

Public hearing for Vancouver police officers following the death of Myles Gray

Victoria – The Police Complaint Commissioner has called a public hearing into the conduct of seven Vancouver Police officers and the subsequent death of Myles Gray on August 13, 2015. Myles Gray died after police responded to a 911 call and used significant force to subdue and restrain him. The public hearing will determine whether police committed any misconduct.

The Commissioner can arrange a public hearing if it is in the public interest. In considering the relevant factors in calling a hearing, the Commissioner noted that:

“The alleged misconduct in this case is serious and connected to a tragic loss of life, and there is meaningful uncertainty as to what happened. In such circumstances, it is appropriate for the public to know that the best available evidence has been gathered, tested, and considered before a final decision is made.”

In October of 2024, at the conclusion of a disciplinary process, the police chief for an external department acting as discipline authority found that seven Vancouver police officers did not commit misconduct in the events that led to Myles Gray’s death. He noted that the framework for discipline proceedings under the *Police Act* has inherent limitations that restricted the testing of evidence and arguments from respondent members. In this case, the discipline authority said that there were discrepancies and inconsistencies in member statements which did not have the benefit of cross-examination and the evidence before him was limited.

In arranging a public hearing, the Commissioner determined that a public hearing would assist in better understanding the truth of what happened and would allow for the best available evidence to be presented and tested in a transparent way before an independent adjudicator.

A public hearing is a new hearing of evidence and testimony concerning the conduct of a police officer led by independent public hearing counsel and presided over by a retired judge. It is not limited to the evidence and issues considered during the discipline proceeding. Witnesses may be called and subjected to examination and cross-examination. The family, and other parties, may be participants at the hearing. The hearing will be open to the public and media, unless restrictions are imposed by the adjudicator. An adverse inference may be drawn if a respondent member does not testify at the hearing.

The Commissioner has appointed the Honourable Elizabeth Arnold-Bailey, retired BC Supreme Court Justice, to preside as adjudicator in these proceedings. It will be their responsibility to determine whether the officers committed misconduct, to determine appropriate disciplinary or corrective measures, if necessary, and to make recommendations, if appropriate.

Dates for the public hearing have not yet been determined. The public hearing will begin at the earliest practicable date and these will be posted to the Office of the Police Complaint Commissioner (OPCC) website. Further details may be found in the Notice of Public Hearing which is available [here](#).

About the OPCC and Public Hearings:

- Prabhu Rajan is the Police Complaint Commissioner and he is a civilian, independent Officer of the Legislature overseeing complaints, investigations, and discipline involving municipal police in British Columbia.
- While the OPCC does not have a mandate to investigate or make determinations about police misconduct, it does act in the public interest to ensure allegations are fully investigated and fairly decided.
- Retired judges appointed under the *Police Act* are independent and operate at arm's length from the OPCC. They are appointed to sit as the adjudicator and review the evidence, hear sworn or affirmed testimony, and arrive at a decision as to whether there is misconduct and, if necessary, determine the corrective and/or disciplinary measures to be imposed.
- The appointed retired judge can also make recommendations to the chief constable or police board concerning any changes in policy or practice that the retired judge considers advisable.
- The Police Complaint Commissioner will appoint Commission Counsel to act on their behalf during public hearings. Independent public hearing counsel will present to the adjudicator the case relative to each allegation of misconduct against the member.

Note to media: The OPCC is unable to comment on this review while it is underway. For general queries related to the OPCC's role and processes, please contact:

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