ *Ibid*, s 21.01.

²⁴ *Ibid*, s 22.01.

²⁵ *Ibid*, s 23.02.

²⁶ *Ibid*, s 24.01.

²⁷ *Ibid*, ss 25.01–25.02. See below for LERA jurisdiction and processes.

²⁸ *Ibid*, ss 25.03–25.04.

it had on the individual reporting it.²⁹ In any case, the officer receiving a complaint submits a report to the member’s division commander, as soon as possible.³⁰ A complainant may make a statement in writing or verbally, but if it is verbal, then the officer in charge must record in writing why the complainant was not able to provide a written statement.³¹ The division commander then reviews whether the allegation is a “minor service default” and, if so, the respondent officer is given four days to provide “a written explanation or any further evidence”.³² The division commander meets with the respondent officer “as soon as practical but no later than ten...regularly scheduled working days”.³³

If the division commander deems the officer to have committed a “minor service default”, they impose one of the prescribed penalties, explain their decision verbally and in writing, and submit all reports and relevant documents to the executive assistant to the chief of police (EACP),³⁴ a “senior officer appointed by the chief to render general assistance”.³⁵ Decisions and penalties may be appealed to the deputy chief, in writing and within 48 hours.³⁶ If presented with an appeal, the deputy chief is to hold a meeting within two weeks with the division commander and the respondent officer, who may have a union (i.e., police association)

²⁹ For example, aggressive police interactions can cause post-traumatic stress disorder (PTSD) (see JL Hirschtick et al, “Persistent and aggressive interactions with the police: potential mental health implications” (2019) 29:e19 *Epidemiology & Psychiatric Sciences* 1 at 2). In cases of sexual assault, trauma and PTSD have been shown to cause delays in reporting, which creates issues when a statute of limitations is imposed (see Jillian Miller Purdue & Frederick E Vars, “Time to Heal: Trauma’s Impact on Rape & Sexual Assault Statutes of Limitations” (2023) 11:1 *Tex A&M L Rev* 125 at 142).

³⁰ *WPS Regulations*, *supra* note 18, s 26.02.

³¹ *Ibid*, s 27.02.

³² *Ibid*, ss 29.01–29.04.

³³ *Ibid*, s 30.01.

³⁴ *Ibid*, s 31.01.

³⁵ *Ibid*, s 1.01(b).

³⁶ *Ibid*, ss 32.01–32.02.

representative or legal counsel with them.³⁷ At this meeting, both the division commander and the officer are given an opportunity to provide their position, and the deputy chief either upholds, reverses, or amends the decision and penalty.³⁸ The deputy chief's decision, which must be provided in writing within seven days, can be appealed in writing by the police association within 30 days, requesting that the matter go to arbitration in accordance with the association's collective agreement.³⁹

If a complaint alleges a "service default", the division commander forwards it to the EACP who reviews the complaint with the deputy chief, advises the division commander of the action to be taken, notifies the chief, and, if investigation is warranted, provides instruction to the Professional Standards Unit or other investigator officers.⁴⁰ Investigation is to be "prompt" and dealt with "expeditiously", "meticulously", and "impartially", so that unfounded complaints can be dismissed as soon as possible, while justified complaints can be dealt with immediately.⁴¹ This culminates in a written report to the EACP, who then comes to one of the following conclusions: (1) improper conduct (i.e., that the complaint appears to be a substantiated breach), (2) insufficient evidence, (3) policy failure (i.e., the allegation is true and "revealed a need for a change in policy"), (4) proper conduct (i.e., the allegation is true but the officer's actions did not breach regulation or directive), or (5) unfounded complaint.⁴² If the complaint is found to reveal a policy failure, the regulations dictate that "steps will be taken as soon as possible to correct the situation."⁴³ If improper conduct is found, the EACP forms a review panel to determine whether a "service default" occurred and, if so, what the

³⁷ *Ibid*, s 33.01.

³⁸ *Ibid*, s 33.02.

³⁹ *Ibid*, ss 33.03–34.01.

⁴⁰ *Ibid*, s 36.01.

⁴¹ *Ibid*, ss 16.01–16.03.

⁴² *Ibid*, ss 37.01–38.01.

⁴³ *Ibid*, s 39.01.

consequences should be.⁴⁴ The review panel has the discretion, in consultation with the chief, to downgrade a “service default” to a “minor service default.”⁴⁵

If the officer contests either the allegation or penalty of a “service default”, they must declare so in writing to their division commander within ten days of receiving the decision and penalty.⁴⁶ Otherwise, the EACP prepares a report outlining the allegation and penalty, which is provided to the officer’s division commander.⁴⁷ If the officer contests the matter, the chief must establish a discipline board, which will hold an in-camera (i.e., private) hearing within six months of when the officer was supplied with details of their alleged “service default.”⁴⁸ The officer and police service are parties to the hearing, although the complainant and association must also be notified of the hearing date, time, and place at least two weeks before the hearing.⁴⁹ While the officer may not be called as a witness in the hearing, they must attend the hearing; however, the hearing may proceed in their absence if the officer received due notice and still failed to attend.⁵⁰ At the conclusion of the hearing, the discipline board must determine and issue a decision in writing as to whether a “service default” was committed and, if so, decide on an appropriate penalty.⁵¹ At this stage, the police association can appeal the decision of the discipline board to arbitration, as per the collective agreement.⁵²

If the discipline board selects dismissal as the appropriate penalty, they must recommend this to the chief, who can then either recommend dismissal or a different penalty to a committee consisting of the chief administrative officer and chief financial

⁴⁴ *Ibid*, ss 40.01–42.01.

⁴⁵ *Ibid*, s 43.01.

⁴⁶ *Ibid*, s 46.01.

⁴⁷ *Ibid*, ss 47.01–47.02.

⁴⁸ *Ibid*, ss 48.01–50.01.

⁴⁹ *Ibid*, s 50.01.

⁵⁰ *Ibid*, ss 14.01, 50.01.

⁵¹ *Ibid*, ss 50.01–51.01.

⁵² *Ibid*, s 51.02.

officer.⁵³ This committee may choose to dismiss or exonerate the officer, or impose an alternate penalty listed in the regulations.⁵⁴ This decision may also be appealed by the police association to arbitration, as per the collective agreement.⁵⁵ Importantly, this process is internal and connected to the officer's employment. The only provision where a penalty extends beyond an officer's employment is with respect to the collection of fees, where, if all penalties are not fully satisfied when an officer leaves the police force, the police force may recover from monies due to the officer upon their resignation or retirement.⁵⁶

Notably, it is not uncommon in police discipline cases that internal proceedings, such as the one described above, end—not with a resolution or penalty—but with the officer choosing to resign. This was the case in Calgary, where an officer convicted of aggravated assault was facing disciplinary hearings and chose to resign, thereby ending the disciplinary proceeding.⁵⁷ The Calgary Police Service explained, "While officers can still face criminal charges after their employment ends, we do not have the authority under Alberta's Police Act to continue internal disciplinary proceedings *when a police officer is no longer employed by the service.*"⁵⁸ This is not unique to Alberta. A news story from late 2024 revealed that 15 percent of allegations against RCMP officers in New Brunswick—and ten percent of cases across the country—ended with the officer's resignation or retirement, and therefore a loss of jurisdiction "before the code of conduct process could be completed."⁵⁹ In such cases, the RCMP officer's pension is

⁵³ *Ibid*, ss 52.01–53.01.

⁵⁴ *Ibid*, s 53.02.

⁵⁵ *Ibid*, s 54.01.

⁵⁶ *Ibid*, s 56.02.

⁵⁷ Meghan Grant, "Police Act 'loophole' allows another officer to resign in face of disciplinary hearing", *CBC News* (10 September 2020), online: <cbc.ca> [perma.cc/V7P8-F6SU].

⁵⁸ *Ibid* [emphasis added].

⁵⁹ Karissa Donkin, "The code: Inside 8 years' worth of code of conduct cases involving New Brunswick RCMP", *CBC News* (14 November 2024), online: <cbc.ca> [perma.cc/4R4Y-5FL3].

unaffected, “although the matter is noted on their human-resources file and can be shared with future employers as part of reference checks.”⁶⁰ Meanwhile, complainants are left in the dark about the status of the discipline proceeding, with the “impression the RCMP offered a graceful exit to its officer.”⁶¹ Therefore, despite the comprehensiveness of the WPS Regulations, these do not hold any jurisdiction if the officer resigns, and, furthermore, there is considerable discretion granted to the chief. The next subsection discusses a unit that has jurisdiction over all officers in Manitoba, external to any specific police force.

B. Independent Investigation Unit

The Independent Investigation Unit (IIU) is established by *The Police Services Act* and consists of a civilian director, appointed by the provincial government, as well as any investigators this director appoints who may be former police officers or civilians with investigative experience.⁶² Importantly, the IIU does not investigate *all* complaints against police officers. Its jurisdiction is limited to cases where death or serious injury to a person may have resulted “from the actions of a police officer” or where a police officer may have contravened a “prescribed provision” of the *Criminal Code* or another federal or provincial legislation.⁶³ The “prescribed provisions” are defined in the *Independent Investigations Regulation* as careless use of firearm, perjury, contradictory evidence, fabricating evidence, obstructing justice, or sexual assault.⁶⁴ The IIU therefore only commences an investigation when a complaint or evidence of one of the above is received.⁶⁵

Chiefs must give the civilian director any information related to a complaint or ongoing investigation, and the chief may be

⁶⁰ Daniel Leblanc, “There’s no justice,’ says complainant as RCMP officer retires before misconduct hearing”, *CBC News* (4 June 2025), online: <cbc.ca> [perma.cc/3QLM-S2HP].

⁶¹ *Ibid.*

⁶² *Supra* note 5, ss 57(1), 60.

⁶³ *Ibid.*, s 65(1).

⁶⁴ Man Reg 99/2015, s 1(2) [*IIU Regulation*].

⁶⁵ *Police Services Act*, *supra* note 5, s 66.

required to turn over an ongoing investigation to the IIU.⁶⁶ When the IIU is notified of a serious incident, as described above, the chief must ensure all involved officers are separated from each other and do not communicate with each other until investigators have interviewed each of them.⁶⁷ Officers have only 48 hours following the end of their shift to complete their incident reports, though the civilian director may extend this time if they receive a written request from the chief.⁶⁸ Incident notes may be provided to the IIU within 24 hours of the request being made, though this may also be extended upon receipt of a written request from the chief.⁶⁹ Incident notes of the subject officer (i.e., officer who is being investigated) may only be provided voluntarily.⁷⁰ The IIU may access witness statements, interview recordings, emergency service call recordings, occurrence reports, arrest reports, duty reports, logs, and video/audio recordings, including body camera footage, as part of their investigations.⁷¹ The IIU may also interview, and record video/audio of such interviews and any officers, except the subject officer who may only be interviewed if they voluntarily agree.⁷²

After the IIU concludes an investigation, it issues a written report containing its decision regarding whether there should be charges laid on the officer.⁷³ If an investigation results in no charges, the report must contain, at minimum, a narrative of events leading up to the IIU's involvement, summary of the investigation, and reason that no charges are laid.⁷⁴ Reports of the IIU are

⁶⁶ *Ibid*, ss 73–75.

⁶⁷ *IIU Regulation*, *supra* note 64, ss 9(1)–(2).

⁶⁸ *Ibid*, ss 9.1(1)–(2).

⁶⁹ *Ibid*, s 10.

⁷⁰ *Ibid*, s 11(2).

⁷¹ *Ibid*, s 11.1(5).

⁷² *Ibid*, ss 12–13.

⁷³ *Police Services Act*, *supra* note 5, ss 76.1(1)–(2).

⁷⁴ *Ibid*, s 76.1(4).

published online.⁷⁵ Although the IIU’s process is comprehensive, the threshold that must be reached to warrant its involvement is substantial. The next subsection describes a final, different type of recourse that is available to Manitobans for reporting complaints related to police conduct that do not necessarily rise to the severe level that would engage the IIU.

C. *Law Enforcement Review Agency*

A final option available to a member of the public “who feels aggrieved by a disciplinary default allegedly committed by any member of a police service or by an extra-provincial police officer” is filing a complaint under *The Law Enforcement Review Act (LERA)*.⁷⁶ Notably, police officers may not file a complaint under *LERA* against any other officer, while they are fulfilling their official duties.⁷⁷ Complaints may be raised by individuals not directly affected by the officer’s actions in question; however, in such cases, the individual affected must be notified and, within two weeks, provide written consent to have the complaint processed.⁷⁸ If complaints are raised by multiple people, the commissioner of the Law Enforcement Review Agency (LERA), deems one person to be the complainant.⁷⁹ Each complaint must be given in writing to the commissioner, the officer’s chief, and any officers involved, within 180 days after the alleged incident, although this timeframe may be extended if the incident occurred during arrest or an investigation that results in a criminal charge on the complainant.⁸⁰ In such cases, the commissioner may extend this deadline to one year or 30

⁷⁵ *Ibid*, s 76.1(5). For all reports, see Independent Investigation Unit of Manitoba, “Publications: Civilian Director Reports” (last visited 6 November 2025), online: <iiumanitoba.ca/publications.html> [perma.cc/3SRC-ZGBV].

⁷⁶ RSM 1987, CCSM c L75, s 6(1) [LERA].

⁷⁷ *Ibid*, s 8.

⁷⁸ *Ibid*, ss 6(2), 9(1)-(2). As per s 9(3), written consent from the individual affected is not required if the individual is not “competent to give consent” or is an infant.

⁷⁹ *Law Enforcement Review Regulation*, Man Reg 321/87R, s 1 [LER Regulation].

⁸⁰ *LERA*, *supra* note 76, ss 6(3), 6(7).

days after the “final disposition of the criminal charge”, whichever one is sooner.⁸¹

Once a complaint is received, the commissioner must provide the officer mentioned in the complaint with a copy.⁸² In the case of complaints against an extra-provincial police officer, a copy of the complaint must be provided to the officer’s commanding officer and agency responsible for police complaints in their “home jurisdiction.”⁸³ The commissioner must also inform the complainant that no penalty can be imposed by LERA in such cases and provide them with contact information for the agency in the officer’s “home jurisdiction” that is responsible for police complaints; however, the commissioner is still able to investigate the complaint and provide information about it to the officer’s “home jurisdiction.”⁸⁴ The commissioner may also, if requested by the complainant, meet with both the extra-provincial officer and the complainant to reach an informal resolution.⁸⁵ If the complaint relates to a matter of “significant public interest”, the commissioner may also refer the complaint to a provincial judge. However, the judge may not make any finding or recommend any penalty against the officer, so it is unclear what accountability or public trust this process may provide.⁸⁶

In the case of complaints that do fit within Manitoba’s jurisdiction, the commissioner must commence an investigation as long as it does not interfere with an ongoing criminal investigation, in which case, they may delay the investigation.⁸⁷ As part of an investigation, the chief must give the commissioner any documents or materials relevant to the complaint and if the chief declines a request for materials due to privilege, the commissioner may apply

⁸¹ *Ibid.*

⁸² *Ibid.*, s 7(2).

⁸³ *Ibid.*, s 7.1(1).

⁸⁴ *Ibid.*, ss 7.1(2)–7.2(2).

⁸⁵ *Ibid.*, s 7.3.

⁸⁶ *Ibid.*, ss 7.4(1), 7.4(4).

⁸⁷ *Ibid.*, ss 12(1)–12(1.1).

to the MBKB for a decision on whether it is privileged.⁸⁸ The commissioner may also refer the complaint to be investigated by the chief internally.⁸⁹ If the chief informs the commissioner that the IIU will be investigating the complaint to possibly lay charges on the officer, the commissioner may ask the chief to forward the IIU’s investigation results, for consideration in how LERA handles the complaint.⁹⁰ If the commissioner is satisfied that the complaint is abandoned; has insufficient supporting evidence; or is frivolous, vexatious, or does not fit into the scope of LERA, the commissioner notifies the complainant of this determination.⁹¹ The complainant then has 30 days to ask for the decision to be reviewed by a provincial judge, where the burden of proof is on the complainant to show that the commissioner erred in dismissing the complaint.⁹² Even if the commissioner takes no further action with the complaint, the results of any investigation may still be forwarded to the police force for internal discipline proceedings.⁹³

LERA’s scope includes the following “disciplinary defaults”: abuse of authority (e.g., making an arrest without grounds, using unnecessary violence or force, using oppressive or abusive conduct or language, being discourteous or uncivil, seeking improper pecuniary or personal advantage, serving or executing documents without authorization, or discrimination), making false statements, destroying or altering official documents or records, improperly disclosing information acquired as an officer, failing to exercise discretion or restraint in the use and care of firearms, damaging property or failing to report damage, failing to assist a person when there is clear danger to their safety or their property’s security, violating privacy, assisting or counselling someone else to commit a “disciplinary default”, or contravening any section of *LERA* or its

⁸⁸ *Ibid*, ss 12(2)-12(4).

⁸⁹ *Ibid*, s 12(8).

⁹⁰ *Ibid*, ss 12(9)-12(10).

⁹¹ *Ibid*, ss 13(1)-13(1.1).

⁹² *Ibid*, ss 13(2)-13(4).

⁹³ *Ibid*, s 14.

regulations.⁹⁴ If an investigation finds one of the above, the commissioner still consults with the complainant, the officer, and the officer's chief to resolve the complaint informally, which may be done even if the chief disagrees with informal resolution.⁹⁵ If a complaint is resolved informally, there is no penalty and no record of the complaint anywhere on the officer's service record.⁹⁶

If the officer admits a "disciplinary default", the commissioner consults with the officer's chief to determine an appropriate penalty.⁹⁷ The prescribed penalties under LERA are: admonition, verbal reprimand, written reprimand, forfeiture of leave or days off (not to exceed ten days), forfeiture of pay (not to exceed ten days' pay), suspension without pay (not to exceed 30 days), reduction in rank, permission to resign, or dismissal.⁹⁸ If the penalty is an admonition, it is not recorded in the officer's service record.⁹⁹ Other penalties may be expunged from the officer's record after a set period of time if the officer commits no further disciplinary defaults in the specified timeframe.¹⁰⁰ If a provincial judge is involved in laying the penalty, they may also require restitution for

⁹⁴ *Ibid*, s 29.

⁹⁵ *Ibid*, ss 15(1)-15(2).

⁹⁶ *Ibid*, s 15(3).

⁹⁷ *Ibid*, ss 16(1)-16(3). Notably, this means that, if an officer resigns or retires, LERA also loses jurisdiction over disciplining that officer for conduct done when they were in the police force. See *BC v Constable SB* (13 February 2015), 2011-137, online: LERA Hearing <gov.mb.ca> [perma.cc/G9CW-8GE3] for an example of a case where a provincial judge ordered the LERA Commissioner to refer a case to the provincial judge for a hearing, in response to the complainant's appeal of the Commissioner's decision to dismiss the complaint. However, by the time a provincial judge could review the case and ultimately find that the officer in question did commit a "disciplinary default" of "abuse of authority", the officer retired, leaving LERA, and therefore the Provincial Court, with no jurisdiction to impose penalties. The names of the parties are redacted but initials may be inferred as *[BC] v [Constable SB]* (14 October 2016), 2011-137, online: LERA Hearing <gov.mb.ca> [perma.cc/FJ2F-NN3F].

⁹⁸ LERA, *supra* note 76, s 30(1).

⁹⁹ *Ibid*, s 32(4).

¹⁰⁰ *Ibid*, s 32(5).

losses or damages related to the complaint.¹⁰¹ Interestingly, the officer must agree with the recommended penalty, and if they do not, then the complaint is referred to a provincial judge for a hearing about the penalty.¹⁰² Complaints may also be referred to provincial judges for a hearing on their merits and in such cases, the judge decides on whether the complaint has merit and, if so, orders the appropriate penalty as well.¹⁰³ Decisions of the provincial judge may be appealed to the MBKB within 30 days, but only on questions of law or jurisdiction.¹⁰⁴ The officer may not be compelled by the commissioner or court to make or hand over any statements at their hearing.¹⁰⁵ Hearings are public, except where any party shows that the “proper administration of justice” requires a private hearing.¹⁰⁶ Even if a hearing is public, no one may broadcast the officer’s name unless and until the judge has ruled that the officer committed a “disciplinary default.”¹⁰⁷ At times, a complaint may reveal broader organizational issues in the police force. In such cases, the commissioner or a provincial judge may make recommendations of appropriate changes to the chief or police board, though there is no requirement for the recommendations to be implemented.¹⁰⁸

Legislation creates a hierarchy for how complaints are dealt with if there are concurrent internal complaints, LERA complaints, and criminal proceedings related to the same officer. If the officer is charged with a criminal offence, no LERA proceedings may take place until the alleged criminal offence is stayed or otherwise disposed of.¹⁰⁹ If a complaint is filed with LERA, internal police disciplinary proceedings terminate and the matter is resolved only

¹⁰¹ *Ibid*, ss 30(2)-30(4).

¹⁰² *Ibid*, ss 16(4)-16(5).

¹⁰³ *Ibid*, ss 17(1)-17(2), 28(1)-28(3).

¹⁰⁴ *Ibid*, ss 31(1)-31(4).

¹⁰⁵ *Ibid*, ss 19-20(1).

¹⁰⁶ *Ibid*, ss 24(11)-24(12).

¹⁰⁷ *Ibid*, s 25.

¹⁰⁸ *Ibid*, ss 22, 33.

¹⁰⁹ *Ibid*, s 34.

in accordance with *LERA*.¹¹⁰ This essentially prevents concurrent investigations and proceedings, so as not to place the officer in “double jeopardy.” However, this practice of halting public complaints investigations until criminal proceedings have fully ended can delay complaints from resolving for over a decade, during which the subject officer may still be employed and working as a police officer.¹¹¹ Notably, *LERA* has been criticized for years “because most complaints are dismissed by its investigators and officers are rarely found at fault.”¹¹²

III. MANITOBA’S CURRENT DISCIPLINARY MECHANISMS FOR REGULATED HEALTH PROFESSIONALS

The Regulated Health Professions Act regulates audiologists, speech language pathologists, paramedics, physicians, surgeons, registered nurses, and registered psychiatric nurses in Manitoba. This legislation requires that each regulated health care professional (HCP) have a publicly available profile, which lists any disciplinary proceedings dating back ten calendar years.¹¹³ Disciplinary findings related to an ailment or addiction the HCP is suffering from must not be made available to the public online, but an exemption exists for colleges that regulate HCPs who submit claims for services to the Manitoba government, Manitoba residents, or third parties on the resident’s behalf, which encompasses most regulated HCPs.¹¹⁴ This ensures almost all disciplinary findings are published transparently for the public to see, which is already a notable distinction from the limited publication of police disciplinary cases.

Before diving deeper into HCP regulation, it is important to recognize that this regulation is not perfectly transparent either.

¹¹⁰ *Ibid*, s 37.

¹¹¹ Kelland, “police discipline files”, *supra* note 3.

¹¹² Annable, “Winnipeg officers disciplined”, *supra* note 1.

¹¹³ *RHPA*, *supra* note 6, s 28(3).

¹¹⁴ *Ibid*, ss 28(4)–28(5).

However, where criticism is raised about a lack of transparency, there appears to be decisive government action closing these gaps, something we have not yet seen with policing. For example, when Dr. Arcel Bissonnette was charged with five counts of sexual assault, the CPSM (College of Physicians and Surgeons) held a hearing to cancel his licence, but this hearing was not open to the public.¹¹⁵ Shortly thereafter, the Minister of Health announced a legislative change to ensure that “licence cancellation hearings for medical professionals don’t happen behind closed doors.”¹¹⁶ This resulted in subsections 48(4) and 48(5) of the *RHPA*, which require that meetings where regulators consider cancelling an HCP’s licence, for reason of conviction, are open to the public with very few exceptions.¹¹⁷ Where an exception is made, the reasons for this must be made both orally and in writing to the public.¹¹⁸

Regulated HCPs each belong to a regulatory college, which registers them and gives them a certificate of practice (i.e., licence). Colleges are governed by a council.¹¹⁹ These colleges also have the power to discipline their “members” (i.e., HCPs who are registered and licenced by that college). To handle complaints and discipline, each college council must create a complaints investigation committee and an inquiry committee. The purposes and processes of these committees are discussed below.

A. *Complaints Investigation Committee*

Anyone can make a complaint, in writing, about a regulated HCP’s conduct, which may be sent to the complaints investigation

¹¹⁵ Katrina Clarke, “Province ‘open’ to more transparency in MD oversight: health minister”, *Winnipeg Free Press* (11 January 2024), online: <winnipegfreepress.com> [perma.cc/Q8VY-3MHP?type=standard].

¹¹⁶ “Some licence cancellation hearings for Manitoba health-care providers will be public under new legislation”, *CBC News* (17 April 2024), online: <cbc.ca> [perma.cc/Z97H-HJY8].

¹¹⁷ *Ibid*; Bill 36, *The Regulated Health Professions Amendment Act*, 1st Sess, 43rd Leg, Manitoba, 2024; *RHPA*, *supra* note 6, ss 48(4)–48(5).

¹¹⁸ *RHPA*, *supra* note 6, s 48(5).

¹¹⁹ *Ibid*, s 12.

committee of the applicable college.¹²⁰ Additionally, the registrar (i.e., head of the college) may refer any concerning practice or conduct to the college's complaints investigation committee.¹²¹ At least one third of this committee must be comprised of public representatives while the rest are HCPs who belong to the college.¹²² When a complaint is received, the chair of the committee (a regulated HCP and member of the specific college) may select a panel of at least three committee members, appointing one of them as chair of the panel.¹²³ If the committee feels that the HCP's practice poses a serious risk to the public, they may suspend or place conditions on their practice, pending the outcome of committee proceedings, but they must give the HCP written notice and reasons regarding this decision.¹²⁴ This creates a temporary stop-gap measure to protect the public from serious risk, while a complaint-related proceeding is ongoing.

Complaints may be made against former HCPs if they are filed within five years of the HCP's licence or registration non-renewal.¹²⁵ Herein lies another major distinction between HCP regulation and police regulation. Serious police discipline often ends with resignation, whereas for an HCP, even resignation from their college and non-renewal of their licence does not end a complaints or disciplinary process. When a complaint is received, the registrar notifies the complainant within 30 days of one of three permitted actions. The registrar may: dismiss the complaint, if they

¹²⁰ *Ibid*, ss 90(1)-90(2), 91(2).

¹²¹ *Ibid*, s 90(3). A college's council is generally the highest governing body of the college/regulator.

¹²² *Ibid*, ss 94(1), 94(3).

¹²³ *Ibid*, ss 94(2), 94(4). One-third of the panel must be public representatives.

¹²⁴ *Ibid*, ss 110(1)-110(2). As per s 110(3)-110(4), this decision can be appealed to the council by the HCP, and this appeal is decided at a hearing before council, no later than 30 days after the notice of appeal is received. On appeal, the council can quash, vary, or confirm the suspension, as well as make decisions related to costs (*ibid*, s 110(6)). The council's decision may be appealed to the MBKB which may quash, vary, or confirm the suspension (*ibid*, s 110(7)).

¹²⁵ *Ibid*, s 90(4).

are satisfied it is frivolous or vexatious, or there is insufficient evidence; encourage the complainant and HCP to resolve the complaint by communicating with each other; or refer the complaint to the committee.¹²⁶ If the registrar chooses to dismiss the complaint, they must “promptly notify the complainant [and the HCP] of the dismissal”, and the complainant may apply to have this decision reviewed by the committee, if they submit a written application to the committee.¹²⁷ The committee must give both the complainant and HCP an “opportunity to make written submissions”, although a hearing is not required.¹²⁸ After reviewing the registrar’s decision to dismiss a complaint, the committee may confirm or reverse dismissal, and if they reverse the dismissal, may resolve the complaint informally or appoint an investigator to look into it further.¹²⁹

If a complaint is referred to the committee, the committee may first try to resolve it informally.¹³⁰ If informal resolution is not appropriate or fails, the committee must appoint an investigator.¹³¹ Any individual, other than the registrar, is eligible to be appointed as an investigator.¹³² In the course of their investigation, an investigator is permitted to look into other matters that are related to the conduct or skill of the HCP, even if they are not connected to the original complaint.¹³³ The investigator is permitted to retain other experts or legal counsel.¹³⁴ The investigator may enter any relevant premises, audit the HCP’s practice, examine equipment or tools used in this practice, require the HCP to respond to the complaint in writing, and require any person to provide them with

¹²⁶ *Ibid*, ss 91(1)-91(2).

¹²⁷ *Ibid*, ss 92(1)-92(3).

¹²⁸ *Ibid*, s 92(4).

¹²⁹ *Ibid*, s 92(5).

¹³⁰ *Ibid*, s 95.

¹³¹ *Ibid*, ss 96(1)-96(2), 98(1).

¹³² *Ibid*, s 96(3).

¹³³ *Ibid*, s 98(2).

¹³⁴ *Ibid*, s 98(3).

information or answer questions relevant to the investigation.¹³⁵ If a person refuses to cooperate with an investigation, the investigator may apply for a court order directing that individual to produce materials or information relevant to an investigation, or a warrant to enter premises necessary to carry out an investigation.¹³⁶ In addition, if an HCP fails to comply with an investigation or obstructs the investigator, this itself is deemed to be professional misconduct.¹³⁷ If an investigation leads to a “reasonable belief” that a current or former HCP is engaging in “possible criminal activity”, this information may be disclosed to law enforcement.¹³⁸

After an investigation is concluded, the investigator reports their findings to the committee, and the committee must give a copy of this report to the investigated HCP, advising them of their right to make a written submission in response.¹³⁹ There is no requirement for the committee to hold a hearing.¹⁴⁰ Upon reviewing the report, the committee may refer the complaint (or portion thereof) to the inquiry committee, direct that no further action be taken, refer the complaint to mediation, censure the HCP (i.e., provide an oral caution), accept a voluntary surrender of the HCP’s registration or licence, accept an undertaking that places conditions on the HCP’s practice,¹⁴¹ or take other appropriate actions that are not contrary to the *RHPA*, its regulations, or the college’s by-laws.¹⁴² This gives the committee considerable flexibility in determining how to resolve a complaint. The committee’s decisions and reasons must be given, in writing, to both the

¹³⁵ *Ibid*, s 99(1).

¹³⁶ *Ibid*, ss 100(1), 100(3)–100(4).

¹³⁷ *Ibid*, s 100(2).

¹³⁸ *Ibid*, s 112.

¹³⁹ *Ibid*, ss 101(1)–101(2).

¹⁴⁰ *Ibid*, s 102(2).

¹⁴¹ *Ibid*, s 102(1). These conditions may include fitness to practice assessments, counselling, treatment, monitoring, supervision, completion of a specified course of study, or other conditions that the Committee deems appropriate (*ibid*).

¹⁴² *Ibid*, s 102(1)(g).

complainant and HCP.¹⁴³ While not all decisions of the committee are public, a censure or voluntary surrender may be made public if it does not include information “that the investigated member suffers from an ailment, emotional disturbance or addiction”.¹⁴⁴ The committee may also inform the HCP’s employer.¹⁴⁵ An HCP who is censured may be required to pay all or a portion of the investigation costs.¹⁴⁶ If an HCP voluntarily surrenders their registration or certificate of practice or commits to an undertaking, they may be required to take counselling, receive treatment, complete a supervised course of studies, or obtain supervised experience before being permitted to reinstate their registration or licence.¹⁴⁷ They may also be required to pay the costs of investigation, as well as costs related to monitoring compliance with reinstatement requirements.¹⁴⁸ Upon reinstatement, the HCP may still be required to limit their practice, not engage in solo practice, permit periodic inspection or audits, report to the committee or registrar, comply with other conditions the committee deems appropriate, or pay costs associated with monitoring their compliance with these conditions.¹⁴⁹ Failing to comply with an undertaking or condition can result in a referral to the inquiry committee, which is discussed in the next subsection of this paper.¹⁵⁰

Several appeal mechanisms exist. If the committee decides not to take further action, accepts an undertaking, or takes other actions it deems appropriate, the complainant may appeal this decision to the college’s council within 30 days of receiving the committee’s decision.¹⁵¹ This appeal then goes to a panel of at least

¹⁴³ *Ibid*, s 102(3).

¹⁴⁴ *Ibid*, ss 104(3), 105(3)–105(4).

¹⁴⁵ *Ibid*.

¹⁴⁶ *Ibid*, s 104(4).

¹⁴⁷ *Ibid*, s 105(1).

¹⁴⁸ *Ibid*, ss 105(2), 107.

¹⁴⁹ *Ibid*, s 106.

¹⁵⁰ *Ibid*, s 111.

¹⁵¹ *Ibid*, ss 108(1)–108(2).

three members of the council,¹⁵² one third of whom must be public representatives.¹⁵³ This panel, upon reviewing written submissions from both parties, may dismiss the appeal, make a different decision that in its opinion the committee should have made, or refer the matter back to the committee “for further investigation or consideration in accordance with any direction that the panel may give.”¹⁵⁴ The panel is not required to hold a hearing.¹⁵⁵ The panel’s decision and reasons must be given, in writing, to the HCP and complainant.¹⁵⁶

B. Inquiry Committee

Under the *RHPA*, a college council must also appoint an inquiry committee which is “responsible for holding hearings on matters referred to it by the complaints investigation committee and making disciplinary decisions”.¹⁵⁷ One third of the inquiry committee must be comprised of public representatives while the rest are HCPs who belong to the college.¹⁵⁸ When a complaint is received, the chair or vice-chair of the committee (who must be a regulated HCP and a member of the specific college) must select a panel of at least three committee members, appointing one of them as chair of the panel.¹⁵⁹ Unlike the complaints investigation committee, panels of the inquiry committee must hold a hearing within 120 days of the complaint being referred to the committee, unless the HCP consents in writing to a later date.¹⁶⁰ The registrar may issue a public notice of the hearing, though this must not

¹⁵² *RHPA*, *supra* note 6, s 108(3). Per s 108(4), the council chair may also appoint, to the panel, individuals who are not members of council if there are insufficient council members without a real or potential conflict of interest. At least one third of the panelists must still be public representatives.

¹⁵³ *Ibid*, s 108(3).

¹⁵⁴ *Ibid*, ss 109(1), 109(3).

¹⁵⁵ *Ibid*, s 109(3).

¹⁵⁶ *Ibid*, s 109(2).

¹⁵⁷ *Ibid*, ss 114(1)-114(2).

¹⁵⁸ *Ibid*, ss 115(1), 115(3).

¹⁵⁹ *Ibid*, s 115(2).

¹⁶⁰ *Ibid*, ss 116(1)-116(3).

include the HCP’s name.¹⁶¹ Notice of the hearing must be given to the complainant and HCP at least 30 days prior to the hearing and this notice must state the date, time, and place, and provide a general description of the matter or complaint that is the subject of the hearing.¹⁶²

When it comes to hearings, the committee may establish its own procedural rules in college by-laws and is not bound by the rules of evidence that apply to judicial proceedings.¹⁶³ Both the college and HCP are parties to the hearing and may be represented by legal counsel.¹⁶⁴ The panel of the committee may also have the assistance of its own legal counsel.¹⁶⁵ A hearing may proceed in the absence of the HCP who is the “investigated member”, provided they have received notice of the hearing.¹⁶⁶ The evidence given to the panel may be oral or by affidavit, but an HCP’s registration or licence “cannot be suspended or cancelled on affidavit evidence alone.”¹⁶⁷ Any evidence is only admissible if the party presenting it shares it with the other party at least two weeks before the hearing.¹⁶⁸ Evidence may be given by any person who the panel deems to have sufficient knowledge of the subject matter of the complaint.¹⁶⁹ Oral evidence may also be cross-examined.¹⁷⁰ If a compelled witness refuses to attend, produce records, be sworn in, or answer questions the panel directs them to answer, a civil contempt of court proceeding may be brought against them.¹⁷¹

¹⁶¹ *Ibid*, s 116(5).

¹⁶² *Ibid*, s 116(4).

¹⁶³ *Ibid*, ss 117(1)-117(2).

¹⁶⁴ *Ibid*, s 117(3).

¹⁶⁵ *Ibid*.

¹⁶⁶ *Ibid*, s 118.

¹⁶⁷ *Ibid*, s 119(2).

¹⁶⁸ *Ibid*, s 120(1). If this is not done, then, pursuant to s 120(2), the panel may allow the evidence to be introduced “if it is satisfied that doing so is necessary to ensure that the legitimate interests of a party will not be unduly prejudiced.”

¹⁶⁹ *Ibid*, s 119(1).

¹⁷⁰ *Ibid*, s 119(3).

¹⁷¹ *Ibid*, s 119(7).

Witnesses outside Manitoba may also be examined, pursuant to an order from the MBKB.¹⁷² At times, a hearing may touch upon other matters that are not the subject of the original complaint. The panel may hear evidence on these matters if it declares its intent to do so and gives a reasonable opportunity for the HCP to respond.¹⁷³

Hearings of the committee “must be open to the public unless the panel orders otherwise”¹⁷⁴ which the panel may only do if requested by either party and if it is satisfied of one of the following: matters discussed may involve public security, a person’s safety may be jeopardized, a civil or criminal proceeding may be prejudiced, or it is a case where avoiding public disclosure outweighs the desirability of open-hearing practices.¹⁷⁵ If the hearing is held behind closed doors, the reasons for this must be made public, either orally at the hearing or in writing.¹⁷⁶ The investigated HCP or their location of practice must not be published until and unless the panel finds that the HCP is guilty of professional misconduct, conduct unbecoming of a member, contravening the *RHPA*, another offence that is relevant to their fitness to practice, displaying a lack of knowledge or skill in their practice, demonstrating incapacity to practice, or suffering from an ailment that could endanger the public if the HCP continues to practice.¹⁷⁷ Alternatively, the panel may also find that no further action is to be taken against the HCP.¹⁷⁸ If the panel will be issuing a discipline order with a corresponding penalty, the HCP must have an opportunity to make written or oral submissions on this matter, which may be made by their legal counsel.¹⁷⁹ The *RHPA* specifies the particular penalties that may be imposed on an HCP in a panel’s discipline order. These include reprimanding the HCP;

¹⁷² *Ibid*, s 119(8).

¹⁷³ *Ibid*, s 121.

¹⁷⁴ *Ibid*, s 122(1).

¹⁷⁵ *Ibid*, s 122(3).

¹⁷⁶ *Ibid*, s 122(4).

¹⁷⁷ *Ibid*, ss 123(1), 124(2).

¹⁷⁸ *Ibid*, s 124(1).

¹⁷⁹ *Ibid*, ss 125(2)-125(3).

suspending the HCP’s registration or licence for a stated period or until they have completed a specified course of studies or supervised practical experience; suspending the HCP’s registration or licence until they satisfy the panel that a relevant ailment, emotional disturbance, or addiction no longer impairs their ability to practice; accepting an undertaking to limit the HCP’s practice; imposing conditions on the HCP’s practice such as supervision, periodic inspection or audits, or reporting on specific matters; requiring the HCP to take counselling or receive treatment; requiring the HCP to repay money that was unjustifiably paid to them; or cancelling the HCP’s registration or licence.¹⁸⁰ In coming to their decision, the panel may consider any previous discipline orders or censures issued to the HCP, as well as the relevant circumstances.¹⁸¹ The panel may also require the HCP to pay costs related to monitoring the HCP’s compliance with an undertaking or conditions placed on their practice.¹⁸² If a discipline order is contravened, the college’s council may cancel or suspend the HCP’s registration or licence without a hearing.¹⁸³ The committee may also impose on the HCP fines and costs of an investigation, hearing, or appeal.¹⁸⁴ Failure to pay fines or costs within the required time may result in a suspension of the HCP’s registration or licence.¹⁸⁵ Discipline orders may be filed with the MBKB and therefore enforced in the same way as a judgment of the MBKB.¹⁸⁶

The panel’s decision, reasons, and order must be issued, in writing, within 90 days of the hearing.¹⁸⁷ Both the HCP and the complainant have the right to examine the record of proceedings, but if a part of the hearing was held privately in the complainant’s absence, the complainant may not receive a record of what occurred

¹⁸⁰ *Ibid*, s 126(1).

¹⁸¹ *Ibid*, s 126(2).

¹⁸² *Ibid*, s 126(5).

¹⁸³ *Ibid*, s 126(6).

¹⁸⁴ *Ibid*, s 127(1).

¹⁸⁵ *Ibid*, s 127(3).

¹⁸⁶ *Ibid*, s 127(4).

¹⁸⁷ *Ibid*, ss 128(1)-128(3).

in that portion of the hearing.¹⁸⁸ Furthermore, the college may, before releasing transcripts of the hearing to the complainant, edit the transcript to remove personal health information of the HCP and to protect the privacy of any person other than the HCP or complainant.¹⁸⁹ Despite these limitations on the release of information, the college must make publicly available any finding of the inquiry committee, including the HCP's name.¹⁹⁰ The college may make edits to the committee's decision or order before posting it publicly, however, they may not delete the investigated HCP's name.¹⁹¹ If the complaint resulted in a finding that the HCP has an "ailment, emotional disturbance, or addiction" that poses a danger to the public if they continue practicing, then the college must not publicize the name of the HCP or any of their personal health information, unless the college "is satisfied that the public interest in making the information available to the public substantially outweighs the privacy interests of the investigated member."¹⁹² If the college decides to make public any information about the HCP's personal health information, it must give the HCP notice and advise them of their right to appeal the panel's decision and order.¹⁹³ No information may be made public until all appeal mechanisms are exhausted or the deadlines for appeal have passed.¹⁹⁴ The MBKB, in hearing an appeal, may confirm, reverse, or vary the decision to make information public.¹⁹⁵ The MBKB must take "reasonable precautions" to protect the HCP's privacy, which may involve conducting the hearing in private.¹⁹⁶

¹⁸⁸ *Ibid*, s 128(4).

¹⁸⁹ *Ibid*, s 128(5).

¹⁹⁰ *Ibid*, s 129(1).

¹⁹¹ *Ibid*, s 129(2).

¹⁹² *Ibid*, s 129(3).

¹⁹³ *Ibid*, s 130(1).

¹⁹⁴ *Ibid*, ss 130(1)-130(2).

¹⁹⁵ *Ibid*, s 130(4).

¹⁹⁶ *Ibid*, s 130(5).

Ultimately, any decision and order of the inquiry committee may be appealed to the Manitoba Court of Appeal (MBCA).¹⁹⁷ An appeal is based on the record before the panel, as well as its decisions and reasons.¹⁹⁸ If a portion of the committee hearing was held in private, the records related to that portion must be sealed until the MBCA determines whether it is to remain sealed or orders it unsealed in whole or part.¹⁹⁹ The MBCA may dismiss the appeal, make a finding or order that it believes should have been made by the panel, or refer the matter back to the panel for further consideration “in accordance with any direction of the Court.”²⁰⁰ Until the MBCA issues a decision staying the panel’s order, it remains in effect.²⁰¹

If an HCP’s registration or licence is suspended, cancelled, or placed under conditions, the registrar provides this information to a vast number of people, including the HCP’s employer or anyone who engages the HCP as a consultant, contractor, or volunteer.²⁰² In addition, any hospitals or health authorities that have granted any authority to the HCP are informed.²⁰³ The registrar must also inform any organization or government agencies that administer payment of fees for services the HCP provides, as well as external regulatory bodies in other provinces or territories.²⁰⁴ As mentioned above, the disciplinary action is also noted on the HCP’s profile, which is available to the public.²⁰⁵ The HCP’s suspension or cancellation is thus broadcasted widely and transparently to any party that may be affected by or interested in this outcome. Given this background of disciplinary mechanisms applicable to HCPs, the next part of this paper analyzes how the creation of a similar

¹⁹⁷ *Ibid*, ss 131(1)-131(2).

¹⁹⁸ *Ibid*, s 131(3).

¹⁹⁹ *Ibid*, ss 131(4)-131(5).

²⁰⁰ *Ibid*, s 132(1).

²⁰¹ *Ibid*, s 132(2).

²⁰² *Ibid*, s 134.

²⁰³ *Ibid*.

²⁰⁴ *Ibid*.

²⁰⁵ *Ibid*, s 137(3).

college of policing would improve transparency, public involvement, and independence of police disciplinary proceedings.

IV. RESULTS OF A PROPOSED COLLEGE OF POLICING

A. College of Policing Would Enable Transparency of Police Discipline

Some police forces have taken steps to make internal disciplinary actions public. For example, in British Columbia, the Office of the Police Complaint Commissioner (OPCC) launched a public database with information from a dozen municipal police forces in their jurisdiction.²⁰⁶ However, unlike the profiles of regulated HCPs discussed above, this database does not include names of individual officers and only identifies their police force.²⁰⁷ The OPCC defended this decision, saying, “the public interest is not necessarily served by routinely naming individual police officers who have committed misconduct...the public interest and public confidence in policing are better served with understanding what happened and what was done about it rather than the identity of the person who did it.”²⁰⁸ Respectfully, this is insufficient because a single officer’s substantiated disciplinary record is not traceable in any way and therefore escapes public scrutiny or even the public’s knowledge of if and when they are interacting with an officer who has a disciplinary record. As Jerome Igbokwe, then-articling student at the BC Civil Liberties Association, pointed out, the inclusion of a name benefits both the public, since “when you interact with a police officer who has a history of a particular misconduct, you take extra steps,” and cautions officers, serving as a form of deterrent, because “if you know that your name is out there, it helps you act better.”²⁰⁹

²⁰⁶ “B.C. police misconduct allegations that have been substantiated now available in public database”, *CBC News* (2 April 2025), online: <cbc.ca> [perma.cc/294F-2SVJ].

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

Specific to Manitoba, there have been many calls for greater transparency of police disciplinary proceedings, particularly in the WPS. In fact, the current chief has asked Manitoba’s minister of justice to “change the legislation to require the publication of disciplinary actions against officers who commit misconduct.”²¹⁰ This call has been supported by Winnipeg Mayor Scott Gillingham.²¹¹ City Councillor Markus Chambers, then-chair of the Winnipeg Police Board, indicated the board “has already considered the release of disciplinary outcomes in the past” and that the “board would be supportive of the change in the interest of ‘accountability and transparency.’”²¹² Currently, the WPS Regulations, established by municipal by-law and described earlier in this paper, prevent the WPS from publishing police disciplinary actions.²¹³ Interestingly, instead of making a by-law change, which is within City Council’s purview, the mayor and then-chair of the Board, who is a city councillor, supported the chief’s call for provincial legislation to “override the by-law” instead.²¹⁴

Changes in this regard could occur through amendments to provincial legislation, as well as through the judicial branch. In response to freedom of information requests, the City of Winnipeg and WPS have argued that discipline information is “personal information of an identified third party that is deemed an unreasonable invasion of privacy of the police officer of their employment histories.”²¹⁵ A spokesperson for the WPS confirmed, “Discipline is considered a confidential matter between the employer and the employee.”²¹⁶ Recently, in Ontario, a similar request from a journalist for names and badge numbers of disciplined officers was blocked by the Law Enforcement

²¹⁰ Santiago Arias Orozco, “Senior Winnipeg police officer accused of drug trafficking, taking intimate picture of dead person”, *CBC News*, (7 August 2025), online: <cbc.ca [perma.cc/SQ4L-TYTN]>.

²¹¹ *Ibid.*

²¹² *Ibid.*

²¹³ *Ibid.*

²¹⁴ *Ibid.*

²¹⁵ *Annable v Winnipeg*, *supra* note 2 at para 22.

²¹⁶ *Annable*, “Winnipeg officers disciplined”, *supra* note 1.

Complaints Agency,²¹⁷ but the Ontario Superior Court of Justice (ONSC) quashed and sent back the Information and Privacy Commissioner's decision not to grant the request.²¹⁸ The ONSC based its decision on the fact that the commissioner failed to consider freedom of the press, guaranteed under the *Charter*, in its decision.²¹⁹ It remains to be seen how this decision impacts similar requests in Manitoba or whether progress in this area will come from legislative change.

While provincial legislative change would enable greater transparency of police discipline, as is done in Toronto, Edmonton, and other major cities' police forces,²²⁰ it appears that the heart of the barrier to publication of police discipline cases is that currently such discipline is related directly to the officer's employment and conferred by the employer. The creation of a college of policing that could regulate and discipline officers, separate from their employment, would therefore enable greater transparency and publication of disciplinary actions, as is done now for most disciplinary proceedings of HCPs. This has been pointed out across Canada. For example, when journalists made an access-to-information application for discipline records from the Halifax Regional Police (HRP), they were similarly told the HRP "would not disclose any information on the grounds that it could endanger the safety of an officer or some other person, and that the request was an unreasonable invasion of privacy."²²¹ Criminology Professor Temitope Oriola explained this kind of response is not atypical of police and pointed out that "policing, unlike fields such as nursing, dentistry, or social work, has mostly chosen not to 'professionalize' over time."²²² As seen above with the *RHPA*, professions that have come under a college accept and investigate public complaints in a

²¹⁷ *Cardoso v LECA*, 2025 ONSC 3450 at paras 1-2.

²¹⁸ *Ibid* at para 29.

²¹⁹ *Ibid* at para 3.

²²⁰ Annable, "Winnipeg officers disciplined", *supra* note 1.

²²¹ Shaina Luck, "Inside the fight to make Halifax police discipline records public", *CBC News* (27 October 2022), online: <cbc.ca> [perma.cc/4EMK-T4RJ].

²²² *Ibid*.

forum open to the public.²²³ While there is benefit to the greater transparency a college of policing would provide, this alone does not fix police mistrust among the public. Transparency without public involvement only sheds a greater light on a broken system without giving the public any agency to influence the issues they see. In the next section, we consider how a college of policing could enhance direct public involvement in policing.

B. College of Policing Would Enhance Public Involvement in Police Discipline

Pervasive throughout HCP regulation is the pattern that at least one third of a decision-making panel—whether it be the council, complaints investigation committee, or inquiry committee—consists of public representatives. In comparison, public involvement in police discipline is limited. While the IIU, which publishes its reports online, is led by a civilian director with the ability to lay charges, the IIU relies on prosecutors to proceed with a charge and therefore, the decision to lay charges does not necessarily result in disciplinary or criminal proceedings.²²⁴ In Ontario, a journalist investigation found that over a decade, only 12 percent of cases where their Special Investigations Unit (similar to Manitoba’s IIU) laid charges resulted in disciplinary proceedings, while only one percent of public complaints overall led to disciplinary proceedings.²²⁵ While some complaints may be dismissed because they are indeed minor, former Chair of the Toronto Police Services Board Alok Mukherjee astutely pointed out, “when I look at the data which says that over 90 per cent of the complaints are not going forward, there’s something the matter

²²³ *Ibid.*

²²⁴ Caitlyn Gowriluk, “System is working,’ police watchdog head says after Crown rejects perjury charge for officer”, *CBC News* (9 August 2020), online: <cbc.ca> [perma.cc/DQU9-FMWK].

²²⁵ Nicole Brockbank, “Only 1% of public complaints against Toronto cops led to a disciplinary hearing in past 5 years”, *CBC News* (28 October 2020), online: <cbc.ca> [perma.cc/ER9X-29VK].

with the system.”²²⁶ This represents a mismatch between how police discipline systems function and what the public expect of police discipline.

Public involvement in LERA is also limited. While the LERA commissioner may be a civilian, the commissioner’s decisions are not independent as they are required to consult with the chief on appropriate penalties.²²⁷ Notably, Manitoba’s current LERA commissioner is a former police detective, which has raised concern as Manitoba is the only province with a former police officer heading the agency that oversees public complaints against police.²²⁸ The Assembly of Manitoba Chiefs has asked the province to ban the practice of hiring former police officers to lead agencies like LERA.²²⁹

Public involvement in police discipline would be enhanced by both public presence at disciplinary hearings and public participation in disciplinary decision-making. Public presence at police disciplinary hearings is exceedingly rare across Canada. During one of these rare public hearings in Newfoundland, then-Chief of the Royal Newfoundland Constabulary Joe Boland told an adjudicator, “the public should be aware of the provincial police force’s internal disciplinary proceedings which unfold behind closed doors.”²³⁰ Over two years later, there was still no progress made towards that objective.²³¹ A study of public perceptions of police misconduct in the United Kingdom (UK), which has a

²²⁶ Shaina Luck, “Cracking police complaints”, *CBC News* (19 April 2023), online: <cbc.ca> [perma.cc/32A5-3NSC].

²²⁷ *LERA*, *supra* note 76, ss 16(1)-16(3).

²²⁸ Kristin Annable, “Manitoba only province with former officer leading police complaints agency”, *CBC News* (10 June 2024), online: <cbc.ca> [perma.cc/M6TS-ZJY3].

²²⁹ Canadian Press and News Staff, “Manitoba Chiefs concerned that former officer is leading police complaints agency”, *CityNews* (11 June 2024), online: <winnipeg.citynews.ca> [perma.cc/Q9Y2-RT3T].

²³⁰ Ariana Kelland, “The former chief of the RNC wanted to open police discipline hearings to the public. What happened?”, *CBC News* (4 May 2023), online: <cbc.ca> [perma.cc/3LW5-3MKW].

²³¹ *Ibid.*

National College of Policing, shows the public is ready for deeper participation in police discipline proceedings.²³² Three hundred UK respondents were presented with rule-breaking situations committed by office workers, paramedics, and police officers.²³³ They were then asked to rate the “wrongfulness” and “harmfulness” of each scenario and recommend penalties.²³⁴ While police rule-breaking was expected to be taken more seriously by the respondents, given it can undermine confidence in policing and the rule of law itself, respondents actually did not view the officer scenarios as more harmful than when the same actions were committed by office workers or paramedics.²³⁵ When it came to penalties, respondents recommended firing officers less often than they recommended firing office workers engaged in the same misconduct.²³⁶

For over a decade, the UK has required public hearings for police discipline unless an exception for a private hearing is made, which happens only in cases of national security concern, ongoing civil or criminal proceedings, or “where there is a concern over the health and welfare of the police officer or another witness at the hearing.”²³⁷ This is quite similar to the public hearing exceptions that exist under the *RHPA* in Manitoba. When the UK originally reformed their system, creating a college of policing, police discipline cases were heard by a panel which included at least one member of the public.²³⁸ In 2024, the panel structure changed to now include two members of the public, a senior officer who is

²³² Nicholas Goldrosen, “Is misconduct worse when a cop does it? Public perceptions of police misconduct” (2025) *J Experimental Criminology*.

²³³ *Ibid*, under subheading “Current study, context, and hypotheses”.

²³⁴ *Ibid*, under heading “Introduction”.

²³⁵ *Ibid*, under heading “Conclusion”.

²³⁶ *Ibid*.

²³⁷ “Police disciplinary hearings to be public under May plan”, *BBC News* (18 November 2014), online: <bbc.com> [perma.cc/QZL4-B43N].

²³⁸ Goldrosen, *supra* note 232, under subheading “Current study, context, and hypotheses”.

appointed chair, and a legal advisor who does not vote.²³⁹ Introducing a college of policing enhances public involvement in police discipline and thus improves public trust. Greater public involvement itself would improve the independence of police disciplinary proceedings, since these would no longer be led and investigated solely or primarily by other police officers, but a college of policing would also ensure independence of this process in other ways, which are discussed in the next section.

C. College of Policing Would Ensure Independence in Police Discipline

One of the major issues in how police discipline is currently conducted is that it is inextricably connected to the officer's employer and employment. This is often why proceedings end when an officer resigns from the service, a practice that, in the words of Christian Leuprecht, professor at the Royal Military College of Canada, "sows enormous mistrust and misgivings among the public, among that individual who complained, and among the community in which the individual lives."²⁴⁰ In cases where internal disciplinary proceedings do happen, officers are rarely dismissed from the police force, even when they have been convicted for crimes such as assault or impaired driving.²⁴¹ Joël Dubois, a lawyer who has worked for several police forces, explained that when a police officer faces internal discipline, "the analysis is whether or not, taking into consideration all of the sentencing factors...that police officer can still be, if you will, quote-unquote useful."²⁴² From the perspective of an employer, the calculus of whether a police officer is still "useful" likely does not

²³⁹ *Ibid*, under heading "Current study, context, and hypotheses", n 5; *The Police (Conduct) (Amendment) Regulations 2024* (UK), s 3.

²⁴⁰ Donkin, *supra* note 59.

²⁴¹ Nicole Brockbank, "Despite convictions for assault, drunk driving only 7 Toronto cops fired at discipline tribunal over 10 years", *CBC News* (27 October 2020), online: <cbc.ca> [perma.cc/4GS8-2MCY].

²⁴² Stephen Davis, "More than a dozen Peel cops were found guilty of crimes since 2017, records show. None lost their jobs", *CBC News* (6 April 2023), online: <cbc.ca> [perma.cc/Y4BV-HEND] [ellipsis in original].

consider whether or not the officer has lost public trust but rather considers, explicitly or subconsciously, whether the officer can still provide services to their employer and fulfil core job responsibilities. A college of policing, on the other hand, would be independent from these considerations and be able to focus solely on the goal of protecting the public.

The independence of a college of policing, however, is not only for the benefit of the public. It would also benefit the police. Chief Joel F. Shults from Colorado noted that a college would “replace the inconsistent, often subjective, minefield of consequences that officers must navigate daily in today’s volatile and politicized environment.”²⁴³ Recall how the *RHPA* provided considerable flexibility in determining what consequence best addresses an inquiry committee’s finding. Similarly, a college of policing, equipped with public involvement and participation, could implement a diversion program for accused officers, consider restorative justice models, and create specific standards to allow for predictable decision-making processes.²⁴⁴

For an independent college of policing to have any “teeth”, however, they must be responsible for registering and licencing officers, including determining requirements for registration and licensure, which could consist of specific educational programs and continuing professional development.²⁴⁵ Officers would not be able to practice—and therefore be “unemployable”—without such registration and licence. This model mirrors what is in place for HCPs and addresses one of the core issues with LERA, which is that the LERA commissioner cannot independently impose a penalty on the officer. The commissioner must consult with the chief who employs that officer. A college of policing would also be able to continue a proceeding even if the officer resigns or retires

²⁴³ Chief Joel F. Shults, “Why police should be disciplined like doctors and attorneys”, *Police1* (3 May 2019), online: <shpolice1.com> [perma.cc/V9KH-PX97].

²⁴⁴ *Ibid.*

²⁴⁵ Elise von Scheel, “Calgary researchers examine feasibility of professionalizing policing for B.C. government”, *CBC News* (8 April 2021), online: <cbc.ca> [perma.cc/96MU-PL7K].

from a specific police force because their jurisdiction would extend beyond a single employer of the police officer.

V. POTENTIAL NEXT STEPS

As discussed in the beginning of this paper, the idea of a college of policing is not novel. Many have drawn parallels between the restricted activities performed by police and restricted activities performed by other professionals, such as physicians, surgeons, dentists, veterinarians, nurses, engineers, and lawyers, each of whom generally report to a college, society, or association that is legally mandated to protect the public from “professional malpractice.”²⁴⁶ The UK, in 2012, established a National College of Policing which sets police standards and professional development, in addition to handling complaints and discipline for officers.²⁴⁷ When the BC public was polled about establishing a college of policing, 72.3 percent either agreed or strongly agreed with this proposal.²⁴⁸ A smaller proportion of police officers, just over half, supported the proposal, but it is worthwhile noting that 28 percent of police respondents neither agreed nor disagreed, which shows they may not have understood the concept of a college of policing sufficiently to answer the question.²⁴⁹ More specifically, 73 percent of public respondents supported the idea of a college of policing “assuming responsibility for police discipline.”²⁵⁰ Well-known experts, including members of police boards, members of Parliament, attorneys general, and inquiry commissioners also spoke in support of a college of policing.²⁵¹

The notion of a college of policing is not without opposition, however. Notably, the BC Civil Liberties Association’s Policy Director Meghan McDermott made the following statement:

²⁴⁶ Sundberg et al, *supra* note 9 at 5.

²⁴⁷ *Ibid* at 9.

²⁴⁸ *Ibid* at 28, 33.

²⁴⁹ *Ibid*.

²⁵⁰ *Ibid* at 33.

²⁵¹ *Ibid* at 36.

It is our strong opinion that establishing a professional college will not mitigate systematic and reinforced misconduct within the police force. Current models of police oversight need enhancement – including centralization and standardization, complete civilian oversight, and funding that will allow them to complete comprehensive investigations in a timely and transparent manner. A professional college of policing, however, is not the appropriate solution and would exacerbate the public distrust in policing.²⁵²

However, this perspective demonstrates an “all or nothing” approach to police discipline. A completely civilian oversight body is not reflected in any other major profession, because professions engaging in restricted activities require specialized expertise often found only among the professionals themselves. Public participation in oversight bodies, such as the one-third public representative requirement of *RHPA* colleges, is a meaningful solution to begin addressing the current state of police distrust.

The question then becomes: what would a college of policing look like? Similar to the UK National College of Policing, every officer in the province, regardless of which police service they belong to, would be required to hold registration or membership in the provincial college of policing.²⁵³ The proposal for a BC college of policing recommended an eleven-member executive council to head the college, where seven members, including the president and vice president, would be registered police professionals, and four (representing over 36 percent) would be laypersons with specialized knowledge and training “relevant to the general practice of policing.”²⁵⁴ This executive council would hire a chief executive officer (CEO) to operate and staff the college.²⁵⁵ The CEO could potentially divide the college’s functions into four separate departments, each headed by a director, as follows: Guidance, Support, and Wellness; Education, Training, and Professional Standards; Research, Scholarship, and Innovation;

²⁵² *Ibid.*

²⁵³ *Ibid* at 38.

²⁵⁴ *Ibid.*

²⁵⁵ *Ibid* at 37.

and Ethics, Integrity, and Public Accountability.²⁵⁶ This is not far off from the structure of an HCP college under the *RHPA*. For example, the College of Registered Nurses of Manitoba is governed by a registrar/CEO and has a chief of quality practices, who oversees the department involving professional conduct; chief of regulatory services, who oversees the department of registration services; chief of policy and strategy, who oversees governance; and a chief information officer, overseeing information technology.²⁵⁷ A college of policing, like regulated HCP colleges, would be a “legislated, self-governing, professional regulatory body” with core functions, including developing and promoting a code of ethics, setting a professional “scope of practice” for police, establishing educational requirements for entry to police practice, registering and licencing those authorized to practice policing, developing and delivering “mandatory annual continuing professional police education”, setting minimum requirements for advanced or specialized police roles, adjudicating complaints against police, imposing discipline for police who are found guilty of malpractice, and ultimately protecting the public.²⁵⁸ The model for this already exists in numerous other professions. Provinces are already being asked to reform policing. Rather than a band-aid solution, Manitoba ought to consider a model that has been well-researched, employed internationally with success, and would build public trust.

Manitoba should establish a provincial college of policing to enable greater transparency, enhance public involvement, and ensure independence in police discipline. Policing is a profession, not merely a job. Numerous news articles and journalist investigations show the public has expectations for police discipline to be taken seriously. Not more seriously or harshly than the discipline of other professions, but merely commensurate to the position of trust and responsibility the police hold. Calls for a

²⁵⁶ *Ibid.*

²⁵⁷ College of Registered Nurses of Manitoba, *2024 Annual Report* (Winnipeg: College of Registered Nurses of Manitoba, 2025) at 48, online (pdf): <crnm.mb.ca> [perma.cc/F6VX-SRET].

²⁵⁸ Sundberg et al, *supra* note 9 at 40.

college of policing are not novel or “revolutionary” and have been implemented globally with success, fueling local Canadian support for such a body. By comparing current police discipline mechanisms with HCP discipline mechanisms, it becomes evident how current police discipline mechanisms lack anchors in which the public can place their trust. For example, complainants are often left uninformed about disciplinary proceedings, civilian involvement in police oversight bodies is limited, and discipline is often left to the discretion or influence of the officer’s employer. Models for a college of policing have already been well-researched and proposed, but the implementation of these awaits government action and political willpower.