



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

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NEWS RELEASE

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OPCC to review outcome of discipline proceeding into the matter of Myles Gray and allegations of police misconduct

Victoria – A police discipline authority has found that seven Vancouver Police officers did not commit misconduct in relation to the interaction that caused the death of Myles Gray.

The OPCC is reviewing the discipline authority's decision. The OPCC does not have a mandate to investigate or make determinations about police misconduct. Instead, it acts in the public interest to ensure allegations are fully investigated and fairly decided. The Police Complaint Commissioner will now decide whether to arrange a further review by a retired judge, and whether to make recommendations to address any concerns arising from the actions of the police officers or about the disciplinary process more generally.

Background

On August 19, 2015, the Police Complaint Commissioner initiated an investigation under the *Police Act* into the death of Myles Gray following his interaction with members of the Vancouver Police Department on August 13, 2015. This process was suspended pending the outcome of an investigation by the Independent Investigations Office of BC into possible criminal conduct by the officers. On December 16, 2020, the BC Prosecution Service announced it would not lay criminal charges.

On January 29, 2021, the suspended investigation resumed and was completed by the Royal Canadian Mounted Police (RCMP). This led to a discipline proceeding which was first convened on March 24, 2023. This discipline proceeding was held before Chief Constable Neil Dubord of the Delta Police Department as the designated Discipline Authority responsible for determining if the allegations of misconduct against police had been proven.

While these steps were underway, a public inquest into the death of Myles Gray by the Coroner's Service of BC began on April 17, 2023. In a verdict certified May 1, 2023, the jury at the inquest classified Myles Gray's death as a homicide and made recommendations about body cameras, crisis-de-escalation training, and the retention of evidence.

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The *Police Act* discipline proceeding took place over approximately one year and seven months. The proceedings were closed to the public with the only participants being the police officers and the presiding Discipline Authority. The discipline proceeding has now concluded with the Discipline Authority finding that no police officer committed misconduct. The Discipline Authority determined that the allegations of *Abuse of Authority* relating to the force used by police and *Neglect of Duty* relating to inadequate documentation of the incident by police were not proven.

Next steps

The matter is now before the Police Complaint Commissioner for review. Under the *Police Act*, the Police Complaint Commissioner may arrange to have a retired judge review a discipline authority's decision, with or without a public hearing. The Police Commissioner may do this on his own initiative, or after receiving a request from a complainant or officer. The Police Complaint Commissioner may also choose to make recommendations to address any concerns arising from the actions of the police officers or about the disciplinary process more generally.

Deputy Police Complaint Commissioner quote:

"The OPCC appreciates the significant toll this process has had on the family and all parties involved. We will be carefully reviewing the outcome of the discipline proceeding and the process which led us here and will release further information to the public once this review has been completed. We have an obligation to the residents of BC to ensure there is a fair and impartial police accountability system."

No further details will be released at this time.

About the OPCC, disciplinary, and adjudicative processes

- The Police Complaint commissioner is a civilian, independent Officer of the Legislature overseeing complaints, investigations and discipline involving municipal police in British Columbia. For more on the OPCC, visit <https://opcc.bc.ca/about-us/>
- The OPCC neither investigates nor adjudicates misconduct allegations, but rather acts in the public interest to ensure allegations are fully investigated and fairly adjudicated according to the *Police Act* and administrative law principles.
- The OPCC initiates mandatory *Police Act* investigations whenever death or serious harm results from an incident involving municipal police officers or in instances where someone is in the care or custody of police. These investigations are separate and distinct from investigations by the Independent Investigations Office (IIO) and are not restricted to evidence gathered by the IIO.

- Discipline Authorities are generally senior ranking police officers who are required under the *Police Act* to make determinations regarding the investigation and discipline of police officers alleged to have committed misconduct.
- The OPCC has limited direct involvement over the disciplinary process. Discipline Authorities make their decisions independently and, consistent with the requirements of the *Police Act*, determine how the matter proceeds.
- The Police Complaint Commissioner may refer certain matters to retired judges for adjudication, call public hearings, and make recommendations to police boards or to government regarding policies, practices or systemic issues that may contribute to misconduct.

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