

DEVON AND CORNWALL POLICE
PROFESSIONAL STANDARDS DEPARTMENT

Regulation 63 of the Police (Conduct) Regulations 2020

Name	Number	Rank
Sean Tooley	18269	PC

Chair of the Proceedings	Location
Chief Constable James Vaughan	D&C HQ Middlemoor, Exeter

FINDINGS

I have been provided with a bundle of evidence from the appropriate authority, that I have read with care, and I am satisfied that there is sufficient evidence in the form of statements and other documents which prove on the balance of probabilities, that former officer Tooley's conduct has breached the standard of professional behaviour, namely discreditable conduct. I also consider that the conduct was so serious that it amounts to gross misconduct. I have referenced the College of Policing 'Guidance on Outcomes in Police Conduct' and other relevant Home Office guidance.

My finding is therefore gross misconduct.

STANDARDS BREACHED

Discreditable conduct

OUTCOME IMPOSED

Whilst this case has been heard under the Police Regulations (Conduct) 2020 and there is no firm presumption for dismissal, I nonetheless consider the conduct so serious that only dismissal without notice would have been the appropriate outcome, had the officer not resigned.

I have based my considerations on the usual tests of culpability and harm, taking into account aggravating and mitigating circumstances.

Culpability

The culpability of former PC Tooley is high. The former officer held a position of trust at the relevant time of applying for a Shotgun Certificate. He would have had a full understanding of the importance of medical evidence in assessing a person's suitability to hold a Shotgun Certificate. This appears to have been a deliberate act that was repeated in the Shotgun Certificate renewal four years later and was wildly different to the truth. Medical evidence demonstrated that he was wholly unsuitable to hold the certificate due [redacted] and it appears clear that he knew that this would not have been issued had he been honest.

Harm

There is significant harm caused by the criminal conviction of a police officer, as the public have every right to expect that those who uphold the law do not break the law and when an officer commits a criminal offence, this undermines the trust and confidence the public have in the police. A conviction of this nature seriously undermines the legitimacy of Devon and Cornwall Police and is capable of leading to long term reputational harm.

Aggravating factors

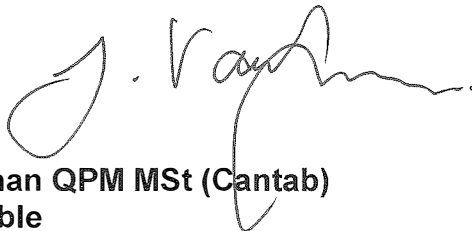
This case is aggravated by underlying dishonesty and whilst the allegations are laid out for discreditable conduct, the evidence accepted by the court was that the former officer had made false statements in his application and renewal and had done so to obtain a certificate that he otherwise would not have been granted.

Mitigation

There is no mitigation before me or offered by the former officer

Outcome - the former officer would have been dismissed without notice and should now be placed on the National Barred List

Signature - Special Case Hearing Chair



James Vaughan QPM MSt (Cantab)
Chief Constable

DATE:

18/12/25

You have the right of appeal to the Police Appeals Tribunal.

Circumstances in which a police officer may appeal to a tribunal – The Police Appeals Tribunals Rules 2020.

4.(1) Subject to paragraph (3), a police officer to whom paragraph (2) applies may appeal to a tribunal in reliance on one or more of the grounds of appeal referred to in paragraph (4) against one or both of the following -

- (a) a finding referred to in paragraph (2)(a), (b) or (c) made under the Conduct Regulations
- (b) any decision to impose disciplinary action under the Conduct Regulations in consequence of that finding.

(2) This paragraph applies to –

- (a) an officer other than a senior officer against whom a finding of misconduct or gross misconduct has been made at a misconduct hearing;
- (b) a senior officer against whom a finding of misconduct or gross misconduct has been made at a misconduct meeting or a misconduct hearing, or
- (c) an officer against whom a finding of gross misconduct has been made at an accelerated misconduct hearing.

(3) A police officer may not appeal to a tribunal against a finding referred to in paragraph (2)(a), (b) or (c) where that finding was made following acceptance by the officer that the officer's conduct amounted to misconduct or gross misconduct (as the case may be).

(4) The grounds of appeal under this rule are –

- (a) that the finding or decision to impose disciplinary action was unreasonable;
- (b) that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action, or
- (c) that there was a breach of the procedures set out in the Conduct Regulations, the Complaints and Misconduct Regulations or Part 2 of the 2002 Act or unfairness which could have materially affected the finding or decision on disciplinary action.

Notice of appeal

9 (1) Subject to rule 10, a police officer or a former police officer who wishes to appeal to a tribunal must give notice of the appeal before the end of 7 working days beginning with the first working day after the day on which the officer is first supplied with a written copy of the relevant decision.

(2) The notice of appeal must be given in writing to the relevant local policing body.

(3) The officer or former officer may request a transcript of the proceedings (or part of the proceedings) at the original hearing in the officer's or former officer's notice of appeal.

Postal address

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Andy Hocking House
Alderson Drive



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EX2 7RP

Phone: (01392) 225555

Fax: (01392) 225567

Email opcc@devonandcornwall.pnn.police.uk

You may request a transcript of the proceedings (or part of the proceedings) at your original hearing in your notice of appeal.

Legislation governing appeals following misconduct hearings is the Police Appeals
Tribunals Rules 2020

Copies: Officer/PSD

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