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Police Association of SA says disrespectful, rude magistrates are driving police off

RUDE, disrespectful magistrates are driving police away from prosecution jobs by condemning them for problems created by the controversial court efficiency laws, a peak body says.

Sean Fewster Chief Court Reporter
November 9, 2018 - 4:21PM The Advertiser

Police Association of SA president Mark Carroll. Picture: Sam Rosewarne.

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RUDE, disrespectful magistrates are driving police away from prosecution jobs by condemning them for problems created by the controversial court efficiency laws, a peak body says.

The Police Association has weighed in on the tensions plaguing the courts and the ongoing blame game between SA Police, Forensic Science SA, state prosecutors and magistrates.

On Friday, Association president Mark Carroll said it was “never acceptable” for anyone in a court – up to and including magistrates – to treat police officers with disrespect.

“One of the reasons some of our members no longer seek a career in prosecution is because of the rude and disrespectful behaviour of some magistrates,” he said.

“People who make up the different elements of the court system should be supporting each other, not tearing each other down or offering a public condemnation of their roles.

“If the new efficiency laws are indeed a problem, the judiciary needs to take that up with the Attorney-General without publicly condemning police prosecutors and investigators.”

Under the laws, which came into effect in March, police retain control of cases until their preliminary brief of evidence is deemed acceptable by the Director of Public Prosecutions.

Director of Public Prosecutions Adam Kimber. Picture: Greg Higgs

The DPP then determines whether the charge filed at arrest will continue, be downgraded or dropped altogether – the entire process takes between 14 and 18 months.

As a result, victims have been left in the dark about case progress and alleged offenders have been remanded in custody, not knowing if the charges will even proceed.

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On Monday, *The Advertiser* reported [judges and magistrates had warned they would throw out cases and release offenders](#) if charges continued to take too long to finalise.

Later that day, Magistrate Simon Smart claimed police in an attempted murder case were “relaxing” and handing over evidence “in any way” they feel like.

When Courtney Hood, for SA Police, defended investigating officers, Mr Smart told her “don’t talk over the top of me” and “don’t interrupt me”.

On Wednesday, a corruption case [was adjourned until May 2019 at the request of the DPP](#) – despite a magistrate having refused to do so, for the same case, when police asked.

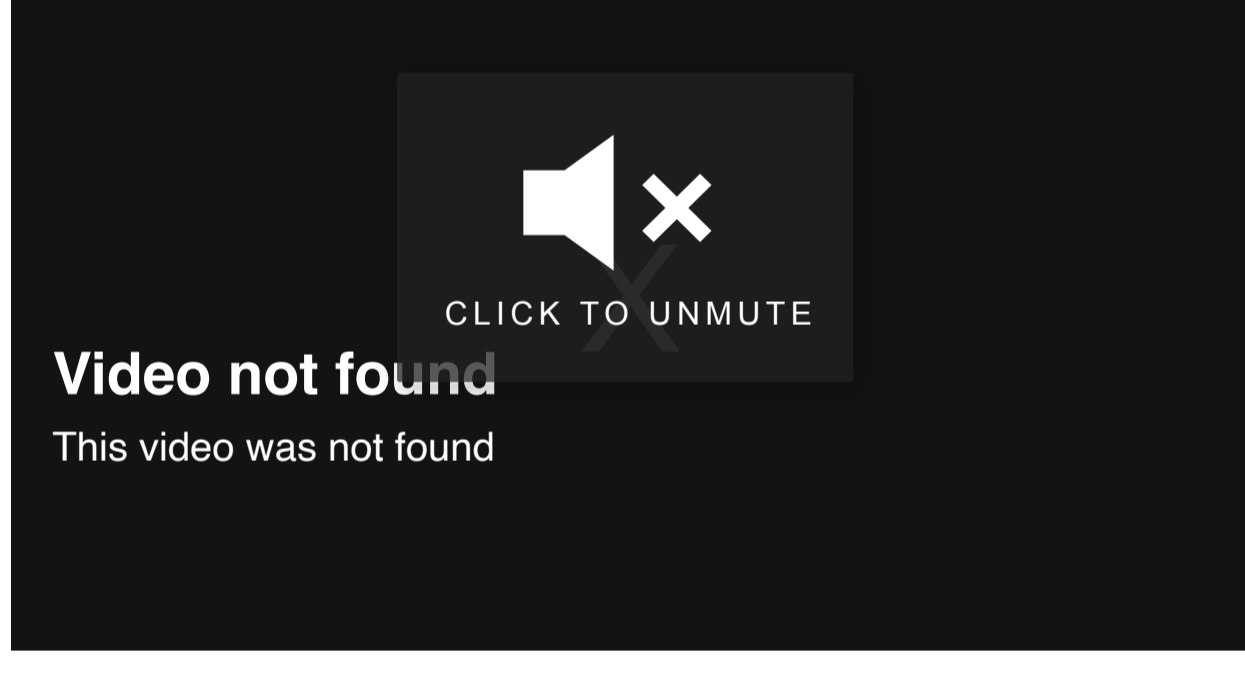
On Friday, Mr Carroll said police performed “a critical role” in the court system.

“Magistrates and court officials also need to understand the complexities involved in police investigations – and also in obtaining and analysing scientific forensic evidence,” he said.

“That sort of condemnation is unhelpful to everyone in the system.”

A spokeswoman for the Courts Administration Authority said the state’s chief magistrate, Judge Mary-Louise Hribal, was away and unavailable to comment.

Director of Public Prosecutions Adam Kimber SC was on Friday considering his response to *The Advertiser’s* requests for an interview.



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