

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

IN THE MATTER OF FORMER PS 6016 ANDREW SMURTHWAITE

Accelerated Misconduct Hearing on 13 October 2026

by Chief Constable Jeremy Vaughan

Decision on Outcome

Former PS 6016 Andrew Smurthwaite resigned as a police officer shortly before this hearing. It follows that he is no longer a serving officer. Therefore, this Accelerated Misconduct Hearing, held under Part 5 of the Police (Conduct) Regulations 2020, is concerned with a former officer and I direct that the Regulations be amended to the extent required for a former officer.

Former PS Smurthwaite has not attended this hearing today but is represented by his Police Federation Representative, Detective Sergeant Michael George.

The Allegations

At the relevant time, former PS Smurthwaite was a serving police officer with South Wales Police, but was off duty when the incidents which are the subject of these proceedings took place.

The allegations against former PS Smurthwaite are contained in the Regulation 51 Notice served on him. I have summarised the allegations as follows:

17/08/2024, whilst off-duty, former PS Smurthwaite caused damage to a door of a dwelling house. This resulted in the incident being reported to Dyfed Powys Police for investigation. On the following day, Dyfed Powys Police officers carried out a search of the premises and discovered 12 rounds of ammunition.

Former PS Smurthwaite was subsequently arrested in relation to allegations of causing criminal damage and the possession of ammunition without a certificate. Whilst in police custody, officers conducted a search of former PS Smurthwaite's current address and recovered an additional single round of ammunition and bullet casing.

In the police interview that followed his arrest, former PS Smurthwaite confirmed that he had forced entry to the dwelling house in order to retrieve his mobile phone. In relation to the ammunition, former PS Smurthwaite stated that these had been inadvertently accumulated within his police issue kit over a number of years when working as a firearms officer. Former PS Smurthwaite accepted that the ammunition was live rounds and that he had no lawful authority to retain ammunition in his possession.

On 26/01/2026, former PS Smurthwaite attended Cardiff Crown Court, where he pleaded guilty to the criminal offence of possession of ammunition for a firearm without holding a valid certificate, contrary to Section 1(1)(b) of Schedule 6 to the Firearms Act 1968. He reappeared at the same court for sentencing on 27/03/2026. The sentence imposed by the Court was a conditional discharge of 18 months and he was ordered to pay £750 costs and victim surcharge of £26. The Trial Judge remitted the criminal damage offence to the Magistrates Court for hearing.

In this respect, former PS Smurthwaite attended Newport Magistrates' Court on 09/09/2026 and after a contested hearing, former PS Smurthwaite was convicted of the offence of causing damage to an external door to a dwelling house, valued under £5,000, contrary to section 1(1) and (4) of the Criminal Damage Act 1971. The sentence imposed by the Court was to pay compensation to the complainant in the sum of £650. Former PS Smurthwaite was also ordered to pay prosecution costs of £650. No additional sentence was issued.

Former PS Smurthwaite has therefore been convicted of two separate criminal offences and in this respect, and for completeness, I refer to the Certificate of Conviction which is contained at pages 35 to 39 of the hearing bundle.

The Appropriate Authority contends that the criminal convictions of former PS Smurthwaite are in breach of the Standards of Professional Behaviour relating to:

Standard 9: Discreditable Conduct, namely that: *“Police Officers behave in a manner which does not discredit the Police Service or undermine public confidence in it, whether on or off duty. Police Officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or receipt of any penalty notice.”*

The Appropriate Authority maintains that former PS Smurthwaite’s convictions amount to gross misconduct, that is, the breach of the Standards of Professional Behaviour is so serious, as to justify dismissal.

As former PS Smurthwaite has resigned and is now a former officer, this is amended to the effect that the breach of the Standards of Professional Behaviour is so serious that the former officer would have been dismissed if he had not ceased to be a member of a police force.

Former PS Smurthwaite has provided a written response to the allegations as required by Regulation 54 of the Police (Conduct) Regulations 2020. Former PS Smurthwaite accepts that his conduct is a breach of the Standards of Professional Behaviour in relation to Discreditable Conduct. He fully accepts that his conviction for possession of ammunition for a firearm without holding a valid certificate and his conviction for criminal damage amounts to gross misconduct.

Findings

I have fully considered the evidence before me and the admissions made by former PS Smurthwaite. On the balance of probabilities, I have no hesitation in finding the allegations to be proved. I am also satisfied that the conduct amounts to gross misconduct.

Outcome

Having found gross misconduct, I must impose disciplinary action on the former officer, and I have no hesitation in doing so. The disciplinary action can only be that former PS Smurthwaite would have been dismissed if he had not ceased to be a member of a police force.

In reaching my decision, I have also fully considered the College of Policing Guidance on Outcomes in Police Misconduct Proceedings which has formed the basis for my conclusion. I have tested the seriousness of the allegations and the purpose of imposing a sanction, which I have to consider in deciding an outcome. I have given due consideration to culpability, harm, any aggravating factors, and any mitigating factors as set out in the Guidance.

In assessing the seriousness of the conduct, I recognise the more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome. I am mindful that former PS Smurthwaite has two criminal convictions and I regard the possession of ammunition for a firearm without holding a valid certificate as particularly serious. In this respect, I am also mindful that this is a view shared by former PS Smurthwaite who acknowledged in his written response that *"I fully agree that this alone should be sufficient to dismiss me from South Wales Police with immediate effect"*.

I am mindful that former PS Smurthwaite held a position of trust and responsibility, and his misconduct is a serious abuse of that trust. It is unacceptable for police officers, who are responsible for enforcing the law, to break the law themselves. All of the factors significantly increase culpability. There can be no doubt that former PS Smurthwaite's behaviour has an adverse impact on public confidence in policing.

The harm caused by the former officer's actions is reputational harm and affects the police service and public confidence in the service as a whole. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole. I am satisfied that former PS Smurthwaite has caused damage to that reputation.

Aggravating factors are those tending to worsen the circumstances of the case, in relation to either the former officer's culpability or harm caused. I found that there are a number of significant aggravating factors present. The conduct was premeditated, intentional and deliberate. The conduct is a significant deviation from the general law of the land, instructions which includes orders, force policy and national guidance. former PS Smurthwaite's behaviour is reprehensible and totally unacceptable. His behaviour continued after he realised, or should have realised, that it was improper.

In terms of any mitigating factors which lower the level of culpability and harm, I accept that there are several mitigating factors present. There is evidence of genuine insight and regret by former PS Smurthwaite. In addition he has profusely apologised for his actions and has shown remorse. I give him credit for all these matters.

I have reminded myself of the threefold purpose of the outcomes in police misconduct proceedings which is to maintain public confidence in policing and the reputation of the police service; to uphold high standards in policing and to deter misconduct; and to protect the public.

I have considered the personal mitigation put forward on behalf of former PS Smurthwaite and I have paid great attention to the character reference which he has provided in his support. However, I recognise that due to the nature and purpose of disciplinary proceedings, the weight of personal mitigation will necessarily be limited, particularly where serious misconduct has been proven as it has been in this case.

In all the circumstances, there is only one possible outcome which I am able to impose, and I have absolutely no hesitation in doing so. Therefore, my decision on Outcome is that I am satisfied that the misconduct is so serious that former PS Smurthwaite would have been immediately dismissed had he not resigned as a police officer. No other outcome is justified or appropriate.

There is no room in South Wales Police for this type of behaviour. The Standards of Professional Behaviour apply the moment you walk through the door. This type of behaviour

whether on or off duty will not be tolerated in any way. Police officers should be trusted to the ends of the earth. The public rightly expect our officers to uphold the highest professional standards, and former PS Smurthwaite has failed to do so.

The vast majority of the Police officers, staff and volunteers, who work for South Wales Police conduct themselves impeccably and work tirelessly to protect the public, those very few who choose to breach the standards expected of them undermine the public's trust in policing.

In accordance with the Police (Conduct) Regulations 2020 the Findings and Outcome from this hearing will be referred to the College of Policing in order for former PS 6016 Andrew Smurthwaite to be placed on the Police Barred List.