

CPPS Policy Factsheet: Police

CPPS is pleased to bring to you its “**CPPS Policy Fact Sheet**” on the Royal Malaysian Police. In this factsheet, we look at the state of the police force, what has been done to improve its service, and future challenges the force faces as we move into the second decade of the new millennium. Due to the immense size of this topic, this factsheet will only cover the most basic points on the police; more information can be found on our website, www.cpps.org.my. You can [access other policy factsheets on the CPPS website](#).

BACKGROUND

The Royal Malaysian Police has a **history going back to 1807**, when the first force was founded by the British in Penang. After World War II the disparate local police forces were merged, and in 1958 the national police force became known as the Royal Federation of Malayan Police. In 1963 upon the formation of Malaysia, the **Royal Malaysian Police** took its current name.

Members of the force **served courageously** throughout the years of communist insurgency, with many officers making the ultimate sacrifice in service of the nation. However, **public opinion of the police and confidence in their ability to serve have drastically fallen** in recent years, precipitated by a perceived **rise of corruption** amongst members of the force. **Increasing crime rates** and highly publicised cases of murder, rape and snatch thefts have struck another blow against the force.

The Police and government have made **efforts to reduce corruption** through campaigns and salary increases, but negative perception remains. A **Royal Commission** established to recommend reforms for the Police had several of its suggestions enacted, but its main recommendation, the establishment of an **independent commission for complaints and misconduct**, has yet to be implemented. The proposed oversight body remains a sore point, with the Police citing negative effects on officers' morale.



FLASH POINTS

- The Royal Malaysian Police is a **federal, not state or local, institution**. Its central headquarters are located at **Bukit Aman, Kuala Lumpur**. The force is led by the **Inspector-General of Police (IGP)**.
- The official Vision of the Police is a competent and professional law enforcement agency which is “Mesra, Cepat dan Betul” (**Courteous, Fast and Correct**), and trusted and respected by the public.
- Members of the force **served with distinction throughout the communist emergency**, with many giving up their lives to secure the safety of Malaysians.
- Today the Police is confronting **modern problems** such as **terrorism, human trafficking, and narcotics smuggling**.
- **Public dissatisfaction is growing**, in spite of the force's efforts to modernise and improve. Two major issues are **rising crime rates**, especially violent crime and property thefts, and **perceived corruption and abuse of power** amongst members of the force.
- In the earlier part of the decade, **snatch thefts** became a major problem in urban areas; latest figures from 2004 show that the rate of theft fell due to a concerted police campaign, but remains relatively high.
- **Rape cases have been drastically on the rise**, doubling since 2003. The government suggests that rape cases are often underreported, implying that there are significantly more potential cases than those reported to the police.
- **White-collar crime** is rising too; an **understaffed Commercial Crimes Investigation Division** has been unable to cope with the rapid modernisation of not only the economy but also the criminal world.
- Fears of corruption and abuse of power also abound; **bribery is a problem acknowledged by the government and Police**. A “Saya Anti-Rasuah” (I am anti-bribery) campaign was launched, and the government raised the salaries of all civil servants in an effort to combat corruption. Nevertheless, **public perception of corruption has not significantly subsided**.
- The government has responded by **raising the salaries** of civil servants, police officers included, and tripling allocations to the Police.
- A recruitment drive is under way to **add 60,000 new personnel** to the force by 2010, and in the meantime to retain retiring and recently retired officers who can still serve.
- The Police have frequently been accused of **abusing members of the public** and suspected criminals. In particular, peaceful public gatherings have been forcefully broken up with water cannons and tear gas. Suspects are sometimes left in legal limbo, with their **remand period continually renewed** by moving suspects from one lock-up to another. **Deaths in police custody** are rarely investigated, and reports of mistreatment while in custody abound.
- All six of the Malaysian Human Rights Commission (Suhakam) enquiries since its establishment have been into **allegations of abuse of power against the Police**, or allegations of inhumane conditions in places of detention.
- To address public concerns, in 2004 the government announced the **Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police**. The Commission's report found drastic failings in the force, and gave **125 recommendations** to improve on.
- A key recommendation was the establishment of an independent watchdog, the **Independent Police Complaints and Misconduct Commission (IPCMC)**. Although the Prime Minister promised to see through the establishment of the IPCMC, opposition from the Police has stalled its formation.

BASIC FACTS and STATISTICS

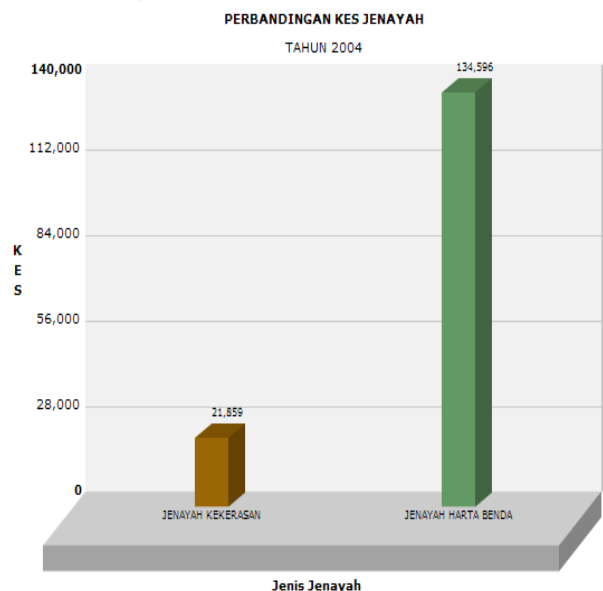
- There are **93,348 Royal Malaysian Police officers** serving 26 million Malaysians; there are thus **3.6 police officers for every thousand Malaysians**. As of 2004, the **shortfall of officers was estimated at 23,000**.
- The Police is divided into:
 - Management Department
 - Logistics Department
 - Criminal Investigation Division
 - Narcotics Criminal Investigation Division
 - Commercial Crimes Investigation Division
 - Internal Security and Public Order Department
 - Special Branch
- The **Special Branch**, a government intelligence agency, is particularly **famous for its performance during the communist emergency**. It successfully infiltrated the top leadership of the communist insurgents, and was praised by observers as among the best intelligence establishments in the world.
- As of 2004 there were 5,000 officers assigned to the **Criminal Investigation Division**, with an **estimated shortage of 6,000**.
- The ethnic composition of the force is 78% Malay, 4% Indian, 2.5% Chinese, and 15% others.
- In 2003, of 42,243 applicants for positions in the force 5,218 recruits were selected. Only 61 were women.
- In 2006 a fresh recruit in the force earned as little as **RM600 a month**; in one case, an officer with a degree who had served for ten years was still earning only a bit more than RM1000 a month. This would place such officers below the Kuala Lumpur poverty line of about RM1,350 a month; fresh recruits were earning **less than some foreign construction workers**.
- In 2007, the government announced a **pay rise of between 7.5% and 35%** for civil servants, including Police personnel.

RISING CRIME

- From 2000 to 2003, the **rate of snatch thefts increased significantly**, contributing to a dramatic impact on public perception of Police effectiveness. The rate only began to fall after the Police began a concerted campaign to beef up policing in urban areas. More recent figures are unavailable, but as of 2004 the rate had **fallen from 43.3 snatch thefts per day to 31.6**.
- **Rape cases** have been drastically on the rise. In 2003, the Police received 1,471 reports of rape; the same number for 2007 was 3,177, **more than double**. The Ministry of Women, Family and Community Development estimates that only 10% of all rape cases are reported, suggesting that **as many as 30,000 incidents of rape occurred** in 2007.
- White-collar crime is rising too. **Cheating and criminal breach of trust** are some of the most common white-collar crimes, and the rate of commercial crime has tripled from 1994 to 2004. Between 2000 and 2005, losses from such crimes totaled almost **RM3.7 billion**. Only half of the cases filed between 2000 and 2004 were solved as of 2004, the main reason for the backlog being **understaffing**, with only 781 officers handling white-collar crimes nationwide.
- In 2004, about **73 vehicles were being stolen daily**. The rate of vehicle thefts reported to insurers **increased by about 33%**, the fourth consecutive year to witness an increase in vehicle theft rates.
- Middle-class housing estates often **hire their own security guards**, betraying widespread public belief that the Police are incapable of protecting private property.
- On the positive side, in spite of rising crime, the Police were able to **solve 97.2% of rape cases** in 2003 and 2004 — the last years for which precise figures are widely available to public. However, for the same period only about **2/3rds of attempted and successful murder cases were solved**, while less than half of all robberies were solved. During the same time, about 57% of snatch thefts were also solved.
- Some NGOs question these optimistic figures; the Women's Centre for Change claims that in Penang **only 34% of defendants in sexual crimes were found guilty**; when guilty pleas are excluded, that figure drops to 4%.
- In 2005 the Royal Commission found that **89%** of the 1,000 Malaysians they interviewed were either **worried or extremely worried about crime in their neighbourhoods**.

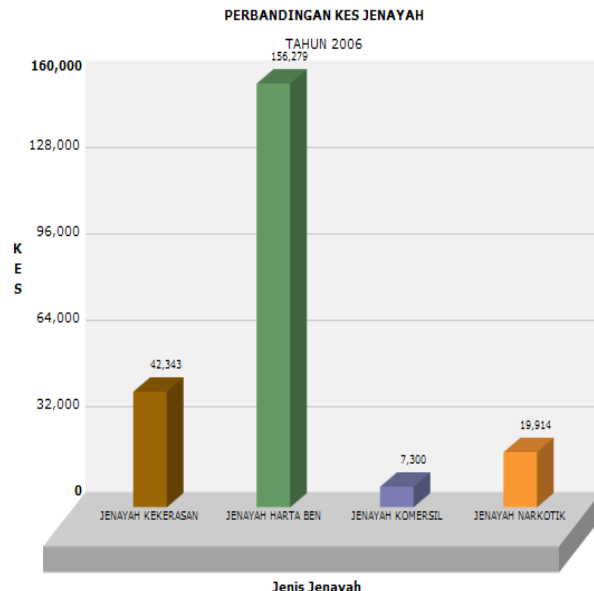
Perbandingan Kes Jenayah

Statistik Kes Jenayah



Perbandingan Kes Jenayah

Statistik Kes Jenayah



Source: Royal Malaysian Police website

“Jenayah kekerasan” is violent crime; “jenayah harta benda” is property crime; “jenayah komersil” is commercial crime; and “jenayah narkotik” is narcotic crime.

POLICE ABUSE

- All six of **Suhakam's official inquiries** have been into **incidents involving the Police**: the Kesas Highway Incident, conditions of detention under the Internal Security Act, the Kundasang Incident, the sudden death of S. Hendry at the Simpang Renggam detention and rehabilitation centre, the Police handling of the Kuala Lumpur City Centre protests, and the Police handling of the Bukit Mahkota Cheras incident. The last is still ongoing.
- Suhakam has corroborated many of the Royal Commission's findings and recommendations; it suggests that the Police Act requirement of **permits for public gatherings be repealed** entirely, that the Police routinely **abuse remand procedures** to keep suspects in jail for far longer than necessary while delaying investigations, and that the Police have used **excessive force** against peaceful protesters in the past.
- Suspects do not always have **access to legal counsel** while detained, even when they have not been charged with a crime; Police routinely claim access to legal advice would interfere with ongoing investigations.
- Those held in Police lock-ups claim to have been subjected to **abuse and inhumane treatment**; in the case of Internal Security Act detainees, Suhakam has found evidence of such abuse and recommended a revamp of Police procedures in this area.
- Although there were **80 deaths in Police custody** between 2001 and 2004, only **six inquests were** conducted, the vast majority going uninvestigated.
- A 2007 survey commissioned by Transparency International Malaysia and conducted by the Merdeka Centre for Opinion Research found that the Police was among the least transparent government agencies. **56%** of Malaysians named the Police as the enforcement agency having the **lowest level of integrity and transparency**.
- Between 1999 and 2003 **5,726 cases of corruption** involving the Police were reported, **more than any other government agency**. Some officers have taken **sizable bribes** from brothels and other criminal operations, and amassed **millions of ringgit** in their bank accounts.
- The Royal Commission concluded its assessment of the force's approach to human rights by finding "a **pattern of consistent neglect and abuse of rights**, which appears to have become **ingrained in police practices**, despite strong safeguards and compliance with human rights in national laws".



RELA

- **Ikatan Relawan Rakyat Malaysia (RELA)** is a volunteer force formed in 1972 meant to help collect information for public agencies such as the Police, aid in security patrols, and carry out citizens' arrests. As of 31 July 2008 there are **526,321** RELA volunteers and 9,940 platoons.
- In 2005 the law was amended to permit RELA volunteers "where [they have] reasonable belief that any person is a terrorist, undesirable person, illegal immigrant or an occupier, to **stop that person** in order to make all such inquiries or to **require the production of all such documents** or other things as the competent authority may consider necessary."
- The Essential (Ikatan RELAWan Rakyat) (Amendment) Regulations 2005 also permit volunteers to **enter and search any premises, public or private, without a search warrant**, to bear firearms, and to demand documents from members of the public, provided the appropriate RELA officials give approval.
- RELA members **have legal immunity** for any actions they carry out in their capacity as volunteers: "The Public Protection Authorities Act 1948 shall apply to any action, suit, prosecution or proceedings against ... RELA ... or any member ... in respect of any act, neglect or default done or committed by him in good faith or any omission omitted by him in good faith, in such capacity."
- RELA has become known in particular for **its raids cracking down on illegal immigrants**. However, **refugees and asylum seekers are also often detained** as they have no legal documentation. Foreigners legally present in the country are also sometimes swept up in such raids, even if they claim to have the necessary documents to prove their legal presence.
- As an example of raids on refugees, in April 2007 RELA officers detained **20 Burmese refugees and asylum seekers** in Kuala Lumpur, even though five were recognised as refugees by the United Nations High Commissioner on Refugees.
- Foreign legals have also been detained; in October 2007 the **wife of an Indonesian diplomat** was arrested by RELA officers after they claimed not to recognise her diplomatic identification. Earlier in January, **two African-American tourists** had been similarly arrested, and claimed to have been "**treated like dogs**" and forced to urinate through the gate of their cells while held by RELA.
- RELA officers have also **abused their position to commit other crimes**; in March 2007, eight RELA members removed possessions worth almost RM2,000 from a home they raided. After the Police discovered two of the team members had been convicted of robbery before, the whole team was **arrested and charged with burglary**.
- Also in March 2007, RELA volunteers came to **Kampung Berembang** in Kuala Lumpur to distribute leaflets pertaining to recent court orders. Instead, they assisted in the **eviction of 50 families, and demolished several homes**, in spite of a **court injunction against demolition** pending a full hearing.

RECOMMENDATIONS OF THE ROYAL COMMISSION

- In 2004 the Prime Minister announced the formation of a Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police. The ultimate report of the Royal Commission contained 125 recommendations; here are some of the key ones.
- The formation of the **Independent Police Complaints and Misconduct Commission (IPCMC)**, to be modeled on similar police watchdogs in other countries. It would ensure **the enforcement of rules and regulations** governing the police, and be given the power to investigate even without a complaint from the public. The IPCMC would be able to order any action deemed fit, including suspension or demotion of guilty officers, with the only recourse for appeal being the courts. There would be 7 commissioners, none of whom could be serving or retired police officers; it would be mandatory for the chair to have some legal background.
- Establish **reasonable grounds for suspicion** before arrests.
- Amend Section 113 of the Criminal Procedure Code to clearly **outline what kinds of statements from suspects will be admissible** in court; at the moment any statement is admissible.
- **Record all statements** or confessions before a magistrate.
- Make **compliance with human rights** and other legislation a **top priority** of the Police.
- Launch a **campaign to further awareness of human rights** within the force.
- Amend the Police Act to **reduce the burden on organisers of peaceful public gatherings**, who face difficulty obtaining police permits.
- Amend the Internal Security Act and Dangerous Drugs (Special Preventive Measures) Act to mandate that the **detainee be brought before a magistrate within 24 hours**, and be **given access to their family and lawyers**; the maximum detention period would also be reduced to 30 days.
- **Repeal the Restricted Residence Enactment, Emergency (Public Order and Prevention of Crime) Ordinance** and partially repeal the **Prevention of Crime Act**.
- Amend the Section 117 of the Criminal Procedure Code, making 7 days the maximum remand time for a suspect arrested without a warrant, and 24 hours for a suspect arrested with a warrant. At the end of the remand period the **suspect must be charged or freed**. Suspects must be **given access to a lawyer**, and if there is none, the magistrate must enquire if the suspect has any complaints about their arrest or detention.
- Adopt a **code of practice on the arrest and detention** of persons.
- Conduct **inquiries into all cases of deaths** in custody.
- Clearly **delineate the powers and responsibilities of the Special Branch** in the law, and define "security" to ensure it does not overstep its bounds while remaining accountable and responsible.
- Increase the **representation of ethnic minorities and women** in the force.
- Give a **special allowance** to members of the force working in the Klang Valley and other urban, crime-prone areas.
- Create two positions of **Deputy Inspector-General of Police**; one for **operations** and the other for **finance and administration**.
- Strengthen **community policing**.
- **Allocate more resources** towards fighting crime.
- **Work more closely with non-governmental organisations** and the **private sector**.
- After the release of the report, the Prime Minister set up a task force to implement the 125 recommendations, personally chairing it. As of March 2007, the IGP stated that **90% of the recommendations had been implemented**; the Prime Minister gave a slightly lower figure of 82%, with **the rest still under consideration**.
- **The key recommendation of the IPCMC is still not enacted**. Other recommendations pertaining to **legislation**, such as the repeal and amendment of various laws, **remain unimplemented**.

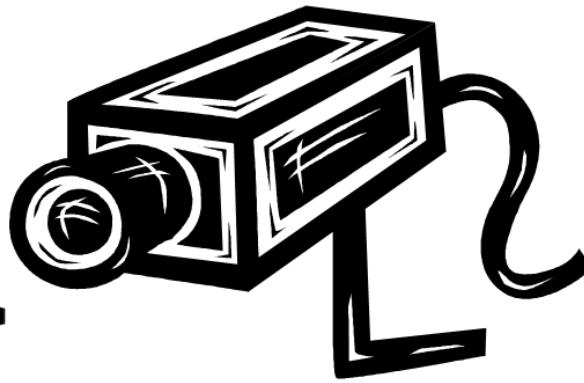


INTERNATIONAL BEST PRACTICES

- Police forces around the world have maintained a positive image over the years through **independent police watchdogs**.
- In New York City, the Civilian Complaints Review Board, established in 1993, investigates allegations of misconduct against New York Police Department officers. The Board has **authority to subpoena documents**, and is provided with special detectives tasked with facilitating the speedy conveyance of NYPD documents to the Board. It also **recommends disciplinary action** against officers guilty of misconduct.
- In the United Kingdom, the Independent Police Complaints Commission (IPCC) was established in 2004. Its investigators, when tasked with a specific investigation, have **all the powers and privileges of a Police Constable** when dealing with that case.
- In Singapore, the Corrupt Practices Investigation Bureau (CPIB), established in 1952, investigates corruption throughout the island state. This extends to the Police force, and although the bureau's primary purpose is to investigate corruption, it is **empowered to investigate any criminal offense** revealed in the course of a corruption investigation.

WHAT HAS BEEN DONE

- The 9th Malaysia Plan **tripled the allocation to the Police** in the 8th Malaysia Plan to RM8 billion.
- **80-90% of the Royal Commission's recommendations** have been implemented.
- Numerous **new police stations** have been opened.
- A recruitment drive is under way to add **60,000 more officers by 2010**.
- **Retiring and newly retired officers are having their terms extended** to maintain manpower in the short run.
- **Civilians are being hired to handle administrative work**, freeing officers to carry out their main duties.
- Crime-prone areas such as Penang, Kuala Lumpur, and Johor Bharu have seen **added patrols** to further deter crime.
- **Closed-circuit television (CCTV) systems** are being added to supplement patrolling efforts in various areas.
- Awareness and **enforcement of rules of the road** have been raised, directly resulting in fewer fatalities from road accidents.
- **Corruption arrests have increased 72%** since 2003, and convictions secured in 74% of such cases.
- The **Anti-Corruption Agency (ACA)** has had its **budget doubled**, staff increased, and been given **greater powers to investigate and prosecute crimes independently** from the Police.
- The Prime Minister plans to establish a **Special Complaints Commission** to investigate misconduct in enforcement agencies.
- The government has launched the **National Integrity Plan** to build a culture of ethics and integrity amongst public servants.



POLICY RECOMMENDATIONS

- Set up the **Independent Police Complaints and Misconduct Commission** immediately, according to the recommendations of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police.
- Instead of using police roadblocks to stop public gatherings that hamper economic productivity, **clear pre-set guidelines** should be used, as to the areas the public gathering could be peacefully conducted and mutually agreed upon - the role of the police is to **ensure that citizens can exercise their right of expression** without any violent reactions detrimental to their safety.
- Parliament should amend the Police Act to **repeal the requirement of a permit for peaceful public gatherings**, in line with the recommendation of Suhakam in its report on the public inquiry into the KLCC demonstrations.
- It is recommended that there is an **alternative system run concurrently with the existing policing system**, to enhance crime and safety measures. It is proposed that the private sector is given increased authority to undertake some select roles of security, through, for example, an **Auxiliary Police Force**.
- **Public Declaration of Assets** should be obtained from **Senior Police Officers** and their direct family members, made readily available for public viewing, to allow **greater accountability** on the levels of potential corruption.
- The remaining recommendations of the Royal Police Commission should be **speedily implemented** (see the recommendations above).
- Decisions made by the Royal Malaysian Police must be made and **executed independent** of any member of the Executive, especially from the upper echelons of Government.
- Police officers should be not only **exposed to Human Rights principles** by Suhakam but also **subjected to enforceable Human Rights standards** in all decisions, duties and actions.
- For a safer environment, a greater number of police personnel should be designated **specifically for crime fighting** in neighbourhoods.
- There needs to be an **urgent review of RELA**, the Volunteer organisation assisting the Police Force. It should be temporarily disbanded until the following is achieved: **Strict qualifications and standards** for recruitment; Amendment of the Essential Ikatan RELAwan Rakyat Regulations 2005 and the Public Protection Authorities Act 1948 to reduce their jurisdictions and complete legal immunity. The **Police should act against RELA officers who abuse their position** and act against the law.
- **UNHCR's refugee cards** that determine refugee status should be **immediately recognised** by the Malaysian Government, as the UNHCR body itself exists under the invitation of the Government.

PARTY POSITIONS

Barisan Nasional

- Cites public order for retaining laws such as the Internal Security Act, etc.
- Plans to up recruitment to ensure 60,000 new officers are on the beat by 2010.
- Empowered the ACA to investigate and prosecute independently.
- Officially supports the IPCMC
- Established an independent commission to investigate allegations of human rights abuses in Police searches in 2005.
- Plans to set up a wide network of CCTVs to catch and deter criminals.
- Will further upgrade Police equipment and infrastructure
- Prioritises drug abuse, social ills and foreign illegals.

Pakatan Rakyat

- Will reallocate officers away from internal spying and civil rights abuses.
- Insists 80% of the force focus on patrols and criminal investigations.
- Supports better infrastructure such as brighter street lighting and CCTVs.
- Supports at least 15% higher wages and regular retraining for officers.
- Will immediately implement the IPCMC.
- Will place more mobile police stations and checkpoints in neighbourhoods.
- Will empower the ACA to investigate graft within the force.
- Will scrutinise public prosecutors to ensure maximum success in prosecuting criminals.