

DEVON AND CORNWALL POLICE

PROFESSIONAL STANDARDS DEPARTMENT

Regulation 63 of the Police (Conduct) Regulations 2020

Name	Number	Rank
James Stillman	19071	Constable

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

Findings

I have carefully read the bundle provided by the AA and listened to the allegations as laid out in the opening note.

The officer was not in attendance, following every opportunity to be so, and he has provided no instructions to his Police Federation Colleagues. I therefore have no representations from the officer.

I have proceeded with the AMH in his absence.

The principles and standards of professional behaviour for police officers and staff are laid out in the College of Policing's "Code of Ethics". The standards which the Appropriate Authority say that PC Stillman has breached are the standards for:

- a. "Conduct", which requires that police officers behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
- b. "Honesty and Integrity", which requires that police officers are honest, act with integrity and do not compromise or abuse their position.
- c. "Authority, Respect and Courtesy", which requires that police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals.

I am satisfied, on the balance of probabilities, that the written documents, statements and record of interview provide sufficient evidence that the officer's conduct fell far below the standards of professional behaviour, namely: Honesty and Integrity, Authority Respect and Courtesy and Discreditable Conduct and that the conduct amounts to Gross Misconduct.

Standards Breached

Standards of professional behaviour, namely: Honesty and Integrity, Authority Respect and Courtesy and Discreditable Conduct

Outcome Imposed

The AA submits that the officer should be dismissed without notice and placed on the barred list and that no exceptional circumstances exist, which would allow for a lesser sanction.

I have carefully considered the College of Policing “Guidance on Outcomes in Police Misconduct Proceedings”.

Assessing the seriousness of the misconduct is at the heart of the decision making on outcomes and I have considered:

a. The officer’s culpability for the misconduct

This is the officer’s blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome. Culpability will be increased if the officer was holding a position of trust or responsibility at the relevant time. All police officers are in a position of trust, but an officer’s level of responsibility may be affected by specific circumstantial factors such as rank, their particular role and their relationship with any person affected by the misconduct.

Sexual impropriety: Misconduct involving sexual impropriety undermines public trust in the profession and is therefore serious. Give attention to the degree of persistence the vulnerability of the other party, the number of people subjected to the behaviour and whether the officer was in a specific position of authority or trust. More serious action is likely to be appropriate where the officer has demonstrated predatory behaviour motivated by a desire to establish a sexual or inappropriate emotional relationship with a colleague or member of the public. The presence of any of these factors is likely to increase the seriousness of the misconduct, although the treatment of a single individual can be sufficiently serious to amount to gross misconduct.

Culpability in this case is very high.

b. The harm caused by the misconduct

The harm caused by an officer’s actions can be considered in various ways including type of harm, persons affected and the effect on the police service and/or public confidence. “Type of harm” can include sexual abuse, damage to

health, psychological distress and reputational harm. “Persons affected” recognises that misconduct may affect particular individuals and the harm, cause may depend on the victim’s personal circumstances. The “effect on the police service and/or public confidence” recognises that harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act which would harm public confidence if the circumstances were known to the public, takes this into account. How such behaviour would be perceived by the public will be relevant, whether or not the behaviour was known about at the *time* (*R (Chief Constable of Wiltshire Police) V Police Appeals Tribunal & Woollard [2012] EWHC 3288 (Admin)*).

Where gross misconduct is found and the behaviour caused or could have caused serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole (*Fuglers LLP v Solicitors Regulatory Authority [2014] EWHC 179 (Admin)*).

The harm caused to a vulnerable victim is high and the potential harm to the wider reputation of the Devon and Cornwall Police is very high.

c. The existence of any aggravating factors

These tend to worsen the circumstances of the case, either in relation to the officer’s culpability or the harm caused. Factors which indicate a higher level of culpability or harm include (but are not limited to):

- Planning, targeting or taking deliberate or predatory steps
- Malign intent e.g. sexual gratification or personal advantage
- Abuse of trust, position, powers or authority
- Concealing wrongdoing in question
- Serious psychological impact on the victim
- Vulnerability of the victim

All of these aggravating factors are present in this case.

d. The existence of any mitigating factors

These tend to reduce the seriousness of the misconduct and may indicate that an officer’s culpability is lower, or that the harm caused by the misconduct is less serious than it might otherwise have been. These include:

- Open admissions at an early stage
- Early actions taken to reduce the harm caused

- Evidence of genuine remorse, insight and/or accepting responsibility for one's actions.

I note that there are no mitigating factors offered or any other personal mitigation.

The only appropriate outcome in this case is dismissal without notice and the officer to be placed on the barred list.

Signature:

James Vaughn QPM MSt (Cantab)
Chief Constable

Date: **28 October 2025**

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 Tribunal 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

Office of the Police & Crime Commissioner
Andy Hocking House
Alderson Drive
Exeter
EX27RP

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