



OFFICE OF THE  
POLICE COMPLAINT COMMISSIONER

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British Columbia, Canada

## News Release

December 17, 2020

OPCC 2015-11014

### Statement of Police Complaint Commissioner concerning the death of Myles Gray

With the decision of the B.C. Prosecution Service declining criminal charges in the matter of the death of Mr. Myles Gray after the use of force by Vancouver Police Officers, the Office of the Police Complaint Commissioner (OPCC) will now be proceeding with a disciplinary-conduct investigation into the actions of the officers. A mandatory external *Police Act* investigation was ordered in August 2015, but was suspended while the criminal investigation was underway.

The *Police Act* investigation will be conducted independently of the Vancouver Police Department under the oversight of the OPCC. This will examine all of the actions of the officers and is not restricted to evidence gathered under the criminal investigation. Under the *Police Act*, officers may be compelled to provide statements, answer questions and otherwise account for their actions.

The OPCC is aware of the length of time the criminal investigation was underway and the impact to the family of Mr. Gray. The office will be seeking prompt and complete disclosure of the Independent Investigations Office (IIO)'s investigation and further investigation will occur as may be required, including interviews of the officers involved. This will ensure all of the actions of the officers are fully examined independently of government and the Vancouver Police Department.

#### Key Facts:

- The Office of the Police Complaint Commissioner is the civilian, independent Officer of the Legislature overseeing complaints, investigations and discipline involving municipal police and their conduct in British Columbia. The OPCC is independent of police and government agencies such as the Ministry of Attorney General, Independent Investigations Office or the B.C. Prosecution Service.

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Clayton Pecknold  
Police Complaint Commissioner

5<sup>th</sup> Floor, 947 Fort Street  
PO Box 9895 Stn Prov Govt  
Victoria, British Columbia V8W 9T8  
Tel: (250) 356-7458 / Fax: (250) 356-6503

- Criminal investigations are conducted by police agencies and prosecutions are under the jurisdiction of the B.C. Prosecution Service. Where a prosecution is underway, *Police Act* investigations may be suspended to ensure there is no interference with the criminal proceedings.
- *Police Act* disciplinary conduct investigations are distinct from criminal investigations, are conducted to a civil standard of proof and have broader evidence gathering scope. Under a *Police Act* investigation, officers can be compelled to give statements and are under a duty to cooperate.
- The *Police Act* places a mandatory, non-discretionary responsibility on the Police Complaint Commissioner to direct an investigation into municipal police involved matters of death and serious harm and appoint an external police agency to conduct this investigation. The investigation will assess all of the circumstances including but not limited to, any training, policy, or misconduct allegations
- In some circumstances the Commissioner may order adjudicative reviews or Public Hearings into the conduct of municipal police officers. Public Hearings are open to the public and evidence is given under oath before a retired judge.
- In 2019, a Special Committee of the Legislature recommended the *Police Act* be amended to give the Police Complaint Commissioner the authority to call Public Hearings earlier in the proceedings. The Commissioner has requested the government act upon this recommendation on a priority basis to ensure a higher level of police accountability and transparency.
- The Police Complaint Commissioner may also make recommendations to Police Boards or to government regarding policies, practices or systemic issues that may contribute to the misconduct. The Commissioner may also refer matters to the BC Prosecution Service for consideration of criminal charges.

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**Media Contact:** Andrea Spindler, Deputy Police Complaint Commissioner  
1-250-356-7458

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