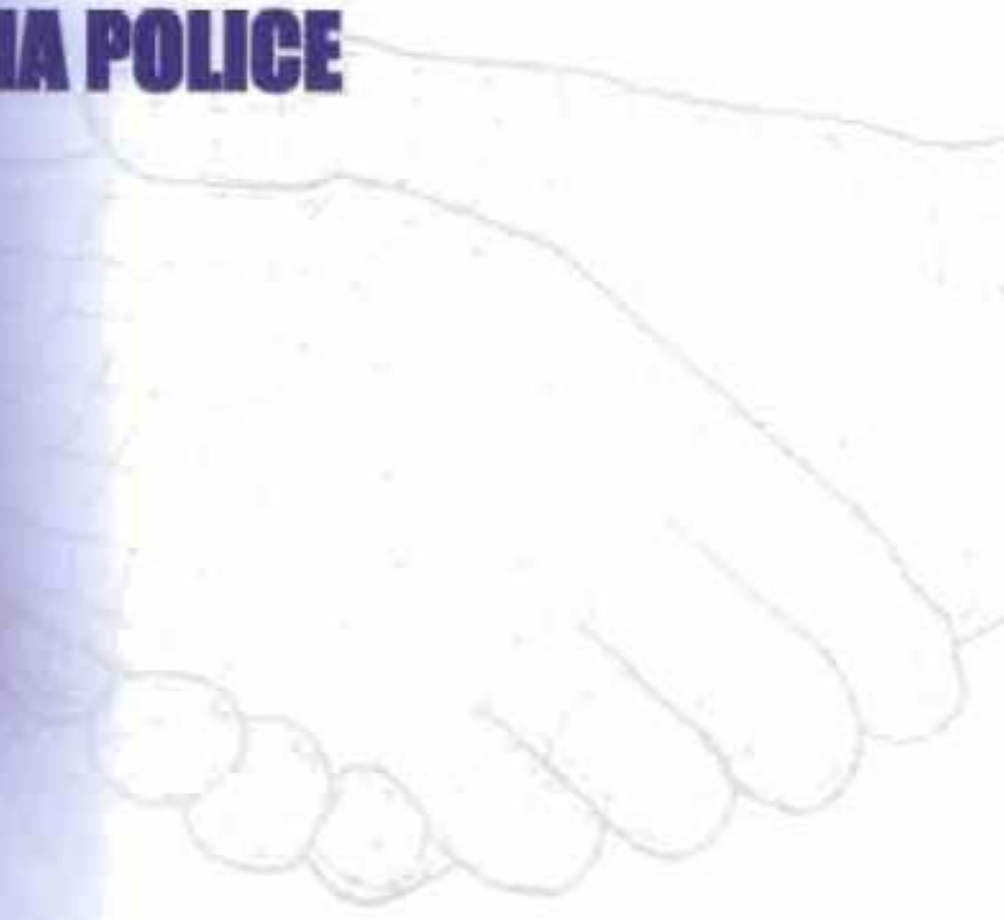




**REPORT OF
THE ROYAL COMMISSION TO
ENHANCE THE OPERATION AND
MANAGEMENT OF THE ROYAL
MALAYSIA POLICE**



FOREWORD

The Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police was constituted by Seri Paduka Baginda Yang di-Pertuan Agong on 4 February 2004 under the Commission of Inquiry Act 1950. Its terms of reference were wide, ranging from the role and responsibilities of the Royal Malaysia Police to its organisation, distribution of human resources, human resource development, issues of human rights, operating procedures and the general improvement and modernisation of the police service.

The Recommendations contained in this Report accordingly seek to institute reforms in police doctrine, function, organisation, management system, legislations pertaining to areas that fall within police responsibilities and work processes. They also seek to improve the working and living conditions of police personnel. The ultimate objective is the emergence of a revitalised and modern police service that is efficient, clean and trustworthy, dedicated to serving the people and the nation with integrity and respect for human rights.

The process of modernising and improving the performance of PDRM will not be an easy task. The agenda for reform that my Commission is proposing is an enormous and comprehensive one. The process of change will be long and arduous. To successfully carry it through will require strong and inspired leadership. There will also have to be strong and sustained political will on the part of Government, and the willingness to allocate the necessary resources, no doubt prudently and spread over time.

The most critical factor in the successful transformation of PDRM will be the men and women who comprise the service. They want change. They must welcome it, embrace it and champion it. My Commission has every confidence they will, because a modern, efficient and trustworthy police service that serves the nation and the people well will be something they can be proud of.

Many government agencies, non-government organisations, private sector bodies and individuals provided inputs for the findings of this Report. They are too numerous for me to cite here. I would like to record my appreciation to each and every one of them. I must however single out for mention one particular agency. My Commission is deeply indebted to the Inspector General of Police for all the assistance and support that he and his senior colleagues gave us. The Report would not have been possible without their contribution. I also thank the Governments of the United Kingdom, Singapore, Australia and Hong Kong SAR for their cooperation and assistance.



I must recognise the enormous contributions of my colleagues in the Commission including the Deputy Chairman, Y. A. Bhg. Tun Mohammed Hanif bin Omar. They helped shape the Report and give it substance. My thanks also go to the Secretary of the Commission and his staff for their untiring services to the Commission.

I would also like to record my appreciation to Allahyarham Tan Sri Dato' Seri Azizan bin Zainul Abidin for his contribution in the deliberations of the Commission until his demise.

Despite the challenges described in the Report, the present law and order and security situations in the country remain stable. I am confident that with the implementation of the recommendations in this Report and with public support, PDRM can benchmark itself with the best police forces in the world. This will ensure that Malaysia remains among the safest country for its people, businesses and tourism.

TUN MOHAMMED DZAIDDIN BIN HAJI ABDULLAH

Chairman

**Royal Commission to Enhance the Operation
and Management of the Royal Malaysia Police**

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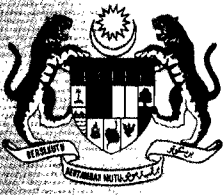
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REPORT OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

EXECUTIVE SUMMARY

REPORT OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

1. BACKGROUND

- 1.1 The Royal Commission was established by Seri Paduka Baginda Yang di - Pertuan Agong on 4 February 2004 under the Commission of Inquiry Act 1950. Y.A.Bhg. Tun Mohamed Dzaiddin bin Haji Abdullah was appointed Chairman of the Commission. The following are the terms of reference of the Commission:

TERMS OF REFERENCE

1. To enquire into the role and responsibilities of the Royal Malaysia Police in enforcing the laws of the country.
 2. To enquire into the work ethics and operating procedures of members of the Royal Malaysia Police.
 3. To enquire into issues of human rights, including issues involving women, in connection with the work of the Royal Malaysia Police.
 4. To enquire into the organisational structure and distribution of human resources of the Royal Malaysia Police.
 5. To enquire into the human resource development, including training and facilities, of members of the Royal Malaysia Police.
 6. To make recommendations for the improvement and modernisation of the Royal Malaysia Police.
- 1.2 The establishment of the Commission was initiated by the Government amidst widespread concerns regarding the high incidence of crime, perception of corruption in the Royal Malaysia Police (Polis Diraja Malaysia - PDRM), general dissatisfaction with the conduct and performance of police personnel, and a desire to see improvements in the service provided by the police. The Government also felt that PDRM capacity and facilities needed to be modernised and upgraded where necessary. Thus the focus of this Report is accordingly on the improvement and modernisation of PDRM from this perspective and as prescribed by the Commission's Terms of Reference.
- 1.3 Improvements can only be proposed after the inadequacies and weaknesses are identified. The Report therefore highlights the major challenges confronting the police. The attention given to the weaknesses and inadequacies however should not obscure the fact that PDRM has performed creditably in many areas, and excelled in some. PDRM's performance and contribution in defeating subversion and insurgency

launched by the Communist Party of Malaya and the North Kalimantan Communist Party have in fact been recognised as remarkable by international observers and considered worthy of study and emulation.

- 1.4 The Commission adopted various approaches to gain feedback and information from the public. It held public inquiries throughout the country; obtained feedback from various organisations and the public through memoranda, letters and the Commission's website; conducted surveys among the public as well as police personnel; visited police formations; had discussions with various stakeholder agencies and organisations, both government and private; consulted experts; and made study visits to several police organisations overseas to observe best practices and learn from their experiences. Most importantly, the Commission organised several briefings by PDRM and held several discussions with them.
- 1.5 This Report is the product of the Commission's findings and contains its recommendations. In view of the urgency of the matter and on the instruction of The Honourable Prime Minister and Minister of Internal Security, PDRM has already started implementing some of the Commission's preliminary findings and recommendations pending the finalisation and publication of the Report.

2. FINDINGS FROM THE COMMISSION'S INQUIRIES, SURVEYS AND FEEDBACK FROM THE PUBLIC

- 2.1 A total of 926 complaints and 316 suggestions were received by the Commission from members of the public as at the end of March 2005. Another 22 suggestions were received from members of PDRM. The complaints are highly revealing of the issues relating to policing that are of concern to the public. A third of the complaints (312 complaints) from the public was regarding cases of no follow - up action to reports lodged with the police. A total of 191 complaints was regarding abuse of power and an almost equal number (186 complaints) was on inefficiency and lack of accountability. A total of 119 complaints was on poor public relations, 98 on police corruption and 20 complaints on deaths in police custody.
- 2.2 Suggestions from the public were mainly on matters relating to police human resources and logistics. Other suggestions were on subjects such as corruption, community policing, the human rights aspect of policing and external oversight of PDRM.
- 2.3 Two surveys were conducted, one on the public's perception of crime vis-à-vis PDRM and another among police personnel. Among the findings of concern in the first survey were that a high proportion of the respondents - 17.6 percent - had been victims of crime in 2004. An extremely high proportion of the respondents - 9 out of 10 - were "worried" to "extremely worried" about crime. A total of 44.7 percent of respondents were "dissatisfied" to "very dissatisfied" with security, and an almost equal percentage - 43 percent - were "dissatisfied" to "very dissatisfied" with the police.



2.4 As regards the survey among police personnel, the finding of particular concern is that corruption awareness is significantly low among the personnel at all levels.

3. CHALLENGES CONFRONTING THE ROYAL MALAYSIA POLICE

3.1 The Commission sees nine major challenges confronting PDRM as it enters the twenty-first century. The challenges are enumerated below :

CHALLENGES CONFRONTING PDRM

- CHALLENGE ONE** : CHANGES IN THE POLITICAL AND SOCIAL ENVIRONMENT GOVERNING POLICING
- CHALLENGE TWO** : HIGH INCIDENCE OF CRIME
- CHALLENGE THREE** : CORRUPTION IN PDRM
- CHALLENGE FOUR** : COMPLIANCE WITH PRESCRIBED LAWS AND HUMAN RIGHTS STANDARDS
- CHALLENGE FIVE** : INADEQUATE AWARENESS OF AND RESPECT FOR THE RIGHTS OF WOMEN AND CHILDREN
- CHALLENGE SIX** : INADEQUACIES WITH RESPECT TO ESTABLISHMENT, REMUNERATION AND SCHEME OF SERVICE
- CHALLENGE SEVEN** : INADEQUACIES WITH RESPECT TO HUMAN RESOURCES MANAGEMENT AND PERFORMANCE
- CHALLENGE EIGHT** : DEFICIENCIES WITH RESPECT TO EQUIPMENT AND LOGISTICS
- CHALLENGE NINE** : UNSATISFACTORY HOUSING AND WORK PREMISES

3.2 **Challenge One : Changes in the political and social environment governing policing.** The changes include the rapid development and empowerment of civil society; greater consciousness in the community regarding issues affecting human rights; stronger awareness of the rights of women and children; expectations of better service from public agencies including the police; demands for greater transparency and accountability from government; the trend towards engaging civil society and the private sector in policy making and governance; rapid technological progress, especially in the field of information and communication technology; the increasing sophistication and internationalisation of crime and criminal networks; the rise in commercial crime, necessitating advanced techniques



and diverse expertise to counter it effectively; and the generally improved security situation in the country, though threats remain. The transformation in the environment for modern policing necessitates critical changes to the role, functions, values and organisation of PDRM.

- 3.3 **Challenge Two : The high incidence of crime, which has also increased significantly in recent years.** There is widespread apprehension regarding safety among members of the public and Malaysia's reputation as a safe country has been undermined. Drug addiction and the accompanying drug-related offences also continue to be high. The growth in commercial crime is also causing concerns in the financial and commercial sector. If present trends regarding crime continue there could be serious social and economic consequences for Malaysia.
- 3.4 **Challenge Three : Perceptions of the widespread incidence of corruption among police personnel.** There are many police personnel in all ranks of PDRM who serve with dedication and integrity. They do not engage in corrupt practices of whatever kind. Some have not succumbed even to very tempting offers. They deserve our admiration. But the Commission's inquiries and feedback indicate widespread corruption within PDRM. Corruption in PDRM is part of a larger problem of corruption in government enforcement agencies, and implicates members of the public and the business community as well as givers. However, in PDRM it is a particularly serious matter of concern because it leads to omissions and dereliction in the enforcement of law and the undermining of confidence in an essential and strategic institution of society. The elimination of corruption in PDRM must therefore rank high on the reform agenda.
- 3.5 **Challenge Four : Compliance with prescribed laws and human rights standards.** Malaysian law generally complies with the fundamental freedoms enshrined in the Federal Constitution and police procedures laid down in the Inspector General Standing Orders (IGSO) also generally conform to human rights requirements. However the Commission's findings are that there is extensive and consistent abuse of human rights in the implementation of these laws and standing orders by PDRM personnel. This has added to the erosion of integrity in the police service and further undermined the trust of the public in this important institution.
- 3.6 **Challenge Five : Inadequate awareness of and respect for the rights of women and children.** In this regard too, Malaysia's laws and IGSO provisions generally conform to the requirements for the observance of women's and children's rights. However, abuses occur due to non-compliance on the part of some PDRM personnel, gender insensitivities, ignorance regarding recent laws such as the Child Act 2001, lack of resources for managing women and child suspects and victims.
- 3.7 **Challenge Six : Inadequacies with respect to PDRM's establishment, remuneration and scheme of service.** The Commission's findings are that PDRM does require significant increases in manpower in specific areas like crime detection, but that these requirements can be essentially met through more efficient

use of trained police personnel and the recruitment of civilians to perform functions that do not require uniformed police skills or the exercise of police powers. There is also poor representation of ethnic minorities in PDRM and women participation is also low. These are impacting negatively on police capacity to operate optimally in a multicultural society and to manage women and children issues. The Commission finds police remuneration and career prospects generally satisfactory compared to other comparable services, but notes that police personnel deployed in urban centres face difficulties due to the relatively higher cost of living.

3.8 **Challenge Seven : Inadequacies with respect to human resources management and performance.** The inadequate use of modern management strategies and tools like competencies - based human resource management and development as well as performance management models has hampered the efficient organisation and utilisation of human resources in PDRM as well as the effective training of police personnel.

3.9 **Challenge Eight : Deficiencies with respect to equipment and logistics.** Inadequate funding compounded by deficiencies in asset management has contributed to short falls in some categories of logistics supplies for PDRM. Among the problems faced are ageing vehicles although substantial supplies of new vehicles have been made available recently. Fifty-six percent of vehicles are operating beyond their designated life-span. There is severe shortage of highway mobile patrol vehicles. Some police stations have ageing computers and dysfunctional typewriters.

3.10 **Challenge Nine : Unsatisfactory housing and work premises.** Despite concerted attempts to improve the situation, funding inadequacies, delays in construction and poor forward planning have resulted in a mix of contemporary housing and working premises for PDRM as well as old and poorly maintained structures and facilities. A third of police personnel do not have institutional housing. A total of 107 of the 736 police stations was built in the period 1906-1962. The poor condition of a significant portion of police quarters and working infrastructures has contributed to the undermining of police image and morale.

3.11 The challenges confronting modernisation and enhancement of performance of PDRM are therefore comprehensive. An equally comprehensive response is required to rectify inadequacies and enhance PDRM capacity, efficiency and performance.

4. MODERNISING THE ROYAL MALAYSIA POLICE AND ENHANCING ITS PERFORMANCE: ONE STRATEGIC OBJECTIVE, TEN STRATEGIC THRUSTS

4.1 The Commission is of the view that there needs to be fundamental change if PDRM is to emerge as a modern police service that is efficient and trustworthy. Change has to be comprehensive, embracing functions and values, organisation, compliance, internal and external oversight, work processes, management of human resources, training, equipment and the working and living environment. The change must be

guided by a clearly defined strategic objective, well conceived strategic thrusts, and concrete programmes and measures to implement the strategic thrusts.

- 4.2 After considering the challenges confronting PDRM and the requirements of policing in the Malaysian environment, the Commission has defined the Strategic Objective of the transformation of PDRM as follows:

STRATEGIC OBJECTIVE

TO TRANSFORM THE ROYAL MALAYSIA POLICE INTO A WORLD CLASS, TWENTY- FIRST CENTURY ORGANISATION THAT IS EFFICIENT, CLEAN AND TRUSTWORTHY, DEDICATED TO SERVING THE PEOPLE AND THE NATION WITH INTEGRITY AND RESPECT FOR HUMAN RIGHTS

- 4.3 The Commission recommends ten Strategic Thrusts aimed at accomplishing the Strategic Objective. The Strategic Thrusts flow from and correspond broadly to the nine challenges confronting policing in Malaysia that are identified in Chapter Four. They are listed below :

THE TEN STRATEGIC THRUSTS

- STRATEGIC THRUST ONE** : MODERNISE THE ROLE, FUNCTIONS AND ORGANISATION OF THE ROYAL MALAYSIA POLICE
- STRATEGIC THRUST TWO** : LAUNCH A NATION-WIDE DRIVE AGAINST CRIME
- STRATEGIC THRUST THREE** : ENHANCE INVESTIGATIVE POLICING
- STRATEGIC THRUST FOUR** : ERADICATE POLICE CORRUPTION
- STRATEGIC THRUST FIVE** : MAKE POLICING COMPLY WITH PRESCRIBED LAWS AND HUMAN RIGHTS OBLIGATIONS
- STRATEGIC THRUST SIX** : RAISE AWARENESS OF WOMEN'S AND CHILDREN'S RIGHTS IN THE ROYAL MALAYSIA POLICE
- STRATEGIC THRUST SEVEN** : IMPROVE ESTABLISHMENT, REMUNERATION AND SCHEME OF SERVICE OF THE ROYAL MALAYSIA POLICE
- STRATEGIC THRUST EIGHT** : ENHANCE HUMAN RESOURCE MANAGEMENT AND PERFORMANCE IN THE ROYAL MALAYSIA POLICE

STRATEGIC THRUST NINE : UPGRADE THE EQUIPMENT AND LOGISTICS OF THE ROYAL MALAYSIA POLICE

STRATEGIC THRUST TEN : PROVIDE BETTER WORK PREMISES AND HOUSING

- 4.4 All ten Strategic Thrusts are vital for the transformation of PDRM. They reinforce each other to produce a collective impact that can propel the transformation process to achieve the Strategic Objective outlined above. In the Commission's view however, the five Strategic Thrusts targeted at reducing crime (Strategic Thrusts Two and Three), eradicating police corruption (Strategic Thrust Four), and ensuring compliance with prescribed laws and regulations that conform to human rights standards (Strategic Thrusts Five and Six), should be given the highest priority, for they directly address the concerns uppermost in the minds of the public. The remaining Strategic Thrusts are supportive of these five Strategic Thrusts, for in essence they address issues relating to police organisation, capacity and welfare and how they can be enhanced to enable PDRM to perform its functions and discharge its responsibilities to its maximum potential.
- 4.5 The Commission highlights one other cluster of recommendations of particular importance to the success of police reform. This is the proposal to substantially reinforce oversight and compliance mechanisms within PDRM in Strategic Thrust Four (Chapter Nine) and the introduction of an external oversight mechanism in Strategic Thrust One (Chapter Six). These mechanisms will help ensure that compliance is rigorously enforced and non-compliance swiftly detected and effectively acted upon. The proposal to establish the Independent Police Complaints and Misconduct Commission (IPCMC) by an Act of Parliament will be a milestone in the evolution of policing in Malaysia.

5. STRATEGIC THRUST 1 : MODERNISE THE ROLE, FUNCTIONS AND ORGANISATION OF THE ROYAL MALAYSIA POLICE

- 5.1 Any attempt at reform must begin by addressing the fundamentals - the doctrinal and organisational underpinnings of PDRM. This Strategic Thrust is aimed at adapting PDRM's fundamentals to the changes in the political and social environment for policing. PDRM began the process some time ago with initiatives such as "*Bersedia Berkhidmat*" and changes to the PDRM Motto and Vision Statement.
- 5.2 This Strategic Thrust goes further, proposing changes to the PDRM Motto; Vision Statement; reform of the organisation's Mission and functions; a fundamental re - deployment of trained police personnel from functions and posts that do not require policing skills and police powers to posts that do; the strengthening of

community policing; forging of partnerships with NGOs and the private sector; faithful implementation of PDRM doctrines in all aspects of management and policing; and the establishment of an independent oversight mechanism called the Independent Police Complaints and Misconduct Commission.

6. **STRATEGIC THRUST 2** : LAUNCH A NATION-WIDE DRIVE AGAINST CRIME

6.1 This Thrust addresses a core concern of the public, the private sector and the foreign community with interests in Malaysia. It seeks to reinstate Malaysia's reputation as a safe country and restore the sense of personal safety that people used to take for granted until just a few years ago. The recommendations include the formulation and implementation of annual and monthly crime reduction plans; the re-deployment of more policing resources into crime prevention; incorporation of community policing as a central strategy for crime prevention; the enhancement of private sector contribution to crime prevention measures; a thorough review of the prevailing strategies and measures to contain and eliminate the drug menace; building the capacity of the National Anti-Drugs Agency to assume full responsibility for the enforcement of legislation on drug-related offences; and the establishment of a PDRM Research and Development Centre to do work on crime prevention, new policing strategies, equipment and weaponry, etc.

7. **STRATEGIC THRUST 3** : ENHANCE INVESTIGATIVE POLICING

7.1 This Strategic Thrust continues to address the challenge posed by the high incidence of crime. It focuses on the critical field of investigative policing, which is the bedrock of successful detection, investigation and prosecution of offenders. It also focuses on commercial crime investigation. Numerous case studies are cited to pin-point weaknesses and deficiencies in existing practices and substantiate the need for change.

7.2 The recommendations made under this Strategic Thrust suggest various improvements in each of the following areas related to investigative policing: reporting crime; categorisation and classification of crime; assessment of police reports; proactive criminal investigation; reactive criminal investigation; standard of police investigation; supervision of investigation; identification of offenders; examination of witnesses and suspects; record, storage and return of exhibits; physical and scientific evidence; fingerprint evidence; and commercial crime investigation.

8. **STRATEGIC THRUST 4** : ERADICATE POLICE CORRUPTION

8.1 Despite various efforts by PDRM to act against corruption in its ranks, the findings of the Commission from the feedback it has received and inquiries it has conducted suggest that corruption is still widespread among police personnel. The Commission's recommends zero tolerance for corruption in PDRM. Corruption in a law enforcement agency with such powerful discretionary powers is especially dangerous. The measures recommended to eradicate corruption in PDRM include:

- i. The adoption of a proactive strategy that combines education and training; the elimination of opportunities for corruption in the system, procedures and environment for policing; strict enforcement of laws; regular integrity testing using polygraphs especially in policing areas vulnerable to corrupt practices; and screening for candidates of integrity at the point of recruitment.
- ii. Significantly enhancing the capacity and efficacy of the disciplinary and anti-corruption mechanism in PDRM by the formation of Anti-Corruption Committees at Federal, Contingent/Formation and Police District levels; the establishment of a Complaints Against Police Bureau in Bukit Aman; and the encouragement of the practice of whistle - blowing and the establishment of a confidant network in PDRM.
- iii. Regular job rotations and limitation of tenure in areas of policing vulnerable to corruption.
- iv. Amendments of the Prevention of Corruption Act 1997 and the Public Officers (Conduct and Discipline) Regulations 1993 (Amendment 2002) to facilitate more effective action against alleged corrupt practices.
- v. Joint operations with other law enforcement agencies.
- vi. Improvement to the system of declaring assets and implementing it meticulously.
- vii. The payment of traffic compound at banks and post offices.

8.2 The proposed IPCMC will make a significant impact upon the initiative to eliminate police corruption. Corruption in PDRM however, is also part of the larger picture of corruption in other enforcement agencies. To wipe out corruption effectively the complicity of the private sector as well as members of the public needs also to be addressed. In other words the campaign against corruption in PDRM should be effectively reinforced by an intensive campaign against corruption in the public sector in general and in society at large.

9. **STRATEGIC THRUST 5 : MAKE POLICING COMPLY WITH PRESCRIBED LAWS AND HUMAN RIGHTS OBLIGATIONS**

- 9.1 The laws of the country as well as the IGSOs generally comply with the provisions for fundamental freedom and human rights in the Federal Constitution. If police personnel adhere fully to the requirements of the law and the relevant IGSOs many of the human rights abuses that are presently taking place should no longer occur. The strategy for eliminating these abuses must therefore focus in large part on ensuring compliance towards existing laws and IGSOs, inculcating respect for human rights and the dignity of persons through education and training, ensuring timely access to counsel and preventing as far as possible situations that provide opportunities for abuse (for example by equipping all police stations and lockups with CCTV cameras covering all strategic areas). At the same time police should have minimal recourse to preventive laws, and laws that infringe on rights should be kept to the absolute minimum consistent with the requirements of national security and the public good.
- 9.2 The Commission's recommendations in this regard include the launching of a human rights education and information initiative; the introduction of a comprehensive Code of Practice relating to the arrest and detention of persons; the holding of inquiries for all cases of custodial deaths through a process that is transparent and accountable; shortening of the remand period; measures to enhance the accountability of the Special Branch; repeal of the Emergency (Public Order and Prevention of Crime) Ordinance 1969 and the Restricted Residence Act 1933; and amendments to various laws including the Police Act 1967, the Internal Security Act 1960, the Dangerous Drugs (Special Preventive Measures) Act 1985, the Criminal Procedure Code, to secure closer compliance with human rights standards.
- 9.3 As in the case of corruption in PDRM, the proposed IPCMC will be of substantial assistance in ensuring compliance with prescribed laws and human rights by police personnel.

10. **STRATEGIC THRUST 6 : RAISE AWARENESS AND OBSERVANCE OF WOMEN'S AND CHILDREN'S RIGHTS**

- 10.1 Human rights generally apply to all persons irrespective of gender or age. At the same time, however, women and children (defined as those under the age of eighteen years) are entitled to special rights because they are recognised as belonging to vulnerable groups which face discrimination. This Strategic Thrust

concerns itself with the observance of these rights. That the rights of women and children merit serious attention is attested by the fact that there is a high incidence of such offences as domestic violence, rape, incest, outrage of modesty and abuse of domestic workers and children.

- 10.2 The initiatives recommended to implement this Thrust include an intense and sustained campaign to raise awareness of and respect for women's rights in society in general; more attention to the component on women's rights and the treatment of women suspects and victims in PDRM training programmes; the establishment of a Women and Child Crime Investigation Division that is larger and better resourced than the present Sexual Investigation Unit at Bukit Aman; strict compliance with legal provisions and IGSOs relating to women complainants and investigation of women and child suspects; the availability of adequate facilities in all police stations for dealing with cases involving women and children the adoption of a more proactive and preventive approach to the problems of domestic violence through community policing; the wider dissemination of knowledge of the provisions of the Child Act 2001 among police personnel; an increase in the number of Child Protection Units; and the establishment of a Child Crime Investigation Division in PDRM eventually that is separate from the Women Division.

11. STRATEGIC THRUST 7 : IMPROVE THE ESTABLISHMENT REMUNERATION AND SCHEME OF SERVICE OF THE ROYAL MALAYSIA POLICE

- 11.1 The Commission is of the view that human resources should be significantly increased in certain sections of PDRM, such as in CID and in the Commercial Crime Investigation Department. On the other hand the Commission notes that the police to population ratio in Malaysia is already relatively high and that there are literally thousands of uniformed police personnel in PDRM who are occupying posts, such as in the Management and Logistics Departments, that neither require professional police skills nor the exercise of police powers. The Commission also notes that modern policing is increasingly becoming more complex and sophisticated, requiring diverse professional competencies that are not part of conventional police competencies.
- 11.2 In view of the above, the Commission recommends a thorough review of the deployment of uniformed police personnel in PDRM and their re-deployment from areas that do not require professional police competencies to areas that do. The places vacated, including non-core police functions that do not require uniformed police skills, are to be filled with civilians with the necessary qualifications and competencies. The requirement for a significant increase in uniformed police personnel in departments such as CID should be met from this migration exercise. The exercise should be carefully planned and implemented under the direction of the Police Force Commission established pursuant to Article 140 of the Federal Constitution.

- 11.3 The Commission further recommends an increase in ethnic minority participation in PDRM to enable it to serve the multi-ethnic and multi-cultural community better. For this to happen, there also need to be greater encouragement by PDRM for the Chinese and Indians to join at all levels. Chinese and Indian community leaders should also play a role in promoting interest in joining PDRM among their respective communities. In addition, the Commission supports a larger intake of women into PDRM. Full advantage should be taken of the proposed civilianisation exercise to increase Chinese and Indian as well as women's participation in PDRM.
- 11.4 In view of the availability of an increasing number of higher qualified job-seekers in the market on the one hand and the increased capabilities expected of PDRM personnel on the other, the Commission recommends raising the entry qualifications for the ranks of Constable and Inspector. It also recommends alternatively the cessation of the direct intake of Cadet ASP into PDRM.
- 11.5 The Commission considers remuneration for PDRM personnel as well as promotion prospects relatively satisfactory because they are comparable to the situation in the Malaysian Armed Forces and the general public service. The Commission however recommends a special allowance for all police personnel who are posted to urban areas where the cost of living is higher.

12. **STRATEGIC THRUST 8 : IMPROVE MANAGEMENT AND DEVELOPMENT OF POLICE HUMAN RESOURCES**

- 12.1 This Strategic Thrust addresses the issues raised as Challenge Seven. The performance of an organisation finally rests on the quality of its human resources and the way it is managed and developed. The Commission submits various recommendations to enhance the management and development of PDRM personnel. They include a model for human resource development that is based on competencies ; improvements to the Balanced Scorecard system currently in use by PDRM; the preparation and auditing of Annual Best Value Performance Plans; the introduction of a knowledge management system; workforce planning; the revamping of PDRM training and development programmes; enhancement of training capacity; the adoption of appropriate career planning and succession planning models that could improve present practice in PDRM, including the identification and grooming of next generation PDRM leaders; the creation of an additional Deputy Inspector General of Police post; the introduction of a moral and religious development unit in PDRM; and review of the regulations governing discipline.

13. **STRATEGIC THRUST 9** : UPGRADE EQUIPMENT AND LOGISTICS

- 13.1 The major problems faced by PDRM with regard to equipment and logistics include the lack of computers - a basic and vital piece of equipment in the modern age - in some police stations; inadequate computerisation of processes and services that are associated with a fragmented IT infrastructure; need for more advanced equipment in some areas; inadequate supplies of some types of equipment and weaponry; and weaknesses in the all-important management systems.
- 13.2 The Commission's recommendations include the development of an integrated Information Technology (IT) structure and management framework built on proven IT applications used by police organisations in other countries; a review of the ICT Strategic Information System Plan; an IT governance framework for PDRM that is to be developed by an ICT Council; restructuring and increase of the capacity of the IT Department in PDRM; the development and integration of applications into a unified technology architecture; the use of a sufficiently sophisticated IT security framework for PDRM; the development of a reliable Continuity Plan and Disaster Recovery Plan in the event of breakdowns and disasters; the establishment of a common data framework; upgrading of the capacity and equipment of the vital Communications Division; replacement of ageing vehicles and increase in various types of motor vehicles including Highway Mobile Patrol Vehicles; and meeting the requirements of the Weaponry Division.

14. **STRATEGIC THRUST 10** : PROVIDE BETTER POLICE PREMISES AND HOUSING

- 14.1 The image of PDRM as a modern and efficient service would be greatly enhanced if the problem of ageing and dilapidated buildings and facilities is addressed. It will also boost morale and self-esteem and improve performance. The Commission's recommendations in this regard include the restoration or replacement of old and poorly maintained housing; the rehabilitation of "sick" projects; better planning for future needs of police housing; cooperation with other relevant government agencies to ensure adequate fulfilment of policing requirements; implementation of an asset management strategy for PDRM's extensive assets; improvements to police lockups and increases in lockup capacity; and the provision of adequate funding to maintain police working and living premises.

15. CONCLUSION

- 15.1 In order for PDRM to emerge as a modern police service that is efficient, trustworthy and respected, it needs therefore to enhance its performance and restore the public's confidence in its ability to control crime, contain corruption and comply with the provisions of prescribed laws. It must respond to higher expectations among the community it serves and satisfy public demands for accountability. Improvements in the management and development of human resources as well as the utilisation of manpower are also required. PDRM needs to be better equipped especially with regard to its information and communication technology infrastructure. More satisfactory work premises and housing are also required in many areas.
- 15.2 The thrust of the Commission's recommendations is indeed intended to address these needs and enhance PDRM's capacity to respond to the challenges confronting the organisation. With the support of the Government, PDRM has demonstrated its ability to institute reform and undergo change in the past. It needs to demonstrate this ability again, so that it can emerge as a modern police service that serves the needs of its community better.

SUMMARY OF RECOMMENDATIONS

Virtually all the 125 recommendations in the Report require immediate commencement of the process of implementation. The column entitled "COMPLETE IMPLEMENTATION BY" gives the date by which implementation should be completed.

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
<u>CHAPTER 6</u>		
1.	Recommendation One: Adopt a new PDRM Motto.	August 2005
2.	Recommendation Two: Review and refine the Vision Statement.	August 2005
3.	Recommendation Three: Modify the Mission and Function of PDRM.	May 2006
4.	Recommendation Four: Strengthen PDRM's value system.	August 2005
5.	Recommendation Five: Develop a Doctrine of PDRM leadership.	August 2005
6.	Recommendation Six: Articulate and implement a proper code of ethics.	August 2005
7.	Recommendation Seven: Shift from a "force" paradigm to a "service" paradigm.	August 2005
8.	Recommendation Eight: Focus professional policing resources on core policing functions and civilianise or outsource non-core policing functions.	May 2007
9.	Recommendation Nine: Strengthen community policing.	Continuous
10.	Recommendation Ten: Forge partnerships with NGOs and the private sector.	Continuous
11.	Recommendation Eleven: Close the gap between philosophy, doctrine and actualisation	December 2005

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
12.	Recommendation Twelve: Establish independent oversight mechanism.	May 2006
	<p><u>CHAPTER 7</u></p> <p>13. Recommendation One: Make crime reduction priority No. 1 for PDRM, together with eradication of corruption and compliance with prescribed laws and human rights.</p> <p>14. Recommendation Two: Formulate and implement annual and monthly crime reduction plans.</p> <p>15. Recommendation Three: Allocate more policing resources for crime control.</p> <p>16. Recommendation Four: Make community policing a central strategy for crime prevention.</p> <p>17. Recommendation Five: Enhance private sector partnership and contribution to policing.</p> <p>18. Recommendation Six: Review strategy and measures to address the serious drug problem and intensify measure to combat the drug problem and substance abuse in cooperation with other agencies.</p> <p>19. Recommendation Seven: Develop PDRM research and development capacity.</p>	<p>June 2005</p> <p>December 2005</p> <p>May 2006</p> <p>June 2005</p> <p>Continuous</p> <p>December 2006</p> <p>May 2006</p>
	<p><u>CHAPTER 8</u></p> <p>20. Recommendation One: Amend section 107 (1) of CPC.</p> <p>21. Recommendation Two: Amend section 108A of CPC</p> <p>22. Recommendation Three: Maintain stand-by pool of interpreters.</p> <p>23. Recommendation Four: Develop a fully integrated and analytical reporting system.</p>	<p>May 2006</p> <p>May 2006</p> <p>December 2005</p> <p>May 2006</p>

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
24.	Recommendation Five: Train officers tasked to classify reports.	May 2006
25.	Recommendation Six: Improve supervision and monitoring of crime reports.	August 2005
26.	Recommendation Seven: Establish reasonable grounds before arrest.	June 2005
27.	Recommendation Eight: Draw up Code of Practice for Search and Seizure.	August 2005
28.	Recommendation Nine: Adopt Code of Practice for Proactive Investigation.	August 2005
29.	Recommendation Ten: Improve PDRM informer system.	May 2006
30.	Recommendation Eleven: Provide for rotation of posting for detectives.	December 2005
31.	Recommendation Twelve: Adopt new Code of Practice for identification of suspects.	August 2005
32.	Recommendation Thirteen: Improve training of Investigation Officers.	August 2005
33.	Recommendation Fourteen: Substitute section 113 of CPC with new provision.	May 2006
34.	Recommendation Fifteen: Record statements or confessions before Magistrate pursuant to section 115 of CPC.	August 2005
35.	Recommendation Sixteen: Draw up Code of Practice for record, storage and return of exhibits.	August 2005
36.	Recommendation Seventeen: Provide more effective supervision through better case management.	December 2005
37.	Recommendation Eighteen: Involve Public Prosecutor early in police investigation.	August 2005

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
38.	Recommendation Nineteen: Ensure proper handing over of Investigation Papers.	August 2005
39.	Recommendation Twenty: Establish Cold Case Unit.	February 2006
40.	Recommendation Twenty-one: Make greater use of scientific and technical aids in investigation.	August 2005
41.	Recommendation Twenty-two: Link National Fingerprint Database to PDRM.	August 2005
42.	Recommendation Twenty-three: Establish multi-disciplinary and multi-agency investigation teams.	December 2005
43.	Recommendation Twenty-four: Outline Procedure for "RTM" cases and enable automatic application for Order To Investigate (OTI) for Non-Seizable Offences.	August 2005
44.	Recommendation Twenty-five: Encode IGSOs as subsidiary legislation under Police Act 1967 and make them accessible to police officers over Intranet.	August 2005
45.	Recommendation Twenty-six: Establish effective compliance monitoring capacity.	August 2005
<u>CHAPTER 9</u>		
46.	Recommendation One: Make eradicating police corruption one of the three PDRM reform priorities.	June 2005
47.	Recommendation Two: Adopt a proactive anti-corruption strategy.	December 2005
48.	Recommendation Three: Develop education and training programmes to encourage culture of honesty and integrity.	December 2005
49.	Recommendation Four: Review and strengthen PDRM's anti-corruption mechanism in The Disciplinary Division.	December 2005

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
50.	Recommendation Five: Establish Audit Management Unit.	December 2005
51.	Recommendation Six: Implement regular job rotations and tenure limitation.	December 2005
52.	Recommendation Seven: Amend laws, regulations and work procedures.	May 2006
53.	Recommendation Eight: Launch joint operations.	August 2005
54.	Recommendation Nine: Improve and rigorously implement the declaration of assets requirement.	May 2006
55.	Recommendation Ten: Payment of compounds	December 2005
	<p data-bbox="259 941 448 974"><u>CHAPTER 10</u></p> <p data-bbox="168 1022 918 1131">56. Recommendation One: Make compliance with human rights and prescribed laws one of the three top priorities for PDRM.</p> <p data-bbox="168 1181 875 1251">57. Recommendation Two: Launch a human rights education and information initiative in PDRM.</p> <p data-bbox="168 1301 911 1371">58. Recommendation Three: Amend section 27 of the Police Act 1967.</p> <p data-bbox="168 1421 896 1491">59. Recommendation Four: Amend section 73 of the Internal Security Act 1960.</p> <p data-bbox="168 1541 904 1651">60. Recommendation Five: Amend section 3 of the Dangerous Drugs (Special Preventive Measures) Act 1985.</p> <p data-bbox="168 1701 940 1814">61. Recommendation Six: Repeal Restricted Residence Act 1933 and the Emergency (Public Order and Prevention of Crime) Ordinance 1969.</p> <p data-bbox="168 1865 845 1935">62. Recommendation Seven: Partially repeal the Prevention of Crime Act 1959.</p>	<p data-bbox="1071 1022 1209 1054">June 2005</p> <p data-bbox="1035 1181 1246 1214">December 2005</p> <p data-bbox="1071 1301 1209 1334">May 2006</p> <p data-bbox="1071 1421 1209 1454">May 2006</p> <p data-bbox="1071 1541 1209 1574">May 2006</p> <p data-bbox="1071 1701 1209 1734">May 2006</p> <p data-bbox="1071 1865 1209 1897">May 2006</p>

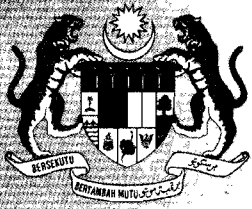
NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
63.	Recommendation Eight: Amend section 117 CPC.	May 2006
64.	Recommendation Nine: Adopt Code of Practice relating to the arrest and detention of persons.	May 2006
65.	Recommendation Ten: Conduct inquiries into all cases of custodial deaths and make the process more expeditious, transparent and accountable.	May 2006
66.	Recommendation Eleven: Enhance Special Branch accountability.	May 2006
	<p><u>CHAPTER 11</u></p> <p>67. Recommendation One: Mount intensive and sustained programme to raise awareness and respect for women's rights in society.</p> <p>68. Recommendation Two: Enhance PDRM training programmes covering women's rights and management of women suspects and victims.</p> <p>69. Recommendation Three: Increase establishment of PDRM unit handling investigation of crimes related to women and children.</p> <p>70. Recommendation Four: Ensure compliance with legal provisions and Inspector General Standing Orders relating to women complainants and investigation of women suspects.</p> <p>71. Recommendation Five: Enhance facilities and support for women suspects and complainants in police stations.</p> <p>72. Recommendation Six: Adopt a more proactive and preventive approach to domestic violence.</p> <p>73. Recommendation Seven: Disseminate knowledge of the provisions of the Child Act 2001 in PDRM.</p> <p>74. Recommendation Eight: Increase the number of Child Protection Units.</p> <p>75. Recommendation Nine: Conduct hearings for children in the Child Protection Unit.</p>	<p>Continuous</p> <p>December 2005</p> <p>December 2005</p> <p>December 2005</p> <p>May 2007</p> <p>May 2006</p> <p>December 2005</p> <p>May 2007</p> <p>May 2007</p>

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
76.	Recommendation Ten: Improve arrest and investigation process in child cases.	December 2005
77.	Recommendation Eleven: Establish separate child division in PDRM eventually to address child cases.	January 2010
<u>CHAPTER 12</u>		
78.	Recommendation One: Re-deploy PDRM uniformed establishment according to professional policing requirements.	In phases Completion by May 2007
79.	Recommendation Two: Fill additional posts presently pending consideration and approval by JPA with police personnel involved in the migration exercise.	In phases Completion by May 2007
80.	Recommendation Three: Civilianise or outsource non-core policing functions and non-policing functions that do not require professional policing competencies.	In phases Completion by May 2007
81.	Recommendation Four: Enhance ethnic representation in PDRM.	Until adequate representation accomplished
82.	Recommendation Five: Increase gender representation in PDRM.	Until adequate representation accomplished
83.	Recommendation Six: Raise entry qualifications for Constable and Inspector.	January 2006
84.	Recommendation Seven: Provide special allowance for PDRM personnel stationed in Klang Valley, Johor Bahru and other major towns.	January 2006
<u>CHAPTER 13</u>		
85.	Recommendation One: Develop a competencies-based model for human resource development.	May 2006
86.	Recommendation Two: Further develop the Balanced Scorecard System employed by PDRM.	December 2005
87.	Recommendation Three: Prepare and publish annual Best Value Performance Plans.	January 2006

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
88.	Recommendation Four: Implement Knowledge Management System.	January 2006
89.	Recommendation Five: Institute annual, five-yearly and ten-yearly perspective Workforce Planning in the PDRM.	January 2006
90.	Recommendation Six: Revamp PDRM training and development programmes.	May 2006
91.	Recommendation Seven: Improve and increase PDRM training institutions.	May 2007
92.	Recommendation Eight: Improve succession and career planning for PDRM personnel.	May 2006
93.	Recommendation Nine: Have two Deputy IGP Posts.	January 2006
94.	Recommendation Ten: Establish a religious development unit in PDRM.	January 2006
95.	Recommendation Eleven: Review regulations governing PDRM discipline.	January 2006
	<u>CHAPTER 14</u>	
96.	Recommendation One: Ensure all police stations have computers.	January 2006
97.	Recommendation Two: Establish an integrated IT structure and management framework.	May 2006
98.	Recommendation Three: Review PDRM ICT Strategic Information System Plan (ISP).	May 2007
99.	Recommendation Four: Establish PDRM IT Governance Framework.	May 2006
100.	Recommendation Five: Establish good IT Management Framework.	May 2006
101.	Recommendation Six: Restructure and enhance capabilities of PDRM IT Division.	May 2006

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
102.	Recommendation Seven: Develop and integrate application systems.	May 2006
103.	Recommendation Eight: Enhance technology service management.	May 2006
104.	Recommendation Nine: Adopt a good IT Security Framework.	January 2006
105.	Recommendation Ten: Ensure continuity of PDRM services and disaster recovery.	January 2006
106.	Recommendation Eleven: Improve capacity planning to ensure system capacity meets operational growth.	January 2006
107.	Recommendation Twelve: Enhance vendor and contract management.	January 2006
108.	Recommendation Thirteen: Study and propose a good IT infrastructure that will make system more reliable and enable progressive development.	May 2007
109.	Recommendation Fourteen: Rationalise and implement proper management of IT assets.	May 2007
110.	Recommendation Fifteen: Establish a Common Data Framework.	May 2006
111.	Recommendation Sixteen: Enhance existing IT training.	May 2006
112.	Recommendation Seventeen: Adopt an Integrated Organisation Capability Model.	May 2006
113.	Recommendation Eighteen: Consider asset requirements of the Communications Division.	May 2006
114.	Recommendation Nineteen: Address inadequate and ageing fleet of PDRM vehicles.	May 2007
115.	Recommendation Twenty: Review and increase supply of Mobile Patrol Vehicles.	May 2007

NO.	RECOMMENDATIONS	COMPLETE IMPLEMENTATION BY
116.	Recommendation Twenty-one: Provide sufficient funding to the Weaponry Division	May 2006
<u>CHAPTER 15</u>		
117.	Recommendation One: Identify and restore or replace old and poorly maintained housing.	May 2010
118.	Recommendation Two: Adopt a more proactive role in rehabilitating "sick" projects.	May 2008
119.	Recommendation Three: Identify locations where housing is critically needed.	December 2005
120.	Recommendation Four: Pursue alternative housing options.	December 2005
121.	Recommendation Five: Coordinate with other government agencies to ensure adequate policing requirements in new town development planning.	December 2005
122.	Recommendation Six: Implement an Asset Management Strategy for police property.	January 2006
123.	Recommendation Seven: Improve PDRM Training Centres.	May 2007
124.	Recommendation Eight: Improve police lockups and increase lockup capacity.	May 2007
125.	Recommendation Nine: Provide adequate funding to maintain police premises.	January 2006



CHAPTER 1

INTRODUCTION

- **Background To The Establishment Of The Royal Commission**
- **Establishment Of The Royal Commission And Terms Of Reference**
- **Approach And Methodology**
- **Establishment Of Study Groups**
- **Submission Of The Interim Report**
- **Structure Of The Report**
- **Appendix**

INTRODUCTION

1. BACKGROUND TO THE ESTABLISHMENT OF THE ROYAL COMMISSION

- 1.1 The Royal Malaysia Police (Polis Diraja Malaysia - PDRM) has been facing mounting challenges in discharging its responsibilities in recent years. On the one hand intense development was contributing to increasing social problems, crime was becoming more sophisticated and the public were becoming more concerned about the incidence of corruption in PDRM. On the other hand the police were functioning under a number of constraints, including inadequate staff, expertise, equipment and accommodation.
- 1.2 Public concerns regarding the image and efficacy of PDRM reached serious levels in 2002 and 2003 due to public perceptions of PDRM as one of the most corrupt of government agencies as well as a general feeling of insecurity among the public caused by a spate of high-profile crimes and increasing numbers of snatch thefts especially in Kuala Lumpur. Work procedures in the Force were also widely regarded as obsolete, inefficient and excessively bureaucratic. As a result, confidence in the police, as the agency responsible for upholding law and order in the country, was being seriously undermined. This situation was viewed as extremely unhealthy and one that would bring dire consequences to the nation in view of the fundamental role played by PDRM in the maintenance of law and order and national security.
- 1.3 The situation became of increasing concern to the Government. In a speech delivered at the Conference of Police Commissioners, Chiefs of Police, Commanders of the General Operations Force Brigade and Commandants in Putrajaya on 29 December 2003, The Hon'ble Prime Minister Dato' Seri Abdullah Haji Ahmad Badawi expressed this concern and announced the establishment of a Royal Commission to study and recommend measures to develop the Royal Malaysia Police into a credible force for maintaining peace and upholding law and order in the twenty-first century.
- 1.4 In his speech, The Hon'ble Prime Minister reflected on the growing burden and complexity of the duties and responsibilities of PDRM, in particular to containing crime and the maintenance of law and order. Crimes relating to property including snatch-thefts and robberies had increased due to intense development especially in the urban areas. Developments in technology had spawned new types of crime not known before, such as white collar crimes involving the use of the latest computer technology. Social ills such as secret society activity, hooliganism in schools, drug trafficking, child abuse and domestic violence had also increased.
- 1.5 Public confidence in the police had also declined due to the increasing incidence of violent crime and the growing audacity of criminal elements although crime rates had declined overall. Confidence had been further eroded by the public's perception of widespread corruption in police ranks.

1.6 The public were also concerned with the outmoded, inefficient and overly bureaucratic work processes used by PDRM, as well as the indifferent and uncaring attitude of some of the personnel. The Hon'ble Prime Minister felt that as a result of this the police had an image crisis, which if not quickly rectified would result in the people losing their confidence in PDRM as the primary instrument for the enforcement of the law. The Hon'ble Prime Minister was also concerned about the low morale in the force caused by the intense criticisms from the public as they affected PDRM's self-esteem, confidence and performance.

1.7 The Hon'ble Prime Minister saw three challenges confronting PDRM:

- i. To increase people's confidence in PDRM through a change in police mindset and values, vigorous action against corruption and providing a more caring and humane service to the people.

“The main challenge for the Royal Malaysia Police is to increase the public's trust and confidence toward its staff and to the service provided.”¹

- ii. To enhance the effectiveness of work processes through such measures as modernising work procedures, restructuring organisation and deployment and reducing bureaucracy.

“Also questioned by the public is the outdated work processes, inefficiency and over-bureaucratisation.”¹

- iii. To strengthen the accountability and the sense of responsibility of senior police officers for the performance of their respective forces and agencies as well as their subordinates by implementing measures such as leadership by example, discipline and sensitivity towards the needs and morale of the staff.

“The third challenge is to increase accountability and sense of responsibility by the police leadership towards the performance of the teams and respective personnel.”¹

1.8 The Hon'ble Prime Minister envisaged with the establishment of the Royal Commission, PDRM would reinvent itself to become a modern and efficient force that is able to respond to the challenges of the times and restore the confidence of the people in it.

“.., the Royal Malaysia Police, as a team that engages with the public, has to be knowledgeable about human rights in the discharge of duties and in dealing with the public. Issues such as police violence, unsatisfactory service, corruption and other negative issues must be eradicated. All police personnel have to remember that they are acting as protectors of the public.”¹

¹ Y.A.B. Dato' Seri Abdullah Haji Ahmad Badawi, Conference of Police Commissioners, Chiefs of Police, Commanders of the General Operations Force Brigade and Commandants, Putrajaya Convention Centre, 29 December 2003.



2. ESTABLISHMENT OF THE ROYAL COMMISSION AND TERMS OF REFERENCE

- 2.1 The Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police was officially constituted by Seri Paduka Baginda Yang di-Pertuan Agong on 4 February 2004 under the Commission of Inquiry Act 1950. It was initially known as the Special Commission to Enhance the Operation and Management of the Royal Malaysia Police.
- 2.2 The Commission consists of sixteen Commissioners and one Commission Secretary. The Chairman is Y.A. Bhg. Tun Mohamed Dzaiddin bin Haji Abdullah. Appendix 1A contains the full list of members.
- 2.3 The Terms of Reference of the Royal Commission as determined by Seri Paduka Baginda Yang di-Pertuan Agong are as follows:
- i. To enquire into the role and responsibilities of PDRM in enforcing the laws of the country.
 - ii. To enquire into the work ethics and operating procedures of members of PDRM.
 - iii. To enquire into issues of human rights, including issues involving women, in connection with the work of PDRM.
 - iv. To enquire into the organisational structure and distribution of human resources of PDRM.
 - v. To enquire into the human resource development, including training and facilities, of PDRM members.
 - vi. To make recommendations for the improvement and modernisation of PDRM.

3. APPROACH AND METHODOLOGY

- 3.1 The Royal Commission adopted the following approaches and methodologies in the conduct of its inquiry:

3.1.1 Public Inquiries

Public inquiries were held throughout the country and the response from the public was satisfactory. The inquiries were a most useful and effective method of securing information and feedback on PDRM. Written and oral information was received. Guidelines were drafted to facilitate smooth and effective conduct of the inquiries. Findings from the inquiries are in Chapter Three.

3.1.2 Feedback and Information from the Public

Feedback was received through letters, memoranda and a website launched on 25 March 2004. The findings from the feedback are in Chapter Three. The memoranda were submitted by 14 organisations. (Appendix 1B).

3.1.3 Surveys Conducted by the Royal Commission

The Commission conducted two surveys:

- i. A nation-wide survey involving a sample of 575 respondents was carried out by the Commission to gauge the public's perception of the crime situation in their neighbourhood and of PDRM. The findings of the survey are in Chapter Three and details on the survey are in the Annex; and
- ii. A survey of PDRM involving a sample of 1,383 respondents from all states and the Federal Territory to evaluate the level of integrity, ethics, job importance and job satisfaction of PDRM members. The findings are discussed in Chapter Three and the details of the survey are in the Annex.

3.1.4 Visits to Police Formations

Visits were made to Federal Police Headquarters at Bukit Aman, Contingent Police Headquarters, District Police Headquarters and police stations. The visits enabled the Commissioners to see for themselves the working environment and conditions of the police. Surprise visits were also made to observe lockup conditions, exhibit stores, office premises and housing facilities. (Appendix 1C).

3.1.5 Focus Group Meetings

Members of the Commission convened several focus group meetings to delve more deeply into specific areas. The meetings included the following:

- i. A meeting between the Royal Commission's Committee on Corruption, the Anti-Corruption Agency (ACA) and PDRM on 23 July 2004 and another meeting between the Committee on Corruption and ACA on 15 September 2004. The meetings discussed issues relating to corruption in PDRM, measures to curb corruption and problems faced by ACA in combating corruption.
- ii. A meeting with the Bar Council on 12 August 2004 to discuss their proposals to secure better policing, including measures to curb abuses of existing laws and regulations by PDRM personnel.

- iii. A series of meetings with children's welfare organisations to examine the response and feedback from police when dealing with children. The meeting involved representatives from child welfare professional bodies, NGOs, child specialists, academicians and family members of juveniles who have experienced mistreatment from the police and United Nations High Commissioner for Refugees.
- iv. A series of meetings with women's organisations to examine police mistreatment of women, including women who were victims of crime and alleged perpetrators of crime and women organisations that had tried to obtain permits to hold rallies. The meeting involved the Women's Aid Organisation (WAO), the International Women's Rights Action Watch (IWRAP), the Women's Development Collective (WDC), Tenaganita and the All Women's Action Society (AWAM).
- v. A series of meetings with Jabatan Kemajuan Islam Malaysia (JAKIM), Jabatan Kor Agama Angkatan Tentera and PDRM to discuss a proposal for the setting up of a religious unit in PDRM to cater to the religious welfare of Muslim police personnel and strengthen their ethical and moral values. The first meeting was held on 13 December 2004.
- vi. A meeting was held on 2 September 2004, between the Royal Commission and Ministry of Internal Security (MOIS), Treasury, Public Service Department (JPA) and the Economic Planning Unit (EPU). Among the issues discussed were financial allocation and manpower planning for PDRM, logistics including housing, police formation, transportation, computerisation and equipment. A second meeting was held with JPA on 24 September 2004 to review issues relating to service, establishment, allowances and benefits.
- vii. The Royal Commission met with Bank Negara, The Malaysian International Chamber of Commerce and Industry (MICCI), and the Commercial Crime Division of PDRM on 16 September 2004 to discuss issues pertaining to commercial crime such as aspects of banking, insurance and motor vehicle thefts. The objective of this meeting was to identify the problems facing the police in solving commercial crime cases as well as to find solutions to assist the police in this regard.
- viii. Other than the agencies, departments and NGOs mentioned in paragraphs 6 and 7 above, the Commission also met with NGOs, ex-police associations, youth groups, political parties and community leaders. (Appendix 1D). The meetings were to discuss issues such as welfare of police personnel, abuse of power and other relevant issues.

3.1.6 Overseas Study Visits

Study visits were made to Police organisations in the United Kingdom (6-9 September 2004), Brisbane, Canberra and Sydney in Australia (3-8 October 2004), Singapore (14 October 2004) and Hong Kong SAR (25-26 October) to learn from their experiences and assess best practices. The study visits proved invaluable in broadening the knowledge of the Commission and providing an insight into how some of the best police forces in the world cope with the challenges of modern policing.

3.1.7 Consultation with Experts

Several experts and academics were also approached for their views and ideas. These proved of value to the Commission in its work. A meeting was held on 10 May 2004 with the Interpol Group of Experts on Corruption (IGEC) to solicit ways to fight against corruption. The Global Standards to Combat Corruption in Police Forces/Services will serve as a guideline for the Commission in proposing steps to fight corruption within PDRM.

3.1.8 Monitoring of Media Reports

The Commission monitored media reports on matters affecting PDRM, in particular news on incidents of crime, court cases, the conduct of police personnel when discharging their duties (such as when dispersing assemblies and carrying out traffic duties), graft and allegations of abuse of police powers. The media scrutiny also included reports on successes by the police in fighting crime and statements issued on developments in PDRM.

3.1.9 Literature Study

There is extensive literature available on policing such as on reform and modernisation, policing and human rights, police leadership and change management, and reports of Royal Commissions and inquiries conducted in other countries. The books and articles provided valuable background information and enriched the knowledge of the Commissioners.

4. ESTABLISHMENT OF STUDY GROUPS

4.1 Three Working Groups were established to facilitate the Commission's work and provide greater focus on specific issues. The Working Groups were as follows:

4.1.1 Working Group A - Work Ethics and Operating Procedures

This Working Group was chaired by Y. A. Bhg. Tun Mohd. Salleh Abas. Its tasks were:

- i. To enquire into the role and responsibilities of PDRM in law enforcement; and
- ii. To enquire into the work ethics and operating procedures of members of PDRM.

4.1.2 Working Group B - Organisational Structure and Human Resource Development

This Working Group was chaired by Allahyarham Y.Bhg. Tan Sri Dato' Seri Azizan bin Zainul Abidin, and after his demise, by Y. Bhg. Tan Sri Dato' Sri Lim Ah Lek. The following were its tasks:

- i. To enquire into the organisational structure and distribution of human resources in PDRM; and
- ii. To enquire into human resources development, including training and facilities, for PDRM members.

4.1.3 Working Group C - Human Rights and Police Duties

Y. Bhg. Tan Sri Datuk Zaki bin Tun Azmi chaired this Working Group. Its tasks were to enquire into issues on human rights, women and children in connection with the work of PDRM.

4.2 The composition of the three Working Groups is in Appendix 1E.

5. SUBMISSION OF THE INTERIM REPORT

5.1 The Commission submitted an Interim Report to Seri Paduka Baginda Yang di-Pertuan Agong on 6 August 2004. The Report gave an up date on the work done by the Commission. It outlined the methodology used by the Commission, the feedback and information obtained, the findings of the Commission and its future work. It also reported that the Commission had conveyed to PDRM some of its early findings and recommendations that could be acted upon immediately by the police pending the Commission's Final Report.

6. STRUCTURE OF THE REPORT

6.1 The Royal Commission's Report begins with a brief overview of PDRM's history. It then presents the findings from the public inquiries held by the Commission and the surveys and feedback received from the public. The Report next outlines the Commission's assessment of the major challenges confronting PDRM and the measures recommended to address the challenges.

6.2 The Royal Commission's Report is structured as follows:

- i. Introduction
- ii. A Brief History of the Royal Malaysia Police
- iii. Findings from the Royal Commission's Inquiries, Surveys and Feedback from the Public
- iv. Challenges Confronting the Royal Malaysia Police
- v. The Royal Malaysia Police into the Twenty First Century: One Strategic Objective, Ten Strategic Thrusts
- vi. Strategic Thrust One: Modernise the Role, Functions and Organisation of the Royal Malaysia Police
- vii. Strategic Thrust Two: Launch a Nation-Wide Drive Against Crime
- viii. Strategic Thrust Three: Enhance Investigative Policing
- ix. Strategic Thrust Four: Eradicate Police Corruption
- x. Strategic Thrust Five: Make Policing Comply with Prescribed Laws and Human Rights Obligations
- xi. Strategic Thrust Six: Raise Awareness of Women's and Children's Rights in the Royal Malaysia Police
- xii. Strategic Thrust Seven: Improve the Establishment, Remuneration and Scheme of Service of the Royal Malaysia Police
- xiii. Strategic Thrust Eight: Enhance Human Resource Management and Performance in the Royal Malaysia Police
- xiv. Strategic Thrust Nine: Upgrade the Equipment and Logistics of the Royal Malaysia Police
- xv. Strategic Thrust Ten: Provide Better Police Premises and Housing

Members of The Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police

- Y.A. Bhg. Tun Mohamed Dzaidin bin Haji Abdullah - **Chairman**
- Y.A. Bhg. Tun Mohammed Hanif bin Omar - **Deputy Chairman**
- Y.A. Bhg. Tun Mohd. Salleh bin Abas
- Allahyarham Y.Bhg. Tan Sri Dato' Seri Azizan bin Zainul Abidin (until 14 July 2004)
- Y.Bhg. Tan Sri Dato' Sri Lim Ah Lek
- Y.Bhg. Tan Sri Dato' Lee Lam Thye
- Y.Bhg. Tan Sri Datuk Zaki bin Tun Azmi
- Y.A. Datin Paduka Zaleha bte Zahari
- Y.M. Tunku Abdul Aziz bin Tunku Ibrahim
- Y.Bhg. Datuk Dr. Muhammad Rais bin Abdul Karim
- Y.Bhg. Datuk A. Kadir bin Jasin
- Y.Bhg. Dato' Dr. Michael Yeoh Oon Kheng
- Y.Bhg. Dato' Kamilia bte Dato' Ibrahim
- Y.Bhg. Tuan Haji Kuthubul Zaman bin Bukhari
- Y.Bhg. Dr. Denison Jayasooria
- Y.Bhg. Cik Ivy N. Josiah
- Y. Bhg. Dato' Hamzah bin Md. Rus - **Secretary**

ORGANISATIONS THAT SUBMITTED MEMORANDA TO THE ROYAL COMMISSION

1. Police Watch and Human Rights Committee
2. Movement to Repeal the ISA
3. Bar Council
4. Retired Senior Police Officers Association of Malaysia
5. Malaysian Manufacturers Association
6. Malaysian Association for the Blind
7. Parti Islam SeMalaysia (PAS)
8. Royal Malaysia Police
9. The Kuala Lumpur Society for Transparency and Integrity
10. Pertubuhan Perkhidmatan Rakyat Malaysia
11. Jaringan Rakyat Tertindas
12. Consumer Association of Penang
13. National Council of Women's Organisation (NCWO)
14. Amnesty International
15. Human Rights Commission of Malaysia (SUHAKAM)

TABLE 1 : PLACES VISITED BY THE ROYAL COMMISSION

No.	Places of Visits	Date
1	Police Station, Lockup and Office of Investigation Officer and District Police Headquarters (IPD) Dang Wangi	24 February 2004
2	Police Station dan Lockup Jalan Travers Kuala Lumpur	24 February 2004
3	Police Station, Lockup, Police Quarters and IPD Shah Alam	15 March 2004
4	Police Station, Lockup, Traffic Branch Counter dan IPD Timur Laut, Pulau Pinang	1 April 2004
5	Lockup IPK Pulau Pinang	1 April 2004
6	Traffic Branch and Lockup at Police Station Kota Kinabalu	8 April 2004
7	Police Station, Lockup, Store for Exhibits dan Quarters for IPD Karamuning	8 April 2004
8	IPD Kuching	8 April 2004
9	Women's Lockup at Central Police Station, Kuching	8 April 2004
10	Police Station, Office of Investigation Officer, Lockup and IPD Kota Bharu	13 May 2004
11	Quarters for Police Rank and File at Wakaf Mek Zainab, Kelantan	13 May 2004
12	Women's and Men's Lockup at IPD Kuala Terengganu	13 May 2004
13	PGA Border Control Post , Pengkalan Kubur and Rantau Panjang with Thailand	14 May 2004
14	PGA Quarters at Pengkalan Chepa, Kelantan	14 May 2004
15	Police Station, Lockup for Children and Quarters at Chendering, Terengganu	27 May 2004

TABLE 1 : PLACES VISITED BY THE ROYAL COMMISSION

No.	Places of Visits	Date
16	Police Station and Lockup IPD Padang Besar, Perlis	27 May 2004
17	Office and Quarters for the Anti Smuggling Unit Chuping, Padang Besar, Perlis	27 May 2004
18	Police Station, Lockup and Quarters at IPD Batu Pahat, Johor	3 June 2004
19	Police Station and Lockup at IPD Raub, Pahang	17 June 2004
20	Traffic Branch and Vehicle Storage Area at IPD Klang, Selangor	8 July 2004
21	Kuala Lumpur Training College	1 July 2004
22	Police Forensic Laboratory Jalan Cheras	1 July 2004
23	Police Training Centre , Jalan Semarak	1 July 2004
24	Nilam Puri Police Station, Kota Bharu Kelantan	21 July 2004
25	Child Protection Unit, PDRM, Kuala Lumpur	29 November 2004

SPECIAL BRIEFINGS FOR THE ROYAL COMMISSION

1. Royal Malaysia Police
2. Anti-Corruption Agency
3. Public Complaints Bureau
4. Malaysian Medical Association (MMA)
5. Ex-Police Association of Federal Territory, Pulau Pinang, Perak, Terengganu and Negeri Sembilan
6. Sabah Law Association
7. Malaysia Indian Congress (MIC)
8. INTERPOL Group of Experts on Corruption (IGEC)
9. Bar Council Malaysia
10. Malaysia Maritime Enforcement Agency
11. Angkatan Belia Islam Malaysia (ABIM)
12. Asia Pacific Security Association (APSA)
13. Suara Rakyat Malaysia (SUARAM)
14. Movement to Repeal ISA
15. Bank Negara Malaysia
16. Ministry of Internal Security
17. Community Leaders of Miri, Sibul and Kuching
18. Group of Rank and File Personnel and Civilian Personnel of Police Association, Sarawak Branch
19. Central Youth Assembly, Parti Islam SeMalaysia (PAS)
20. Malaysian Institute of Human Resource Management (MIHRM)
21. The Kuala Lumpur Society for Transparency & Integrity
22. Malaysian International Chamber of Commerce and Industry (MICCI)
23. Public Service Department

THE WORKING GROUPS

Working Group A – Work Ethics and Operating Procedures

Y.A.Bhg. Tun Mohd. Salleh Abbas - **Chairman**

Y.A.Bhg. Tun Mohammed Hanif bin Omar

Y.A. Datin Paduka Zaleha binti Zahari

Y.M. Tunku Abdul Aziz bin Tunku Ibrahim

Y.Bhg. Tuan Haji Kuthubul Zaman bin Bukhari

Y.Bhg. Dr. Denison Jayasooria

Working Group B – Organisational Structure and Human Resource Development

Allahyarham Y.Bhg. Tan Sri Dato' Seri Azizan bin Zainul Abidin

succeeded by Y.Bhg. Tan Sri Dato' Sri Lim Ah Lek - **Chairman**

Y.Bhg. Tan Sri Dato' Lee Lam Thye

Y.Bhg. Datuk Dr. Muhammad Rais bin Abdul Karim

Y.Bhg. Dato' Dr. Michael Yeoh Oon Kheng

Working Group C – Human Rights and Police Duties

Y.Bhg. Tan Sri Datuk Zaki bin Tun Azmi - **Chairman**

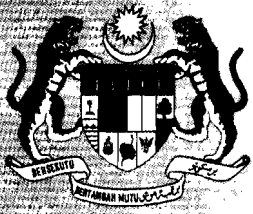
Y.Bhg. Datuk A. Kadir bin Jasin

Y.Bhg. Dato' Kamilia binti Dato' Ibrahim

Y.Bhg. Tuan Haji Kuthubul Zaman bin Bukhari

Y.Bhg. Cik. Ivy N. Josiah





CHAPTER 2

A BRIEF HISTORY OF THE ROYAL MALAYSIA POLICE

- Introduction
- The Straits Settlements
- The Federated Malay States
- The Unfederated Malay States
- Sabah And Sarawak
- The Japanese Occupation And The Aftermath
- Malayisation
- The Communist Threat And Independence
- Formation Of the Royal Malaysia Police
- *Konfrontasi* And The May 13 Incident
- Evolution Of PDRM's Organisation And Operational Components
- PDRM Into The Twenty-First Century
- Appendix

A BRIEF HISTORY OF THE ROYAL MALAYSIA POLICE

1. INTRODUCTION

- 1.1 Much of the structure, ethos, traditions and functions performed by the police in Malaysia can be traced to its origins and development in meeting the evolving challenges and tasks. The defining influences prior to independence were policing systems introduced by the British colonial government and the communist subversive and militant threat in the 1930s. After Malaya gained independence in 1957 the primary influences have been the continuing communist threat until the formal "surrender" of the Communist Party of Malaya (CPM) in 1989, the North Kalimantan Communist Party (NKCP) in 1990, Konfrontasi launched by Indonesia in 1963-1966, threats to internal security and public order posed by communal conflict, militancy and misguided religious teachings.

2. THE STRAITS SETTLEMENTS

- 2.1 The Royal Malaysia Police (PDRM) has a long and distinguished history. While the Malay Sultanates established various institutions to perform rudimentary police functions, in particular enforcement of the law and maintenance of peace, the beginnings of a modern police force can be traced back to 1807 with the introduction of the "Charter of Justice" in Penang. The Charter established a Court of Justice and clear the laws enforced by the Police. A second Charter was issued in 1825 when British colonial rule extended from Penang to Singapore and Melaka. Police forces were organised in all three Straits Settlements under the British.
- 2.2 Subsequently a Police Force Ordinance was enacted in 1871 and came into force the following year. The Ordinance remained in force in the settlements until the advent of the Japanese in 1942. The Ordinance placed the police forces of the three settlements under a single Straits Settlement Police command in Singapore.

3. THE FEDERATED MALAY STATES

- 3.1 Police forces were formed or reconstituted by the British in the other parts of the country as they extended their control. The Selangor Police Force, initially known as the Selangor Military Police Force, was formed in 1875. The Perak Armed Police was formed in 1876, complete with a mounted element formed in 1882. Police forces were formed in Negeri Sembilan during the same period. The first force was in Sungei Ujong. Pahang had a police force beginning in 1888.
- 3.2 The police forces of Selangor, Perak, Negeri Sembilan and Pahang were merged as the Federated Malay States (FMS) Police Force in July 1896. The force was led by a Commissioner of Police, with each state contingent led by a Chief Police Officer. Bluff Road Hill, the present day Bukit Aman, was the Headquarters of the FMS Police Force. The Police Force Enactment came into force in the Federated

Malay States in 1924. It gave greater clarity to the role, functions and responsibilities of the FMS police. A standard blue uniform was introduced for all states, with the identity of each contingent distinguished by the type of buttons and badges.

- 3.3 Efforts to recruit trained Malaysians and in particular Malays into the police force, which until then was composed mainly of nationals brought in from India, also began during this period. One method of attracting the Malays was to exploit their sense of loyalty by training and appointing members of the royalty into senior positions.

4. THE UNFEDERATED MALAY STATES

- 4.1 In the Unfederated Malay States of Johor, Kedah, Perlis, Kelantan and Terengganu, the police forces were under Malay leadership before the coming of the British Residents. In Johor, the post of Commissioner of Police was held by Malays from 1882 until 1912, when the British took over. In Kedah the police force was organised by the Sultan with the help of some European officers before the transfer of suzerainty from Siam to the British in 1909. Tunku Kudin was the first Commissioner of Police. Following the transfer, the British took over leadership. The police force in Perlis was unique in that it was headed by Malay police chiefs throughout, without British stewardship. In Kelantan, the police force was under Tunku Sri Maharaja when the British took over the state from the Siamese in 1909. He was replaced by a British officer in 1910. The chief of the Terengganu police in the early 1890s was the Tunku Panglima Besar. In 1920 the force was placed under the command of a British Police Commissioner.
- 4.2 After taking over the police forces in these states, the British helped reorganise, modernise and develop these police forces, so that they resembled the police forces of the Federated Malay States.

5. SABAH AND SARAWAK

- 5.1 Sabah and Sarawak had the North Borneo Armed Constabulary and Sarawak Constabulary respectively. They initially performed both police and military functions. The North Borneo Armed Constabulary was reorganised into the North Borneo Police Force after the Japanese Occupation. With the formation of Malaysia in 1963 both the North Borneo Police Force and the Sarawak Constabulary were absorbed into the Royal Malaysia Police.

6. THE JAPANESE OCCUPATION AND THE AFTERMATH

- 6.1 The police forces of Malaya fell to the Japanese when they invaded the country in December 1941. They became an arm of the Japanese military administration, and became identified with the harsh Japanese rule. The largely Malay police forces were also used against the largely Chinese Malaysian People's Anti-Japanese Army (MPAJA), leading to ethnic vendettas after the retreat of the Japanese.

- 6.2 Following the retreat of the Japanese, all the police forces in the states of Malaya were reorganised into a single entity called the Civil Affairs Police Force in September 1945. This was the first time all the police forces in the country were merged into a single entity, giving them a single identity. This constituted an important milestone in the evolution of the Malaysian police force. The rehabilitation of the police force following the demoralisation during the Japanese occupation included intensive refresher courses as well as intensive training programmes for new recruits. This also signified the first time the police forces underwent a common training programme.

7. MALAYANISATION

- 7.1 The police force underwent a period of Malayanisation in the 1950s. Malaysians replaced the British in the top posts incrementally, with the first Malaysian Inspector-General of Police, Mohamed Salleh bin Ismael replacing Claude Fenner in 1962. The transition from British into Malaysian hands was conducted efficiently and successfully, so that there was no disruption in the smooth functioning and operational capability of the force. Much credit goes to the early Malaysian police chiefs and senior officers for maintaining the high professional standards of the force following the transition.

8. THE COMMUNIST THREAT AND INDEPENDENCE

- 8.1 The Royal Malaysia Police saw some of its finest years during the Emergency period of 1948-1960 and thereafter, when the Communist Party of Malaya (CPM) launched its armed bid to take over power in the country. The police force was rapidly expanded, growing seven-fold in strength to 161,281 personnel at the height of the Emergency in 1950. It consisted then of 31,164 regular police, 44,117 special police and 86,000 auxiliary police. As the authority responsible for internal security and public order, the police bore the brunt of the counter-insurgency campaign, assisted by the military in deep jungle operations.
- 8.2 The Police and the Armed Forces together killed, injured or captured a total of 11,222 communist terrorists. While 5,554 of their men were killed or injured, the larger proportion consisting of the Police.
- 8.3 The period saw the establishment of several important components in the Federation of Malaya Police. One was the Special Branch, which was the body responsible for intelligence gathering. It quickly gained international recognition as a quality intelligence service. The other was a para-military police force to engage the insurgents in deep jungle guerrilla warfare. It was first named the Flying Squad, then the Jungle Squad, and finally Jungle Companies. An off-shoot was the VAT 69, trained along the lines of the British Special Air Service. Another unit that gained fame was the Senoi Praaq, comprised of Orang Asli. Besides these, the Special Constabulary, Auxiliary Police and Auxiliary Women were also established. The Auxiliary Police were later renamed Police Volunteer Corps.



- 8.4 Some of the present-day organisational structure of the police force at national headquarters also took shape during this period. Five departments were established:
- i. A department responsible for administration;
 - ii. A department in charge of operations, conducted by Jungle Companies; Auxiliary Police and the Special Constabulary;
 - iii. A department in charge of finance, stores, buildings and property;
 - iv. Criminal Investigation Department; and
 - v. Special Branch.
- 8.5 The period also saw an initiative of major importance. This was to re-orientate the police from a force that, due to the imperatives of the Emergency, had become rather coercive and restrictive of the public, to a force that was oriented towards service to the people. "Operasi Bersedia Berkhidmat" was accordingly launched on 15 December 1952. A special badge that has come to be identified with the police to this day was also introduced. It bears the image of two hands clasped in friendship.
- 8.6 A change of fundamental importance occurred on 31 August 1957 when the Federation of Malaya gained independence. The police force, which had hitherto been under the political direction of the British colonial government and served its political and security interests, sometimes against the interests of the people of Malaya in their struggle for independence, now functioned in a sovereign and independent state and under a democratically elected government.
- 8.7 In recognition of the services rendered and the sacrifices made by the police during the Emergency, the police force was bestowed the royal designation by the Seri Paduka Baginda Yang di-Pertuan Agong on 24 July 1958, when it became known as The Royal Federation of Malaya Police. This was followed by the bestowal of royal colours on 11 November 1961.
- 8.8 PDRM continued to play a major counter-insurgency role along with the military when the CPM launched its second armed struggle in 1968 and the NKCP launched its insurgency in Sarawak a year later. Although it was a spent force much earlier, the communist insurgency effort in Peninsular Malaysia officially ended in December 1989 when the CPM disbanded its army pursuant to an agreement signed with the Malaysian and Thai governments. The insurgency in Sarawak ended in 1990 with the signing of an agreement between the NKCP and the government in October.
- 8.9 The police role in the counter-insurgency effort of the government was carried out within the framework of the "war executive committees" and later the "operations executive committees" that were formed at national, state and division/district levels. These committees embodied the concept of joint civil/police/military operations under overall civilian control to defeat the insurgency. This approach was emulated by several other countries later, and became a model for effective counter-insurgency operations.

9. FORMATION OF THE ROYAL MALAYSIA POLICE

9.1 The police force underwent another major development in 1963 with the formation of Malaysia. Together with the Sabah, Sarawak and Singapore contingents, it now came to be known as the Royal Malaysia Police. Singapore however left the Federation in 1965.

10. KONFRONTASI AND THE MAY 13 INCIDENT

10.1 Besides the communist threat, PDRM has been tested in at least two other important episodes in the nation's history: during Konfrontasi (Confrontation) launched by Indonesia against Malaysia in 1963-1966 following the formation of Malaysia, and the racial riot of May 13 1969. During Konfrontasi the police shared honours with the military, while during the May 13 incident and its aftermath the police again played a leading role though with significant contributions also from the military. Again, both the police and military role was coordinated at the various levels by the "war executive committees" and "operations executive committees" under civilian leadership, embodied at national and state levels by the elected political leaders.

11. EVOLUTION OF PDRM'S ORGANISATION AND OPERATIONAL COMPONENTS

11.1 The Police Act 1967 came into force that year, replacing the Act of 1952 and other related legislations. The changing nature of the security threats confronting Malaysia has also led to some changes in the size, composition and focus of the police force. Substantial reductions were made to the force towards the end of the first Emergency as the communist threat declined. By 1967, after the end of konfrontasi, the establishment totalled 33,785 personnel consisting of 31,199 uniformed staff and 2,586 civilian staff. There was then a steady annual increase until 1984, when the total establishment was 87,409. For the next 12 years until 1996 the force strength was stabilised at between nearly 86,000 and 88,000. It has exceeded that number since then, and stood at 100,632 in 2004, comprising 92,927 uniformed staff and 7,705 civilian personnel. Statistics on the annual establishment from 1967 to 2004 are at [Appendix 2A](#).

11.2 PDRM is presently organised as indicated in [Appendix 2B](#). There are six departments at the Federal Headquarters level under the Inspector General of Police and his Deputy: Management; Criminal Investigation, Internal Security and Public Order; Special Branch; Narcotics; and Logistics. The Commercial Crimes Division became a department in 2004, making the total number of departments now seven. The deployment of PDRM personnel according to the departments in 2004 is summarised in Table 2.1.

TABLE 2.1 : ESTABLISHMENT AND STRENGTH OF ROYAL MALAYSIA POLICE IN 2004

DEPARTMENT	ESTABLISHMENT		STRENGTH	
	Total	%	Total	%
Management	33,036	32.8	32,931	33.9
Internal Security and Public Order	33,214	33.0	30,514	31.5
Logistics	10,587	10.5	10,466	10.8
Criminal Investigation	6,661	6.6	7,869	8.1
Special Branch	6,026	6.0	5,026	5.2
Narcotics	2,713	2.7	3,071	3.2
Commercial Crimes Investigation	690	0.7	379	0.4
Civilian Staff	7,705	7.7	6,602	6.8
TOTAL	100,632	100	96,858	100

Source: PDRM

11.3 The breakdown of PDRM's uniformed staff according to departments for the last 20 years (1984-2004) is shown in Appendix 2C. The distribution of establishment between departments has been generally consistent throughout, with the Management and Internal Security and Public Order Departments each getting more than 30 percent of the establishment. In terms of actual strength however, the Internal Security and Public Order Department has often had less than 30 percent of PDRM personnel. The Criminal Investigation Department has had a steady increase of staff in percentage and absolute terms, with an actual strength of 7,869 in 2004 compared to 2,831 in 1984, representing an increase of more than one and a half times (177.9 percent).

11.4 The following are currently the major operational components of PDRM:

11.4.1 The General Operations Force (PGA)

The PGA originated as the Jungle Squad that was established in 1948, and was re-named Jungle Company in 1951. In 1953 the Jungle Company was re-organised as the Police Field Force. Following the end of the communist insurgency and the rise of new security challenges, the Field Force was transformed into the PGA on 20 October 1997. The PGA has been deployed for various purposes: to check smuggling and illegal entry along the Malaysian/Thai border; in operations to arrest and deport illegal foreign migrant workers; and to beef up security against kidnappings by the Abu Sayyaf group and piracy off the Sabah coast. The PGA had an actual strength of 11,350 in 2004; 2,847 personnel short of the approved establishment of 14,197. It is divided into 5 brigades consisting of 19 battalions.

11.4.2 The Marine Police

The Marine Police was established in September 1947 and has undergone successive expansions in 1960, the mid-1970s and in 1980 with the proclamation of the Exclusive Economic Zone. The Marine Police has an establishment of 2,960 and a current actual strength of 2,844.

11.4.3 The Federal Reserve Unit (FRU)

The FRU was established in December 1955 specifically to maintain peace and public order with regard to riots, illegal assembly, disasters and border patrols. The FRU had 2,347 personnel in 2004.

11.4.4 The Special Operations Force (PGK)

The PGK originated as the Special Operations Unit (*Unit Tindakan Khas*), established in January 1975. The unit was merged with the Komando 69 Unit of the Police Field Force in October 1967 and renamed the Special Operations Force. It is the elite force of PDRM, and consists of 732 personnel. Its primary tasks include elimination of terrorism, protection and special operations. The PGK in its various incarnations has chalked up some fine successes, especially during the first Emergency.

11.4.5 The Traffic Police

The Traffic Branch was first established in 1976, and presently consists of 4,882 personnel. In accordance with s3 (3) of the Police Act 1967, the Traffic Branch's functions include the enforcement of traffic laws, management of traffic, investigating accidents, and escorting VVIPs. The focus of the Traffic Branch is in the major urban areas and main cities.

11.4.6 The Police Air Wing

The Wing was established in February 1979. It originally operated only in the Peninsula, but expanded to Sabah and Sarawak in 1984. The Air Unit assists in air surveillance of piracy and kidnappings, incursion of foreign vessels and fishing boats, marine pollution, search and rescue, etc. It had a strength of 385 personnel as well as 24 aircraft, consisting of 14 planes and 10 helicopters, in 2004.



11.4.7 The Narcotics Department

The Department began as the D8 Branch of the CID in 1975. In 1980 the D8 Branch was expanded into the Anti-Narcotics Branch of the CID, and became the lead anti-drugs enforcement agency in the country. The Narcotics Department was established as a separate branch in PDRM in January 1996 in the face of the growing seriousness of the drug menace. It had a total establishment of 2,713 posts for uniformed personnel in 2004, but its actual strength was 3,071 personnel.

11.4.8 The Criminal Investigation Department

The Department had an establishment of 6,661 posts for uniformed personnel in 2004, and an actual strength of 7,869 personnel. It is the department responsible for the core business of PDRM and its functions, under s3 (3) of the Police Act 1967, are to deter and detect criminals, to collect intelligence and information on crimes, conducting investigations in criminal cases and to detain and charge criminals. The responsibilities of the Criminal Investigation Department have become more challenging and its investigative techniques must be modernised to include the use of forensics.

11.4.9 The Commercial Crimes Investigation Department

This Department existed as a division of the CID before being made a department, with additional staff, with effect from January 2005. The Division had an establishment of 242 officers and staff at the end of 2004. The Department has an establishment of 690 posts, but its actual staff strength totalled 379. The additional establishment for the Department was approved for Bukit Aman as well as the contingents. A further 351 posts for the police districts will be approved in July 2005, making the eventual total 1,280.

11.4.10 The Special Branch

As stated above, the Special Branch began existence during the first Emergency. Its essential task is to collect, collate and process intelligence regarding threats to internal security and public order. Its focus has shifted from the communist terrorist and subversive threat to the threats to internal security and public order posed by ethnic conflict, misguided religious teachings and militancy. The rise of international terrorism has also demanded that more

resources be allocated towards monitoring this threat. There were 5,026 uniformed personnel in the Special Branch in 2004, compared to an establishment of 6,026 posts.

11.4.11 Women Police

Special women constables were first recruited in 1948 as part of the response to communist insurgency. An official Police Women's Force was established in August 1955, consisting of 73 personnel. In February 1974 equal pay for women police was implemented, and women police were subsequently deployed in all PDRM departments. Women police are of special relevance for cases involving women and child, which has risen significantly over the years. Women police now number 8,500 personnel, and constitute 9.4 percent of PDRM. The highest rank occupied by women police at present is Acting Senior Assistant Commissioner of Police II, of which there is one.

11.4.12 The Police Volunteer Reserve

The Reserve was established in the then Federation of Malaya in 1952, and was amalgamated with Sabah and Sarawak later. It had an approved establishment of 5,150 in 2004, but an actual strength of only 2,001.

12. PDRM INTO THE TWENTY-FIRST CENTURY

12.1 As PDRM enters the twenty-first century it is also being called upon to reinvent itself in order to better respond to a rapidly changing environment and new challenges. Dramatic changes in demography; intense and sustained urbanisation; massive immigration; rapid development of residential areas adjacent to ever-growing urban centres; continuous advances in technology, especially information and communication technology; globalisation; increasing sophistication of crime; rise in transnational crime; perceptions of widespread and mounting corruption in the police force; expanding civil society including proliferation of non-government organisations; rise in public expectations and demands for transparency and accountability; and greater consciousness of human rights; are placing increasing pressure and challenges upon PDRM to adapt, modernise and enhance its services and performance. A key challenge for the organisation is to regain the good image it enjoyed during the period of the 1960s to 1980s, an image that has been seriously undermined in the last decade due to mounting public perceptions of corruption and abuse of power in PDRM.

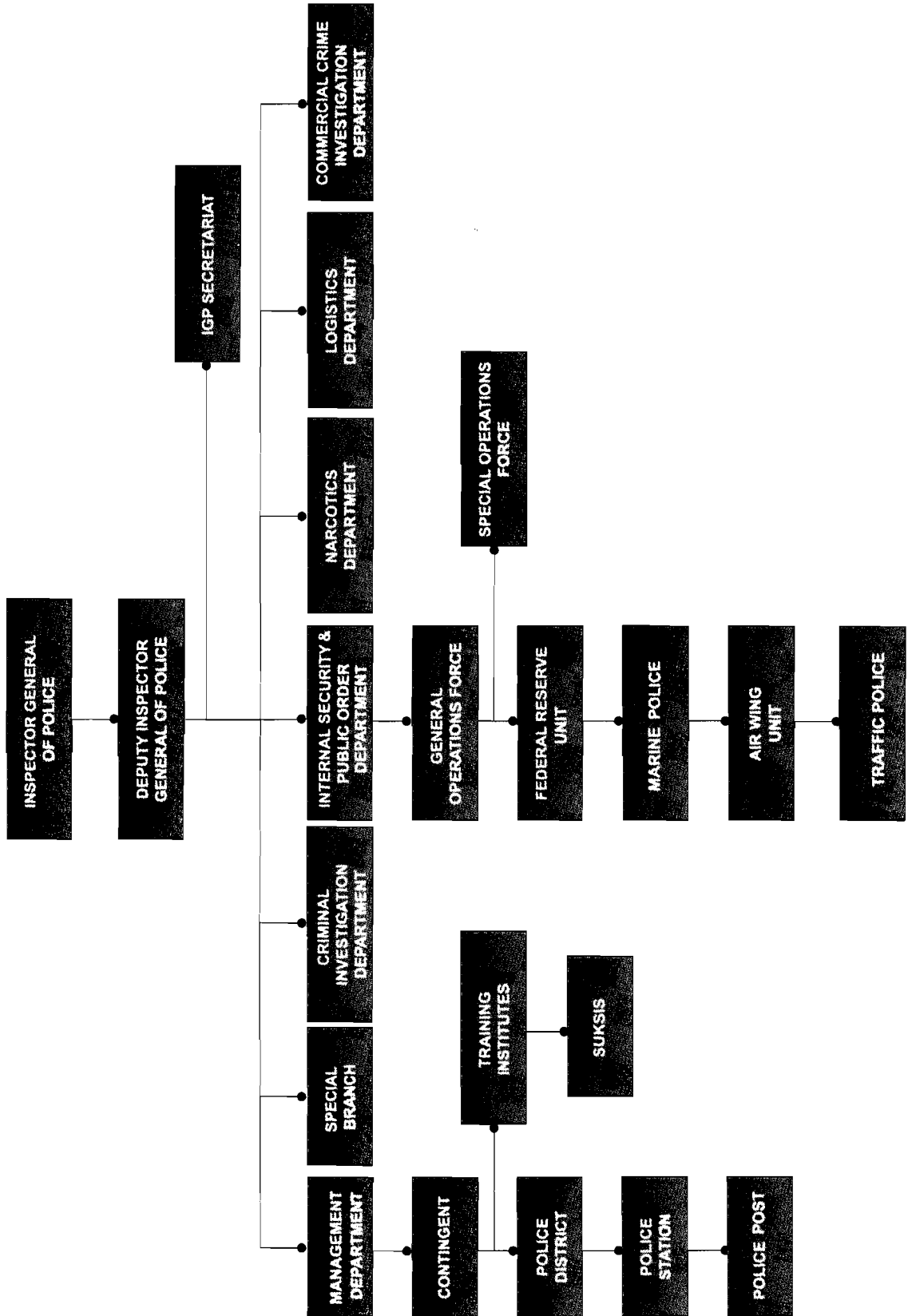
ANNUAL ESTABLISHMENT 1967-2004

YEAR	UNIFORMED STAFF	CIVILIAN STAFF	TOTAL
1967	31,199	2,586	33,785
1968	31,344	2,628	33,972
1969	39,594	2,961	42,555
1970	41,468	2,953	44,421
1971	41,453	2,964	44,417
1972	42,572	3,886	46,458
1973	42,707	3,999	46,706
1974	44,030	4,362	48,392
1975	44,081	4,332	48,413
1976	53,833	4,332	58,165
1977	53,442	4,723	58,165
1978	57,999	5,032	63,031
1979	64,388	5,286	69,674
1980	70,532	5,773	76,305
1981	73,265	6,297	79,562
1982	76,122	6,574	82,696
1983	77,197	7,026	84,223
1984	80,050	7,359	87,409
1985	80,028	7,357	87,385
1986	80,174	7,368	87,542
1987	80,064	7,344	87,408
1988	80,070	7,384	87,454
1989	80,222	7,345	87,567
1990	80,230	7,252	87,482
1991	78,337	7,255	85,592
1992	81,187	7,232	88,419
1993	79,616	7,227	86,843
1994	79,743	7,223	86,966
1995	79,062	7,413	86,475
1996	78,983	7,373	86,356
1997	83,882	7,414	91,296
1998	84,914	7,414	92,328
1999	84,914	7,414	92,328
2000	84,807	7,405	92,212
2001	84,795	7,417	92,212
2002	85,227	7,512	92,739
2003	87,983	7,605	95,588
2004	92,927	7,705	100,632

Source : PDRM



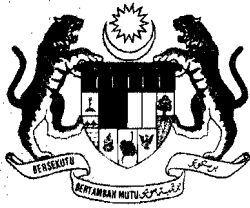
ORGANISATIONAL STRUCTURE OF ROYAL MALAYSIA POLICE



ESTABLISHMENT AND STRENGTH OF UNIFORMED STAFF OF PDRM ACCORDING TO DEPARTMENTS 1984-2004

YEAR	DEPARTMENT														TOTAL	
	Management		Internal Security Public Order		Logistics		Criminal Investigations		Special Branch		Narcotics		Commercial Crime Investigations			
	Establish- ment	Strength	Establish- ment	Strength	Establish- ment	Strength	Establish- ment	Strength	Establish- ment	Strength	Establish- ment	Strength	Establish- ment	Strength	Establish- ment	Strength
1984	32,695	30,102	31,537	25,418	6,161	6,510	3,223	2,831	5,173	4,078	1,248	1,124			80,037	70,063
1985	32,696	30,309	31,531	25,648	6,155	6,617	3,223	2,934	5,173	4,118	1,248	1,144			80,026	70,770
1986	32,695	31,278	31,537	26,021	6,161	6,654	3,223	3,495	5,173	4,348	1,248	1,096			80,037	72,892
1987	32,702	30,409	31,536	25,831	6,197	6,739	3,223	3,742	5,173	4,710	1,248	1,180			80,079	72,611
1988	32,806	33,546	31,370	25,661	6,275	6,965	3,344	3,801	5,173	4,730	1,248	1,226			80,216	75,929
1989	32,807	32,717	31,158	25,688	6,275	7,278	3,411	3,943	5,174	4,784	1,396	1,338			80,221	75,748
1990	31,203	34,275	30,641	25,582	6,273	7,750	3,521	4,130	5,174	4,737	1,396	1,416			78,208	77,890
1991	31,209	35,230	30,634	25,189	6,273	8,601	3,521	3,972	5,174	4,588	1,396	1,456			78,207	78,496
1992	32,542	34,351	30,679	24,651	6,293	8,905	3,521	3,891	5,175	4,498	1,396	1,529			79,606	77,825
1993	32,741	35,122	30,682	22,955	6,293	9,949	3,652	4,067	5,175	4,045	1,396	1,502			79,939	77,640
1994	32,557	36,117	29,921	22,138	6,298	10,381	3,805	4,439	5,175	3,976	1,396	1,530			79,152	78,581
1995	32,366	32,934	29,782	22,224	6,312	11,982	3,807	4,943	5,167	4,104	1,396	1,575			78,830	77,762
1996	31,465	32,784	31,387	21,789	9,323	11,907	4,817	5,038	5,484	3,961	1,396	1,604			83,872	77,083
1997	33,673	30,953	27,162	23,755	10,628	10,916	5,903	5,729	6,149	4,074	1,405	1,835			84,920	77,262
1998	28,632	25,395	30,770	30,008	10,397	10,643	6,623	6,686	5,680	4,499	2,683	2,401			84,785	79,632
1999	28,632	30,008	30,770	25,365	10,397	10,643	6,623	6,686	5,680	4,499	2,683	2,401			84,785	79,632
2000	28,631	32,707	30,770	25,561	10,397	10,272	6,623	6,982	5,680	4,453	2,683	2,494			84,784	82,469
2001	28,993	31,092	30,861	25,965	10,411	10,325	6,800	7,340	5,707	4,775	2,692	2,705			85,464	82,202
2002	28,056	32,471	31,114	26,126	10,404	10,242	6,819	7,470	5,718	4,844	2,704	2,806			84,815	83,959
2003	29,897	34,218	32,569	26,590	10,539	10,164	6,819	8,108	5,720	5,037	2,704	2,983			88,248	87,100
2004	33,036	32,931	33,214	30,514	10,587	10,466	6,661	7,869	6,026	5,026	2,713	3,071	690	379	92,927	90,256

Source: PDRM



CHAPTER 3

FINDINGS FROM THE ROYAL COMMISSION'S INQUIRIES, SURVEYS AND FEEDBACK FROM THE PUBLIC

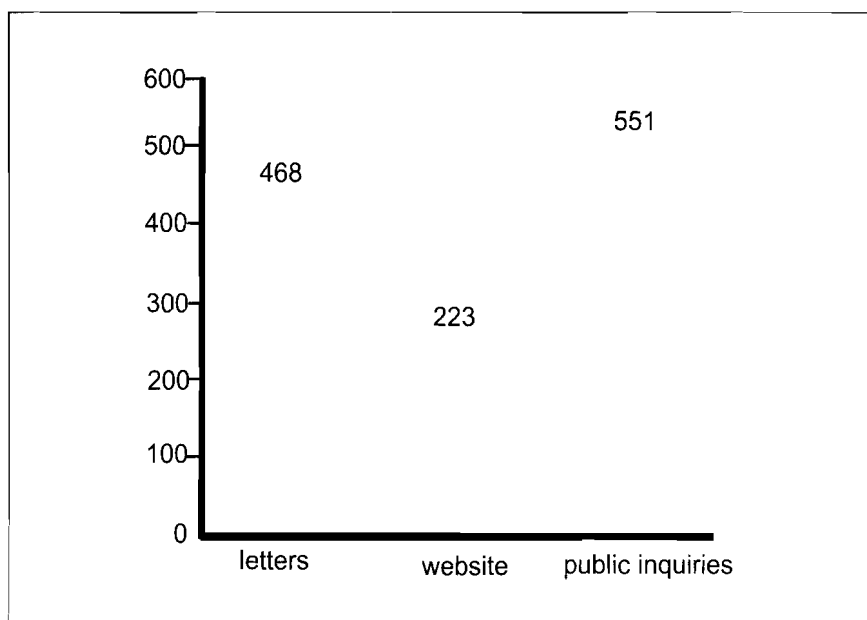
- Findings From The Inquiries And Feedback From The Public
- Suggestions Received From The Public
- Suggestions Received From PDRM Personnel
- Response From PDRM Based On Issues Brought Up By The Royal Commission
- Public Survey
- Survey Among Police Personnel
- Conclusion
- Appendix

FINDINGS FROM THE ROYAL COMMISSION'S INQUIRIES, SURVEYS AND FEEDBACK FROM THE PUBLIC

1. FINDINGS FROM THE INQUIRIES AND FEEDBACK FROM THE PUBLIC

- 1.1 The Commission had held inquiries nation-wide. A list of the places where the inquiries were held and the number of complaints heard and suggestions received is at [Appendix 3A](#). The Commission adopted a set of guidelines for the conduct of inquiries as set out in [Appendix 3B](#).
- 1.2 As at March 2005, 468 feedback were received by the Commission via letters, 223 via the website and 551 via public inquiries as shown in Figure 3.1. From the number of feedback received, a total of 316 suggestions were received.

FIGURE 3.1 : FEEDBACK RECEIVED (AS AT MARCH, 2005)



- 1.3 The Commission had categorized the feedback received from the public into seven categories as follows:
- i. No Follow-Up Action;
 - ii. Corruption;
 - iii. Deaths in Police Custody;
 - iv. Inefficiency and Lack of Accountability;
 - v. Poor Public Relations;
 - vi. Abuse of Power; and
 - vii. Suggestions.

Table 3.1 depicts the number of complaints and suggestions received for each of the categories stated above.

TABLE 3.1: FEEDBACK RECEIVED ACCORDING TO CATEGORIES (AS AT MARCH 2005)

NO.	CATEGORY	NO. OF FEEDBACK THROUGH			OVERALL TOTAL
		LETTER	WEB	PUBLIC INQUIRY	
1	No Follow-Up Action	119	20	173	312
2	Corruption	33	21	44	98
3	Death in Custody	12	1	7	20
4	Inefficiency and Lack of Accountability	75	16	95	186
5	Poor Public Relations	54	12	53	119
6	Abuse of Power	103	18	70	191
7	Suggestions	72	135	109	316
TOTAL		468	223	551	1242

2. In respect of each of the categories stated above, the feedback and complaints from the public, the feedback from PDRM and the findings of the Commission are as follows:

2.1 No Follow-Up Action

2.1.1 The Commission received 312 complaints on “No Follow-Up Action”.

- i. The complainants found that after they had lodged their police reports, no investigation or action was taken by the police.

In one case, right up to the time that the Commission was conducting its inquiry on 22 November 2004, no action had been taken on a police report which was lodged on 26 August 1999 by an insurance company.

The insurance company had lodged a report stating that a false claim had been made by a third party in collaboration with the insured for a sum of RM150,000 against the insurance company. The false claim was discovered after the insurance company carried out its own investigations, where it was found that the claim made by the third party was in respect of an “accident” which had not taken place. The insured



had lodged a false police report stating that his car had collided with the third party's motorcycle when in actual fact the third party was a victim of a hit-and-run accident.

- ii. In other instances, the complainants told the Commission that the police did not follow up on leads or interview witnesses after preliminary investigation.

There is a case where a complainant lodged a police report against a second-hand car company alleging that he had been cheated because the company had sold his car but it did not pay to the complainant the full purchase price. The sales manager of the company denied the allegation and made a statement that the company was not involved in the sale of the car and that it was a private agreement between one of its sales representative and the complainant. The complainant gave details of the car and the company to the police, which are important leads for the police to investigate. Instead of investigating the leads to find out who the purchaser was and who sold the car to the purchaser, the police categorised the case as "Refer to Magistrate" (RTM) based only on the statement made by the sales manager of the company. After the complainant complained, the Commission advised the police to check with the Road Transport Department (JPJ) to identify the new owner and to take statements from the new owner to ascertain from whom he had bought the car.

The Commission was informed later by the police that from their investigation, subsequent to the advice by the Commission, the registered owner of the vehicle confirmed that he had bought the car from the second-hand car company and had dealt with the sales manager of the said company. The loans clerk at the finance company also confirmed that the manager had arranged for the loan and had contacted her company on behalf of the purchaser. Notwithstanding the fact that this information showed that the second hand car company had been involved in cheating the complainant, the police had not proceeded to take any action against the said manager. The reason given by the police is that the investigation officer (IO) could not locate the sales representative and therefore the IO could not proceed with the case.

- iii. Complainants not being updated for long periods of time on the status and development of the investigation into their case is another feedback from the public.

In one case, a female complainant lodged a report on 9 November 2003 informing the police that a woman who went to her house to do a facial for her had stolen her gold items. She gave the police the name and address of the woman who had stolen the items from her but until now she had not been informed of any progress on her report.



- iv. At times, the IO may have taken action on the report made but he did not keep the complainant informed of the progress of the investigation. Though there is no legal obligation on the part of the IO to keep the complainant informed of the progress of the case, it makes for good public relations and customer satisfaction to keep them informed of the progress of their cases.

An example is found in a case where the complainant had lodged a police report against his in-laws for hurting him on 11 April 2003. The complainant was at the in-law's house to see his wife. The mother-in-law and father-in-law attacked him and he was injured. He alleged that the police did not inform him of any development on the investigation into his report. Upon enquiry by the Commission one year later, the police informed the Commission that the IO only managed to get a copy of his medical report on 28 June 2004 and had proceeded with the investigation of this case. The mother-in-law is now charged under s323 of the Penal Code for causing hurt.

- v. Feedback from PDRM indicates that delays in taking action, or no follow up action being taken is due to PDRM's difficulty in coping with the many responsibilities and duties assigned to PDRM. Law enforcement work done by PDRM is not limited to just what is prescribed by the Police Act 1967 [Act 344], but includes other legislation such as the Immigration Act 1959/1963 [Act 155], and the Road Transport Act 1987 [Act 333]. Police personnel claimed that they are overworked and have too many cases to handle.

2.1.2 Findings of the Commission on No Follow-Up Action

- i. The Commission found that in some cases PDRM had taken action on the reports made but many of the complainants were not informed of the action taken by the police. This had created the impression that the police had not taken any follow-up action.
- ii. There were also instances where the police alleged that they were not able to update the complainant on the progress of the report made as it would jeopardise ongoing investigations. Generally, it had been found that the above explanation was given by the police to the complainants to deliberately withhold information from them regarding developments pertaining to the case.
- iii. Even though no action is being taken following the report lodged, the police will frequently give a general answer that investigations are ongoing and that the complainant would be informed of any follow-up action.

- iv. The police often categorised non-seizable, commercial crime cases and, what appears to the police to be cases relating to loss of property as “civil” cases and had frequently categorised the Investigation Papers (IP) as RTM.
- v. The categorisation of cases as RTM, “No Further Action” (NFA), “Refer to Other Agencies” (ROA), “Other Reports” (OR) and “No Offence Disclosed” (NOD) is also a contributing factor to public complaints that there is no follow-up action on their reports. Reports put into all these categories were not investigated by the police. Statistics on the categorisation of these cases found by the Commission for 2003 is as follows:
 - a. Of the 1,894,989 reports received in 2003, only 255,733 or 13 percent were investigated by the police. Another 13 percent were categorised as RTM as being civil or quasi-civil in nature and are non-seizable cases.
 - b. Fifteen percent were designated as NFA. For this category, some preliminary investigations were done, sometimes quite intensively, but did not reveal the complete ingredients of a crime.
 - c. Another 30 percent were ROA for further action. For example reports of arrests of *khalwat* offenders were either acted on by the police or the Religious Affairs Department. Illegal immigrants who were arrested were referred to the Immigration Department and reports of workmen injuries will be referred to the Social Security Organisation (SOCSO).
 - d. Another 28 percent are all kinds of OR which presumably do not require police investigation, and which on the face of the reports show NOD. Other reports (OR) include reports of search of premises, vehicles, persons; arrests and confiscations pursuant to the opening of IPs; reports of finding of unclaimed property or of seized property that had been reclassified as unclaimed property; reports on loss of identity cards and other documents; and cross references to main reports.
- vi. The absence of follow-up action on reports made by the public within a reasonable period of time can have several negative consequences. Some of these negative consequences are the loss of trust and confidence in the police on their ability and efficiency to fight crime which is the source of frustration, dissatisfaction and disrespect for the police. When reports are not followed up with quick action, there can be the disappearance of important evidence as well as suspects, which can

adversely affect investigations and prosecutions. There will also arise the perception that the police are not impartial or that they are taking sides when conducting investigations.

- vii. This unsatisfactory situation has given rise to the enactment of a new section 107A in the Criminal Procedure Code (CPC). In the Amendment Bill to the CPC tabled in the Dewan Rakyat as DR16/2004, a clause had been inserted stating that where any person who had lodged a police report is entitled to know the status of the investigation of the offence complained of in his report within a specified time frame, the officer in charge of a police station must give a status report on the investigation of the offence reported to the complainant not later than two (2) weeks after the receipt of a request from him. A failure to give a status report as directed by the Public Prosecutor would mean that the police officer who had failed to comply with the directive from the Public Prosecutor had committed an offence.
- viii. The Commission supports the passing of such a provision where the complainant is given the right to know about the progress of investigation into his police report. However, the Commission is of the view that such a provision should be in the Police Act 1967 as the CPC is a statute relating to criminal procedures and not on police duties or responsibilities and is also not a penal statute.

2.2 Corruption

2.2.1 There are 98 complaints regarding corrupt practices by PDRM personnel.

2.2.2 The Commission had conducted a survey among police personnel on “police integrity” and from the survey it was found that at all levels in PDRM, the corruption awareness is significantly low, in particular, the rank and file. A few case scenarios which illustrated that the rank and file’s integrity is lower than that of the officers are found in the acceptance of free drinks/meals from shops while patrolling; carrying out business after office hours; getting time off in lieu of time taken during public holidays for fixing superior’s car; and accepting gifts/hampers from traders during festive occasions.

2.2.3 A more comprehensive examination of the level of integrity in PDRM is found in Chapter Nine. Chapter Nine also highlights many ways in which integrity could be monitored and enhanced. The key message in Chapter Nine is that PDRM must not be complacent and that a very high level of integrity within PDRM is essential to secure and maintain public confidence.

2.3 Deaths in Police Custody

2.3.1 Statistics from the police on the number of deaths in police custody from January 2000 to December 2004, are in Table 3.2.



TABLE 3.2 : STATISTICS ON DEATHS IN POLICE LOCKUP & CUSTODY 2000 - 2 SEPTEMBER 2004

NO.	STATE	2000	2001	2002	2003	2004	TOTAL
1	Perlis	0	0	0	0	0	0
2	Kedah	1	1	2	3	1	8
3	P. Pinang	3	7	0	0	1	11
4	Perak	0	2	0	3	0	5
5	Selangor	0	2	5	6	2	15
6	K. Lumpur	0	1	2	1	5	9
7	N. Sembilan	1	1	0	0	2	4
8	Melaka	0	1	0	1	0	2
9	Johor	0	1	1	4	0	6
10	Pahang	1	0	1	0	0	2
11	Terengganu	1	0	3	4	3	11
12	Kelantan	0	0	1	1	1	3
13	Sabah	0	0	0	0	1	1
14	Sarawak	0	0	0	0	3	3
	TOTAL	7	16	15	23	19	80

Source: PDRM

2.3.2 The Commission had received feedbacks from members of the public that they are unhappy with the manner in which the police had dealt with cases relating to deaths in police custody.

2.3.3 The public, NGOs and international organisations had voiced their concern that there are too many deaths in police custody and the failure of the police to investigate and hold inquests into these deaths. The police are often accused of causing the deaths of the "suspects". In many cases of deaths in police custody, the deceased are young men who, as alleged by their relatives, were in good health prior to or at the time of detention, thereby giving rise to suspicion that there was foul play leading to their untimely deaths.

2.3.4 There were many complaints received where the family members and relatives of the person who died in police custody were not notified immediately of the arrest, subsequent detention and death. Many complained to the Commission that they were not aware of the whereabouts of the person who died in police custody until after the death.

- i. After the post mortem, the reports of the pathologists were not given to the relatives of the persons who had died in police custody. This had given rise to doubts and suspicion as to the true cause of the death of their family member. Frequently, no oral explanation was given as well.



- ii. Requests by the relatives of the person who died in police custody, in some cases, to have a second, independent post mortem had been refused by the police and also the Courts (*Ho Kooi Sang v Universiti Malaya* [2004] 2 MLJ 516). The relatives of the person who died in police custody have no way of knowing how their family member had died and there is no closure for many of them.
- iii. In many cases in Appendix 3C, no inquiry was held by the Magistrate because the Sudden Death Reports (SDRs) were not forwarded to the Magistrate. In such instances, the transparency of the police remains in question.
- iv. PDRM had given to the Commission a list of the cases for deaths in police custody as in Appendix 3C. From this list, it can be seen that the causes of deaths in police custody are, among others:
 - a. Germs in the bladder, intestines and liver.
 - b. Death from beatings by other detainees in lockups.
 - c. Pneumonia.
 - d. Poisoning from stomach boil.
 - e. Infection on HIV/AIDS patients.
 - f. Perforation of stomach ulcer.
 - g. Peritonitis with duodenal ulcer.
 - h. Infection from germs in the stomach.
 - i. Suicide by hanging.
 - j. Death from a fall in lockups.
 - k. Brain haemorrhage.
 - l. Cardiac failure.
 - m. Drug related death.

2.3.5 Findings of the Commission on Deaths in Police Custody:

- i. From the inquiries held by the Commission into some of the cases of deaths in police custody and the complaints from the public and NGOs, the Commission finds that there are many matters which need to be addressed by PDRM to clear the suspicion of foul play which the public has of the police in the handling of such cases. The matters highlighted herein are only some observations and findings of the Commission and a full text of the facts of the cases, the Commission's observations and recommendations can be obtained from the case study of the cases in Appendix 3D.
- ii. The police do not handle cases on deaths in police custody in a professional manner or in accordance with the law and had thereby created a lot of suspicion and distrust on the thoroughness of the investigation into the death of the suspect and again this had contributed to the perception that PDRM is not transparent.

An example of the lack of professionalism is in the case of Francis Udayappan (Case study No.1 as in Appendix 3D). In this case, there is the issue of whether the deceased is really the suspect who escaped from police custody and jumped into the Klang River. After the police had conducted DNA tests on the blood samples obtained from the parents of Francis Udayappan and found that the DNA of the deceased does not match that of the parents, the police did not go further to obtain any of his personal belongings such as his hairbrush or clothes to obtain a DNA compare to that of the deceased. This oversight is unprofessional because the proper course of action would have been to obtain the other samples of Francis Udayappan to match that of the dead body.

An example of the police not having acted in accordance with the law can be supported by the cases shown in Appendix 3C. Pursuant to s329(5) of the CPC¹, the police have to forward the SDR to the Magistrate immediately so that an inquest can be held under s334² of the CPC. In many of the cases illustrated in Appendix 3C, more than a year had passed and still no inquest had been conducted.

- iii. The insensitivity of the police to the feelings of the family members of the person who died in police custody had caused much ill feelings towards the police. There is inconsistency in the manner in which the police have handled cases of deaths in police custody.

In one case, the police allowed the relatives of the person who died in police custody to arrange for independent doctors to be present at the time that the government pathologist was conducting the post mortem examination³ but in another case the request by the relatives of the person who died in police custody to have an independent pathologist to conduct a DNA test of a sample obtained from the dead body was rejected⁴.

- a. There is a severe lack of proper records of the actions taken by the police after taking the suspect into their custody for an investigation into an offence.

In one case, the Commission had requested for entries that had been made in the policemen's lockup diaries, investigation diaries, station diaries, etc. to show the date and the time of a particular

¹ Section 329(5) of the CPC provides "The officer in charge of the police district shall immediately forward that report to the Magistrate within the local limits of whose jurisdiction the body of the deceased was found."

² Section 334 of the CPC provides "When any person dies while in the custody of the police or in a mental hospital or prison, the officer who had the custody of that person or was in charge of that mental hospital or prison, as the case may be, shall immediately give intimation of such death to the nearest Magistrate, and the Magistrate or some other Magistrate shall, in the case of a death in the custody of the police, and in other cases may, if he thinks expedient, hold an inquiry into the case of death."

³ Appendix 3D Case Study No. 4. The request made by the next of kin of the deceased for 2 other doctors from Hospital USM to be at present the post mortem was allowed.

⁴ Appendix 3D Case Study No.1. The Commission's observation No:(xii) where the police did not allow the mother of the suspect to engage an independent pathologist to obtain a DNA sample from the dead body in order to conduct her own independent DNA tests.

act that was done by the police in the investigation of the case but all these were not provided⁵.

- b. In many cases, no contemporaneous record of evidence and actions were taken by the police during the course of their investigation.

An example is in the case where the suspect jumped into the Klang River but the police failed to immediately take photographs of the Klang River.

- c. There had been cases of tampering of records by the police⁶. In one case, the Commission found that the date in the document, Police Form 43, granting bail to the deceased was tampered with. The date on the Form is 12 March 2003, which is a date before the arrest of the deceased on 30 March 2003.
- d. The police do not faithfully follow the provisions of the Lockup Rules 1953⁷ and the IGSO.

The police in one case did not return the suspect immediately to the lockup after the recording of a statement from the suspect and to ensure that he is properly handcuffed whilst being escorted to and from the lockup. The recording officer finished the recording of the statement at 1730hrs and only returned the suspect to the IO at 1900hrs and subsequently the IO instructed another police officer to escort the suspect to the lockup at 2005hrs. In the process of escorting the suspect to the lockup, the suspect allegedly jumped over a wall of the corridor and fell to his death.

- e. The deaths in police custody are not confined to only one race as perceived by certain quarters. This can be seen from Appendix 3C where the persons who died in police custody comprised of Malays, Chinese and Indians.
- f. The duties imposed on Magistrates and the police under the CPC are not always complied with. Section 330 of the CPC imposed a duty on the police to hold a post mortem on any deaths under s329 of the CPC unless the deaths fall within the proviso to s330 of the CPC which refers to "death by accident".

In one case, the Magistrate made an erroneous finding that there was no need for a post mortem because from his inspection of the body of the deceased there was no external injury and therefore

⁵ Appendix 3D Case study No. 1. The Commission's observation No(xiii).

⁶ Appendix 3D Case study No. 2. Commission's observation No.(iv)

⁷ LN 328/53



the Magistrate was satisfied as to the cause of death and that there was no foul play. The police and the Magistrate had not looked into the aspect of “internal injury”. It was never established whether there were internal injuries which can only be determined by having a post mortem⁸. It is to be noted that in this case, the Magistrate had erred in making an order that no post mortem is required because under s330 of the CPC the only person who can decide whether or not to have a post mortem is the police and not the Magistrate. The police, on the other hand, merely followed the Magistrate’s order, which is an error on the part of the police.

- g. The Commission also observed that there are SDRs where the police had classified the deaths in police custody as “Accidental Death” thereby invoking the proviso to s330 of the CPC resulting in no post mortem and no inquest being held for such deaths. The Commission notes with concern this trend adopted by the police and is of the opinion that for any death in police custody, s334 of the CPC makes it mandatory for an inquest to be held. The proviso to s330 of the CPC can never be invoked for deaths in police custody.
- h. The police should not grant bail to the arrested person on his own surety when he had been sent to the hospital for medical treatment. Technically when bail is granted he is no longer in police custody. When the suspect dies in the hospital, the death becomes one that had not occurred while in police custody and an inquiry into the death is not mandatory.
- i. The police had in certain cases, relied solely on the findings of the pathologist on the cause of death and stopped investigation. The pathologist’s duty is merely to establish the cause of death but whether the death is suicidal or homicidal can only be established by the further gathering of evidence and investigation⁹ on the part of the police. For example, the reason for the death in the pathologist’s report can be “perforation of stomach ulcer”. The police must then investigate whether the suspect had been punched in the stomach thereby causing the perforation. The police should not stop investigation solely based on the reason given by the pathologist.
- j. In all cases of death in police custody, the internal investigation is always conducted by an officer from the same police station giving rise to complaints that the investigation into the death by the police is not independent or transparent¹⁰.

⁸ Appendix 3D Case Study No.2. Commission’s observations No. (ix) and (x)

⁹ Appendix 3D Case Study No.4. Commission’s observation No:(ii)

¹⁰ Appendix 3D Case Study No.3. Commission’s recommendation No.(iv)



- k. In many cases, the Commission found that the investigations were not thorough. Witnesses such as cell-mates, duty lockup officers, arresting officers and officers who participated in examining the suspect were frequently not asked to give statements. Other witnesses who were directly or indirectly linked to the death of the suspect were not asked to give statements which can help to establish or dispel certain facts¹¹.
- l. The law governing inquiry on deaths in police custody has to be amended to specify with greater clarity and specific duties of the police, the pathologist and the Magistrate within specified time frames. In that regard, the Commission had proposed certain amendments to be made in the CPC.

2.3.6 The Commission discussed the issue of deaths in police custody with IGP on 6 May 2004. IGP had replied to the Commission by forwarding a schedule on the deaths in police custody for the year 2003. It is to be noted that out of the 14 cases listed in the schedule only one case was referred to the Magistrate as at 6 May 2004. Thereafter a CID Directive No. 10/2004 dated 29 May 2004 was issued to specify the time period for preparing and submitting the SDR to the Magistrate. It is the directive of the Director of Criminal Investigation that all police investigations into deaths in police custody have to be completed within the period of 1 month and that an inquest must be held.

2.3.7 The Commission notes with concern that only 2 SDRs were forwarded to the Commission despite the Commission's request for all SDRs on all the cases stated in the Schedule. This hampered the Commission from conducting a full and thorough investigation into all the cases.

2.3.8 On 24 December 2004, IGP submitted a new schedule for deaths in police custody for 2003 to the Commission showing 22 deaths in police custody and that 8 cases¹² had since been submitted to the Magistrate. Some of these cases took one year after the date of death to be submitted to the Magistrate. The other 11 cases are either with the DPP or still with the IO and for the other 3 cases, the inquiry is still on-going, before the Magistrate.

2.3.9 The Commission also notes with concern that the number of deaths in police custody for the period 2000 - 2004 is 80 deaths. Of even greater concern is the fact that inquiries were held for only 6 of the 80 deaths. In 22 other cases, either the Magistrate or the DPP had decided that an inquiry is not necessary contrary to s334 of the CPC.

¹¹ Appendix 3D Case Study No.1. Commission's observations No.(ix) and Case Study No.2 Commission's recommendation No.(ii).

¹² Appendix 3C.

2.4 Inefficiency and Lack of Accountability

- 2.4.1 The Commission received a total of 186¹³ complaints on the inefficiency and lack of accountability by the police.
- 2.4.2 The feedback from the public indicates that there is widespread dissatisfaction with the efficiency and accountability of the police in relation to all aspects of the police duties such as the lodging of police reports, the response from PDRM personnel to calls from the public, the investigation or prosecution of cases.
- 2.4.3 In respect of lodging of police report at the enquiry counter, many complained that they had to wait for hours to lodge a report and there was no police personnel to attend to their complaints at the enquiry counter. Complainants faced difficulties in making reports when there are no translators. In some instances, the complainant was treated as the culprit and was perceived by the police as giving the police more work. Some complainants were dissuaded from lodging a police report by police personnel or told to settle their own dispute.
- 2.4.4 The complainants were subjected to much inconvenience in trying to obtain copies of police report lodged.
- 2.4.5 The Commission had received some complaints that the police response-time to calls from the public is slow¹⁴.

In a case where a woman was badly assaulted by her husband, their daughter called and begged the police to come to their house quickly but the police did not turn up even though the police station is nearby. The injuries sustained by the woman were serious enough to warrant her hospitalisation.

- 2.4.6 The use of information technology which is supposed to ease the burden and inconvenience for the public in the lodging of a police report, instead had a different result.

The Police Reporting System (PRS) had not been fully implemented in every police station. As a result of this, complainants who went to a police station which has not yet implemented the PRS were told to go to another police station which has the PRS system to lodge the report.

¹³ This figure is as at March 2005

¹⁴ The Commission's survey shows that 61% of the public is not satisfied with the response time of the police.

2.4.7 It is also very important that any system implemented for the purpose of enabling the public to lodge a police report with ease should be user-friendly. However, this is not the case as is seen in the Computerised Accident Reporting System (CARS). There were complaints that CARS is not user-friendly in that there is limited space to fill in particulars of the accident and the damage caused to the vehicles. Complainants also have difficulty following the instructions on the interface of CARS.

2.4.8 On the investigation aspect of police work, the inefficiency can be seen in cases where after the police report is lodged by the complainant, there is no IP opened even though the case requires further investigation¹⁵. The conduct of police investigation, the gathering and preparation of evidence by the police is often said to be of poor standard.

In a case in Ranau, Sabah, the daughter of the complainant was allegedly killed in a car accident when she and a group of friends were on holiday in Sabah. The complainant was informed by a police officer that the deceased was in a car with 2 other friends when the car plunged into a ravine. Both the driver and the front passenger sustained no injuries but the complainant's daughter, who was sitting in the back seat sustained injuries and died. The driver, had been charged under s41(1) of the Road Transport Act 1987¹⁶. A statement was taken from the driver but not from any of her other friends in the group. The complainant requested that the investigation into this case to be re-opened as many questions remain unanswered. Even though the car was very badly damaged at the front, both the driver and the front seat passenger escaped uninjured. The car was released to the driver without any report from the chemist and was taken out to a neighbouring country. The post mortem report indicated bruises on both sides of the deceased's forearms and over the sides of both her hip region. No answer was given to the complainant on how his daughter's body was removed from the car or how the car was brought up from the ravine. The complainant believes that more investigation needs to be carried out by the police as his daughter's injuries were not consistent with the police's version of how the accident had occurred.

2.4.9 Some police Prosecuting Officers appears to lack prosecution skills resulting in many cases been dismissed.

2.4.10 Police personnel do not follow the procedures laid down by PDRM such as procedures prescribed for the detection of crimes, investigations¹⁷, urine testing and licensing of guns.

¹⁵ Chapter 8

¹⁶ Section 41(1) of the Road Transport Act 1987-Causing death by reckless or dangerous driving.

¹⁷ Chapter 8

- 2.4.11 The inefficiency of PDRM can also be seen from public complaints relating to the application for police permits to hold a public assembly or procession or meeting. Many NGOs, political parties, and temple committee members complained to the Commission that the granting or non-granting of a permit at the eleventh hour just before the start of an event can be considered as sheer inefficiency on the part of PDRM in processing their application.
- 2.4.12 The inability of PDRM to reduce the number of “lorry-hijacking” cases, insurance and credit card frauds, other commercial crimes and the substantial number of cases on stolen vehicles had caused great concern to Bank Negara Malaysia, insurance companies and foreign investors.
- 2.4.13 The Commission notes that PDRM’s response to the above public complaints is that the police is overworked and do not have enough equipment and personnel to handle and investigate all reports lodged.
- 2.4.14 Findings of the Commission on Inefficiency and Lack of Accountability:
- i. The Commission finds that there is a need to keep all police stations well-equipped with sufficient computers, telephones, fax machines and other office equipment and stationery. The deployment of logistics also has an impact on the efficiency of PDRM. Vehicles meant for policing are used as staff cars resulting in a much more acute shortage of cars meant for patrolling.
 - ii. Human resources in PDRM are not efficiently deployed. About 30 percent of police personnel are involved in management work. All police officers should attend re-fresher courses to be retrained on the aspects of the police work they are doing and attain a satisfactory level of professionalism. It was also found that the mind set of the police is constantly “grumbling” about their economic condition, work environment and their work load contributes to the inefficiency of the police.
 - iii. The combination of two factors, that is, the lack of vehicles and the insufficient number of officers resulted in the slow response-time by the police.
 - iv. In respect of the investigation aspect of police work, the Commission finds that there are a few factors which contributed to the complaints concerning PDRM’s inefficiency:
 - a. The inability of the police to follow the leads given by the complainant, the lack of investigation skills, the inability to establish ingredients of a particular crime for the purpose of prosecution and the finding of evidence to substantiate those ingredients of the crime had resulted in many cases being not resolved or prosecuted or the non-conviction by the court.

- b. The Commission also found that the frequent transfers of police personnel hampered investigations as there is no proper handing over of case files to the new officer taking over the post as the IO.
- c. The low percentage of reports being investigated also add to the complaints as no investigation is made into many reports.
- d. Poor supervision and the degree of control exercised by senior officers over the conduct of investigations resulted in poor investigation and inefficiency.
- v. The failure of the police to inform the complainants about the action taken on their reports had created the perception that the police is not transparent and has no accountability.
- vi. To ensure accountability and transparency on the part of PDRM, the Commission recommends that the Police Act 1967 be amended to set out all the police duties and responsibilities.

2.5 Poor Public Relations

2.5.1 The Commission received 119 complaints from the public complaining of poor public relations by the police such as at the enquiry counter when members of the public want to lodge a complaint; the manner the police question, address and speak to the informants or witnesses or suspects in an investigation; the insensitivity of the police towards victims and informants; and the manner in which the police conducted searches and crowd control.

2.5.2 The Commission received complaints that the police refused to take reports and the reason given was that the crime was committed or the subject matter complained of is not within the jurisdiction covered by the police station. Two cases illustrate this point.

In the first case, the complainant went to the Shah Alam Police Station to lodge a report on an assault and was told to go to the Brickfields Police Station because the assault took place in Taman Sri Sentosa, which the complainant was told, is within the jurisdiction of the Brickfields Police Station.

In the second case, the complainant took one month before he was able to lodge a report. When the complainant went to the Johor Bahru Police Station to lodge a report, he was told to go to Skudai Police Station because the land in dispute was in Skudai. When he went to the Skudai Police Station, he was told to go back to the Johor Bahru Police Station because the sum involved is more than RM1million. Eventually, the complainant was able to persuade the policeman in Johor Bahru to allow him to lodge the report.

2.5.3 Complainants who are not able to write in Bahasa Malaysia or are illiterate were rudely told off, humiliated and subjected to verbal abuse and often, their attempts to make a report are not entertained by the police until the person who wants to lodge a police report obtain the assistance of another person. Sometimes, the police personnel scold the complainant as is seen in the following case:

A female complainant went to the police station with intention to lodge a report because a few boys were disturbing and harassing her daughter. She was rudely scolded and told that the police cannot do anything since her daughter did not sustained any injuries. The policeman even told her to move away from the area.

2.5.4 The charge of RM2 imposed on the informant who wants a copy of the report lodged is poor public relations because the cost of photocopying the report is not so high. PDRM should not be seen to be making a profit from this. A copy of the police report should rightly be given free of charge to the complainant. Further, police reports are not given out immediately and some complainants had to go several times to a police station to obtain a certified true copy of the police report because the report has to be certified by the OCPD.

2.5.5 An aggrieved party requesting for a copy of a report lodged is always told by the police that the report can only be given to the informant even though the aggrieved party has a legitimate interest in the police report lodged.

In an infringement of copyright case, X lodged a police report against Y stating that Y had infringed X's copyright. Based on X's police report, Y was arrested and detained for one day. After Y's release, Y requested for a copy of the police report made by X against him so that he will know the allegations made by X against him in order to prepare his defence as he was also not told of the grounds of his arrest. Y was told by the IO that he is not entitled to the same.

2.5.6 The insensitivity of police personnel towards the victims of a crime or the complainants' feelings and the inappropriate remarks made by police personnel are matters which contribute to the perception of the poor public relations of PDRM.

In one rape case, two police officers escorted a rape victim to the hospital for a medical examination. While they were at the registration area of the hospital, they were asked by one of their colleagues working at the hospital why they had come to the hospital. One of the officers pointed to the victim and said loudly "Rogol" (rape).

Another example is the case where the female complainant whose husband had not returned home for several days went to the police station to lodge a "missing person" report. The police officer taking her report asked her whether her husband has a mistress and then suggested to her that since she is so pretty, why she is not looking for another man.

2.5.7 The police assisting the complainant in making police report do not write down all material facts relayed by the complainant.

For example in one case, the complainant informed the policewoman taking his report that he was assaulted by a man who had also thrown a stone at him. The complainant handed the stone to the policewoman but she did not record that fact in the report. The complainant also does not know whether the policewoman is still keeping the stone as an exhibit.

In another case, a woman was assaulted by two men and two women. She was very badly injured and was hospitalised. When she went to make her report at the police station, the police officer recorded her complaint and classified it as one where she had a quarrel with another woman instead of a case of causing grievous hurt. As this classification does not warrant any investigation, no action was taken.

2.5.8 The random picking of persons in an uncivilised manner and in public places such as by the roadside, outside the mosque, along walkways or in front of police stations without any notice, for identification parades not only reflects on the poor public relations of PDRM but also causes a lot of inconvenience to the public who had to spend a few hours waiting for the identification parade to be completed.

In one inquiry, a school teacher complained to the Commission that while he was having tea with several of his students at a road-side food stall, he was picked up in full view of his students and told to get into the police truck with no explanation given. He was driven to the police station and made to participate in an identification parade. He had to spend several hours at the police station. This episode had caused much embarrassment to him.

2.5.9 PDRM's poor public relations can also be seen from the searches conducted by police officers. Many searches are carried out late at night and the police use rough and intimidating actions to gain entry into the premises and during the search all the belongings of a "suspect" were rummaged through.

The Commission received a complaint that the complainant was traumatised by the manner in which the police conducted a search on his house. He alleged that the police arrived late at night after he had gone to bed. The policeman shouted and banged on the front door and another group kicked down the back-door. The policemen entered the house with their boots on and rummaged all his belongings in full view of his family members and neighbours. He was told that the police suspects that he was keeping drugs in his house. Nothing was found and subsequently a urine sample taken from him was tested negative.

2.5.10 The Commission received many complaints that the police used high-handed tactics to control crowds such as the free use of batons, cane sticks, tear gas and water cannons, indulged in rough treatment for those caught and shoved into police trucks and do not give sufficient time to the crowd to disperse.

2.5.11 The Commission sought PDRM's response to the above complaints.

- i. In respect of the lodging of police reports, it was clarified to the public, via the media that a policeman stationed at the counter cannot refuse to take down or accept reports made by any person¹⁸. As at 14 March 2004, it is a disciplinary offence for any policeman to refuse to take down or accept any reports¹⁹.
- ii. All police officers have been frequently reminded to be courteous and helpful and to uphold the police Motto "Mesra, Cepat dan Betul" (Friendly, Speedy and Correct).
- iii. PDRM will take the most suitable and appropriate action in dealing with a particular case depending on each situation. The police had always taken action in the interests of maintaining public order and security in the country.
- iv. PDRM needs to project a firm and uncompromising image to the public and in doing so, PDRM is wrongly perceived as lacking in public relations.
- v. PDRM acknowledged that some police officers may be discourteous but it can be explained.

2.5.12 Findings of the Commission on Poor Public Relations.

- i. The Commission finds that the above complaints have to be addressed because if allowed to continue, the trust and integrity of PDRM will be undermined. The public is always apprehensive about going to the police station and their fear and distrust of the police will be compounded if each time the complainants or the victims lodge police reports, they encounter the above problems and hindrances. After some time, the complainants and the victims will not want to lodge reports thereby defeating the public's participation in efforts to prevent and stop crimes.
- ii. It had been said that "**the uniform captures the man**" and often the policeman forgets to be civil and courteous as the "authority" in the uniform makes the policeman arrogant. There was a witness who came for an inquiry and told the Commission that "the Police are very prouds and robbish. If you do not know them they will not assist you".

2.6 Abuse Of Power

2.6.1 The Commission had received 191 complaints on abuse of power by the police.

¹⁸ The Star dated 3 November 2004, Wednesday.

¹⁹ Administrative Directive No: 13/2004.

2.6.2 The abuse can be seen in the arrest and long detention of suspects.

In a case where the Commission held an inquiry, 4 suspects were arrested on 13 November 2004. When questioned by the Commission, the police officers involved in the arrest said that the 4 suspects were arrested based on information from the Operations Room that they “buat kacau” at the place. The Commission observes here that the arrest cannot and should not have taken place because “buat kacau” is not a seizable offence and at this stage by arresting the suspects, the police officers had abused their authority and power.

After the arrest, the Commission was informed that the 4 suspects were detained for 13 days at the police station lockup and no investigation was conducted during that period. At the expiry of the 13 days, the suspects were handed over to another police station at another district purportedly for investigation into an extortion case. At the second police station the suspects were detained for another 10 days and a statement was taken from each of the suspects. However, the evidence gathered was insufficient to prove the alleged extortion. Subsequently the 4 suspects were released on bail and told to go back to the police station on another date. On that date the police decided to arrest the 2 male suspects under the Emergency Ordinance 1969. One of the suspects went into hiding and the other was detained for another 60 days for the purpose of recommending for his further detention under the Emergency Ordinance.

The Commission notes with concern that a detention period of 23 days in total in the circumstances for the alleged offences is definitely an abuse of power and authority. Likewise, the use of the Emergency Ordinance in such a situation is unwarranted.

2.6.3 The practice of “chain-remand” detention as seen in the case above, is another incident of abuse of power and authority. The police in the case could have questioned the “suspects” without detaining them or while they were detained at the first police station for a period of 13 days.

There is another case which happened in Miri where a suspect was also detained for an unreasonable period. The complainant was a suspect for robbery. On 15 December 2003 he was arrested and released unconditionally on 19 December 2003. After the incident, he read in newspapers that the police was looking for him in connection with an armed robbery. On 16 January 2004 the complainant surrendered himself to the police. He was remanded for 11 days via an order of the Magistrate. On 26 January 2004 his detention was extended by another 2 days. On 27 January 2004 he was released unconditionally by the Magistrate's Court. However, on the same day he was re-arrested by the police. The next day, the police obtained an order to remand him for 9 days purportedly based on a report lodged on 22 January 2002. On 5 February 2004 he was released unconditionally by the Magistrate's Court. The total number of days that the complainant spent in police custody was 27 days.

2.6.4 The Commission had received complaints that the police failed to be impartial in the conduct of its investigations involving two contending parties and in the process this led the complainants to perceive that the police officers abused their power and authority.

In a complaint to the Commission, it was alleged that the police did not take any action against certain persons named in the complainant's report for alleged offences because these persons were "known" to the police. As a result, these persons continued to harass and intimidate the complainant without any fear or reprisal. This unsatisfactory situation led the complainant to believe that the police abused their power by taking sides and not taking any action against the offenders.

2.6.5 There were complaints against the police for using their authority and power to threaten and sometimes extort money from people. The Commission notes with concern, cases which involve legal and illegal migrant workers, where the migrant workers were always "visited" by police officers who threaten to detain them and offered not to do so after certain payments had been made.

2.6.6 The abuse of power by police officers which caused grave concern to SUHAKAM, NGOs and international organisations pertains to acts of inhumanity, torture and degradation carried out by the police.

The Commission heard a case where the complainant was detained under the Internal Security Act 1960 (ISA). He described to the Commission, the torture, degradation and inhumane acts that Special Branch officers inflicted upon him during his 60-day detention period. He said he was being stripped naked, cold water was poured over him and he was put in an air conditioned room. He was repeatedly hit during the interrogation until he lost consciousness. At all times he was handcuffed to the back and he was blindfolded. His mouth was forced open and he was forced to drink urine. His genitals were hit with a hard object.

2.6.7 In respect of abuse of power by police officers, PDRM had informed the Commission that if there is such a complaint and if the complaints are true, PDRM will take stern action against their officers. PDRM had also formed a special unit to investigate, monitor and act on any such complaints.

2.6.8 Findings of the Commission on Abuse of Power:

- i. From the inquiries held, the complaints received, the Commission finds that there is abuse of power by some police personnel. If those guilty of abusing their powers are not punished, this problem will continue to persist in PDRM.
- ii. The Commission found that in some cases, PDRM had attempted to address the issues but a holistic approach had not been taken. The present PDRM leadership had however manifested its seriousness in addressing this problem.

3. SUGGESTIONS RECEIVED FROM THE PUBLIC

3.1 The Commission received 316 suggestions from the public. Among others, these suggestions relate to PDRM's human resources and logistics, corruption, community policing, human rights and the establishment of an independent body to oversee PDRM, some of which are as follows:

3.1.1 Human Resource

- i. There is a need to increase the number of police officers and rank and file to combat crimes.
- ii. Restructure PDRM and carry out immediate re-deployment of police personnel to police districts with high incidence of crime.
- iii. There must be a review of the functions and roles of the General Operations Force (PGA).
- iv. PDRM should upgrade its professionalism in dealing with the public. Police personnel must be trained to enhance public relations and communication skills.
- v. PDRM must provide quality training to officers and the rank and file so that police officers will undertake policing work in a more professional manner.
- vi. PDRM must enhance multiracial participation in accordance with national unity and national integration policies by giving due consideration to the communal ratio in the country.
- vii. The recruitment criteria into PDRM must be reviewed. There must be a minimum standard of education and screening of applicants, recruits and ethics training.
- viii. There must be proper management structures with better promotion prospects and career advancement to give incentive to the existing police officers to be more efficient in their work.
- ix. There must be adequate counselling services for PDRM personnel to enable them to relieve their work stress.
- x. Islamic values must be infused into PDRM.
- xi. All training police institutions must be given reasonable meal budgets to ensure the provision of a healthy and balanced diet.

- iv. Traffic police should be transparent and firm in issuing summonses. This can be achieved by the police issuing summonses quickly and erecting their road blocks in open places. This will also reduce dangers to motorists. The abuse of power taking place at police check points had lead a complainant to describe these check points as “cekik points”.

3.1.6 General

- i. PDRM should not succumb to political pressure or pressure from NGOs.
- ii. PDRM must rethink traffic strategies to reduce motor vehicle accidents and traffic jams as there are more vehicles on the road and the incidence of road accidents is getting higher and higher every year.
- iii. The Government should establish an independent body to oversee PDRM at the end of the tenure of this Commission.

4. SUGGESTIONS RECEIVED FROM PDRM PERSONNEL

4.1 The Commission also received 22 suggestions and complaints from serving police officers and rank and file by way of letters (3), the website (10) and at public enquiries (9). Among the issues raised are:

- i. Promotion and career development issues;
- ii. Police welfare issues such as housing, the work place and travel claims;
- iii. The maintenance of good relations with superiors;
- iv. The rank and file experience difficulty in expressing their views and having their opinion heard by the superior officers; and
- v. Corrupt practices among senior officers and their difficulties in reporting the matter.

5. RESPONSE FROM PDRM BASED ON ISSUES BROUGHT UP BY THE ROYAL COMMISSION

5.1 The Commission had two dialogue sessions with the top management of PDRM. Based on public feedback and complaints, the Commission identified several major areas of concern. These areas were addressed during the meetings with the top management of PDRM. As recommended by the Hon'ble Prime Minister, issues discussed which did not involve amendment of any Acts or Regulations or PDRM's structure as well as finance was given priority.

3.1.2 Logistics

- i. There must be adequate housing with sufficient rooms for a family and such houses must be properly maintained by PDRM.
- ii. All police stations must be provided with adequate basic office equipment such as chairs, tables, fans, lamps, computers, printers, fax machines, photocopying machines and the like, to replace obsolete equipment.
- iii. PDRM must make the enquiry office and the public waiting area more informant-friendly and comfortable.
- iv. There must be more police vehicles such as Mobile Patrol Vehicles, trucks, motorcycles and boats to enable police officers to carry out their duties efficiently.
- v. There must be greater utilisation of information and communication technology for all aspects of police work.
- vi. PDRM's budget must accordingly be increased.

3.1.3 Human Rights Aspect of Police Work

- i. The remand period should be shortened.
- ii. Detainees should be given the right to meet their counsel within 24 hours of arrest.
- iii. PDRM should put more emphasis on having a high standard of investigation that is human rights compliant.

3.1.4 Community Policing

- 3.1.4.1 PDRM must maintain and strengthen its relations with the public through regular meetings, dialogue and social programmes. For this purpose, the post of "Community Relations Officer" should be created.

3.1.5 Actions to Combat Corruption

- i. PDRM must establish a strong internal mechanism with internal reporting and integrity testing to combat corruption and handle misconduct of police personnel.
- ii. The increase of salaries and allowances of the rank and file should help to combat corruption.
- iii. PDRM should conduct investigations into all its personnel who lead luxurious lifestyles which are beyond the means of their lawful income.

- 5.2 As a result of the first meeting on 6 May 2004 PDRM's top management issued several directives to improve on several work procedures:
- i. Administrative Directive No. 12/2004 KPN(PR) 63/5 dated 14 May 2004 issued by the Director of Management PDRM relating to the failure of PDRM to inform and permit close family members to visit suspects after they are detained and poor treatment in the police lockups.
 - ii. Administrative Directive No. 13/2004 KPN 87/6/1 dated 14 May 2004 issued by the Director of Management PDRM relating to the refusal to accept police reports from the public.
 - iii. CID Directive No. 8/2004 dated 14 May 2004 issued by the Director of Criminal Investigation Department relating to detention and arrest of suspects and their rights as shown below:
 - a. Informing family members/relatives or close friends of the suspects.
 - b. Right to counsel.
 - c. Right to be informed of grounds of arrest.
 - d. Detention under s117 of the CPC.
 - iv. CID Directive No. 7/2004 dated 14 May 2004 issued by the Director of Criminal Investigation Department relating to the classification of police reports and the need to inform the complainant/victim on status of his report and progress of police investigation.
 - v. CID Directive No. 6/2004 dated 14 May 2004 issued by the Director of Criminal Investigation Department relating to directions for the disposal of exhibits.
 - vi. Internal Security and Public Order Directive dated 19 May 2004 issued by the Director for Internal Security and Public Order relating to tout activities in road accident cases.
 - vii. Administrative Directive No. 16/2004 dated 19 May 2004 on response time. PDRM has to respond to a call within 15 minutes.
 - viii. CID Directive No. 10/2004 dated 29 May 2004 issued by Director of Criminal Investigation Department relating to death in police custody or police lockup. Investigations into these cases need to be completed within 1 month and inquests must be held.
- 5.3 The Commission is of the view that PDRM must monitor the implementation of the above directives at contingent, district and station levels. This is because during the public inquiry sessions held after the directives were issued, the Commission continued to receive complaints from the public alleging that police personnel refused

to accept police reports for various reasons. The Commission was also informed that child detainees were placed in the same cell together with adult detainees.

5.4 A follow-up meeting was held with the top management of PDRM on 16 December 2004. Issues discussed at this meeting were as follows:

- i. The Commission was of the opinion that PGA could be deployed for crime prevention duties in strategic high crime areas for example in Kuala Lumpur and Johor Bahru. As a result of this, PDRM has deployed more police personnel in such crime prone areas for anti crime patrols which include PGA and FRU personnel. Crime statistics in 2004 show that:
 - Snatch theft cases had gone down from 15,798 cases in 2003 to 11,536 in 2004 (26.9 percent);
 - Overall solving rate for offences had increased to more than 60 percent;
 - Sixty-seven percent of 565 murders reported had been solved;
 - A total of 1718 cases (97.2 percent) of rape cases were solved;
 - A total of 11,536 cases (53 percent) of snatch theft cases were solved; and
 - Crime index fell to 2.27 percent in the first 2 months of the year in 2005.
- ii. The Commission noted that PDRM is providing escort services to those who are not entitled to this privilege as stated in IGSO Section B 127. The Commission therefore advised PDRM to follow strictly to the approved guidelines regarding eligibility for police escort and the number of escorts permissible.
- iii. On the issue of recruitment of more non-Malays into PDRM, the Commission suggested that PDRM review the physical criteria for the recruitment of non-Malays. PDRM agreed with this suggestion. PDRM was also asked to inform all applicants on reasons why their applications have been rejected.
- iv. According to public perception the corruption situation in PDRM has improved since the establishment of the Royal Commission. This may be due to the intervention measures and the disciplinary action taken by the Disciplinary Branch of PDRM. The IGP further suggested that the Police (Conduct and Discipline) (Junior Police Officers and Constables) Regulations 1970 [P.U. (A) 86/70] that had been repealed, be brought back as it is a swift and effective means of instilling discipline in the rank and file.
- v. The Commission received feedback from police personnel stating that PDRM has no proper personnel welfare structure to cater for their needs. The IGP informed the Commission that PDRM has no establishment for counsellors. However, on their own initiative PDRM has trained some of their officers as counsellors and has set up a Counselling Unit at the Kuala Lumpur Police Training College, Cheras. PDRM continues to send 10 officers to Universiti Kebangsaan Malaysia (UKM) every year for a degree in clinical counselling.

In spite of PDRM's initiatives and constant requests to JPA, JPA had not allocated any permanent counsellor positions for PDRM.

5.5 Other than the actions taken above, PDRM has also taken other initiatives such as:

- i. In July 2004, PDRM set up special units to focus on public complaints at state and district police headquarters nation-wide. These units are opened during office hours to receive complaints against police personnel. Complaints can be sent in via post.
- ii. Meet-the-clients session with the OCPD and the OCS every Thursday from 10.00 a.m. to 12 noon. These sessions were held to discuss crime related problems faced by the public and to help build public-police rapport which will help the police to tackle crime in their areas.
- iii. Since September 2004, PDRM had drawn up in-service training programmes for junior police personnel known as the Decentralisation Training System which includes amongst others, public relations and communication courses, computer courses and driving courses. These special courses were held in an effort to enhance professionalism among lower ranking police personnel. Police personnel are required to attend at least 1 hour of training a week in any one of these courses. These courses are held at the respective police stations, district headquarters and contingents.
- iv. From September 2004, new police recruits have to undergo a month long on-the-job training learning foreign languages like Arabic, Mandarin and English as well as human rights.
- v. PDRM has plans to divide the bigger police districts into smaller administrative districts for better and more effective management. In January 2005, PDRM had divided the Petaling Jaya Administration Area into two (2), with the previous Petaling Jaya South area being placed under the newly established Subang Jaya District Headquarters. The present Petaling Jaya Headquarters will continue to administer the Petaling Jaya North area covering Petaling Jaya, SEA Park, Damansara, Sg. Buloh, Sg. Perlung, Kg. Subang and Sg. Way. The Subang Jaya Headquarters will cover Puchong Jaya, Sri Kembangan, Serdang, Subang Jaya, Sunway, USJ 8 (formerly under Shah Alam) and two new areas in Bukit Puchong and Putra Heights. The separation was necessary to ensure more efficiency in law enforcement and maintenance of public order in Petaling Jaya which has some 2 million residents.

6. PUBLIC SURVEY

6.1 Purpose

- 6.1.1 The Commission conducted the survey to gauge the response of the general public on crime and their perception of PDRM.

6.2 Profile of Respondents

6.2.1 The survey of public opinion conducted by the Commission was carried out between 22 November 2004 and 1 December 2004. It covered a sample of 575 adult respondents in urban areas from all 13 states and the Federal Territory. The ethnic breakdown of the sample was 43.9 percent Malays, 32.7 percent Chinese, 13.9 percent Indians, 5.4 percent Other Bumiputera and 4.0 percent Others (which includes other Malaysian citizens such as Eurasians and Portuguese expatriates and permanent residents). Males represented 59.4 percent of the sample while females make up 40.6 percent.

6.3 Victims of Crime

6.3.1 A total of 101 respondents out of 575, or 17.6 percent, reported that they had been victims of crime in 2004. Assuming an adult population of 5 million in urban areas, this translates into a total of 878,000 persons who had fallen victim to crime in urban areas in 2004. The Commission considers this figure high, and a matter of grave concern.

6.4 Reporting Crime

6.4.1 The reporting rate was not very satisfactory. Out of the 101 victims of crime in 2004, only 76 persons, or 75.3 percent, reported to the police. The percentage was better for those who were victims of crime before 2004. A total of 225 out of 272 victims or 82.7 percent had made police reports. Survey findings indicate the main reasons for not wanting to make police reports, either as a victim or a witness to a crime, included the trouble involved in making police reports, the impression that the police will not be able to do anything and the feeling that the police will not help as shown in Table 3.3.

TABLE 3.3 : REASONS FOR NOT WANTING TO MAKE POLICE REPORTS

REASONS	AS A CRIME VICTIM (%)	AS A WITNESS TO A CRIME (%)
Troublesome to report	23.4	31.8
Police unable to do anything	25.0	25.9
Police will not assist	20.3	15.1
Crime not serious	17.2	13.8
Others	14.1	13.4

6.5 Police Response Time

6.5.1 A total of 60 percent of the respondents know the telephone number of the police station in their neighbourhood. Of the number of respondents who made calls to the police, 39 percent were satisfied with the response and 61 percent were not satisfied. A low percentage (4.2 percent) said that the police did not respond at all whereas 24.1 percent said that the police took 30 minutes to an hour to arrive at the scene of crime.

Respondents who were not satisfied with the response time of the police said that the police did not arrive or took too long to respond because they were not concerned with the problem.

6.6 Types of Crime

6.6.1 Respondents were asked the types of crimes that occurred in the neighbourhood. A total of 80 percent of the respondents stated that house-breaking had occurred in their neighbourhood. This was followed by snatch thefts (65 percent) and vehicle/ vehicle component theft (59 percent), as shown in Table 3.4.

TABLE 3.4 : TYPES OF CRIME AND THEIR PERCENTAGE OCCURRENCE

Types of Crime	Percentage (%)		
	Yes	No	Not Sure
House Break-ins	80.2	11.7	8.1
Snatch Thefts	64.9	18.8	16.3
Vehicle / Vehicle Component Theft	59.4	23.3	17.4
Selling/Taking Drugs	25.7	34.8	39.5
Domestic Violence	14.8	45.1	40.1
Rape/Attempted Rape	14.0	46.6	39.4

6.7 Crime Awareness - Sources of Information

6.7.1 Respondents were asked to identify the sources of information on crime in their neighbourhood. Neighbours and friends were the largest source of information (43.6 percent) followed by newspapers, television and radio (23.7 percent) as shown in Table 3.5.

TABLE 3.5: SOURCE OF INFORMATION ABOUT CRIME IN NEIGHBOURHOOD

Source	Percentage (%)
Neighbours and Friends	43.6
Newspapers, TV, Radio	23.7
As a Victim	13.7
As a Witness	9.4
Local Police	6.5
Others	3.1

6.8 Worries About Occurrence of Crime

6.8.1 The survey found that 89 percent of the respondents were “worried” to “extremely worried” about the occurrence of crime in their neighbourhood. Only 11 percent or a ratio of one in 10 of the respondents was not worried. The level of worry is broadly similar across ethnic groups as shown in Table 3.6. This very high level of worry is also a cause for deep concern, and should be addressed by PDRM.

TABLE 3.6: ETHNICITY AND LEVEL OF WORRY

ETHNICITY	LEVEL OF WORRY				TOTAL
	Worried to Extremely Worried		Not Worried to Not Very Worried		
	Number	%	Number	%	
Malay	215	89.2	26	10.8	241
Chinese	157	87.7	22	12.3	179
Indian	70	92.1	6	7.9	76
Other Bumiputra	25	86.2	4	13.8	29
Others	19	86.4	3	13.6	22
TOTAL	486		61		547

6.9 Public Perception of Police Presence in the Neighbourhood, Police Performance and Security

6.9.1 Police Presence in the Neighbourhood

6.9.1.1 A total of 36 percent of the respondents said there is police presence in the neighbourhood while 44 percent said there had been no police presence at all. Of those who had seen the police regularly in the neighbourhood, 80 percent were “moderately” to “very satisfied”. However, for the group of respondents who said they had not seen the police regularly, 69 percent were “dissatisfied” to “very dissatisfied” with the police presence as shown in Table 3.7.

TABLE 3.7: REGULAR POLICE PRESENCE AND SATISFACTION LEVEL

Satisfaction Level	Regular Police Presence			
	Yes		No	
	Number	%	Number	%
Very dissatisfied/Dissatisfied	40	19.6	171	68.7
Moderately Satisfied	105	51.5	69	27.7
Satisfied/Very Satisfied	59	28.9	9	3.6
Total	204		249	

6.9.2 Level of Satisfaction with Security and Police in the Neighbourhood

6.9.2.1 The survey indicated 44.7 percent of the respondents were “very dissatisfied” or “dissatisfied” with security and 43 percent were “very dissatisfied” or “dissatisfied” with the police. A total of 40.5 percent were “moderately satisfied” with security and 14.8 percent were “satisfied” or “very satisfied”. The corresponding figures for satisfaction with the police were 42.3 percent and 14.7 percent respectively as shown in Table 3.8.

TABLE 3.8: LEVEL OF SATISFACTION WITH SECURITY AND POLICE IN THE NEIGHBOURHOOD

SATISFACTION LEVEL	IN THE NEIGHBOURHOOD			
	Security		Police	
	Number	%	Number	%
Very Dissatisfied/Dissatisfied	254	44.7	242	43.0
Moderately Satisfied	230	40.5	238	42.3
Satisfied/Very Satisfied	84	14.8	83	14.7
TOTAL	568		563	

6.9.3 Public Perception of Police Integrity

6.9.3.1 The majority of the respondents (63.5 percent) said they would not bribe the police to settle summonses. Only 21.6 percent said that they were willing to pay bribes. The main reasons given for agreeing to pay bribes is that the paying of summonses is troublesome (29.6 percent) and the fine payable is higher than what they need to give to the police.

6.10 Public Views on Policing

6.10.1 Community Security Schemes

6.10.1.1 A total of 36 percent of the respondents know of the existence of community security schemes like Rukun Tetangga and RELA. Out of this figure, 46 percent joined these schemes. A similar proportion of respondents (47 percent) stated that they would like to join as a way of protecting their families.

6.10.2 Public Perception of Police Performance

6.10.2.1 The public was also requested to rate police performance in nine areas of policing, as listed in Table 3.9. The police performed best in the area of Maintaining Law and Order, with 71.5 percent of the respondents being “moderately satisfied”, “satisfied” or “very satisfied”. The police performed least well in the area of Robbery and Theft, with 53.4 percent of the

TABLE 3.9: PUBLIC RATING OF POLICE PERFORMANCE IN 9 AREAS OF POLICING

No.	AREAS OF POLICING	PUBLIC RATING					
		Dissatisfied/ Very Dissatisfied		Moderately Satisfied		Satisfied/ Very Satisfied	
		Number	%	Number	%	Number	%
1.	Robbery and Theft	303	53.4	174	30.7	90	15.9
2.	Organised and Gang Related Crime	260	46.1	192	34.0	112	19.9
3.	Drug Related Crime	254	45.8	188	33.9	113	20.4
4.	Violent Crime	234	41.5	200	35.5	130	23.0
5.	Commercial Crime	227	40.7	218	39.1	113	20.3
6.	Crime Prevention	227	40.0	231	40.7	110	19.4
7.	Community Relations	224	39.6	224	39.6	118	20.8
8.	Juvenile Crime	202	36.1	250	44.6	108	9.3
9.	Maintaining Law & Order	162	28.5	268	47.1	139	24.4

respondents, or a little more than half, being “dissatisfied” or “very dissatisfied”. The Commission considers the level of dissatisfaction with the police in all areas of policing except Maintaining Law and Order to be serious.

6.11 Areas of Concentration for Policing

6.11.1 The public was asked to choose from the nine areas of policing where they would like the police to concentrate their efforts. A total of 21.5 percent of the respondents would like the police to give priority to Crime Prevention followed by Robbery and Theft (17.3 percent) and Maintaining Law & Order (17 percent).

6.12 Conclusion from the Survey

6.12.1 The findings from the survey regarding the perceptions of the public on security and crime in the country as well as on PDRM are obvious. They bear out the concern on the situation expressed by the Hon’ble Prime Minister, the Government and civil society. There is a serious level of worry among the people regarding security and crime in the country. The level of concern regarding crime is particularly high and merits urgent attention. Similarly, the level of satisfaction with PDRM is very low. Clearly, urgent and effective action is required to address the concerns of the people and restore their confidence in the system.

7. SURVEY AMONG POLICE PERSONNEL

7.1 Purpose

7.1.1 The survey was conducted to determine and gauge the responses of the officers and personnel of PDRM towards integrity, work ethics, job importance and job satisfaction. Comparisons were made between the responses / attitudes of officers and rank and file.

7.2 Sample Profile

7.2.1 The survey of police personnel covered 1,383 respondents and was carried out between 22 November 2004 and 1 December 2004. A total of 92 percent of the respondents were men and 8 percent were women, broadly reflecting the ratio in PDRM (90.9 percent men and 9.1 percent women in 2004). Approximately 35 percent of the respondents were officers and 65.3 percent were from the rank and file.

7.3 Police Integrity

7.3.1 Ten case scenarios of violation of official policy were given to the respondents and they were asked whether there was a violation of official policy in each case. The ten case scenarios and the responses received are as shown in Table 3.10.

TABLE 3.10: VIOLATION OF OFFICIAL POLICE POLICY

CASE	% RESPONDENTS				SIGNIFICANCE
		YES	NO	NOT SURE	
3 Accepting bribes / gift from motorists Caught speeding	Officers Rank and File	97.5 97.3	1 2	1.5 0.7	N.S
9 Accepting free drinks / food for not reporting on entertainment center operating beyond closing time	Officers Rank and File	98.1 96.0	0.6 1.8	1.2 2.2	N.S
5 Taking valuables from a jewellery shop while investigating a robbery	Officers Rank and File	96.9 96.4	2.1 1.6	1 2	N.S
2 Accepting free drinks / meals from shops while patrolling	Officers Rank and File	68.6 67.1	25.9 25.7	5.4 7.2	N.S
1 Carrying out business after office hours	Officers Rank and File	84.7 70.5	12.2 22.7	3.1 6.8	***
6 Accepting kick-backs from auto repair shop for recommending repairs in accident cases	Officers Rank and File	92.7 84.4	4.2 6.9	3.1 8.6	***
7 Getting time-off in lieu of time taken during public holidays for fixing superior officer's car	Officers Rank and File	86.8 76.8	9.0 11.5	4.1 11.6	***
10 Use of excessive force on car thieves	Officers Rank and File	96.9 89.3	2.1 6.5	1 4.2	***
4 Accepting gifts / hampers from traders during festive occasions	Officers Rank and File	76.6 69.0	16.9 20.8	6.5 10.1	**
8 Cover-up for fellow police officer for driving under the influence of alcohol in early morning	Officers Rank and File	86.4 84.2	9.6 8.2	3.8 7.5	*

Note : Under Significance

N.S = Not statistically significant at level of 5%

* = Statistically significant at level of 5%

** = Statistically significant at level of 1%

*** = Statistically significant at level of 0.1%

7.3.2 The level of integrity of police officers regarding the relatively more serious cases of corruption seems to be satisfactory, though not sufficient enough. Over 90 percent of the respondents (in some cases nearly 100 percent) regarded five out of the ten case scenarios as violations of official policy, namely accepting bribes/gifts from motorists caught speeding; accepting free drinks/food for not reporting on entertainment centres operating beyond closing time; taking valuables from a jewellery shop while investigating a robbery; accepting kick-backs from auto repair shops for recommending repairs in accident cases; and use of excessive force on car thieves. Over 80 percent of them consider three other case scenarios, that is, carrying out

business after office hours; getting time-off in lieu of time taken during public holidays for fixing superior officer's car; and cover-up for fellow police officers for driving under the influence of alcohol as violations of policy. Only with regard to two case scenarios, namely accepting gifts/hampers from traders during festive occasions and carrying out business after office hours are the figures lower than 80 percent.

7.3.3 The level of integrity of the rank and file is consistently lower than the officers in all cases. The difference between the level of integrity between the officers and the rank and file is significant with regard to four case scenarios, that is, accepting free drinks/meals from shops while patrolling; carrying out business after office hours; getting time-off in lieu of time taken during public holidays for fixing superior's car; and accepting gifts/hampers from traders during festive occasions.

7.3.4 The results indicate that while there are differences between PDRM officers and rank and file on what constitutes corruption and the level of seriousness, the differences are only apparent in a few cases. Therefore it can be concluded that corruption awareness is significantly low at all levels in PDRM. As such there is an urgent need for the promotion of ethics training and aversion to corruption with more attention to be given to the rank and file.

7.4 Job Ethics

7.4.1 Nineteen questions in Set B of the questionnaire were used to obtain a measure of the ethical attitudes of police personnel in PDRM. The questions were structured in such a way that higher scores reflect lower ethical attitudes.

- i. A total of 68.5 percent of the respondents said they would lie to protect their own job, while 31.5 percent said they would not. Only 13.6 percent said they would lie to save a fellow officer's job, compared to 86.4 percent who maintained they would not. While it was ethical for a large number of respondents (86.4 percent) not to lie to save another officer's job, on the other hand, it was unethical of the respondents (68.5 percent) to say that they would lie to save their own job.
- ii. A total of 57.8 percent of the officers and 64.8 percent of the rank and file believe that their supervisors condone to bending the rules to get a job done, while 42.2 percent of the officers and 35.2 percent of the rank and file believe their supervisors do not. With regards to bending of rules (of law), the respondents from the rank and file appeared less ethical than the officers. However in terms of percentage more than half of the officers (57.8 percent) were also not ethical.

7.5 Job Satisfaction

7.5.1 The same 19 questions for job satisfaction were repeated to gauge the respondent's level of satisfaction with respect to the factors that contribute to job satisfaction, like job stability, helping the public, promotion and other factors as shown in Table 3.11.

TABLE 3.11 : JOB IMPORTANCE AND SATISFACTION

IMPORTANCE / SATISFACTION WITH RESPECT TO	JOB IMPORTANCE	JOB SATISFACTION	DIFFERENCE	RANK
	important to very important (%)	satisfied to very satisfied (%)	job importance- job satisfaction (%)	
Sufficient equipment in office	94.8	26.5	68.3	1
Living quarters	91.7	32.1	59.6	2
Salary / allowances	95.2	39.5	55.7	3
Promotion	84.9	38.4	46.5	4
Opportunity to attend courses / training	93.1	50.2	42.9	5
Opportunity for discussion with higher-ups	92.9	51.1	41.8	6
Appreciation by higher-ups	87.7	48.7	39.1	7
Opportunity to set goals and procedures	86.0	52.8	33.2	8
Recognition in specialised field	94.7	64.6	30.1	9
Opportunity to use various methods	89.4	60.2	29.2	10
Self fulfilment in job	93.7	66.2	27.5	11
Job stability	91.9	71.6	20.3	12
Happiness for job well-done	93.9	82.6	11.3	13
Regard from public	89.4	80.0	9.4	14
Regard from colleagues	86.5	79.9	6.6	15
Improving self-esteem	91.1	89.3	1.8	16
Helping the public	93.0	91.7	1.3	17
Close rapport with public	82.8	86.5	-3.7	18
Authority in job	72.9	77.8	-4.9	19

- i. Table 3.11 indicates that there is a considerable degree of dissatisfaction among police personnel, both officers and rank and file on what is important. The greatest degree of dissatisfaction which they considered most important in order of priority were with office equipment; living quarters; salary/allowances; promotion; opportunities for training; and opportunity for discussion with higher-ups.

- ii. Job satisfaction with the rating of “satisfied” and “very satisfied” represents the current situation that the police personnel are in. A high percentage (91.7 percent) of the respondents was satisfied with their role in helping the public. On the other hand, there was a low percentage of satisfaction (26.5 percent) for the issue of sufficient equipment in the office. The seriousness of this issue can be measured by the high percentage (94.8 percent) of respondents who placed importance to this issue.

7.6 Job Importance

7.6.1 A total of 19 questions pertaining to job importance were posed to each respondent. These questions ranged from the aspects of job stability, helping the public, promotion to salary and allowances.

- i. Job importance with the rating of “important” and “very important” for the 19 factors that represents the expectations of the police personnel.
- ii. Factors such as sufficient equipment, living quarters and eight factors were viewed by over 90 percent of the respondents as “important” to “very important”. Only in one factor, “authority in job”, was the rating lower, at 72.9 percent.

7.7 Correlation between Job Ethics, Job Satisfaction and Job Importance

7.7.1 In the correlation analysis of integrity with the above mentioned variables, job ethics appeared to be strongly associated with integrity. The correlation analysis, by rank, showed that the most important variable for officers was job importance whereas for rank and file it was job satisfaction. The analysis by gender showed that for men, both job importance and job satisfaction were significantly correlated to integrity. As for women, the only significant correlation was between integrity and job ethics.

7.7.2 As integrity is a measure of corruption, questions on ethics and their scores could be used to select police officers in a recruitment exercise. It could also be used as a yardstick in the promotion for existing police personnel.

8. CONCLUSION

- (8.1) The cumulative impact of all public complaints, the findings of the Commission from the inquiries and surveys conducted regarding many aspects of PDRM's service, performance and image is not positive and therefore warrants urgent action.

STATISTICS OF CASES FOR PUBLIC INQUIRY

NO	DATE	PLACE	NO. OF CASES
1	4/3/2004	Riverside Lounge, PWTC, KL	2
2	11/3/2004	Bilik Kedah, PWTC, KL	18
3	25/3/2004	Hotel Grand Bluewave, Shah Alam	15
4	1/4/2004	Hotel City Bayview, Pulau Pinang	14
5	1/4/2004	Hotel Puteri Pan Pacific, Johor Bahru	18
6	8/4/2004	Hotel Promenade, Kota Kinabalu, Sabah	3
7	8/4/2004	Hotel Hilton, Kuching, Sarawak	2
8	22/4/2004	Hotel Equatorial, Melaka	18
9	22/4/2004	Hotel M.S Garden, Kuantan, Pahang	8
10	29/4/2004	Hotel Holiday Villa, Alor Setar, Kedah	33
11	29/4/2004	Hotel Casuarina, Ipoh, Perak	20
12	13/5/2004	Hotel Renaissance, Kota Bharu, Kelantan	27
13	13/5/2004	Hotel Grand Continental, Kuala Terengganu	9
14	27/5/2004	Hotel Putra Palace, Kangar, Perlis	10
15	27/5/2004	Hotel Seri Malaysia, Seremban, Negeri Sembilan	17
16	3/6/2004	Royal Commission Premise	21
17	3/6/2004	Hotel The Katerina, Batu Pahat, Johor	4
18	17/6/2004	M.S. Garden Sungai Petani, Kedah	29
19	17/6/2004	Rumah Rehat Raub, Pahang	9
20	24/6/2004	Dewan Majlis Perbandaran, Tawau	23
21	24/6/2004	Hotel Tanahmas, Sibu, Sarawak	14
22	25/6/2004	Dewan Majlis Perbandaran Sandakan, Sabah	21
23	25/6/2004	Hotel Grand Palace, Miri, Sarawak	13
24	26/6/2004	Hotel Hilton, Kuching, Sarawak	17
25	8/7/2004	Majlis Perbandaran Klang, Selangor	8
26	8/7/2004	Pejabat Daerah Taiping, Perak	18
27	2004-2005	Royal Commission Premise	160
		TOTAL	551

GUIDELINES FOR THE CONDUCT OF PUBLIC INQUIRIES

1. All views, complaints and suggestions submitted to the Commission must be in writing. There is no prescribed format but all matters for consideration should be clearly stated.
2. All statements must be in either Bahasa Malaysia or English.
3. Matters for consideration must be related to the Royal Malaysia Police.
4. Any complaints or reports must be presented clearly. As such, it would be advisable if complaints made against the Royal Malaysia Police are attached with relevant documents, police reports and photographs.
5. To facilitate the Public Inquiry, it is advisable that each document submitted to the Royal Commission is made in triplicates.
6. To ensure the smooth operations of the Public Inquiry, members of the public are advised to contact the Secretariat of the Commission at 03-21688080 before attending scheduled sessions of the Public Inquiry. Nevertheless, the Commission is prepared to receive interested members of the public although they have not registered with the Secretariat.
7. Priority for meeting with the Commission will be given to those who have registered with the Secretariat.
8. Members of the public who have presented any statements to the Commission should be prepared to answer questions from members of the Commission.
9. All evidence provided for any investigations are protected so that the witness who has provided the evidence will not be subjected to either litigation or civil proceedings related to the statements.
10. Attendance in the Public Inquiry hall is limited to the complainant and witness.
11. During the length of the Public Inquiry, the complainants are requested to adhere to all regulations determined by the Secretariat. Propriety and politeness should be accorded due observance.

DEATH IN POLICE LOCK UP AND CUSTODY FOR YEAR 2000

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
1	P/PINANG	1) HQ Rpt: 889/00 2) IP/SDR: 57/00 3) Date: 18/4/00	1) Age: 40 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate on 14/09/2004	<i>Bronchop pneumonia with Chronic Lung Abscess</i>	None	None
2	P/PINANG	1) Air Hitam Rpt: 1861/00 2) IP/SDR: 97/00 3) Date: 27/06/00	1) Age: 34 Years 2) Gender: Male 3) Race: Malay	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: inquest not necessary -NFA	<i>Cerebral Oedema With Pulmonary Oedema</i>	None	None
3	P/PINANG	1) Bandar Baru Rpt: 1036/00 2) IP/SDR: 86/00 3) Date: 03/06/00	1) Age: 49 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: inquest not necessary –NFA	Death by hanging	None	None
4	N/SEMBILAN	1) Seremban Rpt: 12535/00 2) IP/SDR: 105/00 3) Date: 14/12/00	1) Age: 38 Years 2) Gender: Male 3) Race: Punjabi	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate on 08//04/04	Head Injury Due To Blunt Trauma	None	None

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
5	PAHANG	1) Brinchang Rpt: 244/00 2) IP/SDR : 08/00 3) Date : None	1) Age: 35 Years 2) Gender: Female 3) Race: Indonesian	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: inquest is not necessary – NFA	Asphyxia Due To Hanging	None Hanging	1) None
6	TERENGGANU	1) Besut Rpt: 994/00 2) IP/SDR: 08/00 3) Date: 15/08/00	1) Age: 28 Years 2) Gender: Male 3) Race: Malay	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: inquest is not necessary – NFA	1) HIV Positive 2) <i>Drug Withdrawal With Opportunistic Infection</i>	None	1) None
7	KEDAH	1) Kulim Rpt: 1082/00 2) IP/SDR : 08/00 3) Date: 18/03/00	1) Age: 55 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate. Decision: inquest is not necessary – NFA	Cononary ischeamic heart disease with heart failure and increased central venous congestion	None	1) None

DEATH IN LOCK UP AND POLICE CUSTODY FOR YEAR 2001

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
1	KEDAH	1) Baling Rpt:845/01 2) IP/SDR: 09/2001 3) Date: 19/07/01	1) Age:25 Years 2) Gender: Male 3) Race:Malay	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision-no need for an inquest - NFA	Asphyxia Due To Hanging	None	None
2	P/PINANG	1) Tanjong Tokong Rpt: 188/01 2) IP/SDR: 13/01 3) Date: 31/01/01	1) Age: 57 Years 2) Gender: Male 3) Race: Chinese	1) Inquest:Not Yet 2) Date: 3) Result: SDR submitted to Magistrate. on 06/09/04	Hanging using jeans (Own jeans)	None	None
3	P/PINANG	1) HQ Rpt: 598/01 2) IP/SDR: 32/01 3) Date: 14/03/01	1) Age: 40 Years 2) Gender: Male 3) Race: Chinese	1) Inquest:Not Yet 2) Date: 3) Result: SDR with DPP since 15/05/03	Ordinary illness (Intestines)	None	None
4	P/PINANG	1) HQ Rpt: 1198/01 2) IP/SDR: 64/01 3) Date: 22/05/01	1) Age: 39 Years 2) Gender: Male 3) Race: Indian	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision inquest is not necessary- NFA	Brain Haemorrhage	None	None
5	P/PINANG	1) D/Keramat Rpt: 2854/01 2) IP/SDR: 93/01 3) Date: 14/07/01	1) Age: 50 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: None 2) Date: 3) Result: (Suicide) Decision-inquest is not necessary-NFA	Asphyxia Due To Hanging	None	None
6	P/PINANG	1) HQ Rpt: 2414/01 2) IP/sdr: 137/01 3) Date: 25/10/01	1) Age: 45 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: Inquest is not necessary-NFA	Peritonitis due to Perforated peptic ulcer	None	None

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPEC
7	P/PINANG	1) HQ Rpt: 1814/01 2) IP/SDR: 15/01 3) Date: 04/11/01	1) Age: 50 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: There is no need for inquest - NFA	Hanging using long trousers	None	None
8	P/PINANG	1) HQ Rpt: 193/01 2) IP/SDR: 11/01 3) Date: 27/01/01	1) Age: 43 Years 2) Gender: Male 3) Race: Malay	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate Decision: There is no need for inquest - NFA	Intestinal Pains	None	None
9	PERAK	1) Bagan Serai Rpt: 1423/01 2) IP/SDR: 19/01 3) Date: 11/10/01	1) Age: 45 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision There is no need for inquest - NFA	Brain damage due to hanging	Police personnel	Forfeif 1 day's emolument
10	PERAK	1) Pusat Rpt: 1103/01 2) IP/SDR: 23/01 3) Date: 19/03/01	1) Age: 50 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate on 18/01/04	Diagnosis Secondary to severe community acquired pneumonia	None	None
11	SELANGOR	1) Ampang Rpt: 5012/01 2) IP/SDR: 11/01 3) Date: 06/04/01	1) Age: 27 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with OCS since 07/10/04	HIV Positive (Acquired Immune Deficiency Syndrome)	None	None
12	SELANGOR	1) Banting Rpt: 4377/01 2) IP/SDR: 41/01 3) Date: 21/09/01	1) Age: 43 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with Magistrate since 07/10/04	Drug related Death	None	None
13	K/LUMPUR	1) Wangsa Maju Rpt: 6429/01 2) IP/SDR: 46/01 3) Date: 18/09/01	1) Age: 40 Years 2) Gender: Female 3) Race: Chinese	1) Inquest: Not Yet 2) Date: 3) Result: SDR with OCCI since 21/10/04	Heart attack	None	None

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
14	N/SEMBILAN	1) Tampin Rpt:755/01 2) IP/SDR:05/01 3) Date:18/04/01	1) Age: 30 Years 2) Gender: Female 3) Race: Indonesian	1) Inquest:None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: There is no need for inquest - NFA	Cardiac failure	None	None
15	MELAKA	1) Melaka Tengah Rpt: 2593/01 2) IP/SDR: 13/01 3) Date: 14/04/01	1) Age: 34 Years 2) Gender: Male 3) Race: Indian	1) Inquest: None 2) Date: 3) Result: SDR submitted to Magistrate. Decision: There is no need for inquest - NFA	Pneumonia (dry cough)	None	None
16	JOHOR	1) Tampoi Rpt: 6132/01 2) IP/SDR:34/01 3) Date: 26/06/01	1) Umur: 37 Years 2) Gender: Male 3) Race: Malay	1) Inquest: 11/01/05 2) Date: 3) Result: Pending decision	Head injury	None	None

DEATH IN LOCKUP AND POLICE CUSTODY FOR YEAR 2002

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
1	SELANGOR	1) Pel. Klang Rpt: 3443/02 2) IP/SDR: 30/02 3) Date : 24/05/02	1) Age : 33 Years 2) Gender : Male 3) Race : Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with SIO since 31/12/04	1) Jaundice 2) HIV No post mortem was conducted	None	None
2	SELANGOR	1) Ampang Rpt: 8141/02 2) IP/SDR : 17/02 3) Date : 25/05/02	1) Age : 36 Years 2) Gender : Male 3) Race : Malay	1) Inquest: Not Yet 2) Date : 3) Result: SDR with OCS since 07/10/04	Unconscious and confirmed dead (Heart attack)	None	None
3	SELANGOR	1) Sea park Rpt: 579/02 2) IP/SDR: 08/02 3) Date : 23/01/02	1) Age : 33 Years 2) Gender : Male 3) Race : Malay	1) Inquest: Done 2) Date: 13/08/04 3) Result: SDR with OCS since 12/11/04	Fell down while trying to escape from lockup and is HIV positive (Confirmed dead)	None	None
4	SELANGOR	1) P/Jaya Rpt: 7158/02 2) IP/SDR: 69/02 3) Date: 16/06/02	1) Age : 40 Years 2) Gender : Female 3) Race : Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with the IO since 22/04/04	Unconscious and confirmed dead due to complications from HIV	None	None
5	SELANGOR	1) Klang Rpt: 36883/02 2) IP/SDR : 8497/02 3) Date : 15/11/02	1) Age : 34 Years 2) Gender : Male 3) Race : Indian	1) Inquest: Not Yet 2) Date: 3) Result: IP with the DPP since 22/07/04	Victim was beaten up to death by suspect in lockup (Severe Head Injury)	9 persons were charged in court	Case is pending hearing on 18-22/04/05 Mentioned in High Court

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
6	KUALA LUMPUR	1) Putrajaya Rpt: 1180/02 2) IP/SDR : 10/02 3) Date : 21/06/02	1) Age: 19 Years 2) Gender: Male 3) Race: Indian	1) Inquest: Done 2) Date: 08/06/05 & 3) Result: Pending hearing	Myocarditis with lung Infection (Tuberculosis) 22/06/02	None	None
7	KUALA LUMPUR	1) Sentul Rpt: 10972/02 2) IP/SDR : 62/02 3) Date: 04/09/02	1) Age: Not available 2) Gender : Male 3) Race : Indian	1) Inquest: Not Yet 2) Date: 3) Result: SDR with IO since 03/01/05	Breathing difficulties	None	None
8	JOHOR	1) Kota Tinggi Rpt: 3839/02 2) IP/SDR : 45/02 3) Date : 10/09/02	1) Age: 65 Years 2) Gender: Male 3) Race: Indonesian	1) Inquest: Not Yet 2) Date: 3) Result: SDR with DPP Johor since 25/03/03	Asthma (<i>Sat Embolism</i>)	None	None
9	TERENGGANU	1) Dungun Rpt: 2485/02 2) IP/SDR : 18/02 3) Date : 30/10/02	1) Age: 30 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with Magistrate since 29/04/04	1) Retroviral Positive With Tuberculosis (PTB) 2) HIV Positive	None	None
10	TERENGGANU	1) K/Terengganu : Rpt:3524/02 2) IP/SDR : 17/02 3) Date: None	1) Age: 42 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with IO since 27/02/04	HIV Positive Critical Age	None	None

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
11	TERENGGANU	1) K/Terengganu Rpt:9165/02 2) IP/SDR: 57/02 3) Tarikh:20/12/02	1) Age: 44 years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with DPP since 29/01/05	Profound Immunocompised	None	None
12	PAHANG	1) Triang Rpt:991/02 2) IP/SDR: 01/02 3) Date: 18/08/02	1) Age: 40 years 2) Gender: Male 3) Race: Chinese	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate Decision: inquest is not necessary - NFA	Asphyxia Due To Hanging	None	None
13	KELANTAN	1) K/Bharu Rpt : 7168/02 2) IP/SDR : 29/02 3) Date : 29/07/02	1) Age : 48 years 2) Gender : Male 3) Race : Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate Decision: inquest is not necessary - NFA	HIV Positive (Acquired Immune Deficiency Syndrome)	None	None
14	KEDAH	1) Sg Petani Rpt : 11538/02 2) IP/SDR : 48/02 3) Date : 14/09/02	1) Age : 38 years 2) Gender : Male 3) Race : India	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate on 09/05/04	Stomach pains - cannot urinate	None	None
15	KEDAH	1) Sg Petani Rpt : 5619/02 2) IP/SDR : 24/02 3) Date : 24/4/02	1) Age : 37 years 2) Gender : Male 3) Race : Chinese	1) Inquest: None Date: Result: SDR submitted to Magistrate Decision: inquest not necessary - NFA	Septicaemia HIV Positive	None	None

DEATH IN LOCKUP AND CUSTODY FOR YEAR 2003

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
1	MELAKA	1) Jasin Rpt: 46/03 2) IP/SDR: 02/03 3) Date: 09/01/03	1) Umur: 22 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date : 3) Result: SDR sent to Magistrate on 11/12/04	Germs in urinary tract, intestines and liver. (<i>Pery Toilitis Pending Hpe</i>)	None	None
2	JOHOR	1) Batu Pahat Rpt: 2907/03 2) IP/SDR: 09/03 3) IP: 426/03 4) Date: 28/02/03	1) Age : 45 Years 2) Gender: Male 3) Race: Indian	1) Inquest: Not Yet 2) Date: 3) Result:	Beaten up to death by suspect in lockup. Broken ribs and head injury	1) 7 suspect 2) 1 police personnel charged under s302 and s109 PC	8 suspect were constricted and sentenced for 6 years imprisonment, effective from 06/03/03 the decision was passed by Muar High Court on 27/10/04
3	JOHOR	1) Kota Tinggi Rpt: 1473/2003 2) IP/SDR: 18/03 3) Date: 12/04/03	1) Umur: 40 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to magistrate since 14/07/04	Death due to pneumonia	None	None
4	JOHOR	1) J Bahru Rpt: 14165/03 2) IP/SDR: 82/03 3) Date: 13/06/03	1) Age : 40 Years 2) Gender: Male 3) Race: Chinese (Foreign Citizen)	1) Inquest: Not Yet 2) Date: 3) Result: SDR referred to DPP on 31/07/04 without post mortem report	Septicaemia due to localised abcess in abdomen Post mortem report yet to be received - Request had been made twice. (Dates: 20/06/03 & 14/05/04)	None	Note: suspect died while under the custody of Air Molek Prison, Johor Bahru because suspect was serving Remand Detention Order at Air Molek Prison

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
5	JOHOR	1) Bt Pahat Rpt: 10001/03 2) IP/SDR: 37/03 3) Date: 05/08/03	1) Age : 45 Years 2) Gender: Male 3) Race: Malay	1) Inques: Not Yet 2) Date: 3) Result: SDR sent to Magistrate on 17/05/04	Stomach Pains (Ulcer)	None	None
6	KELANTAN	1) Kuala Krai Rpt: 760/03 2) IP/SDR: 503/03 3) Date: 07/06/03	1) Umur: 42 Thn 2) Gender: Male 3) Race: Malay	1) Inquest: Yes 2) Date: 11/09/04 3) Result: SDR not received yet	1) Death by Hanging 2) HIV Positive	None	None
7	KEDAH	1) Alor Setar Rpt: 11629/03 2) IP/SDR: 46/03 3) Date: 02/07/03	1) Age: 25 Years 2) Gender: Male 3) Race: Myanmarese	1) Inquest: Not Yet 2) Date: 3) Result SDR completed and been sent to DPP on 16/05/04 with suggestions for an inquiry	1) Septiceamia (Germ Infection) 2) HIV Positive	None	Note: Suspect died while under the custody of Alor Setar Prison as subject was serving Remand Detention order in Alor Setar Prison on 06/02/2003.
8	KEDAH	1) Alor Setar Rpt: 11698/03 2) IP/SDR: 47/2003 3) Date: 3/7/2003	1) Age: 32 Years 2) Gender: Male 3) Race: Indian	1) Inquest: Not Yet 2) Date: 3) Result: SDR completed and was sent to the Magistrate on 20/07/04 for inquiry	1) Cerebral Toxoplasmosis with Toxic 2) Epidenmonucleolysi HIV Positive	None	Note: Suspect died while under the custody of Alor Setar Prison as subject was serving Remand Detention order in Alor Setar Prison on 18/06/2003.

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
9	KEDAH	1) Jitra Rpt: 1401/03 2) IP/SDR: 6/03 3) Date: 23/04/03	1) Age: 26 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not yet 2) Date: 3) Result: The IP was NFA by DPP on 19/05/04. Died at Jitra Hospital due to germ infection in the lungs	Septiceamia Pneumonia	None	Note: Suspect died while under the custody of Alor Setar Prison as suspect was serving Remand Detention order in Alor Setar Prison on 06/02/2003
10	SELANGOR	1) Kajang Rpt: 2176/03 2) IP: 579/03 3) SDR: 08/03 4) Date: 08/02/03	1) Age: 26 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR was sent to Bukit Aman on 17/08/04	Head & Chest Injuries (Suicide by jumping off building)	None	None
11	SELANGOR	1) Bt. Arang Rpt: 366/03 2) IP/SDR: 69/03 3) Date: 05/08/03	1) Age: 28 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: Ongoing 2) Date: 30/07/04 3) Result: SDR was sent to Selayang Magistrate on 24/05/04	Stomach Ulcer Perforation	None	None
12	SELANGOR	1) Klang Rpt: 12248/03 2) IP/SDR: 31/03 3) Date: 01/04/03 SDR is with S10 dated 24/02/05	1) Age: 26 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR was sent to DPP on 18/05/04	1) Sepsis with Aspiration pneumonia 2) HIV Positive	None	None

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
13	SELANGOR	1) Apg Rpt No: 21056/03 2) IP/SDR: 54/2003 3) Date: 28/11/03	1) Umur: 52 Years 2) Gender: Male 3) Race: Indian	1) Inquest: On going 2) Date: 24/03/05 3) Result: (Pending decision)	Germ infection in stomach	None	None
14	SELANGOR	1) Banting Rpt: 3720/03 2) IP/SDR:48/03 3) Date: 01/04/03	1) Age: 35 Years 2) Gender: Male 3) Race: Chinese	1) Inquest: Not Yet 2) Date: 3) Result: SDR was sent to Magistrate on 22/10/04	Stomach Ulcer	None	None
15	SELANGOR	1) Kajang Rpt: 10611/03 2) IP/SDR: 33/03 3) Date: 21/07/03	1) Age: 21 Years 2) Gender: Male 3) Race: Indian	1) Inquest: Not Yet 2) Date: 3) Result: SDR was sent to DPP on 23/12/04	Cause of death still unconfirmed	None	None
16	PERAK	1) Pasir Putih Rpt: 4580/03 2) IP/SDR: 96/03 3) Tarikh: 04/09/03	1) Umur: 42 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 06/05/04 3) Result: SDR was sent to Magistrate on 26/08/04	Death by hanging	None	None
17	PERAK	1) Sitiawan Rpt: 7179/03 2) IP/SDR: 1542/03 3) Date: 16/11/03	1) Age: 36 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Yes 2) Date: 22/02/02 3) Result: SDR was sent to Magistrate on 24/08/04	MVA with Severe Head Injury with Intra Cranial Haemorrhage	A Police personnel	
18	PERAK	1) Sitiawan Rpt: 7692/03 2) IP/SDR: 39/2003 3) Date: 11/12/03	1) Age: 22 Years 2) Gender: Male 3) Race: Indian	1) Inquest: 2) Date: 04/06/04 3) Result: SDR was sent to the Magistrate on 20/07/04 Decision: No inquest was necessary –NFA/KUS	Peritonitis With Duedonal Ulcer.	A Police Personnel	

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
19	K/LUMPUR	1) THSL Rpt: 32922/03 2) IP/SDR: 94/2003 3) Date: 22/12/2003	1) Age: 36 Years 2) Gender: Male 3) Race: Indian	1) Inquest: Not Yet 2) Date: 3) Result: SDR with the IO since 17/12/04	HIV Positive (Post Mortem was not conducted because the doctor identified the suspect was suffering from terminal HIV)	None	None
20	TERENGGANU	1) Dungun Rpt: 2451/03 2) IP/SDR: 13/03 3) Date: 24/08/03	1) Age: 27 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR was sent to the Magistrate on 29/04/04	1) Retroviral Disease 2) HIV Positive	None	None
21	TERENGGANU	1) K/Trg Rpt: 883/03 2) IP/SDR: 11/03 3) Date: 03/02/03	1) Age:44 Years 2) Gender: Male 3) Race: Malay	1) Inques: Not Yet 2) Date: 3) Result: SDR was sent to Magistrate Decision: There is no need for an inquest	HIV Positive	None	None
22	TERENGGANU	1) Kg Raja Rpt: 288/03 2) IP/SDR: 11/03 3) Date: 01/03/03	1) Age: 37 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR was sent to the Magistrate Decision: That inquest was not necessary	1) Retroviral Disease 2) HIV Positive	None	None
23	TERENGGANU	1) K/Terengganu Rpt: 2267/03 2) IP/SDR: 27/03 3) Date: 17/03/03	1) Age: 33 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with DPP since 29/11/04	Septicaemia	None	None

DEATH IN LOCK UP AND POLICE CUSTODY FOR YEAR 2004

NO	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
1	K/LUMPUR	1) THSL Rpt: 14239/04 2) SDR: 20/04 3) IP: 4291/04 4) Date: 22/05/04	1) Age: 40 Years 2) Gender: Male 3) Race: Indian	1) Inquest: Not Yet 2) Date: 3) Result: SDR circulated to DPP on 13/07/04	Head injury	3 suspects	DPP ordered suspects be charged under s325KK
2	K/LUMPUR	1) THSL Rpt: 13491/04 2) IP/SDR: 19/04 3) Date: 16/05/04	1) Age: 45 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with the IO since 03/01/05	Drug addict HIV germ infection	None	None
3	K/LUMPUR	1) THSL Rpt: 11347/04 2) IP/SDR: 16/04 3) Date: 25/04/04	1) Age: 42 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: Post mortem report yet to be received from the Doctor	HIV Positive	None	None
4	K/LUMPUR	1) THSL Rpt: 2791/04 2) IP/SDR: 34/04 3) Date: 06/10/04	1) Age: 27 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: None 3) Result: SDR with the IO since 03/01/05	Stomach Ulcer	None	None
5	K/LUMPUR	1) THSL Rpt: 3664/04 2) IP/SDR: 10/04 3) Date: 09/02/04	1) Age: 2) Gender: Male 3) Race: Chinese	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate on 22/07/04	Breathing difficulties	None	None

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH – POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
6	SABAH	1) Lahat Datu Rpt: 3584/04 2) IP/SDR: 17/04 3) Date: 24/06/04	1) Age: 2) Gender: Male 3) Race: Indonesian	1) Inquest: Not Yet 2) Date: 3) Result: SDR circulated to OCPD on 16/08/04	Internal germ infection	None	None
7	SELANGOR	1) K/Selangor Rpt: 285/04 2) IP/SDR: 02/04 3) Date: 03/02/04	1) Age: 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR circulated to Magistrate on 13/08/04	Drug addict HIV germ infection	None	None
8	SELANGOR	1) Klang Rpt: 29490/04 2) IP (N): 440/04 3) Date: 09/08/04	1) Age: 35 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with IO since 18/10/04	Drug addict HIV germ infection	None	None
9	TERENGGANU	1) B/ Patong Rpt: 679/04 2) IP/SDR: 02/04 3) Date: 21/06/04	1) Age: 40 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to Magistrate Decision: There is no need for inquest - NFA	HIV with Chest Infection	None	None
10	TERENGGANU	1) K/Terengganu Rpt: 6696/04 2) IP/SDR: 29/04 3) Date: 18/09/04	1) Age: 33 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR circulated to Magistrate on 26/11/04	Germ infection in blood	None	None

NO.	CONTINGENT	NO RPT NO IP/SDR/DATE	DETAILS OF THE DECEASED	INQUEST AND DATE OF DECISION	CAUSE OF DEATH - POST MORTEM	SUSPECT/ PERSON WHO CAUSED DEATH	COURT/ DISCIPLINARY ACTION ON SUSPECT
11	TERENGGANU	1) K/Terengganu Rpt: 6818/04 2) IP/SDR: 30/04 3) Date: 22/09/04	1) Age: 34 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with the IO since 03/01/05	Tuberculosis	None	None
12	N/SEMBILAN	1) Seremban Rpt: 12792/04 2) IP/SDR: 101/04 3) Date: 16/09/04	1) Age: 25 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to A/OCPD on 28/09/04	Pneumonia	None	None
13	N/SEMBILAN	1) Seremban Rpt: 9983/04 2) IP/SDR: 69/04 3) Date:	1) Age: 46 Years 2) Gender: Male 3) Race: Indian	1) Inquest: Not Yet 2) Date: 3) Result: SDR submitted to A/OCPD on 06/08/04	Ischaemic Heart Disease	None	None
14	SARAWAK	1) BPP Rpt: 8992/04 IP/SDR: 31/04 3) Date: 24/07/04	1) Age: 35 Years 2) Gender: Male 3) Race: Indonesian	1) Inquest: Not Yet 2) Date: 3) Result: SDR with the IO since 24/07/04 (illegal immigrant worker)	Malaria fever (Died in hospital)	None	None
15	SARAWAK	1) BPP Rpt: 12256/04 P/SDR: 12/04 3) Date: 30/09/04	1) Age: 38 Years 2) Gender: Male 3) Race: Malay	1) Inquest: Not Yet 2) Date: 3) Result: SDR with the SIO since 28/12/04	HIV Positive Drug addict	None	None

CASE STUDY OF CASES ON DEATH IN POLICE CUSTODY

CASE STUDY NO.1

Facts

The suspect, Francis Udayappan, was arrested on 14 April 2004 at about 1230hrs and taken to the Brickfields Police Station pursuant to a police report made on a robbery.

On 15 April 2004 at 1000hrs, the suspect was taken to the Magistrate's Court for a remand order. The Magistrate allowed the suspect to be remanded for 7 days until 24 April 2004. According to police, the suspect was taken out from the lockup on 16 April 2004 for his photograph and fingerprints to be recorded. Then, he was taken to the office of an Inspector for the recording of his cautioned statement. After the statement had been recorded, the suspect was taken to the office of a Sergeant for an intelligence statement to be recorded in the presence of a L/Cpl. However, the L/Cpl was subsequently called away by a Chief Inspector to escort another suspect to his office. Whilst the suspect was with the Sergeant, he informed the Sergeant that he would like to go to the toilet. The Sergeant alone took the suspect to the toilet with the suspect's hands cuffed. Before the suspect entered the toilet, the Sergeant removed the handcuff whereupon the suspect pushed the Sergeant and jumped over the corridor railing from the first floor to the ground floor. The suspect ran towards the part of the fence around the police compound which has an opening and escaped through it. The suspect then jumped into the Klang River which was at the back of the police station. Police officers within the compound of the police station saw the suspect running from the police station and jumping into the river. A L/Cpl threw a rope into the river to help the suspect get out of the river. However, the suspect refused to take hold of the rope, and eventually sank into the fast running river.

According to statements taken from police witnesses who were in the compound at the material time of the escape, the Klang River was swollen and was very deep after the heavy rain and water currents were very swift and strong. After 45 minutes of futile search along the river, the police officers did not see the suspect surface. The search for the suspect went on for another 12 days until 27 April 2004. However, the suspect was never found.

On 23 May 2004, at about 1730hrs, a male body was found floating in the Klang River at Batu 6, Jalan Puchong. The deceased was wearing a t-shirt with the wordings "Lokap Polis Kuala Lumpur" and a pair of blue underwear. The deceased was sent to Universiti Malaya Medical Centre (UMMC) for a post mortem.

Since the suspect in this case had still not been found, the police thought that this body may be that of the suspect. On 24 May 2004, the police asked the father of the suspect for a blood sample to carry out a DNA test. On 24 May 2004, at about 1130hrs, the mother of the suspect identified the deceased as her son by whatever had remained of a tattoo on the left hand of the deceased, the brand name of the blue underwear and the shape of his feet but she refused to

give any blood sample for a DNA test. On 24 May 2004, at 1400 hrs, a post mortem was carried out by UMMC, and the cause of death was recorded as “unascertained due to advanced decomposition”. No injuries were identified from a dissection of soft tissues and bones.

The Chemistry Department found the father’s DNA to be different from that of the deceased thereby signifying that the deceased was not the child of the suspect’s father. It was later revealed that the mother of the suspect had remarried. The police then made several attempts to get the blood sample from the mother of the suspect in order to ascertain whether the deceased was the suspect. After a long stand-off between the police and the mother of the suspect, on 18 May 2004, the mother gave a sample of her blood for the DNA test. It was found that both the father and mother of the suspect are not the biological parents of the deceased. The mother of the suspect was questioned by the police to determine whether the suspect was adopted. The mother of the suspect maintained that the suspect was her child from her first marriage to another man. As a result of this, the police refused to return the body of the deceased to the mother of the suspect for burial.

On 10 July 2004, the mother of the suspect came before the Commission to request for the return of the body of the deceased to her for burial. She further asked the Commission to persuade the police to allow her the right to carry out an independent DNA test to determine the identity of the body. To date, the body is still kept in UMMC.

COMMISSION’S OBSERVATIONS & FINDINGS

Following the inquiry held on this case, the Commission made the following observations:

- i. The police ought not to have asked the parents of the suspect to make a visual identification of the body considering the fact that the body was highly decomposed, beyond recognition.
- ii. The police ought to have asked the parents of the suspect to give them the suspect’s personal items, for example, hair from his hair brush, toothbrush, or similar items that can be used to obtain the suspect’s DNA to test it against the DNA of the deceased.
- iii. On 16 April 2004 when the police sent him to have his photographs taken and fingerprints recorded, they should also have obtained a DNA sample from him. In fact, the police did take a urine sample from him to test for drugs. The police could have used the urine sample to obtain his DNA.
- iv. The police informed the Commission that PDRM has a database of the DNA of all detainees who had been detained in the lockups kept in the Forensic Laboratory. Hence the police ought to have checked the database of its Forensic Laboratory to determine the identity of the deceased immediately upon finding the decomposed body of the deceased.
- v. The police should not have removed the handcuff of the suspect before reaching the toilet, thereby enabling the suspect to jump off the railings.

- vi. The police should not have ignored standing instructions on the escorting of suspects to and from the lockup.
- vii. The police should have ensured that its surrounding fence is in a good state of repair. It is interesting to note that the suspect knew exactly where the hole in the fencing was.
- viii. No photographs of the scene of crime was taken immediately after incident. The incident happened within the police station. There should be enough trained personnel and equipment within the police station to enable the police to gather contemporaneous evidence to support their contentions and their case.
- ix. No statements were taken from independent members of the public who had gathered along the river bank to watch the incident. The police however interviewed 13 police personnel and 6 suspects as their witnesses to the incident.
- x. If the deceased is not the suspect as proven by the DNA tests, the question remains as to who the deceased is, why he was wearing the KL Lockup t-shirt, how he had escaped from the lockup and how he had ended up dead in the river. The Commission is unaware of any recent reported escapes from the lockups in Kuala Lumpur. Neither could the police tell the Commission from which lockup the deceased suspect could have escaped from. The investigation into this case is as yet incomplete.
- xi. An inquest is now ongoing in the Magistrate's Court pursuant to a recommendation made by this Commission and at the direction of the Public Prosecutor pursuant to s339 (1) of the Criminal Procedure Code 1999²⁰ (CPC).
- xii. The police ought to have allowed the mother of the suspect to engage an independent pathologist to obtain a DNA sample from the dead body in order to conduct her own independent DNA tests in order to project a transparent image of PDRM. In other cases, the police had allowed independent pathologists to be present during a post mortem and these independent pathologists were able to advise the next-of-kin of the deceased family as to the accuracy or otherwise of the findings of the Government pathologists.
- xiii. The police should have provided the Commission with entries that had been made into their lockup diaries, investigation diaries, station diaries, etc. showing the date and the time a particular act was done by the police in the investigation of the case.

²⁰ s339 CPC. Power of Public Prosecutor to require inquiry to be held.

"(1) The Public Prosecutor may at any time direct a Magistrate to hold an inquiry under this Chapter into the cause of, and the circumstances connected with, any death such as is referred to in s329 and s334, and the Magistrate to whom such direction is given shall then proceed to hold an inquiry and shall record his finding as to the cause of death and also as to any of the circumstances connected with it with regard to which the Public Prosecutor may have directed him to make inquiry".

CASE STUDY NO: 2

Facts

The deceased was a 25 year old suspected drug addict in police custody²¹. On 30 March 2003 the deceased suspect was arrested during Ops Tapis Bersepadu at around 0800hrs by a team of policemen headed by a C/Insp in Jalan Johan Setia acting upon information received on 30 March 2003²². The deceased suspect was brought before a Magistrate in the Magistrate's Court in Klang on 31 March 2003 and an order to detain the deceased for 14 days until 12 April 2003 was obtained and the deceased was put into the Port Klang Police Station lockup.

On 1 April 2003 at 0345hrs the police took the suspect to the Hospital Tunku Ampuan Rahimah (HTAR) and the suspect was treated in the emergency ward. After treatment was given, the suspect was warded in Ward 8B.

From the statement of the Sergeant in the Narcotics Division in IPD Klang it was stated that on 1 April 2003 at 0530hrs, the deceased was given police bail on his own surety at the direction of the Head of Narcotics of the Klang District.

On the same day at about 1100hrs the suspect was confirmed to have died from "Sepsis with Aspiration Pneumonia" by the doctor in HTAR. At 1615hrs, the Klang Magistrate viewed the body of the suspect with the attending doctor. The Magistrate observed that no external injuries were seen on the body of the deceased. The Magistrate then ordered that a post mortem need not be carried out as the case did not involve any criminal element and the body could be surrendered to the next-of-kin.

On 14 May 2004, the police submitted the SDR to the DPP in Selangor. In paragraph 4 of his submission, the Superintendent requested that the inquest be dispensed with as there is no element of criminal offence or negligence on the part of any party. The DPP requested the police to record a further statement from the father of the deceased to ascertain whether the deceased had any illness prior to the arrest. Police has also to obtain statements from the lockup personnel and other suspects in the same cell to ascertain when the deceased first asked for medical attention and whether the deceased had complained about any ailment during or after his arrest. The DPP also requested for a more comprehensive investigation diary to be submitted to him for his perusal. Unfortunately, the SDR does not show any sign that the DPP's instructions had been followed by the police.

²¹ This is Case No. 12 in Appendix 3C of the list of cases on deaths in police lockup in the year 2003.

²² Klang Report No: 11949/03. 15 Malay males were arrested during this operation and taken to the lockup in the Klang Police Station.

COMMISSION'S OBSERVATIONS & FINDINGS

The following observations were made after perusing the SDR:

- i. The instructions of the DPP to get more evidence do not appear to have been followed.
- ii. The deceased was sent to HTAR at 0345 hrs on 1 April 2003. Bail was granted to him on his own surety²³ at 0530 hrs when the deceased was still in the emergency ward. The question arising from this would be whether the police in allowing bail at 0530 hrs had the intention not to classify this case as a death in police custody. Further, to allow the arrested person who is in urgent need of medical attention, to be his own bailor should not be an acceptable practice.
- iii. The date in the document granting bail to the deceased appears to have been tampered with. Police Form 43 is dated 12 March 2003, a date before the arrest of the deceased on 30 March 2003. The tampered date for the deceased to appear in the Magistrate's Court is 23 April 2003. However, in the Sergeant's statement, he contradicted himself by first stating that the date for the deceased to attend court is 23 April 2003 and then when he was asked by way of question and answer, he said that the deceased had to attend Court on 12 April 2004.
- iv. The minute by the IO to the Head of CID Klang contains a material error in that the time that the deceased was taken to HTAR was stated as 0530hrs when it is clear that the time should be 0345 hrs.
- v. The name of the deceased was also wrongly stated in the arresting officer's report. The name in his NRIC is different from the name in the SDR which is his home name. The question that arises here is whether the police had sight of the NRIC of the deceased after they arrested him.
- vi. The time of death of the deceased was 1100hrs but it was stated by the Magistrate in his report as 1400hrs. All parties involved in the case ought to be more careful about their recording of time.
- vii. The Death Certificate issued to certify the death of the suspect has an Identity Card number which is not the same as the Identity Card number stated in the Burial Permit for the burial of the body. The police should exercise great caution and due diligence in the checking and recording of the Identity Card numbers in all cases of death otherwise, an innocent person who is still alive would end up being declared dead.

²³ In layman's terms the deceased was his own bailor whilst he lay on the brink of death in HTAR.

- viii. The duty imposed by the CPC upon the Magistrate and the police had not been fully complied with. The Magistrate and the police officer appear to have acted under s330 of the CPC²⁴ when the case should have proceeded under s334.
- ix. The Magistrate's order that there is no need for a post mortem is also incorrect because even though there were no external injuries, it was never established whether there were internal injuries which can only be determined by having a post mortem. Further, it was never established whether the death of the suspect had resulted from the negligence of any officer in not ensuring that timely medical attention was given to the suspect.
- x. From a study of the documents in the SDR, it was found that there are fundamental discrepancies in the recording of time of death, Identity Card number and name of the suspect by the police. These had also caused confusion to the family in trying to trace the whereabouts of the suspect after he was found missing from home. The father of the suspect only managed to locate him 2 weeks after the suspect's death.

THE COMMISSION'S RECOMMENDATIONS

In view of the above, the Commission recommends the following:

- i. Before any arrested person is detained in a lockup, the police ought to determine if the person is medically fit to be detained in the lockup by asking him some basic health questions so that all those who are in serious need of medical attention can be sent to the hospital instead of to lockup²⁵.
- ii. In the course of investigating a death in police custody, statements should be taken from all persons who had been in contact with the deceased suspect prior to his death. The time that each of these witnesses interacted with the suspect and the events that happened from the time of the arrest until the time of the suspect's death must be recorded in detail, be it from police personnel or other fellow inmates in the same cell.
- iii. The police should not grant bail to the arrested person when he had been sent to the hospital for medical treatment merely to escape from the provisions of s334 of the CPC which makes it mandatory for the Magistrate to hold an inquiry into a death in the custody of police.

²⁴ S330 Of the CPC: "Every officer making an investigation under section 329 shall if there appears to him any reason to suspect that the deceased came by his death in a sudden or unnatural manner or by violence, or that his death resulted in any way from or was accelerated by any unlawful act or omission on the part of any other person, at once inform the nearest Government Medical Officer and, unless it appears to him that the body should be viewed by a Magistrate in situ, shall take or send the body to the nearest Government hospital or other convenient place for the holding of a post-mortem examination of the body by a Government Medical Officer:

Provided that if that officer is satisfied as to the cause of death and that the deceased came by his death by accident he may order the body to be buried immediately."

²⁵ Unless of course, the police by granting bail to the deceased whilst he lay on his deathbed had in fact recategorised the case from one that is a death in police custody to one that is merely a sudden death in order to avoid the mandatory provision of s334 of the CPC to hold an inquiry into every death in police custody.

- iv. In all cases of death in police custody, a post mortem and an inquest should be conducted immediately. The Magistrate shall immediately transmit his record of evidence and finding to the Public Prosecutor as required by the provisions of s338(1) in order that the Public Prosecutor can exercise his discretion under s339(2) to direct the Magistrate to make further investigation, where necessary.
- v. The CPC should be amended to make clearer the difference between cases of death in police custody and other sudden death cases where the death did not occur whilst in police custody.

CASE STUDY NO.3

Facts

This case of death in police custody occurred in the Kajang police station²⁶. In this case, the deceased was arrested on 8 February 2003 at 1350 hrs and was taken to the Kajang Police Station for questioning. When the deceased was brought to the station, the deceased was questioned by the IO (A1). The questioning was done at A1's office and the deceased was questioned from 1530hrs until 1615hrs.

The deceased confessed to the crime and a statement was recorded by another Inspector (hereinafter referred to as the recording officer) at 1630hrs and ended at 1730hrs. The deceased, escorted by the recording officer was only handed over to A1's office at 1900hrs.

At 2005hrs, A1 instructed another police officer (A2) to take the deceased back to the lockup. A2 handcuffed the deceased with his hands to the back. Both A1 and A2 were with the deceased walking along the corridor. When they reach a section of the corridor where there was a table and a dustbin, A2 asked the deceased to walk ahead of him first. At that material time, the deceased struggled and jumped over the wall of the corridor. A2 shouted that the deceased had jumped down and landed in front of Block A, CID Building, IPD Kajang. The deceased was still alive when A1 and A2 reached him at the ground floor but he was bleeding from his head. The handcuff was at his left hand but his right hand was not handcuffed. The deceased was taken to the Kajang Hospital for treatment at the emergency ward.

At 2042hrs the suspect was pronounced dead. A post mortem was conducted by the forensic pathologist at the hospital and the cause of death was "head and chest injuries - consistent with fall from a height".

²⁶ This is Case No. 10 in Appendix 3C of the list of cases on deaths in police lockup in the year 2003 submitted to the Commission.

During the investigation into the death, (A1) said that at 2005hrs on 8 February 2003 he had instructed A2 to escort the deceased to his cell. He and A2 escorted the suspect because he thought the two of them will be enough.

A2 in his statement stated that he used his own handcuff, purchased 2 years ago to handcuff the deceased. A2 did not have his superior's authorization to use that handcuff. On 8 February 2003 at 1845 hrs A1 had asked A2 to his office. A2 together with a police photographer went to A1's office but the deceased was not there. At 1900hrs, A2 saw the recording officer bringing the deceased to A1's office.

At 2005hrs, A2 was instructed to take the deceased outside. A2 put the handcuff on the deceased's hands with his hands to his back and led the deceased out. When approaching the narrow corridor, A2 asked the deceased to go ahead first while holding on to the handcuff at the back of the deceased. It is at that material time, that the deceased struggled and kicked A2 until A2 fell. In a split second, the deceased jumped over the wall of the corridor. A2 tried to reach for the deceased's legs but was not able to do so and the deceased fell to the ground. A2 shouted. When taking the deceased to the hospital, A2 saw that the handcuff was still locked to one of the deceased's hands but the other hand was not handcuffed.

At the hospital, a police officer (A3) opened the handcuffs upon the doctor's request. A3 only opened the handcuffs on the left hand and did not pay any attention to the right hand of the deceased as the doctor and nurses were attending to the deceased.

On 13 February 2003, the handcuffs together with all the other belongings of the deceased were sent to the Chemistry Department in Petaling Jaya. The chemist conducted an examination on the items and found that the handcuffs could not be locked. The chemist was not able to establish the exact reason for the damage but did not dismiss the possibility of a mechanical fault.

COMMISSION'S OBSERVATIONS & FINDINGS

The observations made by the Commission are as follows:

- i. The IO did not follow the Lockup Rules in returning the suspect to the lockup immediately after the recording of the statement. The recording officer finished recording the statement at 1730hrs but only returned the suspect to A1's office at 1900hrs.
- ii. Police personnel should be supplied with handcuffs and they must be regularly checked and serviced. Those purchased by the officer himself must be with the sanction and control of the office and his superiors.
- iii. It is difficult to reconcile the evidence that the suspect, whilst being handcuffed with both hands to his back, was able to jump over a wall without the two police personnel escorting him realizing his action until he had scaled over the wall.



- iv. When escorting a suspect there should be more than one policeman to accompany the suspect. It is observed that when procedures are not followed, escapes occur and sometimes death ensues.
- v. It is frequently in the exercise of his discretion that the police personnel commit errors of judgment that result in poor work performance. Situational training and ensuring that the police personnel is "Mission Ready" on his first day at work after his training is of utmost importance.

THE COMMISSION'S RECOMMENDATIONS

Based on the above observations, the Commission recommends that:

- i. Police personnel must follow strictly to the Lockup Rules and all standing instructions to avoid any mishaps.
- ii. Handcuffs should always be subject to a test of its efficacy every time the police personnel is about to start his duty.
- iii. The number of police escorts for suspects of serious crimes must be adequate for the circumstances.
- iv. The investigation into the death of the suspect should not be undertaken by a police officer in the same police unit to ensure transparency.
- v. The investigation into this case is incomplete as there are still many unanswered questions and witnesses whose statements would be crucial and essential to the findings of the matter had not been examined and recorded.

CASE STUDY NO.4

Facts

The death in this case occurred in the lockup in Nilam Puri, Kelantan. According to information contained in the statements recorded in the SDR on 12 April 1999, the 20 year old suspect was arrested at about 1615hrs in his house compound. When the suspect was arrested, he had in the grasp of his left hand a Salem cigarette box containing 14 small plastic tubes and 4 longer plastic tubes of white powder believed to be dangerous drugs. In the grasp of his right hand, he had a small bottle about half the size of the little finger also containing white powder.

The OCS only came to know of the detention of the suspect in the lockup at 1910hrs when he was passing the police station on his way to the mosque for evening prayers²⁷. He instructed the L/Cpl on duty to send the suspect to the lockup in IPD Kota Bahru immediately.

²⁷ The Police quarters are at the back of the police station about 9 minutes walk away.

According to the L/Cpl on duty at the Enquiry Office, the time line of events prior to the death of the suspect is as follows:

- 1915hrs - the L/Cpl found that the suspect was making noise in the lockup and asked him not to do so.
- 1920hrs - the suspect was still making noise in the cell and the L/Cpl confronted him and told him not to make any more noise.
- 1925hrs - the L/Cpl spoke to the suspect for about 5 minutes then he went to his enquiry desk about 5 meters away.
- 1930hrs - the suspect was no longer heard making noise nor seen by the L/Cpl. The L/Cpl telephoned for help and another L/Cpl from the police quarters came to help him. Upon entry into the lockup by the two L/Cpls, the suspect was found hanging with one end of the leg of his long trousers looped around his neck and the other end the leg of the trousers tied to the iron bars of the grille of the air hole in the cell.

Both of the L/Cpls testified that they had entered the lockup and they saw that the suspect had hung himself in the manner specified above. The suspect was in a standing position with his head slumped to one side clad only in his underwear. One of the L/Cpl held the suspect's body up with the suspect's legs wrapped around his waist and the other L/Cpl tried to undo the knot of the trouser leg around the neck of the suspect in order to release the suspect. He failed to do so and he then ran back to the quarters to get a knife so that the trousers can be cut off and the suspect taken down. The L/Cpl told the Commission that he got a knife and cut off the leg of the trousers near the neck of the suspect. During this whole duration, the other L/Cpl was supporting the suspect up from the ground by resting the suspect's legs around his waist. After cutting off the trousers, they laid the suspect flat on his back on the platform inside the cell, took off the cloth around his neck and tried to resuscitate him. They failed to resuscitate him. At 1935hrs, one of the L/Cpl informed the OCS and Deputy OCS of the death of the suspect.

The photographs taken by the police at the scene of death showed the cut-end of one leg of the trouser high up near to the grill and the other leg of the trousers which was partially cut hanging down from the grille. The photographs do not bear out the testimony given by the 2 L/Cpls. When questioned about this, the 2 L/Cpls maintained that the position of the trousers in the photographs had been tampered with and that they had found the suspect with one end of the trousers tied in a loop around the suspect's neck. Both the L/Cpls said that red marks were apparent around the back of the neck of the suspect. The cut part of the leg of the trousers was shown to the Commissioners and both L/Cpls confirmed that this was the piece that had come from the neck of the suspect. As the knot was very tight around the neck of the suspect, they could not remove the knot and had to cut the trousers off. They only managed to remove the knot after they had laid him down on the platform.

The pathologist told the Commissioners, holding the inquiry, that the marks found around the neck of the suspect were consistent with hanging in the manner described to him. The pathologist said that he had examined the back of the neck of the suspect but there were no marks except for those he had indicated in his report contrary to the evidence of the two L/Cpls that there were red marks at the nape of the neck and the back. Further, the pathologist is of the opinion that the ligature marks on the neck of the suspect were caused by the suspect placing the front of his neck into the groove of the trousers where both legs of the trousers meet at the V of the crotch area with each end of the trouser leg tied to 2 separate air-hole grilles opposite each other in the lockup, thereby making the trousers become like a swing from which the suspect could then place his neck on to the "swing" and hang himself from there. In this way, oxygen would be stopped from getting into the air passage and the suspect would die from asphyxia. Even though the pathologist was told that this was not how the police had found the suspect hanging, the pathologist maintained his stand as the post mortem results are consistent with his finding. The doctor appointed by the next-of-kin of the suspect was of the view that if the suspect had been hung in the manner described by the police, the ligature marks would reach up to the ears of the suspect due to gravity instead of being in a lateral position.

The Magistrate was informed of the death at 2010hrs and he arrived at the lockup at 2115hrs to view the body.

At 2131hrs, a DSP who had been appointed as the investigating officer to investigate into the death of the suspect had already commenced investigation. Among other things, the C/Insp caused photographs to be taken and measurements of the platform and the grill to be taken and recorded. The next day, the DSP together with the doctors in the General Hospital Kota Bharu arranged for a forensic pathologist to do a post mortem of the suspect. Blood and urine samples were taken and these samples together with some other items were sent to the Chemistry Department for testing. The pathologist who was scheduled to carry out the post mortem allowed the next of kin of the deceased to appoint 2 other doctors from Hospital USM, Kota Bharu to observe the post mortem that had been scheduled for 14 April 1999 at 1200hrs provided that these doctors are not their relatives. After the post mortem was concluded, the pathologist found the cause of death to be "*Mati Gantung* (Suspension)". No internal injuries were found. The external injuries observed by the pathologist were ligature marks in a U-shape around the neck and lacerations on the right wrist.

An inquest was carried out by the Magistrate in the Magistrate's Court in Kota Bharu. The Magistrate raised two doubts which are:

- i. why the suspect was not sent to the lockup in IPD Kota Bharu as the evidence given by the OCS is that as a rule the longest time that a suspect would be detained before being sent to the lockup in IPD Kota Bharu would be 3 hrs; and
- ii. why the suspect was detained in the lockup in Nilam Puri Police Station fully clothed in long pants and in a long-sleeved shirt.

The Magistrate was not able to ascertain whether the suspect had died as a result of his own action or by the action of others even though the Magistrate had heard the explanation of the pathologist. The pathologist informed the Magistrate that it was difficult to think that someone



else had hung the suspect as there were no signs of any struggle. The Magistrate concluded the inquiry by holding that the cause of death was by "misadventure - death from suspension".

COMMISSION'S OBSERVATIONS & FINDINGS

From the facts revealed during the inquiry, the Commission observes as follows:

- i. No test was done to determine how much weight the grille could support without being bent in any way. No examination of the grille was made to see if it had been strained by any weight.
- ii. The police usually accept the findings of the pathologist on the cause of death without further investigating into the circumstances leading to the death as in this case. After the pathologist had certified that the death is caused by "Hanging by Suspension", the IO stopped further investigation.
- iii. One of the arresting officers informed the Commission that they had gone to the house of the suspect to pick him up based on information received. However, upon questioning by the Commission, he told the Commission that the information was obtained from the "J" file. It subsequently transpired that the "J" files were all kept in IPD Kota Bharu and not at the Nilam Puri police station. To date, even though the Commission had requested for the "J" files to be produced the IO had failed to submit the files for the Commission's perusal.
- iv. The suspect was supposed to be sent from the Nilam Puri lockup to the lockup in IPD Kota Bharu. Failure by the police to send the suspect to the lockup in IPD Kota Bharu could have in part contributed to the suspect's death.
- v. The L/Cpl who was on duty at the Enquiry Office was supposed to have informed the OCS of the arrest and the detention of the suspect in the lockup at 1755hrs but this was not done. Instead, the Commission found that information regarding the putting of the suspect in the lockup, informing the OCS, and informing the IO on duty was contained in the arresting officer's investigation diary and not that of the L/Cpl who was on duty at the Enquiry Office. The investigation diary of the L/Cpl from the Enquiry Office was not in the SDR neither was any statement taken from her.
- vi. The scene of crime must not be compromised or disturbed in any way before photographs are taken and evidence collected. The allegation by the 2 L/Cpls that the position of the trousers at the air-hole grill had been changed prior to the photographs being taken is very serious. The scene of crime is in a police station and policemen ought to have known that all scenes of crime is out-of-bounds to all persons except the investigating officer and those authorized by him and that no evidence is to be disturbed. The scene of crime was not secured and from the statements taken by the IO no one admitted moving the trousers from its original position. Apart from the testimony of the pathologist, the photographs of the trousers taken at the scene of the crime and the statements taken by the IO had cast serious doubts on the accuracy of the testimony of both the L/Cpls.



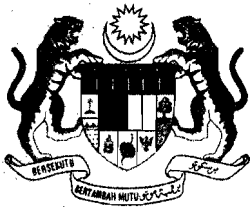
- vii. Not all police personnel who had arrested and questioned the suspect had given statements to the investigating officer who is investigating the cause of death of the suspect. The incomplete recording of statements from all the police personnel involved in the incident and the lack of skill in questioning the police personnel regarding the events prior to the death of the suspect prevented the Commission from coming to a finding that the death was caused by “misadventure”.

COMMISSION’S RECOMMENDATIONS

The Commission makes the following recommendations:

- i. In the post mortem report, the pathologist should come out with some features that either support or reject the contention of whether the hanging is a murder or a suicide. An autopsy by itself cannot establish whether the hanging that had taken place was a murder or a suicide. The police must thoroughly investigate and take into consideration all the circumstances of the case before coming to a conclusion whether it is murder or suicide. At present, the role of the pathologist appears only limited to the single issue of how the death had been caused and not what had led to the cause of that death. It is the duty of the police to investigate and find out what had led to that death. Unless the police take into account all the circumstances leading to the death, the autopsy by itself is likely to fail to differentiate whether the death had been caused by murder or suicide. The police should enlist the pathologist’s assistance to help them understand the various circumstances that may lead to the death and the various injuries found. The pathologist should also undertake a larger role, like that of a coroner.
- ii. All police personnel must always carry with them their pocket book. All information obtained, action taken, statements made by contacts or informers are to be recorded into the pocket book in order that accurate information can be transmitted at a later date into their investigation diary.
- iii. Lockup Rules and procedures must be adhered to strictly at all times by the police. Failure to do so should be viewed very seriously by PDRM and appropriate sanctions be meted out for any non-adherence.
- iv. The Magistrate must be guided on the verdicts that he can make after an inquiry. The circumstances under which a Magistrate may make an open verdict, a verdict of misadventure or a verdict of foul play after holding an inquiry should be set out clearly in the law.
- v. The Commission proposes that rules should be made to regulate the conduct of the hearing of an inquiry under Part VIII Chapter XXXII of the CPC. Under s335(1) of the CPC, the Magistrate shall have all the powers which he would have in holding an “inquiry into an offence”. In practice and under the law, Magistrates no longer conduct “inquiry into an offence”. Therefore, the powers of a Magistrate when holding an inquiry under Chapter XXXII must be made clear in the CPC.

- vi. In conducting an inquiry under Chapter XXXII of the CPC, the deceased is not represented by any counsel. Therefore, the Magistrate's power in conducting the inquiry must be clearly stated to be inquisitorial in nature. Where insufficient evidence is adduced, the Magistrate should be given the power to direct the police to undertake further investigation. Such power should not be limited only to a situation under s339 (2) of the CPC, where "the PP may direct the Magistrate to reopen the inquiry and to make further investigation."



CHAPTER 4

CHALLENGES CONFRONTING THE ROYAL MALAYSIA POLICE

- Introduction
- Challenge One : Changes In The Political And Social Environment Governing Policing
- Challenge Two : The High Incidence Of Crime
- Challenge Three : Corruption In PDRM
- Challenge Four : Compliance With Prescribed Laws and Human Rights Standards
- Challenge Five : Inadequate Awareness Of And Respect For Rights Of Women And Children
- Challenge Six : Inadequacies With Respect To Establishment, Remuneration And Scheme Of Service
- Challenge Seven : Inadequacies With Respect To Human Resources Management And Performance
- Challenge Eight : Deficiencies With Respect To Equipment And Logistics
- Challenge Nine : Unsatisfactory Housing And Work Premises
- Appendix

CHALLENGES CONFRONTING THE ROYAL MALAYSIA POLICE

1. INTRODUCTION

- 1.1 As PDRM enters the twenty-first century, it is confronted with challenges shared, to some extent, by other government agencies and police agencies in other countries as well.
- 1.2 The Commission identifies some of the major challenges confronting PDRM:
- i. The changing political and social environment governing policing in general;
 - ii. The high incidence of crime;
 - iii. The public's perception of extensive corruption in PDRM;
 - iv. Widespread non-compliance with prescribed laws and human rights obligations among police personnel;
 - v. Inadequate awareness and respect for the rights of women and children;
 - vi. Inadequacies in PDRM establishment, remuneration and scheme of service;
 - vii. Shortcomings in the management and development of human resources as well as police performance;
 - viii. Inadequacies with respect to equipment and logistics; and
 - ix. Unsatisfactory housing and work premises.

2. CHALLENGE ONE: CHANGES IN THE POLITICAL AND SOCIAL ENVIRONMENT GOVERNING POLICING

- 2.1 Policing involves the functions of maintaining law and order and fighting crime. While these core functions remain, their political and social environment has undergone radical changes, necessitating changes in policing philosophy and mission. Change is evident in the Malaysian environment and the key features are:
- i. There has been a rapid development of civil society and non-government organisations (NGOs) in the world. The United Nations Development Programme in its Human Development Report 2002, noted that the increase of NGOs was sharper in developing countries. Malaysia is part of this trend, with civil society becoming stronger in the last couple of decades. The people are more conscious of their rights and want to exercise greater say over matters of public interest. Once generally passive and uncritically acquiescent of authority, today, they are more vocal and less tolerant of mistakes by public authorities.

- ii. Human rights consciousness has become stronger at all levels of society, driven by external and domestic influences. The people demand that the state and its institutions, especially those with coercive authority like the police, respect human rights and encroach upon them only for the general good and protection of those rights.
- iii. Three and a half decades of relative peace, stability and prosperity, is making the public more critical of the emergency laws and special powers that impinge upon their fundamental rights and intrude into their privacy. At the same time, continuing threats to public order and internal security posed by latent communal tensions, the occasional small militant groups like the Al-Maunah, the scourge of dangerous drugs, and international terrorism with local linkages, are factors counselling against the abolishment of emergency laws and special powers.
- iv. The last several decades have witnessed a trend towards criticising and critiquing the public service in many countries, including Malaysia. The public service is often viewed in a negative light as being inefficient, incompetent, bureaucratic, wasteful of resources, corrupt and abusive of authority. As an integral part of the public service, the police receive their share of criticism. Indeed, the police are especially susceptible to criticism because they exercise great authority and wield coercive powers. Blatant and easily visible corrupt practices such as those in traffic policing add to public impressions of extensive corruption.
- v. As result, the public demands greater transparency and accountability, especially of the government agencies, which are funded by their (taxpayers') money.
- vi. Rapid economic growth combined with dramatic technological advances has made crime more sophisticated and international in its network. This places increasing pressures on the police to upgrade their capacity and skills and cooperate more closely with police forces in other countries.
- vii. Rapid technological progress, including computerisation and the explosion in information and communication technology, is forcing the police to intensify the infusion of technology into their work processes and to constantly upgrade their equipment to keep up with the latest advances. This is placing a heavy but unavoidable burden upon the expenditure on policing.
- viii. Physical size and ability remain important in policing, especially in crime fighting, crowd control and even ordinary beat duty. But the balance between "brawn" and "brain" is gradually and progressively tilting towards the latter as police work becomes more complex, diverse and specialised skills become necessary.



- ix. Governments and NGOs once viewed each other with suspicion and hostility. In Malaysia, communist subversion of mass organisations, student unrest and the occasional confrontation between government agencies and NGOs added to the tension and mutual antipathy. The rise of civil society, the public's demand for a say, and the need for public authorities including the police to work closely with the local community require cooperation and mutual regard between the two entities.
- x. The private sector is also playing a more active role in the shaping of public policy and in the delivery of services. The government has been proactive in engaging the private sector in the economic and business spheres. The police need to do the same in specific areas of policing, both in consultation and outsourcing of some traditional police functions.
- xi. Women empowerment is gaining ground in Malaysia, accompanied by stronger awareness of women's rights. The government is responding positively and is spearheading policies and programmes to eliminate discrimination against women. PDRM needs to adapt and demonstrate greater awareness of women's rights as well as provide wider opportunities for women in PDRM.
- xii. The fact that children need dedicated laws to handle their situation has been recognised for a long time in the country, as indicated by the Juvenile Court Act 1947. Awareness of the child's rights however has grown tremendously in recent years both internationally and in Malaysia. The Child Act 2001 is a consequence of this increased awareness. PDRM is mindful of this development, but some police personnel have yet to acquaint themselves fully with the rights and obligations pertaining to the children both as victims and perpetrators of crime.
- xiii. Advances in technology and economic growth have also led to a rapid growth in commercial crime both within and across borders, necessitating more sophisticated measures involving the application of state-of-the-art technology.
- xiv. Modern community-oriented policing also requires some degree of ethnic diversity to enable the police to respond better to crimes committed by different ethnic groups. In Malaysia, the decline in Chinese and Indian representation over the years, has made it more problematic for PDRM to deal with crimes committed by such ethnic communities.

2.2 This changing policing environment in Malaysia requires critical adjustments to the philosophical underpinnings of modern policing, the vision and mission of PDRM, and its fundamental values. A fundamental change in police culture and traditional mindset is necessary. This will entail widespread reforms, including in recruitment, training and performance assessment and a reappraisal of the functions and activities carried out by the formal policing authority. The reform process needs to be continuous and sustained. Experience with successful police reform in other



countries also suggests that such reform is better accomplished when it is externally driven.

3. CHALLENGE TWO: THE HIGH INCIDENCE OF CRIME

3.1 The incidence of crime increased dramatically in the last few years, from 121,176 cases in 1997 to 156,455 cases in 2004, an increase of 29 percent (see Table 4.1). The increase seriously dented Malaysia's reputation as a safe country. Malaysians in general, the business sector and foreign investors grew increasingly concerned with the situation. The fear was that, if the trend continues, there would be major social and economic consequences for Malaysia. A survey of 575 respondents from the public carried out by the Commission (see Chapter Three) clearly demonstrates the extremely widespread concern among all ethnic groups and foreign residents. Between 82.2 percent and 90 percent of the respondents, or 8 to 9 persons in every 10, were concerned with the occurrence of crime.

TABLE 4.1 : TRADITIONAL CRIME 1997- 2004

VIOLENT CRIME								
Crime Category	1997	1998	1999	2000	2001	2002	2003	2004
Murder	540	629	588	551	608	516	565	565
Attempted Murder	52	51	52	43	68	64	77	92
Armed Gang Robbery	43	64	74	89	65	73	45	44
Unarmed Gang Robbery	1,079	1,385	1,482	1,681	1,697	1,704	1,920	1,689
Armed Robbery	589	741	700	722	566	425	381	334
Unarmed Robbery	7,316	9,518	11,494	12,204	11,333	12,203	13,963	13,221
Rape	1,429	1,539	1,457	1,210	1,354	1,418	1,471	1,718
Injury	5,871	5,746	5,310	5,104	4,699	4,440	4,368	4,196
TOTAL	16,919	19,673	21,157	21,604	20,390	20,843	22,790	21,859
PROPERTIES CRIME								
Crime Category	1997	1998	1999	2000	2001	2002	2003	2004
Housebreaking and Theft (Day)	7,716	8,912	9,401	8,675	7,449	6,821	6,928	6,550
Housebreaking and Theft (Night)	21,644	25,559	26,535	24,238	21,003	18,444	18,861	18,354
Lorry/Van Theft	1,801	2,519	3,485	3,698	4,306	4,570	5,551	4,892
Motorcar Theft	3,299	4,605	6,196	7,278	8,520	8,544	8,537	8,624
Motorcycle Theft	26,796	36,766	41,905	45,903	47,223	47,137	50,212	51,560
Snatch Theft	9,589	13,011	14,848	15,082	14,368	14,640	15,798	11,536
Other Thefts	33,412	47,754	45,588	54,881	33,210	28,043	27,638	33,080
TOTAL	104,257	139,186	147,958	145,569	136,079	128,199	133,525	134,596
GRAND TOTAL	121,176	158,859	169,115	167,173	156,469	149,042	156,315	156,455

Source: PDRM

- 3.2 There was an alarming increase in violent crime during the period. Violent crime grew from 16,919 cases in 1997 to 21,859 cases in 2004, an increase of 29.2 percent in 8 years. Cases involving unarmed gang robbery saw an increase of 56.5 percent followed by attempted murder (76.9 percent) and unarmed robbery (80.7 percent).
- 3.3 There was also a significant increase in property crime during the period from 104,257 cases in 1997 to 134,596 cases in 2004, an increase of 29 percent. The increase was most severe in theft of lorries and vans (171.6 percent), cars (161.4 percent) and motorcycles (92.4 percent). Actual figures for property crime are believed to be higher due to non-reporting.
- 3.4 Drug-related crime is a major problem confronting the country. Arrests under the Dangerous Drugs Act 1952 (DDA) and the Dangerous Drugs (Special Preventive Measures) Act 1985 (DDSPMA) continue to be high (Table 4.2). There is an increasing trend for total arrests covering all categories. The total number of arrests increased dramatically since 1994, when it numbered 11,073 to 26,775 arrests in 2004, an increase of 141.8 percent.

TABLE 4.2 : ARRESTS UNDER DANGEROUS DRUGS ACT 1952

YEAR	DANGEROUS DRUGS ACT				DANGEROUS DRUG ACT (SPECIAL PREVENTIVE MEASURES) 1985	TOTAL DANGEROUS DRUG ACT (SPECIAL PREVENTIVE MEASURES)
	S39B (TRAFFICKING)	S39A (POSSESSION)	OTHER SECTIONS	TOTAL		
1994	790	1,843	7,693	10,326	747	11,073
1995	865	2,030	7,653	10,548	994	11,542
1996	1,288	2,216	7,857	11,361	1,112	12,473
1997	1,765	2,689	8,705	13,159	1,456	14,615
1998	1,802	2,840	10,328	14,970	1,738	16,708
1999	1,418	2,818	10,242	14,478	1,375	15,853
2000	1,448	2,938	11,550	15,936	1,614	17,550
2001	1,889	4,068	15,020	20,977	1,820	22,797
2002	2,167	4,658	17,026	23,851	2,055	25,906
2003	1,669	3,325	19,088	24,080	4,078	28,158
2004	1,122	2,824	20,799	24,745	2,030	26,775
Feb-05	402	684	6,470	7,558	412	7,968

Source: National Anti-Drugs Agency

- 3.5 The large number of drug addicts also places a burden upon police resources to detect, apprehend and exercise surveillance. The number of drug addicts detected remained high in the last ten years, from 30,593 addicts in 2000 to 38,672 in 2004. The annual figures for 1995 to 2004 and for 2005 until February are in Table 4.3.

TABLE 4.3 : DRUG ADDICTS DETECTED 1999-FEBRUARY 2005

YEAR	NEW ADDICTS		REPEAT ADDICTS		TOTAL	
	NO.	%	NO.	%	NO.	%
1995	13,140	38.53	20,964	61.47	34,104	100.00
1996	13,846	45.26	16,752	54.75	30,598	100.00
1997	17,342	47.70	18,942	52.20	36,284	100.00
1998	21,073	56.00	16,515	43.90	37,588	100.00
1999	17,915	50.67	17,444	49.33	35,359	100.00
2000	14,850	48.54	15,743	51.46	30,593	100.00
2001	15,831	50.17	15,725	49.83	31,556	100.00
2002	17,080	53.55	14,813	46.45	31,893	100.00
2003	20,194	54.58	16,802	46.42	36,996	100.00
2004	19,810	51.23	18,862	48.77	38,672	100.00
Feb - 2005	1,909	47.14	2,141	52.86	4,050	100.00

Source: National Anti-Drugs Agency

3.6 The amount of dangerous drugs seized during the period has fluctuated. Heroin seizures were lowest in 2000 (109.17kg) and peaked in 2002 (417.78kg). Marijuana seizures were lowest in 1994 (717.05kg). The highest amount seized was in 1997 (3,889.13kg). There were no syabu seizures made in 1994. However, in 2000, a large seizure of syabu (208.1kg) was seized. There was an increase in seizure of ecstasy pills since 1998 with 9,231 pills for that year to 391,130 pills in 2001. (Table 4.4.)

TABLE 4.4 : DRUGS SEIZURES 1999- FEBRUARY 2005

YEAR	HEROIN (KG)	MARIJUANA (KG)	OPIUM		SYABU (KG)	ESCTASY (PILLS)
			(Raw)	(Prepared)		
1994	212.42	717.05	67.80	1.28	-	-
1995	119.65	981.26	154.26	1.63	0.17	-
1996	256.83	1,425.73	1.00	1.64	1.22	-
1997	276.15	3,889.13	148.73	1.59	2.09	40,990
1998	289.66	1,781.01	32.54	0.21	6.44	9,231
1999	200.94	2,064.50	21.05	0.02	5.41	55,975
2000	109.17	1,885.45	-	0.71	208.10	49,901
2001	277.70	1,961.47	60.67	8.77	53.50	391,130
2002	417.78	2,082.69	-	0.54	28.07	207,550
2003	406.63	2,095.82	63.22	2.90	19.25	252,898
2004	220.28	1,329.13	99.99	0.34	62.94	146,744
Feb - 05	16.92	297.46	-	0.02	3.58	72,200

Source: National Anti-Drugs Agency



- 3.7 The challenge posed to policing by drug crimes is multi-faceted. It includes the following:
- i. Many drug addicts also commit crime, thereby raising the crime rate and compounding social problems. According to the National Anti-Drugs Agency, 5,389 or 54.5 percent of the 9,886 addicts in all drug rehabilitation centre (*Pusat Serenti*) on 13 February 2005 had a prison record. Of the number, 80.9 percent had served more than one sentence.
 - ii. Recidivism is high - about 45 to 52 percent of drug addicts arrested between 1999 and 2004 were repeat cases (Table 4.3).
 - iii. More sophisticated technology and skills are needed to effectively detect and monitor the trans-border illegal operations of international drug dealers and syndicates.
 - iv. Malaysia is being used as a transit point for heroine distribution internationally.
 - v. Money laundering makes it difficult for the police to trace funds generated from drug dealings, thereby limiting evidence to convict offenders.
 - vi. The distribution of synthetic drugs is more difficult to curtail because it can be processed more easily, in larger quantity and at a cheaper cost than traditional drugs.
 - vii. Delayed results of urine tests from hospitals and reports from the National Anti-Drugs Agency have frequently obliged the police to release drug addicts after the legally permissible 14 days.
 - viii. The capacity for drug detection at entry points is constrained by lack of detection devices.
 - ix. The proper care and safe-keeping of confiscated vehicles and materials including drugs is undermined by insufficient exhibit store rooms and enclosures that are in unsatisfactory condition.
- 3.8 According to PDRM, the total number of commercial crimes increased 23 percent from 9,546 detentions in 1999 to 11,714 detections in 2003 (Table 4.5). The increase involved credit card cases and offences under the Film Censorship Act. According to a statement from the Director of Commercial Crime Department of PDRM, commercial crime has tripled over the last decade (The Star, 5 July 2004). However, the Commission is of the view that there is serious under-reporting of commercial crimes. This is elaborated further in Chapter Eight.

TABLE 4.5 : COMMERCIAL CRIME DETECTION 1999-AUGUST 2003

Crime Category	1999	2000	2001	2002	2003
Breach of Trust	2,192	2,000	2,017	2,013	1,720
Fraud	4,197	4,212	3,910	4,093	4,128
Forgery	381	282	218	258	278
Currency Forgery	152	90	55	62	78
Credit Card	72	173	224	150	244
Cyber Crime	0	0	0	1,559	892
Copyright Act	0	0	0	321	219
Film Censorship Act	0	0	0	1,750	2,916
Other Commercial Crime	2,552	3,174	4,154	395	461
TOTAL	9,546	9,931	10,578	10,857	11,714

Source: PDRM

3.9 Bank Negara Malaysia (BNM) figures indicated that there was an increasing trend in financial fraud between 2001 and 2004 (Table 4.6). There were 19,924 cases of banking and insurance fraud in 2001, 23,826 cases in 2002, 52,553 cases in 2003, and 113,799 cases in 2004, an increase of 19.5 percent, 120.5 percent and 116.5 percent annually, respectively. The total value of attempted fraud increased dramatically from RM7.4 billion in 2001 to RM56.2 billion in 2002, but declined to RM2.9 billion in 2003 due to a decrease in big-time fraud cases that year. In 2004 however the amount again increased, to RM12.8 billion. A total of 97 percent of attempted fraud cases involved credit card fraud. In fact, Malaysia ranked 3rd to 5th among Asia Pacific countries for credit card fraud in 2003.

TABLE 4.6 : BANKING AND INSURANCE FRAUD 2001-2004

Number of Cases	2001	2002	2003	2004
Credit Card	19,030	22,567	51,311	112,328
Deposits & Cheques	474	554	729	676
Credit	156	395	173	239
Remittances	97	64	79	61
Others	167	246	261	495
TOTAL	19,924	23,826	52,553	113,799
Amount Involved (RM)	2001	2002	2003	2004
Credit Card	44,195,010	41,539,838	61,458,327	150,730,939
Deposits & Cheques	469,387,939	3,842,936,840	122,494,261	10,144,543,464
Credit	461,303,086	5,185,670,480	127,013,805	150,730,939
Remittances	404,451,312	417,691,268	282,678,389	369,081,502
Others	6,027,498,816	46,713,598,456	2,325,102,115	1,951,339,214
TOTAL	7,406,836,163	56,201,436,882	2,918,746,897	12,766,426,058

Source: BNM

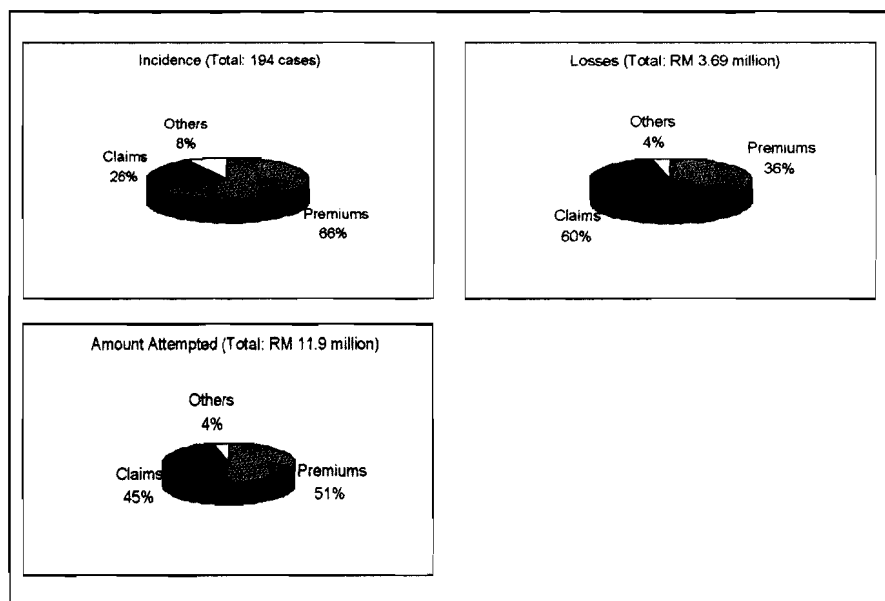
TABLE 4.6 : BANKING AND INSURANCE FRAUD 2001-2004

Amount Lost (RM)	2001	2002	2003	2004
Credit Card	43,465,451	39,731,115	60,641,635	70,800,944
Deposits & Cheques	20,612,607	10,969,280	20,285,301	25,904,900
Credit	28,618,342	9,650,616	7,838,784	42,294,920
Remittances	3,250,737	5,697,476	10,325,743	3,556,097
Others	8,352,108	34,223,857	1,654,509	6,995,258
TOTAL	104,299,245	100,272,344	100,736,972	149,552,119

Source: BNM

3.10 The BNM figures for insurance fraud between 2001 to 2003 was 194 cases involving attempted fraud of RM11.9 million and losses of RM3.69 million. The amount covered only insurance arising from motor vehicle thefts. They do not cover fraudulent claims made by those allegedly involved in motor vehicle accidents, often with the complicity of police and lawyers. Based on the cases that were investigated by the Commission, this category of fraudulent claims is believed to be high.

FIGURE 4.1 : INSURANCE FRAUD COMPOSITION (2001-2003)



- Siphoning/misappropriation of premium monies account for 66% of the number of fraud cases reported.
- Falsified and overstatement of claims account for 60% of losses.

Source: BNM



3.11 The increase in financial fraud cases is impacting negatively on confidence in Malaysia's banking sector and payment system as well as its attractiveness as an investment centre.

3.12 Table 4.7 gives the statistics on lorry hijacks and warehouse break-ins between 2000 and February 2005. An average of 16 lorry hijacks and 57 warehouse break-ins occurred each year (2000-2004).

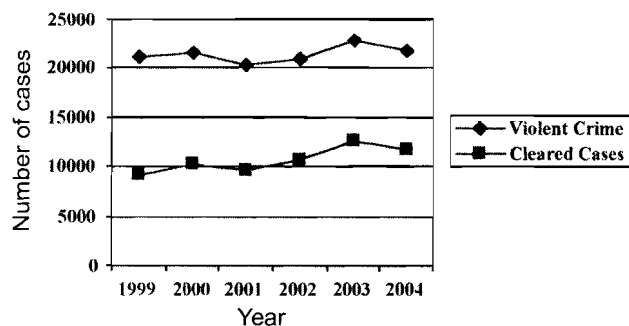
TABLE 4.7 : LORRY HIJACKS & WAREHOUSE BREAK-INS (INCLUDING VAN THEFT/ROBBERY) IN MALAYSIA 2000-FEBRUARY 2005

YEAR	LORRY HIJACKS		WAREHOUSE BREAK-INS (including van theft/robbery)		TOTAL VALUE LOSS(RM)	
	NO.	VALUE (RM)	NO.	VALUE (RM)	NO.	VALUE LOSS (RM)
2000	20	2,437,769.78	40	5,637,499.52	60	8,075,269.30
2001	17	5,000,892.15	28	4,169,124.30	45	7,594,016.45
2002	6	630,177.87	80	6,679,251.29	86	7,309,509.16
2003	23	2,657,957.67	89	2,222,242.77	112	4,880,200.44
2004	14	3,069,308.36	47	1,179,490.80	61	4,248,799.16
2005 (as at 28 Feb 2005)	2	285,239.68	7	771,103.42	9	1,056,343.10

Source: MICCI

3.13 An associated problem for PDRM is the fact that the clearance rate¹ for violent crime and property crime is poor. The trend in the last five years is not encouraging. The gap has remained broadly constant for violent crime and limited improvement for property crime (Figures 4.2 and 4.3, and Table 4.8).

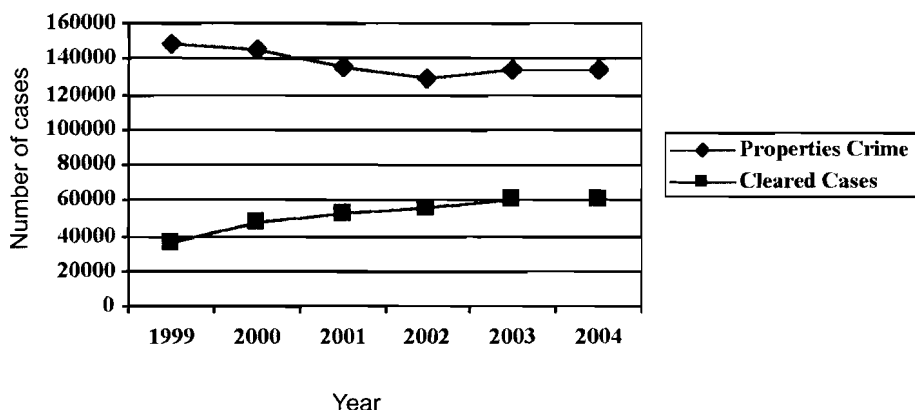
FIGURE 4.2 : CRIME INCIDENCE COMPARISON FOR "VIOLENT CRIME" AGAINST "CLEARED CASES" 1999-2004



Source: PDRM

¹ An offence is considered "cleared" for crime reporting purposes, in the following circumstances: i. When at least one person is arrested, charged with the commission of an offence, and turned over to a court for prosecution. ii. A confession has been made, or there is strong evidence against the accused. 3. An accused has been identified, notwithstanding whether the accused is in custody, has been released conditionally, or is still free/dead. 4. When no offence is established after investigations have been completed.

FIGURE 4.3 : CRIME INCIDENCE COMPARISON FOR “PROPERTIES CRIME” AGAINST “CLEARED CASES” 1999-2004



Source: PDRM

TABLE 4.8 : CLEARED CASES 1999-2004

VIOLENT CRIME						
Crime Category	1999	2000	2001	2002	2003	2004
Murder	332	300	358	333	347	383
Attempted Murder	34	30	55	50	61	61
Armed Gang Robbery	13	15	10	14	5	8
Unarmed Gang Robbery	338	494	465	598	775	595
Armed Robbery	99	150	113	144	69	125
Unarmed Robbery	2,844	3,988	3,650	4,584	6,445	5,602
Rape	1,323	1,113	1,219	1,304	1,309	1,593
Injury	4,212	4,237	3,831	3,663	3,613	3,425
TOTAL	9,195	10,327	9,701	10,690	12,624	11,792
PROPERTIES CRIME						
Crime Category	1999	2000	2001	2002	2003	2004
Housebreaking and Theft (Day)	1,557	2,102	1,935	1,932	2,265	2,204
Housebreaking and Theft (Night)	3,915	5,408	6,181	6,251	6,266	6,224
Lorry/Van Theft	398	624	944	1,292	1,565	1,697
Motorcar Theft	1,081	1,673	2,119	3,569	4,277	4,217
Motorcycle Theft	8,906	12,240	18,679	21,567	22,994	22,792
Snatch Theft	2,534	3,332	7,142	7,886	8,859	6,197
Other Thefts	18,149	21,928	14,799	13,355	14,150	17,571
TOTAL	36,540	47,307	51,799	55,852	60,376	60,902

Source: PDRM

- 3.14 The police are not solely responsible for the high incidence of crime and the low clearance rate. The rise in crime could be attributed to the rapid urbanisation which has weakened informal social support and social control mechanisms at the family and community levels. The weakening traditional values and belief systems have resulted in anti-social, criminal and delinquent behaviour. In addition prevalent social problems such as drug addiction and alcohol abuse, under employment and the presence of a large illegal migrant community are also contributing factors.
- 3.15 In the case of low clearance rates, this could be attributed to internal factors including inefficient policing, weakness in investigation approaches, competencies and corruption. External factors such as lack of community support, delays in the legal process and the inefficiency of other agencies involved in gathering evidence also have an impact.
- 3.16 It is therefore incorrect and unfair to place the responsibility for the high incidence of crime and low clearance rate on PDRM alone. However, as the primary agency responsible for maintaining law and order and fighting crime, the police must shoulder a large proportion of the responsibility.

4. CHALLENGE THREE: CORRUPTION IN PDRM

- 4.1 Corruption may be defined as an abuse of entrusted power and authority for personal benefit. In the case of the police, corruption includes the participation of a police personnel in any arrangement or course of conduct that leads to:
- i. Negligence of his duty or exerting or using improper influence in the exercise of his functions;
 - ii. Fabrication, planting or destroying of evidence or applying trickery or excessive force or threats or other improper tactics with the intention of procuring a confession or conviction;
 - iii. Concealment of misconduct by another police personnel; or
 - iv. Involvement in criminal behaviour.
- 4.2 Corruption is a virulent disease that afflicts many societies. It is driven by those who hold positions of authority and involves the participation of members of the community and the private sector. The extent of corruption is difficult to establish because it involves a conspiracy of both the giver and the taker who do not find it in their interest to divulge incriminating information. Corruption assessment is therefore generally reduced to relying upon perceptions of the community and foreign investors.
- 4.3 Corruption in PDRM is part of a larger problem of corruption in Malaysia that is recognised as serious by both people and government alike. Malaysia has not done well in global rankings of corruption perception. It was rated 37 out of 133 countries in the Corruption Perceptions Index 2003.

4.4 ACA's report on corruption in government agencies between 1999 and 2003 found PDRM as the most corrupt (Table 4.9). It had more than triple the number of corruption cases during the period compared with the next most corrupt government agency, the Town Councils. This, however, has to be considered in the context of corruption cases as a proportion of workforce. Taking the examples of PDRM, Road Transport Department (JPJ) and the Town Councils for 2003, it would appear that corruption in PDRM is less serious than is commonly perceived by the public. Although PDRM recorded 1,194 cases of corruption, it only represents 1.37 percent of the total strength of uniformed staff of 87,100 for PDRM in 2003. Meanwhile, for JPJ, although there were only 130 reported cases of corruption, this represented 2.7 percent of its 2003 staff total of 4,690. There were 428 cases of corruption in the Town Councils, which amounted to 1.02 percent of its workforce of 41,855 in 2003. (As a proportion of the workforce in 2003, cases of corruption in PDRM are only marginally higher than those of the Town Councils, which recorded the lowest percentage among the three government agencies. JPJ had the highest.)

TABLE 4.9 : INCIDENCE OF CORRUPTION IN GOVERNMENT AGENCIES 1999-2003

DEPARTMENT	1999	2000	2001	2002	2003	TOTAL
PDRM	1,006	1,203	1,180	1,143	1,194	5,726
Town Council	307	344	350	370	428	1,799
Road Transport Department (JPJ)	216	843	185	132	130	1,506

Source: Anti-Corruption Agency

- 4.5 However, it is the view of the Commission that there is serious under-reporting of actual acts of corruption in PDRM and that the number of cases would be higher if reports were more forthcoming. The Commission believes that in the case of JPJ and the Town Councils, the actual incidence would also be significantly higher but not as high as PDRM because the public is probably more apprehensive about reporting corrupt practices involving police personnel.
- 4.6 The Commission's inquiries and feedback from the public bears out the public's perception of a serious degree of corruption in PDRM that permeates all levels of the organisation. The nature of corruption being such that hard evidence is difficult to come by. Nevertheless, there is widespread talk regarding the wealth amassed by high-ranking senior police officers. The Commission would like to stress though, that there are also many police personnel of integrity in PDRM who serve the nation and the people with great devotion and sometimes personal sacrifice.
- 4.7 Chapter Nine outlined various forms of corruption reportedly taking place in PDRM according to feedback received from the public and inquiries conducted by the Commission. Analysis by institutions such as ACA and the Kuala Lumpur Society for Transparency and Integrity and the Commission's own investigations further substantiate these reports. The following forms of corruption are prevalent in PDRM:

- j. Bribe-taking, especially by traffic police, detectives and investigation officers.
- ii. Small, opportunistic corruption to avoid police action, such as for minor traffic offences. The amounts involved are small, but the occasions are numerous, and when multiplied this adds to a substantial amount. In fact, corruption involving low level traffic police personnel has an enormously damaging impact on the image of PDRM due to its extensive nature.
- iii. Soliciting for “ang pows” or “duit kopi”.
- iv. Larger amounts of money involving false motor vehicle accident insurance claims where the police are in complicity with the alleged victims and other parties including lawyers and touts.
- v. Corruption involving crime syndicates. This form of corruption is also serious because it involves major, long-term schemes, large amounts of money and the collusion of some senior police officers. Big-time crime operators are seldom caught although the activities they are engaged in, such as illegal gambling, prostitution and drug trafficking can be relatively easily detected and acted upon. This form of corruption in fact results in the police becoming partners in crime instead of being a law enforcement agency that combats crime.
- vi. Bribes paid by suspects to investigating officers to influence their work or bribes solicited by the latter. The bribes may involve not only money but also shares in businesses and long-term business partnerships. This category includes money solicited or given to police to swap urine samples of suspected drug addicts.
- vii. Recycling drugs, money and property held under police custody.

4.8 Besides corruption involving the police and members of the community, corruption is also alleged to exist within the police organisation. Examples include the taking of bribes by superiors for recommending promotion or transfer to assignments in potentially “lucrative” positions in the Commercial Crime Investigation Division (now department), Traffic Branch, the D7 Criminal Investigation Division in charge of secret societies, prostitution and gambling, Narcotics Department, Logistics Department (Supplies and Tender), and the Promotions and Emplacement Division.

4.9 The division responsible for procurement of goods and services is particularly prone to corruption. It is in fact usually the place where the most common form of public corruption occurs. Few activities offer greater opportunities for corruption than public procurement. To the public, the procurement procedures appear extremely complicated. Indeed, they often are and lend themselves to manipulation in a variety of ways without any great risk of detection. It is a source of enormous waste of government expenditures, estimated to amount up to 30-40 percent more than the actual procurement costs.

- 4.10 In the course of the Commission's inquiry, oblique references were made to suspected cases of corruption in police procurement. In particular, the Police Logistics Department has been mentioned as being responsible for the shoddy work on new facilities, including police stations so badly constructed that they have remained unoccupied for years while remedial action is carried out.
- 4.11 The sources of corruption in PDRM include traffic offenders; crime syndicates running prostitution centres, illegal gambling and betting operations and drug trafficking and pushing networks; operators of illegal nightspots or nightspots that flout regulations on closing times such as discotheques and karaoke lounges; lawyers and their touts; motor workshops and their touts; smuggling rings; undocumented and illegal migrant workers; human traffickers; police officers seeking "choice" transfers and promotions.
- 4.12 Corruption is a social disease that cannot be effectively eradicated without addressing the root causes. Corruption in PDRM also cannot be eliminated in isolation from the social and political environment. Some of the major factors contributing to corruption in PDRM (which in some instances are also applicable to other government agencies) are:
- i. The numerous opportunities and temptations for bribe and corruption presented to members of PDRM given the extensive powers they exercise and the inadequate checks against corrupt practices in the service. Corruption especially thrives in an environment of poor accountability and transparency.
 - ii. The desire for supplemental income among the lower paid lower ranks and greed among the other better paid personnel.
 - iii. A culture of indifference, permissiveness and tolerance for corruption in PDRM, created partly by widespread incidence of corruption and poor example set for lower ranks by some senior officers who are openly corrupt.
 - iv. Inadequate and ineffective legal and institutional constraints against corruption in the country, which in turn stimulate further corruption.
- 4.13 The significant extent of corruption in PDRM as perceived by the public is having various serious negative consequences upon PDRM itself as well as the interests of the nation and its people. It corrupts the morals and values of the personnel concerned, seriously undermines the image and integrity of an institution that is supposed to stand for all that is good and that is sworn to combat evil and impairs performance and delivery of service. The effect is to erode the confidence of the public in an essential and strategic organ of the government. The loss of respect for PDRM is palpable and pervasive. Corruption in PDRM also aggravates social ills such as drug addiction, gambling and prostitution. Together with corruption in other institutions of the government, it contributes to lowering Malaysia's economic competitiveness and efficiency by making the cost of doing business in the country more expensive.

5. CHALLENGE FOUR: COMPLIANCE WITH PRESCRIBED LAWS AND HUMAN RIGHTS STANDARDS

5.1 Although human rights of various kinds have been recognised by different cultures and political systems for a long time and a generally universal body of human rights was codified by the United Nations half a century ago, human rights as they are understood now emerged as a central issue for modern policing only in the 1990s. In the United Kingdom (UK) for instance, human rights is referred to as the “new agenda” in policing. Human rights became a part of the curriculum for UK police training only in the late 1990s and a human rights approach to policing is a relatively recent focus of international protocols. Since the 1990s however, compliance with human rights has become internalised and obligatory in modern policing systems such as that of the UK.

5.2 The challenge for policing in Malaysia with regard to observance of prescribed laws and human rights standards is three-fold:

- i. To make compliance with prescribed laws and human rights one of the central pillars of policing in Malaysia.
- ii. To discard the culture of impunity that presently pervades PDRM.
- iii. To recognise, prevent and check infringements of human rights and breach of prescribed laws in the system.

5.3 Making Human Rights a Central Pillar of Policing

5.3.1 The traditional *raison d’être* of policing is the provision of security through the maintenance of law and order. This remains true today. However, maintaining law and order cannot be at the expense of human rights as provided for in the Federal Constitution and the laws of the country. Indeed, good policing and human rights are fully compatible and mutually reinforcing. In helping maintain security of life and property the police are in fact promoting two of the fundamental human rights.

5.3.2 Upholding human rights needs to become a central pillar of policing, one of the key and essential criteria by which police actions are scrutinised and the foundation of the ethical code for policing. This does not mean that observance of human rights is absent in PDRM, or that PDRM is riddled with human rights abuse (though numerous instances of infringements do occur as are amply illustrated in paragraphs 5.5 to 6.3 below). It merely means that the essence of policing has yet to be understood, ultimately, not only as the maintenance of law and order, but also as the observance and protection of human rights. It also means that PDRM has to dramatically improve its compliance with human rights and the human rights provisions inherent in the country’s laws. Finally there is a need too, to review some of the laws, rules

and regulations affecting policing to strengthen the safeguards for human rights prescribed by international human rights instruments and the Federal Constitution.

5.3.3 PDRM's obligation to observe and respect human rights derives from the provisions of the Federal Constitution. The provisions of the Federal Constitution with regard to the human rights aspects of policing are contained in the following articles:

- i. Article 5, relating to liberty of the person.
- ii. Article 7, relating to protection against retrospective criminal laws and repeated trials.
- iii. Article 8, relating to equality before the law and equal protection of the law.
- iv. Article 9, relating to prohibition of banishment and freedom of movement.
- v. Article 10, relating to freedom of speech, assembly and association.
- vi. Article 11, relating to freedom of religion.
- vii. Article 12, relating to rights in respect of education.

5.3.4 Besides the Federal Constitution, policing in Malaysia should have regard for the provisions of international human rights instruments and mechanisms relevant to law enforcement, to the extent that they are not inconsistent with the Federal Constitution. These instruments and mechanisms include the following:

- i. Universal Declaration of Human Rights 1948.
- ii. International Covenant on Civil and Political Rights 1966.
- iii. International Covenant on Economic, Social and Cultural Rights 1966.
- iv. Code of Conduct for Law Enforcement Officials 1979.
- v. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990.
- vi. Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment 1988.
- vii. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985.

- viii. Declaration on the Protection of All Persons from Enforced Disappearance 1992.
- ix. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions 1989.
- x. United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985.
- xi. United Nations Standard Minimum Rules for the Treatment of Prisoners.
- xii. United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- xiii. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.
- xiv. Special Rapporteur on Torture.
- xv. Working Group on Enforced or Involuntary Disappearances.
- xvi. Working Group on Arbitrary Detention.

5.4 Discarding the Culture of Impunity

5.4.1 Of growing concern around the world is the “culture of impunity” within police forces and PDRM is not exempted. The combination of individual and systemic acts of corruption and a lack of transparency and oversight leads to a police culture held accountable by neither internal nor external forces.

5.4.2 A culture of impunity feeds on itself. When officers act in contravention of laws and regulations without fear of investigation or reprimand, the culture of impunity begins to develop. Each wrongdoing that is not investigated or punished or is supported by higher ranks within the police leadership, leads to the perception that such misconduct is permissible. As each new generation of officers observes and learns from their superiors, the culture becomes embedded in all the ranks of the PDRM.

5.4.3 The discretionary nature of the powers of investigation and enforcement held by the police provide additional defence against allegations of misconduct. The culture is further bolstered if PDRM does not recognise the right of civilians to criticise the police. More often than not criticism is met with denial, defensiveness or even more discouraging, a threat to investigate and charge the complainant of a false complaint/report.

5.4.4 Furthermore, when those outside the force do not have access to information about internal activities and procedures, the impetus for criticism diminishes. With minimal/ineffective/weak mechanisms of accountability and no opportunity for external groups to demand reform, overcoming the culture of impunity is impossible.

5.4.5 A shift to a new era of police accountability should have a dual focus : first, internal mechanisms to hold police officers accountable should be established to build a culture of accountability within the force; second, civilians and civil society should become more involved and engaged with the police service to improve external accountability.

5.4.6 Internally, reform can involve establishing performance indicators, is immediately investigated and disciplined. Externally, reform should involve empowering police auditors and building a culture where misconduct allow for increased public access to information about the police, recording, analysing and releasing statistics about crime and police investigations and the active monitoring and empowerment of mechanisms to provide the check and balance. These external mechanisms include among others Parliament and the Human Rights Commission of Malaysia (SUHAKAM).

5.5 Checking Breach of Prescribed Laws and Infringement of Human Rights

5.5.1 Despite cause for concern regarding crime rates, PDRM has generally been able to maintain law and order and provide security and stability with positive implications for such rights as the right to life. The security, law and order environment in Malaysia is distinctly better than the situation prevailing in several neighbouring countries. These contributions of PDRM, sometimes achieved only through great personal sacrifices and much dedication, should be recognised and appreciated. They should not be taken for granted or lightly dismissed.

5.5.2 Nevertheless, the inquiries held by the Commission and feedback from various organisations and the public does indicate that there are widespread infringements of human rights in PDRM and the situation is one of utmost concern. The Commission highlights below the areas of human rights abuse that it has detected:

i. Abuse of Remand Provisions and Procedures under Criminal Procedure Code

The Commission's inquiries as well as feedback and complaints from the public reveal the following types of abuse by PDRM:

- a. A widespread tendency in police investigations to arrest, remand and then only investigate, instead of first conducting thorough investigations before determining whether it is necessary to remand a person to facilitate further investigations.

- b. Non-adherence to the presumption of innocence, which is a core principle in the treatment of suspects and detainees. Guilt or innocence can only be determined by a court of law and all persons under investigation are to be deemed innocent, whether they have been arrested or detained or remain at liberty during investigations. Despite this, very often detainees or suspects are referred to by the police as “*orang salah*” and perceived as convicted criminals.
- c. The tendency of Magistrates, in the majority of cases, to grant remand orders as a matter of course.
- d. Generally, not conducting any investigations in the initial 24 hours, then requesting for a remand order.
- e. Requesting for remand in cases where bail can be granted and there is no need for remand.
- f. Requesting for a period of remand that is far too excessive for investigation into the alleged offence. For instance, a person suspected of being a drug dependent is sometimes remanded for a week or more when the only “investigation” that was needed was to obtain a urine sample and have it tested.
- g. Remand procedures that are carried out without the proper participation of the suspect or the presence of a lawyer, if he or she has one. It is alleged that often it is difficult to get information on the whereabouts or fate of the suspect. A telephone call is discretionary and not considered a right. Family members and lawyers are often not given access to the suspect or furnished with details as to when the suspect is to be brought to court for a remand order or to be charged.
- h. The practice of the “chain smoking order” or “road show”, whereby successive remand orders are obtained from the Magistrate, on grounds that the suspect is also being investigated for another offence. The suspect is thus detained for a period in excess of the maximum 15 days. Sometimes the suspect is taken to a different jurisdiction and further remand orders are obtained from the presiding Magistrate who may not have been informed of the previous remand orders issued for the suspect. Even if the Magistrate was duly informed, the cycle of automatic remand orders is frequently administered without due regard for constitutional or legal provisions. There have been cases where suspects have been detained for more than two months in various police stations in different states, resulting in severe deterioration of mental and physical health or even deaths in custody.

- i. Suspects subjected to remand when remand was not necessary for investigations to be conducted. We noted many such instances, when suspects were remanded although they were not a flight risk, when the suspects were willing to make themselves available for questioning and statement taking and when employers, families and lawyers have guaranteed that the suspect will appear before the investigating officers for questioning.
- j. Not having a medical examination done on the subject as required.
- k. Extortion of up to RM100 for a telephone call to suspect's family or lawyer or for a plate of "*mee mamak*".
- l. Strip searches in front of other detainees amounting to humiliation.
- m. No access to lawyers on grounds that it would interfere with investigations.
- n. Remand proceedings conducted in private between the police and the Magistrate in chambers while the suspects were kept away.
- o. Suspects not being informed of grounds of arrest.

ii. Preventive Detention

- a. The Federal Constitution through Articles 149, 150 and 151 makes provision for the enactment of legislation which could override fundamental liberties of individuals in the interest of national security and public order against subversion and organised violence.
- b. The provision for preventive detention or the power to restrict a person's personal liberty is made available through a number of legislations. These are the Internal Security Act 1960 (ISA), the Emergency (Public Order and Prevention of Crime) Ordinance 1969 (EPOPCO), the Dangerous Drugs (Special Preventive Measures) Act 1985 (DDSPMA) and the Restricted Residence Act 1933 (RR) [Act 377] .
- c. The provisions in these legislations enable the police to detain a person for up to 60 days for investigations. Further detention up to two years is possible by an order by the Internal Security Minister. There is a provision for review by an Advisory Board, to be held within three to six months. In the operation of the law, PDRM has used the ISA to detain various categories of persons

including political and religious figures who are deemed to be engaged in activities prejudicial to security. The EPOPCO has been used for gang or group violence, the DDA on drug traffickers and the RR on those involved in illegal gambling and vice related offences.

d. The following categories of infringements of rights were noted by the Commission with specific reference to how PDRM executed their duties:

- Allegations by detainees of physical and psychological abuse by police interrogation officers during the first few days of investigation while the detainees were held incommunicado. This was especially so to extract confessions from detainees.
- Non-compliance to basic guidelines set by Ministry of Internal Security (MOIS) in the use of preventive detention. For example in the case of EPOPCO, the police officers must establish a direct link between the detainee and criminal activities of gangs, record of three previous crimes committed, record the statements of five independent witnesses. The Commission's enquiry showed that they were not followed in a number of cases under review. Furthermore MOIS officials failed to act as an effective check and balance in ensuring that the police officials fulfilled the basic guidelines provided.
- The Commission's enquiry showed that in a number of cases preventive laws were used as a means of detaining persons where sufficient proof could not be ascertained to charge them in open court. Furthermore detention laws provide a convenient short cut to crime solving instead of rigorous and coordinated investigations. It also reflected weakness in police officers in undertaking high quality evidence-based investigation.
- In cases where charges under the DDA and the EPOPCO have been preferred and those charged subsequently acquitted, police have rearrested and detained them under preventive laws.
- There are also cases where the court has ordered detainees under the ISA released following a writ of *habeas corpus*, but the police have rearrested them and continue to detain them under preventive laws.

iii. Allegations of Torture and Inhumane and Degrading Treatment

- a. The Commission received written and oral complaints of police mistreatment of detainees in custody from SUHAKAM; NGOs such as Police Watch and Human Rights Committee, Pertubuhan Perkhidmatan Rakyat Malaysia and Jaringan Rakyat Tertindas (JERIT); families and lawyers of detainees; and the detainees themselves. While it was not practically possible to inquire into every complaint to verify the allegations, the sheer number of complaints does warrant concern.
- b. The alleged forms of torture, inhuman and degrading treatment included the following:

Physical

- Hitting the face with rolled-up newspapers.
- Hitting the feet with a rubber hose.
- Beating on the chest and back of body.
- Kicking the lap.
- Stamping on the stomach.
- Slapping the face and head.
- Beating with a cane.
- Adjusting the window of an air conditioner to blow on the face and body of detainees during interrogation.
- Not allowing the detainee to sit from morning to evening during interrogation.
- Choking by cigarette smoke of interrogators in an air-conditioned room.
- Rejection of requests to go to the toilet, and forcing detainee to urinate into a bottle.

Sexual

- Requiring detainees to strip naked in front of interrogators.
- Forcing to change to lockup clothes up in front of police officers.
- Verbally assaulting with vulgar words.
- Forcing to re-enact sexual acts.
- Asking about detainees' experience with sex.
- Asking detainees to describe sexual encounters.

Psychological

- Threatening to arrest detainees' wives or relatives if they did not cooperate.
- Forcing detainees to listen to obscene stories.
- Subjecting detainees to verbal abuse.
- Blindfolding and handcuffing detainee every time he is brought out of the cell.
- Asking detainees to write letters stating that they will not engage lawyers.
- Threatening detention for as long as 6 to 10 years.
- Handcuffing detainee in front of wife and children during arrest.
- Refusing to provide information on correct prayer time.
- Detainees not told the direction of *kiblat*.
- Giving *Al-Quran*, then taking it back.
- Forcing detainees to listen to schools of thought that are *syirik*.
- Threatening detainees with re-arrest if they engaged lawyers or applied for *writ of habeas corpus*.
- Forbidding detainee from discussing *habeas corpus* application with wife.

5.6 Abuse of Freedom of Speech, Assembly and Association

5.6.1 Freedom of speech, assembly and association are fundamental rights that, in the words of the Reid Commission Report (1967) are “generally regarded as essential condition for a free democratic way of life” (page 161 paragraph 70). Democracy cannot survive, nor can it thrive, without freedom of speech, assembly and association. The Federal Constitution recognises this and provides for these freedoms in Article 10. Parliament however is given powers by the Federal Constitution to allow for derogation of the rights in the interests of security, friendly relations with other countries, public order or morality.

5.6.2 The Commission is of the following view: (a) that Section 27 of the Police Act 1967 is “bad law”, and (b) that PDRM’s implementation of this section is in contravention with the fundamental liberties accorded by the Federal Constitution. Of particular note are the following:

- i. No assembly can be held unless a permit is obtained from the Officer in Charge of Police District (OCPD) of the relevant district. The Commission has received representations from various quarters to the effect that

although an application for a permit is made well before the date of a proposed assembly, the OCPD in practice leaves it until the final hour before making a decision. In the event a permit is refused, the organiser finds it futile to make an appeal to the Chief Police Officer, whose decision is final. A case to illustrate the difficulties of getting a permit is at Appendix 4A.

- ii. Often when a permit is granted it seems to be given grudgingly, with numerous conditions that are unreasonable and impracticable attached so as to be tantamount to an indirect refusal of the permit. The Federal Constitution and the Police Act 1967 mandate the police to impose restrictions, on specific grounds, on the exercise of the fundamental right to hold an assembly. The excessive conditions imposed by the police however, exceed this mandate, and in fact render it a prohibition of this fundamental right guaranteed by the Federal Constitution rather than a restriction of this right.
- iii. Information and feedback received from persons applying for permits under s27 and those arrested for offences under this section seem to indicate that the police are not neutral and impartial in political matters. PDRM does not seem to tolerate assemblies and processions organised by parties and movements associated with the opposition political parties. The Commission has also received complaints that senior police officers have used their office to facilitate and even participate in assemblies linked to the party in power.
- iv. Sections 27A, 27B and 27C of the Police Act 1967 further erode the freedom of speech and expression that is the hallmark of a democracy. These sections prohibit “any activity” held in a private place, if such activity is directed or intended to be witnessed or heard or participated in by persons outside such private place or premises. There is no definition of what “any activity” means, but in practice it has meant assemblies held and speeches made in private places that can be heard or participated in by persons outside the premises. By empowering the police to disperse assemblies and stop speeches in private places, the last vestiges of freedom of assembly and speech are eliminated.
- v. There have been allegations that even in cases where organisers tried to comply with conditions, for example by booking an enclosed space, the owners of the space were warned not to cooperate with the organisers, thus frustrating attempts to hold a peaceful assembly.

6. CHALLENGE FIVE: INADEQUATE AWARENESS OF AND RESPECT FOR RIGHTS OF WOMEN AND CHILDREN

6.1 Virtually all the laws of the country apply to all persons irrespective of gender and age. At the same time however, women and children (legally defined as those who are under the age of 18) merit different treatment in law enforcement precisely because of their gender and age. The obligation to do so is recognised both by United Nations instruments and bodies as well as the Federal Constitution and laws of Malaysia. The Commission's inquiries and feedback from the public however indicate that in numerous cases treatment of women and children by police personnel suffers from serious inadequacies and abuses caused by various factors. These include lack of awareness of and sensitivity towards rights; ignorance regarding the law; insufficient training in aspects related to treatment of women and children; inadequate human resources and facilities in police stations and remand centers; and sexual abuse. While there are in place laws and regulations to protect women and children, lack of training and mindset prevent the effective implementation of these laws. There is an urgent need for a gender sensitive response to violence against women and greater safeguards to respond to the special needs and rights of children.

6.2 Breach of Regulations and Abuse of Rights of Women

6.2.1 The Commission looked into the following aspects relating to policing and women:

- i. Police treatment of women victims of crime, particularly violence against women.
- ii. Police treatment of women detainees.
- iii. Police treatment of vulnerable groups of women, especially migrant workers, refugees and trafficked women.

6.2.2 The findings from the Commission's inquiries and complaints from the public indicated that there is significant and serious breach of regulations and rights pertaining to women. Many of the abuses and breaches of the law and regulations are applicable to all suspects and detainees irrespective of gender. The primary issues are:

- i. Callousness and insensitivity of police officers towards women victims of domestic violence, rape and sexual harassment. Some police officers are dismissive of complaints of domestic violence, perceiving it as a private family matter. They are also derisive and insulting to victims of rape.
- ii. Intimate search and strip searches held not in strict accordance with prescribed regulations, sometimes due to lack of facilities.

7. CHALLENGE SIX: INADEQUACIES WITH RESPECT TO ESTABLISHMENT, REMUNERATION AND SCHEME OF SERVICE

7.1 Establishment

7.1.1 The basic issues confronting PDRM in the sphere of establishment are the following:

- i. Adequacy of human resources and the deployment and utilisation of available resources.
- ii. Ethnic representation in PDRM establishment.
- iii. Gender representation in PDRM establishment.

7.1.2 Adequacy of Human Resources and their Deployment

- i. PDRM maintains that it does not have sufficient human resources to enable it to discharge its responsibilities satisfactorily. Police responsibilities have increased significantly as a result of vigorous economic development, the growth in population and the increasing number of townships and residential areas. Among other negative consequences, personnel deficiencies have resulted in the police not being able to establish sufficient presence in urban areas to deter crime.
- ii. According to Public Service Department (JPA) figures (Table 4.10), PDRM applied for a total of 13,101 new posts in the period 2002-2004. Of these, JPA approved 8,018 posts. An additional request for 41,252 staff is still under JPA's consideration pending the Commission's Report (Table 4.11). The bulk of the request for additional establishment amounting to 21,294 posts is for CID.

- iii. Lack of privacy. Sometimes women suspects and detainees are held within sight of male detainees, again due to lack of facilities.
- iv. Sexual harassment and sexual assault including custodial rape of women migrant workers and refugees as documented in case studies submitted by the United Nations High Commissioner for Refugees (UNHCR). Migrant workers and refugees are especially vulnerable to being stopped, searched, extorted, sexually harassed and assaulted and arrested because of their non-citizen and migrant worker/refugee status.

6.3 Breach of Regulations and Abuse of Rights of Children

6.3.1 Inadequate facilities with respect to police lockups and police cells are again a major constraint to observance of the rights of children and regulations pertaining to them. When the children are also women, the problems are compounded and telescoped into issues affecting women. The fact that the Child Act 2001 is a recent legislation also explains some of the breaches of the provisions of the Act due to ignorance.

6.3.2 Complaints from the public and the Commission's own inquiries indicate the following breaches of regulations and abuses of rights specific to children:

- i. Periodic inability of PDRM to ensure that a child detained in a police station, conveyed to or from court and waiting at the court are prevented from associating with an adult who is charged with an offence. The main problem is inadequate facilities and resources.
- ii. Negligence on the part of the police to prevent pictures of a child being taken while being arrested, detained in a police station, being conveyed to or from court and while waiting in court. These pictures can be extremely damaging to the reputation of a child suspect, especially if handcuffs are also used.
- iii. Insensitivity towards possible embarrassment of a child suspect when arrested in full view of the public, with no effort made by the police to be discreet. The use of handcuffs and police vans in broad daylight to effect arrest seriously damages the reputation of the child in the local community.
- iv. Excessive use of force on child suspects, as in the case of a child who was assaulted by four policemen while in custody.
- v. During the raids and arrests to haul in illegal migrant workers, there is a lack of a mechanism to identify child migrant workers, leading to these child migrant workers being detained with adults and subsequently punished by law as adults. In some cases there have been allegations that this has led to children being subject to whipping.

**TABLE 4.10 : PDRM APPLICATIONS FOR ESTABLISHMENT THAT WERE CLEARED BY
JPA IN 2000-2004**

NO.	POST/LOCATION	EXISTING EXTABLISHMENT	ESTABLISHMENT APPLIED	APPROVED	FINANCIAL IMPLICATION
2002					
1.	IPD Bera, Pahang	77	223	173	3,425,132.96
2.	Junior Police Officer, Syariah Court	-	268	268	2,850,180.00
3.	Police Training Centre, Sabah	-	163	143	3,423,082.84
4.	Police Training Centre, Sarawak	-	572	294	6,754,700.64
5.	PDRM Air Wing	275	312	235	5,619,961.44
6.	FRU	1,209	1,625	1,247	26,045,585.10
NO.	POST/LOCATION	EXISTING EXTABLISHMENT	ESTABLISHMENT APPLIED	APPROVED	FINANCIAL IMPLICATION
2003					
1.	Special Assistant, Administrative Assistant for ACP rank	-	5	5	83,131.80
2.	Marine Police	2,786	948	321	7,615,894.56
3.	Regrading of Posts under <i>Sistem Saraan Malaysia</i>	4,308	434	175	844,807.80
4.	Additional Junior Police Officer	-	765	219	3,689,946.00
5.	Traffic Police (Phase I)	540	616	177	15,262,207.00
NO.	POST/LOCATION	EXISTING EXTABLISHMENT	ESTABLISHMENT APPLIED	APPROVED	FINANCIAL IMPLICATION
2004					
1.	Additional Posts for Basic Training	-	Existing: 2,919 Abolish: 541:	Existing: 3,460 Abolish: 541:	33,418,437.04
2.	Commercial Crime Department	262	3,671	1,038	14,745,174.36
3.	SUKSIS	-	85	85	1,658,599.80
4.	IPD, Putrajaya	237	610	355	8,063,893.92
5.	Regrading Police Bodyguard for PM, DPM, Ministers, Deputy Minister & VIPs	74	Apply: 93 Abolish: 66	Apply: 93 Abolish: 74	2,003,480.04
6.	Technical Intelligence Division, SB	824	364	344	10,170,562.08
7.	Malaysian International Observer Team to South Philippine	-	5	5	242,640.24
TOTAL		10,592	13,101	8,018	

Establishment as at 31 December 2004: 92,927 posts (Uniformed)
7,624 posts (Civillian)

Source: JPA

TABLE 4.11 : APPLICATION FOR PDRM ESTABLISHMENT STILL UNDER JPA CONSIDERATION 2005

NO.	POST/LOCATION	EXISTING ESTABLISHMENT	APPLICATION NEW ESTABLISHMENT
1.	CID	6,934	21,294
2.	Narcotics	3,108	7,246
3.	GOF	-	1,073
4.	Human Resource Management Division	-	380
5.	Psychology and Counselling Branch	-	537
6.	Operation Branch Control Centre, KDN/KA and C4I Technical Branch. Logistic Department	-	4,533
7.	SUKSIS	-	85
8.	Civilian Officers, Commercial Crime Department	-	176
9.	Traffic Police (Phase II)	717	2,560
10.	Patrol Vehicle Crew	2,387	3,368
	TOTAL	13,146	41,252

Source: JPA

- iii. That PDRM needs additional personnel in specific area of policing is only too clear. CID for instance, is seriously understaffed with only 7,869 personnel, as at December 2004. However the Commission notes that the current police to population ratio of 1:287 (an actual strength of about 90,256 uniformed personnel in 2004 compared to the current estimated population of 25,860,000) is already quite high and compares favourably with most other countries. If the migrant worker population recently estimated at 3 million is added, the ratio falls to 1:310, which still compares not unfavourably to, for instance, Singapore at 1:308.
- iv. The Commission is therefore of the view that while PDRM may indeed require a general increase in uniformed police establishment due to heavier responsibilities, and there may be pressing needs in certain areas, alternative options should be considered for meeting PDRM's legitimate needs. The Commission discusses these options in subsequent chapters.

7.1.3 Ethnic Representation

- i. Policing in a multi-ethnic society like Malaysia requires adequate representation of all ethnic groups in order to enable PDRM to communicate effectively with different ethnic groups, deal with culturally sensitive issues, and engage in crime prevention and law enforcement more effectively. A police service force that has adequate ethnic

representation will also help avert allegations of ethnic discrimination and victimisation.

- ii. The present situation with regard to racial composition in PDRM and intake of recruits of different ethnic groups (Tables 4.12 and 4.13) is unsatisfactory. Minority participation in PDRM is very low and completely inadequate for modern policing in a racially diverse community. Chinese representation is only 2.5 percent, Indian 3.7 percent, Punjabi 0.3 percent and Others (Kadazan, Iban, Bidayuh, Murut, Thai, Ceylonese, etc.) 15.2 percent. The highest ranking Chinese in PDRM is only an Acting Deputy Commissioner of Police (DCP), and the highest ranking Indian is one Senior Assistant Commissioner II (SAC II). The present situation contrasts with the situation in PDRM before. In May 1969 for instance, 68 percent of non-Malays are Division One officers, a situation that was equally unsatisfactory.
- iii. Chinese and Indian intake was very low compared to Malay intake in the period 2001-2004. According to PDRM, a major reason for the poor representation of Chinese in PDRM is the fact that relatively few Chinese apply to become Constables, which is where the bulk of new recruitment takes place. Their primary interest is in the higher ranks.

TABLE 4.12 : ETHNIC REPRESENTATION IN PDRM'S ESTABLISHMENT 2004

NO.	RANK	ESTABLISHMENT	MALAY	CHINESE	INDIAN	PUNJABI	OTHERS	TOTAL
1.	IGP	1	1 (100%)					1 (100%)
2.	DIG	1	1 (100%)					1 (100%)
3.	CP	6	5 (100%)					5 (100%)
4.	DCP	18	14 (100%)					14 (100%)
5.	SAC I	27	22 (91.7%)	1 (4.2%)			1 (4.2%)	24 (100%)
6.	SAC II	56	35 (85.4%)	3 (7.3%)	1 (2.4%)		2 (4.9%)	41 (100%)
7.	ACP	148	97 (86.6%)	7 (6.3%)	2 (1.8%)		6 (5.4%)	112 (100%)
8.	SUPT	376	261 (83.7%)	34 (10.9%)	5 (1.6%)	1 (0.3%)	11 (3.5%)	312 (100%)
9.	DSP	792	463 (76%)	82 (13.5%)	20 (3.3%)	9 (1.5%)	35 (5.7%)	609 (100%)
10.	ASP	2,077	1,363 (73.8%)	277 (14.9%)	79 (4.3%)	16 (0.9%)	113 (6.1%)	1,848 (100%)

NO.	RANK	ESTABLISHMENT	MALAY	CHINESE	INDIAN	PUNJABI	OTHERS	TOTAL
11.	INSP	6,161	3,888 (72.2%)	460 (8.5%)	375 (6.9%)	34 (0.6%)	626 (11.6%)	5,383 (100%)
12.	SI	613	422 (85.6%)	6 (1.2%)	9 (1.8%)		56 (11.4%)	493 (100%)
13.	SM	1,873	1,217 (80.4%)	58 (3.8%)	40 (2.6%)	5 (0.3%)	193 (12.8%)	1,513 (100%)
14.	SGT	7,318	5,555 (81.9%)	180 (2.7%)	268 (3.9%)	367 (0.5%)	738 (10.9%)	6,777 (100%)
15.	CPL	15,703	12,295 (83.2%)	351 (2.4%)	658 (4.5%)	69 (0.5%)	1,396 (9.5%)	14,769 (100%)
16.	CONS	51,616	40,732 (77.8%)	700 (1.3%)	1,610 (3.1%)	129 (0.3%)	9,170 (17.5%)	52,341 (100%)
17.	A/ CONS	6,141	4,284 (71.3%)	118 (1.9%)	268 (4.5%)	7 (0.1%)	1,335 (22.2%)	6,012 (100%)
TOTAL		92,927	70,655 (78.3%)	2,277 (2.5%)	3,336 (3.7%)	306 (0.3%)	13,682 (15.2%)	90,256 (100%)
OTHERS - KADAZAN, IBAN, BIDAYUH, MURUT, THAI, CEYLONESE, PORTUGESE AND OTHERS.								

Source: PDRM

TABLE 4.13 : STATISTICS OF RECRUITMENT FOR POSITIONS OF CADET ASP, INSPECTOR AND CONSTABLE FOR PERIOD 2001-2004

POSITION	GENDER	TOTAL APPLICATION						TOTAL RECRUITMENT					
		MALAY	CHINESE	INDIAN	OTHERS	OTHER BUMI	JUMLAH	MALAY	CHINESE	INDIAN	OTHERS	OTHER BUMI	TOTAL
CADET ASP	M	6,651 70.8%	807 8.6%	698 7.4%	92 0.98%	1,149 12.2%	9,397 100%	104 74.8%	14 10.1%	9 6.5%	1 0.72%	11 7.9%	139 100%
	F	3,277 81.4%	156 3.9%	156 3.9%	31 0.77%	407 10.1%	4,027 100%	14 58.3%	5 20.8%	3 12.5%	2 8.3%	- -	24 100%
	TOTAL	9,928 73.9%	963 7.2%	854 6.4%	123 0.92%	1,556 11.6%	13,424 100%	118 72.4%	19 11.7%	12 7.4%	3 1.8%	11 6.7%	163 100%
INSP	M	13,361 76.4%	510 2.9%	1,314 7.5%	135 0.77%	2,178 12.4%	17,498 100%	977 77.2%	41 3.2%	57 4.5%	16 1.3%	175 13.8%	1,266 100%
	F	5,407 82.7%	134 2.0%	238 3.6%	45 0.69%	717 10.9%	6,541 100%	106 79.1%	11 8.2%	5 3.7%	1 0.75%	11 8.2%	134 100%
	TOTAL	18,768 78.1%	644 2.7%	1,552 6.5%	180 0.75%	2,895 12.0%	24,039 100%	1,083 77.4%	52 3.7%	62 4.4%	17 1.2%	186 13.3%	1,400 100%
CONS	M	54,725 65.7%	1,066 1.3%	4,319 5.2%	517 0.62%	22,686 27.2%	83,313 100%	10,705 77.1%	298 2.1%	594 4.3%	47 0.34%	2,234 16.1%	13,878 100%
	F	14,144 76.4%	229 1.2%	595 3.2%	421 2.3%	3,115 16.8%	18,504 100%	510 85%	26 4.3%	13 2.2%	1 0.17%	50 8.3%	600 100%
	TOTAL	68,869 67.6%	1,295 1.3%	4,914 4.8%	938 0.92%	25,802 25.3%	101,817 100%	11,215 77.5%	324 2.2%	607 4.2%	48 0.33%	2,284 15.8%	14,478 100%

Source: PDRM

- v. The non-Malay community, especially the Chinese and Indians, are dissatisfied with the lack of explanation given for the rejection of applications in a number of cases. They harbour the feeling that they have been deliberately discriminated against.
- v. The ethnic representation situation in PDRM needs to be urgently rectified by increasing the proportion of the non-Bumiputera intake as provided for by government policy in the Third Outline Perspective Plan (section 1.27, page 12) and the Eighth Malaysia Plan (section 3.66, page 80).

7.1.4 Gender Representation

A similarly serious imbalance prevails with regard to the representation of women in PDRM. Women participation in PDRM currently stands at only 9.4 percent. It is noticeably low at senior levels above the rank of ASP, at only 0.2 percent. This conflicts with the Government's goal to encourage more women in decision making positions. A larger number of women in PDRM will enable the organisation to cope more efficiently with cases involving women, especially with regard to rape, domestic violence, child abuse and community policing. The civilianisation of more sectors and positions in PDRM will also open up greater opportunities for raising women representation, thereby helping to achieve the national objectives/goals towards elimination of discrimination against women and gender equality.

7.2 Remuneration and Scheme of Service

7.2.1 PDRM has proposed better remuneration for its personnel. It has maintained that its personnel receive less remuneration than personnel of equivalent qualifications and rank in services like the Armed Forces and the members of the general public service. (The Commission's findings are that the police are generally fairly compensated and that PDRM in fact has a better deal compared to the Armed Forces and members of the general public service.)

7.2.2 A revised scheme of service as well as higher remuneration was approved for PDRM with effect from 1 January 2004. The increases in salary for senior police officers and junior police officers and constables are given in Tables 4.14 and 4.15.

Table 4.14 : PAY SCALE FOR SENIOR POLICE OFFICERS

LEVEL	SALARY SCALE	MINIMUM PAY		DIFFERENCE	PERCENTAGE
		OLD (P1)	NEW (P1)		
SAC I	YY26	4,925.57	4,975.00	49.43	1.00
SAC II	YY24	4,566.20	4,624.00	57.80	1.27
ACP	YY22	4,206.83	4,624.00	57.17	1.36
▼					
INSP	YY11	1,019.30	1,095.00	75.70	7.43

LEVEL	SALARY SCALE	MAXIMUM PAY		DIFFERENCE	PERCENTAGE
		OLD (P1)	NEW (P1)		
SAC I	YY26	5,923.82	6,172.90	249.08	4.20
SAC II	YY24	5,364.80	5,525.45	160.65	2.99
ACP	YY22	5,005.43	5,165.45	160.02	3.20
▼					
INSP	YY11	2,226.88	2,525.22	298.34	13.40

Source: JPA

Table 4.15 : PAY SCALE FOR JUNIOR POLICE OFFICERS AND CONSTABLES

LEVEL	SALARY SCALE	MINIMUM PAY		DIFFERENCE	PERCENTAGE
		OLD (P1)	NEW (P1)		
SUB-INSP	YY10	1,424.65	1,563.62	138.97	9.75
SGN MAJ	YY8	1,225.00	1,363.97	138.97	11.34
SGN	YY6	1,025.35	1,164.32	138.97	13.55
▼					
L/CPL	YY2	970.90	1,066.31	95.41	9.83

LEVEL	SALARY SCALE	MAXIMUM PAY		DIFFERENCE	PERCENTAGE
		OLD (P1)	NEW (P1)		
SUB-INSP	YY10	1,957.05	2,428.77	471.72	24.10
SGN MAJ	YY8	1,757.40	2,229.12	471.72	26.84
SGN	YY6	1,624.30	2,096.02	471.72	29.04
▼					
L/CPL	YY2	1,329.06	1,758.43	429.37	32.31

Source: JPA

7.2.3 A comparison of the starting salaries of various equivalent grades in PDRM, the Armed Forces and the general public service shows that the Armed Forces offers the highest followed by PDRM and the general public service. However, when total remuneration including allowances are compared, PDRM personnel enjoy the better package in all three categories namely personnel with honours degree, diploma and SPM. Table 4.16 illustrates this.

TABLE 4.16 : COMPARISON OF REMUNERATION OF THE GENERAL PUBLIC SERVICE, PDRM AND ARMED FORCES

SERVICE	MINIMUM QUALIFICATION	STARTING SALARY (RM)	HOUSING ALLOWANCE (RM)	CIVIL SERVICE ALLOWANCE (RM)	SPECIAL ALLOWANCE (RM)	TOTAL REMUNERATION (RM)
PTD Grade M41	Honours Degree	1,733.59	210.00	170.00	-	2,133.59
ASP Grade YY15	Honours Degree	1,746.00	450.00	170.00	100.00	2,466.00
Captain Grade Z19	Honours Degree	1,808.80	450.00	170.00	-	2,428.80

SERVICE	MINIMUM QUALIFICATION	STARTING SALARY (RM)	HOUSING ALLOWANCE (RM)	CIVIL SERVICE ALLOWANCE (RM)	SPECIAL ALLOWANCE (RM)	TOTAL REMUNERATION (RM)
PTD Grade N27	Diploma	1,123.36	180.00	115.00	-	1,418.36
INS Grade YY11	Diploma	1,280.13	420.00	115.00	100.00	1,915.13
Lieutenant Grade Z16	Diploma	1,361.34	420.00	115.00	-	1,896.34

SERVICE	MINIMUM QUALIFICATION	STARTING SALARY (RM)	HOUSING ALLOWANCE (RM)	CIVIL SERVICE ALLOWANCE (RM)	SPECIAL ALLOWANCE (RM)	TOTAL REMUNERATION (RM)
Clerk Grade N17	Sijil Pelajaran Malaysia (SPM)	656.30	180.00	80.00	-	916.30
CONS Grade YY1	Sijil Pelajaran Malaysia (SPM)	690.00	230.00	80.00	100.00	1,100.00
Private Grade Z1	Sijil Pelajaran Malaysia (SPM)	766.28	230.00	80.00	-	1,076.28

Source: JPA

7.2.4 The Commission also finds that JPA has given satisfactory consideration to job promotion prospects and career advancement to the police. Promotion prospects in PDRM are superior relative to other comparable government agencies. Tables 4.17 and 4.18 show the prospects for each rank in PDRM. Constable will be automatically promoted to Lance Corporal after 5 years. One in every 3 Lance Corporal, Sub Inspector and Assistant Superintendent of Police (ASP) has a chance to be promoted. The ratio is even better for all other ranks except Sergeant Major and Commissioner of Police (CP).

TABLE 4.17 : PROMOTION PROSPECTS FOR POLICE OFFICERS

LEVEL	PROMOTIONAL PROSPECTS RATIO FOR OFFICERS
Inspector General of Police (IGP)	1:1
Deputy Inspector General of Police (DIGP)	1:5
Commissioner of Police (CP)	1:3.4
Deputy Commissioner of Police (DCP)	1:1.71
Senior Assistant Commissioner of Police I (SAC I)	1:1.83
Senior Assistant Commissioner of Police II (SAC II)	1:2.55
Assistant Commissioner of Police (ACP)	1:2.56
Superintendent of Police (SUPT)	1:2.17
Deputy Superintendent of Police (DSP)	1:2.63
Assistant Superintendent of Police (ASP)	1:3.07
Chief Inspector/Inspector (INSP)	-

Source: JPA

TABLE 4.18 : PROMOTION PROSPECTS FOR LOWER RANKS

LEVEL	PROMOTIONAL PROSPECTS RATIO FOR LOWER LEVELS
Sub Inspector (SI)	1:3.04
Sergeant Major (SM)	1:3.91
Sergeant (SGN)	1:2.15
Corporal (KPL)	1:3.32
Lance Corporal/Constable	-

Source: JPA

7.2.5 PDRM has also proposed that the grading of senior police officers of the rank of Deputy Inspector General of Police (DIGP), Commissioner of Police (CP), Deputy Commissioner of Police (DCP), and Senior Assistant Commissioner of Police I (SAC I) be raised by one grade.

7.2.6 To conclude, the Commission finds that the challenge for PDRM with respect to establishment is in the area of more efficient deployment and better usage of available human resources rather than in increases in establishment, though this may be necessary in specific areas like crime investigation and language teachers. The Commission finds police remuneration and career prospects at least as good if not better than remuneration for other comparable services.

8. CHALLENGE SEVEN: INADEQUACIES WITH RESPECT TO HUMAN RESOURCES MANAGEMENT AND PERFORMANCE

8.1 The performance and effectiveness of an organisation depends on many factors. The most important is the management of its human resources. Human resource management in its comprehensive sense covers the entire life cycle of the employee from recruitment to retirement. A modern police force requires a human resource management model that integrates manpower planning, recruitment, training and development, deployment, career and succession planning, performance management and performance rewards. The Commission identifies below the challenges confronting PDRM in this regard.

8.2 Lack of a Comprehensive and Holistic Human Resource Management Strategy and Programme

8.2.1 An effective human resources management programme is essential to support the overall strategy of PDRM. To achieve PDRM's overall goals and objectives, a comprehensive and holistic approach is required to manage the entire employee life cycle covering the following areas:

- i. Workforce planning.
- ii. Recruitment.
- iii. Training and development.
- iv. Career and succession planning.
- v. Performance management.
- vi. Rewards management.
- vii. Retirement.

8.2.2 The Commission notes that PDRM has no visible strategy in place that links all the components of a comprehensive human resource management programme. A formal strategy that is aligned with the overall objective of PDRM is essential to ensure that each component in the management cycle works synergistically with the other components to provide the optimal outcome for PDRM with respect to its mission and functions. In particular, the strategy is essential to:

- i. Identify the key areas in PDRM human resources management that merit priority.
- ii. Identify the weaknesses in the management of police human resources management and take corrective actions to rectify them.
- iii. Manage and monitor the performance of PDRM personnel in accordance with the desired outcome of the organisation.

The lack of such a formal strategy and programme constrains the ability of the PDRM to achieve its overall objectives.

8.3 Deficiencies in Recruitment

8.3.1 The basic requirements with respect to academic qualifications and physical qualifications are considered generally satisfactory. Minimum academic qualification was raised in 2002, from Sijil Rendah Pelajaran (SRP)/Penilaian Menengah Rendah (PMR) or Sijil Pelajaran Malaysia (SPM) to SPM for Constables, and from General Degree or Honours Degree to Honours Degree for Assistant Superintendents. The qualification for direct recruitment as Inspector is Sijil Tinggi Pelajaran Malaysia (STPM), with a higher starting salary for those with the equivalent of a Diploma in Public Administration or the equivalent of a Diploma in Engineering.

8.3.2 The physical qualification was similarly raised in 2002, from a height of 1.57 metres and weight of 47.6 kg to 1.63 metres and 50 kg for men, and from 1.52 metres and 46.2 kg to 1.57 metres and 48kg for women. The Commission is of the view that modern policing places greater emphasis upon “brain” than “brawn” except for certain functions like crime fighting and crowd control, but nevertheless welcomes the increase in physical criteria.

8.3.3 However, the Commission observes the following deficiencies with regard to recruitment:

- i. Lack of competency profiling in PDRM’s “Recruitment and Entrance Qualification Process for PDRM Officers and Rank and File” template. This has made it difficult for PDRM to identify and recruit the candidates who possess the appropriate qualities for the relevant jobs. This leads to shortfalls in performance and delivery and employer as well as employee dissatisfaction.
- ii. Inadequate emphasis upon ethics and integrity in the criteria for recruitment as well as in tests conducted. The correct emphasis would help exclude potentially corrupt and unethical personnel at the point of entry as much as is possible. The inadequate emphasis upon good character is one of the reasons for PDRM’s major problems with corruption and integrity at present.

8.4 Absence of a Competencies-Based Model for Human Resource Development

8.4.1 PDRM lacks a competencies-based model that clearly identifies the knowledge, skills and in some cases personal traits required of its personnel in the various job categories to achieve the desired optimal performance. Such a model will greatly facilitate identification of the right candidates for recruitment and training, the emplacement of personnel where they will be most productive, and job performance expectations. For the organisation as a whole, it will help define required PDRM capabilities, the knowledge and skills that are required, and what presently exists in the organisation. It will also provide a strong foundation and database for planning organisational development activities.

8.4.2 The absence of such a competencies-based model has been partly responsible for the shortfalls in the performance and service provided by PDRM, which has led to the widespread complaints from the public and fall in confidence in the organisation, as highlighted in Chapter Three. In particular, the absence of such a management device has contributed to the following problems:

- i. Goals, objectives and directions of PDRM are not being fully supported, to the detriment of the image of the police as well as the interests of the community.
- ii. Crimes are less easily solved and cases less successfully cleared because of inferior performance and lack of knowledge and skills in certain areas, such as in commercial crime.
- iii. It is more difficult to target, attract and hire the right people for the right job.
- iv. It is more difficult to customise training, skills development and career development to fit different competency profiles and personnel.

8.4.3 On the other hand, the development of a good competencies model will enable PDRM to:

- i. Directly link the individual's competencies to PDRM's strategies and goals.
- ii. Develop competency profiles for specific positions or roles, matching the right individuals to tasks and responsibilities.
- iii. Conduct continual monitoring and refinement of competency profiles.
- iv. Facilitate employee selection, evaluation, training and development.
- v. Hire individuals with special competencies that are difficult and costly to develop but are necessary for PDRM in the twenty-first century.

8.5 Workforce Planning

8.5.1 Current manpower management in PDRM has not been effective and has not been able to provide for the future needs of PDRM. The present practice is to conduct a comprehensive manpower requirement review every 10 years. The review has failed to align the projected manpower requirements with PDRM's strategic plan. A yearly review of requirements is not even undertaken. As a result the distribution of personnel throughout the force is also not aligned fully to the priorities of policing in Malaysia.

8.5.2 Some of the issues faced by PDRM as a result of a lack of a proper and holistic workforce planning for the organisation are:

- i. Inability to fill vacancies. For example, the IT Division in Bukit Aman is running at a capacity of 75 percent because of difficulties faced in filling vacancies. The absence of a yearly review has contributed to this situation.
- ii. Weaknesses in distribution and deployment of PDRM personnel. For instance, the bulk of PDRM personnel are not deployed in core policing positions such as in the Narcotics, Criminal Investigation and Commercial Crime Investigation Departments. The traditional practice of allocating manpower resources according to population distribution needs to be refined by the inclusion of other factors such as the incidence of crime in different locations.
- iii. Difficulties faced in identifying skills shortages and workforce requirements in the immediate, medium and long term.
- iv. Problems in managing expenditure on employee remuneration and anticipating changes for PDRM.
- v. Difficulties in ensuring the provision of sufficient and appropriate training and development.
- vi. Difficulties in planning for other support facilities that are required, such as housing, arms and uniforms.

8.6 Training and Development

8.6.1 The Training Division in PDRM develops and implements training programmes that are designed to equip police personnel with the necessary skills and competencies to perform their jobs and discharge their responsibilities efficiently. PDRM has developed a systematic and comprehensive training programme for its personnel. Constables are trained in five training institutions. Training for probationary Inspectors and Cadet ASPs is conducted in Police Training Centre (PULAPOL) Jalan Semarak and the Police Training College Kuala Lumpur respectively. PDRM planned to train 60 ASPs, 500 Inspectors and 6,000 Constables in 2004. In addition to this training, PDRM also provides training for senior officers in its police colleges as well as specialised training for PGA, FRU and Air Wing personnel. There are altogether 13 training institutions in PDRM.

8.6.2 The Commission highlights the following deficiencies with regard to training that PDRM needs to overcome:

- i. There are inadequate training facilities and capacity to support the training needs of the force, particularly the needs of the lower ranks. There are insufficient audiovisual aids, ICT equipment and reference library material. The number of staff and trainers, including teachers in languages, is also inadequate. Some of the existing centres, such as PULAPOL KL, PULAPOL Ayer Hitam, PULAPOL Kota Kinabalu, PULAPOL Muar and PULAPOL Kuching, are in unsatisfactory condition and need to be renovated and upgraded. Training facilities also need to be decentralised. A training facility on the east coast of Peninsular Malaysia would be particularly useful.
- ii. The present training system is unable to produce sufficient personnel with the necessary work ethics, competence and competencies such as communication skills and language skills (especially English, Mandarin, Arabic and Tamil). This is evident from the numerous instances of poor quality service at enquiry offices and counters, and insufficient knowledge regarding procedures and new developments in law pertaining to police work such as the Child Act 2001.
- iii. There is inadequate emphasis given to the ethics and integrity component, whereas ethics and integrity are so vital to the force. Weaknesses in this regard have contributed to the situation of widespread corruption and abuse of procedures and human rights by PDRM personnel.
- iv. There is a lack of role profiling for excellence of performance, so that personnel are unaware of what are the traits and requirements for outstanding performance and service that they can aspire to and benchmark themselves against.
- v. There is little evidence of training focus and priority given to the most pressing needs for policing at a given time. The increase in commercial crime and narcotics offences and the high incidence of violent crime call for an urgent emphasis for training in these fields.

8.7 Performance Management

8.7.1 PDRM already possesses a performance management framework. A balanced scorecard initiative has also been recently introduced. However, there is a lack of the following instruments that can help improve performance measurement and management:

- i. Visible Key Performance Indicators (KPIs) that designate clear and measurable indicators for measuring performance and progress.
- ii. Visible Standards of Performance that help PDRM to determine the level of understanding or competency required for an individual to perform a task effectively.

- iii. New performance indicators relevant for measuring performance in a modern community policing context that emphasises problem solving. These indicators can supplement traditional performance indicators such as reported crime rates, arrests and clearance rates, in order to provide a more relevant and comprehensive performance measuring system.

9. CHALLENGE EIGHT: DEFICIENCIES WITH RESPECT TO EQUIPMENT AND LOGISTICS

9.1 PDRM cannot emerge as a police service of the twenty-first century unless it is adequately equipped and supplied with modern equipment that enables it to function and discharge its responsibilities effectively and efficiently. Maintaining a modern police service that is well equipped and supplied involves the following elements:

- i. Quality and effectiveness - the best and most appropriate equipment of current technology at the lowest cost of ownership for the task at hand given available resources, be it weaponry, communication equipment or transportation assets.
- ii. Sufficiency - adequate and uninterrupted supplies at all times so that PDRM functions smoothly and service is not hindered or interrupted.
- iii. Maintenance - ensuring that equipment is well serviced and maintained to ensure proper functioning and long service life.
- iv. Trained manpower - personnel adequately trained to utilise the equipment optimally.

9.2 To attain the above requires strategic forward planning encompassing not only present needs but future requirements as well; market knowledge regarding what products are currently available; product research and assessment; an efficient procurement system that synchronises procurement with expected usage; a proper inventory system at all levels; efficient supply management so that equipment and supplies are apportioned efficiently and reach their intended user on time; a good asset servicing and maintenance system; an efficient accounting and auditing system; and proper training for personnel that will use and maintain the relevant equipment. An integrated information and communication technology (ICT) system that is professionally designed and implemented is indispensable for this purpose.

9.3 PDRM faces the following challenges and constraints with respect to equipment and logistics:

- i. The absence of an Integrated Asset Management System
 - a. PDRM lacks an integrated Asset Management System that covers the entire process from planning for procurement of equipment to disposal or retirement of the equipment. Considering the strategic importance of

policing to law and order and the maintenance of national security, this can be a fatal deficiency. Considering that PDRM is estimated to possess total logistics asset valued at RM2 billion, and the total allocation for assets procurement in the Eighth Malaysia Plan was RM850 million, it is vital that PDRM develop and put in place such a system. At present procurement is largely a matter of consolidating requests from bottom up. Unintegrated planning and coordination, including coordination of the needs of the various departments and formations, leads to problems such as duplication and over-purchase, inadequate supplies and late delivery, purchase of dated equipment, and delayed replenishment and replacement.

- b. An example is the procurement of spare parts equipment for the Communications Division. Equipment is ordered every year in multiples of twenty to cover every contingent. This has led to repeated purchases of parts in the absence of a proper inventory system that does not account for parts consumed and parts unused and kept in store. This inefficiency has caused an estimated wastage of RM20 million yearly. To cite another example, when 500 Proton Waja cars were procured and dispatched to contingents in July 2004 to meet urgent demand, the police were faced with a situation where there were more cars than drivers.
- c. Systemic deficiencies and poor planning such as these seriously affect PDRM performance in many areas, including core areas such as crime prevention and crime fighting. It also undermines the image of PDRM and the morale of its personnel.

ii. Deficiencies in Transportation

- a. Transportation is one of the key areas where the police are experiencing serious problems. PDRM had a total of 17,405 vehicles of various types including those hired from Spanco in 2004. However, it faces a serious ageing problem with its transportation fleet despite periodic partial replacements. A total of 59 percent, or 6 out of 10 police vehicles, are beyond their designated time-span. They include several 20-year-old Isuzu and old Land Rovers that need frequent repair and face replacement parts problems.
- b. PDRM continues to grapple with a severe deficit in vehicles such as Highway Mobile Patrol Vehicles as well as Mobile Patrol Vehicles that are critical in maintaining police presence to help deter crime and reassure the public. Shortage of vehicles is felt across the range and is assessed by PDRM to be as follows, based on a recently developed standard or norm of transportation to determine the “scale of issue” of vehicles to police formations:

- Saloons: 45 percent (936 vehicles).
- Vans: 52 percent (1,334 vehicles).
- Panda Cars (Perodua Kancil): 72 percent (539 vehicles).
- Highway Mobile Patrol Vehicles: 82 percent (1,204 vehicles).
- Mobile Patrol Vehicles: 10.4 percent (197 vehicles).

- c. Use by senior officers of vehicles allocated for other purposes has further aggravated shortage problems.

iii. Obsolescence

Obsolescence is not confined to police vehicles alone. Some police stations have ageing computers and dysfunctional typewriters. Many PDRM personnel carry heavy and bulky walkie talkies that have long since been discarded by other well equipped police forces in other countries. About 50 percent of the tactical manpacks and basepack equipment for the High Frequency (HF) systems are no longer operational.

iv. Poor Supply Management

PDRM does not have an integrated and comprehensive inventory structure that is the foundation of a good supply management system. Information retrieval and equipment tracing is slow. The Communications Division for instance does this manually on an ad hoc basis, without the support of a good computerised system. This poor supply management system is responsible for many of the delays in delivery of equipment and supplies.

v. Weaponry

- a. PDRM is in urgent need of various types of weapons as well as weaponry facilities to enable it to equip itself better against threats, especially from militant and terrorist elements. PDRM's deficiencies in this regard are aggravated by progress in technology and the increasing sophistication of weapons and tactics available to terrorist elements.
- b. The Bomb Disposal Unit has various weapons systems that need to be upgraded or replaced because they are obsolete. Among these are the following:
- The Electronic Counter Measure, a portable device used to disable suspected explosives from being triggered by electromagnetic devices such as handphones, is now obsolete and insufficient for coverage throughout the country.

- The remote operated “Wheelbarrow” vehicles used to identify and disable suspected explosives are obsolete. PDRM has 15 Mark 7 units and 3 Mark 8 units.
 - There are insufficient X-ray machines, the portable device used to inspect items suspected of containing explosives.
 - The portable explosives devices that are used to “flush” buildings and venues of important events attended by VIPs, also need to be increased.
 - PDRM needs more bomb disposal suits.
- c. PDRM has no protective devices against chemical or biological weapons. Both equipment as well as training in its use are urgently required.
 - d. Other obsolete weapons that are no longer economical to retain and no longer have spare parts also need to be phased out.
 - e. Various types of ammunition stocks are required for training and operational purposes.
 - f. The present stock of 400 bullet-proof vests is inadequate for use throughout the country.
 - g. Various types of non-lethal weapons also need to be upgraded.
 - h. The present weapons and ammunition storage facility needs to be upgraded and equipped with better safety features. A new weapons storage facility also needs to be constructed away from living quarters and with adequate fire safety equipment.
 - i. More training facilities and maintenance equipment are also required. They include electronic simulators, a shooting range, and a close quarter battle range.

vi. Other Deficiencies

The FRU also requires upgrading of its equipment in order to better manage public order situations. The equipment include a device called the “Sound Commander”, to be used to warn demonstrators and mobs to disperse. The present loudspeaker devices are not loud enough to be heard above the din, and expose the police to allegations of not issuing warnings before dispersal action is taken. Other equipment include “Lighting Balloons” (high intensity lights for night operations) and 9 additional water cannons, which are important because they are the primary instrument for crowd dispersal.

10. CHALLENGE NINE: UNSATISFACTORY HOUSING AND WORK PREMISES

10.1 The housing and work premises landscape of PDRM is a mixed one. It ranges from the modern and well equipped to the old and dilapidated. The challenge for PDRM is to transform its poor housing and working environment, where it exists, into a modern, liveable and workable one. This will help improve the image of PDRM in the eyes of the public besides raising morale at home and performance in the workplace.

10.2 Housing

10.2.1 Decent living premises are important to PDRM because its personnel are regularly transferred together with their family to serve in different parts of the country. Inadequate and poor housing, as well as high rentals in urban areas, are matters of substantial concern for PDRM personnel, especially for the rank and file.

10.2.2 In 1994, the then Minister of Home Affairs undertook to make available housing to accommodate 90 percent of PDRM's workforce by the year 2000. Despite implementation in the Seventh and Eighth Malaysia Plans spanning a period of nine years, the pledge remains unfulfilled. Table 4.19 shows the housing situation for PDRM as at 1 March 2005. A third of the total force (33 percent), do not have institutional housing. The housing situation according to district headquarters as at 1 March 2005 is shown in Table 4.20, while the situation in contingent headquarters as at 1 March 2005 is shown in Table 4.21. The deficit in housing is most pronounced in Perak, Bukit Aman, Sarawak, Kelantan and Negeri Sembilan.

TABLE 4.19 : INSUFFICIENCY OF HOUSING

ESTABLISHMENT	90% PROVISION OF PDRM HOUSING FOR PERSONNEL UNDER 7-MP AND 8-MP	CURRENT AVAILABLE HOUSING (UNITS)	HOUSING INSUFFICIENCY (UNITS)	%
92,927	83,634	55,637	27,997	33

Source: PDRM

TABLE 4.20: HOUSING REQUIREMENTS IN RESPECTIVE DISTRICT HEADQUARTERS (IPD) IN MAJOR TOWNS THROUGHOUT THE NATION

IPD RANKING	AVAILABLE POSITION		EXISTING HOUSING		REQUIRED HOUSING	
	OFFICERS	NON OFFICERS	OFFICERS	NON OFFICERS	OFFICERS	NON OFFICERS
Shah Alam	38	443	0	106	34	293
Ipoh	216	1,529	14	987	180	389
Alor Setar	195	992	1	889	175	4
Kangar	90	591	39	515	42	17
Kuantan	158	964	33	708	109	160
K. Terengganu	132	832	37	739	82	10
Kota Bharu	147	969	83	892	49	-20
Melaka Tengah	49	563	0	73	44	434
Seremban	143	647	87	532	42	50
Kota Kinabalu	43	525	16	240	23	233
Kuching	203	1,246	91	772	92	349
Johor Bahru Selatan	64	422	0	0	58	380
Johor Bahru Utara	3	221	0	0	3	199

Source: PDRM

TABLE 4.21: BREAKDOWN OF PDRM'S HOUSING STATUS IN CONTINGENT HEADQUARTERS

NO.	CONTINGENT	ESTABLISHMENT	EXISTING HOUSING	ADDITIONAL HOUSING REQUIREMENT (90%)
1.	Perlis	1,385	705	541
2.	Kedah	4,106	3,235	460
3.	Pulau Pinang	3,884	3,470	26
4.	Perak	6,894	3,485	2,720
5.	Selangor	6,202	4,683	899
6.	Kuala Lumpur	6,498	5,081	767
7.	Negeri Sembilan	3,150	1,814	1,021
8.	Melaka	1,890	1,547	154
9.	Johor	5,173	3,653	1,003
10.	Pahang	4,148	3,072	661
11.	Terengganu	2,806	1,605	920
12.	Kelantan	3,572	2,046	1,169
13.	Sarawak	5,877	3,471	1,818
14.	Sabah	4,504	3,348	706
15.	Labuan	368	13	318
16.	Bukit Aman KL	32,470	14,409	14,814
	TOTAL	92,927	55,637	27,997

Source: PDRM

Notes:

1) Information on establishment is as of 31 August 2004.

10.2.3 One of the major factors contributing to housing problems for PDRM personnel is the housing projects that have run into trouble and have yet to be completed. These “sick” projects are shown in Table 4.22 and Table 4.23. Altogether 2,889 units are affected.

TABLE 4.22: “SICK” PROJECTS UNDER P.06 BUDGET PLAN

NO.	PROJECT	BUDGET ALLOCATION PLAN	HOUSING UNITS	LOCATION
1.	Housing Project for PDRM	P.06	918	PERAK Bagan Serai, Sri Iskandar, Taiping, Kuala Kangsar
2.	Housing Project for PDRM	P.06	401	JOHOR Mersing, Segamat
3.	Housing Project for PDRM	P.06	370	PAHANG Kuantan, Maran
4.	Housing Project for PGA	P.06	605	SABAH Kinarut
5.	Housing Project for PDRM	P.06	56	SARAWAK Betong
6.	Housing Project for PDRM	P.06	132	TERENGGANU Setiu
		TOTAL	2,521	

Source: MOIS

Notes

1) P.06 is budget allocation under the Prime Minister’s Department.

2) Sick Project is defined as:

- i. Where completion of these Projects have been delayed for more than 3 months or 30% from schedule, whichever ever comes first; and
- ii. Where the contractor is unable to complete the project

TABLE 4.23: “SICK” PROJECTS UNDER P.62 BUDGET PLAN

NO	PROJECT	BUDGET ALLOCATION PLAN	HOUSING UNITS	LOCATION
1.	Housing Project for PDRM	P.62	182	PAHANG Raub
2.	Housing Project for SMS Subang and IPK Selangor Logistics Complex	P.62	186	SELANGOR Subang
		TOTAL	368	

Source: MOIS

Notes

1) P.62 is budget allocation under the MOIS

10.2.4 The severe housing shortage facing PDRM personnel will be alleviated shortly when 1,466 housing units presently under construction under the P.06 budget allocation are completed. In addition another 487 units under the P.62 budget as well as 575 units under privatised projects, will be available in the near future, if completed on schedule. This total addition of 2,528 housing units would improve the situation significantly, but the housing shortage will remain a serious problem for the PDRM, amounting to 27,997 units. The greatest affected would be the contingents of Perak, Bukit Aman, Sarawak, Kelantan and Negeri Sembilan.

10.2.5 In addition to the above severe shortage, PDRM encounters the following problems with regard to housing:

- i. Housing structures that are ageing. Almost 40 percent are over 20 years old and are poorly restored with decaying electrical wiring and defective plumbing. Table 4.24 gives the breakdown of PDRM houses according to age.

TABLE 4.24: AGE OF PDRM HOUSING

TOTAL EXISTING HOUSING	HOUSING BY AGE GROUP (YEARS)			
	<5	5>10	10>20	>20
55,637	8,970	8,477	17,334	20,856
100%	16.1%	15.2%	31.2%	37.5%

Source: PDRM

- ii. Ageing semi permanent wooden houses that pose health and safety hazards and are no longer fit for occupancy.
- iii. Insufficient funding for maintenance and restoration projects, which is a core issue of concern for PDRM.
- iv. Severe shortage of housing in PDRM barracks for the rank and file following the sharp increases in intake in recent years. These personnel are then forced by their limited income and allowances to rent accommodation in slums, which are not suitable for police personnel. Many of them are embarrassed to wear the police uniform when they go to work and return home. They therefore resort to putting on their uniform only when they arrive at work, and take it off before they go home.

10.3. Work Premises

10.3.1 As in the case of housing, PDRM work premises are a mix of new and modern structures and old and dilapidated buildings that are sometimes virtually unfit to be inhabited. Old and decrepit buildings with limited facilities further undermine morale and performance, and impact negatively upon police image and prestige in the eyes of the public.

10.3.2 PDRM has 15 Contingent Headquarters, 137 District Headquarters, 736 Police Stations, 714 Police Post (*Pondok Polis*) and 13 Police Training Centres throughout the country. Of these, 107 Police Stations were built in the period 1906-1992. The structures of many of the older buildings are deteriorating and facilities are poor. They include the following:

- i. Semi permanent wooden police stations that are in condition of decay.
- ii. Police stations and beat bases that are no longer economic to maintain and operate.
- iii. Police stations that are no longer able to accommodate increases in workforce.
- iv. Ageing and rented shop house police stations that are difficult to upgrade due to limited space.
- v. Buildings that do not have basic facilities like information counters and public waiting areas that make it difficult to serve the public.
- vi. Police Training Centres that are old and have poor infrastructure. Trainee hostels, clinics and accommodation are deteriorating and in poor condition.
- vii. Unused and unattended police land that is occupied by illegal immigrants and are difficult to reclaim and develop.
- viii. Buildings with dilapidated and corroded fencing.
- ix. Premises with inadequate and unsecured exhibit storage space.
- x. Buildings with deteriorating and unsafe weapons storage facility and ammunition depot.
- xi. Old lockups that do not meet with modern standards. Their poor and fragile condition makes them vulnerable to breakouts and escapes.

The poor condition of police housing and office premises undermines the image of PDRM and affects the morale and job satisfaction of police personnel. Examples of the poor condition of some of the police housing and office premises can be seen from the pictures attached in Appendix 4B.

10.3.3 The extremely poor condition of a significant proportion of housing and office premises for the police require urgent attention. Continued neglect will make a mockery of any initiative to modernise PDRM and transform it into a twenty-first century organisation.

Difficulties of Getting A Permit Under Section 27 of Police Act 1967

A Women's Group described to the Commission the difficulties of obtaining a permit to hold an anti-rape rally under s27 of the Police Act. The Group's first application was to hold a rally and march in Bangsar, Kuala Lumpur on 20 July 2003. The application was refused on grounds of security .

The Group then made a second application, this time just to hold a one hour gathering with no march. This application too was rejected by the OCPD at an interview with the Group. He did not offer any reasonable explanation as to why the permit was refused for the event when permits could be given for other outdoor activities like jogathons. The Group was advised to appeal to the CPO, which they did.

This time the Group managed to get a car park space to hold the event. However their appeal was rejected in a meeting with the CPO on 16 July 2003. The CPO allegedly reprimanded the Group for re-applying, and stated that it was illegal to hold a rally outside in a public place. The Group stated that they would erect a canopy in the car park, but their appeal was still rejected. The OCPD held a press conference the same day advising the public that any rally in Bangsar would be considered illegal. However he added that a permit could be granted if the event on 20 July 2003 was held in an enclosed space.

The Group then booked an indoor space, and made a fresh application. At a meeting with the OCPD on 19 July 2003 to discuss the new application, the Group was told that they should furnish to the police the letter from the owners of the indoor space confirming their booking. However while at the meeting the Group received a letter by fax from the owners of the space cancelling their booking. The owners told the Women's Group that police officers visited the space on 17 July 2003 and warned them that if there were any unruly incident during the event, the staff will be arrested.

The Group then made a public announcement that the 20 July event will have to be postponed to 3 August 2003, and booked a college auditorium to hold the Anti-Rape rally. During the interview with Special Branch in Petaling Jaya, aside from being questioned about the Anti-Rape rally, the representatives of the Women's Group also alleged that Special Branch officers told them that women's groups hide the purpose of their events and chided the representatives for not getting a police permit when the women's groups held a Gender Sensitisation Workshop some time ago. The Special Branch cited instances of other NGOs who were also "hiding" their activities. The Group viewed the interview as a form of intimidation.

Nevertheless the Group finally received a permit on 28 July 2003 to hold their Anti-Rape rally on 3 August 2003 in the college auditorium.



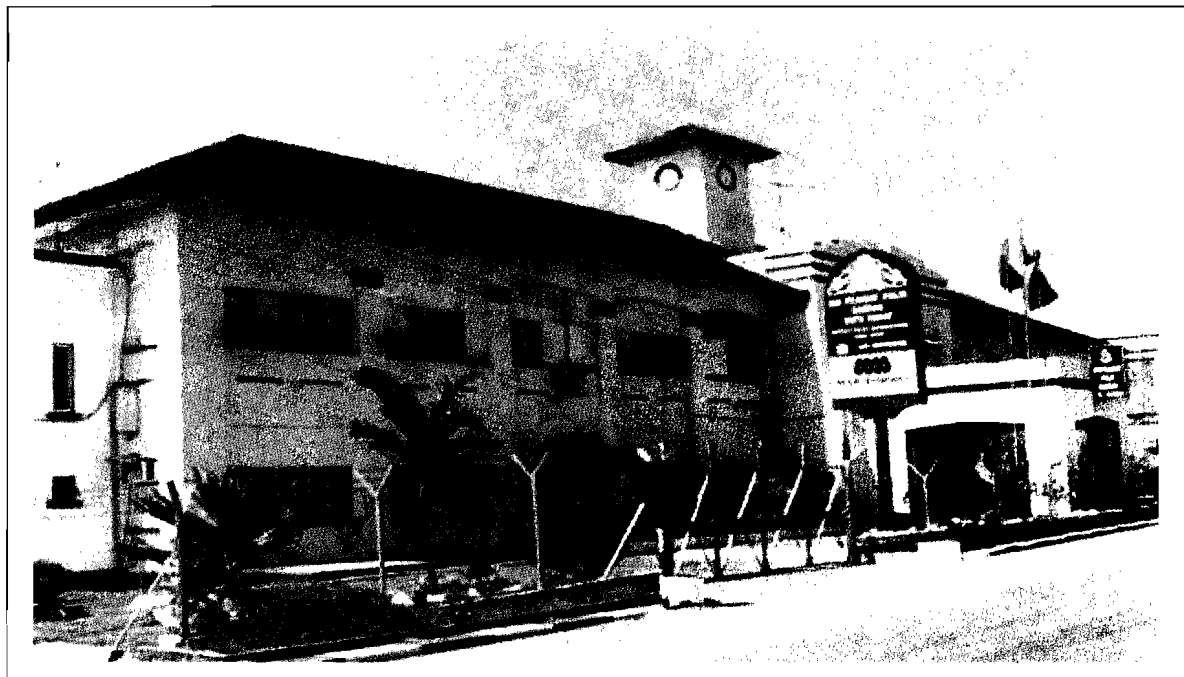
**POLICE HEADQUARTERS SRI AMAN, SARAWAK
BUILT IN 1959**



**PAGOH POLICE STATION
BUILT IN 1934**



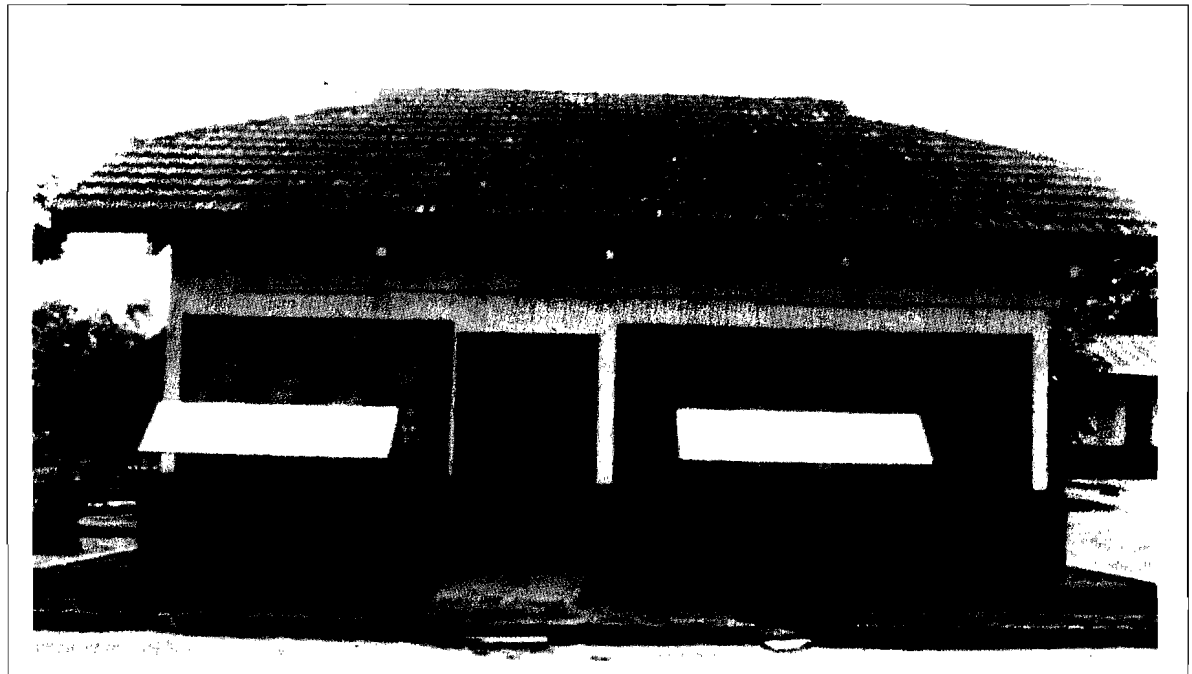
**POLICE DISTRICT HEADQUARTERS SOUTH JOHOR BAHRU
BUILT IN 1925**



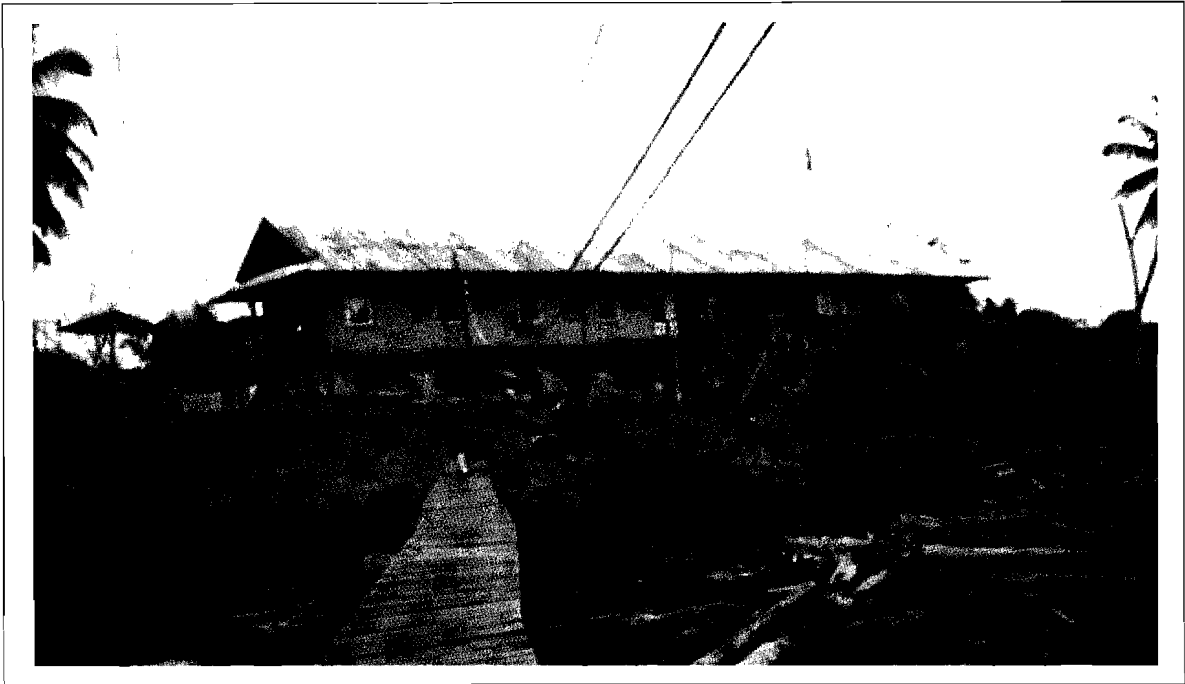
**POLICE DISTRICT HEADQUARTERS BATU PAHAT, JOHOR
BUILT IN 1935**



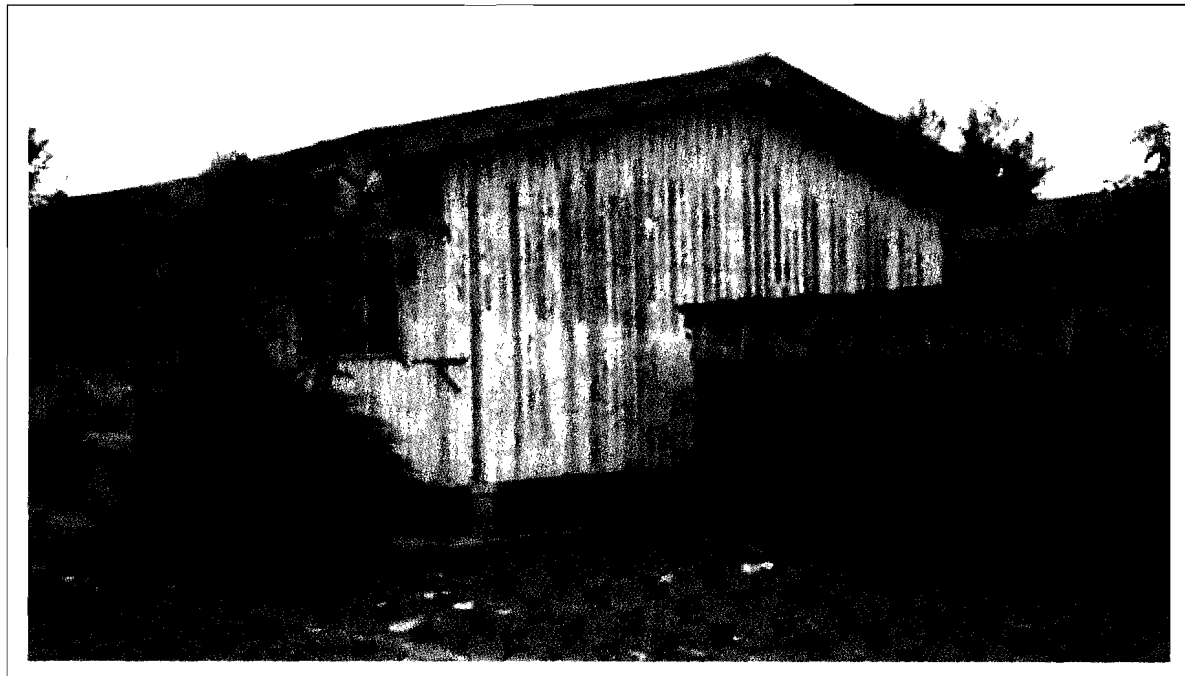
**TRONOH POLICE STATION PERAK
BUILT IN 1906**



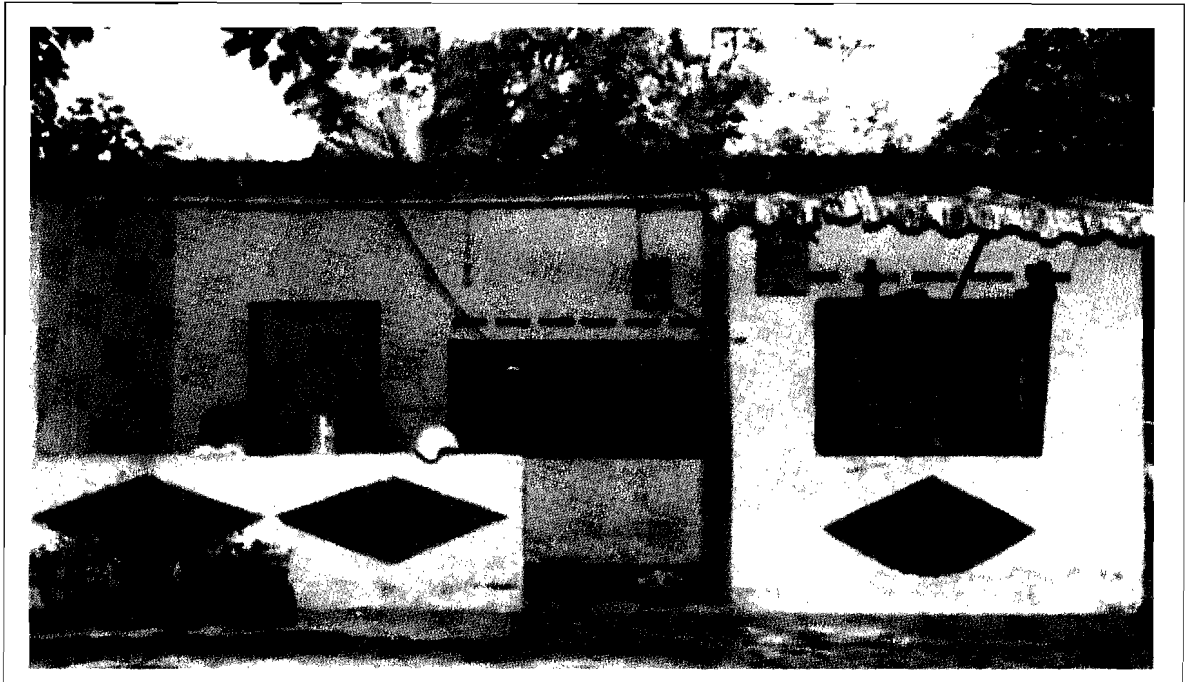
**JERANTUT FERI, PAHANG POLICE POST (PONDOK POLIS)
BUILT IN 1950**



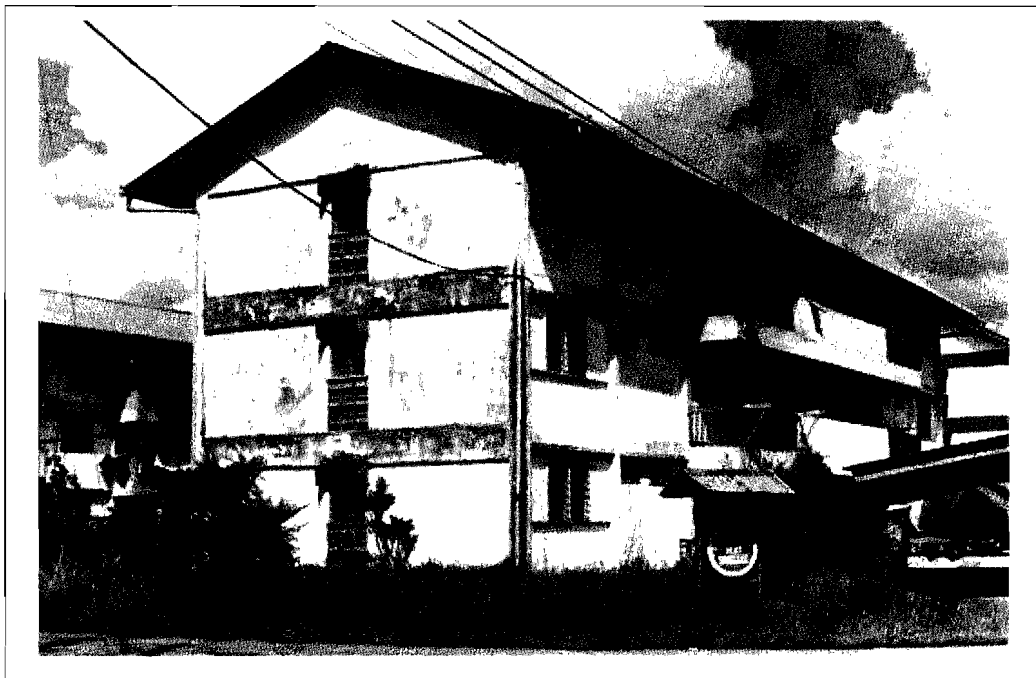
**WALLACE BAY, SABAH POLICE STATION
BUILT IN 1956**



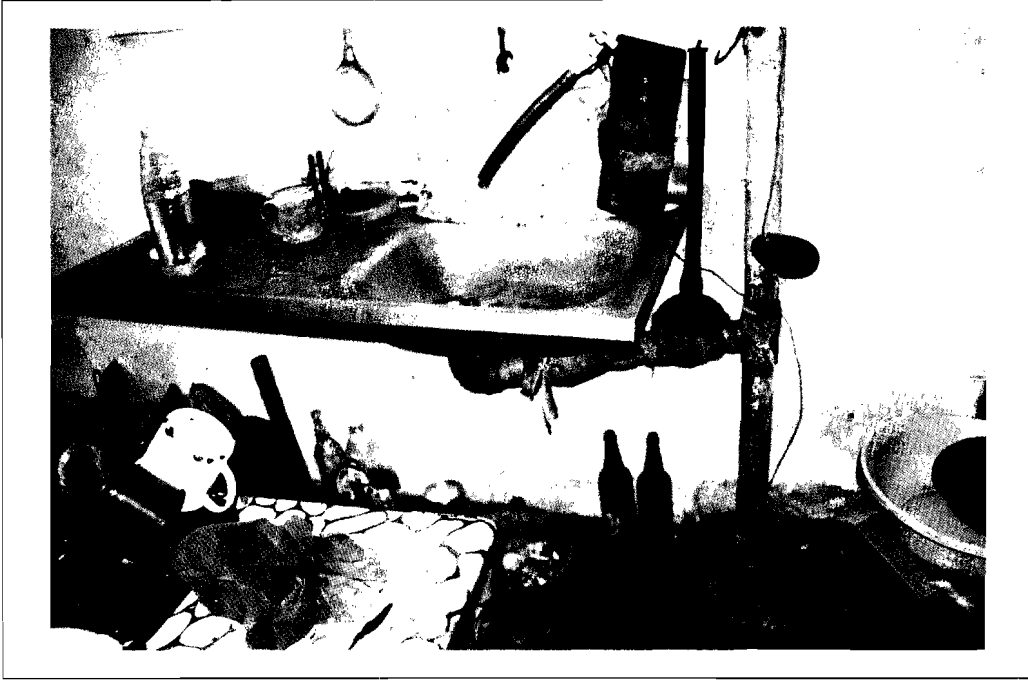
PGA BATALION 8 QUARTERS, PENKALAN CHEPA



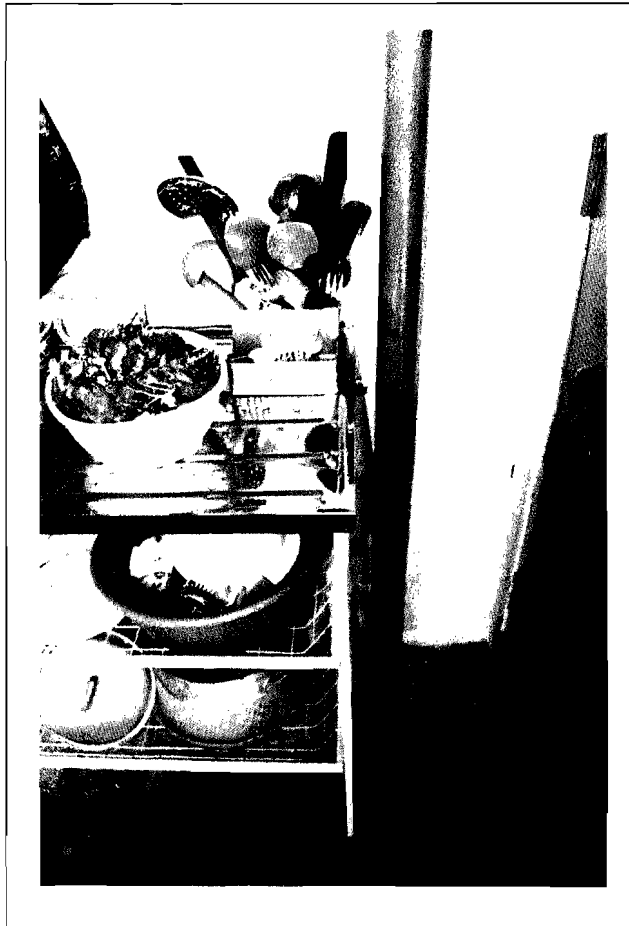
KAMPUNG BALUN POLICE POST (PONDOK POLIS)



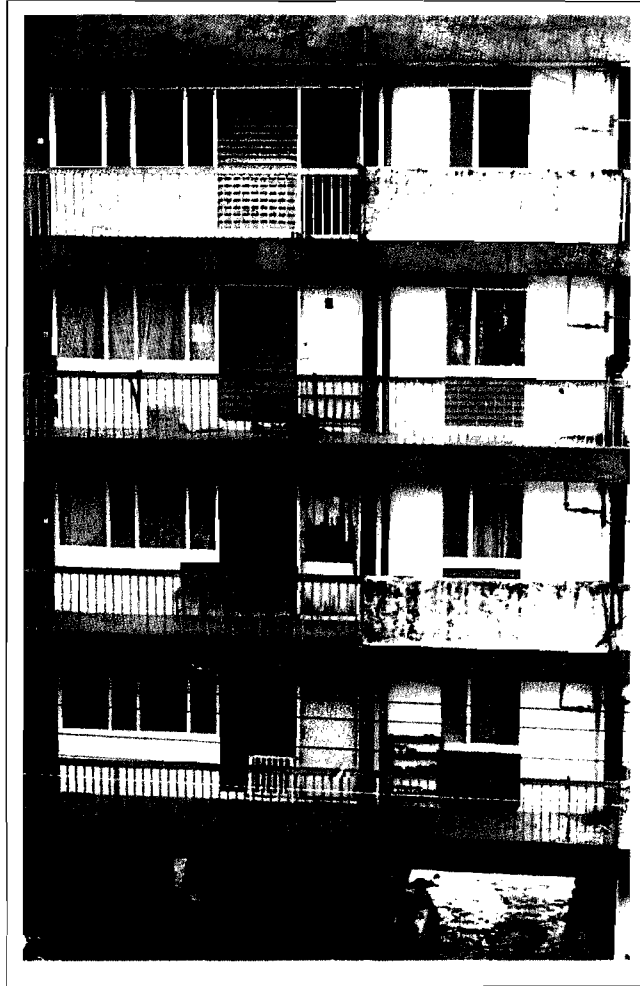
JUNIOR POLICE OFFICERS' QUARTERS CLASS G



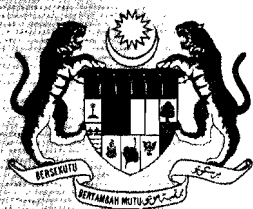
SINK IN THE RANK AND FILE'S QUARTERS



**WASTE WATER OUTLET IS DIVERTED OUT OF THE HOUSE TO
AVOID LEAKAGE IN THE KITCHEN**



CONDITION OF THE MAIN ENTRANCE TO THE QUARTERS



CHAPTER 5

THE ROYAL MALAYSIA POLICE INTO THE TWENTY-FIRST CENTURY : ONE STRATEGIC OBJECTIVE, TEN STRATEGIC THRUSTS

- The Need For Comprehensive Reform
- The Strategic Objective
- The Strategic Thrusts
- Strategic Thrust One : Modernise The Role, Functions And Organisation Of The Royal Malaysia Police
- Strategic Thrust Two : Launch A Nation-Wide Drive Against Crime
- Strategic Thrust Three : Enhance Investigative Policing
- Strategic Thrust Four : Eradicate Police Corruption
- Strategic Thrust Five : Make Policing Comply With Prescribed Laws And Human Rights Obligations
- Strategic Thrust Six : Raise Awareness On Women's And Children's Rights In The Royal Malaysia Police
- Strategic Thrust Seven : Improve Establishment, Remuneration And Scheme Of Service Of The Royal Malaysia Police
- Strategic Thrust Eight : Enhance Human Resource Management And Performance In The Royal Malaysia Police
- Strategic Thrust Nine : Upgrade The Equipment And Logistics Of The Royal Malaysia Police
- Strategic Thrust Ten : Provide Better Work Premises And Housing
- Conclusion

THE ROYAL MALAYSIA POLICE INTO THE TWENTY-FIRST CENTURY: ONE STRATEGIC OBJECTIVE, TEN STRATEGIC THRUSTS

1. THE NEED FOR COMPREHENSIVE REFORM

- 1.1 The major challenges confronting PDRM as outlined in Chapter Four and the requirements of modern policing demand that policing in Malaysia undergoes a fundamental transformation. A comprehensive reform is required if PDRM is to emerge as an efficient, accountable and trustworthy organisation. Change has to be pervasive and profound. It needs to embrace rules and regulations, institutions, work processes, management of human resources, training and the working and living environment of police personnel. Most importantly, there has to be change in mindsets and values in every member of PDRM. Leadership and direction will be vital. Successful transformation will hinge upon skilful change management.
- 1.2 The Commission believes that the transformation of PDRM should be guided by the following:
 - i. A clear definition of the strategic objective;
 - ii. A clear delineation of the strategic approaches or thrusts that need to be adopted to achieve the strategic objective; and
 - iii. The formulation of concrete measures and programmes to implement each strategic thrust within a specific time-frame.

The Commission's Report is structured accordingly. In many instances the recommended measures will have relevance to more than one Strategic Thrust. This will be duly indicated where appropriate.

- 1.3 A suggested time-frame for the implementation of the Commission's recommendations is included in the summary of the Commission's recommendations. Virtually all the recommendations require immediate commencement of implementation upon decision by the Government. However different recommendations may take different period to complete. The time-frame for the respective recommendations are therefore proposed according to their expected date of completion.

2. THE STRATEGIC OBJECTIVE

- 2.1 PDRM as it exists now is the product of its experiences and evolution in the past decades. It is state-centric, perceiving itself more as serving the state rather than the people, though the two need not be contradictory. Having faced a long drawn out insurgency and several public order situations, it places a very high value upon order and stability, sometimes, at the expense of the people to express themselves. It has strong paramilitary elements and tendencies, including an authoritarian approach and the perception of itself as a "force" rather than as a "service". It is opaque and not used to being fully accountable and answerable to institutions outside the government. Much of its work is geared towards the protection of the people's

rights, including security of life and property, where, in pursuing this goal it sometimes infringes on the rights of individuals.

- 2.2 This must change. PDRM needs to become more people-centric. It must continue to uphold the law, maintain law and order and combat crime, but must pursue these ends in compliance with human rights, restricting and infringing upon them only when necessary and permissible in law. PDRM must see itself more as a “service” than as a “force” and the guardian of the people’s rights though it will need to retain some of its paramilitary capabilities and characteristics. Finally, PDRM must be more transparent and accountable, especially to independent bodies established by the Government and to the people.
- 2.3 As Chapters Three and Four have shown, urgent and effective measures are needed to curb crime in the country and eradicate corrupt practices in PDRM. The people, industry and the Government are all concerned about the high incidence of crime. There is also widespread perception of extensive corruption in PDRM that impairs police performance and undermines public confidence for this vital organisation.
- 2.4 The preceding chapters have also highlighted the extent of dissatisfaction among the people regarding police performance and conduct. Inefficiency, long delays, refusal to keep interested parties informed of actions taken, lack of accountability and rude conduct are among the public grievances against the police.
- 2.5 The Commission has defined the strategic objective for the transformation of PDRM as:

To transform the Royal Malaysia Police into a world class, twenty-first century organisation that is efficient, clean and trustworthy, dedicated to serving the people and the nation with integrity and respect for human rights.

3. THE STRATEGIC THRUSTS

- 3.1 Strategic thrusts signify the broad initiatives that need to be taken in critical areas in order to collectively achieve a strategic objective. The assessment of the major challenges confronting PDRM in the previous chapter indicates that the strategic objective, with respect to the transformation of PDRM, described in the paragraph above can only be achieved by a comprehensive approach that addresses all critical areas affecting the functioning of PDRM. This comprehensive approach is also mandated by the terms of reference given to the Commission by Seri Paduka Baginda Yang di-Pertuan Agong.
- 3.2 The critical areas that need to be addressed in fact correspond with the major challenges facing PDRM. The successful transformation of PDRM cannot take place without addressing its conceptual and organisational underpinnings; its capacity to combat crime; perceptions of corruption in PDRM; compliance with prescribed laws and human rights, including the rights of women and children, by police personnel; establishment and remuneration of police personnel; management of human

resources (including training) and performance management in PDRM; equipment and logistics; and police work premises and housing.

3.3 The Commission identifies ten strategic thrusts that need to be pursued to accomplish the strategic objective. The strategic thrusts, with the specific measures and programmes recommended by the Commission, are amplified in the ensuing chapters.

3.4 STRATEGIC THRUST ONE: MODERNISE THE ROLE, FUNCTIONS AND ORGANISATION OF THE ROYAL MALAYSIA POLICE

This Strategic Thrust is aimed at making adjustments to the doctrinal and organisational foundations of PDRM in line with the changes in the policing environment identified as Challenge One in Chapter Four. The Strategic Thrust is addressed in Chapter Six, which discusses measures already taken by PDRM as well as the important changes that the Commission recommends to the vision, mission, functions, values and organisational structure of PDRM.

3.5 STRATEGIC THRUST TWO: LAUNCH A NATION-WIDE DRIVE AGAINST CRIME

This Strategic Thrust addresses the high incidence of crime that is described as Challenge Two in Chapter Four. One of the primary reasons for the establishment of the Commission was the serious concern regarding the high incidence of crime in the country. This Strategic Thrust proposes various strategies and measures that PDRM can take, both by itself as well as in partnership with other agencies and constituencies, to effectively reduce the incidence of crime. The strategies and measures include crime prevention, community policing, strengthening the criminal investigation capacity of PDRM, increasing police presence, safe city initiatives, etc. The Commission's discussions and recommendations regarding investigative policing are addressed as a separate strategic thrust, that is, as Strategic Thrust Three.

3.6 STRATEGIC THRUST THREE: ENHANCE INVESTIGATIVE POLICING

This Strategic Thrust covers a critical area of policing, namely police investigations. Successful prosecution of offenders depends in on good police investigations. This Strategic Thrust proposes various measures to enhance the quality of investigations, especially centred upon investigative policing. Improvements are recommended with regard to the reporting system in PDRM; assessment and classification of reports; subsequent action on reports; and the standard of investigation.

3.7 STRATEGIC THRUST FOUR: ERADICATE POLICE CORRUPTION

Perception of the high and pervasive incidence of corruption at all levels of PDRM was another of the key reasons for the establishment of the Commission. This Strategic Thrust addresses Challenge Four identified in Chapter Four. Corruption is

a vice that would, if left unchecked, become both acculturated and institutionalised in PDRM. The Commission proposes various measures to be taken within the police establishment and the Government to effectively prevent, detect and minimise corruption in police ranks, to the extent where its incidence is virtually negligible.

3.8 STRATEGIC THRUST FIVE: MAKE POLICING COMPLY WITH PRESCRIBED LAWS AND HUMAN RIGHTS OBLIGATIONS

The Commission's findings are that there is considerable abuse of the provisions of prescribed laws and human rights in the policing system. The Commission counts infringements on prescribed laws and human rights, along with crime and corruption, as the three most compelling and urgent problems that PDRM needs to overcome. Strategic Thrust Five addresses Challenge Four in Chapter Four. A large portion of the Commission's recommendations will focus on rigorous compliance with existing laws, rules, regulations and internal directives that are already mindful of human rights requirements. Effective safeguards against non-compliance are also proposed. Where existing laws and regulations are deemed to infringe upon human rights, the Commission recommends that they be amended or repealed.

3.9 STRATEGIC THRUST SIX: RAISE AWARENESS ON WOMEN'S AND CHILDREN'S RIGHTS IN THE ROYAL MALAYSIA POLICE

This Strategic Thrust addresses Challenge Five. Awareness on women's and children's rights needs to be treated as a separate subject because there are special aspects to be observed with respect to their rights. The Commission makes specific proposals in this regard.

3.10 STRATEGIC THRUST SEVEN: IMPROVE ESTABLISHMENT, REMUNERATION AND SCHEME OF SERVICE OF THE ROYAL MALAYSIA POLICE

This Strategic Thrust focuses on the issues raised as Challenge Nine in the preceding chapter. The Commission proposes more efficient use of trained uniformed police personnel by re-deploying those who are presently performing tasks that need not be performed by personnel with police powers (such as most finance and administration positions), to core policing functions that require personnel with police powers (such as crime prevention through increased police patrols). The posts they vacate are to be filled by civilian personnel with the requisite qualifications. The Commission's recommendations also touch on the critical aspect of ethnic and gender representation and living allowances.

3.11 STRATEGIC THRUST EIGHT: ENHANCE HUMAN RESOURCE MANAGEMENT AND PERFORMANCE IN THE ROYAL MALAYSIA POLICE

This Strategic Thrust addresses Challenge Seven discussed in Chapter Four. It focuses on raising the performance of PDRM through better management of its precious human ware and developing the skills and knowledge of police personnel through better and more adequate training. The Commission's recommendations

touch on aspects such as competencies-based models of management and training, performance management, increasing PDRM's training capacity and knowledge management.

3.12 STRATEGIC THRUST NINE: UPGRADE THE EQUIPMENT AND LOGISTICS OF THE ROYAL MALAYSIA POLICE

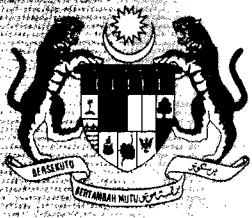
If PDRM is to become a modern policing organisation and be benchmarked with the best, it must be furnished with adequate supplies of relevant modern equipment and logistic support. It must be empowered by effective use of information and communication technology (ICT), have the necessary assets such as appropriate and adequate Mobile Patrol Vehicles, weaponry and bomb disposal equipment; communication and information technology equipment and systems; and efficient asset management strategies and systems.

3.13 STRATEGIC THRUST TEN: PROVIDE BETTER WORK PREMISES AND HOUSING

One of the first steps that need to be taken if PDRM is to emerge as a modern policing institution is to make available work premises and housing of contemporary standard. Significant resources have to be put into this Strategic Thrust to renovate or replace old structures and construct new ones. Where personnel have to rent accommodation, the Commission recommends alternative approaches to ensure PDRM's personnel are provided with housing.

4. CONCLUSION

- 4.1 Transforming the 100,000-strong PDRM into a modern, world class policing institution will be a mammoth undertaking given that the Government will also have many other pressing demands. It will require concerted action along many fronts to accomplish the desired objectives. The Commission is convinced the objectives can be achieved if these conditions are met - the political will to drive the transformation process; and the leadership within PDRM at all levels is receptive to change and implements the recommendations.



CHAPTER 6

MODERNISE THE ROLE, FUNCTIONS AND ORGANISATION OF THE ROYAL MALAYSIA POLICE

- The Need To Respond To The Change In The Environment For Policing
- The Response Of PDRM And The Government
- Recommendation One : Adopt A New PDRM Motto
- Recommendation Two : Review And Refine The Vision Statement
- Recommendation Three : Modify The Mission And Function Of PDRM
- Recommendation Four : Strengthen PDRM's Value System
- Recommendation Five : Develop A Doctrine Of PDRM Leadership
- Recommendation Six : Articulate And Implement A Proper Code Of Ethics
- Recommendation Seven : Shift From A "Force" Paradigm To A "Service" Paradigm
- Recommendation Eight : Focus Professional Policing Resources On Core Policing Functions And Civilianise Or Outsource Non-Core Policing Functions
- Recommendation Nine : Strengthen Community Policing
- Recommendation Ten : Forge Partnerships With NGOs And The Private Sector
- Recommendation Eleven : Close The Gap Between Philosophy, Doctrine And Actualisation
- Recommendation Twelve : Establish Independent Oversight Mechanism
- Conclusion
- Appendix

MODERNISE THE ROLE, FUNCTIONS AND ORGANISATION OF THE ROYAL MALAYSIA POLICE

1. THE NEED TO RESPOND TO THE CHANGE IN THE ENVIRONMENT FOR POLICING

- 1.1. The Commission emphasised in Chapter Four the imperative for PDRM to respond positively to the changing political and social environment for policing. Accomplishing the strategic objective of making PDRM a twenty-first century organisation involves not only modernising equipment, technology and facilities, or renovating offices and housing to bring them up to contemporary standards, but even more fundamental and critical, to align the philosophical, cultural and organisational underpinnings of PDRM to conform to the prevailing strategic environment. There must also be sufficient capability built into the policing system and the policy-making apparatus in the Government to make PDRM forward-looking, able to anticipate change and be geared towards bringing changes.
- 1.2 There is usually a significant time lag for very large institutions, especially government institutions, to adjust to changing circumstances because until the changes become very evident and challenged, in a major way, the relevance or performance of the institutions, there is a strong tendency to adhere to established norms, structures and processes. Even when changes have been instituted, unless the changes have been fully absorbed and realised in institutional attitudes and behaviour, the tendency is for old ways to persist especially when they are more convenient. This can lead to a situation where the institution may have the trappings of a contemporary approach, but acts in a manner more in keeping with the political and social environment that prevailed earlier.
- 1.3 This phenomenon is apparent to some extent in the case of PDRM, with the policy and legislative environment it operates within, as can be seen in the following section.

2. THE RESPONSE OF PDRM AND THE GOVERNMENT

- 2.1 It is to the credit of the policing system in Malaysia that it has been responsive to some extent to the changes in the strategic environment. Some of these changes were instituted after attention was drawn to the widespread dissatisfaction with the performance of PDRM in society, the need for change in the institution and the establishment of the Royal Commission in February 2004 to address this matter.
- 2.2 Among the more important positive measures taken by PDRM in response to the challenges posed by the changing environment for policing in the country are the following:
 - i. The initiative to transform the police from a virtually paramilitary force, necessitated by the counter-insurgency efforts during the 1948-1960

Emergency, to a more service-oriented institution in 1952 by the then colonial government. The initiative began with the launching of “Gerakan Bersedia Berkhidmat” that year. The motto “Bersedia Berkhidmat” and the insignia depicting two clasped hands are used by PDRM to this day, signifying close cooperation with the public and service to the community. The initiative also included the discarding of rifles for policemen on patrol duty.

- ii. The intake of university graduates as Cadet Assistant Superintendent of Police (ASPs) began in 1958. Since then the number of graduates and post-graduates in PDRM has increased steadily.
- iii. The introduction of the “Salleh System” in the late 1960s to fight rising crime rates by bringing police closer to the people and raising the effectiveness of policing through various means. These include responding quickly to public requests and reports; embedding police personnel and resources among the community; police residing in their areas of responsibility so that they develop close ties with the local community; and the establishment of beat bases in strategic areas. The Salleh System died a natural death because police personnel re-deployed from other areas to serve in urban centres like Kuala Lumpur and Petaling Jaya had to return to their respective areas eventually, and the additional funding necessary to sustain the System was not available.
- iv. The introduction of *Ikatan Relawan Rakyat* (RELA) during the period of konfrontasi to maintain a watch on incursions by Indonesian armed forces. Functioning under the Ministry of Home Affairs, RELA continues to be active today especially in rural areas, and often participates in police operations to detect illegal migrants and in operations to curb illegal entry and smuggling in the border areas.
- v. The introduction of *Pasukan Kawalan* under the Ministry of Home Affairs in 1969 following the May 13, 1969 incident to prevent communal incidents, moderate ethnic tensions and promote national unity. The Pasukan Kawalan was a neighbourhood watch scheme based on the voluntary principle and began to fizzle out when communal relations stabilised and enthusiasm to participate in the scheme waned.
- vi. The introduction of *Rukun Tetangga* (RT) under the then National Security Council Secretariat in 1974 to promote communal harmony and strengthen national unity. The RT was later placed under the Department of National Unity. The RT scheme is not exactly a community policing scheme because it does not involve active partnership in policing with PDRM, but there is close coordination between RT and the police at the local level. There were 2,830 registered RT areas throughout the country in September 2004 with

membership totalling about 308,000. Priority for the establishment of RT areas is in multi-ethnic areas. The scheme is working reasonably well with guidance and support from the government.

- vii. The introduction of Neighbourhood Watch Schemes in residential areas where the local community keeps a watch on activities in its area and reports to the police in a system of partnership. Participating residents help look after each other's property and their immediate neighbours. They need not conduct patrols, but must be constantly vigilant. They need not effect arrest either.
- viii. The introduction of RAKAN COP (acronym for "Community Oriented Policing) in Kuala Lumpur on 9 August 2004 to foster closer cooperation and partnership between the police and the local community. It is described as "community oriented policing" based on "smart partnership". RAKAN COP also seeks to engage members of local organisations, public and private agencies and schools to act as the "eyes and ears" of the police (Appendix 6A).
- ix. The introduction of the Safe City Initiative which aims to forge a positive partnership between the government, the business community and the local community working towards crime prevention through environmental design, and create a safe living environment by minimising the opportunities for crime to occur.
- x. The launching of a new slogan or motto for PDRM, like "MESRA, CEPAT DAN BETUL" (Friendly, Speedy and Correct) in March 1999. The objective was to develop a culture of friendly, speedy and professional service in PDRM. Among the qualities stressed were friendliness, politeness, good conduct and behaviour, willingness to provide assistance at all times, a pleasant countenance, patience and self-control, integrity and being a good listener.
- xi. The introduction of "KHIDMAT MESRA" (Friendly Service) approach by PDRM to coincide with the adoption of the objective of becoming a "MESRA RAKYAT" (People Friendly) Ministry by the then Ministry of Home Affairs in early 2000. It was premised upon the qualities of integrity and sincerity and aimed at enhancing the quality of services provided by the police. "KHIDMAT MESRA" was designed to further strengthen the people's confidence in the police and promote two-way cooperation between the police and the public. The approach was also intended to foster among the community a perception of the police as a law enforcement authority that is just, trustworthy and humane.
- xii. The articulation, for the first time, of a vision for PDRM in August 2004, with the establishment of this Commission. The Vision Statement conformed broadly to the spirit of vision statements espoused by

modern police forces in developed countries such as the United Kingdom. The Vision Statement reads as follows:

“The PDRM as a catalyst force for prosperity as well as national economic and political stability, by:

- Practising the “MESRA, CEPAT DAN BETUL” principle in the delivery of excellent service;
- Enhancing professionalism among the personnel continuously;
- Ensuring that the force is always trusted, looked up to and respected by the community; and
- Implementing authority and powers based on the law with full responsibility, transparency, justice and fairness.”

xiii. The articulation of PDRM’s Mission. This had earlier been worded more concisely, as “Operating a sound policing system that serves as a catalyst for national progress” (“*Menggerakkan sistem kepolisian yang mantap sebagai pemangkin kepada kemajuan negara*”). In August 2004 simultaneously with the formulation of PDRM’s Vision, the Mission was re-articulated to conform with the provisions of s3(3) of the Police Act 1967 as follows:

- “Maintain law and order
- Preserve peace and public security
- Prevent and detect crime
- Apprehend and prosecute offenders
- Collect security intelligence”

xiv. The articulation of Objectives for PDRM, as follows:

“To make Malaysia a country that is safe, peaceful and prosperous, by achieving the following objectives:

- Reducing the incidence of crime to a minimum level;
- Reducing the supply and demand for dangerous drugs;
- Increasing the rate of clearing cases and the enforcement of preventive laws;

- Enhancing the effectiveness of enforcement, public order and national security;
- Enhancing the efficiency and effectiveness of the administration and development of human resources; and
- Enhancing the efficiency of financial management and optimal logistical needs.”

xv. PDRM further defined its Values as:

- Loyalty
- Discipline
- Credibility
- Caring and Friendly
- Excellence

2.3 PDRM has already embarked upon measures to realign its *raison d’etre*, vision, mission and objectives to adjust to the changes occurring in the policing environment. In particular it has sought to emphasise several factors fundamental to good policing in the modern era - the police force as an institution that exists to serve the community; the importance of securing the trust and confidence of the public; policing in partnership with the community; the various forms of community policing; the qualities of friendliness, helpfulness, good conduct and integrity; fair and just enforcement of the laws and exercise of powers; speedy and professional services; and transparency.

2.4 Despite these laudable initiatives, the Commission notes that PDRM has been unsuccessful in projecting a positive image of itself to the people. As noted in earlier chapters, public confidence in PDRM is very low. The qualities many in the public and business see in PDRM are the antithesis of all that PDRM aspires to be. PDRM is generally viewed as inefficient, uncaring, unable to prevent or check crime and corruption to a significant degree. Concerns regarding infringements and abuse of human rights are extensive, and PDRM is not seen as being transparent or accountable to the public.

2.5 This wide gulf between what PDRM wants to be, and what it is not in the eyes of the people and business, must be closed. The Commission sees two issues before PDRM in this respect:

- i. Refining and further improving upon the philosophy and strategies of policing that PDRM presently adopts.
- ii. Effectively absorbing and implementing the philosophy underpinning PDRM, instead of it remaining largely rhetorical doctrine due to indifferent or ineffectual application.

3. RECOMMENDATIONS

3.1 The Commission believes that PDRM must, and can, vie with the best police forces in the world. However, to be able to do this PDRM must surmount some very difficult obstacles including that of mindset and culture as well as the limitation of financial resources. PDRM already possesses a contemporary philosophy, vision and outlook, though some elements were introduced only recently. It also has some sound strategies like community oriented policing. What remains is to build upon these and make them more effective and credible.

3.2 The Commission found a list of what were considered the features of a modernised police organisation by Her Majesty's Inspectorate of Constabulary of the United Kingdom in its Report entitled "Modernising The Police Service" issued in 2004 illuminating and useful for the purpose of this exercise. To quote the Report, a modernised police organisation:

- i. Is an integrated service with a clear vision regarding its future direction and the people and skills required to deliver this.
- ii. Has a clear focus on improving operational performance.
- iii. Engages effectively with local communities.
- iv. Recognises and rewards the skills and professionalism of the entire workforce.
- v. Is representative of staff from diverse backgrounds with diverse skills.
- vi. Has flexible entry and exit points.
- vii. Operates flexible entry and exit points.
- viii. Operates flexible and integrated reward structures and terms and conditions.
- ix. Is locally managed but within enabling national frameworks and standards.
- x. Has an inclusive culture.
- xi. Benefits from effective leaders at all levels with the vision, time and resources to drive modernisation activity, both within the service and across organisational and professional boundaries.
- xii. Works effectively in partnership with other organisations.
- xiii. Is not fixated with internal boundaries and functional silos".

3.3 The Commission makes the following recommendations with regard to the modernisation of PDRM's role, functions and organisation:

3.3.1 RECOMMENDATION ONE: ADOPT A NEW PDRM MOTTO

- i. Properly inculcated, a slogan or motto can be a powerful instrument to inspire performance according to the highest standards. Launching a new slogan or motto on the acceptance and implementation of the Commission's Report will also be an apt starting point for a new era in PDRM's performance and contributions to the nation. The present motto "MESRA, CEPAT DAN BETUL" places supreme emphasis and priority upon three defining qualities of the service to be provided by the police: friendliness, speed and correctness.
- ii. The Commission is of the view that the defining qualities in terms of what the people and nation expect most from PDRM would be people-friendly, efficiency (which subsumes the element of speed but also includes competence and skills), freedom from corruption, respect for human rights and trustworthiness. Based on these elements, the Commission recommends, what it considers a more apt and inspiring motto for PDRM, namely "MESRA, CEKAP DAN BERAMANAH". "MESRA" is to be interpreted as being people-friendly and mindful of their well-being; "CEKAP" is to be interpreted as efficient and prompt in service; and "BERAMANAH" is to be inculcated as being worthy of trust, free from corruption and respectful of the rights of the people.

3.3.2 RECOMMENDATION TWO: REVIEW AND REFINE THE VISION STATEMENT

- i. The latest iteration of PDRM Vision Statement issued in August 2004 read together with its Mission Statement and Objectives, is a quantum leap forward in the desired direction. They bring PDRM's philosophy much closer to modern policing's requirements and more suited to the evolving political and social climate in the country. However, the Commission is of the view that it needs to be further refined in the following regard:
 - a. First, to reflect the proposed new motto of PDRM above;
 - b. Second, to remove the word "force" in the third principle in view of the Commission's proposal below that PDRM move from a "force" culture to a "service" culture;
 - c. Third, to reflect the need for police personnel to uphold the highest standards of ethics and integrity in view of the perception of widespread corruption in PDRM; and

- d. Fourth, to reflect the need for police personnel to respect and uphold human rights in view of the allegations of abuse of human rights.
- ii. The Commission therefore recommends the following amendments to the Vision Statement:
 - a. Substitute the words “Practising the “MESRA, CEPAT DAN BETUL” in the delivery of excellent service” in the first principle with “Practising the “MESRA, CEKAP DAN BERAMANA” principle in the delivery of excellent service”.
 - b. Substitute the word “force” in the third principle to “PDRM”.
 - c. Add a fifth principle, to wit: “Upholding the highest standards of ethics and integrity”.
 - d. Add a sixth principle, to wit: “Respecting and upholding human rights as provided for in the Federal Constitution and the laws of Malaysia”.
- iii. The proposed revised Vision Statement is attached at [Appendix 6B](#).

3.3.3 RECOMMENDATION THREE: MODIFY THE MISSION AND FUNCTION OF PDRM

- i. The Mission Statement draws from the Police Act 1967 and incorporates into the Mission Statement PDRM’s function of “the apprehension and prosecution of offenders”. The Commission is of the view that the function of PDRM should be confined to apprehension of offenders and should not include prosecution, which is the function of the Public Prosecutor. It is unsatisfactory that the entity responsible for conducting the prosecution is the same entity that has carried out or been concerned with the investigation.
- ii. The Commission therefore recommends that the relevant part of the Mission Statement be amended accordingly to read “Apprehend offenders”, and s3(3) of the Police Act be duly amended as well, with the former to be implemented only after the latter has been enacted. The Commission understands that PDRM was vested with the function of prosecution due to the shortage of Deputy Public Prosecutors at the time and that this situation still persists. It strongly believes however, that the Attorney General’s Chambers should assume this function fully, and be adequately equipped with the necessary staff over time. Pending the amendment of the law and the full assumption of the role by Attorney General’s Chambers, PDRM should continue to carry out

the function, but it should progressively divest itself of the role as Attorney General's Chambers builds up the necessary capacity.

- iii. The Commission considered the question of whether the function of collecting security intelligence as provided for in s3(3) of the Police Act 1967 should remain with the police or should be performed by a separate agency independent of the police as in Australia, New Zealand, Singapore and some other countries. There was some concern that the Special Branch might have been used for political purposes. It was observed, however, that taking the Special Branch out of PDRM was not the solution for any alleged misuse of the Special Branch, because the same could happen even if the Special Branch was made an independent organisation. More to the point would be to build rigorous safeguards that would prevent any suspicion of the Special Branch being used for political purposes by any party.
- iv. After careful deliberation, the Commission opted in favour of retaining the function with PDRM as this arrangement yielded definite advantages to both the Special Branch as well as the Criminal Investigation Department. Moreover, the Commission decided that safeguards should be introduced to prevent any misuse of the Special Branch. The measures proposed by the Commission to achieve this are discussed in Chapter Ten.

3.3.4 RECOMMENDATION FOUR: STRENGTHEN PDRM'S VALUE SYSTEM

The five values mentioned above that have been identified as PDRM values are inadequate in at least two important areas of direct relevance to the challenges and problems the PDRM is facing now, namely perceived corruption and alleged abuses of human rights. It is recommended that three further critical and indispensable values be added:

- Integrity
- Public Accountability
- Upholding Human Rights

3.3.5 RECOMMENDATION FIVE: DEVELOP A DOCTRINE OF PDRM LEADERSHIP

There is a need to develop an effective PDRM leadership doctrine that is to be underlined by the principles of justice, integrity and respect for human rights. Contemporary governments are looking for inspirational or even transformational leadership and the Commission calls upon PDRM to rise to the challenge of achieving radical change in its policing strategies and performance. It is strongly felt that morally principled and commendable policing can only be achieved with quality leadership at all levels of PDRM. Therefore it is recommended that PDRM reforms policing leadership, which

requires more than a skill in performance management or an ability to read the political runes. It also requires an active and reflective police service with the capacity to serve the public in a practical way.

3.3.6 RECOMMENDATION SIX: ARTICULATE AND IMPLEMENT A PROPER CODE OF ETHICS

- i. The Code of Ethics currently in force in PDRM is attached at Appendix 6C. It is in effect no more than a reiteration of the five PDRM Values mentioned above. It is also articulated in the form of an oath or pledge, rather than a code that is binding and enforceable upon PDRM personnel. The Commission recommends that a more comprehensive code which holds all police personnel accountable to rigorous ethical standards is formulated and implemented. This measure is deemed especially necessary in view of the enormous coercive powers and authority vested in the police that can be easily abused without strong constraints. The normal civil service disciplinary principles presently applicable to police personnel are considered inadequate for this. Some of the excesses and abuses identified by the Commission and misdemeanours publicised in the media in the past could be attributed to the absence of such a code. A survey of the modern and performing police organisations will show that many possess and apply such a code.
- ii. PDRM's Code of Ethics should embody the values, ethical standards and moral and professional principles that police personnel are expected to espouse and adhere to given the nature of the responsibilities they shoulder and the powers they exercise. It should be consistent with PDRM's Vision Statement, Mission Statement, Statement of Objectives and Statement of Values. The Code should also be compatible with the value systems of all faiths and beliefs, and conform to universally recognised human rights and responsibilities which are consistent with the Federal Constitution and prescribed laws.

3.3.7 RECOMMENDATION SEVEN: SHIFT FROM A "FORCE" PARADIGM TO A "SERVICE" PARADIGM

- i. As indicated in Chapter Two and above, the transition from a counter-insurgency oriented paramilitary force to a service oriented policing institution began as early as in 1952. Since then the trend has gathered momentum. The adoption of the "KHIDMAT MESRA" approach in 2000 is testimony to this. Paramilitary features seen for instance, in the existence of the General Operations Force remain (indeed the use of the word "force" for this component of PDRM underlines its paramilitary character), but they are more aptly considered as a pragmatic necessity rather than a regression in view of the occasional internal security and public order exigencies that continue to occur.

- ii. Nevertheless, the Commission recommends that the service orientation of PDRM be further reinforced in the other, non-paramilitary components of the organisation. The strengthening of a service-oriented culture will assist PDRM in developing and delivering services that better meet the expectations of society. It is part of the important and necessary transformation from a state-centric organisation to a people-centred service.
- iii. The transformation from “force” to “service” will reinforce a shift from an authoritarian, reactive, closed culture, working in isolation mode to a consultative, proactive, open culture, working together mode. It will necessitate more mindset change, and strengthen the thrust within PDRM to orientate performance and service towards fulfilling the requirements of the people, for example, in providing better counter service and handling of reports.

3.3.8 RECOMMENDATION EIGHT: FOCUS PROFESSIONAL POLICING RESOURCES ON CORE POLICING FUNCTIONS AND CIVILIANISE OR OUTSOURCE NON-CORE POLICING FUNCTIONS

- i. PDRM functions can be grouped under three categories:
 - a. Core policing functions, which relate to the functions of PDRM as specified in s3(3) of the Police Act 1967 (listed in paragraph 2.2 (xiii) above) and amended according to the proposal by the Commission in Recommendation Three above. Uniformed personnel with police powers normally perform these functions, but there are some functions (like forensics experts and investigation) that can also be done by civilian staff.
 - b. Non-core policing functions, which are support functions like transportation and communications. These functions are presently performed by uniformed police, but most of them can be performed by civilian staff because they usually do not require police powers.
 - c. Non-police functions, which are the function of other agencies and not police functions, but which PDRM has taken on at the request of Government for various reasons. For instance, PDRM is doing much of the enforcement and implementation of the National Anti-Drugs Agency Act 2004 because the Agency concerned does not have the capacity.
- ii. Police organisations in many countries are now re-deploying their uniformed police personnel who were doing non-core policing functions like administration, to core policing functions like crime control. Even within core policing, they are being moved out of posts that do not

require uniformed officers to posts that do. The posts they vacate in non-core policing as well as core policing are being filled by civilian staff with the relevant qualifications that are part of the police organisation.

- iii. Similarly some non-core policing as well as non-policing activities are being outsourced to other agencies.
- iv. The re-deployment of trained police personnel to core policing functions provides the following benefits:
 - a. It facilitates more efficient use of manpower, skills and competencies by ensuring that policing competencies are properly utilised in policing roles and not wasted on non-policing functions for which they are not properly trained.
 - b. The move helps relieve the pressure for additional establishment of uniformed police in PDRM, as will be discussed further in Chapter Twelve.
 - c. It helps save costs for PDRM because the emoluments for civilian personnel that take over non-core policing functions are usually less. Civilian personnel for instance are not eligible for the Special Incentive Allowance of RM100 for long hours that police personnel receive, nor do they receive the special allowances given to personnel of PGA, the Traffic Police, PGK, SAU, FRU, and the Anti-Smuggling Unit (ASU). These allowances range from RM53 for a Constable in the ASU to RM375 for all ranks in the PGK and SAU.
- v. Civilianisation will enable the employment of skilled professionals to perform functions that would benefit from such expertise, such as accountants, administrators, forensic experts, etc. Even director-level positions in PDRM that do not require policing skills as in the management department, can be filled by highly competent civilians to the benefit of PDRM.
- vi. The shift from a paramilitary “force” paradigm, where the confidential, closed culture dominates, to a “service” paradigm where a less secretive, open culture prevails, will make PDRM more receptive to this move. Many functions that were previously performed by uniformed staff, but that did not really require policing expertise and police powers, can now be performed by civilian staff.
- vii. The Commission therefore recommends that uniformed PDRM personnel that are presently occupying posts in core and non-core policing functions as well as non-police functions that do not require

professional police skills or the exercise of police powers, should be re-deployed to posts that do require their skills and police powers. Civilian staff with the necessary competencies are to fill the posts vacated.

- viii. The exercise will have to be carefully planned and implemented in phases so that there is minimum disruption. The measure is discussed in greater detail in Chapter Twelve, under the subject of improving PDRM establishment.

3.3.9 RECOMMENDATION NINE: STRENGTHEN COMMUNITY POLICING

- i. PDRM is by no means a stranger to community policing, in which the police and the local community forge a partnership to prevent and control crime. The Neighbourhood Watch Scheme and the Rakan COP attest to this. The much earlier Salleh System came close. Community policing is not without its own problems and drawbacks. To be successful it requires a high sense of community and civic mindedness on the part of the local residents. Relying very much on voluntary service, it is also prone to losing steam when the initial enthusiasm triggered by some major incident, gang harassment or high incidence of crime begins to recede. The level of activity and performance will also be uneven among various community policing schemes, and any nation-wide community policing scheme will more likely eventually fizzle out in many areas.
- ii. Nevertheless, the police with the backing of the Government should encourage community policing wherever the likelihood of effectiveness and success is gauged to be high because it is more effective for crime control and relieves the demand upon police resources. It also has many collateral benefits, like strengthening bonds in the local community and enhancing national unity. The fact that patrols are not necessary and participants need not make arrests should make it less unattractive and encourage participation.
- iii. The Commission therefore strongly recommends that community policing be expanded through such measures as increasing Rakan COP and Neighbourhood Watch Schemes. Area surveys and research should be conducted to assess community attitude and response before launching a scheme. Areas with active RT, RELA or Residents Associations schemes that could benefit from community policing can provide excellent prospects for sustainable and successful community policing.
- iv. To facilitate close monitoring and communication with the local community, Police Liaison Committees should be established in every police district to strengthen police-community relations.

- v. One major obstacle faced by PDRM in community policing in urban neighbourhoods is the absence of well coordinated and organised local communities which are formally recognised and have access to politicians and administrators. There are multiple ground organisations such as RT, RELA, Residents Associations, religious organisations, social and cultural groups including NGOs but these range from those that come under the purview of different government agencies to some that are informal groupings. Rural communities too have various ground organisations but, in contrast to urban neighbourhoods, also have recognised local leadership through the *Jawatankuasa Kemajuan dan Keselamatan Kampung (JKKK)*. In order for PDRM to further tap the potential of urban communities, relevant Government agencies at the federal and state levels must devote sufficient resources for community organising and capacity building. This is imperative to sustain local initiatives for crime prevention and strengthen informal social control systems in urban areas.

3.3.10 RECOMMENDATION TEN: FORGE PARTNERSHIPS WITH NGOs AND THE PRIVATE SECTOR

Forging partnerships with NGOs and the business sector is also a modern policing strategy to enhance not only crime prevention and interdiction, but also to help manage issues such as domestic violence, counselling for women and child victims and remand detainees and drug addiction. It also provides opportunities for the police to strengthen proactive investigation and intelligence-led crime control approaches by expanding their network of sources, informants and listening posts. The private sector can also assist with providing technology like CCTV to improve surveillance. The Commission therefore recommends that PDRM launch a campaign with Government support to forge partnerships with NGOs and the private sector to enhance security.

3.3.11 RECOMMENDATION ELEVEN: CLOSE THE GAP BETWEEN PHILOSOPHY, DOCTRINE AND ACTUALISATION

The philosophical underpinnings of PDRM as reflected in the organisation's Vision Statement, Mission Statement and Code of Ethics and the organisational approaches of PDRM will count for little if they are not pursued with vigour and acculturated and implemented effectively. Without concerted and sustained implementation, it will be "business as usual" in the organisation. PDRM's philosophy must underpin leadership style and drive change and reform. It must penetrate and shape mindsets, and actually guide conduct and behaviour instead of remaining rhetoric. This can only be achieved if the philosophy is given serious weight and expression in police rules and regulations; recruitment criteria; selection processes; training and re-training; performance assessment; and promotion criteria. Institutional reform, and where necessary legal reform, should also be driven and

conditioned by PDRM's philosophy. Some of these will be the subject matter of ensuing chapters.

3.3.12 RECOMMENDATION TWELVE: ESTABLISH INDEPENDENT OVERSIGHT MECHANISM

- i. One effective means of ensuring that doctrines, laws, rules and procedures are observed and implemented is by the establishment of an external oversight body. This method has been adopted by many modern policing systems whose experience has been that internal mechanisms alone are inadequate, unreliable and frequently ineffective. Police culture is often inward-looking and closed and mindsets are usually resistant to change. Changes in leadership can also lead to changes in commitment to service excellence, discipline and performance. Society cannot therefore rely on internal mechanisms alone to ensure PDRM effectively implements and abides by rules and regulations. The establishment of an external oversight agency for PDRM would be a profoundly important development in the governance of this important organisation. It will mark a quantum step forward in enhancing accountability and help restore and sustain the confidence of the people and the private sector in PDRM.
- ii. The Commission studied various models of external oversight. It paid particular attention to mechanisms established in Commonwealth countries because of the similarities in legal tradition and experience, but also studied mechanisms in operation in non-Commonwealth countries. Among the systems studied were the following:
 - a. The Independent Police Complaints Commission of the United Kingdom.
 - b. The New South Wales Ombudsman (whose field of oversight covers all public institutions and not the police alone) and the Police Integrity Commission of New South Wales.
 - c. The Crime and Misconduct Commission of Queensland, Australia.
 - d. The proposed Independent Police Complaints Commission of Hong Kong SAR.
- iii. After due consideration, the Commission recommends the establishment of an independent external oversight entity known as the Independent Police Complaints and Misconduct Commission (IPCMC) with the features listed below:
 - a. **Purpose** : IPCMC shall conduct oversight of PDRM, and in this regard perform the following main functions:
 - Receive and investigate complaints about PDRM and its personnel.

- Prevent, detect and investigate corruption and other serious misconduct in PDRM.
- Propose measures to the Minister of Internal Security to improve police integrity, reduce misconduct and build public confidence in PDRM.

The term “misconduct” is to include police corruption, commission of criminal offences, and non-compliance with legal and police regulations.

- b. **Status** : IPCMC should be an independent body that is established pursuant to an Act of Parliament. Amendments should also be made to the relevant sections of the Police Act 1967 to provide for the functioning of IPCMC. IPCMC will not supplant or supersede any existing organisation such as ACA or SUHAKAM; but to complement them. It will work closely with the Police Force Commission and PDRM's Disciplinary Division. IPCMC should be provided with a sufficiently strong staff to enable it to perform its functions effectively.
- c. **Composition** : IPCMC shall comprise seven Commissioners who are appointed by the Seri Paduka Baginda Yang di-Pertuan Agong. Their tenure should be limited to three years. Members may not be drawn from retired or serving police officers.
- d. **Annual Report to Parliament** : IPCMC shall submit annual reports to Seri Paduka Baginda Yang di-Pertuan Agong, who shall cause it to be laid before Parliament. A copy of the report should be submitted to the Prime Minister before hand.
- e. **Powers** : IPCMC shall be vested with the following powers:
 - To receive complaints from the public regarding alleged police misconduct.
 - To decide whether to investigate a complaint on its own or with other agencies.
 - IPCMC may initiate an investigation on its own even without receipt of a complaint.
 - IPCMC shall have the power to cause PDRM or other relevant agencies to produce for inspection any documents or items that have a bearing upon a case.
 - IPCMC shall have the power to summon witnesses and hear sworn testimony.

- IPCMC shall have the power to enter and inspect any premises occupied or used by a public body or statutory authority.
- IPCMC may, after having decided that a police officer is guilty of misconduct or other offences defined in the IPCMC Act, order such actions as it deems fit to be taken including caution and discharge of the police officer, suspension of allowances and increments, reduction in rank, fine or dismissal of the police officer. The decision of IPCMC is final and unappealable.
- Cause a complaint to be investigated by PDRM. In the latter case PDRM will submit its findings and recommendations to IPCMC for decision. IPCMC shall have the right to order a review and to take over the investigation at any time.

iv. The draft of the proposed IPCMC Bill is attached to the Annexure.

4. CONCLUSION

4.1 The Government and PDRM has had the wisdom and foresight to make courageous and innovative changes to policing policy in the past. Among these are the placement of the task for intelligence collection on national security with the police, the launching of “Gerakan Bersedia Berkhidmat” as early as 1952 and the launching of various community oriented policing programmes in the 1960s. It is time now for the Government and PDRM to move on the next phase in PDRM’s evolution as a policing instrument for the twenty-first century. Its commitment to the protection of the rights and welfare of the citizens, for which many policemen laid down their lives, will have to be strengthened without compromising its capacity for maintaining law and order. It must develop into a more open institution that is prepared to be more transparent and accountable to the community it serves. It must also be courageous enough to submit itself to external oversight, so that it can help itself develop into an institution that is truly “**MESRA, CEKAP DAN BERAMANAH**”.

RAKAN COP *

- “RAKAN COP” means friend of the police.
- RAKAN COP functions as the intermediary to bridge the gap between the police and the society. It uses a simple and practical concept to establish a strong link with the public through an approach that is transparent, simple, integrated and organised.
- The Rakan Cop Programme is characterised by “*Community Oriented Policing*” and “*Smart Partnership*”. Its approach is to encourage the participation of the public, especially those who are involved with social organisations, government agencies and the private sector, to be the “eyes and ears” of the police as well as to encourage two-way interaction between the two sides through established channels of communication.
- The combined initiatives by the police and the public under the auspices of RAKAN COP to combat and prevent crime have been facilitated through the use of two-way information communication systems, which are the HOTLINE channel and Police SMS set up at the Contingent Control Centre (CCC).
- All social organisations and related agencies are strongly encouraged to establish One Stop Centres to facilitate the police to relay swift and accurate information to the public through the CCC. Fast interaction between the two sides will help the PDRM realise its commitment to initiate a response within 15 minutes of receiving information.
- The positive impact from the implementation of the RAKAN COP programme includes the following:
 - Provision of civic education and awareness to the society through perspectives on safety such as crime prevention and traffic safety.
 - Enhancing friendly relations between the police and the society. This will improve the public’s confidence in PDRM.
 - Provision of accurate information for the benefit of society.
- The expectation from the implementation of RAKAN COP is that the police and the public will share resources to prevent crime and other problems of public safety. All levels of society are “RAKAN COP” and are the “eyes and ears” of the police. The success of RAKAN COP will promise a much safer and conducive environment through out the city of Kuala Lumpur.

* From Police Headquarters, Kuala Lumpur Contingent, PDRM.

PDRM VISION STATEMENT

The PDRM as a catalyst force for prosperity as well as national economic and political stability, by

- Practising the **“MESRA, CEKAP DAN BERAMANA”** principle in the delivery of excellent service;
- Enhancing professionalism among the personnel continuously;
- Ensuring that PDRM is always trusted, looked up to and respected by the community;
- Implementing authority and powers based on the law with full responsibility, transparency, justice and fairness;
- Upholding the highest standards of ethics and integrity; and
- Respecting and upholding human rights as provided for in the Federal Constitution and the laws of Malaysia.

PDRM CODE OF ETHICS

**TO PROTECT THE SOVEREIGNTY OF THE NATION, THE WELL-BEING OF
SOCIETY AND THE INTEGRITY OF THE SERVICE**

The basic obligation for us as personnel of the PDRM is

- To enforce laws
- Combat crime
- Ensure harmony
- Preserve the nation's peace and security

AS SUCH, WE WILL BE STEADFAST TO THE FOLLOWING ETHICAL PRINCIPLES:

LOYALTY

Give undivided loyalty to the King, Nation, government and the Leadership of the PDRM.

DISCIPLINE

Emphasis self-discipline and duty at all times with diligence, courage and trustworthiness.

CREDIBILITY

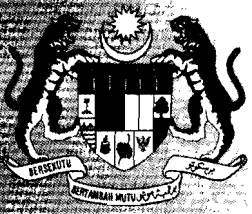
Implement all responsibilities and powers with firmness, courage, justice and fairness.

CARING AND FRIENDLY

Always provide caring, swift, correct and updated service and uphold the rights and interests of society.

EXCELLENCE

Always strive to enhance knowledge and skills; practice a moderate, clean and happy lifestyle to maintain work excellence as well as positive and proactive attitude to create an organization that is outstanding and sensitive to the changing times.



CHAPTER 7

LAUNCH A SUSTAINED NATION-WIDE DRIVE AGAINST CRIME

- The Need For A Concerted Drive Against Crime
- Recommendation One : Make Crime Reduction Priority No.1 For PDRM, Together With Eradication Of Corruption And Compliance With Prescribed Laws And Human Rights
- Recommendation Two : Formulate And Implement Annual And Monthly Crime Reduction Plans
- Recommendation Three : Allocate More Policing Resources For Crime Control
- Recommendation Four : Make Community Policing A Central Strategy For Crime Prevention
- Recommendation Five : Enhance Private Sector Partnership And Contribution To Policing
- Recommendation Six : Review Strategy And Measures To Address The Serious Drug Problem And Intensify Measure To Combat The Drug Problem And Substance Abuse In Cooperation With Other Agencies
- Recommendation Seven : Develop PDRM Research And Development Capacity
- Conclusion
- Appendix

TWO

LAUNCH A SUSTAINED NATION-WIDE DRIVE AGAINST CRIME

1. THE NEED FOR A CONCERTED DRIVE AGAINST CRIME

- 1.1 The high incidence of crime in the country as indicated in Chapter Four makes a concerted drive against crime urgent. The feedback obtained by the Commission revealed that the public feel unsafe and losing confidence in the ability of the police to contain crime. An article in the New Straits Times on 5 February 2005 is indicative of public sentiments. To quote from it, *“As reports grow in frequency and perceptions intensify that the police have lost control of the situation, any sense of personal security felt by common citizens may evaporate any time. Public tolerance and patience over police efforts to curb crime have been sorely tested. There is a limit to how much violation the public can take - in their own homes, on the streets, in public parks and now, in shopping centres.”*¹ The feedback obtained by the Commission referred to in Chapter 3 shows, public concerns everywhere are indeed very high.
- 1.2 The Commission is of the view that the strategies, resources and technology used by PDRM at present are inadequate and will not yield the desired outcomes. Concerted efforts need to be made to check crime and restore the sense of security that people used to enjoy. The responsibility for this lies primarily with PDRM, but other Government agencies, the private sector, NGOs and the local community itself have important roles to play in efforts to reduce crime.
- 1.3 A key component for the comprehensive strategy to reduce crime will be to enhance investigative policing, not only for crime in general but also commercial crimes. This component is so important that the Commission has decided to devote a separate chapter, Chapter Eight, to it.

2. RECOMMENDATIONS

2.1 **RECOMMENDATION ONE: MAKE CRIME REDUCTION PRIORITY NO.1 FOR PDRM, TOGETHER WITH ERADICATION OF CORRUPTION AND COMPLIANCE WITH PRESCRIBED LAWS AND HUMAN RIGHTS**

- 2.1.1 The Commission recommends that PDRM allot the highest priority to the campaign against crime, along with eradication of corruption and making policing more compliant with human rights and prescribed laws. This prioritisation should remain until crime levels have reached a point considered no longer alarming. Making the reduction of crime one of the three highest priorities of PDRM must be reflected or commensurate with allocation of policing attention and resources. The nation's leadership at national, state and district levels and the government agencies that are most relevant to policing, such as the Immigration Department, Bank Negara Malaysia, the

¹ WAVELENGTH article by John Teo in New Straits Times, 5 February 2005

National Anti-Drugs Agency, the Department of National Unity and National Integration which is in charge of *Rukun Tetangga* (RT) and local authorities must also give their full support. The intensive campaign against crime must be sustained and relentless, especially at the ground levels.

2.1.2 PDRM's formations at police district, contingent and national levels will also prioritise crime according to crime categories, based on factors such as which crime types are the most frequent in incidence, the most serious in impact and the greatest in public interest. Different police districts and contingents may have different priorities, and they will allocate resources and act accordingly. Crime control measures on the ground will generally be dictated by police district or grassroots priorities and not by national or contingent priorities, because crime control measures are generally geared towards the crime situation in particular localities.

2.2 RECOMMENDATION TWO: FORMULATE AND IMPLEMENT ANNUAL AND MONTHLY CRIME REDUCTION PLANS

2.2.1 Crime control by PDRM will benefit greatly from improved plans for crime control at the local police district level up to contingent and national levels. The plans will form the basis for plotting progress in crime control as well as provide the KPIs for performance assessment. The Commission recommends that PDRM formulate an improved planning template for crime control for use at the respective levels of police jurisdiction, to be rigorously implemented. The primary focus of these plans must be on crime prevention and crime reduction, with clear and concrete targets set for achievement. To emphasise the focus on crime reduction, the plans should be called Crime Reduction Plans. These Crime Reduction Plans will also form the basis of a National Crime Reduction Plan. As an immediate measure, PDRM should target a minimum of 20 percent decrease in the number of crimes committed for each category within 12 months of this Report's acceptance and implementation.

2.2.2 The Crime Reduction Plans must be:

- i. Targeted at every category of crime, but give priority to those that are the most serious and widespread, causing the greatest concern to the local community and business;
- ii. Intelligence driven and proactive, aimed not only at apprehending criminals but also preventing and deterring crime from occurring; and
- iii. Involved not only crime control measures undertaken by the police but also measures taken in concert with the local community, the private sector and interested NGOs.

2.2.3 The Crime Reduction Plans should include the following ingredients:

- i. Crime mapping, showing incidences and types of crimes in the police jurisdiction (district, contingent or national), their location, trends, etc.;
- ii. Crime control measures being implemented and their assessment, including progress on major cases. An example would be measures for establishing police presence as part of preventive policing, like beat patrols and Mobile Patrol Vehicles;
- iii. Police and non-police resources available and deployed for each area or crime type or case. Police resources would include the CID and Commercial Crime personnel, detectives and Mobile Patrol Vehicles. Non-police resources would include active RT schemes working with the police in crime control;
- iv. Targets for crime reduction for specific periods, such as 20 percent reduction in snatch thefts in twelve months and the progress;
- v. Major problems and constraints; and
- vi. Police personnel sent out on operations and patrol should be fully briefed about operational details including the crime situation, policing resources that are in place and that can be called upon and community policing schemes that are available in the area.

2.2.4 Crime Reduction Plans at district level will be collated and coordinated at police contingent level, and police contingent plans will be coordinated at Federal Headquarters level. The approved plans will also form the basis for resource allocation and deployment. The most important planning will take place at police district level, where actual operations are planned and executed, except for special operations that are mounted at Bukit Aman level.

2.3 RECOMMENDATION THREE: ALLOCATE MORE POLICING RESOURCES FOR CRIME CONTROL

2.3.1 The Commission finds that the resources currently deployed for crime control are grossly inadequate. The shortage of police personnel available for doing investigation work, making police presence felt in crime-prone areas, etc. is one of the major factors for the high incidence in crime. PDRM is aware of this acute problem. Its request for a separate department for commercial crimes has been approved, as indicated in Chapters Two and Four. However its request for substantial increases in the CID has only been partially approved. According to the Public Service Department, the CID had a total establishment of 6,661 in 2004, and had made a request for 21,294 additional posts that is still under consideration.

2.3.2 The Commission is of the view that this shortfall should generally be met not by recruiting additional uniformed personnel but by the following means:

- i. Civilianising or outsourcing non-core functions presently performed by uniformed personnel in PDRM, and re-deploying the uniformed personnel to core policing functions. This measure will be discussed in detail in Chapter Twelve, but it could be noted here that the move could make available an estimated additional 35,000 uniformed police personnel for core policing functions. CID's requirements could be easily absorbed by this re-deployment exercise after due training is provided to the personnel concerned;
- ii. Engaging civilians for some of the CID work, such as criminal intelligence analysis;
- iii. Deploying a proportion of PGA and FRU personnel who are not on operational duty for crime prevention role such as beat duties, in particular in crime prone areas, after receiving the relevant training. Crime prevention has already been made part of PGA's duties. PGA units reportedly spend one-third of their time doing general duties. PGA and FRU personnel should wear general police uniform and not PGA or FRU uniforms when on crime prevention duty; and
- iv. Re-deploying police personnel engaged in prosecution for other CID duties if the Commission's recommendation that police personnel no longer perform prosecution functions is accepted.

2.3.3 The Commission accordingly recommends that the serious shortage of police personnel in CID be overcome as much as possible by the re-deployment measures listed in the above paragraph. As will be emphasised in Chapter Twelve, the re-deployment exercise will have to be carefully conducted after thorough study.

2.4 RECOMMENDATION FOUR: MAKE COMMUNITY POLICING A CENTRAL STRATEGY FOR CRIME PREVENTION

2.4.1 A glimpse of what modern policing that combines community policing with contemporary technology can do to enhance crime control and make communities safer is provided by the success of *Rakan Cop* in Kuala Lumpur. Utilising the Command and Control, Communication and Computer Integrated (C4I) System, the initiative has resulted in a significant drop in various categories of crime. The C4I System was implemented in 2003.² *Rakan Cop*

² The C4I System as implemented in Kuala Lumpur presently consists of the following: 1. The Police Emergency Response System (PERS 999). 2. The Mobile Data Communication System (MDCS). 3. The Automatic Vehicle Locating System (AVLS). 4. Integration with the databases of PDRM and other agencies such as JPJ and JPN. CCTVs have been located in nine crime prone areas. *Rakan Cop* is utilised in the C4I process as a channel of information and as the "eyes and ears" of the police.

was introduced beginning 9 August 2004. Since the introduction of these two measures there has been a significant drop in robberies and snatch thefts.

2.4.2 From lessons learned in examples world-wide and in Malaysia, community policing works best under the following conditions:

- i. There is a felt need for community policing among the local community because they are concerned with crime levels or public safety in the neighbourhood. When crime levels are low and the neighbourhood is relatively safe, it is more difficult to mobilise community support to fight crime especially from local residents.
- ii. The neighbourhood is well organised and there is a high level of civic consciousness among residents. Active local authorities and service-oriented societies and NGOs will greatly facilitate the establishment of community policing and its success.
- iii. In the case of Malaysia, the existence of people's organisations that are security or community oriented, like *Rukun Tetangga*, RELA, and Residents Associations will be an asset.
- iv. There is good cooperation among all stakeholders (the police, the local council and other government agencies, business, people's organisations and residents) and they are clear about their respective functions.
- v. There is dynamic and people-friendly leadership from the police.
- vi. The scheme focuses on local crime and social problems and encourages local community contribution and participation in their management.
- vii. There is firm funding and organisational support from the government, as in the case of *Rukun Tetangga* and RELA.
- viii. The local business and the private sector provide active support.
- ix. There has been good preliminary research and assessment on the prospects for successful community policing in an area before a decision is taken to launch a scheme.

2.4.3 The Commission recommends the following policy and approach towards community policing in Malaysia:

- i. Community policing should be pursued as the preferred strategy for crime prevention and crime control. Wherever possible and promising community policing should be introduced.

- ii. There should be Government support for this programme. Government support should take the form of media campaigns aimed at creating awareness and mobilising the people's support, the active cooperation of the *Rukun Tetangga*, RELA and Residents Associations networks, and support from the local authorities and District Offices.
- iii. The driver for community policing should be PDRM, but it should work closely with the District Offices and local authorities; other government agencies of relevance to policing such as the National Unity and National Integration offices at the district and state levels and the RELA network; business and private sector leaders; and relevant NGOs. District Security Committees and local authorities could be avenues for coordination among all stakeholders.
- iv. While community policing should be the preferred strategy, it should only be introduced in an area after careful assessment that takes into account the following factors:
 - a. The reception and support for it in the local community and among local private sector and business leaders;
 - b. The incidence of crime and drug addiction in the neighbourhood;
 - c. The existence of organisations such as *Rukun Tetangga*, RELA, Residents Associations, Malaysia Crime Prevention Foundation (MCPF) and other NGOs in the area. *Rukun Tetangga*, RELA and MCPF schemes that are active are already community policing schemes. What is missing is greater business or private sector support and involvement; and
 - d. PDRM's own Neighbourhood Watch Scheme and *Rakan COP*, the Department of National Unity and National Integration's *Rukun Tetangga*, and the Ministry of Home Affairs's RELA as well as the MCPF's Safe City Initiative are different variations of the concept of community policing, and should be applied according to the interest and preference of the neighbourhood. RELA however is meant more for the rural areas and not urban neighbourhoods. In the case of community policing based on the Neighbourhood Watch Scheme and *Rakan COP*, the present practice is for PDRM to play a rather passive role. The initiative to start Neighbourhood Watch Schemes and Safe City Initiative projects must come from the local residents, and the police merely facilitate. It is suggested that PDRM and the local authorities play a more proactive role in the establishment of these community policing schemes by actively consulting with the local community and business leaders and encouraging them to participate, if the preliminary assessment shows that the prospects are promising.

- v. It is recommended that PDRM work closely with the Department of National Unity and National Integration and the Ministry of Internal Security to invigorate *Rukun Tetangga* schemes and RELA units especially in areas where there is a relatively high incidence of crime and drug addiction. Some of the guidelines and procedures for community policing that are used for the Neighbourhood Watch Scheme, such as pointers on how to report a criminal offence that is being committed, should be disseminated to the RT schemes and RELA units. The PDRM Guide on the Neighbourhood Watch Scheme is attached at Appendix 7A. Appendix 7B shows the number of RT schemes in the country as at September 2004, and Appendix 7C shows RELA membership according to states as at January 2005.
- vi. Police Liaison committees should be established in every police district to facilitate close cooperation between the police and the local community.
- vii. It is recommended that PDRM intensify and sustain liaison with schools and youth related institutions to conduct programmes on crime prevention and create a positive police presence. This outreach may contribute to tackling potential juvenile delinquency and anti social behaviour. Following initiatives from other countries (Singapore, Australia) police officers can even be encouraged to volunteer their time for civic groups, scouting troops, and various youth sports activities. Another example is the Gang Resistance Education and Training Programme (GREAT) undertaken by the Memphis Police Department, USA. This provides a core curriculum of nine hour-long weekly sessions taught to seventh graders to strengthen their skills for coping with the constant pressures associated with street gangs.
- viii. PDRM crime prevention programmes should also address the identification of the root causes and issues which facilitate crime as they will differ from one neighbourhood to the other. This involves cooperation between PDRM and relevant Government agencies in solving the underlying causes which also reduce the occurrence of potential crimes. To achieve this, it entails police officers to make socio-economic assessments of the geographic locations, its residents and to interact with the public on a regular basis to break the stereotypical mentality of “us v them”.
- ix. The police should also enhance its capacity building in conflict resolution at the local level. Local Community Mediation Groups ought to be established, comprising the police, relevant Government agencies, NGOs and professional bodies, with the role of preventing minor conflicts from escalating into more serious crimes.

2.5 RECOMMENDATION FIVE: ENHANCE PRIVATE SECTOR PARTNERSHIP AND CONTRIBUTION TO POLICING

2.5.1 As the ensuing Chapter's section on commercial crime demonstrates, there can be very productive and mutually beneficial cooperation between the private sector and PDRM. The private sector and business have a huge vested interest in the promotion of a crime free environment. The benefits are reflected in the reduction of losses through robberies, kidnappings and thefts of motor vehicles besides a lowering of the incidence of commercial crime. Contributions towards making business neighbourhoods safer can also be made tax-exempt.

2.5.2 The Commission recommends that the private sector and business community, especially large corporations and companies, contribute more substantially towards preventive policing. Incentives for this can include publicity and acknowledgement on signboards and buildings. A recommendation is to encourage private developers to build police beat bases in every development of more than 10 acres and less than 100 acres. In development projects exceeding 100 acres the developer should be encouraged to allocate five acres for the construction of a police station.

2.5.3 Other examples of private sector and business contribution and participation include the installation of CCTVs by entertainment outlets, banks and shopping arcades in their premises and in parking floors. The private sector can also help by providing better lighting in places such as underground car parks. Beefing up security features in their premises in other ways such as through the pooling of resources to engage the services of security agencies can also help significantly in deterring crime.

2.6 RECOMMENDATION SIX: REVIEW STRATEGY AND MEASURES TO ADDRESS THE SERIOUS DRUG PROBLEM AND INTENSIFY MEASURES TO COMBAT THE DRUG PROBLEM AND SUBSTANCE ABUSE IN COOPERATION WITH OTHER AGENCIES

2.6.1 As Chapter Four indicated, drug-related offences and crimes are a major challenge for PDRM. Although the National Anti-Drugs Agency is responsible for the management of the problem of drug addiction as reiterated in the new National Anti-Drugs Agency Act 2004 [Act 638], the police are heavily involved in the surveillance, apprehension and detention of drug addicts and drug traffickers because the Agency does not have the capacity to manage the problem. As Table 4.3 shows, there is no sign of a decline in the number of drug addicts, both in terms of new addicts and repeat cases. Drug addiction also contributes to other offences and crimes that directly involve the police. PDRM is also directly responsible for the offences of trafficking and possession and other offences under the Dangerous Drugs Act 1952. These have shown an increase of more than 200 percent since 1994 (Table 4.2).

2.6.2 The situation with regard to drug addiction and drug-related offences is of great concern. It is a national problem and the Commission recommends the following:

- i. A thorough review of existing strategies and measures to eradicate the problem to be conducted by the Government with the participation of PDRM as well as NGOs and other stakeholders.
- ii. Concerted measures should be taken to equip the National Anti-Drugs Agency with the necessary manpower and competencies to implement the National Anti Drugs Agency Act 2004 [Act 638]. The Agency is presently severely under-manned and under-equipped. This has a direct bearing on PDRM because so long as the Agency is not given the necessary capacity to fully implement its responsibilities under the Act, PDRM will be burdened with the task.
- iii. Until new strategies and measures are in place, PDRM should institute measures to enhance intelligence gathering and operations against drug trafficking and intensify blitzes on known drug haunts. Drug-related offences and crimes should receive high priority in the Crime Reduction Plans for the affected areas.

2.7 RECOMMENDATION SEVEN: DEVELOP PDRM RESEARCH AND DEVELOPMENT CAPACITY

2.7.1 PDRM should develop a strong research and development capability for policing in general and crime in particular. A strong research and development capacity is essential to do practical research in areas such as the latest strategies and methods of policing, the latest technologies, equipment and weaponry available, new developments regarding preventive and investigative policing, patterns of crime in Malaysia, evaluation of specific policing programmes introduced by PDRM, and specific strategies and initiatives that can be launched by PDRM. The Commission therefore recommends the establishment of a PDRM Research and Development Centre to undertake this role. The Centre should work closely with other agencies and establish close links with similar agencies abroad for mutual benefit and synergy.

3. CONCLUSION

3.1 The drive against crime in Malaysia will also benefit from effective measures taken in other areas of policing. When policing becomes more community-oriented and people-friendly; PDRM is more transparent and accountable to the community; complainants are better served and up-dated; police performance and delivery improves; corruption and abuse of power decline perceptively, and the impact on crime reduction will be positive. Crime reporting will increase because there is more

confidence in PDRM. The likelihood of eradicating crime syndicates will improve because there is less corruption and links with big-time criminals in the organisation. Success in the area of crime reduction will therefore depend on progress in other areas of policing as well. A sustained drive against crime can also be complemented by non-policing measures such as the Safe City programmes and initiatives adopted by the Ministry of Housing and Local Government (Appendix 7D) and the MCPF (Appendix 7E), which seek to reduce the opportunities for crimes to occur and create a safer environment through environmental design. Public apathy towards active participation in community policing initiatives will also need to be addressed if community policing is to emerge as an effective and widespread feature of modern policing in Malaysia. Active government campaigns through institutions such as the local authorities, Residents Associations, *Jawatankuasa Kemajuan dan Keselamatan Kampung* (JKKK), NGOs and media can help reduce public apathy and make community policing vibrant and successful in Malaysia.

PDRM'S NEIGHBOURHOOD WATCH SCHEME

Introduction

The police in preventing crime has adopted an effective approach which involves the cooperation and participation of the community. The police and community should cooperate in a partnership to ensure public safety and one of the methods is through the Neighbourhood Watch Scheme. In more developed countries where this programme is in place, the cooperation between the community and police has resulted in the reduction of crime.

The Concept

Neighbourhood Watch Scheme is a network where local communities come together to monitor the happenings which occur around their neighbourhood. They report suspicious activities to the police. In other words, the community becomes the eyes and ears of the police to observe normal or suspicious events or activities which involve the security of their homes and families. Thus, it is hoped that the opportunities for committing crime can be reduced. This programme will enable every household with the opportunity to know their neighbours better and foster a closer relationship.

Method of Implementation

This scheme comprises a number of Neighbourhood Watch Groups. Every group is made up of 10 to 20 neighbours. Each group is also designated a specific neighbourhood area for the purpose of supervision which in this case does not necessarily mean having to patrol the area. Members of the group are not expected to patrol the area but they are required to monitor their respective areas and in the event of any suspicious activity, they are to report to the police immediately. Members need not necessarily make any arrest.

Group Coordinator

Each group is required to nominate a representative known as Group Coordinator. This representative will liaise closely with the members and police. A Group Coordinator is appointed with the concurrence of every member within the group and he is responsible for organizing meetings among the group members.

Area Coordinator

There may have between 10 to 20 Neighbourhood Watch Groups in any one area. An Area Coordinator shall be appointed at the area level representing the said area.

Method of Establishing a Neighbourhood Watch Group

- **Contact the OCPD and the Chief of Police Station.**
 - Anyone may establish a Neighbourhood Watch Group by firstly contacting the nearest OCPD or Chief of Police Station for advice and guidance.

➤ **Neighbourhood Relations**

- To gauge the interest of neighbours in the area, it is proposed that neighbours interact with each other. The most effective method is by visiting their houses and after having introduced oneself, proceed to discuss this scheme. Hence, if there is sufficient interest, a meeting can be convened among the neighbours.

➤ **Organizing the first meeting**

- The first meeting should be held between the local neighbours and the Chief of Police Station. It is preferable that the first meeting be held in a house. This is to set up a conducive atmosphere for interaction. Members are not to be disappointed if all who are invited do not attend.

➤ **The first meeting**

- A welcome and brief introductory speech including the purpose of the meeting is an essential item in the agenda for the first meeting. This is to be followed by a briefing on Neighbourhood Watch Scheme to be given by either the Chief of Police Station or a Senior Police Officer. Among other matters, the Police Officer is to explain the concept of Neighbourhood Watch, roles and responsibilities of group members and the current crime situation of the said area. If the said meeting agrees on the establishment of a Neighbourhood Watch Group, then a Group Coordinator is to be elected and appointed.

➤ **Names and telephone numbers of neighbours**

- At this inaugural meeting, members are required to provide their full names and telephone numbers. This list will be distributed to members while a copy is kept by the police.

Sample of form:

Members Record Form

No.	Name	Address	Telephone

Area Plan

A plan showing the exact location of houses involved in this scheme is to be made, to enable members to familiarise themselves of the area. This plan is to be distributed to members and the police.

Services available in the Neighbourhood Watch Scheme

➤ Property markings

- Members are encouraged to mark their properties of value with their respective identity card numbers. This is to facilitate the recovery and identification. This will also act as a deterrent for such thefts to happen.

➤ Security of residents

- Upon request, police will give advice, visit homes and undertake to make inspection to improve the degree of security at homes of members.

➤ Newsletters

- The police with the cooperation of members will produce periodic newsletters for distribution to members. The newsletters shall contain news regarding members of the Neighbourhood Watch Group, their activities and services; criminal incidents in the area and modus operandi as well as methods for crime prevention.

➤ Notice Boards and Stickers of Neighbourhood Watch

- If more than 80 percent of residents of a particular neighbourhood is involved in the scheme, notice boards about the scheme will be put up. Participating houses will also be provided with stickers to indicate their involvement. The notice boards and stickers may act as deterrents for criminal activities in the said area.

Contacting the Police

If there is a suspicion of a crime being committed; upon seeing or hearing an event that roused suspicion; or in the event of an emergency, please contact 999.

➤ When making a telephone call :

- State the name, address and telephone number of the caller
- Wait at the location where the call was made
- Do not approach the suspect
- Keep calm
- Carry on monitoring

If it is not an emergency, please contact the nearest police station.

➤ When contacting the police, provide the following details:

- Male/Female
- Race
- Height
- Built (body)
- Age

- Hair → colour
- length
- wavy
- thick

- Face → oval
- round
- moustache
- beard

- Attire
- Other markings

➤ Details of suspected vehicle:

- Registration number
- Colour
- Type/Model
- Other markings

➤ Other than the emergency telephone number, it is also important to know other important contact numbers, such as:

- The nearest Police Station
- Chief of Police Station
- Group Coordinator
- Area Coordinator
- Doctor
- Hospital
- Fire And Rescue Station

➤ Know them to assist Your Neighbourhood Watch Scheme:-

IMPORTANT TELEPHONE NUMBERS	
EMERGENCY - ' DIAL 999'	
Police Station :	_____
Chief of Police Station :	_____
Group Coordination :	_____
Area Coordination :	_____
Doctor :	_____
Hospital :	_____
Fire and Rescue Station :	_____

RUKUN TETANGGA AREAS IN MALAYSIA AS AT SEPTEMBER 2004

STATE	TOTAL
Perlis	57
Kedah	175
Pulau Pinang	216
Perak	316
Selangor	365
WP Kuala Lumpur	211
Negeri Sembilan	153
Melaka	100
Pahang	190
Johor	373
Terengganu	130
Kelantan	167
Sarawak	197
Sabah	150
WP Labuan	30
TOTAL	2,830

RELA MEMBERSHIP ACCORDING TO STATES AS AT JANUARY 2005

STATE	RELAWAN	RELAWATI	TOTAL
Perlis	5,978	677	6,655
Kedah	20,597	1,367	21,964
Pulau Pinang	7,723	614	8,337
Perak	26,024	1,829	27,853
Selangor	17,992	1,132	19,124
WP Kuala Lumpur	6,570	691	7,261
Negeri Sembilan	15,816	1,350	17,166
Melaka	10,746	1,122	11,868
Johor	21,073	1,059	22,132
Kelantan	26,886	1,897	28,783
Terengganu	14,392	962	15,354
Pahang	30,122	1,429	31,551
Sabah	32,672	3,353	36,025
Sarawak	46,304	8,280	54,584
Putrajaya	121	55	176
TOTAL	283,016	25,817	308,833

**DEPARTMENT OF URBAN AND RURAL PLANNING, MINISTRY OF HOUSING AND
LOCAL GOVERNMENT : SAFE CITY PROGRAMME**

23 STEPS TO PREVENT CRIME

STRATEGY ONE: DESIGNING THE PHYSICAL ENVIRONMENT

1. Separating Pedestrian Pathway From Motorised Road

- i. Absence of barrier rails for pedestrian pathway and motorised road.
- ii. Planting of landscaping as divider.
- iii. Construction of barrier rails and pedestrian pathway at bus stops.

2. Providing Bollards

- i. Types of chained Bollards.
- ii. Absence of Bollards and chained Bollards.

3. Control of Landscape Plants On Pedestrian Pathway

Local authorities (PBT) will decide the landscape design and type of plants that will be planted all along the pedestrian pathway. The landscape plants will be controlled and maintained so that it will not become a hiding place for criminals and avoid the occurrence of snatch thefts and robbery.

4. Crime Prevention Research Through Method of Environmental Design

The Ministry of Housing and Local Government through Malaysian Human Settlement and Urbanisation Research Institute (MAHSURI) will conduct research on environmental arrangement and design toward crime prevention. The agencies involved are MAHSURI, Department of Urban and Rural Planning (JPBD), PDRM (Logistics Department), NGOs, JKR, PBT, etc. The research activities will produce:

- i. General design of the concept Crime Prevention Through Environmental Design (CPTED).
- ii. Lighting Guidelines.
- iii. Landscape Provision Guidelines.
- iv. Building Safety Assessment Guidelines.
- v. Parking Lot Environment Guidelines.
- vi. CCTV Installment Guidelines.

The police increase the effectiveness of operations to eradicate crime through spatial analysis of criminal activities.

PBT able to undertake audit on the progress of crime eradication and improvement of specific crime areas.

GIS-Based Mapping able to assist the implementation of MURNInet in determining the sustainability of a particular town (through Crime Data).

6. Checking Housing Arrangement Guidelines

The Ministry of Housing and Local Government will direct the Department of Urban and Rural Planning and the local authorities to take into consideration safety aspects and requirements for police station/posts.

The requirements are to be incorporated with housing guidelines and the National Social Action Plan (PINTAS).

The police should be invited to attend Coordination Plan Committee Meeting and building design at the local authorities level to provide input on suitability and requirements of sites for police stations/posts as well as aspects of crime prevention.

STRATEGY TWO: TARGET HARDENING

7. Police Posts (*Pondok Polis*)

PBT will assist the police in identifying the appropriate location and site for the construction of police post in established towns and new areas.

PBT can consider the use of abandoned areas such as salvage metal storages, car junkyards for placement of police post to overcome limited land space.

8. Crime Warning Billboards

- i. Size of big billboards PBT, together with the police, will determine the location for crime warning billboards. Billboards will contain reminders during an emergency and telephone numbers to receive assistance.
- ii. Size of small billboards

9. Safety Mirrors

PBT will install safety mirrors at several locations where snatch thefts and robberies have occurred such as at concealed lanes.

The mirrors will provide a view of the lanes where normally snatch thefts and other crimes are perpetrated.

10. Alarms

PBT will install alarms that can be used by either the victim or the public when a snatch theft and other crimes have occurred.

Alarms are activated by pushing a button is located at accessible locations for the public to use in time of emergencies.

11. Cleaning/Tidying Concealed and Unkempt Areas

PBT will improve the cleaning of dirty and unkempt areas especially those around bus stations, rails, side and back lanes of main business premises. As such, these areas will be more easily watched by the PBT.

12. Locked Motorcycle Parking

- PBT will install locked motorcycle parking in public areas in towns.
- PBT will require housing developers to provide this facility in respective housing projects.
- Street lamps should be installed at the locked motorcycle parking to allow for surveillance.

13. Installation of Closed Circuit Television (CCTV)

The Ministry of Housing and Local Government will oversee instructions on implementing the installation of CCTVs in major towns. The PBT will report on the status of this implementation to the Ministry from time to time.

14. Installation of Street Lamps on Sidewalks of Business Premises

PBT will direct all business premises to install street lamps on their respective sidewalks so that these areas are easily watched at night and do not become areas where snatch thefts occur.

15. Public Lanes Are Not Concealed Or Obstruct Public View

PBT will ensure the design of fly overs do not obstruct public view. As such, intricate ornate designs or steep roofs that obstruct views are not permitted.

16. Brighten/Light Up Targeted Areas

PBT will install bright street lamps around night market areas. Maintenance will have to be swift in cases of malfunction, vandalism or non-functioning/dull lamps.

17. Bar Businesses and Vehicle Parking At Sideways and Pedestrian Pathways

PBT will determine that dining tables and chairs are not placed on the side pedestrian pathways and sideways. Motorcycles and motorcars parked at either the pedestrian pathways or sideways of business premises will be towed.

18. Encourage Various Business Activities

PBT will encourage small businesses to be set up at several lanes and locations that were previously deserted and dark so that these locations can be watched and provide protection to the women who journey back and forth from the town to their homes.

19. Service of Private Security Guards

PBT will procure the services of private security guards for surveillance over areas where crime and vandalism often occur such as public parks and the developers have to provide security patrols in the new housing areas to watch over crime and vandalism activities.

STRATEGY THREE: SOCIAL/SOCIETAL ACTIVITIES AND PUBLIC AWARENESS EDUCATION

20. Education

- i. Education Through Crime Leaflets PBT with the cooperation of other government agencies and non-governmental organisations will intensify awareness and education on conduct and behaviour when outside the home especially to women.
- ii. Education Through Individual Conduct/Behaviour

21. Installation of Lamps At Sideway, Front and Back of Homes

PBT will encourage home owners in areas prone to house break-ins to install lamps at the sideway, front and back of homes to facilitate surveillance and deter break-ins. Experiences of other safe city programmes have shown that lighting can lower the incidence of house break-ins (such as Bangsar).

22. Provide Community Crime Leaflets

PBT will have to encourage the involvement of the community, for example, community involvement in providing leaflets regarding crime status, public participation and security needs in their respective community areas. In this way the public will know and be involved in various crime prevention programmes/activities.

23. Increase Patrols in Housing Areas

PBT will provide cooperation in making patrols and public participation a success in housing areas which have high crime rates.

MALAYSIA CRIME PREVENTION FOUNDATION'S SAFE CITY INITIATIVE

The adoption of the “safe-city initiative” by the Malaysia Crime Prevention Foundation (MCPF) is a very significant contribution by a non-governmental organisation towards crime prevention, other than through law and order.

In every major city in the world, including Kuala Lumpur and major towns in Malaysia (although relatively only beginning to be a serious issue), there are daily reports of street crimes and violence against persons; attacks on joggers in parks, on patrons of parking garages and people who ride public transit; abductions of students in school compound, mugging and rapes.

In Malaysia, crimes and the fear of crimes have shown their effects on the urban landscape and on urban design and architecture. Buildings are fortified with grills and burglar alarms, while houses of “V.I.Ps” and the rich, shops and offices are guarded by security guards who sometimes become victims of crimes themselves. Crime prevention has never been an agenda in land use or physical planning and designing of residential, commercial, industrial, recreational or other environments here although the issue has been much addressed in the United States, Canada and Europe. The crime issue is admittedly only “at the back of the mind” and addressed indirectly when planners and designers plan for community living integrated community, cohesive society and the much publicised vision of a caring society. This is because of the belief that in a “close-knit society”, where there is interaction between neighbours which produces a “sense of community” there is prevalent a sort of informal social control. In Malaysia at least the enforcement of law and order is still believed to be the solution to crime prevention and reduction.

Crime prevention measures are basically towards reducing opportunities for crimes or criminal behaviour i.e. the creation of “defensible space” which is the physical environment supportive of the social control of crime. What is required is an environmental design to produce the patterns of social behaviour needed to deter crime. This is complementary to, if not to replace “target hardening” i.e. application of security systems designed specifically to combat certain types of crimes in a particular location.

Studies in the United States and Canada show that criminal behaviour is largely influenced by opportunity. Victimization studies show the following results;

- Over 75% of crime occur as a result of avoidable victim’s action or inaction which presents to the offender the opportunity to commit the crime.
- The greatest proportion of street crime and burglary is the result of opportunity rather than of careful and professional planning.
- Crime is a function of opportunism, and areas of high crime density typically and both easily accessible to well-known by the criminal are known to offer high likelihood of finding a victim at a given time and involve little risk of police apprehension.

The safe-city initiative is basically an MCPF project designed to create a safe living environment, minimising the opportunities for crime to take place. A safe city literally means one free from crime and the fear of crime. This term was used in the safe-cities initiative that have been introduced in the United States, Canada and a few European countries in the last 12 years or so.

In the Malaysian context, the safe-city initiative represents a good example of positive partnership between the government and citizens working towards crime prevention through environmental design, community development and education.

The move entails the gathering of all relevant parties like planners and architects, developers, voluntary organisations, local authorities and residents to work in partnership and implement initiatives for crime prevention.

As Malaysia moves into the next century and aspires to be a fully developed nation, it is strongly recommended that a government-community partnership be developed for crime prevention through the safe-city initiative.

What is even more significant is the fact that our safe-city initiatives gathers all relevant parties to custom-design solutions to existing problems and to anticipate and prepare for solutions to safety issues within the locality.

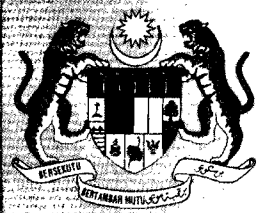
It has been established that the fear of crime is as serious as crime itself. The use of environmental psychology and environmental design can contribute substantially towards eliminating the fear of crime and reduce crime occurrences.

However, such measures are only to complement policing and law enforcement which are still required for crime deterrence.

Basically, 11 initiatives will be undertaken in connection with the implementation of the safe-city initiative:

- Selection of project area;
- Identification of target groups in the project area;
- Explaining the concept to the target groups;
- Setting-up the safe-city committee for the project area;
- Identifying crime issues and problems by the target groups and the safe-city committee;
- Solving issues and problems by the target groups;
- Appointing consultants, if necessary;
- Implementing suggestions on crime prevention;
- Monitoring the effectiveness of suggestions and making amendments if necessary;
- Documenting project activities; and
- Monitoring the safe-city concept and continuous follow-up action

The safe-city committee will be chaired by a resident's representative, preferably the chairman of the resident's association, and comprise representatives from the local authority, the police department, the MCPF, relevant government agencies, non-governmental organisations, the developer and professionals like architects, planner, etc. The implementation of the safe-city initiative requires concerted effort and cooperation between all parties concerned with the community - from city planners and architects who design the environment, developers who build it, government officials responsible for administering the community and the residents who live there - all working towards creating a safer living environment.

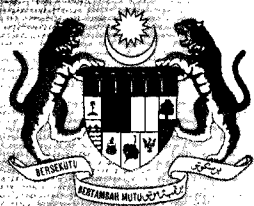


CHAPTER 8

ENHANCING INVESTIGATIVE POLICING

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THREE

- Introduction
- Reporting Crime
- Recommendation One: Amend Section 107(1) Of CPC
- Recommendation Two: Amend Section 108A Of CPC
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- Recommendation Four: Develop A Fully Integrated And Analytical Reporting System
- Categorisation And Classification Of Cases
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- Assessing Police Reports
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- Recommendation Eight : Draw Up Code Of Practice For Search And Seizure
- Criminal Investigation
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- Recommendation Eleven: Provide For Rotation Of Posting For Detectives
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- Recommendation Thirteen: Improve Training Of Investigation Officers



CHAPTER 8

ENHANCING INVESTIGATIVE POLICING

- ✓ • Recommendation Fourteen: Substitute Section 113 Of CPC With New Provision
- ✓ • Recommendation Fifteen: Record Statements Or Confessions Before Magistrate Pursuant To Section 115 Of CPC
- Recommendation Sixteen: Draw Up Code Of Practice For Record, Storage And Return Of Exhibits
- Recommendation Seventeen: Provide More Effective Supervision Through Better Case Management
- Recommendation Eighteen: Involve Public Prosecutor Early In Police Investigation
- Recommendation Nineteen: Ensure Proper Handing Over Of Investigation Paper
- Recommendation Twenty: Establish Cold Case Unit
- Recommendation Twenty-One: Make Greater Use Of Scientific And Technical Aid In Investigation
- Recommendation Twenty-Two: Link National Fingerprint Database To PDRM
- Recommendation Twenty-Three: Establish Multi-Disciplinary And Multi-Agency Investigation Teams
- Recommendation Twenty-Four: Outline Procedure For “RTM” Cases And Enable Automatic Application For Order To Investigate (OTI) For Non-Seizable Offences
- Recommendation Twenty-Five: Encode IGSOs As Subsidiary Legislation Under Police Act 1967 And Make Them Accessible To Police Officers Over Intranet
- Recommendation Twenty-Six: Establish Effective Compliance Monitoring Capacity
- Case Studies
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T H R E E

ENHANCING INVESTIGATIVE POLICING

1. INTRODUCTION

- 1.1 This Chapter builds upon Chapter Seven and focuses on the critical need to enhance investigative policing. Criminal investigation is a core component of the several approaches to crime control. When it is properly carried out and combined with public willingness to report to the police, every single criminal transgression as well as fairly effective crime detection and prevention programme and a competent level of criminal prosecution, it will ensure that criminals are successfully prosecuted and punished.
- 1.2 Therefore, strategies have to be formulated for all aspects of investigative policing. Strategies to be formulated are in respect of reporting crime; categorisation and classification of reports; assessing reports; standard of investigation and criminal prosecution.

2. REPORTING CRIME

- 2.1 The number of crimes committed in any society has never been accurately known due to two major reasons. The first reason is that many crimes are victimless and secondly, victims do not want to go through the inconvenience of lodging a police report. The factors that deter them include the following:
- i. The police station is considered inconveniently located.
 - ii. They did not suffer any real loss or harm.
 - iii. The police at the station were not victim-friendly, lacked interest and took a long time to respond.
 - iv. The belief that making a report is a futile act as the victim would not get to see any result from the report.
 - v. Even in the case of an arrest being made, there is the hassle of going to the court to testify and to have the case repeatedly postponed.
- 2.2 The Commission received numerous complaints from the public on the difficulty of lodging reports especially those that occur outside the territorial jurisdiction of the respective police stations.
- 2.3 Several reasons were given for not accepting reports made by the public. The most disturbing was because the person complained against was a cohort of a top police officer or a local police officer. Other reasons include, the loss suffered was too small and not identifiable and that the case to be reported occurred in a different police jurisdiction. In traffic cases, complainants were asked to lodge reports only at a traffic police station. This is because the traffic branch has its own traffic reporting system which is incompatible with the rest of PDRM's crime reporting system.

2.4 There is a direct relationship between police knowledge of crime occurrences and their ability to deploy their manpower for crime prevention in a scientific, logical and effective manner. This fact alone should provide sufficient impetus to PDRM to create an environment that is conducive for the public to lodge reports.

2.5 **RECOMMENDATION ONE: AMEND SECTION 107(1) OF CPC**

2.5.1 The present s107(1) of the CPC only allows an officer in charge of a police station or any officer directed by him to reduce any oral information relating to the commission of an offence to writing¹. This had given rise to the current practice where police reports can only be lodged at a police station.

2.5.2 The Commission observes that currently information relating to the commission of an offence is reduced into writing by any police officer on duty at the Police Post (*Pondok Polis*) in hospitals, which is outside the police station. The duty to accept any information relating to the commission of an offence should be extended to all police beat bases and police on beats and patrols. Members of the public should be allowed to lodge their police reports in the most convenient manner such as via e-mail, website, SMS or telephone or at any police station or beat base. Reports received through such media can be considered as First Information Reports.

2.5.3 The Commission recommends that s107(1) of the CPC be amended to allow any police officer on duty anywhere, whether in or outside a police station, to accept any report made by any person. There should be a set of procedures to be observed when a police officer on duty accepts a report outside of the police station. If such report is made to him orally, the officer would then be required to reduce it to writing in his pocket book, report the receipt of the information to his station officer through his communication appliance, take whatever necessary action which is required of him and ensure that on his return to his station that the information is transferred into the Station Report Book or its computer as may be required.

2.5.4 The Commission also recommends that every station should display a standard notice informing complainants that they can lodge reports at any police station. The notice must be prominently displayed at appropriate places in the police station and carry the contact number of the police Disciplinary Unit to whom the complainant can refer any dissatisfaction.

¹ S107(1) of the CPC : "Every information relating to the commission of an offence if given orally to an officer in charge of a police station shall be reduced to writing by him or under his direction and be read over to the informant".

2.6 RECOMMENDATION TWO: AMEND SECTION 108A OF CPC

- 2.6.1 The Commission had received complaints from the public about the delay in getting certified true copies of information reduced to writing under the provisions of s107 or s108A of the CPC from the police. The common excuse given is that the OCPD was busy and had not certified the documents yet.
- 2.6.2 The Commission notes that s2(1) of the CPC allows the IGP to appoint any officer to perform the duties of the OCPD when the OCPD is unable through absence, illness or otherwise to perform his duties. The Commission recommends that PDRM makes greater use of this provision. Section 108A of the CPC has to be amended to ensure that certified documents be made available to the complainants seven days after they have lodged their reports.
- 2.6.3 The Commission notes that the current practice in many police stations was to give a copy of the report without certification under s108A of the CPC immediately to the complainant. Although there are complaints from the public stating that the complainants were asked to come back several days later to get such a copy of the report, these complaints were only limited to police stations where the Police Reporting System (PRS) had not been fully implemented and the enquiry offices do not have a photostat machine. The Commission recommends that PDRM ensure sufficient facilities be made available to overcome these complaints.

2.7 RECOMMENDATION THREE: MAINTAIN STAND-BY POOL OF INTERPRETERS

- 2.7.1 The Commission received complaints that reports could not be lodged because the complainants could not speak the English or Malay language. It is recommended that a pool of interpreters be engaged by PDRM on standby basis to assist those who are not well-versed with English or Malay.
- 2.7.2 In Australia and UK, the Police Service has a list of names and telephone numbers of the interpreters of several languages. When the services of an interpreter is required, the officer at the enquiry counter would telephone any one of the interpreters and connect the interpreter to the speaker phone so that a three-way conversation among the interpreter, the police officer and the complainant can be carried out. Therefore, the Commission recommends that PDRM examine the adoption of this practice.

2.8 RECOMMENDATION FOUR: DEVELOP A FULLY INTEGRATED AND ANALYTICAL REPORTING SYSTEM

- 2.8.1 According to PDRM, the computerised Police Reporting System (PRS) had been implemented since 2002. However due to financial constraints the implementation is slow. PRS is now fully implemented in Johor, Melaka,

Negeri Sembilan and the Federal Territory of Kuala Lumpur. Phase II is for the northern region covering Selangor, Perak, Pulau Pinang, Kedah and Perlis. Trials are being conducted in these states for this system. Phase III will cover the eastern states of Kelantan, Terengganu and Pahang. Phase IV will cover Sabah and Sarawak. The full implementation of PRS will take another 3 years.

- 2.8.2 The Commission recommends that PDRM expedite the full implementation of PRS throughout Malaysia. This system allows police reports to be made anywhere in Malaysia. The OCPD will have access to the summaries and details of all police reports in the district. He can also oversee the classification of reports and the progress of any investigations undertaken by the SIO and IO.
- 2.8.3 The Commission also recommends that PDRM creates from the reporting system, a databank on every single category of crime or criminal transgression. This integrated reporting system must have an analytical software system to analyse all the data in the databank and produce the necessary reports to assist PDRM in planning its strategies to reduce crime or criminal transgression. The software solution should also be able to assist PDRM to plan monthly and yearly targets for each police station, ensure the most efficient deployment of police resources to combat crime and monitor the effectiveness and productivity of every police personnel accountable for the achievement of PDRM's targets. The system should also ensure that these reports are made or received, cascade down to one centralised repository and be disseminated and made accessible online to ensure real time access by officers on duty and those preparing to commence their shifts.
- 2.8.4 The information collected in the system can be used to coordinate investigations into the commission of related offences which may involve more than one offender or victim in cases where several parties and witnesses lodged different reports at different times, whether at the same or different police station, over one incident or related incident. It is imperative that the IO first carries out a search in the system to see if there are related reports on the same suspect, similar incidents, or case patterns and coordinate efforts and compare notes and information in a systematic and professional manner. A computerised database of reports lodged is critical to enable investigators to make real time checks to establish if there are related reports or ongoing investigations in respect of the suspects detained by them. Uncoordinated investigations can result in the miscarriage of justice.
- 2.8.5 The Commission recommends that there must be a module developed in the system to enable all IOs to coordinate efforts and share information to ensure a just and effective course of police action.

² The FBI's Uniformed Crime Reports Programme is a good example to follow.

- 2.8.6 The Commission recommends that there should be step-by-step guidance in the system to assist investigators who have to be conversant with all the different types of offences. Sample questions for interviewing suspects and witnesses should be available from the system with a click of the button.
- 2.8.7 A fully integrated system should also contain a module to electronically classify reports in order to reduce any abuse related to the classification of reports dealt with in paragraph 3. Therefore, the Commission recommends that a module which will electronically classify reports in accordance with the ingredients of an offence be built into the reporting system.

3. CATEGORISATION AND CLASSIFICATION OF CASES

- 3.1 Reports that are received by the police under s107(1) of the CPC are classified according to the ingredients of offences manifested in the report. The classification of reports is done by the IO and then confirmed by the SIO and the OCPD. Currently, the OCS will summarize all the reports received during the day on Pol. 37 and submit them together with copies of the original reports for the OCPD's scrutiny and final classification.
- 3.2 The need to have accurate classification of a police report is important to enable the IO to obtain evidence to establish the ingredients of the offence complained of and to determine the line of inquiry for the investigation. A good example to illustrate this point is in respect of "missing person" reports. Generally PDRM will file away the reports 24 hours before any action is taken³ or it is categorised as 'NOD'⁴ because "missing person" does not constitute an offence under the Penal Code. The delay in taking immediate action and the non-classification of "missing person" reports into the respective offences under sections 359-374 of the Penal Code had resulted in many cases remaining unsolved. Many of the "missing person" cases could in fact be offences of kidnapping, abduction, slavery, prostitution and forced labour under sections 359-374 of the Penal Code. The Commission considers such non-classification by the police as extremely unsatisfactory.

3.3 RECOMMENDATION FIVE: TRAIN OFFICERS TASKED TO CLASSIFY REPORTS

- 3.3.1 The Commission recommends that officers assigned to classify reports by IGSO D150 and D202 be trained to discharge their task well. All personnel concerned with classification of reports should undergo an intensive course before taking on their jobs. Those who had already been assigned without such prior training should be sent on such a course as soon as possible.

³ The reason given for the 24-hour lapse time is to give time to the person to return home. If the person returns home after 24 hours then there would be no need for the police to carry out any investigation and the file can be closed without any investigation.

⁴ 'NOD' means 'no offence disclosed' which means there will be no investigation on the report.

3.4 RECOMMENDATION SIX: IMPROVE SUPERVISION AND MONITORING OF CRIME REPORTS

- 3.4.1 There are two instances where reported crimes would not be investigated. One is by not categorising the report as a crime in which case no IP would be opened and the other, by gutting the investigation leading to the case being categorized as No Further Action (NFA).
- 3.4.2 Once a report is classified as a crime there is no question but that an IP be opened. The Commission found in the course of its inquiries that in many cases of serious assault, no IPs were opened even though it is a seizable offence. In another case, even though the report had been classified as “house-breaking”, no IP was opened. In yet another instance, the police did not allow the complainant to lodge a police report but merely recorded the burglary in the station diary.
- 3.4.3 The manner in which reports are categorised and classified would result in statistics of crime to be shown as being lower than the actual prevailing situation. By doing that, a supervising officer, for example, an OCPD or CPO can reflect that crime in his police district or state is low and that he and his men have been able to keep crime under control.
- 3.4.4 It is therefore recommended that due to possible abuse of the procedures and guidelines on categorisation and classification as spelt out in the IGSO and the Directive of the Director of CID, Bukit Aman cannot rely solely on statistics of crime submitted as being conclusive of the level of crimes in that district or state or to judge the effectiveness of the officers concerned.
- 3.4.5 The Commission recommends that other factors be taken into account to assess the performance of these officers other than statistics of crime. They include the number of cases accepted by the DPP for prosecution after investigation had been completed, the number of successful prosecutions by the DPP, the number of cases solved, the man-hour utilisation of officers under the OCPD and the number of ‘satisfied customers’. In Hong Kong, telephone interviews are carried out to obtain feedback from victims of crime on their satisfaction level with the manner in which the police handled their cases. Patterns of complaints, both in relation to the police district as a whole or individual police officer in the district must be monitored and the OCPD made accountable.
- 3.4.6 It is recommended that there be closer supervision from Bukit Aman on all police districts. Random inspection of case files on a more frequent and regular basis should be conducted. More quality control systems on the classification and categorisation of reports should be put in place to ensure that abuse of categorisation and classification of reports do not occur.

4. ASSESSING POLICE REPORTS

- 4.1. The law requires the police to assess the information received. If the officer finds that there is no sufficient ground to proceed, he shall not do so⁵. The IO must necessarily have done some investigation to enable him to arrive at a decision whether he is to proceed further or not. Where he decides not to proceed further, he must record his reasons for not invoking subsection 110(1) of the CPC, that is, to inquire into the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender.

4.2 **RECOMMENDATION SEVEN: ESTABLISH REASONABLE GROUNDS BEFORE ARREST**

4.2.1 As stated above, the first step to be taken by the IO when carrying out an investigation is to assess the report to see if there is any need to test the veracity of the allegations made by the informant against the alleged perpetrator. He may need to carry out some form of surveillance before acting on the report to see if the offences complained of, for example gambling, illegal lottery, or prostitution is being committed at the premises before raiding the premises concerned. The Commission finds that the police had not acted upon reasonable grounds in a wide spectrum of cases ranging from assault, murder, breach of copyright and drug trafficking cases.

4.2.2 Getting enough evidence to establish reasonable grounds before arresting any person is important to reduce the image of bad and inefficient policing by PDRM, prevent wrongful detention of innocent persons, protect the government from legal suits for wrongful arrest and avoid tarnishing people's reputation.

4.2.3 The Commission therefore, recommends that IOs must not practice the policy of 'arrest first, investigate later'.

4.3 **RECOMMENDATION EIGHT: DRAW UP CODE OF PRACTICE FOR SEARCH AND SEIZURE**

4.3.1 The Commission has reservations over the high-handed manner in which the police conduct search on suspects' premises. The decision of PDRM to search private property must be based upon cogent evidence that the place is used in respect of any offence. The Commission received complaints that the police had not acted upon reasonable suspicion in the cases reported to it. Therefore, the Commission recommends that a code of practice for search and seizure be drawn up.

⁵ See s110(1) proviso (b) of the Criminal Procedure Code (CPC)

5. CRIMINAL INVESTIGATION

5.1 Criminal investigation can be of two kinds: proactive or reactive.

5.2 Proactive Investigation

5.2.1 Proactive investigation is part of an intelligence-led, evidence-based crime control system where the police, in the exercise of their crime detection function, undertake physical and electronic surveillance over organised crime, triads, socially threatening or deviant groups to covertly use witnesses. The police themselves lodge reports to initiate investigations into reasonably suspected infringements of the law. The detection, prevention and neutralisation of crime syndicate activities can only come about with proactive investigative policing.

5.2.2 The most graphic examples of proactive investigation are the shadowing of security and criminal groups such the 'mamak' Gang, the M16 Gang, several car-stealing and gun-smuggling syndicates leading to many of the arrests under the Internal Security Act 1960, the Prevention of Crime Act 1959 (Revised 1983) and other preventive laws. The Commission believes that with the increased practice of proactive investigative policing, there will be no need to rely on preventive laws for the detention of these criminal groups.

5.2.3 Section 110(1) of the CPC gives the police the power to carry out proactive investigative policing⁶. The police can act on information given or it can take cognizance of matters reported in the newspapers or from informers, agents and other dependable sources. Statements which had emanated from police stating that PDRM could not take any action on some of the criminal transgressions reported in the newspapers as no one had lodged a formal police report are erroneous. There is no excuse for such statements to be made when there is public clamour for police action against apparent infringes of the law. This had unfortunately given the public the impression that the police practice selective investigation and as a result it had eroded public confidence in police independence and commitment to ethical standards of conduct.

5.2.4 **RECOMMENDATION NINE: ADOPT CODE OF PRACTICE FOR PROACTIVE INVESTIGATION**

5.2.4.1 From analysis of the current crime situation, Malaysia must head in the direction of proactive policing.

⁶ Sub-section 110(1) states, inter alia that, "If from information received or otherwise a police officer not below the rank of Sergeant or an officer in charge of a police station has reason to suspect the commission of a seizable offence he shall, ... proceed in person or shall depute one of his subordinate officers to proceed to the spot to inquire into the facts and circumstances of the case and take such measures as may be necessary for the discovery and, where not inexpedient, arrest of the offender."

5.2.4.2 The Commission recommends that proactive investigation be given greater emphasis by the police as a way forward but strong safeguards must be installed in sting operations, through the use of agent provocateurs, technical aids, etc. which are indispensable instruments in intelligence-led, evidence-based policing and investigations.

5.2.5 RECOMMENDATION TEN: IMPROVE PDRM INFORMER SYSTEM

5.2.5.1 For proactive investigation to succeed, the police must have a wide network of sources, informers and listening posts. As an indication, in England and Wales with a population twice the size of Malaysia, there are about 50,000 registered informers. Therefore, PDRM should have a network of about 25,000 registered informers. However, as of December 2004, there were only 1,590 registered CID informers of which only 69 percent are active. This reduces the effectiveness of PDRM's detection and proactive policing capabilities.

5.2.5.2 The Kuala Lumpur Contingent Headquarters had on 30 October 2003 introduced a new proactive investigation system known as Command And Control, Communication And Computer Integrated System (C4I) which involves public participation as informal police informers via Rakan Cop and Network Communication (SMS, Hotline and E-Mail Website). Currently there are 6,166 members of the public who had registered as Rakan Cop under the C4I System. This system had led to the reduction of crime in the district within the jurisdiction of the Kuala Lumpur Contingent Headquarters.

5.2.5.3 Registration of sources is very important. Registration will enable proper handling, accounting of allowances and rewards, briefings and debriefings, accounting of productivity and monitoring of activity. It will enable the informers to be "owned" by PDRM and not by the individual detectives, with all the obvious advantages, not least of which is to monitor the relationship between detectives and informers to prevent a criminal relationship developing between them. The pressure to perform in competition is a great motivating factor for a detective. For this purpose, detectives and other agent-handling officers must be made to submit contact reports every time they meet up with their sources. The IGSO on informer handling must be strictly adhered to and further improved.

5.2.5.4 It is strongly recommended that PDRM comprehensively improve on their informer system. Proper handling will protect the informer from being exposed. It will enable for a systematic way of

developing the informer's usefulness and ability to move into the higher echelons of organised crime. The improved system should have the following features:

- i. Each informer should have a handling officer and an alternate handling officer under a common supervising officer whose job would include responsibility for scrutinising the contact notes of his charges.
- ii. The information gleaned should be systematically graded and collated, analysed and stored in a national central databank. The comprehensiveness of this databank and the propensity to make use of it as well as to further build on it is the key to proactive investigation. This centralised databank of information had been the great strength of the FBI who shares it with the various police forces and agencies in the United States of America. Under the current reformation program in the United Kingdom, its singular importance in the development of proactive policing is strongly embraced.

5.2.6 RECOMMENDATION ELEVEN: PROVIDE FOR ROTATION OF POSTING FOR DETECTIVES

5.2.6.1 Detectives generally consider it a demotion and a shame to be transferred from detective work to general duty. However, such transfers are necessary to prevent the criminal informers from gradually gaining control of the detectives by corrupt means. The rotation provides encouragement for uniformed policemen so that they too stand a chance of being detectives. The Commission therefore recommends that the scheme of service for detectives clearly provides for a policy of rotating personnel in the service to other CID or non-CID posts from time to time.

5.3 Reactive Investigation

5.3.1 Reactive investigation follows the lodgement of a report. Where reports of crime had been lodged, the police should investigate first before making an arrest rather than to arrest first and then investigate.

5.3.2 A common scenario for "arrest first, investigate later" as reported by many complainants to the Commission would usually be in the following pattern:

A member of the public makes a police report. The IO proceeds to arrest the alleged offender. He is put into the lockup. No statement is taken from the suspect during the first 24 hours. The police proceed to apply for further remand after the 24 hour period. The suspect is asked to give a statement under s113 of the CPC. If he does not give the statement, he may be ill

treated or left to languish in the lockup. A further extension of the remand period is sought. On the last day of his remand period, a statement is recorded from him. He is released. He has not heard from the police since then.

5.3.3 A slight variation to the above scenario would be as follows:

The suspect is tracked down, arrested and interrogated with a view to getting a confession under s113 of CPC.

6. STANDARD OF POLICE INVESTIGATIONS

- 6.1 Good criminal investigation is vital in ensuring that there will be no miscarriage of justice. The guilty person is punished through successful prosecution based on good, dependable and thorough gathering of evidence by the police.
- 6.2 The police must be professional and efficient in their investigations. It is their duty to investigate cases fairly and thoroughly. Relevant evidence must be tested for their probative value and if that evidence should exonerate the suspect, it too must also be investigated. Persons who become involved in the criminal justice system of this country must be treated fairly, reasonably and without discrimination.
- 6.3 The police must know that even if their motive is to secure justice, the end does not justify the means and hence any form of police malpractice will not be tolerated. The answer to a more effective crime reduction regime lies in having a better-trained, better-equipped and better-supervised police force and any deviation in procedures will not be tolerated.
- 6.4 Upgrade Standard of Investigation
 - 6.4.1 The Commission is not able to make a definitive opinion on the general standard of police investigation because it was only able to look at a very small proportion of the total IPs of PDRM. However, from the inquiries conducted, it was found that many police investigations were not thorough. Some investigations had dragged on for far too long and yet basic steps that should have been taken had not been taken, such as the verification of ownership of a programme, the verification of accounts and other official records and the taking of statements from persons closely linked to the perpetration of the offence. The poor quality of investigations had led to many cases being categorised as "NFA" by PDRM and also the DPP.
 - 6.4.2 In several of the cases raised by complainants in the inquiry, the Commission had discussed the shortcomings in the investigation with PDRM whereupon the case files had been reopened for further investigation. The Commission can reasonably conclude that the standard of investigation of PDRM needs to be enhanced. Drastic steps need to be taken to ensure higher standards of investigation.

- 6.4.3 Some specific aspects of investigation identified by this Commission as requiring a higher standard are as follows:
- i. Identifying the offender.
 - ii. Examination of witnesses and suspects.
 - iii. Record, storage and return of exhibits.
 - iv. Supervision of investigation.
 - v. Use of physical and scientific evidence.
 - vi. Fingerprint evidence.
 - vii. Commercial crime investigation.

6.5 Identifying the Offender

6.5.1 The identity of the offender is of utmost importance in any investigation into an offence. In cases other than where the offender is caught red-handed, or clearly implicated in some way, or where the victim knows the identity of the offender, the complaint is that practically very little is done by the police to identify the offender.

6.5.2 **RECOMMENDATION TWELVE: ADOPT NEW CODE OF PRACTICE FOR IDENTIFICATION OF SUSPECTS**

- 6.5.2.1 The Commission is of the view that a code of practice which sets out the techniques to identify offenders and the conduct of an identification parade should be drawn up and adopted by PDRM.
- 6.5.2.2 PDRM cannot merely rely on the statements of witnesses to pin down the perpetrators of offences. PDRM should also use forensic pathology, forensic science, fingerprinting, deoxyribonucleic acids (DNA) profiling and electronic surveillance to collect evidence that is probative and relevant. Witnesses can be unsure, tell a lie, perceive a fact differently, their memories may fade and they may die as trials take a long time to conclude but physical evidence will always be there unless deliberately destroyed.
- 6.5.2.3 The reason given by PDRM for failing to take all possible steps is due to lack of manpower and equipment. The Commission is of the view that many other police services in other countries are also similarly constrained. Therefore, senior officers in PDRM must carry out strategic, tactical and line management roles where police experience is vital in devising a programme in intelligence-led crime reduction and crime investigation bearing in mind such constraints. Senior officers must take the lead on the policy and direction of the investigation, the lines of the inquiry to be pursued and plan for the availability of resources and technical aids.

- 6.5.2.4 The Commission recommends that on-going investigations must be kept up to identify the offenders in many cases of organised crime such as lorry hijacking, smuggling, drug trafficking, loan sharking and those where the offenders have yet to be identified.
- 6.5.2.5 Whilst not being able to have an alleged offender is a major problem, having wrong or disputed identification also causes great hardship, distress and injustice to the “suspects”.⁷
- 6.5.2.6 Complaints were received by the Commission on the manner in which identification parades are held and the manner in which “suspects” are picked. The description of the “suspects” that is first given to the police by the witness must be recorded in detail by the police. A standard form with a picture of a person similar to the one used by doctors in government hospitals can be used for this purpose. The figure of the person can be printed in the form with sufficient prompts to the IO. An example is set out in Appendix 8A. When conducting the identification parade, the police should check to see if the person picked by the witness has corresponding features as in the description given by the witness earlier.⁸
- 6.5.2.7 The Commission was also informed by complainants that witnesses were asked to identify the alleged perpetrator of the crime by tapping him on the shoulder. Many victims of crime who are traumatised by the crime are afraid to be confronted with the perpetrator. The Commission recommends that this method be replaced with either a one-way mirror or video film or photograph of the identification parade. PDRM must prepare colour photographs and video clips for identification parades. With this recommendation, rules of procedure and laws of evidence pertaining to the admissibility of such manner of identification have to be amended.
- 6.5.2.8 The Commission also recommends that a new code of practice for the identification of suspects be drawn up. The code should provide for the availability of witnesses who had equal opportunity of identifying the suspect but do not make a positive identification of the suspects to the defence and the Magistrate or Judge must be accordingly informed. This would enable the defence to have an opportunity to ensure that the identification evidence is as reliable as possible.

⁷ Matters are made worse, when the IO being unable to obtain evidence against these “suspects”, then recommends to his colleagues in D7 to put these “suspects” away under the Emergency Ordinance or other preventive law as these “suspects” had been “uncooperative” in not admitting to having committed the offence.

⁸ In the United Kingdom, the police are required to furnish the description made by the witness to the lawyer representing the suspect as early as possible. This may be part of their discovery process which is not practiced here. As the terms of reference of this Commission do not extend to studying the criminal processes involving the Court, no recommendations are made in this respect.

6.6 Examination of Witnesses and Suspects

- 6.6.1 After the IO had determined a likely suspect, he should then cause for a concentration of resources to determine the suspect's movements and associates in the hours before, during and after the criminal incident, checking out to connect the clues to the suspect, putting him under surveillance to track down how and where he had disposed of the proceeds of his crime, the instruments with which he had committed the offence and the means by which he had effected his escape. Only when there is sufficient evidence should the suspect be invited to give a s112 CPC statement.
- 6.6.2 From the inquiries conducted by the Commission, it was found that the police frequently arrest a person immediately after a police report is lodged against him. When the person is arrested, it was found that the police had been relying solely on s113 of the CPC to examine him although the section gives the arrestee the right to remain silent. By not examining the arrestee under s112 of the CPC first, a section which obliges the arrestee to answer all questions posed to him truthfully except those that are self-incriminating, the IO had deprived himself of the obvious advantages of a s112 statement.
- 6.6.3 It does not mean as the law stands now that having used s112 to record an arrestee's statement, the IO cannot at some later stage, record another statement under s113 when the intention is to obtain a statement that is admissible in evidence. Perhaps the arrestee's statement can reveal certain facts that can lead to "discoveries" admissible under s27 of the Evidence Act or to other facts that can lead to sufficient incontrovertible evidence to make an arrestee willing to give a useful s113 statement.
- 6.6.4 When a statement is recorded from the suspect under s113 of the CPC, the police must ensure that provisions in the Lockup Rules, EA and CPC are adhered to in order to ensure the admissibility of the cautioned statement. The recording officer ought to familiarize himself with the facts of the case against the suspect, or no useful information would be obtained by the recording officer which can help exonerate or implicate the suspect. There would be irrelevant and aimless questioning, leading to a miscarriage of justice.
- 6.6.5 RECOMMENDATION THIRTEEN: IMPROVE TRAINING OF INVESTIGATION OFFICERS**
- 6.6.5.1 The Commission is of the view that the police should interview as many witnesses to the offence as is practicable. In many cases, not all material witnesses are examined by the IO. The IO appears unable to follow leads. There is evidence of poor quality of basic examining skills by the IO. The purpose of the examination is to obtain accurate and reliable information from witnesses, be it the suspect, victim or other witnesses and to elicit the truth. The

Commission recommends that new police training must include interviewing courses which teach police officers to interview and examine techniques that are aimed at discovering the truth about matters under police investigation. Hence it cannot be over emphasised by the Commission that PDRM must fully imbibe work processes and work procedures into investigators coupled with work ethics, the knowledge, use and full import of the provisions of the CPC and other legal provisions.

6.6.6 RECOMMENDATION FOURTEEN: SUBSTITUTE S113 OF CPC WITH NEW PROVISION

- 6.6.6.1 Complaints had been received by the Commission alleging that complainants were beaten up, abused physically and mentally when they were in remand to make them “confess” to the crimes that they had allegedly committed. Whether or not these allegations are true, they tend to discredit the police and gravely undermine the public confidence in the police. The police are put through the time-consuming process of a trial-within-a-trial to ascertain the voluntariness of the caution statement. In the process, many allegations of police brutality are made against the police subjecting the police to much negative publicity. Of late, there had been several cases where the High Court judges had ruled against the admissibility of cautioned statements obtained from the accused. Therefore, PDRM believes that s113 of the CPC is of no evidential use in securing convictions.
- 6.6.6.2 The many deaths in police custody, the relative lack of open inquiries into these deaths in recent years and the proven use of force by one IGP, in an infamous case had helped heighten the public’s suspicion that third degree interrogation had become a police culture. It is often the case that after a confession is obtained, the IO stops investigating as he believes that he had already obtained sufficient evidence to prosecute the suspect for the offence. The tendency then is for police investigation to be not evidence-based but confession-based. Hence, the Commission recommends that s113 of the CPC be repealed.
- 6.6.6.3 The Commission therefore recommends that all statements taken from suspects be made inadmissible except in the limited instances as specified in the proposed new s113 set out in Appendix 8B. The taking of statements from all persons including persons arrested but not yet charged is to be made in accordance with s112 of the CPC with the repeal of the existing s113. The Commission further recommends that the new section 113 of the CPC on ‘Taking Of Statements Or Confessions From Accused’ as in Appendix 8B be substituted for the repealed s113 of the CPC.

6.6.6.4 In the mean time before the repeal of s113 of the CPC, it is proposed that adequate safeguards be introduced for the taking of statements under s113 of the CPC. The Commission recommends that when suspects are examined under s113, the whole process must be tape-recorded or video-recorded, in the presence of their counsel or assigned counsel, to remove any doubt as to whether the statement had been made voluntarily. The statements made by all suspects in Australia and the United Kingdom are video or tape-recorded⁹ in the presence of their counsel if there is one. Where suspects are examined under s112 of the CPC in future after the repeal of s113 of the CPC, the Commission recommends that the suspects be allowed the right to counsel during the recording of any statement to be taken from him.

6.6.7 RECOMMENDATION FIFTEEN: RECORD STATEMENTS OR CONFESSIONS BEFORE MAGISTRATE PURSUANT TO SECTION 115 OF CPC

6.6.7.1 The police is of the view that it would be far better for statements or confessions to be recorded by a Magistrate pursuant to s115 of the CPC. By making far greater use of s115 of the CPC with the taking of a confession before a Magistrate, there would be a positive step forward in reducing allegations of police abuse and in ensuring that an independent person had recorded the statement only after he has reason to believe that the confession that he is about to take is made voluntarily by the suspect. In order to ensure that all confessions get recorded, the government has to provide sufficient Magistrates. Magistrates who are to record these confessions must ensure that they are voluntarily made by the suspects. One of the questions to be raised by the Magistrate is whether the accused harbours any fears of repercussions from the police if he does not make a confession before the Magistrate.

6.6.7.2 The Commission recommends that an accused person be given the right to be represented by counsel when he is making a statement or confession to a Magistrate under s115 of the CPC. To ensure that this right is accorded to the accused, the Commission recommends that a new subsection be inserted in s115 of the CPC as follows:

“(6) The person making the statement or confession under this section shall, if he so desires, be represented by counsel throughout the proceedings before the Magistrate”.

⁹ The safeguards are further enumerated in Chapter 10.

6.7 Record, Storage and Return of Exhibits

6.7.1 Many complaints were received by the Commission stating that the police do not return exhibits to the complainants. Motor vehicles, jewellery, money, computers, cigarettes and other goods that had been recovered by the police were frequently not returned to the rightful owners. The Commission had seen many motor vehicles lying in the yards and compounds of police stations. These vehicles must be returned to their lawful owners, wherever possible. Bukit Aman had agreed that the IO should take photographs of the exhibits and then return the items to the owner with an undertaking to produce the same during the trial. For items such as drugs, pilferage-free and tamper-free bags must be used to store these items, kept under lock and key and made accessible only to very limited numbers of authorised officers. The record, storage and return of exhibits must be given urgent attention as this will affect the chain of evidence in the prosecution of the offender in Court. A break in the chain of evidence can destroy a good case.

6.7.2 RECOMMENDATION SIXTEEN: DRAW UP CODE OF PRACTICE FOR RECORD, STORAGE AND RETURN OF EXHIBITS

6.7.2.1 The Commission views this matter very seriously and discussions had been held with Bukit Aman to discuss the proper procedures for the seizure, keeping and return of exhibits. In view of the many instances where the police had not handled exhibits in an approved and professional manner according to the IGSO, the Commission recommends that a comprehensive Code of Practice be drawn up and implemented immediately.

6.8 Supervision of Investigation

6.8.1 From inquiries carried out by the Commission, it is noted that supervision by senior officers of the IO is not always satisfactory. Even though the gathering and preparation of evidence by the IO is kept under review by the Senior IO (SIO), there is no systematic way in which PDRM ensures that there is compliance at all times of such a requirement¹⁰. What is apparent is a form of line management supervision but the degree of control exercised by senior officers over the conduct of the investigation varies from case to case.

6.8.2 RECOMMENDATION SEVENTEEN: PROVIDE MORE EFFECTIVE SUPERVISION THROUGH BETTER CASE MANAGEMENT

6.8.2.1 The Dip Test must be adopted where senior supervising officers randomly take up an IP each week from each of the subordinate officers under him to run a check on the progress of the

¹⁰ Even though a few IGSOs contain detailed information on steps to be taken and the duties of the Director of the Criminal Investigation Department and other delegated officers in the investigation of offences, it is unknown whether all of the steps enumerated and the duties set out had been complied with.

investigations and case manage the IP with the IO. If case files and performance are monitored on a regular basis with clear lines of supervision and accountability, the standard of investigation would become better. Such supervision would also be able to detect any malpractice before it becomes entrenched. Weaknesses on the part of the IO in understanding the processes of gathering effective evidence can be quickly corrected. By going through the s112 statements and the exhibits gathered, the SIO should be able to tell the IO how to close the gaps in his investigation or to obtain evidence that would exonerate the suspect. A complete list of all reports received, IPs opened, progress of each case must be discussed and monitored by SIO, D/OCCI, OCCI, OCPD, OCPD at specified intervals.

6.8.2.2 Through the inquiries held by the Commission, it was apparent that in many cases, records were not diligently kept. It cannot be assumed that the senior officers who had been IOs before would automatically know how to be good supervisors. The supervising officers must be given training on carrying out case reviews. The SIO is to conduct weekly checks on Detectives' Journals to ensure that detectives are properly briefed by the IOs, and are profitably used. The SIO is to submit to the OCPD a report on any detective who is found to be unproductive or inefficient¹¹. The SIO, DPP and all those concerned in the supervision of investigations, in discussing the progress of investigations with IOs or in scrutinizing the IP should pay due regard to the requirements of s119 of the CPC to ensure that the IO faithfully maintain an investigation diary. They must ensure that the diary is not perfunctory. The entries must be entered on a daily basis as events unfold. The usefulness of the diary is in the faithfulness of its keeping. It is an important key to the monitoring of the IO's compliance with all the rules and regulations governing investigation, arrest, seizure and disposal, handling and questioning of suspects and any other activity undertaken by the IO.

6.8.2.3 In an integrated systems environment, the SIO is able to monitor the investigations carried out by the IO with an electronic alert system. When the IO does not follow the procedure set down, something written into the system to alert both the IO and the SIO that the IO had not obtained the necessary authorisation or taken a necessary step in the investigation or had over stepped certain administrative, jurisdictional or legal boundaries. This can be done by means of quality control systems designed to minimise errors committed by the IO in the investigation of crime. The quality control systems can highlight mistakes that are most

¹¹ See paragraph 11.8 and 11.10 of IGSO Part D 150.

commonly made during investigation. Alerts can be incorporated into the quality control systems to ensure that these mistakes be avoided. Bukit Aman must ensure that there is uniform compliance at all times and that officers junior in rank follow the reasonable instructions of their line officers. The Commission therefore recommends that the SIO must be held accountable for the performance of the IO under his supervision. The Commission further recommends that a quality control system with case management capabilities be set up as soon as possible.

6.8.3 RECOMMENDATION EIGHTEEN: INVOLVE PUBLIC PROSECUTOR EARLY IN POLICE INVESTIGATION

- 6.8.3.1 The Public Prosecutor (PP) should be brought into the oversight system in the spirit of s110 (1) of the CPC which provides that the PP be informed first before an IO proceeds to investigate a seizable offence. It is clear that s110 (1) of the CPC had intended to give the PP the right to be informed immediately of a seizable case to enable him to monitor police investigations. The Commission agrees with Bank Negara that investigation and prosecution of cases be integrated to enhance process effectiveness. The attachment of DPPs to PDRM, particularly in the Commercial Crime Department, to assist in the investigations of complex commercial crimes, similar to the current arrangements in Bank Negara and the Securities Commission should be implemented. DPPs should be delegated with adequate powers to provide advice and give input to investigators. The integration of DPPs to PDRM would, as Bank Negara had found, heighten the knowledge and experience of investigators and prosecutors through specialisation and leveraging on each other's areas of expertise. Most importantly, investigators can gather cogent and relevant evidence and DPPs can familiarise themselves with the facts of the case from the beginning and expedite the prosecution of suspects. The DPPs who are better prepared with the finer details of the case would ensure higher chances of conviction. The swift apprehension and higher conviction rate of perpetrators would serve as a deterrent to prospective criminals.
- 6.8.3.2 The Commission recommends that an express provision be made in s120 of the CPC to ensure that the PP is involved in pointing the investigator to the right line of investigation and a report of all cases and their progress in investigation must be discussed with the PP at least once every two months or at his request at any time even before the investigation is completed. Notwithstanding this arrangement, PDRM must be responsible and remain accountable for the manner in which the investigation is carried out. An online reporting system accessible to the PP would overcome the problem of undue delay in the submission of the IP to the PP.

6.8.3.3 It is the Commission's observation that although s120 of the CPC provides that, "Every police investigation under this Chapter shall be completed without unnecessary delay", many police investigators do not show the same kind of urgency postulated by s120 of the CPC; hence cause unhappiness of the complainants who came before the Commission.

6.8.3.4 The Commission further recommends that, pending the amendments recommended above, the PP should, using the power inferred in s110 (1) and s120 (1) of the CPC, make administrative arrangements with the IGP or draw up a protocol or by Memorandum of Understanding as in UK and cause the IPs to be discussed with him so that he can give his advice as the investigation progresses and not when the trail is cold or too many procedural and legal mistakes have been made rendering vital evidence tainted.

6.8.4 RECOMMENDATION NINETEEN: ENSURE PROPER HANDING OVER OF INVESTIGATION PAPER

6.8.4.1 Many complainants told the Commission that the IOs in-charge their case had been transferred and had taken the files with them. Some replies were received from PDRM stating that no IO had been acting on the file since the transfer of the officers¹² and some 'new' officers who had taken over the old portfolio of the old IO who had been transferred do not know about the IP. Some of the 'new' IOs did not familiarise themselves with the facts of the case even though they had been informed of the inquiry before the Commission. There must be proper handing over of all unsolved case files once an IO has been transferred. The provision for proper handing over must be strictly followed in all cases. The list of follow-up cases must be given priority by the 'new' IO and must be closely monitored by the SIO. There must be some form of sanctions for those who fail to do so.

6.8.4.2 The Commission recommends that before transfers are made effective, proper handing over notes of all IPs be made and discussed with the 'new' IO to ensure the continuity of investigation into the cases.

¹² In one case, both the IO and SIO were transferred and then the head of Criminal Investigation in the state was also transferred leaving the file unassigned.

6.8.5 RECOMMENDATION TWENTY: ESTABLISH COLD CASE UNIT

- 6.8.5.1 There had been many complaints that PDRM did not complete investigations even after many years. As part of its efforts to improve and to monitor old cases that had been overtaken by fresh and more pressing cases or where the IO was unable to solve due to lack of evidence, PDRM should consider setting up a cold case unit. In many cases, PDRM had been unable to trace the suspects despite obvious efforts by the current IO. It had been reported by PDRM to the Commission that the heavy workload of some of the IOs also have resulted in the cases not being thoroughly investigated. The Commission was told by one IO that he had a about 300 uncompleted investigation cases after having worked for about 6 years. This would work out to 50 uncompleted IPs in a year, that is, an average of 1 IP per week. It is not intended to deal with the human resource issue here but suffice to say that it would not be wrong for the Commission to draw the conclusion that there are many uncompleted IPs more than 5 years old. These IPs need a fresh pair of eyes to look at them.
- 6.8.5.2 A comprehensive guideline on the Cold Case Unit's targets and strategy must be drawn up. The Commission recommends that a Cold Case Unit be staffed with experienced and able, retired officers of PDRM in good standing.

6.9 Physical and Scientific Evidence

- 6.9.1 It can be gathered from many case reports that forensic scientific evidence is now the main evidence relied upon to secure a conviction.

6.9.2 RECOMMENDATION TWENTY-ONE: MAKE GREATER USE OF SCIENTIFIC AND TECHNICAL AIDS IN INVESTIGATION

- 6.9.2.1 Currently, the Chemistry Department is overloaded with cases. To make relevant analysis, the IO must give sufficient information to the chemist to enable the chemist to understand the purpose of the analysis.
- 6.9.2.2 On the issue of postponements of cases in the Court, the police frequently give the reason that the chemist report is not ready. The Commission recommends that PDRM gets the approximate length of time required by the Chemistry Department before hand and then informs the Magistrate of the length of time the case should be postponed so that by the next date, the chemist report would have been ready and the consent obtained from the PP to transfer the case to the High Court. In this way the various government departments would be seen to be working in tandem.

6.9.2.3 The Commission recommends that the police make greater use of their own scientific laboratory to analyse their case exhibits as the police ought to be able to instantly make connections and quickly draw conclusions from the test results obtained and move on to their next line of action without unnecessary red tape and inter-departmental bureaucracy.

6.9.2.4 The Commission also recommends the use of technical and scientific equipment such as tape and video recording, closed circuit television (CCTV)¹³ be placed in public places such as shopping malls, the business districts, crime-prone areas, busy streets and stadiums to keep suspected criminals under surveillance.

6.10 Fingerprint Evidence

6.10.1 The use of fingerprints is an important tool in crime investigation. Currently, the task of dusting, photographing and lifting of fingerprints at the scene of crime is done by police personnel who are photographers under the Technical Support Division (D) who had been trained for the task.

6.10.2 **RECOMMENDATION TWENTY-TWO: LINK NATIONAL FINGERPRINT DATABASE TO PDRM**

6.10.2.1 The Commission also recommends that a national automatic fingerprint recognition system linked to the national fingerprint database be implemented by PDRM in order to enable PDRM to match the fingerprints collected at the scene of crime with that in the national fingerprint database.

6.11 Commercial Crime Investigations

6.11.1 Some commercial crime cases are very complicated and complex, needing much special skills and diligence to uncover the schemes and transactions and to connect all the pieces together. Some cases are very straight forward. In both instances, there had been complaints that PDRM would frequently treat commercial crime cases as civil cases.

6.11.2 **RECOMMENDATION TWENTY-THREE: ESTABLISH MULTI-DISCIPLINARY AND MULTI-AGENCY INVESTIGATION TEAMS**

6.11.2.1 An understanding of the true nature of the commercial crime cases sometimes requires a face-off between the IO who insists that it is a civil case while the complainant assisted by his lawyer, maintains that the transaction is also penal in nature.

¹³ The Monitoring Centre in Surry Hill Police Station, New South Wales, Australia, where CCTV cameras keep surveillance over the safety of athletes and the public at the stadiums, tennis courts and football grounds.

There had been many cases of cheating, criminal breach of trust, fraud, lorry hijacking and warehouse break-ins occurring in many parts of the country where even though these commercial enterprises had provide the police with all information and documents available to make out a case, the IO or his supervising officer had recommended to the DPP for the case to be NFA or RTM.

- 6.11.2.2 Public listed companies, private commercial companies both local and foreign, business organisations and Bank Negara had made presentations to the Commission that they are concerned about the security of doing business in this country and the lack of skills and knowledge of police investigators. The negligible success on the part of the police to bring about the prosecution of perpetrators of commercial crimes had resulted in under-reporting of such crimes. A number of these companies had transferred their operations to other countries and some are thinking of following suit with 'security for doing business' being one of the reasons.
- 6.11.2.3 The Commission recommends that multi-disciplinary investigation teams be formed to provide sophisticated financial and intelligence analysis to investigators. An example which had been proven effective is the British Serious Frauds Office which is jointly manned by competent managers and investigators made up of personnel with the necessary skills such as Legal, Accounting, Banking, Forensic, ICT and Criminal Investigation.
- 6.11.2.4 The Commission agrees with Bank Negara that the complicated commercial crimes involving large losses require integrity, team investigation, special skills including forensic and IT skills, proactive surveillance of various kinds, special training and the involvement of the stakeholders. They may even need special budgets for some of these, which are not normally available to the police at short notice.
- 6.11.2.5 The Commission had accepted Bank Negara's suggestion to have an upgraded Commercial Crimes Department. Discussions had been held between PDRM, the Commission and the Public Service Department resulting in the setting up of the Commercial Crimes Investigation Department (Commercial CID). It is a separate department from the CID and accountable directly to the IGP. However, it is still an all-police affair which is unlikely to give the corporate sector the confidence in its diligence and skill, which may result in a continuation of gross under-reporting of commercial crimes.

- 6.11.2.6 The Commission recommends that the suggestions of Bank Negara and the commercial and corporate sectors to form a multi-disciplinary and multi-agency investigation teams be implemented immediately. Besides this, the Commission also supports all the recommendations made by Bank Negara as attached in Appendix 8C.

7. INVESTIGATION OF NON-SEIZABLE OFFENCES

- 7.1 The Commission received many complaints from complainants who are victims of physical assault. When reports are made to the police, the police do not investigate these non-seizable offences and the victims expressed the opinion that if people can "get away" with assaulting others, then the police and the law are useless.

7.2 RECOMMENDATION TWENTY-FOUR: OUTLINE PROCEDURE FOR "RTM" CASES AND ENABLE AUTOMATIC APPLICATION FOR ORDER TO INVESTIGATE (OTI) FOR NON-SEIZABLE OFFENCES

- 7.2.1 On 5 November 2002 the Director of CID issued a Directive No:1/2002 setting out the manner how non-seizable cases are to be dealt with. The police must inform and explain to the complainants on cases which will not be investigated. The complainants should also be issued form Pol.41A to refer them to a Magistrate under s108(1) of the CPC. The Commission finds that even though forms Pol.41A are issued, there is no follow-up provision in the CPC on how these "RTM" cases are to be dealt with by the Magistrate. Therefore, the Commission recommends that s108(1) of the CPC be reviewed and a new procedure be outlined in the CPC.

- 7.2.2 The Director of CID recognised that for the offence of voluntarily causing hurt under s323 of the Penal Code, although it is classified in the CPC as a non-seizable offence, the IO should automatically apply for an Order To Investigate (OTI) from the PP to enable the police to fully investigate these cases.

- 7.2.3 The Commission recommends that s323 of the Penal Code should not be the only class of offence whereby an OTI be requested but that classes of other non-seizable offences be included too.

8. GENERAL RECOMMENDATIONS ON INVESTIGATIONS

8.1 RECOMMENDATION TWENTY-FIVE: ENCODE IGSOs AS SUBSIDIARY LEGISLATION UNDER POLICE ACT 1967 AND MAKE THEM ACCESSIBLE TO POLICE OFFICERS OVER INTRANET

- 8.1.1 Even though the risk of an innocent suspect being convicted or a guilty suspect being acquitted cannot be totally eliminated, it is of utmost importance that IOs operate within a set of rules and procedures pertaining to criminal procedure and evidence gathering. These rules and procedures

are in the IGSO, the provisions of the law of evidence and procedure, principally in the Criminal Procedure Code and the Evidence Act 1950.

- 8.1.2 There had been many cases where the Commission observed that procedures comprised in the IGSO had not complied by the police. The IGSO is made pursuant to section 97 of the Police Act 1967. However, unlike regulations and rules made under the Police Act, the IGSO is not a public document. The IGSO was classified as "TERHAD" but PDRM has now taken steps to update and declassify the IGSO to make it accessible to all police personnel. The Commission views this as a positive step by PDRM because it is important that these rules and procedures be made known and available to all police officers. However there is still no oversight from outside PDRM to see if procedures and rules stated in the IGSO had been followed.
- 8.1.3 In Australia, the Law Enforcement (Powers and Responsibilities) Act 2002 No. 103 and in the United Kingdom, the Police Reform Act 2002 set out the parameters within which the police must act in carrying out their duties and responsibilities. In United Kingdom, detailed guidelines to police personnel to carry out their daily duties are further provided in the Codes of Practice A-F¹⁴ under the Police and Criminal Evidence Act 1984 (PACE).
- 8.1.4 In Malaysia, steps had been taken by incorporating into the Malaysian Maritime Enforcement Agency Act 2004 [Act 633]¹⁵ and the National Anti-Drugs Agency Act 2004 [Act 638]¹⁶ to compel officers of the two agencies to provide a status report on the investigation that has been conducted by the agency in relation to an offence. This is a positive step in ensuring that the persons who had made the reports are kept informed of the progress of their case.
- 8.1.5 The Commission recommends that the IGSO be encoded as subsidiary legislation under the Police Act 1967. The subsidiary legislation should further encompass matters provided for in the Codes of Practice in the United Kingdom with necessary modifications. This will ensure that investigations are conducted in accordance with the provisions of the Codes of Practice.
- 8.1.6 The Commission further recommends that PDRM make available all the rules and procedures over the intranet to all its personnel. CDs containing these rules and procedures must be made available in the libraries and for the training of police personnel as is done in Australia.

14 Code A-Code of Practice for the exercise by police officers of statutory powers of Stop and Search & Police Officers and Police Staff of requirements to record public encounters; Code B-Code of Practice for Searches of Premises by police officers and the Seizure of Property found by police officers on persons or premises; Code C- Code of Practice for the detention, treatment and questioning of persons by police officers; Code D- Code of Practice for the identification of persons by police officers; Code E- Code of Practice on Tape Recording, Interviews with Suspects; Code F-Code of Practice on Visual Recording with Sound of Interviews with Suspects.

15 See s9

16 See s8

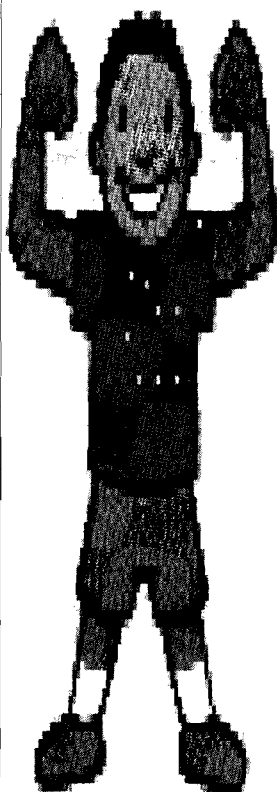
8.2 RECOMMENDATION TWENTY-SIX: ESTABLISH EFFECTIVE COMPLIANCE MONITORING CAPACITY

8.2.1 PDRM should realize that it has a compliance problem in its midst and that its writs sometimes are not respected and implemented. The Commission had seen instances of this in such things as the notice advising detainees of their rights not being displayed, of the treatment of exhibits and items taken into custody not being dealt with appropriately and directives on keeping complainants informed about the progress of their investigations not being followed. It is recommended that Bukit Aman establish an effective, formal compliance monitoring capacity in respect of the task force and operations formulated by it and ensure that all police personnel are aware of the task force and operations.

9. CASE STUDIES

9.1 The Commission had held many inquiries into the complaints made by the public regarding the poor investigation by PDRM. The facts of some of the cases heard during the inquiries and the Commission's observations, findings and recommendations are attached as Appendix 8D.

Gender:	Male/Female/ Transvestite
Age:
Race:	Chinese/Malay/ Indian/.....
Eyebrow:	Bushy/plucked/ Tattooed/Thin/
Ears :	Earring/Pierced/
Nose :	Sharp/High/Pointed/ Low/ Ridge/
Skin Colour:	Fair/Dark/.....
Shape of face:	Oval/Round/Square/
Cheekbones:	High/Low/Pimple/ Smooth/.....
Weight:	Plump/Fat/Thin/Trim/
Language Spoken:	English/Malay/Tamil/ Cantonese/Hokkien/ Mandarin/
Disposition:	Cheerful/Loud/ Menacing/.....
Weapons:	Gun/Knife/Parang/ Stick/.....



Hair:	Long/Short/Spiky/ Curly/Straight/ Permed/.....
Hair Colour:	Black/Brown/Gray/ White/Blonde/.....
Facial Hair:	Moustache/Sideburn/ Beard/.....
Eye sight:	Spectacles/No Spectacles/.....
Eye Colour:	Black/Brown/
Spectacle Frame:	Round/Square/Half Frame/No frame/
Other mark:	Mole/Scar/Birth Mark on
Teeth:	Dentures/gold/good/
Clothing:	Shirt/Colour/Baju Kurung/Trousers/
FootWear:	Shoes/Slippers/High Heels/Sport Shoes/
Height: Feet
Other features:

PROPOSED AMENDMENT OF S113 OF CPC

113. (i) No statement made by any person to a police officer in the course of a police investigation made under this Chapter shall be used as evidence, save as herein provided.
- (ii) When any witness is called for the prosecution or for the defence, other than the accused, the Court shall on the request of the accused or the Public Prosecutor refer to any statement made by such witness to a police officer in the course of a police investigation under this Chapter, and may then, if the Court thinks it expedient in the interest of justice, direct the accused to be furnished with a copy thereof, and such statement maybe used to impeach the credit of such witness in the manner provided by the Evidence Act.
- (iii) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade or falling within sections 27 and 32(a) of the Evidence Act.
- (iv) Where a person charged with an offence is in the custody of the police or on bail, he may inform any police officer of his intention to make a statement or confession at any time to a Magistrate and upon notice of such intention, the police shall immediately and not later than 24 hours after the notice is given cause the accused to be brought before a Magistrate to have his statement or confession recorded.

RECOMMENDATIONS FROM BANK NEGARA MALAYSIA

Recommendation 1: Coordinate Efforts of Various Stakeholders

- Establish a Commercial Crime Council, to be chaired by a high-level chairman
- High level coordinating body (similar to the National Co-ordination Committee to Counter to Money Laundering), comprising representatives of the government, judiciary, prosecution, enforcement agencies, industry and other stakeholders.
- Terms of Reference:
 - Formulate a comprehensive national strategy and coordinate the efforts of various stakeholders in addressing commercial crime and motor vehicle theft.
 - Set national policies, priorities and allocate resources to address commercial crime and motor vehicle theft
 - Monitor implementation of action plans and evaluate the effectiveness of measures introduced.

Recommendation 2: Develop National Strategy

- Strategies are often developed at agency and institutions level.
- Need to develop comprehensive strategy at national level to ensure appropriate level of priority, consistent policies and optimal allocation of resources are given to address commercial crimes.
- Comprehensive strategy must go beyond effective policing - require mobilisation and active participation of all stakeholders to enhance the adequacy and the effectiveness of:
 - Preventive measures
 - Legislative framework
 - Investigation and prosecution process
 - Judiciary system

Recommendation 3 : Increase Priority and Integrate Investigation and Prosecution

- Transform Commercial Crime Division into a Department within PDRM to ensure higher priority and better allocation of resources.
- Integrate investigation and prosecution to enhance process effectiveness.
 - Attachment of Deputy Public Prosecutors (DPPs) to the Commercial Crime Department to assist in investigations of complex financial crimes, similar to the arrangements in BNM and the Securities Commission. DPPs should be delegated with adequate powers to provide advice and give input to investigators.
 - DPPs attached to the Commercial Crime Department will continue to report to Jabatan Peguam Negara. They will maintain independence on matters relating to prosecution and will inform the Director of Commercial Crime Department on important issues when necessary.

Rationale for Integration

- Heighten knowledge and experience of investigators and prosecutors through specialisation and leveraging on each other's area of expertise.
- Expedite prosecution of suspects - investigators collect complete and relevant evidence, prosecutors get familiar with the facts of the case earlier on.
- Prosecutors are better prepared for hearing - higher chances for successful conviction.
- Swift apprehension and higher conviction of perpetrators may serve as a deterrent to prospective criminals.
- The integrated investigation and prosecution model are proven to be effective, both in Malaysia (attachments of Deputy Public Prosecutors to BNM and the Securities Commission) and internationally (UK's Serious Fraud Office and South Africa's Specialised Commercial Crime Unit).

Recommendation 4: Enhance Judicial Process

- Establish a dedicated court to hear commercial crime cases, at sessions and high court levels.
- Judges will be given specialised training in commerce and finance.
- Elevate status of commercial crime court judges and improve remuneration package to encourage judges to specialise and take on commercial crime cases.

Rationale

- Expedite the hearing of the cases by improving infrastructure (dedicated judges, courtrooms, enhanced court management and procedures).
- Heighten experience and knowledge of judges through specialisation.
- Adjudication of cases by a steady pool of judges will result in rapid and consistent development of commercial crime laws and precedents.

Recommendation 5: Enhance Intelligence Sharing - National Fraud Database

- Establish central database for the collection, analysis and dissemination of commercial crime data and intelligence. To be maintained by PDRM.
- Provide report and analysis to the Commercial Crime Council for better formulation of national strategy, priority setting and resource allocation.
- Facilitate information sharing between enforcement agencies and other stakeholders.
- Link up with National Registration Department (NRD) and Immigration Department database to reduce fraudulent documentations.
- Two tier dissemination of information:
 - Detailed intelligence to enforcement agencies and industry players (e.g. details of falsified documents or identities reported to PDRM) to assist in prevention and investigation.
 - General information and analysis on trend and prevention tips to members of the public.

Recommendation 6: Enhance Skill Development - Commercial Crime Institute

- Design and conduct specialised training on commercial and computer crimes (e.g. accounting and cyber forensics) to enforcement agents, private investigators, prosecutors and judges.
- Multi-disciplined team of instructors, drawn from Institut Latihan Kehakiman dan Perundangan, Maktab Pegawai Kanan PDRM, Institut Bank-Bank Malaysia, Malaysian Institute of Certified Public Accountants, National ICT Security and Emergency Response Centre and international instructors.
- Provide scholarships / subsidised courses for enforcement agents.

- Conduct joint training / workshops, serve as forum for discussion on investigational techniques and equipment.
- Funding, administrative and teaching manpower to be partly supported by the industry.
- To be modelled after US Financial Fraud Institute and the International Law Enforcement Academy in Thailand.

Recommendation 7 : Periodic Review of Laws, Policies and Procedures

- Establish a Commercial Crime Law Review Committee, an independent taskforce to provide input on commercial crime to the Jabatan Peguam Negara's Law Revision and Reform Division.
- Comprise representatives of enforcement agencies, industry, legal and accounting profession and other stakeholders.
- Mechanism for periodic review of legislation, penalties and court procedures and provide avenue for stakeholders to provide input to lawmakers, court administrators and judges.
- Conduct research and examine implications of changes to legislation, laws and procedures.
- Ensure legislations and punishments meted out are adequate to deter prospective criminals. Provide feedback on the overall level of penalties meted out, not specific cases.
- Examples of areas to be reviewed by the Committee
 - Specific legislation for credit card fraud
 - Pre-trial discovery to expedite hearing of commercial crime cases

Recommendation 8 : Addressing Motor Vehicle Theft

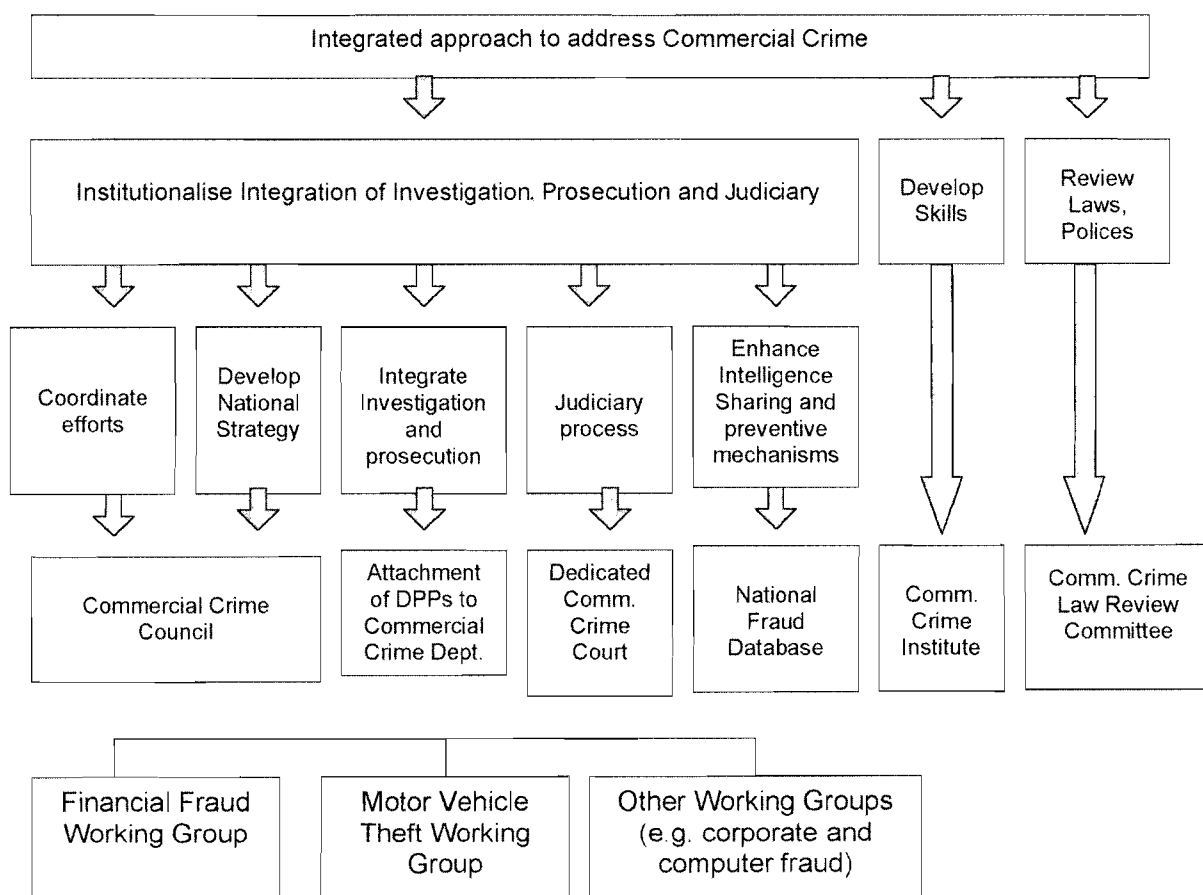
Terms of Reference of Motor Vehicle Theft Working Group:

Establish national strategy & coordinate efforts of various stakeholders in reducing motor vehicle thefts. Working Group responsible for formulating strategies to:

- Improve enforcement capabilities & detection of stolen vehicles.
- Enhance vehicle security designs.
- Better regulation of the salvage industry.

- Improve/modernise & integrate information system of PDRM, Jabatan Pengangkutan Jalan, Persatuan Insurans Am Malaysia and other relevant agencies.
- Enhance public awareness on motor vehicle theft & preventive measures.
- Create safer environment in theft prone areas (e.g. car park).

Recommendations - Integrated Approach



CASE STUDIES

CASE STUDY NO: 1

Facts

The complainant's company (X) is the lessee of a piece of land for a billboard. X had leased the billboard to a third party (Y) to advertise Y's products.

Just before the expiry of this lease to Y, A, the group managing director of X, together with the account director of the company (B) formed a new advertising company (C). C is only a RM2 company and A got his relatives who are mee-sellers to be named as the shareholders of C. C signed an agreement to lease the billboard to Y for another period of 3 years even though at the material time of execution of the agreement, C was not the lessee of the land for the billboard. The agreement was signed based on misrepresentations made by A and B that X and C are related companies.

In a statement made by B to the police, B stated that 6 months before the expiry date of the contract between X and Y, she contacted Y to ask Y to continue to lease the billboard from X. As Y did not make a decision at that time, she contended that she had to lease the billboard to C to avoid the billboard being leased out by another employee and losing her commission. Later, when Y decided to continue with the lease, she directed Y to deal with C. The agreement between Y and C is for a sum of RM810, 000 whereas the agreement between X and C for the same period is for the sum of RM530,000. The IO accepted B's explanation and concluded that his investigations do not bear out a case of criminal breach of trust by A or B.

According to X, A had also falsified the accounts of X to show that payments had been made by C to X to set-off payments due from C to X.

According to the IO, this case was investigated under s408 of the Penal Code. The IO informed the DPP that he had completed investigation into the case and stated that except for a few discrepancies on the dates of the agreements, which were merely technical in nature, the ingredients of the offence of s408 of the Penal Code were not present in the case. The IO further stated that the weakness in this case is that X does not have job specifications which limit the powers of A or B. The IO was therefore unable to ascertain whether these persons had power to sign the agreement between X and C on behalf of X and whether these persons were allowed or authorized to cause Y to sign the contract with C. The police recommended to the DPP to "NFA" the case but the DPP instructed the police to obtain further evidence on the powers given to A and B. The IO again confirmed that both persons had full powers and complete trust from X to deal with other third parties in respect of X's business. As a result of that, the DPP concluded that based on the evidence adduced, the elements required under sections 408 and 402 of the Penal Code had not been proven. The DPP therefore agreed with the suggestion of the police to "NFA" the IP.

OBSERVATIONS

1. The timing of the formation of C by A and B who were employees of X at the material time whilst they are still under the employment of X to undertake the very same business as X should be viewed with suspicion. The inducing of Y to sign an agreement with C when C does not even have any right over the land on which the billboard was located and the falsifying of accounts by A are all material facts in the case and has to be examined in greater detail by the IO. Follow-up action to examine the representatives of Y who had been negotiating with A and B must be undertaken and their evidence analysed in the light of the prevailing circumstances. Other correspondence between A and B and Y and C have to be studied to ascertain the intention of the parties involved.
2. The dates on which a particular course of action was undertaken by A and B must be viewed as material facts in the investigation of this case. As such all dates in this case should be studied because all these dates could reveal an attempt by the suspects to commit a breach of trust on X. X contends that as its employees, both A and B had access to all its records. As both of them knew that the contract between X and Y would be expiring, they had approached Y, to sign a continuation of the lease agreement with C by falsely misrepresenting to Y that C is a related company of X after having used their own company C to lease the same billboard from X at a much lower lease price. In fact, one of the Chief Inspectors, who was investigating this case earlier, had stressed on this point but it was cursorily dismissed by another senior officer.
3. It is the contention of X that whatever may have been the scope of powers given to an employee of a company, it definitely did not give powers to its employees to make their own personal profit from the company's core business. Thus even though it was not able to provide the police with the job specifications and powers of A and B, X contends that its failure to do so does not have a material effect on the culpability of A and B as it is a general rule of law that employees should not act to the detriment of the company or in conflict with the company's interest.
4. From the inquiry, it was observed that the IO did not appear to know the elements that make up an offence of cheating and criminal breach of trust under the Penal Code. Statements were not taken from relevant witnesses and there was no follow up on the various claims made by A and B or X in order to obtain a tighter case scenario.
5. The IO did not minute the facts of the investigation in an open and objective manner to the DPP. The DPP agreed with the suggestion of the IO whereas a study of the statements and the documents by the Commission revealed that a thorough analysis of the evidence in this case would show that further investigation is needed as there are still unanswered loose ends in the explanation given by A and B that need to be verified by the representatives of Y and the chief executive officer of C who had been found to be a relative of A.

RECOMMENDATIONS

1. The Commission urged the police to review the investigation and to obtain any additional facts and evidence that it requires from X and also to follow up with inquiries of the relevant parties as stated above.
2. A letter received by Y signed by A and B stating that C is a related company of X is in the possession of Y and the IO is advised to obtain that letter.
3. Contra payments allegedly paid by C to X had not been credited into X's account. The IO is further advised to obtain particulars of the contra payments either by further examination of the books and bank account particulars of C to show that such payments had been made to X.
4. As the persons complained against were employees of X at the material time, the Commission cautioned the police to investigate thoroughly the details of the contra notes and letters produced by A and B to see if they had been misusing the X's letterheads, invoices, credit notes, etc. to cover their tracks.
5. E-mail and other correspondences between the persons complained against should be thoroughly examined to capture the intention of the ex-employees to cheat or misappropriate X's property.
6. The Commission requested the IO to review all the evidence in the case and to re-submit the IP to the DPP for a second time and to draw the DPP's attention to the fresh evidence obtained on the Commission's advice.
7. There must be more guidelines and checklists given to the IO for him to know the ingredients of the offence that the prosecution has to prove to make out a case. As the IO's task is to gather sufficient evidence for the DPP to take the case to the Court for a successful prosecution, he must have more frequent and open discussions with the DPP during the course of the evidence gathering so that probative and cogent evidence may be gathered. The guidelines must specify the steps to be taken in some detail to enable the IO to understand what he has to gather and to look out for.

CASE STUDY NO: 2

Facts

A is the sales manager of X. B is the finance director of X. When they resigned, Y, the new financial controller discovered that there was a sum of money still due from Z, who is a client company that had been providing an IT system to X. X wrote to Z and requested for the payment.

Z replied to X stating that 30 sets of hand phones for the same value as the debt owing had been taken by A on behalf of X on 15 November 1999 as contra for the amount due. A had signed a letter on X's letter-head confirming receipt of the hand phones. Z forwarded a copy of the letter to Y as evidence of the contra agreed upon between Z and X.

Y subsequently discovered 2 credit notes purportedly issued by X to Z and the particulars stated in the credit notes were “down time”. According to X, in its agreement with Z, Z is entitled to claim “down time” if the exposure time for Z’s advertisement is reduced due to mechanical or electrical failure or the lights not being switched on for other reasons. Upon query by Y, Z confirmed that there had been no “down time” during the contract period and that no contra notes had been issued to it.

X informed the Commission that there would be no need for Z to contra the amount due with the hand phones because if it were true that there had been “down time”, then Z need not have to pay for the sum covered by the contra notes yet Z had given hand phones to the value in the contra notes to X. X is therefore of the view that the contra notes and the accounts had been falsified by A and B to create the impression that no debt was due from Z to X and that the hand phones received by A as a contra for the amount due to X had been misappropriated by A and B.

When questioned by the IO, A said that he had given the hand phones to D, a shareholder of X witnessed by C. C had also left the employment of X and is one of the primary persons being investigated for alleged cheating, criminal breach of trust and breach of fiduciary duties against X. No form of acknowledgment was obtained by A from D on the alleged handing over of the hand phones. D had not been interviewed by the IO. Before the Commission, D denied receiving the hand phones from A. D wants the police to investigate A’s allegation and is prepared to cooperate with the police as he said he never took the hand phones. He further states that after A, B and C resigned from X, he had directed Y to take action to recover X’s debts and that is how the whole contra scheme was unearthed.

OBSERVATIONS

1. The IO readily accepted accomplice evidence without testing its veracity or without finding independent sources to confirm such evidence. No further questions were asked to ascertain if the bare allegation made by C can be true or otherwise.
2. The IO failed to obtain primary evidence, for example, the original files of the company to check the sequence of events and the dates when the letters signed by A on behalf of X were sent or credit notes prepared. If a search had been conducted, it may show that X does not have any knowledge of the contra being agreed upon by A and Z. It may also show that the credit notes were never sent to Z and were prepared solely for the purpose of falsifying the accounts of X. It may also confirm X’s contention that it only knew of the contra being agreed upon between A and Z after Z had written and sent the documents purportedly issued on behalf of X to Y.
3. The IO was not able to understand the flow of events which could point to cover up action on the part of A and B. If credit notes had been issued to Z, then Z does not owe X any more money and therefore there is no need for Z to send the hand phones to X as a contra for the sum owing by Z.
4. The probity of the allegation made by A that he had given the hand phones to D has to be tested to see if it is true. According to D, he would not have directed Y to request Z to pay

up the balance if he had known that hand phones had been given as contra. He claims that he knew of this only after Z's reply has to be verified. This aspect of the case needs more investigation.

5. The IO accepted A's explanation that the hand phones had been handed over to D, in the presence of C and concluded that there is no case. The IO should realize that X and D are 2 separate legal entities. Handing over the hand phones to D does not absolve A's duty to X. The DPP confirmed the decision of the IO to NFA the case.
6. X's grievance is that out of the 23 police reports that had been made by X on various criminal breaches of trust allegedly committed by its ex-employees against it from 5 July 2000 till 17 March 2003, there had only been one where the investigations were completed and charges made against the ex-employees of X notwithstanding that all relevant documents pointing to the commission of the offences alleged had been furnished to the police by X. These documents include account books, letters, e-mails, agreements, contra notes, credit notes, search documents of various RM2 companies formed by the ex-employees in the names of their relatives, etc.
7. There is much frustration and disappointment expressed by the complainants due to the inability of the police and the DPP to bring the perpetrators to justice in the face of allegedly clear evidence, both oral and documentary. The eagerness of X in assisting the police with the police investigations had not always been welcomed.

RECOMMENDATIONS

1. The Commission asked the IO to obtain incontrovertible evidence to support A's contention that the hand phones had been handed over to D and not merely relied on the statement of D, a co-accomplice.
2. The Commission requested the IO to review all the evidence in the case and to re-submit the IP to the DPP for possible prosecution of A and B.

CASE STUDY NO: 3

Facts

A letter dated 18 December 1990 was received by the then Deputy Director of Commercial Crime alleging that a sum of RM30,000 belonging to an Association had been misappropriated by its office bearers to speculate in shares in the stock market. The Deputy Director took the initiative to direct his officer to investigate into the matter.

A police report was lodged by the officer regarding a criminal breach of trust that had occurred in the Association and investigations went underway. The investigating officer agreed with the

alleged perpetrators to wait for a resolution to be tabled at the forthcoming bi-annual general meeting on 19 August 1990 as according to him if the resolution was to be tabled, he need not proceed to charge the 4 office bearers as their action would have been ratified by the Association¹⁷. However this resolution was never obtained as the meeting was disrupted by a walk-out of the delegates on another issue. The IO explained that there were two factions in the Association. According to the IO, the 4 office bearers claim that they have enough supporters to obtain a resolution to ratify their actions. The new office bearers however want to pursue the case as a lesson to other office bearers not to use monies belonging to the Association for unapproved purposes.

On 3 June 1994, after carrying out its own internal inquiry and ascertaining the fact that monies amounting to RM30,000 belonging to the Association had been misappropriated by 4 officials of the Association without the prior consent of the Association, the Deputy Chairman of the Association lodged a police report against the 4 officials on behalf of the Association.

The issue before the investigating officer was whether the officials had the power or consent of the Association to use the RM30,000 belonging to the Association to speculate in shares on the stock market. From the Constitution of the Association, it was clear that office bearers of the Association have the power to invest in securities and property as the Association deems fit and that any expenditure above RM25,000 require the consent of the bi-annual general meeting. In this instance, the office bearers of the Association were unable to furnish the investigating officer with any consent or resolution of the Association signifying such consent. Monies belonging to the Association had been first deposited into their individual accounts for this purpose.

In the course of his investigation, the IO minuted the file to the Commercial Crime Unit and Attorney General's Chambers for further instructions. He was advised to get further documents to support the case. One such document was an affidavit deposed by one of the 4 office bearers in a civil suit which had been filed by that office bearer against the Association for wrongfully expelling him from the Association. At the inquiry before the Commission, the reason given by the IO for being unable to obtain the affidavit and decision from the Court Registrar was that the Court file was missing.

The Commission advised the IO to obtain the documents from the solicitor having conduct of the civil suit on behalf of the Association. Even though the President of the Association who was present at the inquiry expressed his opinion that the affidavit and the decision of the civil suit had no relevance to the issue of misappropriation of funds at hand, he nevertheless agreed to supply the documents to the IO. However, the IO was insistent on his preference in getting the documents from the Court file even though the President from the Association undertook to provide the IO with the documents requested by the DPP. The IO told the Commission that he had not proceeded with the case as he was still waiting for the resolution of the Bi-Annual General Meeting and the court documents requested for by the DPP. The inability to obtain the necessary documents was the main reason why the case could not be proceeded on for the last 10 years since the Association lodged the police report. The Commission advised the IO to refer the matter immediately to the DPP for further action after getting the said documents from the President of the Association.

¹⁷ The Commission is not concerned with the correctness or otherwise of the assumption made by the I.O. at this stage.

OBSERVATIONS

1. Upon perusal of the file and from the Inquiry, the Commission found that the IO took into consideration matters that were not relevant in determining whether there was an offence committed as a factor in its investigation. The fact that there were two factions in the Association, one willing to close off the case and the other wanting to pursue the case is not a factor that is relevant as it does not constitute an ingredient of the offence.
2. PDRM should nevertheless complete its investigation and refer the investigation papers to the Deputy Public Prosecutor to determine whether there is sufficient evidence or not to charge the perpetrators.
3. The time lapse between the sending of the file to the Attorney General's Chambers and the reply from the Chambers with further instructions to the police to take further steps in the investigation of the offence was far too long. A mechanism must be put in place to ensure that a maximum time frame is adhered to.

RECOMMENDATIONS

1. IO must be trained to recognize the various elements necessary to prove a particular crime so that he does not take into consideration irrelevant facts. The fact that a person had paid back the proceeds of the crime does not obliterate the offence that had already been committed. That is only a mitigation factor for the Court to consider when passing its sentence. Otherwise, office bearers of associations, societies and companies would commit criminal breaches of trusts by transferring monies into their own accounts or use the monies for purposes not approved by its constitution or articles with impunity. When found out, they could wait to see if the police were going to take up the case. If so, then they can pay back the monies and the case would not be proceeded with. If they are not charged, then they can further enjoy the proceeds and their freedom. This would certainly send out the wrong message to criminals and would-be criminals.
2. An integrated approach to the investigation of the offence is needed. Deputy Public Prosecutors (DPP) specialised in commercial law ought to be attached to the police to ensure that police IO have an opportunity to work closely with the DPP who can monitor the progress of the investigation without lengthy delays. The model in Bank Negara Malaysia and the Securities Commission locally can be followed in expediting investigations.

CASE STUDY NO.4

Facts

X is a remisier. Y always buys share from X by way of contra account in 1974. X alleged that A, the stock broking company that X is working in, had been negligent in releasing the share scripts to Y without waiting for the cheques to be cleared. Two days later, some of the cheques were returned to A without being cleared as there was insufficient cash in Y's bank account. Several of the share scripts were later returned by Y to A and the amount owing was reduced by the value of these share scripts.

In June 1994, a police report was made by A against Y. On 7 October 1995 a police report was lodged by X against Y. The police found that Y had only about RM15,000 in his account when he issued the cheques to pay A.

After the investigation, the IO came to the conclusion that Y had no intention to cheat X. The reason adduced by the IO for coming to such a conclusion was that having insufficient funds in the account does not evince an intention to cheat and coupled with the fact that Y had returned some of the share scripts and sold some share scripts to loan sharks to raise money to pay the amount owing. Hence the ingredients to make up an offence of cheating were not present.

On the other hand, X told the IO that Y had always played contra and had never picked up the share scripts. Y would only have to pay for the contra losses if he did not pick up the share scripts and the contra losses would be very much less than the value of the shares. The fact that Y had taken the share scripts on this occasion by giving cheques for which he had insufficient funds to honour and the fact that the share scripts had been given to untraceable loan sharks are all evidence of Y's intention to cheat.

The IP had been closed as one of the officers in the Commercial Crime Unit had minuted in the file "No Offence Disclosed". Being dissatisfied with the opinion of the police, X went to see his Member of Parliament. The matter was the subject of a question to the Hon'ble Home Affairs Minister in Parliament. The written reply stated that the "investigation on the case is closed as [the person owing the money] through his solicitor had paid back the amount to [the stock broking company]". This is reported in the Hansard of the Dewan Rakyat dated 16 December 1996.

X contends that there is no payment by Y for the outstanding amount. X had to indemnify A for the loss suffered as a result of Y's cheques being dishonoured by the bank.

The Commission sought an explanation from the Jalan Bandar Police Station on the progress of its investigation into the case. The summary of the explanation is that:

"The police had advised the complainant to take civil action against the parties concerned. If the complainant is still not satisfied, it shows that he is reluctant to understand the legal process and the difference between civil and criminal cases. If the complainant's dissatisfaction is regarding the report made by [the stock broking company] he has no locus standi to be so dissatisfied as he is not the complainant in that case¹⁸".

OBSERVATIONS

1. The above reply indicates that the officer concerned does not understand that a single event or transaction in many cases can both be civil and criminal in nature. This is especially so in commercial crime cases. In this case notwithstanding the fact that X may have the right to sue Y or A to recover his loss via a civil claim, it would appear on the facts of the case that there are elements of cheating in this case.

¹⁸ Letter ref. (PR)104/4/6 dated 19.7.04 sent by the Deputy Director of the Criminal Investigation Department to the Deputy Director IGP's Secretariat (Discipline) Bukit Aman in reply to the Commission's query on the outcome of the investigation.

2. It is also wrong to say that X has no locus standi to ask about the progress of the case reported by A as X is the aggrieved party who had to indemnify A for the loss caused by Y. The Commission recommends that in all such instances an aggrieved party be entitled to a copy of the police report lodged by a third person and also be entitled to inquire into the progress of investigation of the case if the aggrieved party can show that he is so aggrieved.
3. The opinion expressed by the IO in this case must be reviewed as there is no legal basis for such an assumption that there is no intention to cheat if after the cheating had been carried out, efforts are made to try and return the money. Restitution or attempts at restitution should only be taken into consideration for mitigation. Therefore, the Commission recommends that the IP in this case be re-opened and the IP be resubmitted to the DPP so that the whole case can be looked at in totality.

CASE STUDY NO: 5

Facts

In its complaint to the Commission in June 2004, the complainant told the Commission that his company had been cheated of RM2.5 million by a supplier company in collusion with the company's supervisor, who is the complainant's brother-in-law. The supplier had falsified 9,000 delivery orders for goods which were never delivered. All these false delivery orders were discovered by the complainant's company during an audit.

The supervisor was questioned and he admitted that he had taken part in the cheating and had even told the complainant that he had RM1.2 million in the bank. He gave the complainant's company a statutory declaration admitting to his wrong doing. Both the directors in the supplier's company also confessed to the falsification of the delivery orders. Both of them affirmed statutory declarations admitting to their wrong doing. The supplier's wife who was a director of the supplier's company had admitted that she was the person who had prepared the false delivery orders.

The complainant lodged police reports on all the false documents given by the supplier. According to the complainant, an ASP had told him that it would take the police 2-3 years to investigate all the 9,000 documents. He was advised by the IO and the ASP on a plan to pick out only 12 of the falsified documents for the police to charge the supplier so that the police can quickly bring a charge against the perpetrators and have their passports impounded. They further advised that all the falsified documents will, nevertheless, be appended to the charge as indication to the Sessions Court judge of the actual amount involved so that the police can ask the Court to impound the passport of the alleged perpetrators. However, when the prosecution against the supplier commenced, only one of the directors and the supervisor was charged. Only 12 of the falsified documents amounting to only more than RM4,000 were tendered and the other documents were not appended as represented to the complainant by the IO and ASP and neither were the supplier's or the supervisor's passports impounded. The supervisor withdrew all his money from the bank and fled. To date he has not been found even though a warrant of arrest had been issued by the Court.

The complainant is not satisfied with the way the prosecution of the case had proceeded as the police had not acted according to the plan. When the complainant expressed his dissatisfaction about the charge that had been brought against the perpetrators to the IO, he was told that he can talk to the Prosecuting Officer (PO) about it.

However, when he asked the PO about why the plan as conceived by the IO and the ASP was not followed, the PO said that he did not know about the other documents or the statutory declarations of the perpetrators. Neither did he know about the plan.

According to the complainant, one of the directors of the company who had been charged has good rapport with the police. Even though he is the accused in the case, the police officers dealing with this case appear to be on very good terms with him. The accused had been seen in the canteen with the police officers and was also seen communicating, laughing and joking with the IO.

The complainant also informed the Commission that he had reported on the supervisor to the ACA and the ACA had immediately investigated the matter but the ACA could not prosecute because the supervisor had absconded.

The complainant informed the Commission that the police treated him with contempt and they were angry that he was making so many reports. The complainant also told the Commission that he had to make a report each time he uncovers new evidence as the IO did not want to take further statements from him. When the complainant pressed the police to take action, one police officer replied that they have more pressing matters to investigate. The officer also told the complainant that the complainant is already lucky enough that his case is being prosecuted.

OBSERVATIONS

1. The statutory declarations of directors of the supplier company and the supervisor, a conclusion can be drawn that the supplier and the supervisor had indeed cheated the complainant's company.
2. The Commission wrote to the Prosecution Division in the Attorney-General's Chambers following the complaint made by the complainant. A reply was received by the Commission stating that the matter would be looked into.
3. As the Commission had not held an inquiry into this case or to study the IP, the Commission recommends that when the IPCMC is set up, the IPCMC should hold an inquiry to ensure that all aspects relating to the case are investigated by the IO and all the perpetrators be brought to justice if it were indeed true that they had committed such acts of cheating or criminal breach of trust.

CASE STUDY NO: 6

Facts

The complainant who is a "sleeping director" in a company reported that 9 cheques amounting to RM37,786.71 were received from customers of the company by the executive director of the company. These cheques were banked by the executive director into his own personal account or the bank accounts of his relatives. The complainant further alleged that stocks of textile amounting to RM300,000 were sold or removed from the company's premises by the executive director and his brother without any payment being made to the company¹⁹.

¹⁹ Complaint made to Commission on 6 July 2004 at the Commission's office in Wisma Selangor Dredging KL.

OBSERVATIONS

1. It was found that even though the police had obtained records from the bank showing that the cheques had been paid into the personal accounts of the executive director and that of his relatives and statements were also obtained from the company's customers confirming that the cheques were given to the executive director of the company in satisfaction of goods supplied by the company to them, the IO did not take any action to charge the executive director concerned.²⁰
2. As for the stocks of textile that went missing, the IO said that she was unable to do any investigation as the complainant was unable to provide her with any records of the missing stock.
3. When the Commission asked her as to whether she had interviewed the executive director who would appear to be the primary suspect in the case, her answer was in the negative. No steps whatever had been taken to verify whether the report made by the sleeping director is true or not. She had not asked the executive director who had been in charge of the textile shop what had happened to the entire stock of textile in the shop which had closed down without informing the complainant who was also the sleeping investor in the business.
4. It transpired from the questions asked by the Commission that the director also has his own textile shop apart from being a shareholder in the company of the complainant. It also became apparent that in order to purchase the stock for the company, letters of credit had been issued by local banks to the company's suppliers but no attempt was made by the investigating officer to question any of the banks or the company's suppliers. In short, the investigating officer was not doing any investigation because the complainant had not provided her with any documentary proof. She has not taken any steps in obtaining the documents herself or in interviewing the suspect or any of the persons who had last worked with the company.
5. As there were 2 complaints in one police report, the IO could not proceed with the filing of a charge in respect of the first complaint as the investigation in respect of the second complaint had not been completed. She is unable to send the IP to the DPP for approval to charge the executive director on the first offence as she had not commenced investigation on the second complaint. This accounted for the delay in the laying of the charge against the executive director.
6. Instead of looking for the evidence which they are empowered to find, the IO frequently relies on the complainant to produce the evidence before they would act. It had been found that many IOs fail to recognise criminal elements in a case.

RECOMMENDATIONS

1. The Commission requested the IO to refer the IP to the DPP in respect of the first complaint as investigation in respect of the first complaint is complete.

²⁰ Inquiry held on 16 September 2004 at the Commission's office in Wisma Selangor Dredging KL.

2. The Commissioners also asked the IO to start her investigation in respect of the second offence by recording the statements of bank officers, suppliers, the previous employees of the company and the 2 primary suspects named in the police report of the company. It is believed that the IO can build up the case from the statements obtained from the parties concerned.

CASE STUDY NO: 7

Facts

The complainant was arrested in the afternoon of 20 October 2004. The IO along with a few other policemen together with the informant and the informant's employees went to the complainant's house-office at 2.30pm and was shown a search warrant. The police conducted a search of the premises and took away 2 CPUs, 67 diskettes and his notebook from the premises. Later, the police went with him to his supplier's premises and took away his server. He was not told of his grounds of arrest and all that he was shown was the search warrant and notice with the word "Hakcipta" on the search warrant.

The complainant requested for counsel during the search and was denied one as it would complicate matters. The complainant was detained in the lockup in Pudu Jail for that night as the IO had no time to take his statement. The complainant was asked to either sing or do pumping before he could be allowed to enter the cell. He was also asked to pay RM30 to be given the right to answer a call from his hand phone. From the time the complainant's premises were searched till the time the cautioned statement was taken from him, the complainant did not get any food or water. The bun and a plastic bag of plain water put into his cell at the Pudu Jail lockup had been taken by the other inmate.

The next morning, he was taken to IPK KL and detained in the lockup there. The police proceeded to take a cautioned statement from the complainant after 2.00pm. After the statement was taken, the IO granted bail to the complainant and the complainant was asked to come back on 4 November 2004 to take back his server and other seized items.

After 4 November 2004, the complainant called the IO on several occasions for the return of his server and other seized items but each time, the IO told him that the report from the Forensic Laboratory is not ready. On 1 December 2004, after many phone calls from the complainant, the IO returned the 2 CPUs to the complainant. The IO told the complainant to wait at the sentry point of the KL Contingent Headquarters in his car and then follow the IO's car to a bus stop at Jalan Imbi. At the bus stop, the IO returned the CPUs without any acknowledgment of receipt by the complainant.

When the complainant returned home, he checked the CPUs and printed out the log in the CPU. He found that no activity had taken place from the day the CPUs were seized till the day they were returned to him. When questioned about this by the Commission, the Senior Officer who came with the IO said that only the casing had been returned to the complainant and the hard disk had been taken out and sent to the Forensic Laboratory. When the Senior Officer was told that the complainant had printed out the log from the CPUs which showed that not only was the casing returned but the hard disk as well, the Senior Officer said that the CPUs were

returned probably because they were not necessary in the investigation of the case. The IO confirmed that only the server was necessary to prove that there had been infringement of copyright by the complainant.

The Commission asked if that were the case then the diskettes should be returned to the complainant as they were also not relevant to the investigation. The IO admitted that he should have returned those items not required for the investigation officially to the complainant.

The Senior Officer stated that only with the report from the Forensic Laboratory would the police be able to determine whether the complainant had infringed the copyright of the informant. Payment vouchers were provided by the informant showing that the complainant was at one time a part-time programmer of the informant's company. The police also obtained documents from the informant showing that the informant had applied to register his programme with the trademark registry. Based on this, the police concluded that the informant is the owner of the programme and that the police had sufficient evidence to charge the complainant for infringement of the copyright in the programme. However the IO and the Senior Officer failed to notice that the Registrar of Trademarks had not accepted the informant's application.

On 24 November 2004, the complainant lodged a police report stating that he did not steal any programme from any party. In fact, he admitted that he was the developer of the disputed programme with his partner. The complainant claimed that he is the victim of a theft of his programme and that the report made against him is a false report.

The police did not carry out any investigation into any of the matters raised by the complainant in his report. Parties mentioned in his police report who would be material witnesses in determining whether or not the complainant had stolen the programme were not examined by the police. When questioned by the Commission, the Senior Officer alleged that one of his officers had called the complainant about 10 times over the telephone, the day before the inquiry at the Commission to get a statement from the complainant. However the complainant refused to cooperate and did not answer his telephone. When questioned about this, the complainant informed the Commission that he was away outstation over the weekend and had told the officer who called him that he would only reach Kuala Lumpur at about 10.00pm on Sunday night. At the second inquiry, when the IO was asked whether he had verified certain matters with the complainant, again the reason given for not taking any steps was that the complainant could not be contacted over the telephone. A call was immediately placed to the complainant by the Commission and the complainant answered his hand phone after a few rings. He was told to cooperate with the IO in the investigation and he agreed to do so.

The Commission held the first inquiry into this case on 26 January 2005. Prior to the first inquiry, the Commission had written a letter dated 21 December 2004 to PDRM stating that even though the IO's report of 14 December 2004 to the Commission stated that the server and computers had been sent to the forensic laboratory, this was not noted in the ID of the IO. The Commission then asked for a copy of the official receipt from the forensic laboratory signifying acceptance of the items for analysis or correspondence to that effect. PDRM did not comply with the Commission's request except to state in its letter of reply that this issue would be answered during the Commission's first inquiry on 26 January 2005. At the inquiry, both the IO and the Senior Officer told the Commission that the laboratory report was still not available as

the laboratory was busy on other more important investigations. The IO said he sent the server and the computer to the police laboratory for examination 10 days after the items were seized.

The second inquiry of the Commission was held on 18 February 2005. At the second inquiry, the Commission requested the IT forensic officer from the Police Forensic Laboratory to be present. It then transpired that the server was not sent to the forensic laboratory on 30 October 2004 but was only sent on 19 January 2005. The IO and the Senior Officer confirmed that the server had not been sent to the forensic laboratory as testified under oath at the first hearing. The Senior Officer apologised to the Commission for misleading the Commission into thinking that the forensic laboratory had been taking an unduly long time to confirm whether the server of the complainant that had been seized contains the same programme as that of the informant. The IT Forensic Officer said that even if there is a similar programme in the server that still does not prove that the complainant had stolen the informant's programme or that the complainant had infringed the informant's copyright. The ownership issue still has to be investigated by the IO and the IO had still not done so.

OBSERVATIONS

1. The police had been keeping the exhibits of the case for far too long. Exhibits that are not required should have been returned to the complainant immediately. In this case, the complainant's sole source of income is from writing programmes and setting up of web-sites and servicing his clients through his server. Without his server, not only is he unable to carry on with his vocation, his clients would also suffer the consequences as their web-sites are also not accessible. The urgency with which exhibits in an IT case must be dealt with cannot be overstated as the exhibits represent the tools of trade of the suspect.
2. The IO does not appear to be knowledgeable about the exhibits that he had seized and how he is to use those exhibits to establish a case against the suspect.
3. The IO had prematurely arrested and detained the suspect without first establishing whether the informant is the copyright owner of the programme or not.
4. The recording officer was not apprised of the facts before recording the cautioned statement and was therefore unable to question the suspect effectively. The suspect, not knowing the nature of the case against him and the grounds of his arrest, was also unable to make a statement in his own defence. The recording officer contended that as he is an independent recording officer, he should therefore not be apprised of the facts of the case nor should he be questioning the suspect. His view is that he is only to record what the suspect wants to say.
5. Powers of seizure, search and arrest in the CPC are powers that had been granted to the police. No provisions had been made for informants or their employees to accompany the police in entering and searching the premises of suspects. Therefore, the police must comply with the provisions in the CPC until the CPC is amended to allow the informant to accompany the police into the suspect's premises in cases where it is necessary to do so.
6. The police must investigate all leads and all persons mentioned in relation to any of the complaints comprised in the police reports or statements given must be interviewed to

either confirm the informant's complaint or to dispel an allegation. In this case, the police had yet to determine what role the ex-partner of the complainant had played in this alleged copyright infringement and also whether another third party company mentioned in the informant's statement to the police had actually been the party that had infringed the copyright and not the complainant.

7. The complainant was handcuffed and taken to IPK KL and put into the lockup. No food or drink was given to him. He was taken out at 1.00pm for his finger prints to be taken. At 3.10pm his statement was recorded from him. The recording officer finished recording the statement at 3.45pm and the IO proceeded to prepare the bail documentation for his release. It was not until after 4.30pm that he was released on bail on his aunt's surety. His lawyer was waiting to bail him out at the IPK KL from 10.00am that morning after having spoken to the IO but was not allowed to see him until 4.00pm.
8. By the time the recording officer finished recording the statement from the complainant, the complainant had been detained in police custody for more than 24 hours without being brought before a Magistrate authorising a detention of more than 24 hours. The admissibility of the statement, if it were to be decided that the statement be used in evidence, then comes into issue.
9. The facts in this case show no beating or torture. What it does show is the blatant disregard for basic human rights - the right to food and water, the right to be told of his grounds of his arrest, the right to counsel, the right to inform his family members and the right to bail. No doubt the suspect was not physically tortured at any time, however, he had been put through such straits since his arrest that it is logical to expect that he is not looking forward to another day in custody. The Commission recommends that the police abide by all the legal safeguards to ensure that s113 statements taken by the police may be admissible in Court. The police should also ensure that they do not exceed the allowable 24-hour detention period.
10. The IO lack the necessary skill and knowledge to investigate this case. There is also confusion in trying to understand the difference between the "domain name", the owner of the domain name, the programme, the ownership of the programme and the ownership of the literature and data in the programme housed under a particular domain name.
11. The police personnel who went to seize the CPUs and server from the complainant do not know how to properly remove those items by shutting them down in the correct manner. They merely wanted to turn off the power and take the items with them. When they were stopped by the complainant from doing that, they sought verification from the informant and from the technical officer at the supplier's office before allowing the complainant to shut down the machines in the correct manner. When questioned by the Commissioners about this, the Senior Officer replied that whatever information that may be lost in not shutting down the machines properly can easily be reconstructed or recovered by technicians at the Forensic Laboratory. The Commission is of the view that it is better to shut down the machines properly without losing any material evidence rather than taking the risk of losing any material evidence and spending time trying to recover any lost evidence which may not necessarily be successfully recovered in all cases.

12. The statements made by witnesses and evidence produced by the IO must be able to stand up to the scrutiny of cross-examination in court. The examination by the Commissioners of the IO and the evidence produced by the IO showed that there is a lack of incontrovertible evidence.
13. The law of evidence in proving documents in court must be strictly adhered to by the IO. Computer documents submitted by the informant to the police must pass the tests specified in the Evidence Act 1950 before they can be used as evidence against the complainant.

RECOMMENDATIONS

1. IOs handling IT cases need to have basic knowledge on the use of computers and be computer literate in order to better handle an IT investigation or PDRM should include persons from other disciplines and expertise into its investigation team.
2. The IO must realize that he has the power to detain a person for a reasonable period only. In any case the period is not to exceed 24 hours. The IO must exercise that power only with good reason and not detain persons in all cases for 24 hours indiscriminately. Hence, premature arrest or unnecessary arrest or arrest for more than what is reasonable in the circumstances must be avoided at all times.
3. The IO must not arrest a suspect for the sole purpose of obtaining a statement from him. The police must endeavour to grant bail in all cases. In this case, the recording of the cautioned statement from the suspect is also premature as the Senior Police Officer had himself pointed out that only with a Forensic Report from the Forensic Laboratory can it be determined whether the complainant had actually infringed the copyright of the informant (provided it is first established and it had been proven that the copyright in the programme belongs to the informant as pointed out by the IT Forensic Officer).
4. In cases where the investigating officer does not have the time to record a statement from a suspect or a witness, he should not detain such a person in the lockup. Care should have been taken to ensure that the police do not keep a suspect in custody for over 24 hours without the authorisation of a Magistrate as it would tantamount to unlawful detention. The economic cost of police detention is not just to the suspect but also his family and society. On top of that is the concern on what the deprivation of the right to freedom would do to an innocent person; the family's anguish in wanting to clear itself of the accusation and regain its good name; and the pursuit of truth and justice by society and the overcrowding in police lockups leading sometimes to breakouts.

CASE STUDY NO: 8

On 26 January 1993, a police report was lodged by A stating that while he was riding a motorcycle on 23 January 1993, he knocked into B who was carrying his daughter whilst crossing the road. A further stated in his police report that he was not able to prevent his motorcycle from hitting B and his child even though he braked. Both B and his daughter were taken to the hospital. The registered owner of the motorcycle is not A but C.

On the same day, B lodged a police report stating that he and his 9 month old daughter were crossing the road when they were knocked down by a motorcycle. In his report, B stated that he only sustained injuries to his left hand and left leg but his daughter was warded. B made a claim of RM500,000 against the insurance company. The insurance company investigated the claim and found out that A and B are related to each other. Other facts found by the insurance company included the following:

1. The accident did not occur because a check on the medical reports of both B and his child revealed that B had informed the medical doctors attending to them on 23 January 1993 that B was riding a motorcycle and knocked into a cow causing his motorcycle to overturn and his child to be thrown from the motorcycle.
2. The police had given to the insurance company photographs of the location of the accident which do not correspond to the location of the accident as visited and photographed by the insurance company's investigator.
3. Interviews with witnesses at the man's workplace and his relatives also confirmed that B had knocked into a cow although the witnesses cannot ascertain the exact date of the accident.
4. The IO of the case merely relied on the statements of both A and B to conclude that the accident did in fact take place.
5. The IO charged A for offences pursuant to s26(1) and s90(1) of the RTA 1987 and was fined a small sum of RM30 for each charge after he pleaded guilty. The insurance company investigator is of the view that the charge does not commensurate with the offence committed and questioned why A was not disqualified from holding a driving licence as it is a mandatory requirement under s90(2) of the RTA. The investigator believed that the charges are made against A to strengthen B's claim against the insurance company.

Based on its investigator's report, the insurance company made a police report against both A and B for making a false insurance claim.

Upon receipt of the complaint that the insurance company had not been updated on any developments of the police investigation into their false claim report made on 16 February 1998, the Commission wrote to the police for an update.

The reply from the police states as follows:

1. A, the first suspect had admitted that he made the false police report to assist the claimant to claim compensation from the insurance company.
2. B had admitted that he actually knocked into a cow with the motorcycle which belongs to his brother, C and that when both he and his daughter were receiving treatment in the hospital, A approached them and offered to assist them to claim compensation from the insurance company.

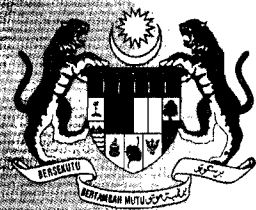
3. The police investigation on the false claim is not completed yet due to the fact that the IP was last minuted to an Inspector who had been transferred before the file could be attended to. Thereafter the SIO who had been in charge in supervising the file was also transferred. The senior officer who had been overall in charge of commercial crime investigation was also transferred. As such, the file had been unattended to for the few years. The case file has now been found and reactivated on 6 July 2004.
4. The police will now instruct other officers to investigate into all aspects of the case.

OBSERVATIONS

1. The investigation on the traffic case conducted by the IO is below standard in that:
 - a) The IO had not taken steps to investigate further into the alleged accident or to verify the truth of the statements stated in the police reports and had merely relied on the statements of both A and B.
 - b) The IO had not paid attention to the discrepancies between the photographs of the location of the accident and the location as indicated in his own sketch plan;
 - c) The IO did not charge the motorcyclist and the claimant for not lodging the police report within 24 hours of the accident.
 - d) If police had done proper investigation, the police would have uncovered a clear case of fraud. It is only later, after the false claim report had been lodged that the police investigated deeper into the case and obtained statements from both the motorcyclist and the claimant admitting to lodging false police reports for the purpose of defrauding the insurance company.

RECOMMENDATION

1. The Commission recommends proper investigations be carried out for all cases. In instances where reports on false claims had been made by insurance companies, the police should immediately reopen the traffic files. It had come to the Commission's attention that many such reports were not investigated by the police and that such incidents were not isolated but involve cases in several police stations.
2. The Commission further recommends that all case files of outgoing officers, whether transferred or retired, be listed in a handing over report to the incoming officer and be continued by that officer or kept under review to ensure that no case files get shelved away without further action where further action is required.
3. The Commission had also received many complaints that the prosecution of drivers who cause fatal accidents or serious bodily injuries by their reckless and negligent driving had not been satisfactory. The current practice is that the driver is frequently given a choice to plead guilty on a lesser charge which does not carry a mandatory imprisonment term. If the driver does not want to plead guilty then he is charged for a more serious offence which carries a mandatory imprisonment. Therefore, the Commission recommends that the prosecution of persons accused of negligent and reckless driving be undertaken by only experienced prosecuting officers or DPPs.



CHAPTER 9

ERADICATE POLICE CORRUPTION

- Introduction
- Feedback From The Public
- Police Initiatives
- Difficulties In Detecting Corruption
- Constraints To Expediting Disciplinary Proceedings Involving PDRM Personnel
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- Recommendation Two: Adopt A Proactive Anti-Corruption Strategy
- Recommendation Three: Develop Education And Training Programmes To Encourage Culture Of Honesty And Integrity
- Recommendation Four: Review And Strengthen PDRM'S Anti-Corruption Mechanism In The In The Disciplinary Division
- Recommendation Five: Establish Audit Management Unit
- Recommendation Six: Implement Regular Job Rotations And Tenure Limitations
- Recommendation Seven: Amend Laws, Regulations And Work Procedures
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FOUR

ERADICATE POLICE CORRUPTION

1. INTRODUCTION

- 1.1 A corruption-free police service is of crucial importance to the nation. A law enforcement agency which itself bends the law and abuses the wide powers available to it would be dangerously harmful to the proper enforcement of law and order in the country and to the well-being of society as it leads to serious miscarriage of justice. It will also undermine the confidence of the business community, including the confidence of foreign investors.
- 1.2 Public concerns regarding the image and efficacy of PDRM reached serious levels in 2002 and 2003 due to public perceptions of PDRM as one of the most corrupt of government agencies and a general feeling of insecurity among the public caused by a spate of high-profile violent crimes and increasing numbers of snatch thefts, especially in Kuala Lumpur.
- 1.3 No police service in the world is immune from corruption. The nature of police work which involves wide ranging authority and discretionary power is extremely susceptible to corruption unless there is an effective system of supervision to hold police officers to account for breaches of rules and procedures. Other police forces have found that their supervisory systems are often nullified by over familiarisation between supervisors and supervisees, by inadequate number of line-supervisors. The absence of effective supervision encourages unethical police behaviour. PDRM is, therefore, not unique in having to wrestle with corruption within its ranks. PDRM must ensure that resources for supervision, operating systems, rules and procedures are continually strengthened to reduce opportunities for corruption. The aim should be to make corruption a high risk, low return enterprise.
- 1.4 It has to be stated at the outset that while it is generally conceded that there are many PDRM officers who carry out their work with great integrity, corruption regrettably has swept through, in varying degrees, all levels of the service.
- 1.5 It is clear from the cases reported to the Commission that a deliberate omission to observe or comply with police rules, systems and procedures is often a prelude to demands for a bribe. Incompetent or negligent leadership provides succour and comfort to the corrupt and the wayward. The rising incidence of police corruption is largely attributed to the generally poor quality of senior supervising officers and poorly enforced supervisory system.
- 1.6 Good work ethics and high morale being the antithesis of corrupt practices, cannot take root in the absence of an environment that puts a premium on professional excellence. It is particularly important that in devising police education and training programmes, serious attention be given to enhancing the professional standards, attributes and ethical conduct of all members of the service.

- 1.7 While the Commission is not persuaded that granting salary increases alone will reduce corruption, it believes that in addition to examining critically their training and development needs, their service conditions must be reviewed regularly to ensure those conditions reflect fairly the special demands and nature of the police service.
- 1.8 As PDRM is the most important enforcement agency in the country, the need to ensure that PDRM operates with the highest standard of professional integrity and within the law cannot be over-emphasised.
- 1.9 PDRM cannot expect public support and respect without a clear demonstration of its ability and willingness to reject corrupt practices in all their manifestations.

2. FEEDBACK FROM THE PUBLIC

- 2.1 Many of the inquiries, letters and e-mails received complained about corrupt practices by PDRM personnel.
- 2.2 Several complainants stated that the percentage of corrupt personnel is high and occurs at all levels.

Anti-Corruption Agency in Pulau Pinang arrested 3 police officers for taking bribes and monthly collection from owners of illegal factories (RM350 per month) and employers of illegal immigrants (RM800 per month). The three officers acted as agents or collectors for the said police station. ACA investigations revealed that the monthly collection amounting to RM2,000 was organised by the OCS and there was even an account book to keep track of the money received. All the staff of this said station were transferred out by PDRM. However according to ACA, no court action could be taken against them because the informant refused to testify in open court.

- 2.3 The public believes that police personnel are vulnerable and this encourages the public to offer bribes in order to avoid any inconvenience, legal action or paying heavier fines.

A retired police officer alleged that corruption was rampant within PDRM. He claimed that many officers had assets several times over their known income. According to the complainant, it was common knowledge that a particular senior officer made an asset declaration amounting to RM34 million and he was surprised that no action was seen to have been taken.

- 2.4 Several serving members of the rank and file of PDRM complained that their immediate superior officers were involved in corrupt practices. However, they were unable to report this as PDRM reporting procedure requires that such

reports be made through their chain of command, which may include the superior officers complained of. As a result, the rank and file officers preferred to remain silent rather than risk their careers.

2.5 Corrupt practices among police personnel are not only limited to receiving money but take other forms.

- a. ***The public also reported to the Commission that they had witnessed food from expensive hotels being delivered to their superior officers, on a regular basis, but they could not take any action.***
- b. ***Three complainants reported to the Commission that they were detained at a police station after their urine was tested positive for dangerous drugs. In order to be granted bail they were asked to purchase tickets valued at RM200 each for a police concert organised to raise funds for Police Welfare Fund.***
- c. ***Two complainants informed the Commission that while being detained in a police lockup they witnessed seven Guest Relations Officers (GRO) from China in the next cell being taken out of the police station by police personnel late at night. In the early hours of the morning they were brought back to the police station with “love-bites” on their necks. The prettier ones were taken out more than once. These Guest Relations Officers were given special privileges such as being allowed to smoke in their cell and given towels to use during their detention. This case was reported to IGP who sent an investigation team from Bukit Aman but the team could not find any record of these Guest Relations Officers being detained in the said police station.***

2.6 The Commission's findings are as follows:

- i. Certain divisions in PDRM are perceived to be more susceptible to corrupt practices. These include traffic police personnel, investigating officers and their supervisors, detectives, prosecuting officers and police enquiry office personnel.
- ii. Bribe givers who had come forward to complain to the Commission were unwilling to make any police reports because by doing so they would incriminate themselves and they feared that action would be taken against them. Some complainants also feared that if they were to lodge police reports they would open themselves to harassment by the police. The Commission recommends that reports on bribe giving be made in confidence. Such reports should display only the report number and

classification in the computer system. There should be restricted access to case details or the Report Book. The Commission also received many complaints alluding to brothel keepers and gambling den owners having to bribe the police to avoid harassment.

- iii. Corruption is prevalent in the police lockup. Many complainants alleged that detainees had to “pay” for additional food, to receive and make phone calls, to see family members or friends and to be placed in “good” cells. Furthermore some complainants reported that organised corruption existed among police personnel on lockup duty.
 - a. ***A complainant related his experience in a police lockup where he and two friends were not properly fed and he was told that the police could get food from outside for him at a cost. He was charged RM300 for three teh tarik, roti canai and mee mamak he requested for. He also witnessed the same police personnel demanding RM100 from another detainee for a phone call.***
 - b. ***A complainant who owned a car on hire-purchase was unable to pay the monthly instalments and had handed the car to a friend for him to sell the car on his behalf. One night, while his friend was driving the car with him and another friend inside, they were stopped by the police and accused of driving a car that had been used in the commission of a crime. They were arrested and detained at Jelapang Police Station. They alleged that the police demanded RM1,000 for their release. The next day when they were brought to the Magistrate’s Court, the Magistrate ordered their release. Even after their release, the police still kept harassing them for the payment of the RM1,000.***
- iv. It is not uncommon for police officers to bribe other officers to gain an advantage such as being transferred to “gold mine” postings. Among the Departments and Divisions considered as “gold mine” are Commercial Crime Department, Traffic Branch, Criminal Investigation Department (D7 covering secret societies, anti-vice and gambling), Narcotics Department, Logistics Department (Procurement and Development) and Deployment and Promotions Division.
 - a. ***A complainant came to the Commission to make a complaint on behalf of his younger brother who is a police Superintendent to the effect that his brother had complained to Bukit Aman about not being promoted. Some time after that the complainant received a call from a stranger to say that he can help the younger brother to get his promotion if he were to pay RM40,000.***

- b. ***A rank and file officer on receiving an order to transfer to Peninsular Malaysia from Sarawak appealed through a senior officer in the Service Division. He alleged that the said officer stated that he could nullify the transfer order if a payment was made. The rank and file officer agreed to pay RM3,000. At the same time the rank and file officer informed ACA of this transaction. Subsequently a sting operation was set up. The senior officer was caught red-handed with the money and was later charged and convicted in the court of law. He was later dismissed from PDRM due to his conviction.***
- c. ***A complainant informed the Commission that a posting to D7 will cost RM30,000–RM40,000. The complainant also said that traffic division is a lucrative branch.***
- d. ***A complainant reported that two senior officers were ordered to go on transfer to Peninsular Malaysia. They declared to their friends that they would be back. Within three months they were back in Sarawak and they claimed that it took them only RM25,000 to effect their return.***
- v. In urine testing for detection of drug addicts, police officers involved in collecting urine samples often offer to switch these samples for the drug addicts. The usual amount that police officers ask for doing this is between RM200 and RM2,000. It is alleged that even those who are tested negative are asked to pay to avoid being framed by police as urine samples can be easily switched both at the police station and at the hospital. In Singapore, police have devised strict procedures to prevent urine sample switching and have achieved ISO Certification.
- vi. Police officers can be bribed by informants to detain and investigate innocent “suspects”.
- a. ***A buyer purchased three computers from a computer vendor. As the buyer could not pay for the purchase of these computers, the buyer asked the vendor to take them back. The vendor did what he was asked to do. Subsequently, the buyer lodged a false police report to the effect that the vendor had stolen the three computers from his office. Based on the false report, the vendor was arrested. Despite documentary evidence produced by the vendor that the buyer was the one who asked him to take back the computers because he could not pay for them, the vendor was detained by the police for allegedly stealing the three computers from the office of the buyer. The vendor had furnished documentary evidence such as e-mail correspondence and***

the receipts for the computers to the police as proof that it was the buyer who had asked the vendor to pick up the computers. In spite of this, the vendor was kept in the lockup for two days without any investigation being carried out. Upon the vendor's release, he lodged a police report accusing the buyer of lodging a false report of theft against him. However, the police took no action to investigate into his report. When he enquired from the IO as to when his three computers could be released to him, he was told that they were with the SIO and that he should contact the SIO for them to be returned. When he contacted the SIO, the latter suggested that they meet at a hotel to discuss the matter. At the meeting, the SIO suggested that the vendor book a room and a massage girl for him. This was done and he had to pay for the cost. When he enquired as to when he could pick up the computers, the SIO suggested that he should give him a share of his business. The vendor then decided to come before the Commission. The vendor believed that the police had been bribed by the buyer as an act of revenge. Therefore he believed that he had been illegally detained by the police. Following the Commission's intercession the computers were returned to him.

b. A complainant who worked in a company in Butterworth, Pulau Pinang reported to the Commission that he discovered a large amount of money missing from the account of the said company. He brought this matter to the attention of the management and later lodged a police report. A few weeks later, he was attacked and slashed by two men using samurai swords in his apartment's lift. He sustained serious bodily injuries and was hospitalised for almost three months. The police recorded his statement and he gave detailed descriptions of the two attackers but the police failed to trace and arrest the two men. He alleged that the management of the said company had influenced certain police officers to delay the investigation into his case. The complainant soon left the country to work overseas because he said it is not safe to work in Malaysia.

vii. Numerous complaints were received stating that many police officers were living beyond their means. These police officers reportedly enjoy luxurious lifestyles that far exceed their income. Some of these officers own choice real estate, luxury cars and petrol stations, live in palatial houses and hold wedding receptions in five-star hotels.

- a. ***In 2002, The Anti-Corruption Agency investigated into the financial affairs of a senior ranking police officer in Selangor for collecting 'protection money' amounting to RM200,000 per month from owners of various illegal premises such as vice dens and also from operators of slot machines and illegal gambling. He owns several houses, shop lots, luxury vehicles and shares. His accumulated wealth is estimated to be about RM7.4 million. The ACA is still investigating the case.***
- b. ***A complainant informed the Commission that a certain police officer was frequently seen in the company of shady characters who run vice and gambling dens, prostitution rings and gang-related organised crime. The complainant said that during the last Hari Raya open-house held by the said police officer, these characters were seen seated at the VIP table. The complainant also alleged that the police officer is living beyond his means. He lives in a palatial bungalow with a swimming pool and drives luxury cars.***

2.7 The Commission held a dialogue with IGP to discuss these matters.

- i. He acknowledged the existence of corruption in PDRM and that he had reinstated the Disciplinary Branch directly under him, since 25 March 2004 so that he could personally oversee all investigations into breaches of discipline and ensure that appropriate punishment is meted out.
 - a. ***On 8 February 2004, the police raided premises used for a mini-casino in Kuala Langat, Selangor. Thirty-one men and nine women were arrested on the premises. Gambling equipment for Roulette and Baccarat together with chips worth RM2,134,930 were seized. A sum of RM24,481 was also seized from one of the arrested persons.***

Disciplinary action was taken against the OCPD, Deputy OCPD, CID Chief of Kuala Langat and OCS Banting for failure to detect the casino and to take the necessary action. Both the OCPD and Deputy OCPD were transferred with warning letters issued to them. The CID Chief of Kuala Langat and the OCS of Banting were fined a day's emolument and transferred out.
 - b. ***A prostitution ring was found to be flourishing in a hotel in Sri Damansara, Selangor. Eleven foreign Chinese girls and five men were arrested when a raid was carried out on the premises. Disciplinary action was taken on twenty-one police***

personnel and another four supervisory officers and twenty-three other police personnel attached to the Sri Damansara Police Station, Sungai Buloh between 1 December 2003 and 29 February 2004. These police personnel were charged for abuse of power, corruption and non-accountability. Seven detectives who were involved with this case had their detective status revoked. The others had warning letters issued to them. Many of these police personnel were transferred to PGA.

- ii. IGP had caused the Director of Internal Security and Public Order to issue a directive dated 19 May 2004 prohibiting police “tout” activities in road accident cases.
 - a. **Many complaints were received during the inquiry sessions from the public accusing the police of working closely with tow truck companies. Many said that even before the police could arrive at the scene of the accident, the tow trucks were already there. Police personnel were said to be receiving payments for referring business to towing companies, workshops, private hospitals with ambulance services and lawyers.**
 - b. **The complainant met with an accident at a traffic light intersection. A tow truck arrived at the scene of the accident and offered to tow the complainant’s car to the workshop for RM150 even though the distance was very short. When asked why it was so expensive, the complainant was told that a proportion of the payment would have to be given to the police. The complainant also said that he had to pay the police to go to the workshop to take a picture of his damaged car.**
- iii. IGP also ordered covert operations to be carried out in order to detect corruption and misuse of powers. This had resulted in the whole traffic branch responsible for Karak Highway, Pahang, to be suspended.

On 6 October 2004, IGP despatched a team from Bukit Aman to Karak Highway after receiving a tip-off from a motorist. The entire traffic patrol unit headed by a Chief Inspector was nabbed for demanding bribes from motorists along Karak Highway where these policemen were conducting an operation. Senior officers from Bukit Aman arrested the eleven traffic policemen from the unit who had since been suspended pending investigations into the case.

- 2.8 The Commission observes that the action taken by IGP to transfer police personnel found guilty of misconduct mainly to Sabah, Sarawak and to PGA may not be the right form of action as these police personnel would be further from Bukit Aman's surveillance and supervision.
- 2.9 It is not known whether full debriefing of the cases had been carried out with the police personnel concerned so that they do not make the same mistakes in future. Thus, the Commission recommends that all disciplinary cases be followed by a full debriefing of all police personnel censured. Further, they should be sent for refresher courses on integrity, accountability and investigation before being put on active duty again.

Some eighty police personnel, including senior officers, have been transferred since January till October 2004 for alleged involvement in corruption. This move was part of the police crackdown against graft in PDRM as it expects the rank and file to maintain high standards of integrity and discipline. PDRM gave warning to its officers and rank and file that anyone who tarnished the image of PDRM would be dealt with severely i.e. being charged in court and dismissal from the service.¹

However based on IGP's presentation, it would appear that the usual punishments meted out have not been consistent with the seriousness of the offences.

3. POLICE INITIATIVES

- 3.1 In reply to the Commission's request for further information, PDRM's Disciplinary Branch maintained that :
- i. Corruption in PDRM is under control.
 - ii. The statistics on corruption in PDRM indicated that corruption is not an alarming problem as exemplified by the table below:

¹ New Straits Times 11 October 2004

TABLE 9.1 : NUMBER OF ARREST CASES BY ACA AS COMPARED TO THE TOTAL POLICE POPULATION

YEAR	NO. OF CASES	% AGAINST THE TOTAL POLICE POPULATION
2002	83 cases	0.10%
2003	87 cases	0.10%
2004	126 cases	0.14%

Source: Anti-Corruption Agency

- iii. Statistics of complaints received by ACA indicate that 12 percent of the total information received are on corruption within PDRM for the year 2004. Out of 497 arrested for corruption, 126 were police personnel (25 percent). In 2004, a total of 178 were charged for various corruption offences, out of which, 31 (17 percent) were police personnel;

TABLE 9.2 : INFORMATION RECEIVED ON PDRM AND ACTIONS TAKEN BY ACA FOR 2000 - 2004

No.	Subject	2000		2001		2002		2003		2004	
		Overall	PDRM	Overall	PDRM	Overall	PDRM	Overall	PDRM	Overall	PDRM
1	Information received	10,736	1,203 (11%)	9,039	1,180 (13%)	8,298	1,143 (14%)	9,721	1,194 (12%)	11,413	1337 (12%)
2	IPs opened	699	93 (13%)	663	122 (18%)	1,033	162 (15%)	1,058	167 (16%)	977	167 (17%)
3	IR opened	2,249	225 (10%)	1,844	242 (13%)	2,397	365 (15%)	2,758	318 (12%)	2,381	294 (12%)
4	Arrest	431	82 (19%)	318	101 (31%)	290	83 (28%)	339	87 (25%)	497	126 (25%)
5	Charged	160	24 (15%)	115	38 (33%)	200	45 (20%)	175	36 (36%)	178	31 (17%)
6	ACAR		24		56		54		42	146	47 (32%)
Total		14,275	1,651	11,979	17,401	2,218	18,521	4,051	18,441	5,592	2002

* Note IP : Investigation Paper
IR : Intelligence Report
ACAR : Anti-Corruption Agency's Report²

Source: Anti-Corruption Agency

- iv. The police felt that it was only the perception of the public that corruption was rife as the public expected high ethical standards from the police, who are supposed to be the guardians of the law.
 - v. The Disciplinary Branch of PDRM always acts immediately on complaints of corruption. Action would be taken either under the Anti-Corruption Act 1997 [Act 575] or Public Officers (Conduct and Discipline) Regulations 1993. Deterrent actions taken by the Disciplinary Branch of PDRM include dismissal from service or reduction in rank.
- 3.2 Since 2000, PDRM had initiated several programmes to fight corruption at all levels. Some of these initiatives were:
- i. Memorandum of Understanding between the Disciplinary Division of PDRM and ACA which was signed on 7 June 2000. This Memorandum allows for the formation of a Joint Committee between PDRM and ACA to fight corruption within PDRM. This Joint Committee is established at national and contingent levels.
 - ii. A disciplinary wing called the Discipline Operation Unit was established on 16 June 2003. Officers from this unit will visit police stations/formations incognito. They will mix with the public to observe police personnel at work as well as to observe the types of cars they drive and their relationship with the public. Reports of their observations will be sent to IGP Secretariat for action.
 - iii. On 25 March 2004, the Disciplinary Branch of PDRM was reinstated under the command of IGP. This move is to enable for more effective handling of disciplinary cases.
 - iv. Initiate training courses on ethics, Islamic values, in particular the Islamic concept of *haram* and *halal* and other courses to enhance and develop positive personal values.

4. DIFFICULTIES IN DETECTING CORRUPTION

- 4.1 Corruption is difficult to detect, prove and prosecute successfully. It is even more difficult in the case of the police because of the ease with which they are able to use their wide discretionary powers. The police being trained in investigation techniques know how to cover their tracks from anti corruption investigators.

² ACAR : ACA opens this report when there is no compelling evidence to commence any legal action against the suspected police personnel. As a result, ACA will prepare an ACAR that will be forwarded to PDRM which will enable the police to commence disciplinary action against the said individual. PDRM must provide feedback to ACA on the progress of the report.

- 4.2 Compounding the difficulty in dealing with police corruption is the “culture of impunity” which, over time, has become part of the police psyche. It is particularly important that this culture be uprooted and replaced by a system of values that puts professional integrity at the very heart of policing.
- 4.3 Success in fighting corruption is dependent upon many factors. It must begin with a demonstration of strong and unequivocal political will by the government and commitment by all sections of the community to reject all forms of corruption in their daily lives.
- 4.4 Anti-corruption campaigns mounted by the Hong Kong authorities in the 1970s were successful largely due to massive public pressure on the colonial government to put an end to systemic police corruption that had begun to undermine law and order.
- 4.5 While effective enforcement of the laws against corruption in the police is an important element of the strategy, enforcement of the laws alone can never bring corruption under control. Other equally essential elements are prevention by (i) *systems enhancement* which is intended to close windows of opportunity for corruption, (ii) *police education and training* to develop a proper understanding of its impact on the preservation of law and order and (iii) *the part the police as a service must play* in order to reduce corruption substantially.
- 4.6 The Commission believes that, based on the surveys and findings, as summarised in Chapter Three, people want to see the police maintain law and order without fear or favour, and certainly without recourse to corrupt practices. From all indications, now is the time for action to bring about the necessary behavioural change.

5. CONSTRAINTS TO EXPEDITING DISCIPLINARY PROCEEDINGS INVOLVING PDRM PERSONNEL

- 5.1 Many cases against PDRM are not prosecuted because of the unwillingness of witnesses to testify in open court for fear of reprisal. Very often the victims themselves are accomplices in that they had agreed to the demands of the police personnel concerned in return for covering up their offences. This is one of the reasons the Deputy Public Prosecutor had instead recommended that disciplinary action be taken against the police personnel concerned.
- 5.2 At present when ACA forwards its findings of corruption cases concerning police personnel to the Police Commission’s Disciplinary Board, ACA is bound by s21(4) of the Anti-Corruption Act 1997 which reads:

“A report made under subsection (1) shall be kept secret and shall not be disclosed by any person to any person other than officers of the Agency and the Public Prosecutor until an accused person has been charged in court for an offence under this Act or any other written law in consequence of such report”.

By virtue of this provision, ACA cannot forward any documents or statements to the Disciplinary Division of PDRM. ACA therefore can only forward a brief of its findings which serves as a bare guide for the Disciplinary Division of PDRM to conduct its own inquiries. Therefore the Commission recommends that this section be amended as per paragraph 6.7.1.

- 5.3 Prior to the enactment of the present s21(4) in 1997, the Agency used to forward a detailed report which included not only copies of sworn statements of the relevant witnesses but also copies of documents and other material exhibits which would enable a swift conclusion of the Disciplinary Division's inquiries. The constraints brought about by the present s21(4) mentioned above have since retarded the swiftness and efficacy of the disciplinary process.
- 5.4 At the moment ACA maintains that it cannot carry out an investigation unless a report is made under s21(1). However ACA seems to have overlooked the provision of s21(3) where an officer of the Agency may carry out investigations following not only from the report lodged but also from any information received. In order to put the law beyond doubt the Commission recommends that s21(3) be amended with slightly different wordings as per paragraph 6.7.1.
- 5.5 Subsection (1) of s19 appears to have inhibited people from reporting the commission of corrupt offences to the Agency, because under this subsection a person who reports a commission of a corrupt offence may be subjected to prosecution for giving false statement if a statement previously made by him to anyone on any previous occasion was contrary to the statement which he subsequently makes to an officer of the Agency **“during the course of that officer exercising power under the Act”**. This subsection has the effect of exposing and encouraging corruption because the liability for the offence of giving false statement is very severe i.e. a maximum fine of RM100,000 or maximum imprisonment of ten years or both.

Furthermore, under both subsection (1) and subsection (2) it is incomprehensible what power the Public Prosecutor has in the matter of statements made under these two subsections. Both the subsections speak of statements made to an officer of the Agency or Public Prosecutor **“exercising any power conferred by this Act”**.

Yet nowhere in the Act a provision is found giving power to the Public Prosecutor with regard to the making of statements. Therefore the Commission recommends that s19 be amended as per paragraph 6.7.2.

6. RECOMMENDATIONS

6.1 **RECOMMENDATION ONE: MAKE ERADICATING POLICE CORRUPTION ONE OF THE THREE PDRM REFORM PRIORITIES**

6.1.1 In addition to the nation-wide fight against crime as discussed in Chapters Seven and Ten, the war against corruption must be accorded the highest priority. This is because corruption is believed to be extensive, deep-rooted and systemic. Political will rather than rhetoric is a prerequisite, together with a firm commitment to institute bold measures and appropriate mechanisms for tackling corruption decisively.

6.1.2 The Commission is aware that eliminating corruption in PDRM or in other public institutions where opportunities for corruption present themselves at every stage of the “work process” is virtually impossible. The aim of PDRM should be to work towards developing and institutionalising a “zero tolerance for corruption” regime, similar to that in force in Hong Kong Police which has all but wiped out corruption in its ranks. In a force comprising 27,731 regular and 4,500 auxiliary officers (October 2004) the number found guilty of corruption was 4 in 2001, 3 in 2002 and 3 in 2003, under a system of investigation acknowledged the world over as being vigorous and transparent.

6.2 **RECOMMENDATION TWO: ADOPT A PROACTIVE ANTI-CORRUPTION STRATEGY**

6.2.1 The Commission believes that a comprehensive policy based on a holistic approach is required, and recommends the following strategies:

- i. **Education and Training** to create awareness of the debilitating impact of corruption, including police corruption on society and the part the police must play in curbing it. Police training must incorporate and emphasise such basic values as integrity, honesty, self-worth, honour and pride of service in the public interest.
- ii. **Systems Enhancement** to eliminate opportunities for corruption from the systems and the environments in which the police work and the procedures by which they carry out their duties and functions.
- iii. **Enforcement** of the laws of the country without fear or favour.
- iv. **Integrity testing** to be conducted continuously on PDRM personnel, especially those holding ‘high-risk’ jobs using methods such as the polygraph lie detector test.

- v. **Screening** for honesty in selected cadets and recruits for training.

6.3 RECOMMENDATION THREE: DEVELOP EDUCATION AND TRAINING PROGRAMMES TO ENCOURAGE CULTURE OF HONESTY AND INTEGRITY

- 6.3.1 Comprehensive and creative programmes to foster and encourage positive values and ethical public behaviour must be developed and implemented as a regular feature of basic police education and training. The training modules must include provisions of anti-bribery legislation and potential corruption problems such as conflict of interest and indebtedness. Systematic recruitment procedures and processes should include integrity testing.
- 6.3.2 At the earliest possible opportunity and at regular intervals throughout their career, police officers must undergo values training as part of reinforcing awareness of the fact that PDRM operates and enforces a zero tolerance for corruption policy. Encouraging a healthy lifestyle must also feature prominently in police education. The focus is on strengthening their mental and physical well-being, and promoting financial prudence. In line with this objective, classes, workshops and seminars on religious, ethical, moral and family values should be included.
- 6.3.3 Anti-Corruption lectures and seminars should be organised on a regular, systematic basis for all levels of the police as well as for new recruits. The use of specific case studies involving police corruption is highly recommended.

6.4 RECOMMENDATION FOUR: REVIEW AND STRENGTHEN PDRM'S ANTI-CORRUPTION MECHANISM IN THE DISCIPLINARY DIVISION

- 6.4.1 PDRM's mechanism for detecting, preventing and acting against corruption is located in the Disciplinary Division of IGP's Secretariat. There is no separate anti-corruption unit within the Division, and the word "corruption" does not appear under the list of disciplinary offences. Instead it is presumably subsumed under the offences of dereliction of duty, damaging the image of PDRM, lack of integrity and trustworthiness, and abuse of authority. Appendix 9A contains the list of disciplinary offences. Disciplinary Division is headed by an officer of the rank of Senior Assistant Commissioner II (SAC II).
- 6.4.2 The Operations Sub-Unit of the Disciplinary Division is responsible for receiving/collecting information and complaints on breaches of discipline and misconduct, conducting inspections and investigations and recommending disciplinary action. The Sub-Unit is led by an officer of

the rank of Assistant Commissioner of Police (ACP) and had a total staff strength of 33 senior officers, 32 other ranks and 5 civilian staff (as at February 2004). PDRM has proposed to the Government that staffing in the Discipline Units and Divisions at contingent and formation levels be increased to strengthen the capacity for conducting inspections and investigations.

6.4.3 The Commission is of the view that existing internal mechanisms and resources for managing corruption in PDRM in the Disciplinary Division are inadequate. It proposes the following measures to provide focus and priority to anti-corruption measures in PDRM, and significantly enhance efficacy and capacity:

- i. **Establish PDRM Anti-Corruption Committees at National, Contingent/Formation and Police District levels** that will be responsible for overall planning, direction and implementation of anti-corruption measures at their respective levels. The Committees should be headed by IGP, CPOs/ Commissioners/ Commanders and OCPDs at the respective levels to vest the committees with the necessary importance and effectiveness.
- ii. **Establish A Complaints Against Police Bureau in The Disciplinary Division** that is modelled on the Complaints Against Police Office (CAPO) of the Hong Kong Police. This Complaints Bureau will receive and act upon all complaints regarding misconduct and corruption received from members of the public as well as from PDRM. IPCMC and PDRM should give maximum publicity regarding the existence of the Bureau once it is established, so that the public can channel their complaints to the Bureau, including online.

Stringent procedures should be in place to ensure that each and every complaint is investigated upon and the complainant informed. At the same time there should be procedures to protect PDRM personnel from malicious allegations and complaints. Complaints regarding corruption should be automatically channelled to IPCMC for its action. Close working cooperation should be established between the Disciplinary Division and IPCMC through a **Liaison Committee**. Disciplinary Division should also periodically report to IPCMC, which should exercise close oversight over the Division as well as the Complaints Against Police Bureau.

The existing Complaints Sub-Unit in the Operations Unit of the Disciplinary Division that handles complaints and is headed by a Superintendent should be absorbed into the Complaints Bureau, which should be headed by an officer with the minimum

rank of ACP and given the necessary increase in staff to manage the expected increase in work-load.

- iii. **Encourage Whistle-blowing and establish a Confidant Network in PDRM in order to break the code of silence.** One of the greatest barriers to detecting corruption and therefore to preventing or acting against it, is the reluctance or fear among subordinates to report on misconduct of their superiors and colleagues. In a clean police service whistle-blowers are regarded as heroes but in a corrupt service they are treated as traitors.

This must change. The barrier should be removed. Whistle-blowing should be encouraged and whistle-blowers protected through a confidant system where the confidants ensure the safety and welfare of whistle-blowers. A non-monetary rewards system such as consideration during promotion exercises can also be instituted, so as to recognise and reward whistle-blowers.

Changes have been made by Securities Commission to the Securities Industry Act 1983 to encourage whistle-blowing and protect whistle-blowers. Australian Federal Police and United Kingdom's Metropolitan Police also have such a system in place. The Commission recommends that the Government consider this system for PDRM as well.

6.5 RECOMMENDATION FIVE: ESTABLISH AUDIT MANAGEMENT UNIT

- 6.5.1 The Commission recommends that a proper audit management unit separate from the Internal Audit Unit of PDRM be set up directly under IGP. This unit is to audit/examine the practices and processes of PDRM to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures that may be conducive to corruption.

6.6 RECOMMENDATION SIX: IMPLEMENT REGULAR JOB ROTATIONS AND TENURE LIMITATIONS

- 6.6.1 The Commission recommends that there be regular job rotations and transfers for personnel deployed in areas where there are opportunities for corruption. Posts in the "gold mine" departments and units should be the primary focus. These include Commercial Crimes Investigation Department, D7 Criminal Investigation Division, Logistics Division and Traffic Branch. It is very important that police personnel are made to feel proud of their jobs. There must also be the desire to improve in whatever division that they are assigned to.

6.7 RECOMMENDATION SEVEN: AMEND LAWS, REGULATIONS AND WORK PROCEDURES

6.7.1 The amendments to s21(3) and s21(4) of the Anti-Corruption Act 1997 as discussed and recommended at paragraphs 5.2 and 5.4 are as follows:

i. The present s21(3) should be reworded to read as follows:

“Where from the information disclosed in a report lodged under subsection (1) or from any information otherwise received, an officer of the Agency has reason to suspect the commission of an offence under this Act, such officer or any other officer of the Agency shall cause an investigation to be made and enquire into the fact and circumstances of the information and for such purpose may exercise all the powers of investigation provided for under this Act and under the Criminal Procedure Code.”

ii. The present s21(4) should be reworded to read as follows:

“Until an accused person, as a result of the report made under subsection (1) or as a result of information otherwise received, is charged in court for an offence under this Act or under any other written law, the report and the investigation therein shall be kept secret and be not communicated to anyone PROVIDED however that such report and the investigation into the report may be communicated by the Agency to the Public Prosecutor and to the IGP where the report and investigation concerned a member of PDRM or to any head of department where such report and investigation relate to officers in the public service.”

6.7.2 The amendments to s19 of the Anti-Corruption Act 1997 as discussed and proposed in paragraph 5.5 are as follows:

i. **delete the expression “Public Prosecutor” in subsection (1) and subsection (2); and**

ii. **delete paragraph (b) of subsection (1) altogether.**

6.7.3 Since this recommendation to amend the Anti-Corruption Act 1997 needs to be passed by Parliament, which will take time, the Commission recommends that PDRM initiate immediate alternative way to overcome this hindrance. Disciplinary Division of PDRM may consider lodging a police report under the Anti-Corruption Act 1997 based on the findings by ACA. Once the report is lodged, PDRM can make a formal application

for all the statements of witnesses, documents and exhibits. Police personnel are bound by the Official Secrets Act and this Act can provide coverage and afford them access to the needed materials.

- 6.7.4 To complement the above two recommendations the Commission also recommends that the Public Officers (Conduct and Discipline) Regulations 1993 be amended to the effect that findings of ACA on cases of disciplinary nature be adopted by the department/agencies to which it has been forwarded. With this recommendation, the whole process of disciplinary proceedings can be expedited and duplication of work will be avoided.

6.8 RECOMMENDATION EIGHT: LAUNCH JOINT OPERATIONS

- 6.8.1 The Commission recommends that PDRM engage in joint operations with other law enforcement agencies where an element of corruption is suspected, particularly in operations directed against organised crime.

6.9 RECOMMENDATION NINE: IMPROVE AND RIGOROUSLY IMPLEMENT THE DECLARATION OF ASSETS REQUIREMENT

- 6.9.1 It is disconcerting for the Commission to hear stories and rumours about high ranking police corruption and yet has found no evidence of investigation into these serious allegations having been taken. It is important from experience learnt from other countries that every scrap of information should be looked into and if there is any suggestion that there is substance in these allegations, they must be thoroughly investigated. The failure of the authorities to investigate high level police corruption has given rise to the perception that double standards apply in dealing with corruption cases.

- 6.9.2 The Commission recommends that the present requirement for declaring assets be enhanced and implemented firmly. Whenever declarations or other sources reveal possible corruption, investigations by the proposed IPCMC must be mandatory. In the meantime, ACA is the investigator.

Internal scrutiny by superiors may not be sufficient for officials in positions which are susceptible to corruption. The PDRM National Anti-Corruption Committee should identify the relevant posts at Federal Headquarters, Contingent/Formation and Police District levels and have the declarations of the incumbents sent to the Complaints Against Police Bureau to be studied there and sent for further scrutiny by proposed IPCMC and the relevant PDRM Anti-Corruption Committee. The proposed IPCMC should require the makers of suspicious declarations to undergo

lie detector testing. Declarations in respect of these officers should include the assets of their spouse(s), children and close relatives. This procedure should be rigorously observed and implemented every twelve months.

6.10 RECOMMENDATION TEN: PAYMENTS OF COMPOUNDS

6.10.1 In traffic cases, the Commission recommends that compounds in traffic offences should be allowed to be paid at all banks and post offices. At present payments of such compounds can only be made at the police stations, at road blocks or at special counters set up from time to time such as shopping malls. The inconvenience of having to go to the police stations is one of the possible reasons why the public finds it more convenient to bribe the police personnel.

6.10.2 The Commission also recommends that PDRM make public a list of all traffic offences together with their compounds. The Government's present initiative of giving discounts for 'early' payments of outstanding summonses has confused the public. Many refuse to settle their compounds early in the hope that the government will offer discounts and/or amnesty at a future date.

7. CONCLUSION

- 7.1 The recommendations made by the Commission will fail to secure desired results if the leadership in PDRM does not rise to the challenge and champions change in the service for its own benefit. Effective change management starts from the top. The role of leadership at all levels is absolutely vital in a command organisation like PDRM. Leaders are role models. They should be incorruptible and take ownership of programmes to eradicate corruption in PDRM.
- 7.2 The recommendations made in this Chapter will be less than effective if other recommendations made elsewhere in the Report are not satisfactorily implemented. Of particular relevance will be the recommendations that contribute to a vibrant culture of performance, efficiency and dedicated service to the nation and the community in PDRM. Such a culture will in itself foster a working environment that is resistant to corruption.
- 7.3 Finally, PDRM is but a component of the public service and a part of the wider community. The drive against corruption cannot be targeted at the police alone. It must be targeted at the entire public service. The war against corruption must cover society at large too, because the givers reside within its fold. The Government should therefore take the opportunity afforded by this Report to mount a comprehensive and effective war against corruption in all sectors of society.

TYPES OF MISCONDUCT

1. Subordinate His Public Duty to His Private Interests;
2. To Bring Discredit to the Reputation of the Police Force;
3. Lack of Efficiency/ Dishonest and Untrustworthy;
4. Be Irresponsible;
5. Misuse of Authority;
6. Be Insubordinate;
7. Be Negligent in His Duty;
8. Desertion;
9. Use Unnecessary Force;
10. Polygamy without Permission;
11. Indulge in Illicit Intimate Relations/Close Proximity; and
12. Lack of Supervision.

Source: PDRM.



CHAPTER 10

MAKE POLICING COMPLY WITH PRESCRIBED LAWS AND HUMAN RIGHTS OBLIGATIONS

- Deficiencies In Compliance With Prescribed Laws And Regulations And Human Rights In PDRM
- Recommendation One: Make Compliance With Prescribed Laws And Human Rights One Of The Three Top Priorities For PDRM
- Recommendation Two: Launch A Human Rights Education And Information Initiative In PDRM
- Recommendation Three: Amend Section 27 Of The Police Act 1967
- Recommendation Four: Amend Section 73 Of The Internal Security Act 1960
- Recommendation Five: Amend Section 3 Of The Dangerous Drugs (Special Preventive Measures) Act 1985
- Recommendation Six: Repeal The Restricted Residence Act 1933 And Emergency (Public Order And Prevention Of Crime) Ordinance 1969
- Recommendation Seven: Partially Repeal The Prevention Of Crime Act 1959
- Recommendation Eight: Amend Section 117 Of The Criminal Procedure Code
- Recommendation Nine: Adopt Code Of Practice Relating To The Arrest And Detention Of Persons
- Recommendation Ten: Conduct Inquiries Into All Cases Of Custodial Deaths And Make The Process More Expeditious, Transparent And Accountable
- Recommendation Eleven: Enhance Special Branch Accountability
- Conclusion
- Appendix

MAKE POLICING COMPLY WITH PRESCRIBED LAWS AND HUMAN RIGHTS OBLIGATIONS

1. DEFICIENCIES IN COMPLIANCE WITH PRESCRIBED LAWS AND REGULATIONS AND HUMAN RIGHTS IN PDRM

1.1 The numerous deficiencies in PDRM's compliance with human rights obligations is the consequence of two main factors. The first is the existence of a range of "preventive" legislation that places restrictions upon fundamental liberties in the interests of security, public order, suppression of violence, prevention of crimes involving violence and trafficking in dangerous drugs, which was once designated Malaysia's fore security threat. The second is police abuse of safeguards provided for human rights in prescribed laws and regulations.

1.2 Preventive Legislation

1.2.1 The existing preventive legislation is the continuation of the 1948 Emergency Regulations and the legacy of the first Emergency of 1948-1960. It was subsequently retained and strengthened in some respects in order to cope with threats to security and public order arising from a variety of sources including *konfrontasi*, ethnic conflict and militant groups espousing misguided religious teachings. Preventive laws were also enacted to combat violent crime and trafficking of dangerous drugs.

1.2.2 The issue in Malaysia is whether such legislation, or provisions in such legislation that impose restrictions on human rights, are necessary in view of the improved security situation. The Government contends that the laws are necessary because there are continuing threats to security and public order, violent crime and drug trafficking. The Government also contends that the laws and provisions concerned are preventive in nature and serve to pre-empt a threat before it becomes serious and threatens the security of the nation. The fact that Malaysia has been generally peaceful and stable especially after May 13, 1969 is ascribed partly to the existence of these laws.

1.2.3 The Commission's findings from its inquiries and feedback from the public are that human rights organisations including the Human Rights Commission of Malaysia (SUHAKAM), many NGOs and sections of the public have significant reservations about these laws. Some think the preventive laws are no longer necessary while others think they continue to be required but should comply more stringently with human rights requirements and should have stronger safeguards against abuse. Some minority groups feel that provisions relating to preventive detention in the Internal Security Act 1960 (ISA) and permits for the holding of assemblies, meetings and processions in the Police Act 1967 have been used to the

disadvantage of the opposition political parties in Malaysia. There is also the general feeling that the police often “take the easy way out” when they have insufficient evidence against suspects and opt instead to use preventive legislation where judicial review is weak or absent.

1.3 Abuse of Safeguards of Rights in Prescribed Laws and Regulations

1.3.1 The second main factor that contributed to deficiencies in compliance with human rights standards, namely abuse of safeguards for human rights provided in the Criminal Procedure Code (CPC), Lockup Rules, and Inspector General Standing Orders (IGSO), is directly attributed to PDRM. The Commission’s own findings, as gathered from the inquiries and feedback from the public described in Chapter Three, are that there is extensive and recurrent abuse of various kinds. They include applications by the police for the maximum remand period for suspects under the CPC with little attempt made to complete investigations as soon as possible; serial remands; failure to hold inquests in cases of custodial death (only 6 inquests held on 80 custodial deaths from 2001 to 2004 – see Appendix 3C); and numerous denials of access to counsel on the grounds that it would interfere with investigations. They all add up to 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 and IGSOs i.e. inefficiency; poor training in human rights aspects; low awareness and consideration of legal rights; inadequate internal supervision; absence of external oversight and corruption. The problem is not in the commitment of PDRM as an institution to human rights standards, as the IGSOs demonstrate a desire for strong compliance. Rather the problem is in the implementation of the IGSOs and national laws, where there have been consistent abuse.

1.4 The Commission’s Position

The Commission holds the following position with regard to the above issues. They form the basis for its recommendations below:

- i. Preventive laws are undesirable because they deny the individual his personal liberty without a right to trial in an open court as provided for in Article 5¹ of the Federal Constitution and in the International Bill of Rights. This right is among the most precious that the individual has and it must be safeguarded.

¹ Federal Constitution Article 5(1): “No person shall be deprived of his life or personal liberty save in accordance with the law.” Article 5(2): “Where complaint is made to a High Court or any judge thereof that a person is being unlawfully detained the court shall inquire into the complaint and, unless satisfied that the detention is lawful, shall order him to be produced before the court and release him.”

- ii. However the Commission also believes that when there is a grave threat to security, economic life, public order and public morals, special measures may be necessary to preserve the security and well being of the people and the nation. These measures may necessitate the imposition of limitations on rights of individuals for the purpose of protecting the rights and freedom of the community and the nation. Such limitations however must be determined by law, must only be to the extent necessary to secure the rights of others and must be subject to rigorous checks and balances to prevent abuse. The Commission's position in this regard is consistent with the provisions in Articles 9 (Prohibition of banishment and freedom of movement) and 10 (Freedom of speech, assembly and association) and the Special Powers Against Subversion, Organised Violence, Acts and Crimes Prejudicial to the Public and Emergency Powers of Part XI of the Federal Constitution. The Commission's position is informed by the fact that the likelihood of threats to public order and security from communal conflict, militancy and international terrorism is real and is of continuing serious concern in Malaysia's political and security landscape.
- iii. While preventive laws have a role in ensuring peace and security in Malaysia, the Commission is of the view that not all preventive laws currently in force in the country are necessary because effective action can be taken under other laws which conform with the constitutional requirement that individuals have a right to be tried in a court of law.
- iv. The Commission is also of the view that provisions in current law which impinge on rights, such as remand, should be reviewed with a view to reducing the period of remand and preventing serial remands. Such reviews are necessary because advances in communication and technology and increased availability of resources now facilitate faster and easier investigations. Shorter remand periods also ease congestion and overcrowding in police lockups.
- v. The Commission is also concerned, along with the public, that police sometimes resort to preventive laws because they have not been able to gather sufficient evidence to bring a suspect to stand trial in open court, or because it offers a longer period of custody to extract evidence or gather intelligence. Such practices subvert the original intent of preventive legislation and seriously infringes upon the rights of the individuals concerned.
- vi. The Commission also notes the need to address perceptions that s27 of the Police Act regarding the power to regulate assemblies, meetings and processions and to a lesser extent s8 and s73 of the ISA relating to preventive detention, are being used in a biased fashion against opposition political parties.

- vii. There is also a need to ensure that all custodial deaths are subject to inquests in a transparent and accountable way, to ascertain not only the cause but the manner of death as well, so as to ensure that there is no foul play. The Commission expresses serious concern regarding the fact that only 6 of the 80 custodial deaths in the period 2000-2004 have been subject to inquiries, and that as at January 2005 no inquests have been held for any of the 14 custodial deaths that occurred in 2004.

2. RECOMMENDATIONS

2.1 **RECOMMENDATION ONE: MAKE COMPLIANCE WITH PRESCRIBED LAWS AND HUMAN RIGHTS ONE OF THE THREE TOP PRIORITIES FOR PDRM**

- 2.1.1 As the police are there to protect the human rights of the individual whilst maintaining law and order, making policing in Malaysia more compliant with prescribed laws and human rights standards must clearly be a supreme priority for PDRM, along with reducing crime and eradicating corruption. The Ministry of Internal Security, the proposed IPCMC and the leadership of PDRM must combine efforts to launch a comprehensive and sustained initiative that encompasses changes to policy, legislation, codes of ethics and conduct, directives and procedures and training to substantively enhance compliance.
- 2.1.2 The goal and the net effect, must be a fundamental transformation in the character of policing in Malaysia, from one that is too easily persuaded to seek recourse in extraordinary emergency laws and giving itself as much space for manoeuvre as possible at the expense of the rights of suspects (such as through long remand periods), to one that is sensitive and respectful of the rights of individuals. This will provide a better balance between the imperatives of maintaining law and order and apprehending offenders on the one hand and the legitimate rights and liberties of the individual on the other. In both precept and practice, policing must be seen as essentially an exercise to maintain law and order and keep the peace by the employment of measures that adhere to the principles of human rights. Any infringement on the rights of persons must only be to safeguard the rights of others in a social order where rights can be fully realised and enjoyed².

² UNDHR Article 28: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised."

2.2 RECOMMENDATION TWO: LAUNCH A HUMAN RIGHTS EDUCATION AND INFORMATION INITIATIVE IN PDRM

- 2.2.1 It is recommended that all senior PDRM personnel at the Federal, Contingent, Formation and District levels attend intensive seminars on human rights and policing in batches, so that they are more enlightened on the subject and appreciate its importance. The seminars will also help prepare PDRM leadership at all levels for the changes that will have to be introduced to policing in the country.
- 2.2.2 Strong human rights components should be introduced into police training programmes for new recruits as well as existing officers in the three Police Colleges, six Police Training Centres and three Police Training Schools. For this purpose existing curriculum and teaching materials should be reviewed to include the necessary human rights ingredients. The training programmes should emphasise the nexus between policing and human rights and include scenario-based exercises that enable police personnel to have practical training on various aspects of policing (such as arrests, dispersal of illegal assemblies, investigations and detention) that require a rights sensitive approach.
- 2.2.3 It would be useful too if personnel in the other relevant Government agencies, including the Attorney-General's Chambers, attend seminars as well, so that the entire security and law enforcement chain is fully equipped for the change in this approach towards policing.

2.3 RECOMMENDATION THREE: AMEND SECTION 27 OF THE POLICE ACT 1967

- 2.3.1 The Commission received numerous representations and complaints regarding application of s27 of the Police Act, which vests police with the power to regulate assemblies, meetings and processions through the granting of a permit. They are summarised below:
- i. Despite early application for a permit, the OCPD's decision on the matter is often made at the final hour. This leaves the applicant with hardly any time to lodge an appeal to the Chief Police Officer should the application be refused. This nullifies the appeal process provided for by s27(7) of the Act, which allows written appeals within 48 hours of its rejection.
 - ii. Approvals or rejections at the final hour often create serious difficulties for the organiser with respect to preparations for the event, such as booking of premises and informing prospective attendees about the cancellation in good time.

- iii. Permits granted to opposition political parties or NGOs perceived to be critical of the government or aligned with opposition parties always have a number of conditions which are considered ridiculous and difficult to implement and tantamount to an indirect refusal of permission.
- iv. There are complaints that the police do not seem to be neutral and impartial in the granting of permits, as would appear to be the case from their alleged numerous refusals of permits to opposition political parties and organisations perceived to be linked to them. There were also allegations that those attending the events were arrested and questioned as to why they did so and why they expressed opposition towards the government.
- v. According to some complainants, a peaceful demonstration that turned into rioting was not caused by the action of demonstrators but on the provocation of the police.

2.3.2 The Commission's findings are as follows:

- i. Whereas Articles 10(2) and (3) of the Federal Constitution only allows for restrictions on certain grounds, s27 of the Police Act allows the police to prohibit altogether the exercise of the fundamental right to hold assemblies, meetings and processions. This right is one of the most basic and indispensable of the fundamental freedoms necessary for the functioning of a democratic society and is provided for in the Federal Constitution. (Sections 27 therefore may be challenged as unconstitutional.) Under s27(7) of the Act, the decision of the Chief Police Officer is final. This decision can be subject to review by the court, but because it is often made at the last hour and the police often put up a blanket defence of "prejudicial to the interest of the security of Malaysia", it is too late for the applicant to seek recourse in a court of law and get a satisfactory hearing.
- ii. In practice, the police appear to wrongly apply a reversal of onus of proof in s27(2) of the Police Act in that when applying for a permit the organisers will have to satisfy the OCPD that the assembly, meeting or procession that is the subject of the application will not be prejudicial to the interest of the security of the country or excite a disturbance of the peace.
- iii. The ground of "prejudicial to the interest of the security of Malaysia" in s27(2) is not defined anywhere, and it is, in practice, not open for the court to examine. The law has left open for the police to conceive what "security" is. It is thus easy for the police to shelter behind the term "security" when refusing a permit

under this section. In this regard, s39 of the Police Ordinance which has been replaced by the Police Act 1967, is not as restrictive or prohibitive as s27 of the Police Act.

- iv. The addition of new s27A, s27B and s27C in the Police Act which allows the police to prohibit “any activity” in a private place, if it is directed or intended to be heard or participated in by persons outside such private premises, has further eroded this fundamental freedom. The new provisions were introduced in order to enable the police to act against those who attempted to circumvent the requirement to obtain permits for meetings in public places by holding such meetings indoors, but with loudspeakers that could be heard by audiences outside the premises. Nevertheless the import of the new provisions is that even assemblies and meetings held in private places can be prohibited. This, in effect, spells the end of the freedom of assembly, speech and association provided by the Federal Constitution.

2.3.3 In view of the above, the Commission recommends that s27 of the Police Act 1967 be amended and s27A, s27B and s27C be repealed as proposed in Appendix 10A. The main purposes of the proposed amendments are the following:

- i. To require an application for licence to be submitted to the OCPD not later than two weeks before the proposed assembly, meeting or procession.
- ii. To require the OCPD to issue a licence without delay unless he has reasonable ground to think that the event is likely to cause a disturbance of the peace or is likely to be prejudicial to the interest of the security of Malaysia. The OCPD should not delay making a decision such that the applicant has little time to appeal if his application is rejected.
- iii. Where a licence is refused, to require the OCPD to give reasons why he thinks that the proposed event is likely to cause a disturbance of the peace or be prejudicial to the interest of the nation’s security.
- iv. To remove the 48-hour limit for making appeals to the Chief Police Officer or Commissioner of the state concerned if an applicant is aggrieved by a refusal to issue a licence.
- v. To require the Chief Police Officer or Commissioner to state the reasons why, if an appeal is disallowed.
- vi. To remove the minimum limit of the fine that can be imposed for an offence under the section.

- vii. To ensure that the rights of any person engaged in lawful advocacy, protest or dissent are not limited by the OCPD and to ensure that the exercise of that right shall not by itself be considered as prejudicial to security.
- viii. To define security as that in relation to Special Branch.
- ix. To remove the power of the police to regulate assemblies and meetings held on private premises, because the power effectively denies the freedom of speech, assembly and association provided in the Federal Constitution.

2.4 RECOMMENDATION FOUR: AMEND SECTION 73 OF THE INTERNAL SECURITY ACT 1960

2.4.1 Section 73 of the Internal Security Act 1960 (ISA) enacted pursuant to Article 149 (Legislation against subversion, action prejudicial to public order, etc.) of the Federal Constitution, empowers the police to arrest without warrant and detain any person, for a period not exceeding sixty days, who the police have reasons to believe:

- i. Justifies detention under s8 of the Act; and
- ii. Has acted or is about to act or is likely to act in any manner prejudicial to security or to the maintenance of essential services or to the economic life of Malaysia.

2.4.2 The purpose of the detention is to enable the police to gather the information and intelligence gathered by the police and to determine if there are sufficient grounds to detain the person under s8 of the Act. Pursuant to s8 of the ISA, the Minister in charge may make an order to detain the person for a period of up to two years and which can be renewed. During the period of detention under s73, the suspect has not always been given access to counsel. The practice of not allowing suspect access to counsel is an abuse of the fundamental liberty provided for by Article 5(3) of the Federal Constitution³.

2.4.3 The Commission is of the view that the period under detention, when the suspect is denied his liberty and held incommunicado without the right to trial in open court, is too long. The period allowed should be the minimum necessary for the police to conduct investigations and establish their case. The period should also be limited so as to limit the time the suspect is vulnerable to any abuse and to limit the time the police is subject to allegations of abuse. Bearing in mind the gravity of

³ Article 5(3) of the Federal Constitution: "Where a person is arrested he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice."

the circumstances for which the Act was designed, the Commission recommends that the detention period under s73 be limited to a maximum of thirty days. Visits by family members and counsel are of paramount importance to ensure compliance with the detainee's fundamental liberties. The proposed amendment to s73 is as per Appendix 10B.

2.4.4 The Commission further recommends as follows:

- i. Detainees arrested under s73 of the ISA is to be produced before a Magistrate within 24 hours of arrest in accordance with Article 5(4) of the Federal Constitution and be allowed access to counsel when they are produced before the Magistrate.
- ii. If for good reason(s) the detainee is not allowed access to counsel when produced before a Magistrate, any detainee arrested and detained under s73 of the ISA should be allowed access to family members and counsel as soon as possible and in any event, within seven days of their arrest.

2.4.5 The Commission refrains from examining detention under s8 of the ISA because it is beyond the terms of reference of the Commission, which is confined to the areas involving the jurisdiction of PDRM only.

2.5 RECOMMENDATION FIVE: AMEND SECTION 3 OF THE DANGEROUS DRUGS (SPECIAL PREVENTIVE MEASURES) ACT 1985

2.5.1 The same concerns and considerations expressed by the Commission with regard to detention under s73 of the ISA apply to detention of suspected persons under s3 of the Dangerous Drugs (Special Preventive Measures) Act 1985 (DDSPMA). In the case of the DDSPMA however, the Commission recommends that the period of detention under s3 be limited to not more than thirty days. The proposed amendment is attached at Appendix 10C.

2.5.2 As with respect to the ISA, the Commission refrains from taking a position on the Minister's power to detain persons under subsection (1) of s6 of the DDSPMA.

2.6 RECOMMENDATION SIX: REPEAL THE RESTRICTED RESIDENCE ACT 1933 AND EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME) ORDINANCE 1969

2.6.1 The Restricted Residence Act 1933 (RR) empowers the Minister to arrest and detain any person pending enquiry, or if he is already in prison, to detain that person, and after enquiry to order the person to reside in a

specified area or prohibit him from entering a specified area, for a term specified in the order. The term may extend up to the lifetime of the person.

2.6.2 The Commission recommends that this 71-year old Act be repealed because restricting residence is not practical and action can in any case be taken under other laws.

2.6.3 The Emergency (Public Order and Prevention of Crime) Ordinance 1969 (EPOPCO) authorises any member of the security forces to arrest without warrant and detain pending enquiries any person who is suspected of having acted, is about to act, or is likely to act, in a manner prejudicial to public order or that it is necessary for the suppression of violence or the prevention of crime involving violence that the person be detained.

2.6.4 The Commission recommends that EPOPCO be repealed because it has outlived its purpose and in some instances has facilitated the abuse of some fundamental liberties.

2.7 RECOMMENDATION SEVEN: PARTIALLY REPEAL THE PREVENTION OF CRIME ACT 1959

2.7.1 Another piece of legislation empowering the Minister to impose restriction and supervise the persons for more effectual prevention of crime in Peninsular Malaysia and for the control of criminals, members of secret societies and other undesirable persons is the Prevention Of Crime Act 1959 (Revised 1983) [Act 297] (PCA). Unlike the RR and the EPOPCO, the PCA however requires every case to be inquired into by an independent Inquiry Officer before his recommendation is made to the Minister and the detainee is also required to be produced before a Magistrate. Since EPOPCO and the RR are recommended to be repealed in paragraph 2.6 above, the PCA being a preventive law is also recommended to be amended.

2.7.2 Part I of the First Schedule of PCA is to be repealed. Part II of the First Schedule to the PCA which deals with recidivists is the relevant legislations relating to these offences are recommended to be amended. The amendments to the Societies Act 1966 [Act 335] (relating to members of triads), the Common Gaming House Act 1953 [Act 289] (relating to illegal gaming), the Penal Code (Revised 1999) and the Child Act 2001 [Act 667] (relating to human trafficking), should provide legal presumptions to be in consonance to such illegal activities as practiced today and to make prosecution of such offenders more effective.

2.8 RECOMMENDATION EIGHT: AMEND SECTION 117 OF THE CRIMINAL PROCEDURE CODE

- 2.8.1 Sections 28 and 117 of the CPC read together allow for the arrest without warrant and detention of a person for not more than 24 hours (exclusive of the time necessary for the journey from the place of arrest to the Magistrate's court) to enable the police to complete investigations. If investigations cannot be completed within that period the accused person has to be produced before a Magistrate for an order allowing further detention for a period not exceeding fifteen days in total. The expectation is that investigations should be completed within 24 hours and in normal cases any extension is to be an exception.
- 2.8.2 In practice however, the provision has led to many abuses by the police, who apply for remand for the maximum period and the applications are usually granted by the Magistrate. To aggravate matters, police circumvent the law by taking the accused person to the jurisdiction of another Magistrate to obtain an order for remand for another fifteen days, for investigation into another offence and this may be further repeated. During the period of remand there have been reports of physical and mental abuse of the suspects by the police, and deaths in custody of suspects. The Commission believes that one of the reasons for the police frequently seeking long periods of remand is the habit of "arrest first, investigate later."
- 2.8.3 The Commission views this practice as a serious breach of human rights. In countries like Hong Kong, Australia and Singapore the maximum permissible remand period is much shorter and serial or "chain smoking" orders are not entertained. The practice of "arrest first, investigate later" should be used very sparingly and only for the most necessary cases. The norm should be good investigations that build up sufficient evidence for an arrest to be made.
- 2.8.4 The Commission understands that PDRM has constraints of manpower to complete investigations expeditiously. This however can be overcome by increasing capacity over time, through such measures as the police focusing on core policing functions as recommended in Chapter Fifteen. The Commission therefore recommends that s117 be amended to allow for remand a maximum period of no more than seven days for an arrest without warrant and no more than 24 hours for an arrest with warrant. For an arrest without warrant, the police must apply to the Magistrate for further remand every 48 hours should it be necessary, giving reasons in each case. After the expiry of the maximum seven days, the accused person should be released if there is no sufficient evidence to charge him in court. However, if there is a need for further investigation on matters relating to his detention or that proceedings may be taken against him on

an offence, he shall be released on police bail. In any case where a suspect is brought before a Magistrate for the purpose of obtaining a remand order or continuation of such order, he shall be allowed access to a lawyer. In a case where he has no lawyer, the Magistrate shall enquire from him if he wishes to make any complaint regarding his arrest and detention.

2.9 RECOMMENDATION NINE: ADOPT CODE OF PRACTICE RELATING TO THE ARREST AND DETENTION OF PERSONS⁴

- 2.9.1 The Commission received numerous complaints alleging non-compliance by the police to the provisions of the Criminal Procedure Code in effecting arrests, the failure to inform arrested persons of the grounds of the arrest, failure to notify the family members of arrested persons, the predisposition of the police to make arrests on the eve of public holidays, the failure to grant access for legal representation and the mistreatment of persons under detention.
- 2.9.2 Hence the Commission recommends that the Principles and Code of Practice as in Appendix 10D be adhered to by the police when effecting any arrest, whether under the CPC, preventive laws or under any other legislation. Failure to comply should be subject to disciplinary proceedings.
- 2.9.3 In brief, the Principles and Code of Practice provides for changes in the administration and regulation of police station premises, police officers and their duties and their dealing with detainees, namely :
- i. All police stations will be under 24-hour camera surveillance. All major points of entry, exit and corridors will be continuously monitored.
 - ii. Access to detention cells will only be via the desk of a Custody Officer who shall be responsible for the welfare of a detainee.
 - iii. No person shall have access to a detainee unless his particulars are recorded by the Custody Officer.
 - iv. All detention cells will have sufficient ventilation and lighting, with facilities for dimming to permit detainees to sleep during the night.
 - v. Every police officer shall be in uniform, easily identified by his name, rank and serial number.
 - vi. Police investigations shall commence promptly and a record of all activity shall be maintained in the officers' pocket book.

⁴ In drawing up the above guidelines, the Commission had the benefit of and took into account, recommendations made by the Bar Council and by various other organisations which appeared before the Commission.

vii. Every arresting officer shall, *inter alia* :

- a. Inform the detainee of the offence alleged and the provision in law under which he is to be charged;
- b. Inform the detainee of his right to counsel immediately upon arrest;
- c. Where the detainee is a child, inform his parent and/or a probation officer forthwith;
- d. Advise the detainee of his rights to communicate with his family and his right to bail, where applicable;
- e. Convey the detainee to the nearest police station as soon as possible;
- f. Upon arrival at the police station, prepare a memo of arrest under Schedule 2 of the CPC; and
- g. Inform the Central Information Centre of every arrest and detention.

viii. Every police station shall have an independent Custody Officer who shall be responsible for the welfare and custody of every detainee. The proposed roles, duties and responsibilities of the Custody Officer include:

- a. Advising the detainee of his rights to communicate with his family, his right to counsel and his right to bail, where applicable;
- b. Advising the detainee of his right to be medically examined, then or subsequently;
- c. Providing the detainee with a notice of his rights in writing;
- d. Facilitating the detainee's communication with his family, lawyer or any person taking an interest in the detainee's welfare;
- e. Supervising the welfare of every detainee and to ensure that detainee in need of medical attention are offered the necessary services;
- f. Facilitating the detainee's continued taking of prescribed medication;

- g. Ensuring that every detainee has sufficient food and water, bedding and clothing;
 - h. Recording the particulars of all persons who come into contact with the detainee;
 - i. Generally maintaining a record of every detainee's arrival, treatment, movements, feeding, general care and departure; and
 - j. Permitting the detainee or his representative to inspect the custody record and to make notes therefrom.
- ix. Every interview shall be contemporaneously monitored in sound and writing and the following additional steps shall be taken:
- a. Every person to be interviewed, whether or not a detainee, shall be advised of his rights.
 - b. No detainee shall be interviewed except in a designated interview room under constant audio-visual surveillance.
 - c. Every detainee to be interviewed shall be brought to the interview room directly from the detention cells with the consent of the Custody Officer.
 - d. Every detainee being interviewed shall be advised that the proceedings are being recorded in sound and writing.
 - e. Every detainee shall be given a duplicate copy of the sound recording of his interview.

2.10 RECOMMENDATION TEN: CONDUCT INQUIRIES INTO ALL CASES OF CUSTODIAL DEATHS AND MAKE THE PROCESS MORE EXPEDITIOUS, TRANSPARENT AND ACCOUNTABLE

2.10.1 The number of deaths in custody, amounting to 80 deaths in the period 2000-2004, is a serious cause for concern. Of even greater concern also is the fact that inquests were only held for 6 of the 80 deaths, when s334 of the CPC makes it mandatory for the Magistrate to conduct an inquest. Even if there were no foul play, the fact that the deaths occurred in police custody, sometimes in circumstances that give legitimate cause for suspicion, make it imperative that inquests are held expeditiously and in a transparent and accountable manner in each and every case. Post mortems that establish the cause of death are not sufficient. What is necessary also is the manner in which death occurred.

2.10.2 The Commission finds that the current provisions for inquiry into deaths in police custody in the CPC are not sufficiently rigorous and do not provide for a transparent and accountable process. The Commission therefore recommends that sections 331, 332, 333, 334, 335, 337 and 338 be amended as in Appendix 10E to provide for the following:

- i. The police officer to submit a sudden death report to the Magistrate immediately, and in any case within one week, of the finding of a deceased's body.
- ii. The Government Medical Officer to conduct a post mortem as soon as is practicable, and in any case within 24 hours upon receiving information from the police of a case of sudden death.
- iii. The immediate family of the deceased to be informed and to be given sufficient time to be present at the post mortem.
- iv. The presence at the post mortem of certain persons.
- v. The Magistrate to hold an inquiry as soon as may be and in any event within one month of receiving the report of apparent death.
- vi. To inform the nearest Magistrate and a Government Medical Officer immediately of a death in police custody or in a psychiatric hospital or prison.
- vii. Upon receipt of such information, the Magistrate to immediately examine the body of the deceased *in situ* and require the officer in whose custody the death occurred to investigate and draw up a report to be submitted to him immediately and in any event within one week of drawing up the report.
- viii. To require the Magistrate to commence an inquiry into the cause of death as soon as possible and in any case within one month of being informed of the death in custody.
- ix. To make available to the family of the deceased a copy of all documents to be used as evidence in such an inquiry.
- x. To allow for the family of the deceased to be present at the inquiry.
- xi. Where no post mortem was held, or where a party entitled was not present at a post mortem, to provide for the conduct of a further post mortem in the presence of the party.

2.11 RECOMMENDATION ELEVEN: ENHANCE SPECIAL BRANCH ACCOUNTABILITY

- 2.11.1 SB is the agency in PDRM that is vested with the responsibility for the collection of security intelligence by s3(3) of the Police Act 1967. It played a critical role in safeguarding national security during the first Emergency and on many occasions thereafter, such as during *konfrontasi* and against various domestic militant threats such as the *Al-Maunah*. Like all other intelligence organisations in the world it operates with a high degree of secrecy and confidentiality in order to fulfil its tasks.
- 2.11.2 In the course of its inquiries however, the Commission received various complaints and expressions of concern regarding SB. There were allegations of torture and humiliating and degrading treatment inflicted by SB upon ISA detainees. There were also concerns that SB may be manipulated by a party in power for political purposes.
- 2.11.3 The Commission feels that it is important that these complaints and concerns are addressed. Safeguards should be written into the law for this purpose. At the moment there appears to be no legal provisions dealing with the functions, powers and duties of the SB. The Police Act does not spell out what “security intelligence” means and what are the powers vested in the SB. The SB appears to be governed by a Charter issued by the Prime Minister after independence. However the Commission has not had access to it. To be valid the Charter must be made under authority of law. In the absence of such a law the Charter is only an administrative document that cannot affect the rights of individuals.
- 2.11.4 The Commission is of the view that in order to address the concerns of the public that SB is a fearful organisation and that it could be used for a political purpose, the following points should be given expression in law, either in the form of a separate act or through amendments to the Police Act:
- i. The term “security” should be defined, so that there can be no misconceptions or abuse of the term. It is suggested that “security” be defined as follows: “The protection of, and of the people of, the Federation and States from:
 - a. espionage.
 - b. sabotage.
 - c. politically or religiously motivated violence.
 - d. communal violence.
 - e. attacks on Malaysia’s defence system.

- f. foreign interference, whether directed from or committed within Malaysia or not.
- g. the carrying out of Malaysia's responsibilities to any foreign country in relation to a matter mentioned in paragraph (a).

For the purposes of the above,

Politically or Religiously Motivated Violence means:

- a) *acts or threats of violence or unlawful harm that are intended or are likely to achieve a political or religious objective, whether in Malaysia or elsewhere, including acts or threats carried out for the purpose of influencing the policies or acts of a government, whether in Malaysia or elsewhere; or*
- b) acts that:
 - i) *involve violence or are intended or are likely to involve or lead to violence (whether by the persons who carry on those acts or by other persons).*
 - ii) *are directed to overthrowing or destroying, or assisting in the overthrow or destruction of, the government or the constitutional system of government of the Federation or of a State.*

Communal Violence means; *“activities that are directed to promoting violence between different groups of persons in the Malaysian community so as to endanger the peace, order or good government of the Federation”.*

- i. As an intelligence organisation SB should be free from political influences and manipulations so that it can exercise its functions impartially and independently.
- ii. SB's assessment and opinion should be treated as the most authoritative and respected in matters relating to security although the Head of SB may be under the IGP and may advise the Prime Minister on matters relating to national security.
- iii. Any guidelines or instructions to be issued on matters relating to security must be tabled in Parliament as soon as the instructions or guidelines have been made. Any part of the guidelines or instructions could be withheld from Parliament, if it is considered contrary to the public interest on

the ground that it would prejudice the security, the defence of the Federation and the conduct of the Federation's international affairs or privacy of individual.

- iv. As security is of paramount importance to the country and the life of the people, SB must prepare an Annual Report of its activities at the end of each year and submit it to the Prime Minister. Subsequently, the Prime Minister shall present that report in Parliament and he may delete any portion of the report which is considered prejudicial to security, the defence of the Federation and the conduct of the Federation's international affairs or privacy of individuals.
- v. In conformity with fundamental liberty accorded by the Federal Constitution, the powers, functions and duties of SB relating to collection of intelligence shall not limit the rights of a person to engage in lawful advocacy, protest or dissent and the exercise of that right shall not by itself be regarded as prejudicial to security and the functions of SB shall be construed accordingly.
- vi. The powers and activities of SB must be spelt out in the law, such as *inter alia*;
 - a. Search warrant
 - b. Warrant of arrest
 - c. Interrogation
 - d. Computer access warrant
 - e. Use of listening devices
 - f. Use of tracking devices relating to person
 - g. Use of tracking devices relating to object
 - h. Inspection of postal article

3. CONCLUSION

- 3.1 The recommendations submitted in some of the other chapters of the Report will facilitate the fostering of a policing system that is in greater compliance with human right standards. A PDRM that adopts and adheres to a strong code of ethics; is transparent and accountable to the public; is subject to a credible external oversight mechanism in the form of the proposed IPCMC; is more representative of the various groups in the country; and more responsive to the requirements of the community through programmes such as community policing. It will also be an organisation that is infused with human rights values and discharges its responsibilities towards maintaining law and order in a human rights compliant way.

PROPOSED AMENDMENT TO SECTION 27 OF THE POLICE ACT 1967

- 27(2) Any person intending to convene or collect an assembly or meeting or to form a procession in any public aforesaid, shall before convening, collecting or forming such assembly, meeting or procession make to the Officer in Charge of Police District in which such assembly, meeting or procession is to be held an application for a license in their behalf.
- 27(3) The application shall not be made later than two weeks before the assembly, meeting or procession is to be held.
- 27(4) Upon receipt of the application, the Officer in Charge of Police District without delay shall issue a license, unless on reasonable ground based on credible information he thinks that such assembly, meeting and procession is likely to cause disturbance of the peace or is likely to be prejudicial to the interest of the security of Malaysia.
- 27(5) Where such officer refuses to issue the license, he shall give reasons why he considers the assembly, meeting and procession to be likely to cause a disturbance of the peace or to be prejudicial to the interest of the security of Malaysia.
- 27(6) If the applicant for the license is aggrieved by the decision of the Officer in Charge of Police District refusing his application, such applicant may, if he wishes appeal to the Chief Police Officer of the State wherein the Police District is situated.
- 27(7) The said Chief Police Officer shall proceed to consider the appeal of such applicant and shall, if the appeal is rejected, give reasons why it is disallowed.
- 27(8) The Officer in Charge of Police District upon receiving the application:
- (i) shall not delay making a decision such that if the application is rejected the applicant would have little time to appeal to the Chief Police Officer; and
 - (ii) unless the Officer in Charge of Police District makes his decision to grant or to refuse the license within one week after the application is made, it is presumed that the license is granted and the applicant may proceed to convene or collect or form the said assembly, meeting and procession.
- 27(9) If subsequent to the issue of a license, the Officer in Charge of Police District on reasonable grounds discovers that the assembly, meeting and procession is being held contrary to the conditions of the license or that the assembly, meeting and procession is creating a disturbance of peace or prejudicial to the security of Malaysia, such officer or any officer authorised by him in writing can stop the assembly, meeting and procession and cancel the license and order the persons comprising the assembly, meeting and procession to disperse.

27(10) An assembly, meeting or procession shall become an unlawful assembly:

- (i) where such assembly, meeting and procession takes place without a license issued under subsection (2).
- (ii) where such assembly, meeting and procession is continued to be held in disobedience to the order to disperse given by a police officer under subsection (8).

27(11) It shall be an offence for any one:

- (i) to hold an assembly, meeting and procession without a license having been issued.
- (ii) to hold such assembly, meeting and procession in contravention of any conditions of the license.
- (iii) to continue to hold the assembly, meeting and procession which have been stopped by the Officer in Charge of Police District or an officer authorised in writing by him.
- (iv) to participate in any of the assembly, meeting and procession described under sub-paragraph (i), (ii) and (iii).

27(12) Any person who is guilty of an offence under this section shall be liable on conviction to a fine not exceeding ten thousand ringgit or to an imprisonment for a term not exceeding one year.

27(13) In conformity with the fundamental liberties accorded by Article 10 of the Federal Constitution, the powers, functions and duties of the Officer in Charge of Police District or any other police officer under this section shall not limit the rights of any person to engage in lawful advocacy protest or dissent and the exercise of the right shall not by itself be regarded as prejudicial to security and the powers, functions and duties of such officer shall be construed accordingly.

27(14) For the purpose of this section “security of Malaysia” shall be defined as that defined in relation to the Special Branch.

Sections 27A, 27B and 27C be repealed.

**PROPOSED AMENDMENT TO SECTION 73
OF THE INTERNAL SECURITY ACT 1960**

73. Power to detain suspected persons.
1. Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe:
 - (a) that there are grounds which would justify his detention under s8, and
 - (b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof.
 2. Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by the officer fails to satisfy the officer as to his identity or as to the purposes for which he is in the place where he is found and who the officer suspects has acted or is about to act in any manner prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services therein or to the economic life thereof.
 3. Any person arrested under this section may be detained for a period not exceeding thirty days without an order of detention having been made in respect of him under s8:

Provided that:

 - (a) he shall not be detained for more than 24 hours except with the authority of a police officer of or above the rank of Assistant Superintendent;
 - (b) he shall not be detained for more than 48 hours unless a police officer of or above the rank of Deputy Superintendent has reported the circumstances of the arrest and detention to the Inspector General of Police or to a police officer designated by the Inspector General of Police in that behalf, who shall forthwith report the same to the Minister.
 4. Where a person is arrested and detained under this section, he shall be allowed a family visit and his counsel visit not later than seven days from the date of his arrest.

**PROPOSED AMENDMENT TO SECTION 3 OF THE
DANGEROUS DRUGS (SPECIAL PREVENTIVE MEASURES) ACT 1985**

3. Power to detain suspected person.

- (2) Any person arrested and detained under this section may be detained in police custody for a period not exceeding thirty days without an order of detention having been made in respect of him under subsection (1) of s6:

Provided that:

- (a) he shall not be detained for more than 24 hours except with the authority of a police officer of or above the rank of Inspector;
- (b) he shall not be detained for more than 48 hours except with the authority of a police officer of or above the rank of Assistant Superintendent of Police; and
- (c) he shall not be detained for more than fourteen days unless a police officer of or above the rank of Deputy Superintendent has reported the circumstances of the arrest and detention to the Inspector General of Police or to a police officer designated by the Inspector General of Police in that behalf and the Inspector General of Police or police officer so designated by him, as the case may be, shall forthwith report the same to the Minister.

**PRINCIPLES AND CODE OF PRACTICE RELATING TO THE ARREST AND
DETENTION OF PERSONS**

All persons detained shall be treated with the respect due to their inherent dignity and value as human beings. All persons detained shall not be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

(1) Police Control Rooms

All district and state headquarters shall have a police control room to which information regarding the arrest and custody of every person shall be communicated by arresting officers. All such information displayed conspicuously on the notice board there, and at the central information centre at the Federal Police Headquarters, shall be accessible to the families of persons under detention, their lawyers and persons and/or organizations interested in their welfare.

(2) Police stations under 24-hour video surveillance

All rooms at all police stations shall be covered by 24-hour surveillance cameras or close circuit television. Such surveillance shall include the corridors leading to the lockups, the lockups themselves, the interrogation rooms and the holding cells. Entrances to all rooms at the police station and to each lockup cell shall be clearly visible and recorded. The original tape recordings of all surveillance videos and close circuit TV recordings shall be kept in good order for not less than 3 years from the date of a person's release from detention, unless there is a complaint made as to a person's detention, in which case the recording shall be kept for three years after the expiration of the investigation of the complaint, or any court action and/or appeal therefrom, whichever is the later.

(3) Condition of detention cells

(i) The design of all detention cells must be such as not to facilitate the person arrested harming himself. It must not contain anything which can be broken or modified to form a weapon. The side of the cell facing the officer shall be made of glass and surveillance cameras must be installed in every cell. Access to toilet and privacy when using such facility must be ensured.

(ii) All detention cells must be adequately clean and ventilated. The cells must be adequately lit with facilities for dimming to allow the detainee detained overnight to sleep. Bedding must be of a reasonably clean and sanitary condition. Access to toilet and washing facilities must be provided. Brief outdoor exercise shall where practicable be offered daily. So far as practicable, not more than one person shall be detained in each cell in a lockup.

- (iii) Every entry and exit from the detention cells must be via the desk of the custody officer who is, after all, responsible for the continued well being of the detainees. Any other point of ingress or egress must be restricted.

(4) Police officers to be in uniform and wear name tags

Every police officer dealing with members of the public shall be in police uniform which shall bear accurate, visible and clear identification indicating the name, serial number and rank of the officer. Where any police officer is, for any reason, not in police uniform, he shall immediately upon request to do so produce his authority card and shall duly identify himself, his serial number and rank.

(5) Investigations

Investigations must commence and statements recorded expeditiously. An Investigating Officer shall keep a pocket book describing actions taken in respect of the offence. The police must be more detailed and diligent in updating the investigation diaries.

(6) Duties of arresting officer

- (i) The arresting officer shall whenever possible, be in police uniform. Where the arresting officer is not in police uniform, he shall identify himself and produce his authority card. The arresting officer shall forthwith inform the person to be arrested the grounds for his arrest and advise the person arrested as to his rights.
- (ii) Further and in addition to verbally informing the arrested person of the grounds for his arrest, the arresting officer shall later at the police station also prepare a form in Schedule 2 of the CPC specifying particular provision(s) under which the person arrested is to be charged. This form shall be in Malay and English and a copy thereof shall be handed over to the (adult) next of kin of the person to be arrested, his counsel and / or his employer.
- (iii) Where the person to be arrested is a child under 18 years, the arresting officer shall in addition to the above provision inform a probation officer both of the fact of the arrest and the grounds therefore and supply the probation officer with a copy of the form in Schedule 2 of the CPC above.
- (iv) Any person arrested must be dealt with expeditiously and may not be detained for the maximum period allowed under the CPC.
- (v) If in specifying the grounds of arrest, it is clear that the offence for which the person arrested is to be charged is bailable, the arresting officer shall forthwith inform the person arrested and his family of the availability of a reasonable bail and the manner in which bail may be offered in the prescribed form.
- (vi) The arresting officer shall not take a statement from the person arrested, whether at the time of, or immediately after his arrest. Instead the arresting officer shall

inform the person arrested of his right to seek immediate legal representation. The arresting officer shall further inform the detainee that even if he cannot afford a lawyer, the detainee may contact the Legal Aid Centre or *Biro Bantuan Guaman* which may provide him with such advice, whether *gratis* or on proof of his lack of means or upon the payment of a nominal fee only.

- (vii) The arresting officer shall at the police station prepare a memo of arrest stating his name, serial number, designation and other particulars. The memo shall further state the time, date, place and circumstances of the arrest and the particulars of the person arrested. This memo shall be counter-signed by the person arrested. Where the person refuses to sign the memo, this shall be duly noted.
- (viii) The arresting officer shall produce the person arrested and the memo before a Custody Officer in the nearest police station forthwith, and in any event not later than 8 hours after the arrest. The arresting officer shall hand the person arrested, together with the memo, over to the Custody Officer.
- (ix) The arresting police officer shall, in addition to the above, notify the district police station of the particulars of the person arrested and the time, date, place and circumstances and the place at which he is being detained expeditiously and in any event within 8 hours of effecting the arrest.

(7) Custody Officer

- (i) Every police station shall have a Custody Officer appointed by the Chief Police Officer who is independent of the Criminal Investigation Department.
- (ii) A Custody Officer shall be designated in every police station who shall keep a complete and accurate record of every detainee and of his time in detention. A separate custody record shall be opened in respect of each detainee. The welfare of a person under detention shall be the responsibility of the Custody Officer who shall ensure that the custody record accompanies the detainee if and when he is transferred from the police station.
- (iii) The Custody Officer shall thus immediately inform the detainee of the place of his detention and of his right to have person(s) concerned about him informed, at public expense, of the fact, place and grounds of his detention. The detainee's right to contact his family or a lawyer or doctor or any person concerned about his welfare arises afresh every time he is moved or the place of his detention is changed.
- (iv) A detainee shall be informed of his right to immediate legal representation. The Custody Officer shall further inform the detainee that even if he cannot afford a lawyer, he may contact the Legal Aid Centre which may provide him with such advice, whether *gratis* or on proof of his lack of means or upon the payment of a nominal fee only.

- (v) The detainee shall be entitled to meet with and to consult a lawyer of his choice in private and shall be entitled to have his lawyer present during any interviews or interrogation. Where the detainee exercises this right to counsel, it must be so recorded in the custody record and no interview or interrogation of the detainee may commence until after he has consulted his lawyer.
- (vi) The Custody Officer shall also inform the detainee of his right to be medically examined. Any injuries sustained by the detainee must be entered on the custody record in an Inspection Memo which is to be signed by the detainee and the Medical Officer conducting the examination. A copy of the Inspection Memo shall be handed over to the detainee. Further and in addition thereto the detainee has the right, if he so desires at his own expense, to be examined by a medical practitioner of his choice. In any event, where the detainee is unwell or injured or ill, the Custody Officer shall immediately call for a Medical Officer.
- (vii) A record shall be made of any request for medical attention, any arrangements for medical examination and any medical directions given to the police. The Custody Officer shall enquire of the detainee whether he suffers from any physical injury, ailment or illness and the Custody Officer shall record the answer. The Custody Officer shall also discover if the detainee has been prescribed any medication before his detention which has to be continued while he is in detention.
- (viii) In order to ensure that the detainee has been informed of, and is given the appropriate recourse to, his rights as a detainee, the Custody Officer shall give the detainee a written notice setting out his entitlements above. The Custody Officer shall ensure that the detainee understands these entitlements and the detainee shall sign the custody record to acknowledge receipt of the written notice. Any refusal to sign the custody record must be duly noted.
- (ix) The particulars of any and all persons and, where the person is a police officer, his name rank and serial number, coming into contact with, or in any way dealing with, the detainee shall be entered in the custody record together with the time and date and the reason for the contact or dealing. Where the nature of any contact or dealing with the detainee requires the consent of an officer of a specified rank, the name, rank and serial number of the authorizing officer shall be included.
- (x) The detainee shall be permitted writing materials on request and, in addition, be allowed to speak to his family or his lawyer on the telephone for a reasonable time. Every request to speak to his lawyer or family, and the action taken thereon, any and all messages sent and received, any visits or any refusal on the part of the detainee to have information about himself or his whereabouts divulged to an outsider must be recorded and signed by the Custody Officer. The detainee should also be asked to sign the record and any refusal to do so must be duly noted.
- (xi) Where any detainee complains about his treatment, or if it comes to the knowledge of the Custody Officer or other police officer that a detainee has been improperly treated, while under detention or arrest, a report shall immediately be made to a police officer of the rank of Inspector or above.

- (xii) Where a person to be detained, or under detention, other than through drunkenness alone:
- appears not to show signs of sensibility or awareness;
 - appears to be suffering from physical illness or mental disorder;
 - is incoherent or unwell or uninjured;
 - fails to respond to questions or conversation; or
 - otherwise appears to need medical attention,

then the Custody Officer shall immediately call a medical officer or, in urgent cases, send that person to the nearest hospital or medical practitioner, even if the detainee himself makes no request for medical attention.

- (xiii) Where a detainee is required to take any medication, in compliance with medical directions, prescribed before his detention, the Custody Officer shall be responsible for the safekeeping of such medication and for ensuring that the detainee has the opportunity to take or apply the medication with the approval of and under the supervision of a medical officer. The provision for such supervision shall be satisfied if the Custody Officer consults (on the telephone if necessary) the Medical Officer and they are both satisfied that the administration of the medication will not expose the detainee or any police officer or other person to any risk of harm or injury. For this purpose a record shall be kept not only of all medication which the detainee has with him but also a note of any medication which the detainee claims he needs but does not have with him.
- (xiv) A person under detention shall be visited every two hours, and where the detainee appears to be drunk, every half-hour. The detainee who is drunk shall be roused and spoken to on each visit. If the Custody Officer feels in any way concerned about the detainee's condition at any time, the Custody Officer shall arrange for medical attention immediately.
- (xv) All entries in the custody record must be timed and dated and signed by the maker or the record, stating his name, serial number and designation of the maker. The original custody record shall be kept in good order from the date of a person's release from detention, unless there is a complaint made as to a person's detention, in which case the recording shall be kept until three years after the expiration of the investigation of the complaint and any court action and/or appeal there from, whichever is the later.
- (xvi) The detainee and / or his lawyer or an appropriate adult shall be entitled without more to consult and inspect the custody record of a person detained and to make copies thereof, as soon as the detainee arrives or upon request being made to the Custody Officer. A person previously under detention, when he leaves the police station or is produced in court, shall be entitled to be supplied with a copy of the custody record. This right shall subsist for 12 months after the detainee's release from custody.

(xvii) The detainee may be permitted, after a brief inspection of his attire by the Custody Officer, to wear his own clothes. Where it is necessary for any reason to remove the clothes of the detainee, e.g. for the purposes of investigation, hygiene, health or cleaning, then replacement clothing of reasonable comfort and cleanliness shall be provided. Families of detainees may bring fresh articles of clothing which the detainees shall, after proper inspection by the authorities, be permitted to wear. No person shall be interviewed unless adequately dressed.

(xviii) The detainee shall be offered three meals daily. Drinks shall be offered during meals and at reasonable times.

(8) Interviews only in designated rooms with video surveillance

(i) All interviews or interrogations of persons detained or arrested must be conducted in designated rooms at the police stations which shall at all times be properly lit and ventilated and free from extremes of temperature. Such rooms shall be under the surveillance of functioning video and audio equipment. No interview shall be conducted in any room which is not then under proper lighting, ventilation, surveillance and record. Only the offices of the police personnel, rooms designated for intimate or strip searches, rooms designated for medical attention and toilets shall be excluded from this requirement of surveillance and record.

(ii) Where a person not detained in custody is being interviewed, that person shall be assured that he is not under detention or arrest and that he is under no obligation to answer any questions that may expose him to criminal charge or penalty or forfeiture. He should be advised that if he chooses to answer any question he must do so truthfully. He should be further advised that he is entitled to seek legal advice before answering any questions and that he is free to leave the premises at any time.

(iii) Where a person not detained in custody is voluntarily being interviewed and the interviewer has grounds to believe that there is sufficient evidence against that person to bring a prosecution against him, the interviewer shall ask the person if the latter has anything further to add. Where the person indicates that he has nothing further to add, the interview shall terminate forthwith. The asking of any question and any continuation of the interview from that point on must be tape recorded.

(iv) A person under detention shall not be interviewed except at a police station or other place of detention UNLESS the consequent delay would be such as would be:

- likely to interfere with or harm evidence connected with an offence;
- interfere with or physically harm other persons; or
- lead to the alerting of the person suspected.

In any event, the interview shall cease as soon as the relevant steps taken to avert such risk.

- (v) Every delivery of the detainee from the Custody Officer for interview shall be recorded along with the name of every officer conducting the interview. The decision whether or not to deliver the detainee into the custody of the interviewing officer shall rest with the Custody Officer. Every instance when the detainee is not in the custody of the Custody Officer must be recorded. Every refusal of the Custody Officer to deliver the detainee into the custody of an interviewing officer shall be recorded together with the reasons there for.
- (v) In any period of 24 hours, a person under detention shall be allowed a continuous rest period of at least 6 hours, normally at night. Such period of rest shall not be interrupted for questioning except at the specific request of the detainee or his representative UNLESS there are grounds for believing that such delay would:
- involve a risk of harm to people or a risk or serious loss or damage to property;
 - unnecessarily delay the detainee's release from custody; or
 - otherwise prejudice the outcome of the investigation.

(9) Interview to be tape recorded

Every interview of a detainee shall be audio taped in addition to the written record. Such taping shall be carried out openly to instil confidence in the detainee as to the impartial and accurate recording of the interview. The interviewing officer shall unwrap a fresh audio tape and insert it into the recording machine. The interviewer shall then, while the tape is recording, identify every officer present in the interview room and remind the detainee of his right to legal advice. The whole interview (including the reading back of the complete statement of the detainee) shall be recorded on tape.

(10) Written record of interview to be kept

- (i) An accurate contemporaneous written record must be made of all instances when a detainee is interviewed, indicating the time, date, place, manner and duration of the interview and expressly stating whether, and if so, for how long, the person has been detained in custody.
- (ii) The person being interviewed must be given the opportunity to read and verify the record. If the person cannot or refuses to read the record, the interviewing officer shall read over the record of the interview to him and ask him whether he would like to sign the record. Where the person is accompanied by a lawyer or a representative, the lawyer or the representative shall be permitted to read and verify the contents of the record.
- (iii) The interviewer shall request the person detained to sign the record. If the detainee refuses to sign him, the interviewer must indicate the detainee's refusal to sign the same.

(11) Master and duplicate copy of interview record

Tape recording of any interview shall consist of a master tape and 2 duplicates. The master tape which shall be sealed and duly signed by the interviewer and the detainee or his lawyer and shall be kept by the police as primary evidence. The detainee shall be entitled to a duplicate.

**PROPOSED AMENDMENT TO CRIMINAL PROCEDURE CODE
CHAPTER XXXII
INQUIRIES OF DEATHS**

331. Post mortem examination of body

- (1) Upon receiving the information referred to in s330 (a) Government Medical Officer shall, as soon as practicable and in any event within 24 hours thereof, make a post mortem examination of the body of the deceased.
 - (1A) Where the identity of the deceased is not in question, or where it is suggested that the deceased may be so identified, the immediate family of the deceased shall be informed and sufficient allowance made to enable a representative of the family to be present at the post mortem.
 - (1B) Where the identity of the deceased has not been conclusively established, but where it is suspected that the deceased may be so identified, the immediate family of the suspect, or families of the suspects as the case may be, shall be so informed and sufficient allowance made to enable a representative of each of the families to be present at the post mortem.
- (2) The Medical Officer, if it is necessary in order to ascertain the cause of death, shall extend the examination to the dissection of the body and an analysis of any portion of it, and may cause any portion of it to be transmitted to a forensic laboratory or the Institute for Medical Research.
- (3) Attendance at a post mortem examination under this section shall be permitted for any and all of the following persons:
 - (a) a relative or relative's representative, e.g. a solicitor or doctor.
 - (b) a pathologist representing the family, who may investigate on behalf of the family.
 - (c) the general medical practitioner of the deceased.
 - (d) a representative from the institution where the person died.
 - (e) a representative of the Department of Occupational Safety and Health, or similar body.
 - (f) any Government Department which has notified the Coroner that it wishes to attend.
 - (g) the Chief Officer of Police or his representative.
 - (h) any legally qualified medical doctor representing any of the above.
 - (i) any other person invited by the Coroner or who may have a real substantive and reasonable interest in the outcome of the post mortem.

332. Report of Government Medical Officer

- (1) The Medical Officer making any such examination shall draw up a report of the appearance of the body and of the conclusions which he draws from it, and shall certify as to the cause of death and shall date and sign the report and transmit it to the Officer in Charge of Police District who shall attach it to the report forwarded under subsection 329(5).
- (2) The report of the Medical Officer and also the report of an officer of a forensics laboratory or the Institute for Medical Research on anything transmitted to him under subsection 331(2) shall be admissible as evidence and shall be *prima facie* evidence of the facts stated in it at any inquiry held under this Chapter and also in any inquiry held under Chapter XVII.

333. Duty of Magistrate on receipt of report

- (1) If the Magistrate shall be satisfied as to the cause of death without holding an inquiry under this Chapter, he shall report to the Public Prosecutor the cause of death as ascertained to his satisfaction with his reasons for being so satisfied and shall at the same time transmit to the Public Prosecutor all reports and documents in his possession connected with the matter.
- (2) In all other cases the Magistrate shall proceed as soon as may be and in any event within one (1) month of receiving the report of the apparent cause of death under subsection (2) of s329 above, to hold an inquiry under this Chapter.
- (3) It shall not be necessary for the Magistrate to hold any inquiry under this Chapter or to make any report under subsection (1) if any criminal proceedings have been instituted against any person in respect of any act connected with the death of the deceased or such as caused the death.

334. Inquiry into cause of death of a person in custody of police or in any asylum

- (1) When any person dies while in the custody of the police or in a psychiatric hospital or prison, the officer who had the custody of the person or was in charge of that psychiatric hospital or prison, as the case may be, shall immediately inform the nearest Magistrate and a Government Medical Officer of such death without removing the body of the deceased person.
- (2) (i) Upon notification by the officer referred to in subsection (1) above, the Magistrate shall immediately examine the body *in situ* and shall direct the officer to investigate and draw up a report of the apparent cause of death, the wounds, fractures, bruises, and other marks of injury as may related to the cause of death, or the person, if any, who caused the death and stating in what manner and what weapon or instrument, if any, the marks appear to have been inflicted.

- (ii) The report shall be signed by the officer by whom it was drawn up and the officer shall immediately, and in any event within one (1) week forward the report of the apparent cause of death to the Magistrate within the local limits of whose jurisdiction the body of the deceased was found.
 - (iii) The Government Medical Officer, after examining the body of the deceased person *in situ*, shall then make a post mortem examination of the body of the deceased at a government hospital or other convenient facility for the holding of a post mortem examination as provided under s331 above.
 - (iv) The Government Medical Officer making such an examination shall draw up and report the appearance of the body and of the conclusions which he draws from it and shall certify as to the cause of death and shall date and sign the report and shall transmit it to the Magistrate and such report shall be admissible as evidence and shall be *prima facie* evidence of the facts stated in it at any inquiry held under this Chapter.
- (3) (i) The Magistrate shall commence an inquiry into the cause of death as soon as possible and in any event within one (1) week from the date of notification under subsection (2)(i) hereof.
- (ii) The Magistrate shall have power to summon witnesses and may be assisted by a Deputy Public Prosecutor in the said inquiry.
 - (iii) Such an inquiry under subsection (3)(iii) above shall be conducted independently of, and shall not bar the institution of any criminal proceedings by, the Public Prosecutor against any person(s) in respect of any act connected with the death of the deceased or such hurt as caused the death.
 - (iv) A copy of all documents intended to be produced and used in evidence in such an inquiry shall be made available to the family of the deceased or, if the identity of the deceased is not yet certain, the families of person reasonably suspected to be the deceased.
 - (v) The family of the deceased or any member or members thereof or any relative of the deceased shall be entitled to be present at, and to participate, such inquiry with the aid of such documents produced and made available to him under subsection (3)(vi) hereof.

335. Powers of Magistrate

- (1) A Magistrate holding an inquiry under this Chapter shall have all the powers which he would have in holding an inquiry into an offence.
- (2) A Magistrate holding an inquiry under this Chapter if he considers it expedient that the body of the deceased person should be examined by a Medical Officer in order to discover the cause of death may, whether a post mortem examination has been made under s331 or not, issue his order to a Medical Officer to make a post mortem examination of such body and may for that purpose order the body to be exhumed.

- (3) Where, for any reason whatsoever, no post mortem examination made under s331 has been made, or where the post mortem examination under s331 was made in the absence of a party entitled, pursuant to subsection (3) of s331 hereof, to have been present, the Magistrate may, and if the party concerned undertakes to bear the costs of the examination, shall, issue his order to a Medical Officer to make a post mortem examination, or a further post mortem examination as the case may be, of such body in the presence of the party concerned, and shall for the purpose order the body to be exhumed, if necessary.

337. Inquiries to be made by Magistrate

A Magistrate holding an inquiry shall inquire when, where, how and after what manner the deceased came by his death and also whether any person is criminally concerned in the cause of the death. Such inquiry shall be given the widest possible latitude and shall not be encumbered by the strict rules as to admissibility or otherwise of the evidence.

338. Evidence and find to be recorded

- (1) The Magistrate holding an inquiry under this Chapter shall record the evidence and his finding thereon and shall immediately transmit to the Public Prosecutor the original of such evidence and finding duly authenticated by his signature or a copy of such evidence and finding certified under his hand as correct.
- (2) The place in which any inquiry of death under this Chapter is held shall be a place open to the public. However a Magistrate conducting an inquiry of death may, on special grounds of public policy exclude the public or any person or persons in particular except such persons mentioned in subsection (3) of s331 above, at any stage of the inquiry from the place in which the inquiry is being held.



CHAPTER 11

RAISING AWARENESS AND OBSERVANCE OF WOMEN'S AND CHILDREN'S RIGHTS IN THE ROYAL MALAYSIA POLICE

- The Rights Of Vulnerable Groups
- Recommendation One: Mount Intensive And Sustained Programmes To Raise Awareness And Respect Of Women's Rights In Society
- Recommendation Two: Enhance PDRM Training Programmes Covering Women's Rights And Management Of Women Suspects And Victims
- Recommendation Three: Increase Establishment Of PDRM Unit Handling Investigation Of Crimes Related To Women And Children
- Recommendation Four: Ensure Compliance With Legal Provisions And Inspector General Standing Orders (IGSO) Relating To Women Complainants And Investigation Of Women Suspects
- Recommendation Five: Enhance Facilities And Support For Women Suspects And Complainants In Police Stations
- Recommendation Six: Adopt A More Proactive And Preventive Approach To Domestic Violence
- Recommendation Seven: Disseminate Knowledge Of The Provisions Of The Child Act 2001 In PDRM
- Recommendation Eight: Increase The Number Of Child Protection Units
- Recommendation Nine: Conduct Hearings For Children In The Child Protection Unit
- Recommendation Ten: Improve Arrest And Investigation Process In Child Cases
- Recommendation Eleven: Establish Separate Child Division In PDRM Eventually To Address Child Cases
- Conclusion

SIX

RAISING AWARENESS AND OBSERVANCE OF WOMEN'S AND CHILDREN'S RIGHTS IN THE ROYAL MALAYSIA POLICE

1. THE RIGHTS OF VULNERABLE GROUPS

- 1.1 Women and children are considered as vulnerable groups, having rights to special consideration and protection under the law. While human rights apply for to all persons irrespective of gender and age, women and children require special treatment because of their vulnerable status. The relevant national laws and international instruments recognise and provide for this. Recognising the special needs and rights of women and children means respecting and catering for the special needs and rights of nearly half of the Malaysian population (49.1 percent in 2003) in the case of women and forty percent of the population in the case of children. (There is of course a degree of overlap in these figures in the case of women who are also children, that is those below eighteen years of age).
- 1.2 Women and children can commit various offences and perpetrate abuse themselves. At the same time, they are particularly vulnerable to certain categories of offences and crimes. Women are vulnerable as victims of domestic violence, rape and outrage of modesty. They are also involved in cases of incest and sodomy whilst children are particularly vulnerable to physical and sexual abuse.
- 1.3 Assessing the problems with any degree of accuracy is not possible because majority of cases are undetected and unreported. However, available statistics for the period 2000-2004 indicated that women are most vulnerable to domestic violence. Table 11.1 shows that there is a high incidence of domestic violence, totalling 14,986 cases for that period, an average of 2997.2 cases per year.

TABLE 11.1 : DOMESTIC VIOLENCE 2000-2004

YEAR	2000	2001	2002	2003	2004	TOTAL
Reports	3468	3107	2755	2555	3101	14986

Source: PDRM

- 1.4 There is also a high incidence of rape and incest (Table 11.2). Rape has been increasing steadily, from 1,217 cases in 2000 to 1,386 cases in 2001, 1,431 cases in 2002, 1,479 cases in 2003 and 1,760 cases in 2004. As recent cases have shown, some of them are extremely violent and involve brutal acts of murder. Reported cases of outrage of modesty are also high, and showed a generally increasing trend in the last five years, though with a dip in the number of reports in 2003. There were 1,661 reports in 2004, compared with 1,234 reports in 2000.

TABLE 11.2 : SEXUAL OFFENCES 2000-2004

TYPE OF OFFENCE	2000	2001	2002	2003	2004	TOTAL
RAPE	1217	1386	1431	1479	1760	7273
INCEST ¹	213	246	306	254	334	1353
OUTRAGE OF MODESTY	1234	1393	1522	1399	1661	7209
SODOMY	133	141	135	154	177	740

¹ Statistics for children below 16 years of age only.

Source: PDRM

- 1.5 Incest is also a significant occurrence, and showed a generally increasing trend, rising from 213 reports in 2000 to 334 reports in 2004. The same trend is evident for sodomy, though this includes homosexual acts as well. The number of sodomy cases reported rose steadily from 133 cases in 2000 to 177 cases in 2005, with a decrease in 2002.
- 1.6 Maid abuse often involves women, both victims as well as perpetrators of abuse. Reports received by PDRM of abuse of domestic workers for the period 2000-2004 are in Table 11.3.

TABLE 11.3 : ABUSE OF DOMESTIC WORKERS 2000-2004

YEAR	2000	2001	2002	2003	2004	TOTAL
Reports	56	66	39	40	66	267

Source: PDRM

- 1.7 The Commission notes that children constitute a major portion of the victims in rape (68.3 percent), incest (65 percent), outrage of modesty (47.3 percent) and sodomy (71.2 percent). Table 11.4 contains the figures for period 2000-2004.

TABLE 11.4 : CHILD VICTIMS OF SEX OFFENCES AS PERCENTAGE OF TOTAL VICTIMS 2000-2004

TYPE OF OFFENCE	2000			2001			2002			2003			2004			TOTAL		
	Children	Total	%	Children	Total	%	Children	Total	%	Children	Total	%	Children	Total	%	Children	Total	%
Rape	826	1217	67.9	970	1386	69.9	1016	1431	71.0	988	1479	66.8	1165	1760	66.2	4965	7273	68.3
Incest ¹	137	213	64.3	166	246	67.5	197	306	64.4	166	254	65.4	214	334	64.1	880	1353	65.0
Outrage of Modesty	620	1234	50.3	610	1393	43.8	698	1522	45.9	670	1399	47.9	810	1661	48.8	3408	7209	47.3
Sodomy	101	133	75.9	92	141	65.3	94	135	69.6	115	154	74.7	125	177	70.6	527	740	71.2

¹ Statistics for children below 16 years of age only.

Source: PDRM

- 1.8 There were not many cases of child abuse reported between 2000 and 2004, but the numbers were significant enough to cause concern. There were 146 reports in 2000, 150 in 2001, 123 in 2002, 119 in 2003 and 148 in 2004 (Table 11.5).

TABLE 11.5 : CHILD ABUSE 2000-2004

YEAR	2000	2001	2002	2003	2004	TOTAL
Reports	146	150	123	119	148	686

Source: PDRM

- 1.9 The abandoning of babies is another sad feature of child abuse. Table 11.6 shows the statistics for abandoned babies for the period 2000-2004. The numbers show no particular trend, fluctuating from 65 in 2000, 97 in 2001, 98 in 2002 and 92 in 2003 to 79 in 2004.

TABLE 11.6 : CASES OF ABANDONED BABIES 2000-2004

YEAR	2000	2001	2002	2003	2004	TOTAL
Reports	65	97	98	92	79	431

Source: PDRM

- 1.10 Many of the breaches of the law and regulations regarding women and children, such as failure of the police to inform suspects promptly of the grounds of arrest, their right to counsel, are common to all persons. Issues that are specific to women and children, obtained from the Commission's own inquiries, feedback received from NGOs, the public and UNHCR reports were discussed in Chapter Four. The Commission finds that there are extensive breaches and neglect of the rights and welfare of women and children provided under the law, relevant regulations and the Inspector General Standing Orders.

A child (boy) aged 15 years was accused of outraging the modesty of a woman. The child was handcuffed and brought to the Tampin Police Station by a group of policemen on motorbikes without being given a helmet to wear. Neither the child nor his family members were informed of the grounds of arrest. The child was detained in the police lockup with adult detainees for one night. During his detention, he alleged that the police abused him. This allegation was supported by his father and a neighbour who claimed to have witnessed the police beating the child at the Tampin Police Station.

The Commission was informed that the victim did not see the suspect's face but only his back. According to her First Information Report, she saw the back of an Indian suspect riding a motorcycle number NAG XXX. The police in their investigation found that this number plate does

not belong to the child's father's motorcycle which carries the number NAQ XXX. On the day of the arrest, the victim was brought to the child's house to identify the suspect. She identified the child as the suspect who molested her.

The Commission makes the following observations:

- i. The police did not comply with the proper procedure in handling the arrest and detention of a child as prescribed under the Child Act 2001;
- ii. The police did not inform the Welfare Department before or after arresting the child;
- iii. The child was abused while in detention;
- iv. Investigation was not conducted properly and thoroughly. The police merely arrested the child based on a complaint lodged by the victim;
- v. The procedure for identification parade was not complied with. Identification was made at the child's house and he was the only suspect there. In a follow up identification parade the next day, 9 boys who were chosen to participate in the identification parade were boys who were older and who were less well built than the child; and
- vi. The lockup rules were not adhered to by the Tampin police as the child was detained in the lockup with adult detainees.

In another case, a woman was approached by three policemen while she was about to start her VCD business for the day. She was instructed to close her stall and to lead the police to her car. The police searched and seized her belongings including some *reformasi* talk VCDs and souvenirs of *Parti Keadilan*. Both her complainant and her friend were arrested without being informed of the grounds of arrest. They were brought to the Kapar Police Station without being handcuffed and detained in a lockup. The complainant was detained with 30 other women in one single cell.

During the detention, the complainant was instructed by a woman police officer to strip off her clothes including her undergarments. While naked she was instructed by a policewoman to *ketuk-ketampi* (to alternately squat and stand up while holding her ears). Although she protested, the police officer insisted that she follow instructions.

She was detained for 6 days before being released without any charges preferred. She managed to lodge a police report only after her release.

The Commission makes the following observations:

- i. The complainant was not informed of the grounds of arrest;**
- ii. There is gross infringement of human rights in the forced act when the complainant was forced to strip and ordered to do unnecessary acts in the presence of other women detainees; and**
- iii. There are no proper guidelines on strip searches and police officers conduct searches in different ways according to what is practiced in a particular police station.**

1.11 PDRM does not deny some of its shortcomings, though it makes no mention of other abuses such as sexual harassment and custodial rape of women migrant workers. In a report to the Commission, PDRM acknowledged, among others the following:

- i. Weaknesses and delays in the investigation process, which were frequently criticised by various quarters especially the victims, the complainants and the victims' families.
- ii. Insufficient skills of police personnel in communication, listening and empathy with victims.
- iii. Inadequate awareness and understanding regarding gender issues among police personnel which consequently leads to failure to take seriously the thoughts, feelings and behaviour of victims and complainants who came to lodge reports.

1.12 PDRM has cited the following factors for the shortcomings:

- i. Inadequate personnel, especially women personnel, in the Sexual Investigations Unit (D9B) of the Special Investigations Division (D9) in Bukit Aman and at Contingent and Police District levels, while responsibilities have increased.
- ii. Inadequate training for Investigation Officers and Assistant Investigation Officers.
- iii. Inadequate skills and expertise, including expertise in psychology and counselling.
- iv. Poor gender sensitivity.
- v. Inadequate logistics such as cars that do not carry police logos to enable discreet treatment of child suspects.

2. RECOMMENDATIONS

A. RIGHTS AND DIGNITY OF WOMEN

2.1 **RECOMMENDATION ONE: MOUNT INTENSIVE AND SUSTAINED PROGRAMMES TO RAISE AWARENESS AND RESPECT OF WOMEN'S RIGHTS IN SOCIETY**

2.1.1 Malaysia has made significant strides forward in terms of recognition and respect for the status and rights of women. Outstanding women occupy many senior posts in public service and are prominent in the NGO sector as well. A national target of 30 percent in decision making positions has been set for women. Despite these efforts by the Government, there exists deep seated cultural prejudices against women, and lack of respect or regard for them. Police personnel are recruited from this environment, and they reflect its prejudices and weaknesses.

2.1.2 A sustained programme for enhancing awareness and respect for women's rights in PDRM must not only be confined to the police but extend to the entire society. This will enable the recruitment of police personnel from a society that is fully gender sensitive and respectful of the dignity and rights of women. Enhancing the campaign in society will also have a positive preventive impact upon offences and crimes committed against women.

2.1.3 The campaign to raise awareness and respect for women's rights in PDRM should essentially be conducted within the framework of the overall programme to enhance human rights compliance by the police in intensive training and seminar sessions that was recommended in the previous Chapter. In order to ensure that these programmes are implemented successfully, they must be given sufficient prominence and emphasis. As stated above, enhancing respect for women's rights means enhancing the respect for the rights of half the population of Malaysia.

2.1.4 In the wider society, the campaign must be a multi-sector (public sector, civil society and private sector) effort that embraces schools, religious institutions, government institutions and the media.

2.2 **RECOMMENDATION TWO: ENHANCE PDRM TRAINING PROGRAMMES COVERING WOMEN'S RIGHTS AND MANAGEMENT OF WOMEN SUSPECTS AND VICTIMS**

2.2.1 There is a great need to build capacity in PDRM to deal effectively with women victims and suspects of crime as well as check abuse of their rights by some police personnel. Capacity building should be pursued through a number of means, the most important of which would be training, increase in human resources and increase in professional skills and expertise.

2.2.2 Investigating Officers in the D9B Unit covering sexual crime investigations are presently given a week of additional training to equip them to deal with investigations of sexual crime and violence against women. This is in addition to the basic training in criminal investigations, which is for three weeks. Assistant Investigating Officers receive no such special training. It is recommended that the duration of training for IOs be increased while special training programmes are also introduced for their Assistants. Areas that merit particular improvement include gender sensitivity; handling of domestic violence (including the need for each and every complaint or incident to be recorded and attended to); special procedures governing investigation of women suspects; the roles and responsibilities of the police with regard to the Domestic Violence Act 1994 and laws related to rape.

2.2.3 Training must also address the emerging issue of trafficking of women and children for labour and sex work. Police officers should be trained in the detection and accurate identification of trafficked persons.

2.3 **RECOMMENDATION THREE: INCREASE ESTABLISHMENT OF PDRM UNIT HANDLING INVESTIGATION OF CRIMES RELATED TO WOMEN AND CHILDREN**

2.3.1 The Sexual Investigations Unit (D9B) at Bukit Aman established in June 1986, which is also responsible for child cases, has not been given any permanent establishment. All its staff have been "borrowed" from other posts, and presently consists of the following:

- i. 1 Deputy Superintendent of Police (Head of the Unit);
- ii. 4 Assistant Superintendents of Police;
- iii. 4 Inspectors; and
- iv. 14 Sergeant Majors to Constables.

2.3.1.1 There is also no permanent establishment at Contingent level. There are 88 women IOs and 62 women Assistant IOs dealing with sexual cases, and 20 male IOs and 88 male Assistant IOs dealing with other cases. Where there are women IOs in districts they also cover other investigations. In districts where there are no women IOs, the cases are handled by male IOs with the assistance of female police personnel.

2.3.2 The fact that there has been no permanent police personnel to cover investigation of sexual crimes and child cases for almost thirty years illustrates the lack of interest and seriousness in addressing crimes involving women and children on the part of some government agencies. PDRM has submitted an application to JPA for additional staff and the creation of a new division outside the Special Investigations Division, where the D9B Unit is presently located. The Commission supports this application strongly in principle, and hopes the additional establishment will include a sufficient

number of women officers as well as professional counsellors, psychiatrists and others relevant to quality investigations.

2.3.3 The Commission also recommends that the proposed expansion of the D9B Unit into a Division be accompanied with a name change that more appropriately describes its expanded function, such as Women and Child Crime Investigation Division.

2.4 **RECOMMENDATION FOUR: ENSURE COMPLIANCE WITH LEGAL PROVISIONS AND INSPECTOR GENERAL STANDING ORDERS (IGSO) RELATING TO WOMEN COMPLAINANTS AND INVESTIGATION OF WOMEN SUSPECTS**

2.4.1 Much of the abuse of rights of women and the indignities inflicted upon them are the result of police personnel not adhering to the provisions of the law and IGSOs. Complaints about domestic violence are not taken seriously. Reports are not recorded diligently. Rape victims are sometimes treated without sympathy and empathy. Vulnerable groups like women migrant workers and sex workers are sometimes robbed and subject to molest and even rape by rogue policemen.

2.4.2 A much stronger regime of surveillance and supervision to ensure strict compliance with laws, regulations and standing orders, is necessary. Similarly, firm disciplinary and legal action should be taken to punish police misdemeanours, abuses and offences. The establishment of the proposed IPCMC and the strengthening of PDRM Disciplinary Division at Bukit Aman should assist in reducing the instances of abuse and misconduct of police personnel.

2.5 **RECOMMENDATION FIVE: ENHANCE FACILITIES AND SUPPORT FOR WOMEN SUSPECTS AND COMPLAINANTS IN POLICE STATIONS**

2.5.1 All police stations should have adequate and appropriate facilities for dealing with cases involving women. These facilities include separate lockups for women suspects ensuring privacy from male suspects; access to toilets without having to pass in front of male lockups; and adequate lighting in passageways.

2.5.2 One-way mirrors should be provided for identification parade. The present practice of face-to-face identification parades should be terminated as quickly as possible because it seriously aggravates the trauma of rape and molest victims.

2.5.3 Police districts should have adequate vehicles for transporting women and child suspects to the court and back separately from men and adult suspects.

2.6 RECOMMENDATION SIX: ADOPT A MORE PROACTIVE AND PREVENTIVE APPROACH TO DOMESTIC VIOLENCE

- 2.6.1 Domestic violence is the most frequent and recurrent problem afflicting women. The statistics do not tell the full story because many victims suffer in silence and no reports are made. The Commission believes that punitive police measures, while entirely necessary, are wholly inadequate to tackle the problem of domestic violence. Domestic violence should be nipped in the bud as far as possible, or checked before it becomes a police statistic.
- 2.6.2 The Commission therefore recommends that community policing, duly expanded as recommended in Chapter Seven, adopt as one of its important objectives the early detection and prevention of domestic violence. Police acting together with NGOs, professionals such as psychologists, psychiatrists and counsellors and the local community will be in a good position to perform this role. Counsellors and psychiatrists employed by PDRM in a strengthened Women and Child Crime Investigation Division will also be helpful.
- 2.6.3 The initiative to reduce domestic violence of course goes far beyond PDRM and community policing. The Ministry of Women, Family and Community Development should be actively involved in spearheading this important initiative.

B. RIGHTS OF THE CHILD

2.7 RECOMMENDATION SEVEN: DISSEMINATE KNOWLEDGE OF THE PROVISIONS OF THE CHILD ACT 2001 IN PDRM

- 2.7.1 On several occasions in the course of its inquiries, the Commission found that PDRM personnel handling child cases were not aware of the Child Act 2001. Child cases cannot be properly investigated without knowledge of the provisions of the Act and its requirements. The Commission therefore recommends that information regarding the Act is fully disseminated to all police personnel and is understood by them. Police training institutions must ensure that the teaching of the Child Act 2001 is included in their training modules.
- 2.7.2 In this regard, the Commission also recommends that the enactment of the Evidence of Child Witness Act be expedited so that prosecutors are able to enforce the relevant provisions of the Child Act 2001, in particular the video taping of child evidence in the court.

2.8 RECOMMENDATION EIGHT: INCREASE THE NUMBER OF CHILD PROTECTION UNITS

2.8.1 Bukit Aman has a well conceived and equipped Child Protection Unit (CPU) in Kuala Lumpur which was set up to provide a more efficient and conducive environment for police investigation of cases involving children either as victims, witnesses or perpetrators of offences. It is child friendly and equipped with sophisticated equipment for video recording. The objective is to create an environment that facilitates children to give evidence and enable police and prosecution to charge and convict the offenders. There are plans to establish two more CPUs in Johor Bahru and Penang.

2.8.2 The Commission recommends that Child Protection Units be established in all Police Contingents, so that PDRM's capacity in this field is built up and made available throughout the country. The CPUs should be staffed by personnel who are skilled, especially in counselling. Skills could be further enhanced by working closely with the relevant departments in the universities.

2.9 RECOMMENDATION NINE: CONDUCT HEARINGS FOR CHILDREN IN THE CHILD PROTECTION UNIT

2.9.1 Hearings involving children under the Child Act 2001 should be held in the Child Protection Unit as far as possible.

2.10 RECOMMENDATION TEN: IMPROVE ARREST AND INVESTIGATION PROCESS IN CHILD CASES

2.10.1 The following measures are recommended to improve the arrest and investigation process in child cases:

- i. In cases involving children there should be prior investigation before arrest is contemplated. This is to avoid causing unnecessary trauma;
- ii. Maximum regard should be given to the need to be as discreet as possible when effecting arrest of child suspects. Vehicles used should not carry police markings, and police personnel should not be in uniform;
- iii. Provisions in the Child Act 2001 and the IGSOs should be strictly adhered to. Suspects should not be handcuffed unless they show an inclination to abscond, to be aggressive or violent. The parents or guardians and social workers should be immediately informed of the arrest. The police should enquire the age of the child suspect. A medical examination should also be conducted immediately after arrest. The taking of pictures of child suspects while being detained in a police station, taken to or from a court, or waiting before or after attendance in court should be prevented. Most importantly, there cannot be excessive use of force or torture by police personnel against child suspects. Investigations with a view to initiate criminal proceedings against suspects should be immediately commenced in such cases;

- iv. Complaints and statements are to be tape recorded. This will ensure accuracy besides capturing the emotions and nuances of the complaints and statements. The problem of illegibility of handwriting will also be overcome;
- v. Child detainees must be placed in separate lockups. If this is unavailable, it is recommended that they be sent to the nearest suitable welfare home;
- vi. Child investigations are usually handled better by women. More women officers should therefore be assigned for this purpose; and
- vii. Children generally respond better to officers of the same ethnic background. This factor should be taken into account when deploying IOs and Assistant IOs for child cases.

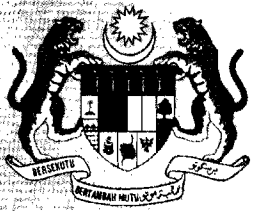
2.11 RECOMMENDATION ELEVEN: ESTABLISH SEPARATE CHILD DIVISION IN PDRM EVENTUALLY TO ADDRESS CHILD CASES

2.11.1 As mentioned above, child cases are presently handled by the Sexual Investigation Unit (D9B) and PDRM has submitted a proposal to the Government for it to be upgraded into a Division. The Commission has supported this proposal in principle and also recommends that the proposed Division be more aptly named Woman and Child Crime Investigation Division.

2.11.2 Given the limited resources and expertise available, merging women and child investigation into one Unit or Division makes sense. Most child victims and complainants in any case are female as well, and respond better to women officers. In the longer term however, as PDRM builds its capacity and expertise in this field and more resources are available, it would be beneficial to have a separate Child Division in PDRM. A division focused on child cases can also embark upon dedicated research into the safety and welfare of children.

3. CONCLUSION

- 3.1 The Government and PDRM need to allocate more attention and resources for combating offences and crimes related to women and children. The fact that PDRM does not have an approved establishment for policing in this critical area reflects negatively on the agencies concerned. The matter must be remedied urgently.



CHAPTER 12

IMPROVE ESTABLISHMENT, REMUNERATION AND SCHEME OF SERVICE OF THE ROYAL MALAYSIA POLICE

- Requests Of The Increase On Establishment
- Recommendation One: Re-Deploy PDRM Uniformed Establishment According To Professional Policing Requirements
- Recommendation Two: Fill Additional Posts Presently Pending Consideration And Approval By JPA With Police Personnel Involved In The Migration Exercise
- Recommendation Three: Civilianise Or Outsource Non-Core Policing Functions And Non-Policing Functions That Do Not Require Professional Policing Competencies
- Recommendation Four: Enhance Ethnic Representation In PDRM
- Recommendation Five: Increase Gender Representation In PDRM
- Recommendation Six: Raise Entry Qualifications For Constable And Inspector
- Recommendation Seven : Provide Special Allowance For PDRM Personnel Stationed In Klang Valley, Johor Bahru And Other Major Towns
- Conclusion
- Appendix

IMPROVE ESTABLISHMENT, REMUNERATION AND SCHEME OF SERVICE OF ROYAL MALAYSIA POLICE

1. REQUESTS FOR INCREASE OF ESTABLISHMENT

- 1.1 There have been numerous submissions from PDRM over the years for increases in establishment, upgrading of posts and revisions of salaries and allowances for its personnel. The area where central agencies have been least able to satisfy PDRM's requests is in the applications for increases in establishment. As Table 4.10 in Chapter Four indicates the central agencies have approved increases from time to time, but approvals (8,018 posts in the period 2002 to 2004) have fallen far short of applications (13,101 posts). As at the end of February 2005, PDRM's requests for additional establishment totalling 41,252 posts were still under consideration.
- 1.2 Elsewhere in this Report, the Commission has also recommended several measures that will involve, as a consequence, increases in PDRM's establishment. The relevant measures recommended by the Commission are as follows:
- i. The establishment of a PDRM Research and Development Centre (Chapter Seven).
 - ii. The strengthening of the Disciplinary Division of PDRM at Bukit Aman, Contingent and Police District levels (Chapter Nine). PDRM has also applied for an increase of personnel, as mentioned in the same chapter.
 - iii. The establishment of a Women and Child Crime Investigation Division (Chapter Eleven). PDRM has requested additional staff for the Sexual Investigations Unit (D9B), which it has proposed to be upgraded into a Division.
 - iv. The increase of teaching staff in PDRM training institutes (Chapter Thirteen). PDRM has also requested for increases in staff in this area.
 - v. The establishment of a religious unit in the IGP's Secretariat to be called *Urusetia Ketua Polis Negara (Pembangunan Kerohanian dan Moral)*. (Chapter Thirteen).
- 1.3 PDRM has also raised the question of upgrading the following ranks and posts:
- i. The ranks of Deputy Inspector General, Commissioner of Police, Deputy Commissioner of Police and Senior Assistant Commissioner of Police I (SAC I) to be raised by one grade.
 - ii. The ranks of CPOs and Commissioners of Police in Sabah and Sarawak to be one grade lower than the State Secretaries and not more.

The Commission leaves these two requests to the central agencies to consider.

- 1.4 Promotion prospects have also been raised as a source of some dissatisfaction in PDRM. It is alleged that prospects in PDRM are inferior to prospects in other government agencies. As noted in Chapter Four however, promotion prospects in PDRM for senior police officers, junior police officers and constables are actually quite satisfactory. A Constable is automatically promoted to Lance Corporal after five years. In other cases promotion prospects for all ranks are never worse than 1:4 (refer to Table 4.18 in Chapter Four).
- 1.5 In Chapter Four the Commission also noted that since the end of the First Emergency PDRM establishment has become less representative of the ethnic composition of the nation. Chinese personnel account for only 2.5 percent of PDRM strength. Indians account for 3.7 percent. The representation of the other minority ethnic groups is generally satisfactory. Punjabi constitutes 0.3 percent of PDRM establishment and 15.2 percent comprised others minority groups such as the Kadazan, Iban, Bidayuh, Murut, Thai, Ceylonese, etc. Inadequate minority participation has affected PDRM's capacity for modern policing in an ethnically diverse environment.
- 1.6 Gender representation has also become an important area of concern. As observed in Chapter Four, women now comprise only 9.4 percent of total PDRM uniformed strength and their representation in the senior ranks is especially low.
- 1.7 PDRM has also proposed the introduction of several new allowances and increases in existing allowances, as in Appendix 12A. This will raise the bill for taxpayers from RM121,933,783 to RM789,374,733 per year, an increase of RM667,440,950 or 547.4 percent.
- 1.8 The Commission also notes that there were not less than six salary adjustments effective from 1 January 1992. They are:
 - i. Implementation of New Remuneration System - approved in 1991;
 - ii. Adjustment of PDRM Personnel Remuneration in the New Remuneration System - approved in 1995;
 - iii. Salary Adjustment of 10 percent - approved in 2000;
 - iv. Salary Adjustment of 10 percent - approved in 2001;
 - v. Implementation of Malaysian Remuneration System - approved in 2002; and
 - vi. Improvement in salary scheme - approved in 2003 for implementation beginning 1 January 2004.

2. RECOMMENDATIONS

2.1 **RECOMMENDATION ONE: RE-DEPLOY PDRM UNIFORMED ESTABLISHMENT ACCORDING TO PROFESSIONAL POLICING REQUIREMENTS**

- 2.1.1 Any organisation must have sufficient manpower of the required competencies to implement its functions effectively. In this regard, the Commission is of the view that PDRM has sufficient manpower and that the challenge for PDRM is not in numbers but rather how they are deployed.
- 2.1.2 In Chapter Six, the Commission recommended that uniformed police personnel should not be holding posts and be engaged in tasks that do not require trained police competencies and the exercise of police powers. They should be deployed only in core policing functions that require police competencies and powers. It was also recommended that PDRM cease doing non-police functions or outsource them. Civilian professionals and staff with the relevant competencies should occupy posts that do not require policing skills and police powers.
- 2.1.3 The Commission considers this one of the important initiatives to modernise the organisation of policing in Malaysia and make it more efficient. The benefits of the initiative were identified as follows:
- i. It will facilitate more efficient use of manpower according to competencies. The present situation, where literally thousands of trained, uniformed police personnel do work that hardly utilises the policing skills is a waste of trained manpower.
 - ii. It will secure savings in costs as civilian personnel are paid less remuneration.
 - iii. It will enable the engagement of civilian professionals, such as forensic experts, accountants and trained analysts, to be recruited into PDRM.
 - iv. The redeployment of uniformed staff to core policing functions will help alleviate the demand for the large number of additional trained police personnel that PDRM has applied for.
- 2.1.4 The Commission is of the view that if the redeployment is meticulously planned and diligently executed there will be less or no need for additional uniformed staff for PDRM. Instead, recruitment will focus on civilian personnel with the necessary skills. The Commission's assessment here is reinforced by the fact that Malaysia already possesses a police to population ratio that is among the highest in the world.

2.1.5 The redeployment exercise should begin with a determination of what the core policing functions are. The Commission suggests that this be determined by the objective for which PDRM was established, as stipulated in s3(3) of the Police Act 1967 and amended according to the recommendation of the Commission in Chapter Six, paragraph 3.3.3. The core functions of PDRM would be:

- i. The maintenance of law and order.
- ii. The preservation of the peace and security of Malaysia.
- iii. The prevention and detection of crime.
- iv. The apprehension and investigation of offenders.
- v. The collection of security intelligence.

2.1.6 Based on the above, core policing functions would include crime intelligence, crime management and prevention, crime investigation, apprehending offenders, custody and collection of security intelligence on activities that can threaten internal security and public order such as demonstrations that threaten the peace and threats posed by militant groups. Non-core policing would be the support functions to core policing such as human resources management, administration, finance, transportation and logistics. Table 12.1 displays core policing and non-core policing functions in PDRM according to this definition.

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**TABLE 12.1 : CORE POLICING AND NON-CORE POLICING FUNCTIONS
IN PDRM IN 2004**

DEPARTMENT	ESTABLISHMENT	FUNCTIONS	CORE POLICING	NON-CORE POLICING FUNCTIONS
Management	33,036	Management & Administration	<ul style="list-style-type: none"> ■ Palace Guard ■ Airport Guard ■ General Duties in Contingent 	Bukit Aman <ul style="list-style-type: none"> ■ IGP Office ■ IGP Secretariat ■ Discipline ■ Administration ■ Establishment/Service ■ Research/Development ■ Training ■ Police Band ■ Training Institutes ■ Task Force VII ■ Training & Contingency ■ Reserve ■ Staff Pool ■ Police Cadre ■ Open Cadre
Logistics Department	10,587	Operational Support		<ul style="list-style-type: none"> ■ Finance/Suppliers ■ Supply Centre ■ Transport ■ Armoury ■ Information Technology ■ Communication
Criminal Investigation Department	6,661	Operational Policing	<ul style="list-style-type: none"> ■ Investigation/Detective ■ Admin./Research/General Duties ■ Identification Unit 	
Commercial Crime Investigation Department	690	Operational Policing	<ul style="list-style-type: none"> ■ Investigation/Detective ■ Admin./Research/General Duties 	
Internal Security & Public Order Department	33,214	Operational Policing	<ul style="list-style-type: none"> ■ General Operations Force ■ Special Operations Force ■ FRU ■ Marine ■ Escort Officers ■ Traffic Division ■ Horse Unit ■ Orang Asli Police ■ Armoured Car Squadron ■ Air Wing ■ Border Smuggling Prevention Unit ■ Border Scout ■ Area Guard Unit ■ Operation/MPV 	
Narcotics Department	2,713		<ul style="list-style-type: none"> ■ Investigation/Detective ■ Admin./Research/General Duties 	
Special Branch	6,026		<ul style="list-style-type: none"> ■ Investigation/ Detective ■ Admin./Research/ General Duties 	
Civilian Staff	7,705			
GRAND TOTAL	100,632			

Source: PDRM

- 2.1.7 The responsibility for enforcement of anti-drugs laws has been transferred to the National Anti-Drugs Agency with the enactment of the National Anti-Drugs Agency Act 2004. PDRM should therefore gradually divest itself of this function and wind down the Narcotics Department as the National Anti-Drugs Agency develops greater capacity and facilities. Uniformed staff in the Department should be re-deployed for core policing functions. Until the National Anti-Drugs Agency is fully able to assume its responsibilities, action against drug-related offences will remain very much a core PDRM function.
- 2.1.8 The Malaysian Maritime Enforcement Agency is in the process of being established pursuant to the Malaysian Maritime Enforcement Agency Act 2004. The Agency will be employed in the Malaysian Maritime Zone for the maintenance of law and order; the preservation of the peace, safety and security; the prevention and detection of crime; the apprehension and prosecution of offenders; and the collection of security intelligence. The Commission presumes that with the formation of this Agency PDRM will gradually relinquish responsibilities in the Malaysian Maritime Zone to the said Agency, and that the Marine Police will henceforth generally confine their activities to estuaries and inland waters. Those uniformed personnel that choose to remain with PDRM and are not required for policing inland waters will therefore be available for other core policing functions requiring the exercise of police powers as well.
- 2.1.9 The Commission also notes that PGA, which is primarily responsible for core policing functions related to the maintenance of internal security, also does non-policing functions like providing security and crowd control during festivities and at major entertainment and sports events. The responsibility for providing normal security for such events lies with the organisers of the events and not with the police, and the police can make it a condition for organisers of such events to undertake this responsibility. Unless the events are very major ones of a national or international character, like the Commonwealth Games where massive policing resources are required, the Commission considers it inappropriate for PGA to be tasked for this purpose. The Commission therefore recommends that this practice be ceased, and that the police decline requests of such nature.
- 2.1.10 The Commission estimates that if uniformed police personnel are concentrated in core policing posts and core and non-core policing functions that do not require uniformed police personnel are either civilianised or outsourced, some 20,000 uniformed personnel, mainly from the Management Department and the Logistics Department, can be made available for core policing functions requiring uniformed police competencies. An indication of the likely numbers that could be involved is given in Appendix 12B.

2.1.11 The Commission accordingly recommends the following:

- i. That the Ministry of Internal Security (MOIS) be charged with the responsibility of implementing the proposed redeployment of PDRM establishment. MOIS may establish a Steering Committee and other supporting bodies which it deems necessary;
- ii. That the terms of reference of the body established by MOIS to assist it include the following:
 - a. To determine the core policing and non-core policing functions of PDRM.
 - b. To identify the posts in core and non-core policing functions which require professional police skills and powers and those that can be performed by non-uniformed civilian personnel.
 - c. To work out the strategy and programme for the migration of uniformed police personnel from posts that do not require their professional competencies and police powers, to posts that do have these requirements, including additional posts that have been applied for and that may be approved by JPA in due course. The strategy should take into account the following factors:
 - The need to proceed in phases so that there is little disruption.
 - The need for re-training of the police personnel before they assume their new posts. There should be an assessment of the amount and type of training required, the training capacity that can be made available and the training priorities that need to be adopted.
 - The need for synchronisation with the recruitment of civilian staff for the non-core positions to be vacated, or with outsourcing as the case may be.
 - The financial implications of the exercise.

2.2 RECOMMENDATION TWO: FILL ADDITIONAL POSTS PRESENTLY PENDING CONSIDERATION AND APPROVAL BY JPA WITH POLICE PERSONNEL INVOLVED IN THE MIGRATION EXERCISE

- 2.2.1 PDRM's requests for additional posts referred to in paragraph 1.1 and the Commission's own recommendations for new or increased establishment referred to in paragraph 1.2, should be reviewed and modified to take into consideration the "savings" in trained uniformed police personnel that will accrue when they migrate from non-core policing to core policing areas and occupy posts requiring the exercise of police powers. Where possible and practicable additional posts for trained police personnel should be filled by personnel that are involved in the migration exercise.
- 2.2.2 Further, in considering additional staff for PDRM the following factors should be considered:
- i. An addition of 41,252 posts, most of which are for uniformed police personnel, would mean an increase of no less than 44 percent in uniformed police personnel. This does not include the increases proposed by the Commission in paragraph 1.2 above. PDRM's training establishment cannot absorb an increase of this magnitude.
 - ii. The financial implications for the nation would be prohibitive. Besides emoluments, there will have to be major outlays on work premises, expenses for training, etc.
- 2.2.3 The Commission is of the view that the fundamental issue in PDRM is not additional establishment, but the realignment of existing uniformed personnel from non-core policing and non-policing functions to core policing functions that require the competencies possessed by uniformed police personnel.
- 2.2.4 The Commission notes in this regard that PDRM has requested 21,294 additional posts for CID, which presently has a total of 6,661 posts. That the Department requires a significant increase in IOs is only too evident. At present an IO has to handle an average of 16 cases a month (Appendix 12C), a number that is too high and is completely unsatisfactory. The high workload could be one of major factors for the low rate of clearance, and the adoption of investigative techniques that breach IGSO regulations such as the use of force. The ideal average is a maximum of five cases per month. Working on this average, CID should have 4,262 IOs/Assistant IOs.

- 2.2.5 The Commission therefore supports an increase in IOs/Assistant IOs to this level in principle, but it is of the view that the extra personnel are to be sourced from the migration exercise.

2.3 RECOMMENDATION THREE: CIVILIANISE OR OUTSOURCE NON-CORE POLICING FUNCTIONS AND NON-POLICING FUNCTIONS THAT DO NOT REQUIRE PROFESSIONAL POLICING COMPETENCIES

- 2.3.1 Civilianisation is the direct replacement of uniformed police officers by civilian staff in posts that do not require competencies possessed by trained uniformed police personnel or the exercise of police powers. As indicated above, most of the posts in the Management Department and the Logistics Department do not require uniformed police skills. Even in the CID and particularly in the Commercial Crime Investigation Department many specialised posts such as Criminal Intelligence Analysts, Commercial Crime Analysts, investigators with accountancy and banking skills, etc. are better filled by appropriately qualified civilian officers.
- 2.3.2 Money laundering, credit card fraud, infringement of intellectual property rights and other crimes are becoming increasingly sophisticated, and not many uniformed police officers have the necessary competencies to deal with the most complex organised crime. As noted in Chapter Eight, the lack of skills in the Commercial Crime Division before, and the Commercial Crime Investigation Department now, is one of the major reasons why the financial sector has little confidence in PDRM to solve commercial crimes.
- 2.3.3 It would enhance PDRM's crime prevention, crime detection and crime investigation capabilities if civilian specialists can be attracted to serve in PDRM. This can be done if a proper career path can be worked out for these specialists. This measure would be more feasible when the number of civilian officers in PDRM increases under the civilianisation exercise. Civilian officers serving in PDRM should be placed under the direction of the IGP.
- 2.3.4 Civilian investigators must be able to function as full members of police investigating teams. They should be given the authority and the powers to supervise and direct police officers in relevant parts of police investigation. In order to be fully effective they may need to be given certain police powers. These would include the authority to search and seize evidence, to interview suspects and witnesses, to execute warrants and to present evidential summaries as expert witnesses.
- 2.3.5 Closely linked to civilianisation is the outsourcing of certain non-core policing functions and the divesting of non-policing functions like airport security and security at festivities and big entertainment events. There is

no reason why PGA personnel should be tasked to provide security at entertainment events. When outsourcing is implemented, savings can also be realised in areas such as maintenance costs of hardware and vehicles. Divesting non-police functions will bring even greater savings.

2.3.6 The Commission therefore recommends that MOIS and the Steering Committee or other body established by MOIS to assist in the restructuring of PDRM be also made responsible for the following:

- i. The process of civilianisation in PDRM.
- ii. The determination of what functions and activities in PDRM can be outsourced or divested.

2.4

RECOMMENDATION FOUR: ENHANCE ETHNIC REPRESENTATION IN PDRM

2.4.1 PDRM needs to possess an adequate number of ethnic minorities in its establishment to be able to do effective policing in a racially and culturally diverse environment like Malaysia's. A more ethnically diverse PDRM will also have to be deployed with a regard to the ethnic composition of different localities. There should be sufficient number of ethnic representation in the local complement to cater to the ethnic groups in the neighbourhood in order to better serve the needs of the local community.

2.4.2 A more ethnically diverse PDRM would also be essential for the following reasons:

- i. To enable PDRM to develop community policing as a major strategy for modern policing as recommended in Chapter Seven. Communication and identification with the local community will be easier if there is a sufficient number of ethnic representation in the local police.
- ii. In some instances there is a co-relation between crime and social problems with particular ethnic groups. Different types of crimes and problems such as gangsterism, drugs, corruption, incest, triads, illegal gambling, credit card frauds, family violence and rape are identified with different cultures and races due to the circumstances and problems unique to them. Crime prevention in these instances can sometimes be more effectively carried out if PDRM has the necessary ethnic representation in its ranks.
- iii. A more ethnically diverse PDRM will also protect it from charges of ethnic bias.

- 2.4.3 Pursuing a more ethnically diverse police service however is complicated by the fact that interest from the various ethnic groups is markedly uneven. As Table 4.13 in Chapter Four shows, Chinese interest in particular is markedly poor for all relevant ranks. It is especially poor for the rank of constable, where the overwhelming majority of recruitment – 14,478 out of 16,041 recruitments, or 90.3 percent, in the period 2001 to 2004 – takes place. Only 1,295 Chinese (1.3 percent of the total applications) applied for the post during the four-year period, compared to 68,869 Malays (67.6 percent), 4,914 Indians (4.8 percent) and 25,801 Other Bumi (25.3 percent).
- 2.4.4 The picture for applications for the posts of Inspector and Cadet ASP is only slightly better. Only 2.9 percent of the male applications and 2.0 percent of the female applications for the post of Inspector came from Chinese. The corresponding figures for the Indian community were 7.5 percent and 3.6 percent respectively. Similarly only 8.6 percent of the male applications and 3.9 percent of the female applications for the post of Cadet ASP were from the Chinese (Indians 7.4 percent and 3.9 percent respectively).
- 2.4.5 Until more Chinese and Indians can be encouraged to make a career in policing, it will not be easy to raise the proportion of both these communities in PDRM. Securing greater interest in the ranks of ASP and Inspector alone will not suffice, because they constitute less than 10 percent of the intake every year. There needs to be a significant rise in applications for the post of constable from these two communities before a successful demographic transformation in PDRM can take place. Nevertheless, if greater weightage can be given to Chinese and Indian applicants until a desired ethnic mix is achieved, the situation can be improved.
- 2.4.6 The civilianisation programme proposed by the Commission may be able to facilitate the effort to bring about a better ethnic mix. The Chinese and also Indian communities may be more attracted to serve in this sector.
- 2.4.7 The Commission therefore recommends as follows:
- i. Chinese representation in PDRM should be increased.
 - ii. Indian representation in PDRM should be increased.
 - iii. The increases should be secured through the normal PDRM recruitment exercises as well as through the civilianisation exercise proposed by the Commission.

2.5 RECOMMENDATION FIVE: INCREASE GENDER REPRESENTATION IN PDRM

2.5.1 The proportion of women in PDRM is very low as noted above and in Chapter Four. Gender representation in PDRM needs to be increased for the following reasons:

- i. Some police tasks like search of women suspects can only be performed by women.
- ii. Women police officers are more effective than men in some police tasks like conducting interviews of women victims of crime.
- iii. Additional women police officers will be required for the proposed Women and Child Crime Investigation Division.
- iv. PDRM should do its part, to the extent possible, to help implement the national policy of raising the percentage of women in decision making positions to a maximum of 30 percent.

2.5.2 The Commission therefore recommends that PDRM should look into significantly increasing the number of women in PDRM consistent with needs. As in the case of ethnic representation, advantage should be taken of the civilianisation exercise proposed by the Commission to recruit more women into PDRM.

2.6 RECOMMENDATION SIX: RAISE ENTRY QUALIFICATIONS FOR CONSTABLE AND INSPECTOR

2.6.1 The Commission has highlighted the increased expectations of the public from PDRM personnel in previous chapters. The Commission's recommendations also require that police personnel are more competent and knowledgeable as well as to provide better service to the community. At the same time there are increasing number of job-seekers with post-secondary and tertiary education. The Government recently announced that there are 18,000 unemployed graduates. Given these factors, it is timely that PDRM, MOIS and JPA consider raising the entry qualifications for Constable, Inspector and Cadet ASP.

2.6.2 Various options can be considered. In the United Kingdom graduates enrol as Constables, but are placed on a fast track for promotion compared to non-graduates. For PDRM, entry qualifications for Constable could be raised to post-SPM Diploma. For Inspectors the qualification could be raised to university degree. Direct recruitment as Cadet ASP, which was introduced in the late 1950s given the conditions then, could perhaps be terminated now in view of the changed circumstances.

- 2.6.3 The proposed civilianisation exercise for PDRM would also create many opportunities for employment for job-seekers with post-secondary and tertiary education. In this case there is no need to raise entry qualifications.
- 2.6.4 The proposal to raise entry qualifications for Constable and Inspector requires careful study. Salary scales will need to be revised, and the implications for other public services such as the Malaysian Armed Forces will also require examination.

2.7 RECOMMENDATION SEVEN : PROVIDE SPECIAL ALLOWANCE FOR PDRM PERSONNEL STATIONED IN KLANG VALLEY, JOHOR BAHRU AND OTHER MAJOR TOWNS

- 2.7.1 At present PDRM officers and rank and file personnel who are stationed in Klang Valley, Johor Bahru and other major towns face additional burdens because of the relatively high cost of living in these areas, compared to the smaller towns and rural areas. The higher cost of living is the result of higher rent as well as higher prices for goods and services in general. The Commission recommends that a special allowance be created for this purpose, to be accorded to PDRM officers and rank and file who are stationed in major towns.

3 CONCLUSION

- 3.1 The focus of uniformed PDRM personnel on core policing functions as well as the civilianisation or outsourcing of non-core policing functions and non-policing functions are major initiatives which the Commission recommends for the purpose of enhancing PDRM performance and efficiency. Implemented incrementally after meticulous research and planning, they will yield lasting benefits to modern policing in Malaysia.

PROPOSAL TO INCREASE ALLOWANCE OF PDRM PERSONNEL

No.	Types of Allowance	Officers and Rank and File Involved	RATE			FINANCIAL IMPLICATION		
			Existing (RM)	Proposal (RM)	Difference (RM)	Monthly (RM)	Annual (RM)	Difference in Rate with Existing (RM)
1.	Uniform Allowance for PDRM Senior Officers	7,542 Senior Police Officers	250.00 (Annually)	600.00 (Annually)	350.00	<u>Proposal</u> $\frac{7,542 \times 600.00}{12} = 377,100.00$ <u>Existing</u> 377,100.00 $\frac{7,542 \times 250.00}{12} = 157,125.00$	<u>Proposal</u> $7,542 \times 600.00 = 4,525,200.00$ <u>Existing</u> $7,542 \times 250.00 = 1,885,500.00$	<u>Monthly</u> 219,975.00 <u>Annually</u> 2,639,700.00
2.	Allowance for Review Order Uniform for PDRM Senior Officers	7,452 Senior Police Officers	New	500 (3 years once)	New	$500.00 \times 7,452 = 3,726,000.00$ (three years once) 103,500.00	$\frac{7,452 \times 500.00}{3} = 1,242,000.00$ Annually	New
3.	Detective Incentive	7,479 Number of Detectives (CID, SB and Narcotics) SI – 94 orang SM – 337 orang Sgt – 789 orang Cpl – 1907 orang L/Cpl & Cons – 4352 persons Total 7,479	SI – 123.00 SM – 88.00 SGT – 80.00 CPL – 70.00 L/Cpl & Cons – 53.00 (per month)	On flat rate basis amounting 375.00 per month	SI – 252.00 SM – 287.00 Sgt – 295.00 Cpl – 305.00 L/Cpl – 322.00 Cons – 322.00 (per month)	<u>Proposal</u> 2,804,625.00 <u>Existing</u> 468,484.00	<u>Proposal</u> 33,655,500.00 <u>Existing</u> 5,621,808.00	<u>Monthly</u> 2,336,141.00 <u>Annually</u> 28,033,692.00
4.	PDRM Diver's Incentive	117 Senior Police Officers and rank and file (Marine Branch and UTK)	New	350 (New)	New	40,950.00	491,400.00	New

No.	Types of Allowance	Officers and Rank and File Involved	RATE			FINANCIAL IMPLICATION		
			Existing (RM)	Proposal (RM)	Difference (RM)	Monthly (RM)	Annual (RM)	Difference in Rate with Existing (RM)
5.	Technical Incentive for Senior Police Officers with qualification in psychology and counseling	Senior Police Officers 10 Bachelors Degree and 58 Diploma	New	300	New	3,000.00	36,000.00	New
				100 (per month)		5,800.00	69,600.00	New
6.	Incentive for PDRM's Prosecution Officer	193 Prosecution Officer	New	400 (per month)	New	77,200.00	926,400.00	New
7.	Incentive for Investigation Officer	960 Investigation Officer (I.O) 1005 Assistant Investigation Officer (A.I.O) (CID, Commercial CID, Narcotics, Disciplinary Department and Traffic)	New	400 (per month)	New	384,000.00	4,608,000.00	New
				300 (per month)		301,500.00	3,618,000.00	New
8.	Allowance for gambling expert for CID	156 Officer (Gambling Expert)	New	500 (Per Report)	New	78,000.00	936,000.00	New
9.	Danger and Hardship Allowance for Officers and rank and file in D8	9 Senior Police Officer 81 rank and file (Officers and rank and file in Crime Intelligence)	New	500 (per month)	New	4,500.00	54,000.00	New
				500 (per month)		40,500.00	486,000.00	

No.	Types of Allowance	Officers and Rank and File Involved	RATE			FINANCIAL IMPLICATION		
			Existing (RM)	Proposal (RM)	Difference (RM)	Monthly (RM)	Annual (RM)	Difference in Rate with Existing (RM)
10.	Incentive for Officers and rank and file in the Escort Branch PDRM	5 Senior Police Officer 1,320 Rank and file (Escort Branch in all Contingents)	New	300 (Monthly) 300 (Monthly)	New	1,500.00 396,000.00	18,000.00 4,752,000.00	New
11.	Special Intelligence Allowance for Special Branch	5,226 All Officers and rank and file Special Branch	New	500 (Monthly)	New	2,613,000.00	31,356,000.00	New
12.	Fixed Trainer Allowance for Training Institutions	1,824 Trainers for Outdoor Activities at all Training Centres	New	300 (Monthly)	New	547,200.00	6,566,400.00	New
13.	Increased Incentive Allowance for Booby Traps and Bomb Disposal	587 Senior Police Officer and Rank and file/ Bomb Disposal at Logistics Department	Booby Trap Disposal 5.00 per operation Bomb Disposal 50.00 per operation	500.00 per operation Estimate -12 ops per month -137 ops per year	450.00	<u>Proposal</u> 137 times (annually) 12 month = 12 times 12 times monthly x 5 person x 500 = 30,000.00 <u>Existing</u> 137 times (annually) 12 month = 12 times 12times monthly x 5 person x 5.00 = 300 137 times (annually) 12 month =12 times 12 times monthly x 5 person x 50.00 = 3,000.00	<u>Proposal</u> 137 times (annually) 5 person x 500.00 x 137 times = 342,500.00 <u>Existing</u> 137 times (annually) 5 org x 5.00 x 137 times = 3,425.00 137 times (annually) 5 org x 50.00 x 137 times = 34,250.00	<u>Monthly</u> 26,700.00 <u>Monthly</u> 304,825.00

No.	Types of Allowance	Officers and Rank and File Involved	RATE			FINANCIAL IMPLICATION		
			Existing (RM)	Proposal (RM)	Difference (RM)	Monthly (RM)	Annual (RM)	Difference in Rate with Existing (RM)
14.	Hand phone allowance for Officers and rank and file	46,117 Officers and rank and file performing investigation duties	New	200 (Monthly)	New	9,223,400.00	110,680,800.00	New
		166 Senior Police Officer of rank ACP and above supplied with a hand phone valued at RM600.00 (once)		200 (Monthly)		33,200.00	398,400.00 99,600.00 (Hand phone).	
15.	Increase Special Incentive Allowance from RM100 to RM500	95,324 All Officers and rank and file	100.00	500 (Monthly)	400.00	<u>Proposal</u> 47,662,000.00	<u>Proposal</u> 571,944,000.00	<u>Monthly</u> 38,129,600.00
						<u>Existing</u> 9,532,400.00	<u>Existing</u> 114,388,800.00	<u>Annually</u> 457,555,200.00
16.	Special Incentive Allowance for Aircraft Maintenance Engineering in Air Wing LWTR - Licensed without Type Rating TR - Type Rate	10 Engineer	New	<u>LWTR</u> 1,000.00 <u>TR</u> 440 1,440.00 (Monthly)	New	14,400.00	172,800.00	New
17.	Payment to purchase Spectacles for Fingerprint Examiners (FPE) (N7 and N9)	FPE N7 12 person FPE N9 46 person - Public Officers	New	100 Three years once	New	$\frac{58 \times 100.00}{36} = 161.11$	$\frac{58 \times 100.00}{3} = 1,933.33$	New
18.	Unit Haemodialysis	67 Sgt-Cons On Haemodialysis clinic duty	New	100 (Monthly)	New	6,700.00	80,400.00	New
19.	Marine Police Incentive	2868 Marine Officers/rank and file	New	350 (Monthly)	New	1,003,800.00	12,045,600.00	New

No.	Types of Allowance	Officers and Rank and File Involved	RATE			FINANCIAL IMPLICATION		
			Existing (RM)	Proposal (RM)	Difference (RM)	Monthly (RM)	Annual (RM)	Difference in Rate with Existing (RM)
20.	Fingerprint Examiner (FPE) Incentive Grade N9 and N7	FPE N7 12 person		425 (Monthly)	New	5,100.00	61,200.00	
		FPE N9 46 person - Public Officers		375 (Monthly)		17,250.00	207,000.00	
			TOTAL OF PROPOSAL/NEW			65,744,386.11	789,374,733.33	
			TOTAL OF EXISTING ALLOWANCES			10,161,309.00	121,933,783.00	
			TOTAL DIFFERENCES			55,583,077.11	667,440,950.33	

UNIFORMED POLICE PERSONNEL IN CORE POLICING AND NON-CORE POLICING FUNCTIONS IN PDRM ON 16 FEBRUARY 2005

DEPARTMENT	NO. OF PERSONNEL	FUNCTIONS	CORE POLICING	ESTABLISHMENT	ACTUAL STRENGTH	NON-CORE POLICING FUNCTIONS	ESTABLISHMENT	ACTUAL STRENGTH
Management Department	33,036	Management & Administration	<ul style="list-style-type: none"> Palace Guard Airport Guard General Duties in Contingent 	<ul style="list-style-type: none"> 902 637 22,486 	<ul style="list-style-type: none"> 587 315 24,593 	<u>Bukit Aman</u> <ul style="list-style-type: none"> IGP Office IGP Secretarial Discipline Administration Establishment/Service Research/Development Training Police Band Training Institutes Task Force VII Training & Contingency Reserve Staff Pool Police Cadre Open Cadre 	<ul style="list-style-type: none"> 11 0 70 219 101 9 24 132 3,292 286 4,856 11 278 23 	<ul style="list-style-type: none"> 19 6 156 657 129 26 70 303 3,327 0 2,506 5 209 23
Logistics Department	10,587	Operation Support				<ul style="list-style-type: none"> Finance/Suppliers Supply Centre Transport Armoury Information Technology Communication 	<ul style="list-style-type: none"> 859 255 5,478 1,034 341 2,620 	<ul style="list-style-type: none"> 1,067 184 5,562 742 266 2,645
Criminal Investigation Department	6,661	Operational Policing	<ul style="list-style-type: none"> Investigation/ Detective Admin./Research/ General/ Duties Identification Unit 	<ul style="list-style-type: none"> 2,120 4,278 263 	<ul style="list-style-type: none"> 1,660 5,999 210 			
Commercial Crime Investigation Department	690	Operational Policing	<ul style="list-style-type: none"> Investigation/ Detective Admin./Research/ General/Duties 	<ul style="list-style-type: none"> 216 474 	<ul style="list-style-type: none"> 76 303 			



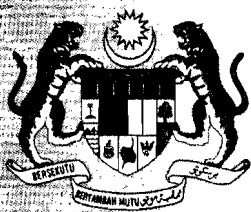
DEPARTMENT	NO. OF PERSONNEL	FUNCTIONS	CORE POLICING	ESTABLISHMENT	ACTUAL STRENGTH	NON-CORE POLICING FUNCTIONS	ESTABLISHMENT	ACTUAL STRENGTH
Internal Security/ Public Order Department	33,214	Operational Policing	<ul style="list-style-type: none"> • GOF • SOF • FRU • Marine • Escort Officers • Traffic Division • Horse Unit • Orang Asli Police • Armoured Car Squadron • Air Wing • Border Smuggling Prevention Unit • Border Scout • Area Guard Unit • Operation/MPV 	<ul style="list-style-type: none"> • 14,197 • 963 • 2,279 • 2,960 • 1,895 • 4,465 • 114 • 0 • 300 • 486 • 628 • 1,167 • 7 • 3,753 	<ul style="list-style-type: none"> • 11,350 • 732 • 2,347 • 2,844 • 1,478 • 4,882 • 89 • 1,121 • 278 • 385 • 448 • 40 • 0 • 4,520 			
Narcotics Department	2,713		<ul style="list-style-type: none"> • Investigation/ Detective • Admin./Research/ General Duties 	<ul style="list-style-type: none"> • 1,854 • 859 	<ul style="list-style-type: none"> • 1,395 • 1,676 			
Special Branch	6,026		<ul style="list-style-type: none"> • Investigation/ Detective • Admin./Research/ General Duties 	<ul style="list-style-type: none"> • 4,129 • 1,897 	<ul style="list-style-type: none"> • 3,578 • 1,448 			
GRAND TOTAL	92,927			73,329	72,354		19,899	17,902

Source: PDRM

CRIME INDEX AND TOTAL NUMBER OF INVESTIGATION OFFICERS 2003

CONTINGENT	CRIME INDEX	CASE INVESTIGATED	INVESTIGATION OFFICERS	ASSISTANT OFFICERS	TOTAL	AVERAGE INVESTIGATIONS PER MONTH
P/PINANG	12,609	22,957	29	68	97	19.72
PAHANG	3,895	13,637	27	34	61	18.63
SELANGOR	45,889	63,539	124	179	303	17.47
K/LUMPUR	24,571	35,187	63	105	168	17.45
JOHOR	22,953	32,095	58	96	154	17.37
N/SEMBILAN	4,432	8,818	15	28	43	17.09
MELAKA	3,494	6,766	15	19	34	16.58
PERAK	10,311	23,337	39	88	127	15.31
KEDAH	8,981	14,226	25	60	85	13.95
SARAWAK	7,793	13,476	26	58	84	13.37
TERENGGANU	3,156	5,765	14	23	37	12.98
SABAH	47,713	9,508	27	54	81	9.78
KELANTAN	2,989	5,438	15	38	53	8.55
PERLIS	529	984	4	8	12	6.83
TOTAL	156,315	255,733	481	858	1,339	15.92





CHAPTER 13

IMPROVE MANAGEMENT AND DEVELOPMENT OF POLICE HUMAN RESOURCES

- Introduction
- Recommendation One: Develop A Competencies-Based Model For Human Resource Development
- Recommendation Two: Further Develop The Balanced Scorecard System Employed By PDRM
- Recommendation Three: Prepare And Publish Annual Best Value Performance Plans
- Recommendation Four: Implement Knowledge Management System
- Recommendation Five: Institute Annual, Five-Yearly And Ten-Yearly Perspective Workforce Planning In PDRM
- Recommendation Six: Revamp PDRM Training And Development Programmes
- Recommendation Seven: Improve And Increase PDRM Training Institutions
- Recommendation Eight: Improve Succession And Career Planning For PDRM Personnel
- Recommendation Nine: Have Two Deputy IGP Posts
- Recommendation Ten: Establish A Religious Development Unit In PDRM
- Recommendation Eleven: Review Regulations Governing PDRM Discipline
- Conclusion



IMPROVE MANAGEMENT AND DEVELOPMENT OF POLICE HUMAN RESOURCES

1. INTRODUCTION

1.1 This Chapter focuses on measures to improve the management and development of police human resources with a view to enhance the performance and efficiency of PDRM. It addresses what was identified as Challenge Seven in Chapter Four. Some of the shortfalls of PDRM and inadequacies in its performance can be attributed to weaknesses in the system of managing and developing the 100,000-strong police service. Management of PDRM resources is a challenge not only of its sheer numbers but also because it is an organisation which spreads over every state and district and reaches the farthest corners of the country.

1.2 The key issues with regard to the management and development of human resources in PDRM as the Commission sees it was identified in Chapter Four. They are as follows:

- i. The lack of a comprehensive and holistic human resources management strategy and programme that contributes to the other problems listed below.
- ii. Absence of a competencies-based model for human resource development.
- iii. Deficiencies in recruitment, specifically the absence of competencies profiling for recruitment and inadequate emphasis for ethics and integrity at the point of entry.
- iv. Inadequacies in workforce planning.
- v. Inadequacies in the important sphere of training and development.
- vi. Inadequately developed performance management system.

The recommendations below are aimed at rectifying these inadequacies.

2. RECOMMENDATIONS

2.1 **RECOMMENDATION ONE: DEVELOP A COMPETENCIES-BASED MODEL FOR HUMAN RESOURCE DEVELOPMENT**

2.1.1 As discussed in Chapter 4, the lack of a competencies-based model for human resource development and management has significantly constrained the performance of PDRM. The absence of such a model

has prevented optimal standards in recruitment, training, job emplacement, career development and promotion.

2.1.2 The Commission therefore recommends that PDRM develop a competencies-based model for human resource development in the organisation. It involves identifying the core values, knowledge, skills and personal traits that are required for specific posts or jobs in the establishment. Core values will be more or less constant for all police personnel, but will be more important for some posts than others. The core values identified for police personnel include loyalty, discipline, courage, integrity, trustworthiness and accountability. Competencies will vary. The competencies required for criminal investigation will have some common elements with those required for maintaining public order and others that are different. Both may need team work and communication skills but criminal investigation may require competency in crime scene investigation and evidence gathering which is not required for jobs involved in maintaining public order. The latter on the other hand, may require the competency of consultation, negotiation and conflict resolution.

2.1.3 The competency model that is developed by PDRM will help drive the human resource development programme of PDRM, from the starting point of recruitment to training and deployment. Applicants with the right competencies or with the basic qualifications upon which relevant competencies can be built, will be recruited and then given basic training followed by specialised training in the competencies that need to be developed for the jobs assigned to them. They will then be deployed accordingly.

2.1.4 Some of the police competency elements that could be considered in PDRM's Competency Model are:

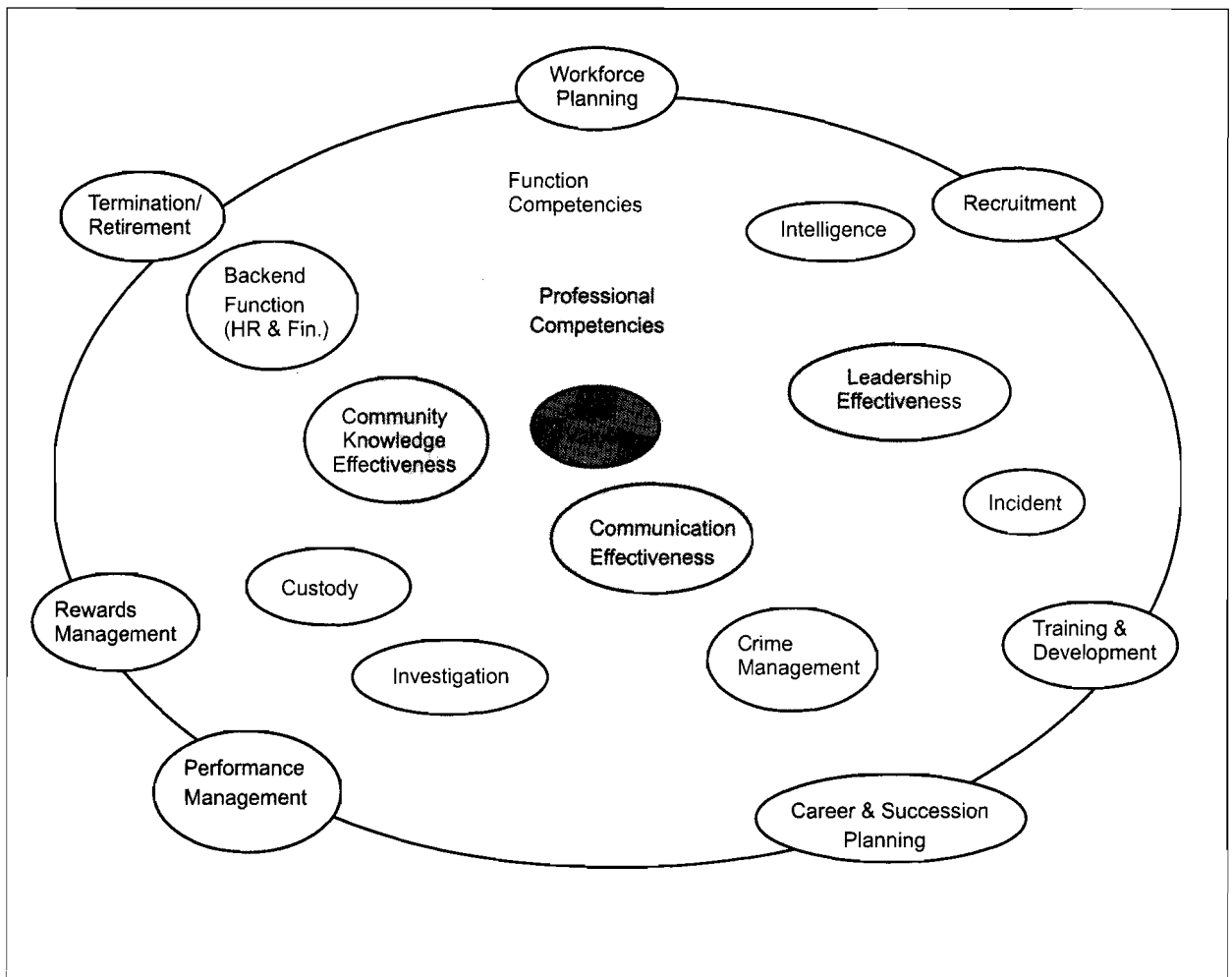
- i. PDRM Core Values:
 - a. Transparency and Accountability
 - b. Integrity
 - c. Credibility
 - d. Reliability
 - e. Trustworthiness
 - f. Professionalism

- ii. PDRM Professional Competency:
 - a. Problem Solving Skills
 - b. Leadership Skills
 - c. Communication Skills
 - d. Team Work

- iii. PDRM Functional Competency:
 - a. Consultation, Negotiation and Conflict Resolution
 - b. Crime Scene Investigation and Evidence Gathering
 - c. Crime Analysis
 - d. Knowledge of Law, Policy and Procedure

2.1.5 The eventual competency model adopted for PDRM will help drive the human resources development in PDRM to achieve its goals and objectives. A sample competency driven human resource development framework that could be applicable to PDRM is shown in Figure 13.1.

FIGURE 13.1 : A SAMPLE COMPETENCY DRIVEN HUMAN RESOURCE DEVELOPMENT FRAMEWORK FOR PDRM



2.1.6 The Commission recommends the following measures with regard to determine the competency profiles for posts and incumbents:

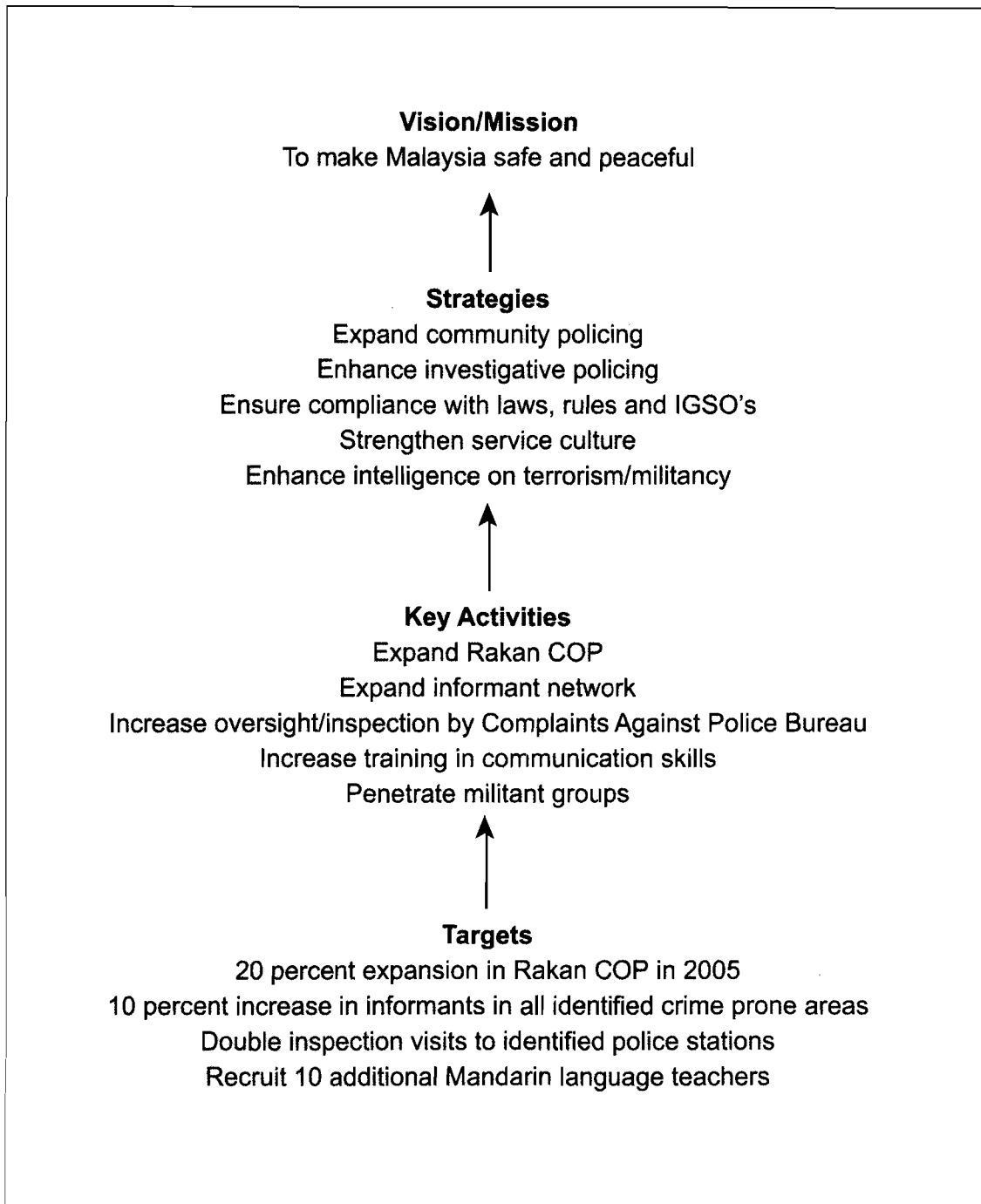
- i. Appoint consultants to ascertain the competency profile for each post or group of posts in PDRM. The supervisors of each post will utilise this profile to determine the competency profiles for the incumbents.

- ii. The consultants should also classify the competencies into core, professional, functional or any other division of competency, based on the scheme of service.
- iii. Competencies of all incumbents should be evaluated at least once annually.
- iv. Recruitment, placement, promotion, performance evaluation, remuneration and training modules should be based on clearly defined competency profiles for posts and incumbents.
- v. Competencies should be the basis for designing courses and other training programmes.
- vi. Training should also include computer-assisted learning that can decentralise training at district and station levels using CD-ROMs and various computer learning software. The use of computer-assisted learning can help decentralise “refresher courses” and mitigate the acute lack of physical training facilities.

2.2 RECOMMENDATION TWO: FURTHER DEVELOP THE BALANCED SCORECARD SYSTEM EMPLOYED BY PDRM

- 2.2.1 The Balanced Scorecard is a performance management system that is used widely in both the private and public sectors especially in developed countries. In a public sector organisation like PDRM the Balanced Scorecard is vision or mission driven (unlike in the private sector where they are profit or market driven). The system identifies the strategies needed to accomplish the designated vision or mission of the organisation, then the activities required to implement the various strategies employed to in pursuit of the vision or mission.
- 2.2.2 Figure 13.2 shows an example of a sample Balanced Scorecard for PDRM, where the vision/mission has been identified as “To make Malaysia safe and peaceful”. The activities support the strategies, and the strategies support PDRM’s vision/mission.
- 2.2.3 Having developed a Balanced Scorecard, Key Performance Indicators (KPIs) need to be identified for each activity and post in PDRM. KPIs need to be clear and measurable. They are also usually long-term in nature and not subject to frequent changes. The Balanced Scorecard will make PDRM more focused in terms of the deliverables. It will also make PDRM more customer-friendly and give it a new and better image.

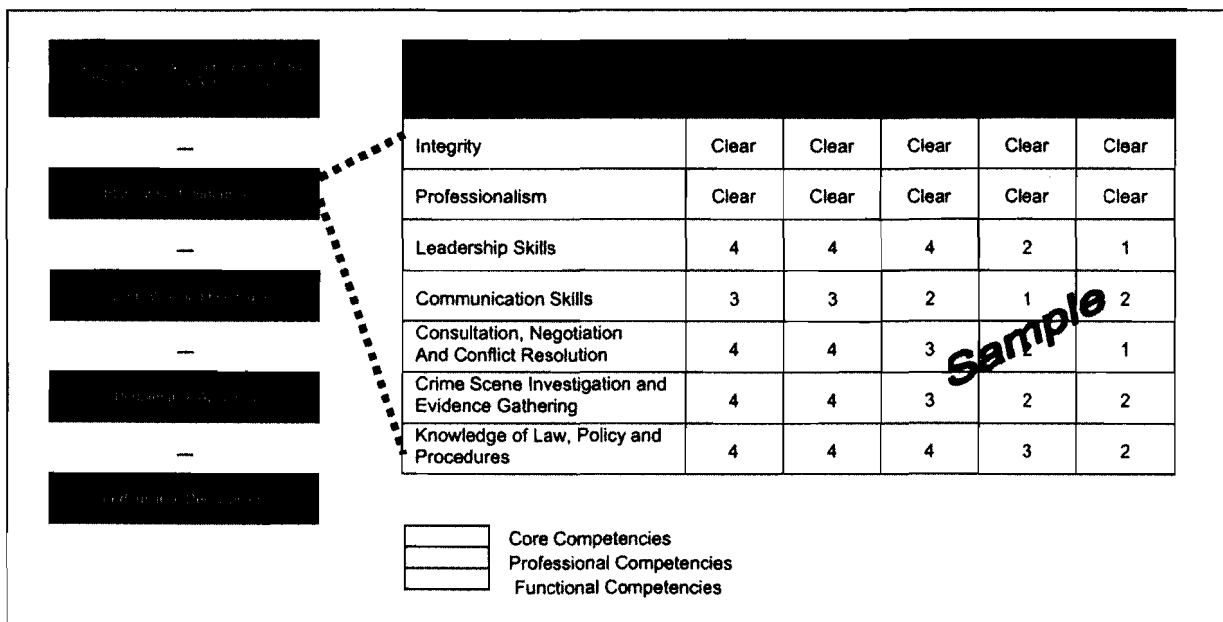
FIGURE 13.2 : SAMPLE PDRM BALANCED SCORECARD



2.2.4 Management performance also necessitates identifying the core competencies and rank required for each job or post, and the proficiency level required for each competency. Placement or promotion can then be managed accordingly. A sample of determining the standards of performance or proficiency is given in Figure 13.3 below.

2.2.5 The Commission understands that PDRM is already undertaking a Balanced Scorecard initiative. However the Commission recommends that it be further developed through such measures as the inclusion of KPIs into the system as well as setting standards of performance or proficiency levels.

FIGURE 13.3: DETERMINING THE STANDARDS OF PERFORMANCE



Integrity	Clear	Clear	Clear	Clear	Clear
Professionalism	Clear	Clear	Clear	Clear	Clear
Leadership Skills	2	4	4	2	1
Communication Skills	3	3	2		2
Consultation, Negotiation and Conflict Resolution	4	4		2	1
Crime Scene Investigation and Evidence Gathering	4	4	3	2	2
Knowledge of Law, Policy and Procedures	4	4	4	3	2

Clear	• Demonstrates this competency, all of the time, in all situations; solid, consistent performance
Some	• Demonstrates this competency, in many but not all situations; no major problems in performance
Inconsistent	• Demonstrates this competency in some situations; fails to demonstrate it in others; needs improvement
Not Able	• Has difficulty demonstrating this competency
No Basis	• Has had little or no opportunity to demonstrate this competency during the appraisal period

- Core Competencies
- Professional Competencies
- Functional Competencies

Integrity	Clear	Clear	Clear	Clear	Clear
Professionalism	Clear	Clear	Clear	Clear	Clear
Leadership Skills	2	4	4	2	1
Communication Skills	3	3	2		2
Consultation, Negotiation and Conflict Resolution	4	4		2	1
Crime Scene Investigation and Evidence Gathering	4	4	3	2	2
Knowledge of Law, Policy and Procedures	4	4	4	3	2

Position: Sub-Inspector
Competency Name: Communication Skills
Definition: Verbally presents and exchange information in a clear and concise manner

0	• Does not meet the requirements
1	• Expresses ideas clearly, effectively and concisely • Organises and presents own perspective in a logical manner • Listens actively and responds to others • Allows others to speak without interrupting
2	• Organises discussion in a logical manner • Expresses ideas to individuals and groups, both in formal and informal settings • Responds to questions with accurate and complete viewpoints
3	• Explains complex concepts using terms appropriate for the audience • Develops an awareness of the audience when speaking, and adapts communication style accordingly • Develop messages that cover alternative viewpoints • Communicates comfortably in group management • Handles sensitive conversations effectively
4	• Delivers presentations that capture the attention of large, diverse audiences • Conducts seminars and speaking engagements • Speaks effectively to the media • Sought to speak publicly, inside and outside the public service • Able to influence and motivate large diverse audiences

- Core Competencies
- Professional Competencies
- Functional Competencies

Competency required for the Position of Sub-Inspector

2.3 RECOMMENDATION THREE: PREPARE AND PUBLISH ANNUAL BEST VALUE PERFORMANCE PLANS

- 2.3.1 Best Value Performance Planning has been adopted by government agencies including the police service organisations in the United Kingdom. It is a framework that allows user organisations to continually improve their performance in critical areas. The Best Value Performance Plan (BVPP) also allows competing organisations using the same framework to benchmark against each other and improve themselves. Authorities that audit police services and functions also find the BVPP a convenient reference.
- 2.3.2 In the case of public service organisations like the police in the United Kingdom, there is also a lot of consultation through forums and surveys of public assessment of police performance and delivery of service. The BVPP is published and is in the public domain and can therefore be used as an annual report to the public. PDRM should therefore undertake BVPP exercises annually. It would be useful too if the planning is done to coincide with the budget submission exercise.
- 2.3.3 The most common approach of developing a Best Value Performance review is using the “4Cs of Best Value”, as indicated in Table 13.1 below.

TABLE 13.1 : THE 4CS OF BEST VALUE

NO.	4Cs	DESCRIPTION
1.	Challenge	Challenge the reasons why a service is provided by the PDRM in the first place. For example, why provide police escort for certain categories.
2.	Consult	Consult with service users on what services and service standards are being received and what services are required by the users.
3.	Compare	Compare the service PDRM provides with other providers, if any.
4.	Compete	What action will PDRM take to deliver more competitive services and what timescale.

- 2.3.4 BVPP should also contain Best Value Indicators in order to enable measurement and progress. In the case of PDRM they could be grouped under various categories, like Public Assessment (e.g. public satisfaction with response time); Reducing Crime (e.g. number of vehicle thefts or robberies); and Crime Investigation (e.g. number of crimes investigated and cleared). BVPP reports should then compare present performance with past performance and set the targets for the coming year, including how weaknesses or new requirements can be addressed.
- 2.3.5 The Commission recommends that Best Value Performance Plans are prepared and published by PDRM annually. It must be audited internally as well as externally and be made accessible to the public. Auditing should cover the entire spectrum of PDRM organisation and activity and not be limited to matters relating to finance and establishment.

2.4 RECOMMENDATION FOUR: IMPLEMENT KNOWLEDGE MANAGEMENT SYSTEM

- 2.4.1 Organisations, especially service-oriented organisation like PDRM, are increasingly driven by knowledge. Knowledge management systems should therefore be adopted in PDRM to enhance operational efficiency and quality of service. Knowledge management will promote a team spirit and sharing of knowledge and information so that information does not reside with a single officer but is shared by the team. Organisation silos should be reduced as much as possible and the only barrier should be the need for strict confidentiality. They severely hinder sharing of information and knowledge across an organisation and limit the potential value that can be derived from information and knowledge. Establishments such as PDRM that work on a strong need to know principle are especially prone to the development of organisation silos.
- 2.4.2 The necessary information technology systems are an absolute prerequisite and should be effectively used for knowledge management.

2.5 RECOMMENDATION FIVE: INSTITUTE ANNUAL, FIVE-YEARLY AND TEN-YEARLY PERSPECTIVE WORKFORCE PLANNING IN PDRM

- 2.5.1 Workforce planning aims at ensuring that the right people are in the right place and at the right time. It does this by looking ahead and identifying the gaps between the workforce of today and the human capital needs of tomorrow, which may include new programmes or the termination of others. PDRM currently conducts a workforce planning exercise once in every 10 years. In the interim there are ad hoc reviews of particular needs and new requirements, leading to ad hoc requests for new establishment. The problem is compounded by the time taken by central agencies to

consider the application for new establishment, which sometimes is extended and is overtaken by fresh developments.

2.5.2 The Commission recommends that workforce planning in PDRM be conducted annually, on a five-year basis and on a ten-year perspective basis based on a competencies-based model that is flexible and responsive to new developments. Workforce planning conducted on a ten-year basis is only good for long-term strategic planning. Five-year planning is essential for medium term planning and one-year planning is necessary for short-term reviews and adjustments. The annual workforce plan should be timed to coincide with annual budget and two-yearly budget exercises and five-year development plans.

2.5.3 The success of workforce planning and implementation in PDRM does not depend on PDRM alone. It requires the cooperation and support of the Ministry of Internal Security, the Treasury and JPA to ensure that police requests are expeditiously considered. For this purpose early engagement of the Ministry and the central agencies in the workforce planning exercise would be to the benefit of PDRM.

2.6 RECOMMENDATION SIX: REVAMP PDRM TRAINING AND DEVELOPMENT PROGRAMMES

2.6.1 As for any other institution, the most valuable resource PDRM has is its men and women. Nurturing them in terms of values, attitudes, ethics, discipline and skills and competencies is critical to the efficient and effective functioning of PDRM. Shortcomings in policing are due to various factors, some of them outside the control of PDRM, but in many instances it can be traced to inadequacies and omissions in training.

2.6.2 As in other organisations too, the quality of resources PDRM has is not due to training alone. It begins with the identification of the capabilities that are required in recruits and recruiting people who possess those capabilities. Human resources development also includes the capability of the management to identify the competencies required for different jobs and emplacing the personnel with the right qualities in the relevant jobs. A comprehensive human resource development plan will therefore take all these factors into account.

2.6.3 PDRM has an elaborate programme for training that is conducted in 13 training institutions. In addition to basic training for recruit Constables, Probationary Inspectors and Cadet ASPs, there is training for senior officers in the police colleges and in-service training for police personnel transferred from one department to another within PDRM. Besides training in PDRM institutions, police officers are sent for the following courses in universities:

- i. Diploma courses in Policing Science in Universiti Kebangsaan Malaysia (UKM).
- ii. Diploma courses in Investigation Science in Universiti Malaya (UM).
- iii. Diploma in Psychology and Counselling in UKM.
- iv. Diploma in Civil Law in UM.
- v. Practical training programme in Forensics in Universiti Sains Malaysia.
- vi. Bachelors in Policing Science in UKM.

Police officers also attend senior training courses overseas in Thailand, Australia, Japan, United Kingdom and Singapore.

2.6.4 The Commission considers the existing PDRM training curriculum inadequate for the demands of modern policing in Malaysia. The reforms proposed for PDRM to strengthen its crime control capabilities, reduce corruption, enhance compliance with prescribed laws and human rights standards and improve human resource management require a revamping of PDRM training programmes and curriculum with the assistance of qualified persons in the public and private sectors, universities and even experts from abroad. The changes and improvements recommended for PDRM's human resources development programme include the following:

- i. Emphasise the notion of PDRM as a “service” rather than a “force”. This is fundamental to the mindset change required in PDRM and it will have a positive impact upon front office service and treatment of persons arrested or detained.
- ii. Increase training components for integrity and work ethics in basic training courses as well as in police colleges. This is urgently required to help prevent and address corruption in police ranks.
- iii. Increase training components for compliance with human rights standards. This is urgently required in view of the numerous breaches of the safeguards for the rights and welfare of citizens provided by prescribed laws, regulations and rules identified in earlier chapters.
- iv. Enhance gender sensitisation and child’s rights components in training courses, especially in basic training.
- v. Include public relations components in basic and senior officers’ courses. This will help enhance front office service, equip police better for launching and managing community policing schemes, and improve their ability to manage problems such as domestic violence.

- vi. Provide teaching and training on the new management concepts recommended earlier in this Chapter.
- vii. Increase PDRM training capacity in communication skills and knowledge of English, Mandarin, Arabic and Tamil. Communications skills will be vital in police relations with the public and the local community, while basic proficiency in the four languages will assist police personnel in dealings with the public as well as foreign tourists, a large number of whom are from China and the Middle East. Communication skills extend beyond the ability to speak or write a language. It includes other factors as well, such as the ability to listen well and read body language.
- viii. Train, or recruit into PDRM, a number of personnel who are proficient in various other important foreign languages such as French, Russian, Thai and Tagalog. Such proficiency will be especially useful for SB officers and personnel serving in areas close to the Thai border or in Sabah. Training in these languages can be provided by private language institutes in the country or abroad. Officers serving in CID and SB should also be encouraged to learn local dialects to be effective in their work.
- ix. Provide more leadership development programmes. Leadership development at all levels is crucial for PDRM. It will be critical for driving transformation in the service, for effective discharge of responsibilities of those in command and management positions at all levels and for providing leadership in the many situations that police personnel encounter in their daily work. Leadership will also be vital in crisis situations.
- x. Increase the number of trainers especially in specific areas such as criminal investigation, commercial crime investigation and handling of cases involving women and children.
- xi. Ensure that the allocation for training is utilised for programmes on core policing duties. The main focus should be on criminal investigation, forensics and commercial crimes in order to enhance the professionalism and quality of police investigation.
- xii. Introduce specific courses such as Criminal Investigation Training. From the feedback received, the Commission gathers that there are officers and personnel who have not received training in specific areas like criminal investigation prior to being posted to the Criminal Investigation Department. This results in the poor quality of investigation.
- xiii. Emphasise scientific and forensic studies in building up evidence because scientific techniques are critical in modern investigation processes.

- xiv. Increase frequency of training for police personnel below the rank of Inspector. Officers above the rank of Inspector are able to attend refresher or training courses on an average of once in every 2-3 years. Personnel below this rank however normally have no opportunity to attend any training programme beside the basic training programme received on recruitment, unless they are assigned to specialised duties like traffic, PGA, FRU or CID. The number of police personnel involved is enormous – about 90,000. The fact that training is received only once in the entire career of these personnel is one of the reasons for performance inadequacies in PDRM. Ways and means have to be found to provide crash courses on some of the training components mentioned above. In the long term, there needs to be a sharp increase in training facilities for this category of personnel.

2.7 RECOMMENDATION SEVEN: IMPROVE AND INCREASE PDRM TRAINING INSTITUTIONS

2.7.1 The Commission had detailed discussions with PDRM on the state of police training institutions, wherein the Commission conveyed certain ideas for the consideration of PDRM. PDRM subsequently submitted a comprehensive proposal to the Commission to renovate and upgrade nine existing training institutions and establish an additional one on the East Coast. The proposal includes expanding and modernising teaching facilities in the existing institutions. The proposal is summarised below:

- i. Renovate and upgrade on an urgent basis five training institutions that are in very poor condition. The five are PULAPOL KL, PULAPOL Ayer Hitam, PULAPOL Kota Kinabalu, PULAPOL Muar and PULAPOL Kuching.
- ii. Renovate and upgrade four other training institutions providing in-service training and equip them with better facilities. The four institutions are PDRM College Kuala Kubu Baru, the PGA Training School in Ulu Kinta, the Marine Police Training Centre in Tampoi and the Air Wing Training Base in Ipoh.
- iii. Establish an institute to conduct basic training on the East Coast of Peninsular Malaysia.

2.7.2 The Commission is of the view that training and development in PDRM is severely constrained by insufficient allocation and inadequate places and facilities. Unless there is significant additional investment for training, especially for the lower ranks, PDRM performance will continue to be found wanting. The Commission therefore supports the proposal in principle except for the request relating to the Marine Police Training Centre, which needs to be reviewed in the light of the establishment of the Malaysian Maritime Enforcement Agency and the prospective

relinquishing of the relevant role by PDRM. The estimated expenditure, amounting RM 98,772,118 is considerable. The Commission recommends that the work be done in phases over a number of years based on priority.

2.8 RECOMMENDATION EIGHT: IMPROVE SUCCESSION AND CAREER PLANNING FOR PDRM PERSONNEL

- 2.8.1 Proper career and succession planning and management can enhance PDRM's ability to recruit quality material and develop them to advance organisational goals and objectives. The planning will require PDRM to understand the competencies and standards of performance needed for promotion and direct the career plans and expectations of police personnel according to its future needs. As individuals are provided with the opportunities to develop their careers, their levels of engagement with PDRM and job satisfaction will be enhanced, leading to higher levels of workforce alignment, retention and performance.
- 2.8.2 PDRM does practise career and succession planning, but it is confined mainly for promotion purposes. The planning should be expanded to cover all aspects of career development. The issues faced by PDRM in this regard include the following:
- i. Police officers in PDRM generally lack the direction that is required for them to achieve individual satisfaction in terms of their career progression. This often results in low motivation and low commitment to the organisation.
 - ii. While there is some degree of talent identification for career and leadership development in PDRM, the absence of a formal career planning model means the identification and development of high-potential officers for nurturing and mentoring for future leadership in PDRM is less than satisfactory. PDRM has a pool of over 90,000 uniformed personnel and more than 7,000 civilian personnel. Unless a proper plan is in place it will be easy to overlook many promising individuals for the various levels of leadership, to the detriment of PDRM's performance and interest.
- 2.8.3 The Commission recommends that a career plan be developed for each individual who joins the organisation. Among other things the career plan will enable the officer to understand what are the competencies and standards required of him and the career advancement opportunities that are available to him. This will help motivate the officer and foster his active commitment to the task allotted to him. An attractive career plan will also help PDRM attract recruits of good quality. A sample career planning model that can be adapted for PDRM is given in Figure 13.4 below.
- 2.8.4 The Commission also recommends that succession planning in PDRM be improved with the adoption of more systematic planning. A sample succession planning model is illustrated in Figure 13.5.

FIGURE 13.4 : SAMPLE CAREER PLANNING MODEL

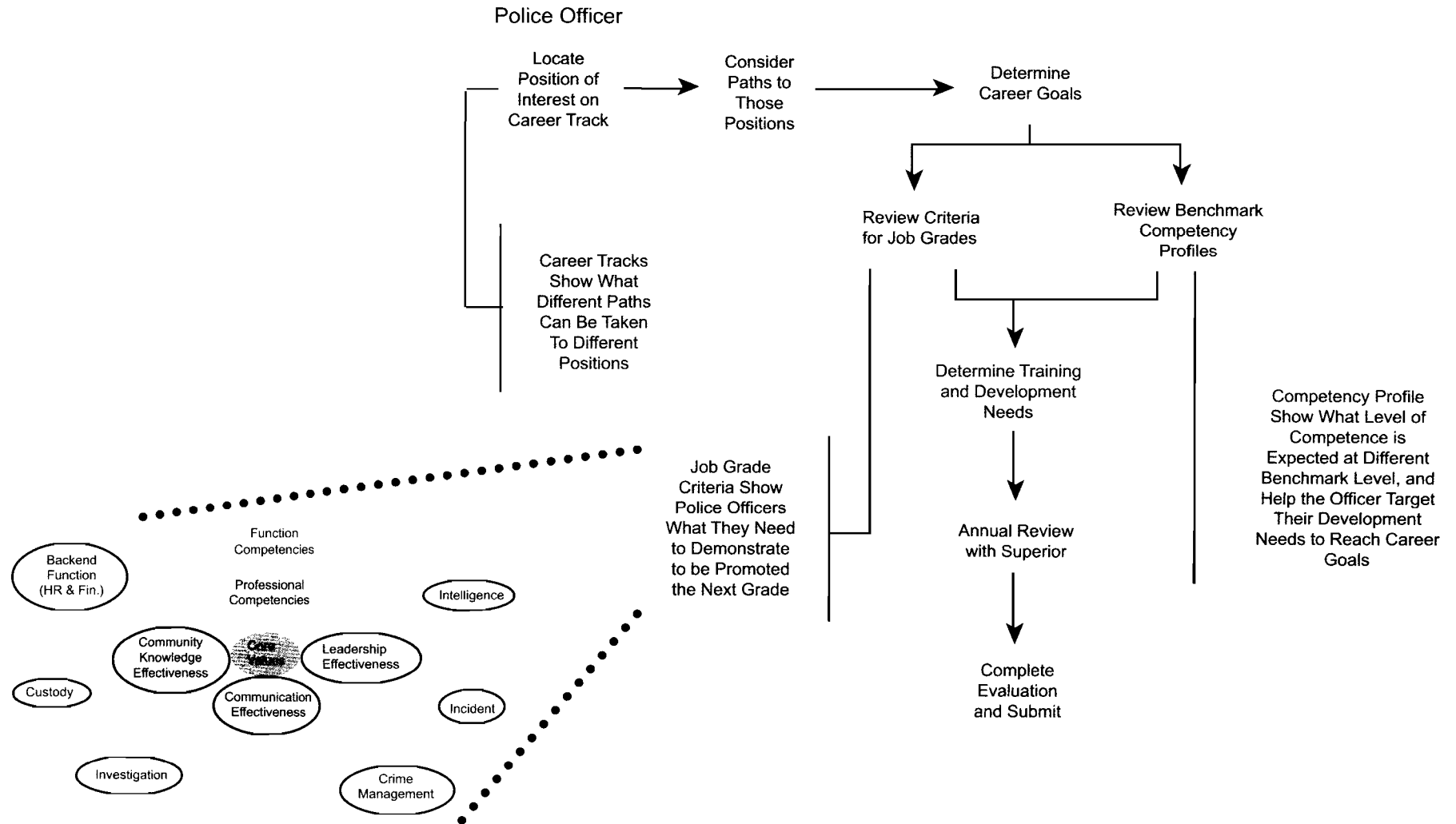
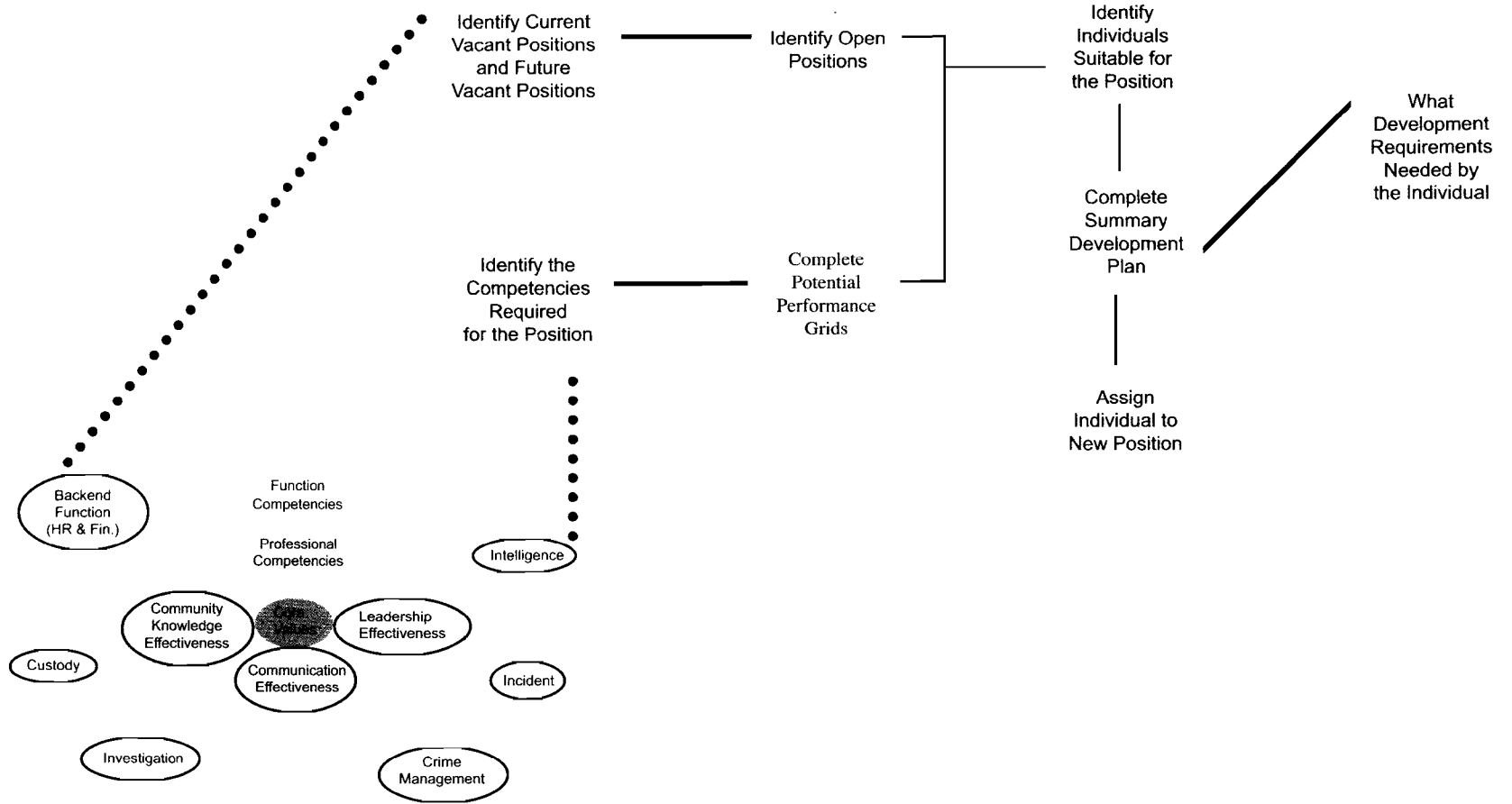


FIGURE 13.5 : SAMPLE SUCCESSION PLANNING MODEL



2.8.5 Leadership material in PDRM should be identified at an early stage and groomed for top management posts. Identification of potential IGP material will be particularly critical. Using the succession planning model as a guide, officers who show promise should be developed and given a chance to demonstrate their talents and leadership skills. The following special training and development programme should be applied for potential leaders in addition to the normal training and development programmes:

- i. Exposure and sojourn in two core functions, criminal investigation and security intelligence and in a variety of essential leadership and management positions at progressively higher levels. For potential IGP material for instance there must be essential experience in the positions of OCPD, CPO/Commissioner at Contingent level, one or two Director posts at Bukit Aman including Director of SB and Deputy IGP.
- ii. A stint in a posting outside PDRM such as in the National Security Division, Prime Minister's Department to widen the officer's experience and strategic outlook.
- iii. Training/development in reputed overseas institutions such as the Royal College of Defence Studies, United Kingdom to develop leadership and strategic thinking skills.

2.9 RECOMMENDATION NINE: HAVE TWO DEPUTY IGP POSTS

2.9.1 At present, there is only one Deputy IGP. The Commission is of the view that management at the highest level can be improved by having two Deputy IGPs. One Deputy IGP could focus on management and finance matters, while the other Deputy IGP could focus on operational matters. The Commission therefore recommends that an additional post of Deputy IGP be created and PDRM organisation chart be revised accordingly.

2.10 RECOMMENDATION TEN: ESTABLISH A RELIGIOUS DEVELOPMENT UNIT IN PDRM

2.10.1 The values, morals and work ethics of PDRM personnel, especially the Muslims who constitute the majority, can be further enhanced by the establishment of a religious development unit in PDRM. Besides being active in training, the religious unit can also look after the religious and social welfare matters of Muslims. There should be adequate safeguards against the dissemination of misguided or deviationist teachings among police personnel. This can be better accomplished by placing the unit under the direct supervision of IGP.

2.10.2 The Commission therefore recommends that a religious unit be established in the IGP Secretariat and be named IGP Secretariat (Spiritual and Moral Development) [*Urusetia Ketua Polis Negara (Pembangunan Kerohanian dan Moral)*]. The Unit's scope and functions should be as follows:

- i. Formulate policy regarding the religious development of Muslim police personnel and their families, as is being done by the *Kor Agama Angkatan Tentera*.
- ii. Provide training and education. The focus will be during the basic training course for fresh recruits, because this is when imbibing of values is most effective.
- iii. Look after the welfare of Muslims in PDRM, including providing counselling services and tending to family matters.
- iv. Manage religious events and administer mosques and other related matters.

2.10.3 The religious officials currently available in PDRM are of the rank of Religious Assistant (*Pembantu Agama*) Grade S17. This is not sufficient. Many of the staff are also women, whereas there is also a requirement for male officers. It is therefore recommended that Religious Officer (*Pegawai Agama*) Grade S41 posts be approved for the unit, to be filled by male officers.

2.10.4 It is also proposed that a new curriculum be devised for use in PDRM training institutes with the help of PDRM, *Kor Agama Angkatan Tentera* and *Jabatan Kemajuan Islam Malaysia*.

2.10.5 PDRM has already made provision for personnel of other faiths, such as Christianity, Buddhism and Hinduism, to fulfil their religious needs. This provision should be continued under the new set-up.

2.11 RECOMMENDATION ELEVEN: REVIEW REGULATIONS GOVERNING PDRM DISCIPLINE

2.11.1 The regulations governing discipline of PDRM personnel were changed from the Police (Conduct and Discipline) (Junior Police Officers and Constables) Regulations 1970 [*Peraturan-Peraturan Polis (Kelakuan dan Tatatertib) (Pegawai-Pegawai Rendah Polis dan Mata-Mata)*] to the Public Officers (Conduct and Discipline) Regulations 1993 [*Peraturan-Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993*] on 1 January 2001. In the process the 1970 Regulations were repealed.

2.11.2 The rationale that was offered for the change at the time included the following:

- i. The change meant that police personnel will be subject to a common set of regulations instead of different sets of regulations for the senior and junior police officers as was the case earlier.
- ii. The 1993 Regulations were more comprehensive and up-to-date than the 1970 Regulations.
- iii. The 1970 Regulations with their Orderly Room system was a legacy of the British colonial regime. It was no longer in keeping with the times and the disciplinary procedure it entailed was too time and resource consuming in comparison to the 1993 Regulations.
- iv. The Orderly Room system was prone to allegations of bias on the part of the Presiding Officer (*Pegawai Pengadil*).

2.11.3 After three years of implementation however, some weaknesses were detected. The weaknesses included the following:

- i. No disciplinary action could be taken against Auxiliary Police because they were not covered by the 1993 Regulations.
- ii. There were no provisions in the 1993 Regulations for handling trivial cases that required urgent action by the supervisor, leading to no disciplinary action being taken against them.
- iii. Rank and file officers and constables had problems writing their Representation Letters clearly, affecting their ability to present their case well.
- iv. The 1993 Regulations do not allow the Disciplining Authority to interact directly with the person alleged of misconduct unlike the 1970 Regulations, which enabled the Authority to pose questions and allowed the other party to reply and present his case more effectively.

2.11.4 As a result of the above the number of disciplinary cases heard fell drastically from 5,506 cases in the 3-year period 1995 - 1998 to 2,937 cases in the period 2001 to 2004, after the introduction of the 1993 Regulations. This is a drop of 46 percent. Similarly, the number of personnel who were subject to disciplinary action fell from 4,208 to 2,044 personnel, a fall of 49.25 percent.

2.11.5 The Commission supports the proposal by PDRM and recommends that it be considered by the Government.

3. CONCLUSION

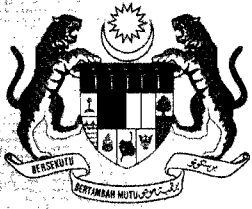
- 3.1 Human resource management in PDRM has to be improved dramatically if the objective of modernising the organisation and enhancing its performance is to be achieved. The initiative should cover every aspect of human resource management in PDRM from workforce planning and recruitment to retirement. The recommendations made above can help PDRM maximise the potential of its personnel and optimise their performance in furtherance of PDRM's mission.



CHAPTER 14

UPGRADE THE EQUIPMENT AND LOGISTICS OF THE ROYAL MALAYSIA POLICE

- Introduction
- Recommendation One: Ensure All Police Stations Have Computers
- Recommendation Two: Establish An Integrated IT Structure And Management Framework
- Recommendation Three: Review PDRM ICT Strategic Information System Plan (ISP)
- Recommendation Four: Establish PDRM IT Governance Framework
- Recommendation Five: Establish Good IT Management Framework
- Recommendation Six: Restructure And Enhance Capabilities Of PDRM IT Division
- Recommendation Seven: Develop And Integrate Application Systems
- Recommendation Eight: Enhance Technology Service Management
- Recommendation Nine: Adopt A Good IT Security Framework
- Recommendation Ten: Ensure Continuity Of PDRM Services And Disaster Recovery
- Recommendation Eleven: Improve Capacity Planning To Ensure System Capacity Meets The Operational Growth
- Recommendation Twelve: Enhance Vendor And Contract Management



CHAPTER 14

UPGRADE THE EQUIPMENT AND LOGISTICS OF THE ROYAL MALAYSIA POLICE

- Recommendation Thirteen: Study And Propose A Good IT Infrastructure That Will Make System More Reliable And Enable Progressive Development
- Recommendation Fourteen: Rationalise And Implement Proper Management Of IT Assets
- Recommendation Fifteen: Establish A Common Data Framework
- Recommendation Sixteen: Enhance Existing IT Training
- Recommendation Seventeen: Adopt An Integrated Organisation Capability Model
- Recommendation Eighteen: Consider Asset Requirements Of The Communications Division
- Recommendation Nineteen: Address Inadequate And Ageing Fleet Of PDRM Vehicles
- Recommendation Twenty: Review And Increase Supply Of Mobile Patrol Vehicles
- Recommendation Twenty-One: Provide Sufficient Funding To The Weaponry Division
- Conclusion

UPGRADE THE EQUIPMENT AND LOGISTICS OF THE ROYAL MALAYSIA POLICE

1. INTRODUCTION

- 1.1 As the agency responsible for maintaining law and order, it is vital for PDRM to be equipped with the necessary equipment and tools to discharge its responsibilities. It was emphasised in the previous chapters that one of the main priorities for PDRM, is to reduce crime. Among the challenges faced by PDRM is the increasing technological sophistication of some of the criminal groups. Unless PDRM is correspondingly equipped it would be difficult for PDRM to tackle these groups.
- 1.2 The imperative for PDRM to have advanced technology goes beyond crime fighting. PDRM has to be equipped with contemporary technology to function as a modern policing institution that implements everything from human resource management to traffic control and collecting and collating intelligence in the most efficient and effective manner.
- 1.3 The Logistics Department is tasked with managing and maintaining the assets of PDRM. The Commission observed that the fundamental problem facing the Logistics Department is the lack of a structured and integrated approach in asset management, from procurement to maintenance. With expenditure on assets for the Eighth Malaysia Plan amounting to RM850 million and total logistics assets valued at over RM2 billion, it is essential that these assets are effectively and efficiently managed. The absence of coordination and control over the four divisions within the Logistics Department (Weaponry, Transportation, Communication and Information Technology) means that PDRM is not able to ensure that assets are appropriately distributed and optimally utilised.
- 1.4 The role of information and communication technology (ICT) is crucial in developing the processes and means to sustain and support PDRM's operations. This involves not only the development of an efficient asset management system but also the acquisition of tools for improved policing. The Commission noted that in some developed countries, the police is equipped with the latest communication systems, that he is able to function as a mobile police station. Other support solutions that can be provided through the police ICT architecture relate to intelligence and case management, identification systems (for persons, vehicles, etc.), information sharing and data warehousing.
- 1.5 PDRM is cognisant of the vital role of ICT and has continuously instituted modernisation programmes through computerisation and information technology (IT) application systems in support of policing operations. RM113 million in capital expenditure was allocated for the installation of three computer systems in PDRM

- Compound Online Payment System (COPS), Computerised Accident Reporting System (CARS) and Police Reporting System (PRS), (Table 14.1). Despite the substantial investment, the expected returns on efficiency have yet to be achieved as the systems were not able to effectively support policing operations.

TABLE 14.1: IMPLEMENTATION STATUS OF MAJOR PDRM APPLICATION SYSTEMS

APPLICATION	IMPLEMENTATION PERIOD	SITES IMPLEMENTED	PLATFORM	ACTUAL PROJECT COST (CAPEX ONLY)
COPS	1992-1997 1999	145 locations HQ	Online	RM21m RM15m
CARS	1995-1998 1999 2000	98 locations 98 locations 6 locations	Stand-alone Stand-alone Local Area Network (LAN)/ Wide Area Network (WAN)	RM2.2m RM3.9m
PRS	2002-2004 (work-in-progress)	10 Contingents 71 District HQ 440 Stations	Online	RM71m
TOTAL				RM113.1m

Source: PDRM

2. RECOMMENDATIONS

2.1 RECOMMENDATION ONE: ENSURE ALL POLICE STATIONS HAVE COMPUTERS

2.1.1 The initiative to make PDRM technologically advanced must begin with the basics. Not all police stations have personal computers or personal computers in good working order. Unless all police stations are equipped with computers, no programme for IT proficiency in PDRM will be successful.

2.1.2 The Commission recommends that all police stations should be equipped with network-ready computers under the Ninth Malaysia Plan. Progress towards achieving connectivity can only be achieved once this basic objective has been fulfilled.

2.2 RECOMMENDATION TWO: ESTABLISH AN INTEGRATED IT STRUCTURE AND MANAGEMENT FRAMEWORK

2.2.1 Many PDRM processes remain manually driven despite the introduction of applications such as the CARS and the PRS. In the latter case, although it was developed to support all policing functions, some processes such as intelligence management and custody management are done manually. To overcome the fragmented nature of the current PDRM IT architecture, integrated management applications should be developed to ensure accessibility and interoperability. Accessibility to all information is crucial in policing where timely and accurate decision-making is part of the work while interoperability would enable access to information in linked databases. Cooperation with other relevant government agencies such as the Road Transport Department (JPJ), the National Registration Department (JPN), the Immigration Department and the Royal Malaysian Customs should be strengthened to enable information sharing.

2.2.2 PDRM should also consider implementing IT applications adopted by police services in some developed countries, with the aim of achieving integrated policing services through the IT systems. The integrated systems include the following:

- i. Case Management system, which includes workflow, case security, bringups, case viewing lists and staff allocation.
- ii. Customer interfacing system such as Customer Relationship Management (CRM).
- iii. Geographic Information System (GIS) and Quality Analysis MAPS. Quality analysis MAPS enables the use of computerised crime mapping to identify and solve problem.
- iv. Policing support systems such as Intelligence System, Data Warehousing System, Executive Information System (EIS) and Decision Support System (DSS).
- v. Enterprise Support System such as Human Resource Management System and Financial System.
- vi. Knowledge Management System that helps to organise, manage and share information assets as in the case of policing information relating to knowledge and experiences on intelligence and crime prevention and detection.
- vii. Image and Document Management System, a centralised web-based image and document storage and retrieval system.

- viii. Automated Fingerprint Identification System.
- ix. Automatic Number Plate Recognition Cameras to tell police officers within seconds whether a vehicle has been stolen, is known to be involved in a crime, or is untaxed.
- x. Intelligence tools used for information retrieval, such as:
 - a. The Drivers Database and the Motor Insurance Database which can be accessed by patrolling police personnel to check a driver's licence entitlement or insurance status.
 - b. Query Using Extended Search Techniques, that enables detailed searching of the names database using whatever partial descriptive detail to pull out lists of possible suspects.
 - c. Vehicle Online Descriptive Search.
 - d. The Custody Application which helps police monitor the time spent by a detainee in police custody.
 - e. The Case Preparation Application that will draw on information from the Custody Application and build up a complete and accurate electronic case file that can be presented in court.
 - f. The Violent Offender and Sex Offender Register System.
 - g. The Incident Room Application, which makes the investigation process easier by helping investigating officers make sense of the vast amount of information generated. It identifies and plots lines of enquiry, keeps track of vital pieces of evidence and reduces paperwork.
 - h. e-Policing, a secure police portal infrastructure designed to facilitate the reporting of non-emergency minor crime over the Internet.
 - i. Command and Control Application, which helps police to manage emergency (999) calls and send out appropriate police resources in response. The system immediately shows the control room where an incident is located through computerised mapping systems and gives information on particulars regarding officers and vehicles in that area. Should there be a need to inform other relevant authorities, the system should be able to alert the operators on duty.

2.3 RECOMMENDATION THREE: REVIEW PDRM ICT STRATEGIC INFORMATION SYSTEM PLAN (ISP)

2.3.1 PDRM's ISP was developed for the Eighth Malaysia Plan with a proposed budget of RM454 million. The Plan which has 3 phases and 17 projects with the aim of providing IT support for PDRM operations. Only RM86.3 million or 19 percent of the proposed budget was allocated to the ISP, which meant that it was severely under budgeted and the need for the available resources to be optimally utilised. However, there was no prioritisation and this led to arbitrary decisions on implementation. The goal of providing effective IT support was not wholly achieved. An example is the PRS, which envisaged a four-phased implementation that would be completed in 2003 with coverage extending throughout Malaysia. Only Phase 1 has been completed with Phase 2 still under implementation. Phases 3 and 4 will be rescheduled under the Ninth Malaysia Plan, subject to budget approval.

2.3.2 The Commission recommends that a review of the ISP to incorporate clearly defined strategic goals and objectives as well as put in place a comprehensive and integrated ICT system to support PDRM's current and future operations. To ensure effective utilisation of financial allocations, budgets for both unit as well as PDRM-wide levels should be integrated into the ISP. This would entail enhanced specificity regarding manpower planning and other resources so that ICT systems will have the capacity to complement police operations. To measure performance, reviews should be conducted on projects post-implementation as well as after a period of 2-3 years. Valuable lessons on planning and budgeting can be gained from this exercise.

2.4 RECOMMENDATION FOUR: ESTABLISH PDRM IT GOVERNANCE FRAMEWORK

2.4.1 The Commission recommends that an ICT Council chaired by the Deputy Inspector General of Police be established to formulate an IT Governance Framework which contains the following objectives:

- i. To promote and support collaborative approach to ICT.
- ii. To increase cooperation between internal (PDRM) and external organisations (such as JPJ and JPN) in resolving critical issues.
- iii. To provide for informed discussions at the highest level of the organisation that is responsible for achieving strategic outcomes.
- iv. To recognise the strategic role of IT to be incorporated for the effective performance of PDRM.

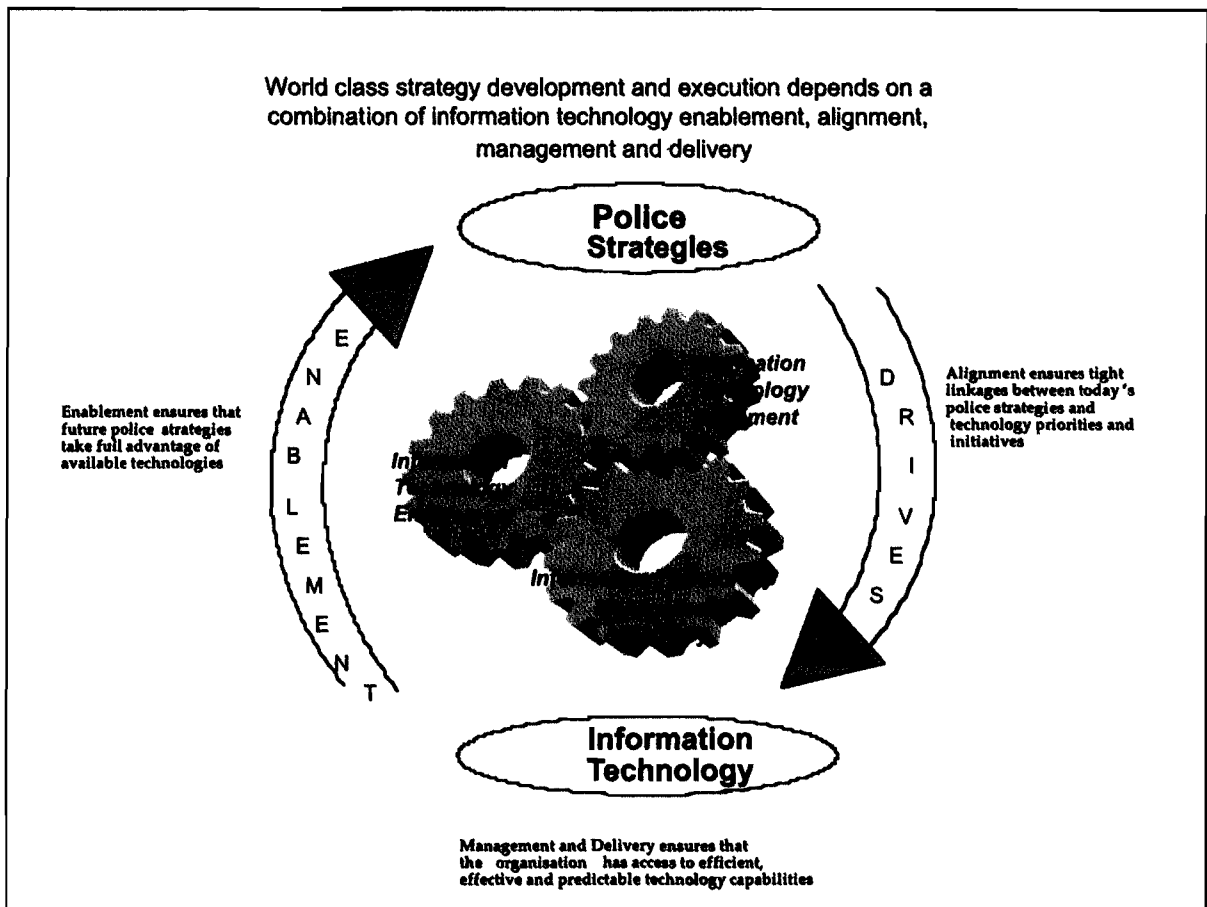
2.4.2 The IT Governance Framework should incorporate the need to strengthen key governing principles and capabilities, which are to:

- i. Institute proper sourcing and responsibilities for ICT delivered products to manage across organisational or ICT boundaries.
- ii. Identify the competencies necessary for successful project and service delivery.
- iii. Establish IT roles and responsibilities that support business strategies and are clearly understood by the staff.
- iv. Efficiently and strategically allocate scarce human and capital resources from IT operation that contributes significantly to value creation.
- v. Develop guiding principles to determine the way decisions are made and conflicts resolved at all levels.
- vi. Draw up policy to include explicit guidelines of when and under what conditions ICT decisions fall under the authority of ICT governance and the distribution of accountabilities and responsibilities.
- vii. Understand the strategic priorities which reflect PDRM's commitment to continue to embrace the opportunities offered by the advancement of ICT.

2.5 RECOMMENDATION FIVE: ESTABLISH GOOD IT MANAGEMENT FRAMEWORK

2.5.1 The Commission recommends the establishment of a good IT Management Framework with characteristics of a world-class IT organisation as illustrated in Chart 14.1:

CHART 14.1 : A MODEL WORLD CLASS STRATEGY AND DEVELOPMENT FRAMEWORK



2.5.2 This Management Framework must provide greater control over IT costs and value through:

- i. The proper justification for IT budgets by police units.
- ii. The creation of a robust planning and investment decision-making process to ensure optimum allocation and prioritisation of resources.
- iii. The design of an IT Service Performance Measurement system aligned to PDRM strategic objectives.
- iv. The encouragement and facilitation of long-term strategic investments.

- 2.5.3 Through this proposed framework, the IT Management must also be given a greater role in ensuring compliance with IT policy and standards and assessing performance and productivity of IT functions.
- 2.5.4 The Commission also recommends that PDRM be actively involved in Programme Management as well as Project Management. Both Programme and Project Management capabilities can be improved to achieve higher standards of project development and better quality of system deliveries. The adoption of standardised project management and delivery methodology will facilitate consistent development of project plans, project status tracking and budgeting. Standard project methodologies also facilitate consolidated management project status reporting and simplify change control efforts.
- 2.5.5 Most importantly, the process of development must not be conducted without consultation with project owners and their users. At all stage of development, agreement and acceptance must be obtained from owners and users. Change management must be carried out efficiently.

2.6 RECOMMENDATION SIX: RESTRUCTURE AND ENHANCE CAPABILITIES OF PDRM IT DIVISION

- 2.6.1 The IT Division in PDRM is currently faced with the following constraints:
- i. The Division is operating below approved manpower strength. Establishment Warrant 117/81 and New Organisation Structure Model (MSOB) 58/1997 approved 214 staff for Headquarters at Bukit Aman (where all ICT operations are centralised), but 52 posts are yet to be filled due to scarcity of experienced IT personnel with ICL mainframe, ORACLE, Informix and web technology skills appropriate for a police organisation. The Division is therefore operating with 75 percent capacity.
 - ii. The staff are overloaded with work on day-to-day operations and new project developments planned for the period 2001-2005. The day-to-day operations include application development and support (on existing systems and new in-house system development and support) and managing services such as helpdesk service management, data centre operations, security management and infrastructure management. The current on-going projects are Trafik COPS, PRS and CARS.
 - iii. The acute shortage of manpower is aggravated by the staff being required to do ordinary police work not related to IT. Being police personnel, IT personnel are also required to do policing activities that are not IT-related, such as night patrols, crime prevention

operations, training in shooting and attend court hearings. Table 14.2 shows time utilisation in the IT Division. The burden of doing non-core IT work among the staff has resulted in the necessity for more outsourcing of IT work, inadequate service management and delays in project management and implementation.

- iv. IT staff are currently deployed in Bukit Aman (161 personnel) and at Contingent level (173 personnel). There is no IT staff at the district level which is where the major share of manpower is required. PDRM has applied for additional staff with the bulk to be assigned to the districts.

TABLE 14.2 : TIME UTILISATION IN IT DIVISION

FUNCTION	CURRENT ESTABLISHMENT	PRIMARY CORE TASKS	SECONDARY CORE TASKS	NON-CORE TASKS
Management & Administration	9	not available	not available	not available
System Development	15	88%	2%	10%
ICT Operations	171	42%	36%	22%
R&D	6	39%	21%	40%
TOTAL	201	56%	20%	24%

Source: PDRM

2.6.2 The Commission recommends that the IT Division in PDRM be restructured and its capacity increased through the following measures:

- i. Increase in qualified staff with a larger proportion deployed to the police districts. In this regard the Commission supports the application by PDRM to increase its staff in the IT Division. PDRM's application is captured in Table 14.3 below. A more decentralised allocation of IT staff and expertise is important for ICT systems to effectively support police operations.

TABLE 14.3 : EXISTING AND PROPOSED ESTABLISHMENT BY PDRM

LEVEL	CURRENT ESTABLISHMENT	APPROVED ESTABLISHMENT	TOTAL ESTABLISHMENT	PROPOSED ADDITIONAL ESTABLISHMENT
Bukit Aman	161	214	375	201
Contingent	173	126	299	269
District	-	-	-	1,177
TOTAL	334	340	674	1,647

Source: PDRM

- ii. Further training for existing staff to upgrade their skill levels. This is especially necessary because vacancies are difficult to fill due to problems of finding suitable applicants with the appropriate experience and the lack of an attractive career path for them in PDRM. Below is an indicative list of knowledge, skills and qualities required in PDRM policing operations:
 - a. Professional– The knowledge and skill proficiency of:
 - How a police organisation operates in a society.
 - How individual processes and functions work.
 - How to do certain operations or activities (such as process engineering, intelligence and investigation operation).
 - b. Personal skills and attributes– The characteristics and attributes that enable effective execution of the above processes and services:
 - Interpersonal relationships such as teaming, collaboration, shared learning and consultative inclination.
 - Personal attributes such as self-motivation, integrity, leadership, and enthusiasm.
 - c. IT Skills– The knowledge and skill proficiency of:
 - Architecture types and advanced technologies.
 - Hardware/software platforms and tools for development and management.

- IT processes and services associated with planning, creating and delivering new solutions to PDRM.
- IT processes of operating and supporting systems and users.
- IT processes of managing and leading the IT organisation.
- Exploring the possibility of sharing resources and IT expertise with the Communications Division in PDRM as the two divisions have similar skills sets. Both division are managing services in most of the IPK and IPD nation-wide. The Communications division has about 500 technicians to service communication equipments for the nation-wide IPK and IPD as well as HQ. IT has a similar need for nation-wide coverage but do not have sufficient resources beyond Bukit Aman at present. There is a great deal of common skills to be leveraged, and the potential for saving costs and improve services is high.
- Building a capacity for conducting R&D in collaboration with the private sector. Although ICT solutions are readily available, taking into account the unique and confidential nature of PDRM's infrastructure and data, it would be beneficial for the police to embark on their own research in collaboration with the private sector. This can be tailored to meet PDRM's specific needs and requirements. Greater attention to R&D can also reduce costs as external support is minimised and PDRM can become more self-reliant through developing competent internal expertise.

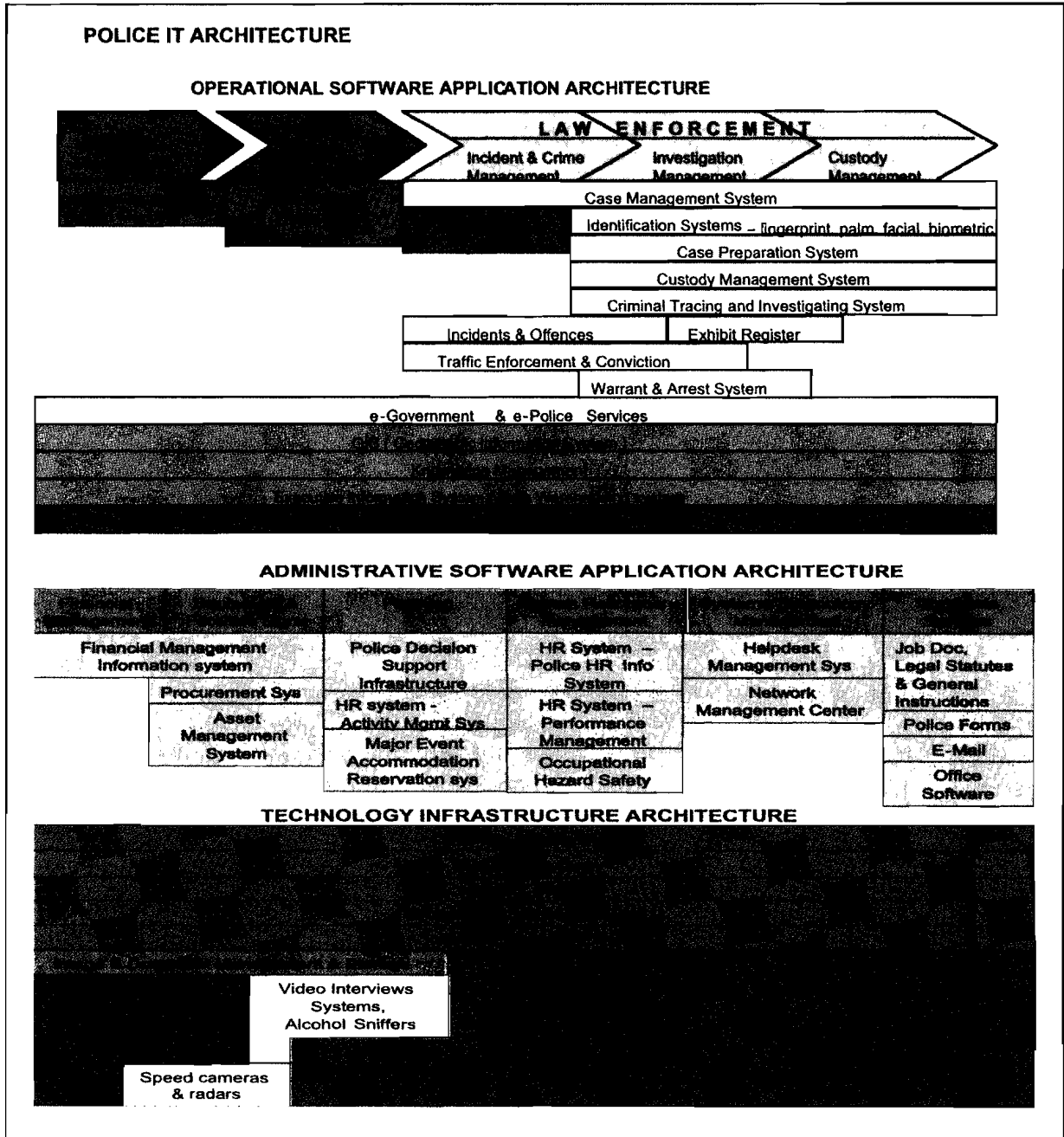
2.7 RECOMMENDATION SEVEN: DEVELOP AND INTEGRATE APPLICATION SYSTEMS

2.7.1 The Commission recommends the development and integration of applications into a unified technology architecture that will help improve policing processes. The architecture should provide a robust technology foundation that supports multiple integrated solutions. Chart 14.2 illustrates the technology architecture model of twenty-first century policing. There has been significant advancement in technology in the



past twenty years and the application of technology to policing has benefited law enforcement officers in both proactive and reactive methods of policing.

CHART 14.2 : 21st CENTURY POLICING TECHNOLOGY ARCHITECTURE MODEL



- 2.7.2 The policing support services system should improve and allow better integration of the processes of Intelligence Management, Crime Prevention Programme Management, Investigation Management and Custody Management and ensure that appropriate search and retrieval facilities for intelligence-led analysis and advance briefing purposes are built into the information systems. There is also a need to ensure information sharing access by/to other agencies like JPJ, JPN and Immigration Department are secure and easy. In addition, the IT Division should deliver on time and cost-effective solutions that are aligned with PDRM priorities.
- 2.7.3 Standardised programme and project management disciplines should be applied to the efforts and tools already in place.

2.8 RECOMMENDATION EIGHT: ENHANCE TECHNOLOGY SERVICE MANAGEMENT

- 2.8.1 The Commission highlights the following weaknesses in the Technology Service Management system in PDRM at present:
- i. The Service Level Report from January to September 2004 recorded a total of 6,211 fault calls, or an average of 27 calls per day via Service Desk units for all Contingents. This is a high number of fault calls to respond to. A high proportion of the problems comes from software and systems.
 - ii. The current service level on the infrastructure at the user sites has a downtime of 3 percent, although at Bukit Aman the availability is 100 percent. The police operations and customer service at Contingent and District levels which are dependent on the systems, are also greatly affected by line service unavailability.
 - iii. The categories of severity level for the faults are not shown and the service defined is not measured and therefore not reported in business terms.
 - iv. It is not possible to measure performance of service level when Keys Performance Indicators (KPIs) are not instituted.
 - v. There is an absence of root cause analysis and problem solving to prevent recurrence of faults.
 - vi. Typical to PDRM specialised units, police officers are engaged in normal policing work as well as the specialised function of their unit. The Service Delivery organisation will not be effective if staff do not focusing on their core functions.

2.8.2 The Commission recommends the following measures:

- i. A thorough review of service level analysis to address all potential weaknesses before they have a critical impact on the overall operation.
- ii. Scheduling of ad hoc maintenance or unplanned downtime to reduce impact on production time.
- iii. The conduct of a Customer Satisfaction Survey with the Police units to evaluate the performance of the IT organisation and pave the way for further service improvements. This will also allow the opportunity of receiving feedback on the effectiveness of the services offered to ensure continuous understanding of customers' needs.
- iv. The adoption of good frameworks for continuous improvements in Service Management that also involve the development of KPIs. The current PDRM Standard Operating Procedure and Service Management Framework should be reviewed to identify further improvements.

2.9 **RECOMMENDATION NINE: ADOPT A GOOD IT SECURITY FRAMEWORK**

2.9.1 PDRM has implemented basic aspects of security management but much more need to be done. Improvements are needed in the areas of physical, data, network, internet/intranet accesses and confidential information. PDRM is guided by the Security Policy standards set by MAMPU, but extra security measures need to be put in place to meet policing requirements. Security breaches are pervasive and expensive and the risks are from both outside and inside the organisation.

2.9.2 PDRM IT Security Management also has other weaknesses:

- i. It does not have a proper IT security organisation. The Network Administrator, on an ad hoc basis, informally handles the responsibility for information security of the IT infrastructure. There are no comprehensive IT security standards and policies.
- ii. Information security and privacy issues have not been adequately addressed.
- iii. PDRM does not have security-hardening processes for building and configuring new servers. Standards for application security and the process for identifying and implementing security alerts related to hardware or software components, have not been developed or implemented.

- iv. Security testing approaches for applications have not been defined.
- v. There is presently no formal security education programme or security awareness training in place at PDRM.
- vi. PDRM does not have a dedicated role for an IT organisational security officer to coordinate security development and provide oversight at an organisational level.
- vii. PDRM does not have a formal security risk assessment methodology to support standard processes for decision-making about security issues.

2.9.3 The Commission recommends the adoption of a good Security Framework. The following are some of the major steps that should be considered when developing a robust and comprehensive security function for PDRM:

- i. The development of a formal information security organisation to manage security policies and procedures as well as analyse and manage security risks. The implementation of policies, procedures and standards should include:
 - a. User Authentication.
 - b. Access Control.
 - c. Forensic Auditing.
 - d. Customer Awareness.
 - e. Disaster Recovery.
 - f. Incident Response.
 - g. Network Monitoring.
 - h. Password Management.
 - i. Perimeter Security.
 - j. System Security Administration.
 - k. User Administration.
 - l. Security Development and Testing.
- ii. The inclusion in the network infrastructure of network and perimeter security controls to segment network devices, filter internet traffic and monitor network security operations.
- iii. The development of requirements for encryption of transmitted data to protect the confidentiality of sensitive information.
- iv. The preparation of server hardening guidelines to allow secure, repeatable configuration of servers.

- v. The creation of standards for application security and testing to guide the development of secure Internet application.
- vi. The definition of user security standards for authentication, access control and auditing services, including requirements for electronic signatures and policies for user passwords.
- vii. The deployment of security monitoring tools and processes to enable detection and rectification of security problems.
- viii. The development of data backup and disaster recovery standards and procedures to protect the integrity and availability of systems and data.
- ix. The introduction of a security training programme to promote awareness of security policies and procedures.
- x. Implementation of a security audit to monitor the effectiveness of PDRM information security organisation.
- xi. The adoption of industry-wide standards for information security to ensure that all important information security functions are implemented or addressed by a security organisation. There are many security standards for PDRM to consider adopting, such as ISO/IEC 17999 Security Standards, ITIL (Information Technology Infrastructure Library), ISACA (Information System Audit and Control Association), System Security Engineering Capability Maturity Model, Common Criteria for Information Technology Security Evaluation and PKI (Public Key Investigation).

2.10 RECOMMENDATION TEN: ENSURE CONTINUITY OF PDRM SERVICES AND DISASTER RECOVERY

2.10.1 The continuity of PDRM services and prompt recovery in the event of disaster are vital to the security of the nation. PDRM does not have a detailed written plan to resume operations in a relatively short period of time in case of disaster. Disaster can be brought by various factors, including natural disasters, those caused by human error, power disruptions, computer viruses, failure of computer hardware and other events that could lead to loss of data or disruption of services and network access.

2.10.2 At present the new PRS is backed by a mirror back up facility in the Disaster Recovery Centre in the Police College in Cheras but it lacks sufficient capacity to serve all current PDRM units that rely on the system.

The infrastructure for recovery is non-existent. It was estimated that it will take almost one month to recover operation which would put the country in crisis.

2.10.3 The IT Division has plans to formulate a comprehensive Business Continuity Plan and Disaster Recovery Plan under Ninth Malaysia Plan because there was no budget approval for Eighth Malaysia Plan. Only PRS has a minimum level of Disaster Recovery Plan. The other operations that are on-line have back-up data which are not kept in facilities that are sufficiently secure from disaster.

2.10.4 The Commission recommends implementation of the following approaches and initiatives to ensure minimum interruption:

- i. Carry out a risk assessment of central key systems required in the event of a disaster. Disaster Recovery planning considerations should be integrated into all project plans involving IT plans and business applications.
- ii. Ensure the Disaster Recovery Plan encompasses policing processes, applications and core infrastructure components. The plan should be subject to periodic testing and be updated.
- iii. All service areas should be made responsible for producing a disaster recovery plan that will be periodically tested and updated.
- iv. Wherever necessary to collaborate with external data hosting centres such as TMNet or JARING for data backup and recovery in case of a major emergency to the host server.
- v. Ensure a systematic approach is in place to recover from loss of service in critical applications and systems. The approach should be subject to periodic checks.
- vi. Review Data Resource Management including system library, database, data administration and data security.
- vii. Perform IT audits on data recovery.

2.11 RECOMMENDATION ELEVEN: IMPROVE CAPACITY PLANNING TO ENSURE SYSTEM CAPACITY MEETS THE OPERATIONAL GROWTH

2.11.1 PDRM practice at present is to project future disc capacity needs from an assessment of present disc usage, which is done quarterly. This practice is inaccurate because the user organisation's input on record operational growth is not considered in the capacity planning. Proper

capacity planning would be proactive, ensuring capacity space for likely new as well as existing applications. The Commission is made to understand that budget constraints are inhibiting proactive capacity planning.

2.11.2 The Commission recommends the following:

- i. Identify any potential capacity issues and develop a plan of action to address them. Also develop a process that ensures proactive communication of capacity requirements from policing areas.
- ii. Proactively monitor capacity across the organisation and use historical data as well as estimated projections from police units to manage growth in PDRM activity.
- iii. Develop standard capacity management reports for monthly management reporting.

2.12 RECOMMENDATION TWELVE: ENHANCE VENDOR AND CONTRACT MANAGEMENT

2.12.1 PDRM has no discernible proper vendor and contract management in the IT organisation. There is no report on vendor performance. Continuous monitoring of vendor performance against contractual agreements is necessary to ensure quality of service and consistent service delivery.

2.12.2 The Commission recommends the development of sourcing strategies and policies to determine suppliers to be used by PDRM to deliver and support components within agreed IT architectures and in conformity with agreed national IT policy and standards.

2.12.3 Processes should be designed for the management and monitoring, at organisation-wide level, of adherence to agreed sourcing/vendor management strategies and policies. The functions should be centralised to allow easier tracking of vendor performance with contractual agreement and ensure the alignment of all police units with IT agreements. Central coordination will also facilitate structured management of vendor contracts.

2.12.4 PDRM should also ensure that vendor agreements support internal Service Level Agreements (SLAs) between IT and police units and that these are thorough and easily implementable. It should also consistently monitor the performance of all IT vendors through review meetings and monitoring of performance data.

2.13 RECOMMENDATION THIRTEEN: STUDY AND PROPOSE A GOOD IT INFRASTRUCTURE THAT WILL MAKE SYSTEM MORE RELIABLE AND ENABLE PROGRESSIVE DEVELOPMENT

- 2.13.1 The IT infrastructure for PDRM is presently not integrated. Different types of infrastructure have been developed for Logistics Technology and Logistics Communications. PDRM's wide area network (WAN) infrastructure coverage is limited to Bukit Aman, Contingents and Police Districts. Only a few Police Stations on the West Coast of Peninsular Malaysia are connected. The local area network (LAN) infrastructure is not standardised. Only 3 levels, namely Bukit Aman and the Contingents have employed 100 percent Ethernet Standards whereas IPD has employed 50 percent Ethernet and 50 percent High Level Data Link Control (HDLC) Standards.
- 2.13.2 Several communication interfaces are used as stop gap measures to bridge the different networks and extend network coverage. However this is an unsatisfactory method because it has compatibility and performance problems.
- 2.13.3 Due to some of the above factors, network coverage is limited. There is no budget to expand the network to the other servicing areas. Access is also limited. Bandwidth is also inadequate in some places and has slowed down system performance.
- 2.13.4 To remedy the above inadequacies the Commission recommends the development and design of an integrated infrastructure that will support PDRM's integrated operations. This will entail understanding of the current configuration and available capacities for areas on LAN and WAN, communications devices and software (e.g. cabling, bridges, routers and gateways), telecommunications, voice conferencing and mail systems.
- 2.13.5 Moving forward in the light of next generation of networking technology, the proposed infrastructure should progress towards standardising the LAN for all sites to the fast ethernet and wireless technology, and for WAN connectivity between all sites and locations to the gigabit ethernet technology (IP-MPLS or Multi Protocol Label Switching Standard) for better interconnectivity. This enhancement will increase the quality and class of service and provide greater manageability and integration in a seamless environment.
- 2.13.6 A clear statement of the PDRM's goals and target applications must underpin the design of the integrated ICT infrastructure. It is not sufficient to analyse technical factors.
- 2.13.7 There must also be rationalisation and improvements to the "e" infrastructure (e.g. email, intranet) as well as integration with other

government agencies such as JPN, JPJ, Immigration, ACA and the Attorney General's Chambers.

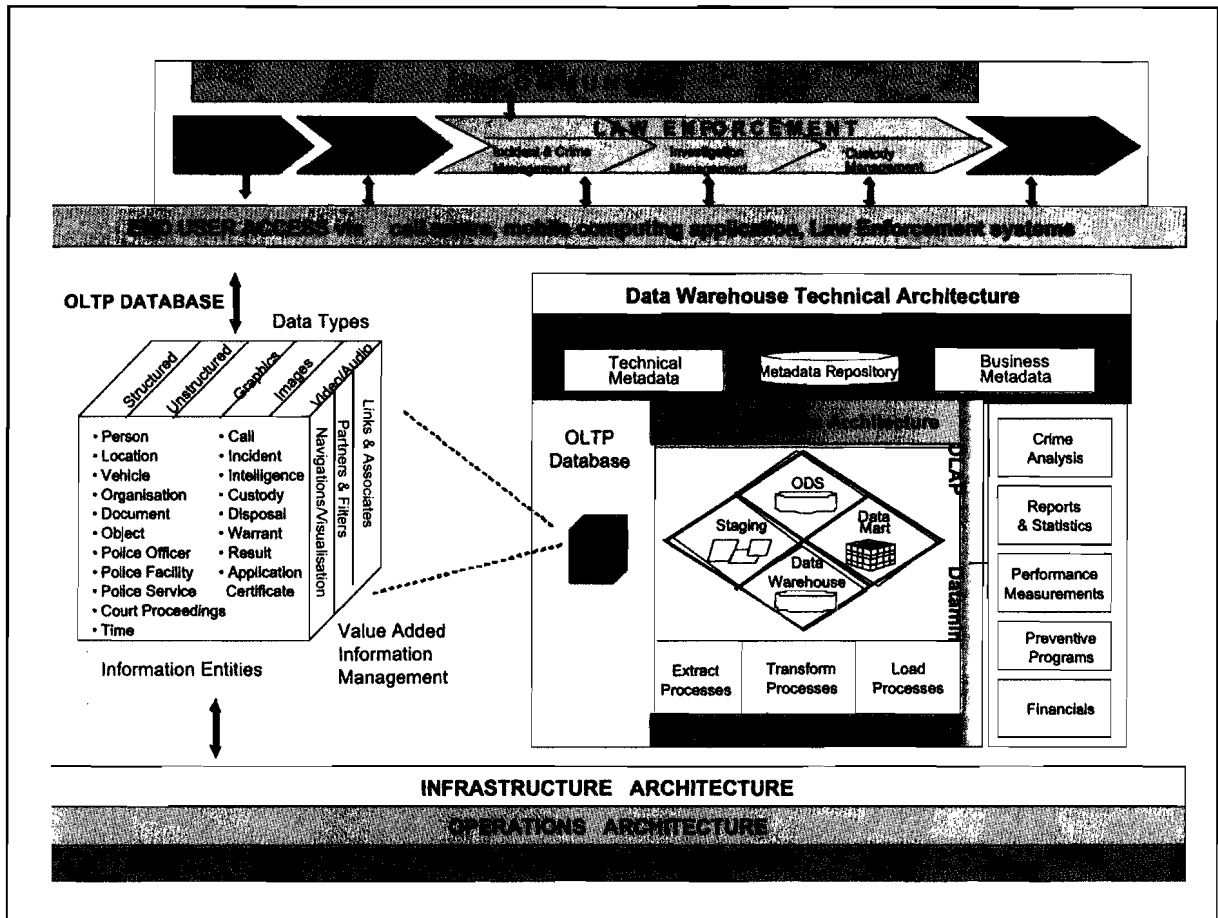
2.14 RECOMMENDATION FOURTEEN: RATIONALISE AND IMPLEMENT PROPER MANAGEMENT OF IT ASSETS

- 2.14.1 A significant amount of PDRM hardware is antiquated. Thirty-eight percent of its hardware is old. The personal computers, printers and dumb terminals are obsolete. Ninety percent of the Traffic Branch computer peripherals in use are 10 years old. Desktops in Contingents and Districts are more than 5 years old. Continued use of the equipment does not raise productivity and they incur heavy maintenance costs. Thirty-four percent of the personal computers purchased since 1993 are not cost effective to upgrade. Approximately 39 percent of the existing printers also need to be replaced.
- 2.14.2 Operating software is also not standardised. PDRM currently uses four different Operating Software that employ different application tools and databases. This situation has led to many compatibility issues. Support and integration is complex and costly. It is also difficult to meet current and future needs with existing systems. Recruiting new staff to work with the old out-of-date technologies is also problematic.
- 2.14.3 The Commission recommends an accelerated programme of phasing out old equipment and the purchase of new equipment. The Commission further recommends proper management of IT assets (all computer hardware and software) through adoption of a good Asset Management framework. Features of this framework include the rationalisation of all existing hardware equipment to determine the appropriate configurations needed to address requirements derived from the ISP as well as the capacity to support current and future business operations. Another aspect is an integrated technical architecture that is streamlined and with the capacity to grow smoothly to meet future support requirements.

2.15 RECOMMENDATION FIFTEEN: ESTABLISH A COMMON DATA FRAMEWORK

- 2.15.1 PDRM's data infrastructures are built on several different platforms, each requiring its own structure and format. This complicates the integration of data from different sources for data analysis to support intelligence and investigation work. For instance, records of the same persons or vehicles may appear different due to errors in the capture of data.
- 2.15.2 The Commission therefore recommends the establishment of a common data framework that is based on a properly developed data dictionary suitable to police needs and supports easy access to information for transactions and analysis. Chart 14.3 is an example for a Police Data Infrastructure Model with Data Warehousing Components.

CHART 14.3 : POLICE DATA INFRASTRUCTURE MODEL WITH DATA WAREHOUSING COMPONENTS



2.16 RECOMMENDATION SIXTEEN: ENHANCE EXISTING IT TRAINING

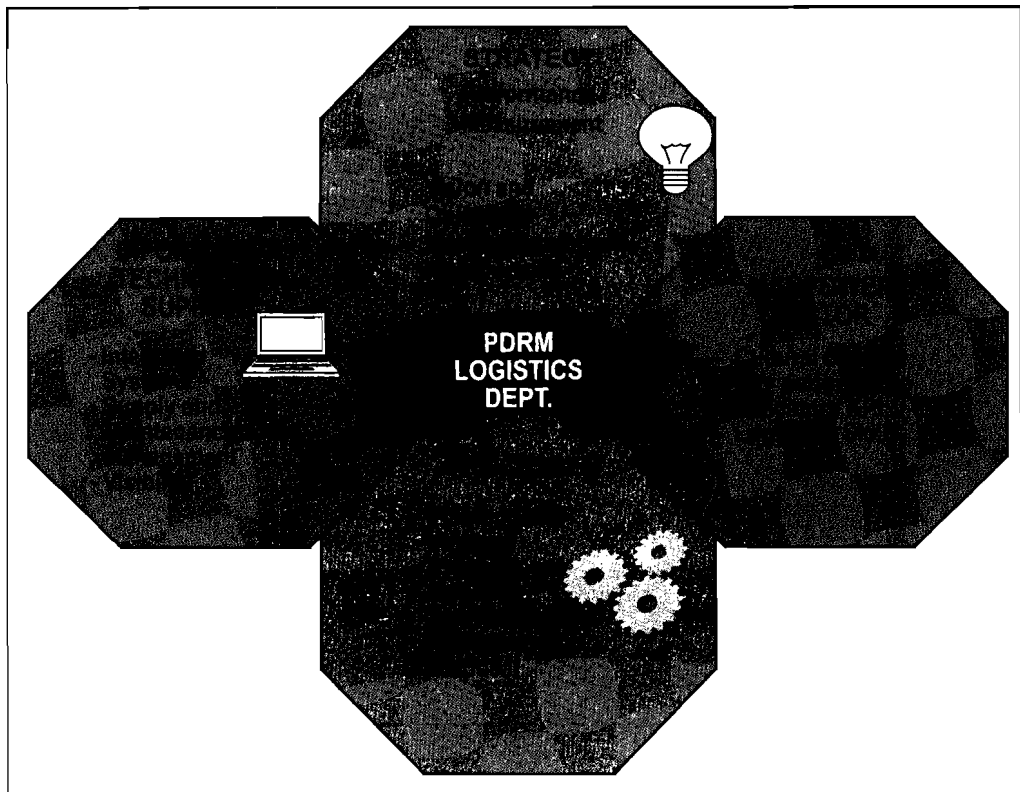
The Commission recommends the enhancement of IT training that will accommodate the needs of all personnel within PDRM. This will involve the development of better training programmes that is coordinated at both unit and organisational levels. The training infrastructure needs to be improved to enable training programmes to be undertaken correctly. The proper and effective use of technology can increase staff productivity and will also decrease the dependency on the IT personnel for menial tasks. Regular training, increased, computer literacy and greater familiarisation are needed as there are more than thirty IT applications in operation on different technology platforms in PDRM.

2.17 RECOMMENDATION SEVENTEEN: ADOPT AN INTEGRATED ORGANISATION CAPABILITY MODEL

2.17.1 The most fundamental problem confronting PDRM's Logistics Department is the lack of coordination and control. The negative consequences of this to PDRM was elaborated in Chapter Four. Failures and deficiencies in logistic supplies can seriously undermine policing efficiency, including in critical areas such as crime detection and prevention.

2.17.2 The Commission recommends that PDRM adopt an Integrated Organisation Capability Model to address the issue of coordination, control and integration in the area of asset management. An example of this model consisting of four parts is provided in Chart 14.4:

CHART 14.4 : INTEGRATED ORGANISATION CAPABILITY MODEL



i. Strategy

The Logistics Department should formulate a vision and strategy aimed at the objective of becoming a more structured and respected logistics organisation. Initiatives and improvements toward this goal should be measured through the adoption of an integrated performance management framework.

ii. Manpower

Personnel of the Logistics Department should be encouraged to play a more proactive role and develop a visionary mindset. KPI should be implemented as quantifiable measurement of success and progress. Better understanding and appreciation of logistical skills should be acquired through cooperation with the Malaysian Production and Inventory Control Society. Logistics should be seen as integral to PDRM as other components.

iii. IT Support

To achieve an effective asset life cycle management system, it is essential that the Logistics Department is supported by an integrated computerised system. This is to introduce enhanced transparency, efficiency and dependability into the chain of processes that begins from strategic planning for procurement of assets to the disposal or retirement of the assets.

iv. Processes

It is recommended that the Logistics Department develop its own enhanced asset life cycle management system, taking into consideration the unique demands and needs of PDRM which are not covered by the government regulations. The management system should be clearly defined and accessible to all logistics personnel. This would cover planning and strategy, procurement, supply management, in service support, maintenance, repair and overhaul, and disposal.

2.18 RECOMMENDATION EIGHTEEN: CONSIDER ASSET REQUIREMENTS OF THE COMMUNICATIONS DIVISION

2.18.1 PDRM has various proposals to enhance its communications capability and make it more modern and efficient. Among these are plans to upgrade wireless capacity by moving from an analogue to a digital system and extension of its fixed line infrastructure in PABX, PSDN and ISDN system by procuring additional networks and increasing the bandwidth capacity to accommodate more users and information (voice, data, video and graphics).

2.18.2 The Commission recommends that the procurement requirements of the Communications Division be given positive consideration. This is because communication is vital for any policing situation, ranging from the tackling and prevention of crime to improving police presence and conducting search and rescue missions. The Commission would like to highlight the following in particular:

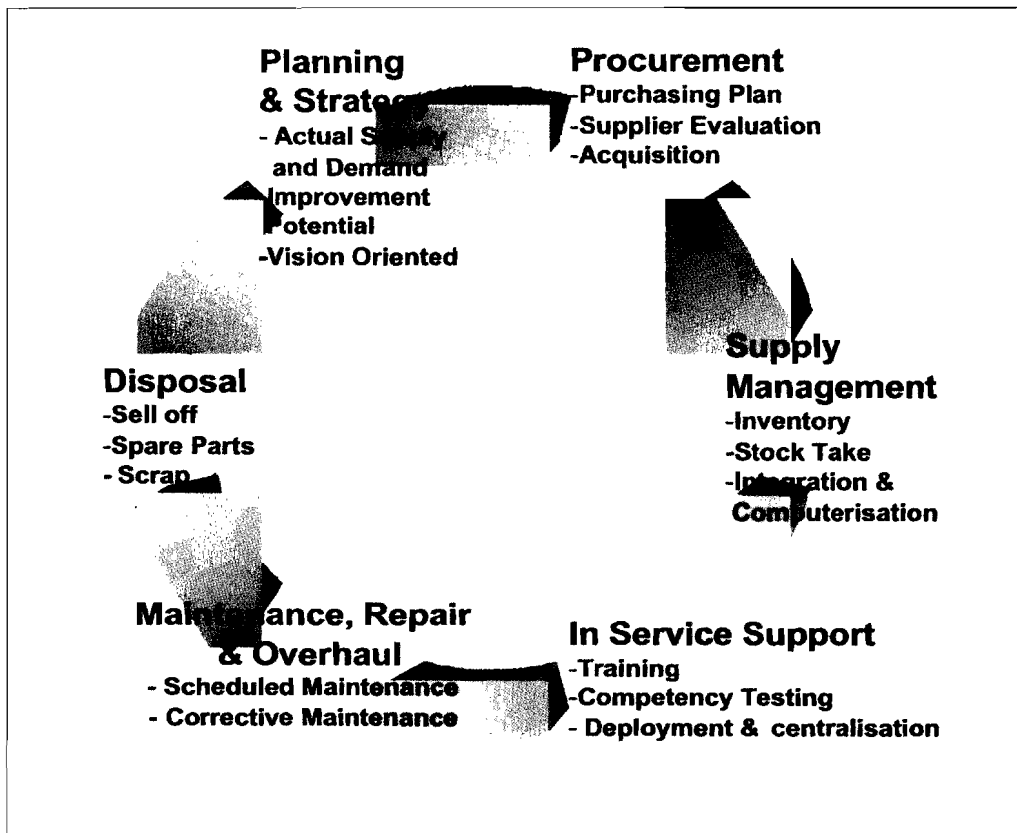
- i. The Command and Control, Communication and Computer Integration (C4I) monitoring system which looks to improve PDRM's response time should be accorded continuing priority.
- ii. The Communications Division and the IT Division should consider the possibility of systems integration as they possess common infrastructural skills. It is more cost-effective to upgrade common capability than building separate infrastructure. The infrastructural

and skill commonalities between the two were instrumental and germane in the conception of the C4I project.

2.19 RECOMMENDATION NINETEEN: ADDRESS INADEQUATE AND AGEING FLEET OF PDRM VEHICLES

2.19.1 The deficiencies in the transportation sector of PDRM were highlighted in Chapter Four. The Commission recommends that priority be given to the replacement of ageing vehicles, especially Mobile Patrol Vehicles after the Transportation Division has instituted its asset management strategy (see Chart 14.5). This will enable PDRM to implement an operational structure that identifies and allocates vehicles in every state based on requirements and needs. The current system has no agreed policy with regard to efficient and systematic allocation of vehicles.

CHART 14.5: MODEL ASSET LIFE CYCLE MANAGEMENT FRAMEWORK



2.19.2 The Commission supports PDRM's proposal to replace vehicles whose operational lifespan has expired in order to reduce operating costs. It also recommended that PDRM define its own policies with regard to adjusting and extending the operational age limit for all police vehicles to allow more time before overhaul (TBO) or time before disposal. This is because the end users of the equipment are more competent in determining the attention needed to be given to their own assets.

2.19.3 The Commission recommends that PDRM vehicles be disposed off in the market at the end of a period of five years. The advantages and benefits are the following:

- i. The cost of maintenance and repair increases significantly after the period.
- ii. The vehicles need to be sent to the workshop more frequently, leaving fewer vehicles for patrol and other police duties.
- iii. Vehicles sold at the end of five years will be able to fetch a much higher market price than vehicles sold later. The higher market price will enable PDRM to continuously replace new vehicles after this period with minimal additional expenditure as PDRM are exempted from paying excise duties. It should also be noted that vehicles beyond five years are due for re-spray (a new paint job); and this is costly as well.
- iv. New vehicles are covered by warranty for the first two years. PDRM will therefore save on repair and maintenance costs during this period.

2.19.4 The upgrading and improvement of workshops and maintenance equipment should be reviewed and considered with a centralisation framework in mind.

2.19.5 Treasury should strengthen efforts to comply with the policies relating to replacement of ageing vehicles as stipulated in Treasury Circular Letter 1980 as it is more economical and efficient in the long run.

2.20 RECOMMENDATION TWENTY: REVIEW AND INCREASE SUPPLY OF MOBILE PATROL VEHICLES

2.20.1 Chapter Four had highlighted PDRM's serious deficit in the number of Mobile Patrol Vehicles. An adequate number of these vehicles is important to enable PDRM to increase police presence, which is of vital importance for crime prevention and apprehension of offenders. Factors taken into consideration when allocating shifts in different areas are the crime index, size of the area, population density and sensitive locations. Table 14.4 illustrates the number of Mobile Patrol Vehicles in relation to the total population in major police districts for 2003 and 2004:

TABLE 14.4 : AVAILABILITY OF MOBILE PATROL VEHICLES IN MAIN DISTRICT POLICE HEADQUARTERS (IPD)

YEAR	2003		2004	
	Number of Mobile Patrol Vehicles	Population	Number of Mobile Patrol Vehicles	Population
SENTUL	24	1,486,538	44	1,509,176
DANG WANGI	19	32,172	45	32,172
CHERAS	20	474,802	45	474,802
BRICKFIELDS	19	850,500	48	850,500
PETALING JAYA	36	1,680,053	78	1,680,053
SHAH ALAM	16	952,673	28	952,673
AMPANG JAYA	20	712,120	29	712,120
GOMBAK	15	575,898	44	575,898
KLANG	18	801,750	37	601,750
MELAKA TENGAH	15	341,300	25	341,300
JOHOR BHARU SELATAN	40	657,858	48	657,858
JOHOR BHARU UTARA	20	559,000	31	559,000
SEREMBAN	15	397,185	33	397,185
TIMOR LAUT, P. PINANG	26	444,923	37	444,923
KOTA BHARU	12	570,559	16	570,559
KUALA TERENGGANU	11	298,304	13	298,304
KUANTAN	15	350,700	27	350,700
KANGAR	5	138,373	13	168,373
KUCHING	22	442,912	32	442,912
KOTA KINABALU	21	371,402	29	371,402
IPOH	28	1,701,521	43	1,701,521
KOTA SETAR	13	381,574	24	381,574

Notes: Year 2000 Census

- There are no housing areas in Business Centres
- During daytime, area also filled by "floating population"

2.20.2 The Commission recommends a review of the present fleet of Mobile Patrol Vehicles in PDRM with a view towards increasing the supply of the vehicles to enable greater police presence and patrol for the purpose of deterring crime and providing safety assurance to the public. The patrol vehicles should be equipped with the latest online access capability to other PDRM information systems.

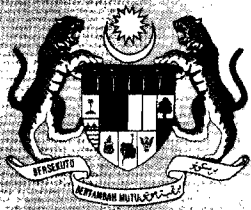
2.21 RECOMMENDATION TWENTY ONE: PROVIDE SUFFICIENT FUNDING TO THE WEAPONRY DIVISION

2.21.1 Problems associated with weaponry were covered in Chapter Four. The police are in urgent need of various types of weaponry, weaponry facilities and shooting ranges. The Commission recommends in principle that the Weaponry Division be allocated sufficient funding to undertake procurement and upgrading of the equipment and assets listed below:

- i. Replacement of obsolete weapons which are no longer economical to retain as spare parts are not available.
- ii. Requisition of 9mm semi automatic pistols to replace .38 Special revolvers.
- iii. Replacement and requisition of various equipment and tools for PDRM Bomb Squad, which is reportedly in critical condition due to obsolete and insufficient equipment that hampers even training.
- iv. Construction of new weapons storage facility which is far from living quarters and barracks. The facility should be equipped with fire safety equipment.
- v. Procurement of ammunition to supplement operational and training needs.
- vi. Acquisition of bullet proof vests as well as protection against chemical or biological threats.
- vii. Procurement of training and maintenance equipment such as electronic simulators, shooting range and Close Quarter Battle Range.
- viii. Acquisition of non-lethal weapons such as Taser guns to comply with United Nations principles for the use of non-lethal incapacitating weapons.

3. CONCLUSION

- 3.1 In order to evolve into a police service for the twenty-first century, PDRM will need to implement comprehensive and integrated programmes for the effective utilisation of ICT solutions in police operations. Similar IT methods and means are required with respect to asset management including transportation to ensure that available resources are adequate and sustainable. These are vital factors in determining the effectiveness and efficiency of PDRM.



CHAPTER 15

PROVIDE BETTER POLICE PREMISES AND HOUSING

- Introduction
- Recommendation One: Identify And Restore Or Replace Old And Poorly Maintained Housing
- Recommendation Two: Adopt A More Proactive Role In Rehabilitating “Sick” Projects
- Recommendation Three: Identify Locations Where Housing Is Critically Needed
- Recommendation Four: Pursue Alternative Housing Options
- Recommendation Five: Coordinate With Other Government Agencies To Ensure Adequate Policing Requirements In New Town Development Planning
- Recommendation Six: Implement An Asset Management Strategy For Police Property
- Recommendation Seven: Improve PDRM Training Centres
- Recommendation Eight: Improve Police Lockups And Increase Lockup Capacity
- Recommendation Nine: Provide Adequate Funding To Maintain Police Premises
- Conclusion
- Appendix

BERSEKUTU
BERTAMBAH
MUTU

PROVIDE BETTER POLICE PREMISES AND HOUSING

1. INTRODUCTION

- 1.1 As Chapter Four has indicated, one of the major problems afflicting PDRM is inadequate housing and the poor condition of its housing and work premises, although there are modern and comfortable structures as well. Nearly a third of police personnel do not have institutional housing despite the Government's policy to provide housing to 90 percent of the workforce by 2000. The severe shortage will be alleviated when 5,143 housing units presently under construction are completed, but lack of institutional housing will remain a serious problem for PDRM.
- 1.2 Some of the police work premises and buildings are also old and dilapidated, with no information counters and waiting areas for the police to serve the public. A police building in Tronoh, Police District Headquarters Batu Gajah, Perak will commemorate its 100th anniversary in 2006. Lockups in some premises are too old and rudimentary to be able to meet United Nations (UN) minimum standards and they are vulnerable to breakouts.
- 1.3 Some of the land owned by PDRM are occupied by squatters and illegal immigrants and are difficult to reclaim because they have been left unused and unattended.
- 1.4 The poor living and working conditions of a significant portion of police personnel cannot but have a negative impact on their morale and self-esteem. The condition also affects their performance. Equally important, the poor condition of a number of police stations, administrative offices and training institutions as well as inadequate facilities create a negative impression of the police among the public. The situation aggravates public perceptions of poor police efficiency and service.
- 1.5 This unsatisfactory state of affairs cannot be allowed to continue. It is imperative for PDRM together with the central agencies to formulate strategies and programmes to improve the current situation as part of the overall thrust to modernise policing in Malaysia.

2. RECOMMENDATIONS

2.1 **RECOMMENDATION ONE: IDENTIFY AND RESTORE OR REPLACE OLD AND POORLY MAINTAINED HOUSING**

- 2.1.1 Poorly maintained housing involves not only houses that are ageing but also the semi permanent wooden housing. The houses are health and safety hazards and not suitable for occupancy. Out of the total existing 55,637 housing units, 9,058 (16.2 percent) consist of semi permanent wooden housing.

- 2.1.2 Some of the issues raised by PDRM concerning the poorly maintained houses include decaying electric wiring and defective plumbing, weak and dilapidated roofing, cracked and damaged housing walls, clogged toilets and cramped living areas with only one or two rooms. They were built without either conforming to proper housing guidelines or according to old standards which are no longer acceptable.
- 2.1.3 The Housing and Building Division of PDRM has highlighted the problem of insufficient funding for maintenance and restoration as a core issue. The limited budget has forced the Division to concentrate on addressing housing in critical conditions, thereby preventing comprehensive maintenance work from being carried out.
- 2.1.4 The Commission recommends that PDRM identify old and poorly maintained housing to be either restored or replaced if they are not economical to repair. Old semi wooden permanent housing should be replaced by new houses that comply with prevailing housing guidelines. Renovation of old houses should include provision of proper plumbing and wiring. Adequate funds should be made available to PDRM so that dilapidated and poorly maintained PDRM housing will become a thing of the past. Eventually PDRM will be identified with good, well maintained housing throughout the country.

2.2 RECOMMENDATION TWO: ADOPT A MORE PROACTIVE ROLE IN REHABILITATING “SICK” PROJECTS

- 2.2.1 Chapter Four had highlighted the fact that a total of 2,889 housing units are affected by “sick” housing projects under the P.06 and P.62 budget plan. The Commission recommends that PDRM be allocated sufficient funds to rehabilitate, as soon as possible, “sick” building projects which cover both housing and work premises. The rehabilitation and completion of 2,889 housing units would significantly contribute to alleviating the current housing shortage in PDRM.

2.3 RECOMMENDATION THREE: IDENTIFY LOCATIONS WHERE HOUSING IS CRITICALLY NEEDED

- 2.3.1 Even if the “sick” projects are revived and completed and present projects under construction and development are completed, housing inadequacies in Perak, Kelantan, Sarawak and Negeri Sembilan as well as Bukit Aman would still remain. This clearly indicates that PDRM has not carried out proper planning and forecasting of supply and demand relating to housing, which has been aggravated by inadequate budget allocation.
- 2.3.2 The Commission recommends that PDRM quickly identify locations where housing is critically needed, where rental options are not readily available and submit plans for housing projects in these areas.

- 2.3.3 PDRM housing plans should make maximum use of land gazetted or reserved for the police. PDRM has an extensive land bank of 2,243.19 hectares and this can greatly facilitate projects for housing and building of work premises. Controlled privatisation of some police land can also result in quicker construction of police houses and work premises.
- 2.3.4 Future housing requirements should also be meticulously planned with the Treasury and the Economic Planning Unit (EPU) of the Prime Minister's Department taking into account projected police demand, land and housing supply.

2.4 RECOMMENDATION FOUR: PURSUE ALTERNATIVE HOUSING OPTIONS

- 2.4.1 In areas where accommodation premises are available, especially in urban areas and major cities, the Government should re-establish the programme of acquiring suitable buildings such as apartment blocks or units of low and medium cost houses built by private developers. These in turn should be leased out to PDRM to accommodate police personnel while waiting for the institutional housing units to be built or completed.
- 2.4.2 In critical locations such as Kuala Lumpur and Johor Bahru where land area is limited and housing in short supply, the Government should consider the option of acquiring buildings from developers to be rented to police personnel.
- 2.4.3 The Commission also recommends that PDRM explore other approaches for providing housing to its personnel. Developers for instance should be approached to reserve units in housing projects for police personnel.

2.5 RECOMMENDATION FIVE: COORDINATE WITH OTHER GOVERNMENT AGENCIES TO ENSURE ADEQUATE POLICING REQUIREMENTS IN NEW TOWN DEVELOPMENT PLANNING

- 2.5.1 PDRM has proposed that the guidelines formulated by the Department of Urban and Rural Planning Peninsular Malaysia in JPBD 19/97 (Item 8:- Public Facility Guideline) as illustrated in Table 15.1, be tabled before the Cabinet to be adopted as a requirement in new town planning.
- 2.5.2 As a long-term solution, the Commission recommends that it be made mandatory in government policies on new town development planning for developers to reserve the specified area of land to meet the need of policing in the area. When new town development plans are approved with land designated for police premises, PDRM and the relevant central agencies should plan the construction of police bases or stations with adequate accommodation. These facilities must comply with guidelines and conform to the land area.

TABLE 15.1: GUIDELINE FOR POLICE BUILDING

NO.	TYPE OF BUILDING	POPULATION	AREA SIZE
1	Contingent Headquarters	For Every State	15-20 Acres
2	District Headquarters	For Every District	10-15 Acres
3	Town Police Station	10,000 – 15,000	5-10 Acres
4	Police Post (<i>Pondok Polis</i>)	5,000 – 10,000	2 Acres

Source: Department of Urban and Rural Planning Peninsular Malaysia.

2.5.3 PDRM should also participate in the review of the draft proposal of structure plan, local plan and regulations by other government agencies, to ensure that adequate land is reserved to accommodate police requirements.

2.6 RECOMMENDATION SIX: IMPLEMENT AN ASSET MANAGEMENT STRATEGY FOR POLICE PROPERTY

2.6.1 The Commission recommends that PDRM implement an Asset Management Strategy to properly audit police land and building property, monitor the conditions of its property and provide for regular and adequate maintenance of the properties. It is critical for PDRM to clearly define a preventive and corrective maintenance framework and coordinate efforts with relevant government agencies such as the Public Works Department (JKR) to ensure that the framework is duly observed and implemented. A JKR unit should be established within PDRM.

2.6.2 The Asset Management Strategy should also include the proper monitoring and management of unused and reserved land belonging to PDRM. Adequate signage should be displayed to deter trespassing and illegal inhabitants on PDRM land. PDRM should have the Asset Management Strategy in place as soon as possible to prevent further complications of the existing problems. It is also essential that the Housing and Buildings Division of PDRM develop a plan for the future utilisation of all unused police land as part of the asset management process.

2.7 RECOMMENDATION SEVEN: IMPROVE PDRM TRAINING CENTRES

2.7.1 Although some of PDRM's buildings have undergone extensive modernisation and development over the years, other police infrastructures have not been given the attention to operate and function effectively. Some of the police training institutions are among these. There is a tendency to give training institutions lower priority in comparison with other buildings

because they are considered not as important. This perception is erroneous, because training institutions are vital to the nurturing and development of the most precious resource any organisation possesses, namely its personnel. It is therefore important that training institutions are kept in good repair and provided with adequate facilities. The sight of a training facility in a state of neglect would demoralise even the most enthusiastic of recruits.

- 2.7.2 As such, the Commission recommends that PDRM with the assistance of the Government seriously consider enhancing efforts to restore existing facilities and infrastructure in training institutions. PDRM, Treasury, EPU, JKR and MOIS should consider measures to expand and improve the training facilities in order to accommodate more trainees and as avenue to provide aspiring law enforcement officers the quality training and education they deserve to better serve the community and the nation.

2.8 RECOMMENDATION EIGHT: IMPROVE POLICE LOCKUPS AND INCREASE LOCKUP CAPACITY

- 2.8.1 Most of the existing lockup facilities were constructed as part of the police stations and district headquarters and have been around for as long as these buildings have existed. The lockups are housed in old buildings and are poorly maintained. The deteriorating condition of the lockups makes them more vulnerable to break-outs, which have occurred on several occasions. Recurring escape attempts have tarnished the image of the police and undermined the confidence that the public have towards them. The lockups also pose a strong safety, health and security hazard to both the police and detainees.
- 2.8.2 The existing lockups also do not have sufficient capacity to meet increasing needs. Overcrowding is frequent in many lockups. The overcrowding is primarily caused by the influx of illegal immigrants, the increasing number of drug abusers and the rise in overall crime. The situation is further exacerbated by the fact that the police lockups also temporarily hold suspects detained by other agencies, especially Royal Malaysian Customs and Immigration Department.
- 2.8.3 Many of the police lockups are also poorly equipped with security measures. According to the Logistics Department, 562 of the existing 623 lockups are equipped with CCTV. Some of them do not work, and when they do, many do not provide comprehensive coverage of the lockups facility as well as other access areas as required by the relevant best practices and the Code of Practice advocated in Chapter Ten.
- 2.8.4 The Commission notes however that in 2002, as a response to several escape incidents that had occurred, the then Ministry of Home Affairs established a Lockups Security Management Authority to identify and

rectify problems. Steps were taken to improve the situation by building centralised lockup centres around the country based on specifications set by the UN. This has helped improve the situation, but much remains to be done.

2.8.5 The Commission recommends that a major initiative be taken to restore, improve and maintain lockups. Urgent improvement is required if PDRM is to observe and conform to existing guidelines and standards.

2.8.6 The Commission also recommends the construction of additional police lockups that comply with standards specified by PDRM based on minimum requirements outlined by the UN as set out in Appendix 15A.

2.9 RECOMMENDATION NINE: PROVIDE ADEQUATE FUNDING TO MAINTAIN POLICE PREMISES

2.9.1 PDRM possesses real estate valued at RM14 billion. This real estate includes buildings, housing and a landbank totaling 5,577.57 hectares of land owned by the police. Another 2,243.19 hectares of land that are police reserves and gazetted land. The Government had raised the allocation ceiling for maintenance for PDRM under the Eighth Malaysia Plan from RM130 million to RM256.7 million as illustrated in Table 15.2. In 2004, although the approved allocation under the P.62 budget plan was only RM5 million, the Government also approved the additional allocation of RM150 million under the P.62 budget plan and the operation budget (B.52) for asset maintenance and acquisition of equipment. Work done under this allocation included the upkeep and renovation of 15 contingent buildings costing RM34.9 million, construction of exhibit warehouses in Pulau Pinang, Kuala Lumpur and Johor that cost RM3 million each and the construction of a central lockup in Shah Alam and Johor with a price tag of RM7 million each.

TABLE 15.2: MAINTENANCE AND RENOVATION ALLOCATION AND EXPENDITURE (ITEM 18000) FOR PDRM UNDER EIGHTH MALAYSIA PLAN

EIGHTH MALAYSIA PLAN (2001-2005) CEILING EXPENDITURE (RM)	YEAR	ALLOCATION (RM)	EXPENDITURE (RM)
<u>ORIGINAL</u> 130,000,000.00	2001	30,000,000.00	65,971,236.82
	2002	30,000,000.00	22,921,832.56
<u>NEW CEILING</u> 256,733,664.00	2003	30,000,000.00	32,840,594.49
	2004	5,000,000.00	3,916,206.48
	2005	130,000,000.00	90,000.00
TOTAL		225,000,000.00	125,739,870.35 (as at February 2005)

Source: MOIS

2.9.2 The Commission recommends that sufficient funds continue to be allocated under the Ninth Malaysia Plan for the maintenance and restoration of police buildings and premises.

3. CONCLUSION

3.1 PDRM is a vital and indispensable institution of the country. It is entrusted with heavy responsibilities for maintaining peace and security of the nation and to serve the community. The Government has invested substantially in this institution and has regularly sought to improve the welfare of its personnel. More need to be done. The working and living environment of police personnel need to be improved. PDRM premises such as police stations, lockups and also the living quarters should be equipped with the necessary facilities so that the police can comply with the standards required of them. All these measures are part and parcel of the initiative to make PDRM a modern, efficient and performing institution.

UNITED NATIONS MINIMUM STANDARDS FOR LOCKUPS

Lockup door/external wall

- Lockup door grille has to be made of iron steel bars installed vertically from top to bottom without walled extensions.
- Iron steel bars have to be at least 20mm radius in thickness.
- External wall of the lockup has to be 25mm thick reinforced with gridiron in the inside wall covered with plaster layer.
- Any openings/window lookout must be installed with steel bars and wire mesh as mentioned above.

Toilet

- Toilet has to be equipped with centralised flush valve system.
- Squatting toilets, clean water faucets and showers has to be provided.

Lockup features

- Newly constructed lockups is divided into three types:
 - 1) 3m x 3m cell for three detainees
 - 2) 6m x 3m cell for six detainees
 - 3) 9m x 3m cell for ten detainees
- Each lockup cell have to be furnished with sleeping platform made out of hard wood raised 4" from the concrete floor. Size of each platform has to be 2' x 6'.
- Amount of lockups is dependent on current needs and varies in different areas based upon number of arrestable crime and detainees.
- Lockups have to be equipped with electronic locking system, CCTV camera monitored with intercom systems linking lockup security room to front office.
- A 150mm thick wall has to be erected 3'-5' tall in between the toilet and the sleeping/detention cell for all women lockups.
- Exercise area has to be fitted with ceiling high iron steel bars and monitored with CCTV surveillance camera.



- Locker room has to be equipped with a CCTV monitor for surveillance. Locker room has to be equipped with locker cabinets for detainee's belongings. The partition overlooking cell area has to be constructed of iron steel bars.

Centralised lockup features

- The centralised lockup currently being built and future lockups has to be equipped with the following:
 - 1) Internal Black Maria berth area for unloading and uploading of detainees equipped with roller shutter doors.
 - 2) Identifications parade room and its corresponding observation room have to be equipped with a one way mirror.
 - 3) A soundproof Interview/interrogation room to be furnished with one 13 amp power source.
 - 4) Visiting counter, visitor and detained area separated with heavy duty reinforced glass and iron steel bars.
 - 5) Women and men's changing room and toilet.
 - 6) Medical treatment room.
 - 7) Lobby and walkways.
 - 8) Briefing room.
 - 9) Meeting room.
 - 10) Prayer and exercise room.
 - 11) Warden's room.
 - 12) 2 units of Deputy Warden's room.
 - 13) Administrative office.
 - 14) Pantry and recreation room.
 - 15) Security fence.
 - 16) CCTV, intercom and security system.
 - 17) Sergeant Major and Sergeant's room.
 - 18) Magistrate's hearing room.
 - 19) Intergrated lockup management system.
 - 20) Separated lockup cells for men, women and juveniles.



GLOSSARY

ACA	Anti-Corruption Agency
A/CONS	Auxillary Constable
ACP	Assistant Commissioner of Police
AIDS	Acquired Immune Deficiency Syndrome
ASP	Assistant Superintendent of Police
ASU	Anti Smuggling Unit
AWAM	All Women's Action Society
BVPP	Best Value Performance Plan
C4I	Command and Control, Communication, and Computer Integration
CAPO	Complaints Against Police Office
CARS	Computerised Accident Reporting System
CCC	Contingent Control Centre
CCTV	Close Circuit Television
CD	Compact Disc
CFF	Complete For Filing
CID	Criminal Investigation Department
COPS	Compound OnLine Payment System
CP	Commissioner of Police
CPC	Criminal Procedure Code
CPM	Communist Party of Malaya
CPTED	Crime Prevention Through Environmental Design
CPU	Child Protection Unit
CRM	Customer Relationship Management
DCP	Deputy Commissioner of Police
DDA	Dangerous Drugs Act 1952
DDSPMA	Dangerous Drugs (Special Preventive Measures) Act 1985
DIGP	Deputy Inspector General of Police
DNA	Deoxyribonucleic Acids
DPP	Deputy Public Prosecutor

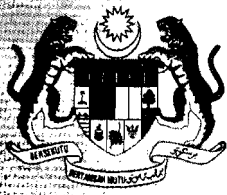
DSP	Deputy Superintendent of Police
DSS	Decision Support System
D7	CID in charge of Secret Societies, Gambling and Prostitution
D8	Research and Planning CID
D9	Special Investigations Division
D9B	Sexual Investigations Unit
EA	CID Evidence Act 1950
EIS	Executive Information System
EO	Emergency Ordinance 1969
EPOPCO	Emergency (Public Order and Prevention of Crime) Ordinance 1969
EPU	Economic Planning Unit
FBI	Federal Bureau of Investigation
FMS	Federated Malay States
FR	Fire Report
FRU	Federal Reserve Unit
GIS	Geographic Information System
GREAT	Gang Resistance and Training Programme
GRO	Guest Relations Officer
HDLC	High Data Link Control
HF	High Frequency
HIV	Human Immunodeficiency Virus
HTAR	Hospital Tunku Ampuan Rahimah
ICT	Information and Communication Technology
IGEC	Interpol Group of Experts on Corruption
IGP	Inspector General of Police
IGSO	Inspector General Standing Orders
IO	Investigating Officer
IP	Investigation Paper
IPCMC	Independent Police Complaints and Misconduct Commission
IPD	District Police Headquarters (<i>Ibu Pejabat Polis Daerah</i>)
IPK	Contingent Police Headquarters (<i>Ibu Pejabat Polis Kontinjen</i>)

IP-MPLS	Internet Protocol-Multi Protocol Label Switching
ISA	Internal Security Act 1960
ISACA	Information System Audit and Control Association
ISO	International Organisation for Standardisation
ISDN	Integrated Services Digital Network
ISP	Information System Plan
IT	Information Technology
ITIL	Information Technology Infrastructure Library
IWRAW	International Women's Rights Action Watch
JAKIM	Jabatan Kemajuan Islam Malaysia
JERIT	Jaringan Rakyat Tertindas
JKKK	Jawatankuasa Kemajuan dan Keselamatan Kampung
JKR	Public Works Department
JPA	Public Service Department
JPJ	Road Transport Department
JPN	National Registration Department
JPBD	Department of Urban and Rural Planning
KPI	Key Performance Indicator
LAN	Local Area Network
MAHSURI	Malaysian Human Settlement of Urban Research Institute
MAMPU	Malaysian Administrative Modernisation and Management Planning Unit
MCPF	Malaysia Crime Prevention Foundation
MICCI	Malaysia International Chamber of Commerce and Industry
MMEA	Malaysian Maritime Enforcement Agency
MOIS	Ministry Of Internal Security
MSOB	New Organisation Structure Model (<i>Model Struktur Organisasi Baru</i>)
NFA	No Further Action
NKCP	North Kalimantan Communist Party
NGO	Non-Governmental Organisation
NOD	No Offence Disclosed
OCCI	Officer in Charge of Criminal Investigation



OCPD	Officer in Charge of Police District
OCS	Officer in Charge of Police Station
OR	Other Reports
OTI	Order To Investigate
PABX	Private Automated Branch Exchange
PACE	Police and Criminal Evidence Act 1984 (UK)
PBT	Local Authority
PCA	Prevention of Crime Act 1959
PDRM	Royal Malaysia Police
PGA	General Operations Force
PGK	Special Operations Force
PINTAS	National Social Action Plan
PKI	Public Key Investigation
PMR	Penilaian Menengah Rendah
Pol. 37	Summary Form based on report made by complainant
Pol. 41A	Court Case Notification Form (<i>Borang Pemberitahuan Mahkamah</i>)
PP	Public Prosecutor
PPT	Assistant Administrative Officer
PRS	Police Reporting System
PSDN	Packet Switched Data Network
PTD	Administrative and Diplomatic Service
PULAPOL	Police Training Centre
RELA	Ikatan Relawan Rakyat
ROA	Refer To Other Agencies
RR	Restricted Residence Act 1933
RTA	Road Traffic Act 1987
RT	Rukun Tetangga
RTM	Refer To Magistrate
R&D	Research & Development
SAC	Senior Assistant Commissioner of Police
SAU	Special Action Unit

SB	Special Branch
SDR	Sudden Death Report
SIO	Senior Investigating Officer
SLA	Service Level Agreement
SOCISO	Social Security Organisation
SPM	Sijil Pelajaran Malaysia
SRP	Sijil Rendah Pelajaran
SUHAKAM	Human Rights Commission of Malaysia
TBO	Time Before Overhaul
UK	United Kingdom
UKM	Universiti Kebangsaan Malaysia
UM	Universiti Malaya
UNHCR	United Nations High Commissioner for Refugees
UMMC	University Malaya Medical Centre
WAN	Wide Area Network
WAO	Women's Aid Organisation



**REPORT OF
THE ROYAL COMMISSION TO
ENHANCE THE OPERATION AND
MANAGEMENT OF THE ROYAL
MALAYSIA POLICE**

ANNEXURE

STATISTICAL REPORTS ON

- 1. PUBLIC SURVEY**
- 2. SURVEY AMONG POLICE
PERSONNEL**

PUBLIC SURVEY

1. Purpose

The survey was conducted to gauge the responses of the general public on crime and perception of PDRM. (Royal Malaysia Police).

2. Sample Size

2.1 The survey targeted a random selection of 600 respondents throughout Peninsular Malaysia and East Malaysia. Thirty respondents were taken from each of the 14 states of Malaysia. In addition, from a list of 41 Residents' Association in the Klang Valley, 10 were randomly selected. Thirty members from each of the identified Resident's Association were selected. A total of 720 respondents was selected, with an allowance of 20 percent for non-response.

2.2 The respondents in this study were restricted to the residents of the urban townships in Malaysia. The results of this study may not be applicable to rural areas or throughout the whole of the Malaysia.

2.3 The final number of respondents from the public who agreed to participate in the survey was 575, after excluding 3 respondents below the age of 18. This represents 95.8 percent of the target.

3. Questionnaire

There were 41 multiple choice questions in the questionnaire. Respondents were also required to provide information on their gender, age and ethnicity. The Questionnaire is as in [Appendix A](#).

4. Statistical Analysis

4.1 In most of the questions asked, proportions from the sample were used as point estimates of the current population. Confidence Intervals for the population proportion was constructed to give a lower and upper value for the true population proportion. The 95% confidence level is used, meaning that we are 95% confident or sure that the true population proportion or percentage will fall between the lower and upper values.

4.2 In cases where two way classification tables of frequency were required, the Chi Square Test was used to determine the independence of the two factors.

5. Profile Of The Respondents

The age of the respondents ranged from 18 to 85, with an average age of 42 years old. In terms of age groups, the four age groups of 20–29, 30–39, 40–49 and 50–59 represents approximately 22 percent of the respondents in each group. As

for the gender composition, 59.4 percent of the respondents were male and 40.6 were female. In terms of ethnic composition, there were Malays (43.9%), Chinese (32.7%), Indians (13.9%), Other Bumiputras (5.4%) and Others¹ (4%).

6. Results

6.1 The results of the public survey were grouped into four broad areas:

- i. Interaction of the public with the police.
- ii. Occurrence of crime in the urban neighbourhood.
- iii. Public perception of security, police performance and presence in the neighbourhood. and
- iv. Public views on policing.

6.2 Interaction Of The Public With The Police

6.2.1 Victims Of Crime In 2004

A leading question was asked regarding whether the respondent had been a victim of crime in 2004. A total of 101 respondents out of 575 reported that they were victims of crime in that year. The percentage of crime victims and the 95 percent confidence interval for the population percentage is given in Table 1.

Table 1: Sample Estimate Of Proportion Of Crime Victims (%) in 2004 And 95 Percent Confidence Interval For The Population

Sample Estimate %	95% Confidence Interval (%)
17.56	14.45 to 20.67

Assuming an urban population of 5 million adults above the age of 18, the total number of crime victims for 2004 was 878,000. With a confidence of 95 percent, the true population number of people in the urban areas who were victims of crime was between 722,500 and 1,033,500.

6.2.2 Making Police Reports

The proportion of victims of crime making police reports is obtained from two questions: (i) those who made police reports in 2004 and (ii) those who had been victims of crime before 2004. Of the 101 crime

¹ The category "Others" includes Eurasian Portuguese, Permanent Residents and Foreign Diplomats.

victims in 2004, 76 had reported to the police. Out of 272 who reported that they were victims of crime before 2004, only 225 victims made police reports. Table 2 summarises the proportion in terms of percentage of crime victims who had reported to the police and the 95 percent Confidence Interval for the population percentage.

Table 2: Percentage Of Crime Victims Who Made Police Reports

Crime Victims	Before 2004	Year 2004
% who reported to police	82.72	75.25
95% confidence interval for population	78.23 to 87.21	66.83 to 83.67

On a conservative basis, an estimation for the total number of crime victims for the year 2004 and those who have reported to the police can be made. This would involve using the lower 95% confidence interval of 14.45% for crime victims from Table 1 and 66.83% of the victims who made reports (Table 2). The total number of crime victims who reported to the police in 2004 in the urban area with an adult population of 5 million is 66.83 percent of 722,500, which was 482,847.

Two questions were asked as to whether (i) the respondents would make a police report if a crime was committed against them and (ii) if they witnessed a crime. The results are summarised in Table 3.

Table 3: Percentage Of Respondents Who Would Make Police Reports

	As a crime victim	As a witness to a crime
% making reports	93.91	76.52
95% confidence interval for population	91.96 to 95.86	73.06 to 79.98

6.2.2.1 Reasons Given By Respondents For Not Wanting To Make Police Reports

In two situations, one as a crime victim and the other as a witness to a crime, respondents who answered that they would not make police reports were asked to selected from 6 possible answers, their reasons for not wanting to make police reports. The results are summarised in Table 4.

Table 4: Reasons For Not Wanting To Make Police Reports

Reasons	As a crime victim (%)	As a witness to a crime (%)
Troublesome to report	23.4	31.8
Police unable to do anything	25.0	25.9
Police will not assist	20.3	15.1
Crime not serious	17.2	13.8
Others	14.1	13.4

6.2.3 Police Response To Telephone Calls About A Crime, Accident, Theft Or Presence Of Suspicious Persons In The Neighbourhood

Respondents who made calls to report a crime, an accident or other reasons were asked to estimate the time of arrival of the police at the scene. Six categories from less than 5 minutes to the category “did not arrive at all” were given for the respondents to choose. Table 5 summarises the response from time of telephone call to arrival of the police at the scene. Of the number of respondents who made calls to the police 39% were satisfied with the response, 61% were not satisfied. However, only about 60 percent of the respondents knew the telephone number of the police station in their neighbourhood.

Table 5: Response Time Of Police

Response time (minutes)	Percentage (%)
Less than 5	3.3
5 to 10	8.8
10 to 30	30.0
30 to 60	24.1
Not Sure	29.6
Did not arrive at all	4.2

Respondents who were not satisfied with the response of the police were then asked to state their reasons² from a given list. The results are shown in Table 6.

² Respondents were allowed to choose more than one answer.

Table 6: Reasons Given By Dissatisfied Respondents

Reasons	Percentage (%)
Not concerned with problem	32.2
Slow to respond	20.8
Displays low integrity	15.3
Not always of assistance	17.4
Rude	14.4

6.3 Occurrence Of Crime In The Neighbourhood

6.3.1 Types Of Crime

Six types of crime were identified and respondents were asked whether those crimes occurred in their neighbourhood. House break-ins was the highest, with 80 percent of the respondents saying that break-ins occurred in their neighbourhood. This was followed by snatch thefts (65%) and vehicle/vehicle component theft (59%). Table 7 summarises the types of crime and their percentage of occurrence.

Table 7: Types Of Crime And Their Percentage Occurrence

Types of Crime	Response (%)		
	Yes	No	Not Sure
House break-ins	80.2	11.7	8.1
Snatch thefts	64.9	18.8	16.3
Vehicle/vehicle component theft	59.4	23.3	17.4
Drug dealing/abuse	25.7	34.8	39.5
Domestic violence	14.8	45.1	40.1
Rape/attempted rape	14.0	46.6	39.4

6.3.2 Crime Awareness – Sources of Information

Respondents were asked to choose from a list of possible sources of information³ on how they became aware of criminal activities in the neighbourhood. Neighbours and friends formed the largest source of information (43.6%). The other sources of information are shown in Table 8.

³ Respondents were allowed to choose more than one.

Table 8: Source Of Information About Crime In Neighbourhood

Source	Percentage (%)
Neighbours and friends	43.6
Newspapers, TV, radio	23.7
As a victim	13.7
As a witness	9.4
Local police	6.5
Others	3.1

6.3.3 Worries About Occurrence of Crime

Respondents were asked to rate how worried they were (from extremely worried to not worried) about the occurrence of crime in their neighbourhood. The three categories of “worried”, “very worried” and “extremely worried” were pooled together as one category and the “not very worried” and “not worried” as another. The results showed that 89 percent of the respondents were worried to extremely worried about the occurrence of crime in their neighbourhood. Only 11 percent were not worried. There was no significant difference in the level of worry across the ethnic groups i.e. all groups expressed similarly high levels of worry as shown in Table 9.

Table 9: Ethnicity And Level Of Worry

Ethnicity	Level Of Worry				Total
	Worried to extremely worried		Not worried to not very worried		
	Number	%	Number	%	
Malay	215	89.2	26	10.8	241
Chinese	157	87.7	22	12.3	179
Indian	70	92.1	6	7.9	76
Other Bumiputra	25	86.2	4	13.8	29
Others	19	86.4	3	13.6	22

Chi-Square Tests			
	Value	df	Asymp. Sig (2-sided)
Pearson Chi-Square	1.42	5	> 0.80

Cross-tabulation of age groups with the Level of Worry also showed that irrespective of age, the level of worry was very high as can be seen in Table 10.

Table 10: Age Group And Level Of Worry

Age Group (Years)	Level of Worry				Total
	Worried to extremely worried		Not worried to not very worried		
	Number	%	Number	%	
Less than 20	8	66.7	4	33.3	12
20 to 29	118	88.7	15	11.3	133
30 to 39	91	88.3	12	11.7	103
40 to 49	107	87.0	16	13.0	123
50 to 59	112	94.1	7	5.9	119
60 and above	47	87.0	7	13.0	54

Chi-Square Tests			
	Value	df	Asymp. Sig (2-sided)
Pearson Chi-Square	11.07	5	> 0.05

6.4 Public Perception Of Police Presence In The Neighbourhood, Police Performance And Security

6.4.1 Police Presence In The Neighbourhood

Respondents were asked whether the police had been seen regularly in their neighbourhood during the past one year. 36 percent of the respondents answered yes, 44 percent answered No and 20 percent were not sure.

It was obvious that the level of satisfaction would differ between the two groups, those who have been exposed to regular police presence

and those who have not. For those who have seen the police regularly in their neighbourhood, 80 percent were moderately to very satisfied. On the other hand, for the group of respondents who have not seen the police regularly, 69 percent were dissatisfied to very dissatisfied with the police as shown in Table 11.

Table 11: Regular Police Presence And Level Of Satisfaction

Satisfaction Level	Regular Police Presence			
	Yes		No	
	Number	%	Number	%
Very dissatisfied/dissatisfied	40	19.6	171	68.7
Moderately satisfied	105	51.5	69	27.7
Satisfied/very satisfied	59	28.9	9	3.6
Total	204	100.0	249	100.0

For the group who were unsure of the presence of the police, the respondents gave the benefit of the doubt to the police; 72 percent were moderately to very satisfied.

A general question was asked regarding the level of security in the neighbourhood and how satisfied the respondents were. The response to the level of security was closely associated with the satisfaction level of the police as shown in Table 12. At all satisfaction levels, the percent of respondents who were either very satisfied or moderately satisfied with security were similar to that for the police.

Table 12: Level Of Satisfaction With Security And Police In The Neighbourhood

Satisfaction Level	In The Neighbourhood			
	Security		Police	
	Number	%	Number	%
Very dissatisfied/dissatisfied	254	44.7	242	43.0
Moderately satisfied	230	40.5	238	42.3
Satisfied/very satisfied	84	14.8	83	14.7
Total	568	100.0	563	100.0

6.4.2 Security Measures For Protecting The Family

Six security measures were identified and respondents were asked whether they would resort to taking such measures to protect their families. The responses are summarised in Table 13.

Table 13: Security Measures For Protecting The Family

Security Measures	Percentage (%)		
	Yes	No	Irrelevant
Getting neighbours to look out for each other	82.9	13.4	3.7
Keeping sticks, knives or pepper sprays	46.7	42.4	10.9
Not going out at night	46.6	44.1	9.3
Learn self-defence	31.1	60.5	8.4
Keep dogs	27.9	60.4	11.8
Leave the neighbourhood for a safer place	13.9	75.9	10.2

A very high proportion of the respondents (83%) thought that getting neighbours to look out for each other was a good security measure. A low percentage (14%) stated that they would resort to leaving the neighbourhood as a solution.

6.5 Public Perception Of Police Integrity

6.5.1 Respondents were asked the question as to whether they would bribe the police if caught exceeding the speed limit rather than settle the summons legally. The majority of the respondents (63.5%) said they would not bribe the police. Only 21.6 percent said they would and 14.9 percent were not sure. Those respondents who were willing to bribe the police were asked for their reasons. Several reasons were put forward and the respondents were allowed to choose more than one answer. One of the reasons, chosen by approximately 30 percent of the respondents was that paying the fines was troublesome. Table 14 summarises the other reasons and their percentage of responses.

Table 14: Reasons Given By Respondents Who Were Willing To Give Bribes

Reasons	Percentage (%)
Amount of summons high	22.9
Paying fines troublesome	29.6
Normal practice (to bribe)	15.4
Police request for payment	28.1
Other reasons	4.0

6.6 Public Views On Policing

6.6.1 Community Security Schemes Like Rukun Tetangga (RT) and RELA

There were several questions on community security schemes. About 36 percent of the respondents knew of the existence of such schemes in their neighbourhood, out of which about 46% of respondents are members. In response to another question on such schemes, a similar proportion of the respondents (47%) stated that they would like to join as a way of protecting their families.

Respondents were also asked questions on community policing. In the question, it was made clear to them that community policing is defined as a partnership between the community and the local police in eradicating crime, maintaining security and public order and increasing the quality of life.

Only 19 percent of the respondents claimed that their neighbourhood police practised community policing. Forty-two percent said that there was no community policing and 39% were unsure whether it was practised.

6.7 Public Perception Of Police Performance

Nine areas of policing were stated and respondents were asked to give their ratings in terms of performance, ranging from very dissatisfied to very satisfied. The categories "dissatisfied and very dissatisfied" formed one group and the "satisfied and very satisfied" as another, with the moderately satisfied being maintained as a third group. The results are summarised in Table 15. For the category robbery and theft, the number of respondents who were unsatisfied with the police performance was more than three times the number of those who were satisfied. For the other areas of policing (with the exception of maintaining law and order), the percentage of respondents who were dissatisfied exceeded those who were satisfied by more than two-fold.

In the area “maintaining law and order”, the number of respondents who were either dissatisfied or satisfied were almost equal, with about half of the respondents moderately satisfied.

Table 15: Public Rating Of Police Performance In Nine Areas Of Policing

Areas of Policing		Public Rating					
		Dissatisfied/very dissatisfied		Moderately satisfied		Satisfied/very satisfied	
		Number	%	Number	%	Number	%
1.	Robbery & theft	303	53.4	174	30.7	90	15.9
2.	Organised and gang related crime	260	46.1	192	34.0	112	19.9
3.	Drug related crime	254	45.8	188	33.9	113	20.4
4.	Violent crime	234	41.5	200	35.5	130	23.0
5.	Commercial crime	227	40.7	218	39.1	113	20.3
6.	Crime prevention	227	40.0	231	40.7	110	19.4
7.	Community relations	224	39.6	224	39.6	118	20.8
8.	Juvenile crime	202	36.1	250	44.6	108	19.3
9.	Maintaining law & order	162	28.5	268	47.1	139	24.4

Respondents were given a list of nine areas of policing and asked to select three which they think the police should concentrate on in the performance of their duties. Of the 575 respondents, 17 were rejected for making more than 3 choices, in some cases, all 9 were chosen. The ranked choices of areas of policing chosen by the Public are given in Table 16.

Table 16: Areas Of Policing Which The Police Should Concentrate On

Rank	Areas of policing	Number	Percentage (%)
1.	Crime prevention	361	21.57
2.	Robbery & theft	290	17.32
3.	Maintaining law & order	285	17.03
4.	Organised and gang related crime	196	11.71
5.	Drug related crime	190	11.35
6.	Community relations	150	8.96
7.	Violent crime	107	6.39
8.	Juvenile crime	60	3.58
9.	Commercial crime	24	1.43
10.	Others	11	0.66
Total		1674	100.0

Crime Prevention was the top choice of the public, with 21.57%. Robbery and theft was the second. These three areas show the highest level of dissatisfaction and it would appear that the public would like to see more police attention in these areas.

SURVEY AMONG POLICE PERSONNEL

1. Purpose

The survey was conducted to determine and gauge the responses of the officers and personnel of PDRM towards integrity, work ethics, job importance and job satisfaction. Comparisons were made between the responses/attitudes of officers and rank and file.

2. Sample Size

2.1 According to records obtained from PDRM, currently there are 88,600 police personnel. Of this figure, 6,600 are classified as officers⁴ and 82,000 are classified as rank and file⁵.

2.2 A random sample of 1,600 respondents was targeted representing approximately 1.81 percent of the total police strength. Taking into account absentees at the time of the survey, an additional 20 percent of respondents were selected, making the total respondents to approximately 2,000.

2.3 The process of selection was done by PDRM at its Computer Centre. The finalised list of respondents was provided by PDRM, by name and arranged according to the state and the various police contingents. A summary of the total number selected, by the two strata is shown in Table 1.

Table 1: Total Numbers Of Respondents Selected According To Two Strata, Officers And Rank And File

Officers	Rank and File	Total
806	1281	2087

The final number of respondents from PDRM participating in the survey was 86.4 percent of the targeted number of 1,600.

3. Questionnaire

There were 2 questionnaires used in this survey, Set A and Set B. Set A consisted of 70 multiple choice questions dealing with, among other issues, integrity and job ethics ([Appendix B](#)). Set B consisted of 61 multiple choice questions dealing with issues of job satisfaction and job importance. Respondents were also required to provide information on rank, gender, age and ethnicity. ([Appendix C](#))

⁴ Officers are police personnel with the rank of Inspector and above.

⁵ Rank and file are police personnel with the rank of Sub Inspector and below.

4. Statistical Analysis

4.1 For the survey, the common statistical test used was the Chi-square. The Chi-square test for goodness-of-fit was used to determine whether the sample data was consistent with a perceived model. The Chi-square test was also used to determine whether two factors were independent or not. In the survey on police personnel, several case scenarios representing integrity were rated by the respondents in terms of five levels of seriousness, from not serious to very serious. Two way tables were constructed, with the rating as one factor and rank (officers versus rank and file) as the other factor. The statement of the hypothesis is:

Ho : The Rating in terms of seriousness for a particular case scenario is independent of Rank of police personnel.

Ha : The two factors, Rating and Rank of police personnel, are not independent.

4.2 The other statistical test was the t-test, used in conjunction with the study of relationships between two variables. The statistic, correlation coefficient, was computed for several variables of interest. Correlation coefficient is a measure of the intensity of association between two variables and can take values from -1 to +1. The statement of the test of hypothesis for the population correlation coefficient, ρ is

Ho : $\rho = 0$

Ha : $\rho \neq 0$, a two – tailed t-test.

4.3 All the statistical analysis were performed using the statistical package SPSS (Statistical Package For Social Sciences), Windows version.

5. Profile of Respondents

Of 1,383 respondents, 34.7 percent were officers and 65.3 percent were from the rank and file. A total of 92 percent were men and 8 percent were women. A high percentage of the respondents, 74.6 percent were from Peninsular Malaysia. Sabah and Sarawak were represented by 13.8 percent and 11.6 percent each.

6. Results

6.1 Integrity

6.1.1 All questions pertaining to integrity were found in Set A of the questionnaire. Ten case scenarios formed the basis for the questions as shown in the table below.

Table 2: Ten Case Scenarios In Study Of Police Integrity

CASE SCENARIOS	
1.	Carrying out business after office hours
2.	Accepting free drinks/meals from shops while patrolling
3.	Accepting bribes/gift from motorists caught speeding
4.	Accepting gifts/hampers from traders during festive occasions
5.	Taking valuables from a jewellery shop while investigating a robbery
6.	Accepting kick-back from auto repair shop for recommending repairs in accident cases
7.	Getting time-off in lieu of time taken during public holidays for fixing superior officer's car
8.	Cover-up for own police officer for driving under the influence of alcohol in early morning
9.	Accepting free drinks/food for not reporting on entertainment centre operating beyond closing time
10.	Use of excessive force on car thieves

6.1.2 For each case scenario, there were two questions each on three aspects of integrity, (1) the seriousness of the case, (2) what disciplinary action that needs to be taken and (3) the willingness to report on other police personnel that were involved. In each aspect, one question would refer to the respondent's own view and the other on what he/she would think his superiors would likely answer.

6.1.3 In each case scenario, the respondent was asked whether they thought that the case was a violation of the official police policy. The results are summarised in Table 3. For scenarios 3, 9 and 5, over 96 percent of respondents believed that it was a violation of official police policy. The last column in Table 3 showed that there were no significant difference in response between the officers and the rank and file. This meant that as a whole, the police force agreed that in these three case scenarios there is a violation of official police policy.

Table 3: Violation Of Official Police Policy

CASE		% OF RESPONDENTS			
		YES	NO	NOT SURE	SIGNIFICANCE
3	Officers	97.5	1	1.5	N.S
	Rank and File	97.3	2	0.7	
9	Officers	98.1	0.6	1.2	N.S
	Rank and File	96	1.8	2.2	
5	Officers	96.9	2.1	1	N.S
	Rank and File	96.4	1.6	2	
2	Officers	68.6	25.9	5.4	N.S
	Rank and File	67.1	25.7	7.2	
1	Officers	84.7	12.2	3.1	***
	Rank and File	70.5	22.7	6.8	
6	Officers	92.7	4.2	3.1	***
	Rank and File	84.4	6.9	8.6	
7	Officers	86.8	9	4.1	***
	Rank and File	76.8	11.5	11.6	
10	Officers	96.9	2.1	1	***
	Rank and File	89.3	6.5	4.2	
4	Officers	76.6	16.9	6.5	**
	Rank and File	69	20.8	10.1	
8	Officers	86.4	9.6	3.8	*
	Rank and File	84.2	8.2	7.5	

Note : Under Significance

N.S = Not Statistically significant at level of 5 %

* = Statistically significant at level of 5%

** = Statistically significant at level of 1%

*** = Statistically significant at level of 0.1%

- 6.1.4 For case scenario 2, there was also no significant difference between the ranks⁶, although a lower percentage of approximately 68 percent of the respondents agreed that it was a violation of official police policy.
- 6.1.5 For the rest of the case scenarios, there were significant differences in responses between the ranks. This can be seen from Table 3 that the percentage of rank and file respondents who answered yes was lower than the officers. For two case scenarios, 4 and 7, the percentage under the category “not sure” exceeded 10 percent of the respondents from the rank and file.
- 6.1.6 In terms of what disciplinary action that would be taken based on the Public Officers (Conduct and Discipline) Regulations 1993, for case scenarios 3 and 5, the predominant disciplinary action was dismissal of the police personnel involved (Table 4). However, there were significant differences in responses between the ranks. For the rest of the cases, a warning was the predominant disciplinary action to be taken, with all police personnel agreeing as a group (no significant differences between ranks) in seven out of the eight cases.

Table 4: Disciplinary Action That Would Be Taken Based On Public Officers (Conduct and Discipline) Regulations 1993

Case	Predominant Disciplinary Action	Respondents (%)	Significant Differences Between Officers/ Rank & File
3	Dismissal	43.6	Significant
5	Dismissal	38.8	Significant
2	Warning	64.8	Significant
1	Warning	77	Not Significant
4	Warning	58.3	Not Significant
6	Warning	46.9	Not Significant
7	Warning	64.3	Not Significant
8	Warning	58.7	Not Significant
9	Warning	44.4	Not Significant
10	Warning	57.3	Not Significant

⁶ The officers and the rank and file

6.1.7 Cases scenarios 3, 5 and 9 fell under the category of serious to very serious violations whereas case scenarios 6, 7, 8 and 10 were moderate to serious violations. Case scenarios 1, 2 and 4 were not serious to moderately serious violations. (Table 5)

Table 5: Average Scores On (1) Perceptions Of Seriousness, (2) Expected Disciplinary Action And (3) Willingness To Report For Given Case Scenarios

Case	POLICE OFFICERS						RANK AND FILE					
	Seriousness		Disciplinary Action		Willingness To Report		Seriousness		Disciplinary Action		Willingness To Report	
	Own View	Other Officers	Should Receive	Would Receive	Own View	Other Officers	Own View	Other Officers	Should Receive	Would Receive	Own View	Other Officers
5	4.15	3.97	4.52	4.47	4.02	3.32	3.76	3.69	3.96	4.12	3.43	3.15
3	4.13	3.87	4.13	4.4	3.78	3.07	3.84	3.69	3.63	4.07	3.11	2.98
9	4.06	3.74	3.33	3.19	3.45	3	3.89	3.61	3.13	3.11	3.16	2.99
6	3.69	3.35	3.28	3.22	3.32	2.82	3.3	3.09	2.81	3.01	2.9	2.83
7	3.45	3.04	2.47	2.39	2.92	2.67	3.15	2.84	2.35	2.29	2.74	2.67
10	3.43	3.25	2.67	2.83	2.96	2.72	3.19	3.13	2.47	2.66	2.79	2.82
8	3.16	2.92	2.33	2.37	2.86	2.62	3.12	2.98	2.43	2.49	2.84	2.81
4	2.75	2.63	2.26	2.31	2.59	2.43	2.55	2.6	2.09	2.32	2.48	2.59
2	2.61	2.49	1.91	2	2.47	2.29	2.54	2.63	1.93	2.19	2.36	2.5
1	2.41	2.37	1.94	2.01	2.49	2.29	2.08	2.3	1.76	1.96	2.15	2.45

6.1.8 Correlations were calculated to relate the variables seriousness with willingness to report and disciplinary action to be taken. These results are shown in Table 6. Significantly positive correlations were obtained between all the variables. This implied that in cases where the average scores were high (serious to very serious) there is a corresponding or willingness to report to the higher authority. Also, the more serious is the case the heavier or more severe is the disciplinary action.

Table 6: Correlations Between Average Scores For Serious Disciplinary Action And Willingness to Report.

Officers				Rank and File	
6(a) Respondents Own View				6(c) Respondents Own View	
VARIABLE		DISCIPLINARY ACTION	WILLINGNESS TO REPORT	DISCIPLINARY ACTION	WILLINGNESS TO REPORT
SERIOUSNESS	Person Correlation	.914**	.950**	.907**	.962**
	Sig. (2-tailed)	.000	.000	.000	.000
	N	10	10	10	10
DISCIPLINARY ACTION	Person Correlation		.991**		.949**
	Sig. (2-tailed)		.000		.000
	N		10		10

6 (b) What Respondents think will be other officers' view

6 (d) What Respondents think will be other Officers' View

VARIABLE		DISCIPLINARY ACTION	WILLINGNESS TO REPORT	DISCIPLINARY ACTION	WILLINGNESS TO REPORT
SERIOUSNESS	Person Correlation	.932**	.985**	.921**	.967**
	Sig. (2-tailed)	.000	.000	.000	.000
	N	10	10	10	10
DISCIPLINARY ACTION	Person Correlation		.938**		.905**
	Sig. (2-tailed)		.000		.000
	N		10		10

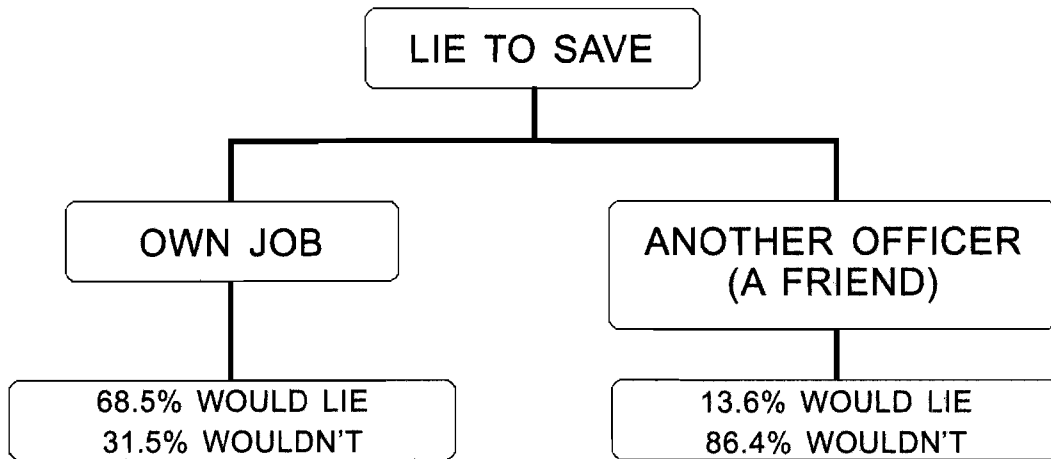
** Correlation is significant at the 0.01 level (2-tailed).

6.2 Job Ethics

6.2.1 Nineteen questions in Set B were used to obtain a measure of the ethical attitudes of the police personnel. The questions were structured such that higher scores reflect less ethical attitudes.

6.2.2 The results of two questions on ethics relating to the willingness of the police personnel lying to save their own job and lying to save the job of another officer (a friend) is shown in Figure 1.

Figure 1 Ethica Attitude of The Police Force



6.2.3 From Figure 1, it can be seen that more than double the respondents in the police force (68.5%) would lie to save their own job. However, this was not the case for saving another officer’s job. About 5 times (86.4%) the number of police personnel would not lie to save another officer’s job. The two results were consistent, irrespective of the rank or the gender of the respondents.

6.2.4 Another question that was asked was whether supervisors agree but do not admit to it openly that one should bend the rules (of law) to get a job done. In this case, a significantly higher percentage of the rank and file (64.8%) believed the supervisors agreed compared to 57.8 percent for the officers. The results were however consistent for gender. (Table 7)

Table 7: Bending The Rules (of Law) To Get Job Done

	Supervisors agree but do not admit it openly	Supervisors do not agree
Officers	57.8%	42.2%
Rank and File	64.8%	35.2%

While it was ethical for a large number of the respondents (86.4%) not to lie to save another officer’s job, on the other hand, it was unethical of the respondents (68.5%) to say that they would lie to save their own job. With regard to bending of rules (of law), the respondents from the rank and file appeared less ethical than the officers, although in terms of percentage, more than half of the officers (57.8%) were also not ethical.

6.3 Job Importance And Job Satisfaction

6.3.1 In Set B of the two-part questionnaire, 19 questions pertaining to job importance and job satisfaction were posed to each respondent. These questions ranged from the aspects of job stability, helping the public, promotion, to salary and allowances.

6.3.2 The answers to each of the 19 questions were analysed separately as a two-way classification, with the rank of police as one classification with two levels, officers and rank and file and the other classification of Level of Importance / Satisfaction, each with 5 levels. A chi-square value was computed to test the hypothesis that the two classification variables were independent.

6.3.3 Job Importance

Under the factors that contribute to job importance such as sufficient equipment and living quarters, over 90 percent of the respondents rated them as important to very important. Only in one factor, authority in job, the rating was lower, at 72.9 percent. The six factors ranked 1 to 6, as shown in Table 8 indicated that the importance rated by officers and rank and file were not significantly different at probability level of 0.05. The detailed analyses of two of the 6 aspects are shown in [Appendix D](#).

Table 8: Job Importance And Satisfaction

IMPORTANCE / SATISFACTION WITH RESPECT TO	JOB IMPORTANCE important to very important (%)	JOB SATISFACTION satisfied to very satisfied (%)	DIFFERENCE job importance - job satisfaction (%)	RANK
Sufficient equipment in office	94.8	26.5	68.3	1
Living quarters	91.7	32.1	59.6	2
Salary / Allowances	95.2	39.5	55.7	3
Promotion	84.9	38.4	46.5	4
Opportunity to attend courses / training	93.1	50.2	42.9	5
Opportunity for discussion with higher-ups	92.9	51.1	41.8	6
Appreciation by higher-ups	87.7	48.7	39.1	7
Opportunity to set goals and procedures	86	52.8	33.2	8
Recognition in specialised field	94.7	64.6	30.1	9
Opportunity to use various methods	89.4	60.2	29.2	10
Self fulfillment in job	93.7	66.2	27.5	11
Job stability	91.9	71.6	20.3	12
Happiness for job well-done	93.9	82.6	11.3	13
Regard from public	89.4	80	9.4	14
Regard from colleagues	86.5	79.9	6.6	15
Improving self esteem	91.1	89.3	1.8	16
Helping the Public	93	91.7	1.3	17
Close rapport with Public	82.8	86.5	-3.7	18
Authority in job	72.9	77.8	-4.9	19



6.3.4 Job Satisfaction

The percentage of respondents who were satisfied to very satisfied ranged widely from 26.5 to 91.7% for the 19 factors. For the factors ranked 1 to 6, the range of satisfied to very satisfied respondents was narrower, from 26.5 to 51.1 percent. Except for the factor living quarters, the level of satisfaction differed significantly depending on whether the respondents were officers or rank and file. Appendix E will show two aspects of job satisfaction where the responses differed between the officers and rank and file.

Job importance with the rating of “important” and “very important” for the 19 factors represents the expectation of the police personnel in their job. A very high percentage implies that the expectation regarding the various factors of the job was very high.

Job satisfaction with the rating of “satisfied” and “very satisfied” represents the current situation that the police personnel are in. A high percentage (91.7%) for the factor, helping the public, showed that a very high proportion of police personnel are very satisfied with their capacity in performing this. On the other hand, a low percentage of satisfaction (26.5%) for the factor sufficient equipment in office implied that there is a serious gap or shortfall as opposed to the high percentage (94.8 %) of police personnel placing importance to that factor in their job.

- 6.3.5 A column was generated called the difference, in percentage, between job importance and job satisfaction (Table 8). The higher this difference, the greater is the need to rectify this particular aspect. In Table 8, the various aspects were arranged according to the magnitude of this difference, in descending order. Factors that contribute to job satisfaction/job importance ranked from 14 to 19 such as regard from the public and authority in job show high levels of satisfaction in relation to importance and needs little or no attention.

6.4 Correlation Studies

- 6.4.1 In this study, average scores were computed for each respondent by grouping several questions representing integrity, job ethics, job importance and job satisfaction. For integrity, the scores were taken from 30 questions in Set A. The scores represent the respondent's own view on the seriousness of each case scenario, the disciplinary action that should be taken and his/her willingness to report to his superiors on other officers who were involved in those cases. The job ethics, importance and satisfaction scores were computed from the answers given by each respondent to questions in Set B.

6.4.2 By merging the two sets of data derived from Set A and Set B by a unique identification code given for each respondent, a data set with average scores for integrity, job ethics, job importance and job satisfaction was created. Another variable called job frustration was generated, as the difference in scores for job importance and job satisfaction.

6.4.3 Correlation analysis were performed on all variables on this new data set. Three types of correlation analysis were run, (1) by rank, (2) by gender and (3) all police personnel (irrespective of rank and gender). The results are summarised in Table 9.

TABLE 9: CORRELATION ANALYSIS FOR INTEGRITY WITH JOB ETHICS, IMPORTANCE, SATISFACTION AND FRUSTRATION

VARIABLE		9a BY RANK		9b BY GENDER		9c ALL POLICE
		Officers	Rank & File	Men	Women	
		INTEGRITY	INTERGRITY	INTERGRITY	INTERGRITY	INTERGRITY
JOB ETHICS	Correlation	-0.446**	-0.359**	-.411**	-.414**	-.410**
	Sig. (2-tailed)	.000	.000	.000	.000	.000
	N	424	775	1099	99	1208
JOB IMPORTANCE	Correlation	.184**	.049	.103**	0.127	.108**
	Sig. (2-tailed)	.000	0.17	0.001	0.209	.000
	N	424	775	1099	99	1208
JOB SATISFACTION	Correlation	.064	.117**	.081**	.028	.082**
	Sig. (2-tailed)	0.186	.001	.007	0.786	.004
	N	424	775	1099	99	1208
JOB FRUSTRATION	Correlation	.076	-.065	.005	.062	.008
	Sig. (2-tailed)	0.118	.071	0.856	0.544	0.785
	N	424	775	1099	99	1208

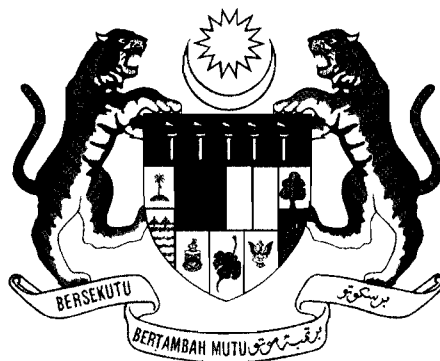
** Correlation is significant at '0.01 level (2-tailed)

6.4.4 In all three types, the variable job ethics was highly correlated to integrity, in all cases significant at the 0.01 level of probability. The correlation analysis, by Rank, showed that the next most important variable was job importance for officers and job satisfaction for the Rank and File. The analysis by gender showed that for men, both job importance and job satisfaction were significantly correlated to integrity. As for women, the only significant correlation was between integrity and job ethics.

6.4.5 In the correlation analysis of integrity with four variables, job ethics appeared to be strongly associated with integrity. As integrity is a measure of corruption, questions on ethics and their scores could be used to select police officers in a recruitment exercise. It could also be used as a yardstick in promotion for existing police personnel.

QUESTIONNAIRE

ROYAL COMMISSION TO ENHANCE THE OPERATIONS & MANAGEMENT OF THE ROYAL MALAYSIA POLICE



Purpose of survey:

This survey is carried out to determine and gauge your responses towards the work ethics and integrity of officers and personnel of the Royal Malaysia Police. The survey would also assess your opinion and views on crime prevalence in your local locality. The results from the survey would assist the Royal Commission to Enhance the Operations & Management of the Royal Malaysia Police in formulating its recommendations to the Government in enhancing the quality and improving the service of the Royal Malaysia Police. The Royal Commission to Enhance the Operations & Management of the Royal Malaysia Police guarantees your anonymity and confidentiality of responses given. All information are to be used strictly for the purpose afore-mentioned.

RESPONDENTS PARTICULARS

A. Gender : Male Female

B. Age : _____ years

C. Occupation : _____

D. State :

- | | | | |
|-----------------|--------------------------|----------------------|--------------------------|
| 1. Selangor | <input type="checkbox"/> | 9. Johor | <input type="checkbox"/> |
| 2. Perak | <input type="checkbox"/> | 10. N.Sembilan | <input type="checkbox"/> |
| 3. Pulau Pinang | <input type="checkbox"/> | 11. Melaka | <input type="checkbox"/> |
| 4. Perlis | <input type="checkbox"/> | 12. Sabah | <input type="checkbox"/> |
| 5. Kedah | <input type="checkbox"/> | 13. Sarawak | <input type="checkbox"/> |
| 6. Kelantan | <input type="checkbox"/> | 14. F.T.Kuala Lumpur | <input type="checkbox"/> |
| 7. Terengganu | <input type="checkbox"/> | 15. F.T.Labuan | <input type="checkbox"/> |
| 8. Pahang | <input type="checkbox"/> | 16. F.T.Putrajaya | <input type="checkbox"/> |

E. Ethnicity:

- | | | | |
|------------|--------------------------|---------------------|--------------------------|
| 1. Malay | <input type="checkbox"/> | 4. Other Bumiputras | <input type="checkbox"/> |
| 2. Chinese | <input type="checkbox"/> | 5. Others | <input type="checkbox"/> |
| 3. Indian | <input type="checkbox"/> | | |

Please circle your answers in this questionnaire.

1. In the past one year, have you been a victim of a crime?

a= Yes b= No c= Can't remember

2. If the answer is Yes have you reported this to the police?

a= Yes b= No c= Can't remember

3. Have you ever been a victim of a crime in your life?

a= Yes b= No c= Can't remember

4. If Yes, have you made any Police report?

a= Yes b= No c= Can't remember

5. Is there a 'Rukun Tetangga' (RT) scheme, RELA or community security patrol scheme in your neighbourhood?

a= Yes b= No c= Not sure

6. If yes, have you joined the scheme?

a= Yes b= No

Which of these crimes occur in your neighbourhood?

7. People selling or taking illicit drugs

a= Yes b= No c= Not sure

8. Vehicle or vehicle components theft

a= Yes b= No c= Not sure

9. House break-ins

a= Yes b= No c= Not sure

10. Domestic violence

a= Yes b= No c= Not sure

11. Rape or attempted rape

a= Yes b= No c= Not sure

12. Snatch thieves

a= Yes b= No c= Not sure

13. How did you become aware of crimes occurring in your neighbourhood?
(You may select more than one answer)

a = I'm a victim

b = I'm a witness

c = Discussions with neighbours and friends

d = Through the local police

e = Through newspapers, television, internet, radio

f = Others (Specify

14. Are you satisfied with the level of security in your neighbourhood?

a	b	c	d	e
Very	Dissatisfied	Moderately	Satisfied	Very
Dissatisfied		Satisfied		Satisfied

15. Are you worried about the occurrence of crimes in your neighbourhood?

a	b	c	d	e
Extremely	Very	Worried	Not very	Not worried
worried	worried		worried	

16. In the past one year, have your worries increased?

a= Yes b= No

To protect you and your family, have you:-

17. Participated in the 'Rukun Tetangga' (RT) scheme, RELA or a Resident's Association (if it is formed or revived in your neighbourhood)?

a= Yes b= No c= Irrelevant

18. Cooperated with your neighbours to look after each other's house

a= Yes b= No c= Irrelevant

19. Kept pet dogs

a= Yes b= No c= Irrelevant

20. Kept weapons like hockey sticks, pepper sprays, and knives

a= Yes b= No c= Irrelevant

21. Refrained from going out at night

a= Yes b= No c= Irrelevant

22. Learned self-defence

a= Yes b= No c= Irrelevant

23. Planned to move to another neighbourhood

a= Yes b= No c= Irrelevant

24. In the past one year, have the police been seen regularly in your neighbourhood?

a= Yes b= No c= Not sure

25. In general, are you satisfied with the police who serve in your neighbourhood?

a	b	c	d	e
Very	Dissatisfied	Moderately	Satisfied	Very
Dissatisfied		Satisfied		Satisfied

26. Do you know the telephone numbers of the police station in your neighbourhood?

a= Yes b= No c= Not sure

27. Community policing is broadly defined as a partnership between the community and the local police in eradicating crime, maintaining security and public order in increasing the quality of life. Does your neighbourhood police practise community policing?

a= Yes b= No c= Not sure

28. Would you make a police report if a crime has been committed against you?

a= Yes b= No

29. If yes, is it because you want to-

(You may select more than one answer)

a = apprehend the criminals

b = make insurance claims

c = perform a citizen's duty

d = ensure the police know about this

e = ensure police increase their patrols

f = other reasons (Specify

30. If no, is it because:-

(You may select more than one answer)

a = It is not a serious crime

b = Not included under insurance coverage

c = Police will not be able to do anything

d = Police will not assist

e = Troublesome to make report

f = Other reasons (Specify

31. Would you make a police report if you witnessed a crime?

a= Yes b= No

32. If no, is it because:-

(You may select more than one answer)

a = It is not a serious crime

b = Not my business

c = Police will not be able to do anything

d = Police will not assist

e = Troublesome to make report

f = Other reasons (Specify.....)

33. Have you ever called the Police to report a crime, road accident, theft or the presence of suspicious persons in you neighbourhood?

a= Yes b= No

34. If the answer is Yes, in your estimation how long did the police take to arrive at the scene?
- a = less than 5 minutes
 - b = 5 to 10 minutes
 - c = 10 minutes to 30 minutes
 - d = 30 minutes to an hour
 - e = Not sure of time taken
 - f = Not at all
35. Are you satisfied with the police response?
- a= Yes b= No
36. If yes, is it because the Police:-
(You may select more than one answer)
- a = is concerned about my problem
 - b = act fast
 - c = display high integrity (shows honesty and sincerity)
 - d = always assist me
 - e = is friendly
 - f = other reasons (Specify
37. If no, is it because the Police:-
(You may select more than one answer)
- a = is not concerned about my problem
 - b = slow to respond
 - c = display low integrity (does not show honesty and sincerity)
 - d = do not always assist me
 - e = are rude
 - f = other reasons (Specify
38. If you exceed the speed limit while driving and are stopped by the police, would you pay him off rather than to pay the compound summons?.
- a= Yes b= No c= Not sure

39. If yes, is it because

(You may select more than one answer)

a = amount of summons is high

b = paying summons is troublesome

c = normal practice

d = police request for it

e = other reasons (Specify

40. Are you satisfied with the police performance in the following areas?

I. Maintaining Law And Order

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

II. Crime Prevention

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

III. Community Relations

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

IV. Drug Related Crimes

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

V. Gang Related and Organised Crimes

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

VI. Robbery and Theft

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

VII. Violent Crimes (Murder, Rape, Assault)

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

VIII. Juvenile Crimes

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

XI. Commercial Crimes (Fraud, Criminal Breach of Trust, Cheating, Forgery)

a	b	c	d	e
Very Dissatisfied	Dissatisfied	Moderately Satisfied	Satisfied	Very Satisfied

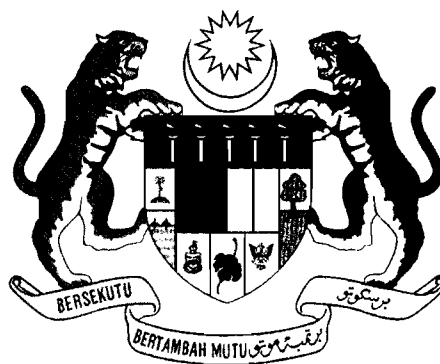
41. Choose any three of these areas which you think the police should concentrate on in the performance of their duties :

Tick (√)

- Maintaining Law And Order
- Crime Prevention
- Community Relations
- Drug Related Crimes
- Gang Related and Organised Crimes
- Robbery and Theft
- Violent Crimes
- Juvenile Crimes
- Commercial Crimes
- Any Other Not Covered In The Above
(Specify.....)

BORANG SOAL-SELIDIK

SURUHANJAYA DIRAJA PENAMBAHBAIKAN PERJALANAN & PENGURUSAN POLIS DIRAJA MALAYSIA



Tujuan Kajian:

Kajian ini dijalankan bagi menilai pandangan/pendapat tuan/puan mengenai isu-isu berkaitan dengan perkhidmatan Polis Diraja Malaysia. Ini adalah bagi membantu Suruhanjaya Diraja Penambahbaikan Perjalanan & Pengurusan Polis Diraja Malaysia dalam mengemukakan cadangan-cadangan serta masalah yang dihadapi oleh tuan/puan di dalam perkhidmatan Polis Diraja Malaysia kepada Kerajaan bagi tujuan meningkatkan mutu dan menambahbaikan perkhidmatan Polis Diraja Malaysia. Pandangan tuan/puan adalah penting bagi menjamin kejayaan perkara ini. Suruhanjaya Diraja Penambahbaikan Perjalan & Pengurusan Polis Diraja Malaysia menjamin bahawa sebarang pandangan yang diberikan akan dirahsiakan dan tidak akan dalam apa-apa cara mempengaruhi atau menjejaskan perkhidmatan tuan/puan.

SENARIO KES-KES

Arahan: Sila hitamkan huruf pada kertas jawapan bagi tiap-tiap soalan mengikut huruf yang dipilih pada skala.

Kes 1. Seseorang pegawai/anggota polis menjalankan perniagaan sendiri ketika di luar waktu bertugas.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

1. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

2. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

3. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya	Tidak	Tidak Tahu
a	b	c

4. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

5. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

6. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e

7. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e

Kes 2. Seseorang pegawai/anggota biasa menerima makanan/minuman percuma, rokok dan barangan lain yang murah daripada pekedai-pekedai ketika menjalankan rondaan. Pegawai/anggota terbabit tidak meminta semua ini dan amat berhati-hati supaya tidak mengambil peluang daripada kemurahan hati pekedai-pekedai terbabit.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

8. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

9. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

10. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya Tidak Tidak Tahu
a b c

11. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

12. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

13. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

14. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

Kes 3. Seseorang pegawai/anggota memberhentikan seorang pemandu kereta/ penunggang motosikal di tepi jalan atas kesalahan melebihi had kelajuan yang ditetapkan. Pegawai/anggota terbabit bersetuju untuk menerima sesuatu hadiah/wang tunai yang nilainya lebih kecil daripada amaun saman tersebut supaya tidak mengeluarkan saman.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

15. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak serius a	Kurang serius b	Sederhana c	Serius d	Sangat serius e
----------------------	-----------------------	----------------	-------------	-----------------------

16. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak serius a	Kurang serius b	Sederhana c	Serius d	Sangat serius e
----------------------	-----------------------	----------------	-------------	-----------------------

17. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya a	Tidak b	Tidak Tahu c
---------	------------	-----------------

18. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

19. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja



20. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

21. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

Kes 4. Seseorang pegawai/anggota polis bertugas di sesuatu kawasan dan semasa musim-musim perayaan, peniaga-peniaga di kawasan terbabit akan menghadahkan rokok, hamper dan sebagainya kepada pegawai/anggota terbabit.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

22. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak Kurang Sederhana Serius Sangat
serius serius serius
a b c d e

23. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak Kurang Sederhana Serius Sangat
serius serius serius
a b c d e

24. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya Tidak Tidak Tahu
a b c

25. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

26. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

27. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e

28. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e

Kes 5. Seseorang pegawai/anggota polis sedang menyiasat kes rompakan di sebuah kedai emas. Banyak barang-barang kemas yang telah dicuri. Pegawai/anggota terbabit mengambil seutas rantai yang nilainya bersamaan dengan gaji pegawai/anggota terbabit untuk 3 hari.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

29. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

30. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

31. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya	Tidak	Tidak Tahu
a	b	c

32. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

33. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

34. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e

35. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e



Kes 6. Seseorang pegawai/anggota mengadakan perjanjian dengan pemilik sebuah kedai mekanik untuk pemilik kedai tersebut menarik kereta yang terbabit di dalam kemalangan di kawasan yang mana pegawai/anggota terbabit bertugas. Sebagai ganjaran, pegawai/anggota terbabit akan dibayar sejumlah wang daripada kos pembaikan kereta tersebut yang dibayar pemilik kenderaan tersebut.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

36. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

37. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

38. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya	Tidak	Tidak Tahu
a	b	c

39. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

40. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja



anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

42. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

Kes 7. Seseorang pegawai/anggota yang mahir di dalam kerja-kerja membaiki pulih kereta, telah ditugaskan untuk bekerja pada hari cuti. Pegawai atasan beliau bersetuju untuk menggantikan beliau dengan orang lain sekiranya beliau bersetuju untuk membaiki kereta peribadi pegawai atasan tersebut. Sila nilai sikap pegawai atasan terbabit.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

43. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak Kurang Sederhana Serius Sangat
serius serius serius
a b c d e

44. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak Kurang Sederhana Serius Sangat
serius serius serius
a b c d e

45. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya Tidak Tidak Tahu
a b c

46. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

47. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

48. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

- | | | | | |
|----------------|---------|-------------|-------|------------|
| Tidak sesekali | Mungkin | Tidak pasti | Pasti | Amat pasti |
| a | b | c | d | e |

49. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

- | | | | | |
|----------------|---------|-------------|-------|------------|
| Tidak sesekali | Mungkin | Tidak pasti | Pasti | Amat pasti |
| a | b | c | d | e |

Kes 8. Seseorang pegawai/anggota polis yang sedang membuat rondaan di sebuah kawasan perumahan pada jam 2.00 pagi menjumpai sebuah kereta yang terbabas ke dalam sebuah parit. Pemandu kenderaan terbabit tidak mengalami kecederaan serius tetapi berbau arak. Pemandu terbabit juga merupakan seorang pegawai kanan polis/orang kenamaan. Pemandu terbabit dihantar pulang ke rumahnya dan tiada laporan polis dibuat terhadapnya oleh pegawai/anggota yang meronda. *Sila nilai sikap pegawai/anggota yang meronda terbabit.*

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

47. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

- | | | | | |
|-----------------|------------------|-----------|--------|------------------|
| Tidak
serius | Kurang
serius | Sederhana | Serius | Sangat
serius |
| a | b | c | d | e |

51. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

- | | | | | |
|-----------------|------------------|-----------|--------|------------------|
| Tidak
serius | Kurang
serius | Sederhana | Serius | Sangat
serius |
| a | b | c | d | e |

52. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya Tidak Tidak Tahu
a b c

53. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

54. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

55. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

56. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

Kes 9 Seorang pegawai/anggota polis mendapati sebuah pusat hiburan masih beroperasi walaupun sudah melewati waktu yang ditetapkan. Daripada melaporkan perkara ini kepada pihak berkuasa tempatan yang berkenaan, pegawai/anggota terbabit bersetuju untuk tidak berbuat demikian apabila diberitahu pemilik pusat hiburan tersebut beliau bebas makan dan minum dengan percuma di pusat hiburan tersebut pada bila-bila masa.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

57. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

58. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak serius	Kurang serius	Sederhana	Serius	Sangat serius
a	b	c	d	e

59. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya	Tidak	Tidak Tahu
a	b	c

60. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

61. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

- a = Tiada tindakan perlu dikenakan
- b = Diberi amaran
- c = Denda
- d = Diturunkan gaji
- e = Diturunkan pangkat
- f = Dibuang kerja

62. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

63. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali Mungkin Tidak pasti Pasti Amat pasti
a b c d e

Kes 10. Dua orang pegawai/anggota polis taserempak dengan seorang pencuri ketika membuat rondaan. Mereka berjaya memberkas pencuri tersebut di sebuah lorong setelah mengejar sejauh 200 meter. Setelah pencuri tersebut digari, pencuri berkenaan ditampar dan ditumbuk di perutnya bagi melepaskan geram kerana menyebabkan mereka terpaksa mengejar beliau.

Sila berikan penilaian anda berdasarkan kepada soalan-soalan di bawah:-

64. Pada pandangan anda, berapa seriuskah perlakuan sedemikian?

Tidak Kurang Sederhana Serius Sangat
serius serius serius
a b c d e

65. Pada pandangan anda, berapa seriuskah perlakuan sedemikian dianggap oleh KEBANYAKAN PEGAWAI/ANGGOTA POLIS DI JABATAN ANDA?

Tidak Kurang Sederhana Serius Sangat
serius serius serius
a b c d e

66. Adakah perlakuan sedemikian menyalahi dasar/peraturan di jabatan anda?

Ya Tidak Tidak Tahu
a b c

67. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG PATUT DIKENAKAN ke atas beliau PADA PANDANGAN ANDA?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

68. Sekiranya seorang pegawai/anggota di jabatan anda terlibat di dalam perlakuan ini, apakah tindakan/hukuman disiplin YANG KEBIASAAN DIKENAKAN ke atas beliau mengikut Peraturan Pegawai Awam (Kelakuan dan Tatatertib) 1993?

a = Tiada tindakan perlu dikenakan

b = Diberi amaran

c = Denda

d = Diturunkan gaji

e = Diturunkan pangkat

f = Dibuang kerja

69. Adakah anda akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

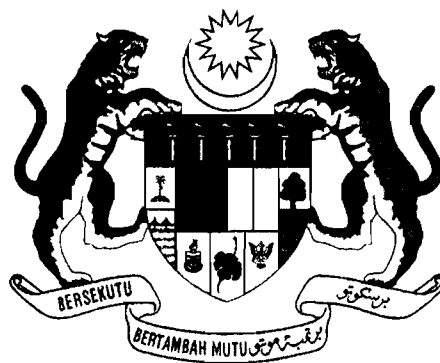
Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e

70. PADA PANDANGAN ANDA, adakah KEBANYAKAN PEGAWAI/ANGGOTA DI JABATAN ANDA akan melaporkan seseorang pegawai/anggota yang terlibat dengan perbuatan ini?

Tidak sesekali	Mungkin	Tidak pasti	Pasti	Amat pasti
a	b	c	d	e

BORANG SOAL-SELIDIK

**SURUHANJAYA DIRAJA
PENAMBAHBAIKAN PERJALANAN & PENGURUSAN
POLIS DIRAJA MALAYSIA**



Tujuan Kajian:

Kajian ini dijalankan bagi menilai pandangan/pendapat tuan/puan mengenai isu-isu berkaitan dengan perkhidmatan Polis Diraja Malaysia. Ini adalah bagi membantu Suruhanjaya Diraja Penambahbaikan Perjalanan & Pengurusan Polis Diraja Malaysia dalam mengemukakan cadangan-cadangan serta masalah yang dihadapi oleh tuan/puan di dalam perkhidmatan Polis Diraja Malaysia kepada Kerajaan bagi tujuan meningkatkan mutu dan menambahbaikan perkhidmatan Polis Diraja Malaysia. Pandangan tuan/puan adalah penting bagi menjamin kejayaan perkara ini. Suruhanjaya Diraja Penambahbaikan Perjalanan & Pengurusan Polis Diraja Malaysia menjamin bahawa sebarang pandangan yang diberikan akan dirahsiakan dan tidak akan dalam apa-apa cara mempengaruhi atau menjejaskan perkhidmatan tuan/puan.



Arahan: Sila hitamkan huruf pada kertas jawapan bagi tiap-tiap soalan mengikut huruf yang dipilih pada skala.

1. Tidak salah bagi seseorang pegawai/anggota menerima hadiah yang kecil daripada orang awam.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

2. Kadangkala, adalah perlu bagi seseorang pegawai/anggota polis menggunakan tindakan seperti kekerasan yang dilarang undang-undang dalam melakukan penangkapan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

3. Kadangkala, adalah perlu bagi seseorang pegawai/anggota polis menggunakan cara-cara penyiasatan lain yang dilarang undang-undang atau dasar bagi menyelesaikan sesuatu kes.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

4. Saya akan mengambil tindakan sekiranya saya mengetahui seseorang pegawai/anggota melakukan salahlaku walaupun beliau merupakan rakan saya.

a	b	c	d	e
Amat pasti	Pasti	Tidak pasti	Mungkin	Tidak sesekali

5. Pemilik perniagaan memberikan diskaun atau barangan percuma kerana mereka menghargai sumbangan polis.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

6. Seseorang pegawai/anggota tidak dapat melaksanakan tugas dengan baik jika beliau selalu bertindak mengikut undang-undang.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

7. Saya mungkin akan menggunakan cara-cara tersendiri walaupun ia dilarang bagi menangkap seseorang penjenayah sekiranya saya berpendapat ia merupakan satu-satunya cara.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

8. Melainkan kesalahan tatatertib yang serius (boleh dibuang kerja/diturunkan pangkat), pegawai/anggota polis hendaklah melindungi rakan-rakan sepasukan daripada melaporkan kepada pihak berkuasa tatatertib.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

9. Memaafkan seseorang pegawai/anggota bagi kesalahan tatatertib kecil daripada diambil tindakan adalah dibolehkan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

10. Kadangkala adalah perlu bagi pegawai/anggota bercakap kasar atau menengking seseorang kerana ia merupakan satu-satunya cara untuk orang tersebut mematuhi arahan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

11. Menokok-tambah fakta bagi memastikan seseorang penjenayah ditahan adalah dibenarkan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

12. Kadangkala, seseorang pegawai/anggota perlu menipu mahkamah bagi memastikan penjenayah yang ditahan berjaya disabitkan kesalahan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

13. Kadangkala, seseorang pegawai/anggota perlu menipu dalam laporan bagi memastikan penjenayah yang ditahan berjaya disabitkan kesalahan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

14. Kerja polis adalah seperti suatu permainan. Selagi ia kelihatan seperti undang-undang dipatuhi, apa-apa yang dilakukan untuk memenangi permainan tersebut adalah dibenarkan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

15. Urusan peribadi saya adalah hak saya, dan pihak Jabatan saya tidak berhak mencampuri urusan peribadi saya selagi saya menjalankan tugas rasmi saya.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

16. Menguruskan urusan peribadi sewaktu bekerja adalah dibenarkan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

17. Adalah tidak menjadi satu kesalahan bagi seseorang pegawai/anggota menerima diskaun, barangan percuma atau dibelanja makan/minum daripada/oleh ahli perniagaan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

18. Mereka yang mencederakan pegawai/anggota polis patut dibelasah dengan teruk kerana ini merupakan satu-satunya hukuman setimpal.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat Setuju

19. Saya tidak akan mogok walaupun gaji dan elaun yang diterima adalah tidak berpatutan.

a	b	c	d	e
Sangat tidak bersetuju	Tidak Setuju	Tidak tahu	Setuju	Sangat tidak Setuju



20. Saya sanggup menipu demi menyelamatkan kerjaya seseorang pegawai/anggota yang lain, terutamanya apabila beliau merupakan kawan baik saya.

Ya Tidak
a b

21. Saya mengetahui akan ramai pegawai/anggota yang telah melanggar undang-undang bagi melaksanakan tugas mereka.

Ya Tidak
a b

22. Kebanyakan pegawai atasan bersetuju atau memahami perlunya tindakan tertentu yang dilarang dibawah undang-undang diambil bagi melaksanakan tugas yang diberikan, tetapi pegawai atasan tersebut tidak membuat perakuan sedemikian secara terbuka.

Ya Tidak
a b

23. Saya sanggup menipu untuk memastikan saya tidak dibuang kerja.

Ya Tidak
a b

24. Kerja saya sebagai polis adalah stabil dan memberikan jaminan hidup kepada diri saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

25. Sebagai seorang pegawai/anggota polis, saya dapat membantu orang awam.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

26. Saya dapat menjalinkan persahabatan baru dengan orang awam yang berurusan dengan saya ketika menjalankan tugas.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting



27. Pekerjaan saya meningkatkan harga diri dan maruah saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

28. Pandangan rakan sepasukan terhadap diri saya di dalam organisasi polis.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

29. Pandangan orang awam terhadap diri saya ketika menjalankan tugas.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

30. Kedudukan dan kuasa yang ada pada diri saya disebabkan tugas saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

31. Peluang untuk memberikan pandangan saya di dalam pelaksanaan tugas yang diberikan.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

32. Peluang untuk berbincang dengan pihak atasan mengenai matlamat dan objektif yang hendak dicapai di dalam tugas.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

33. Saya boleh turut serta di dalam proses menentukan prosedur kerja.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

34. Peluang kenaikan pangkat dalam kerja saya .

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

35. Peluang pembangunan diri seperti menghadiri kursus, latihan dan seminar di dalam kerja saya

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

36. Kepuasan diri yang dicapai di dalam kerja saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

37. Perasaan puas hati ketika berjaya melaksanakan tugas yang diberikan kepada saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

38. Gaji dan elaun yang mencukupi bagi kerja saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

39. Menjadi pakar di dalam bidang tugas saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

40. Kuarters polis yang didiami oleh saya adalah selesa.(jika berkaitan)

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

41. Pegawai atasan menghargai pencapaian saya dalam menjalankan tugas saya.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

42. Peralatan termasuk kemudahan pejabat yang mencukupi dalam menjalankan tugas.

Kepentingan perkara ini kepada diri saya

a	b	c	d	e
Sangat tidak penting	Tidak Penting	Sederhana Penting	Penting	Sangat Penting

43. Kerja saya sebagai polis adalah stabil dan memberikan jaminan hidup kepada diri saya.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

44. Sebagai seorang pegawai/anggota polis, saya dapat membantu orang awam.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

45. Saya dapat menjalin persahabatan baru dengan orang awam yang berurusan dengan saya ketika menjalankan tugas.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

46. Pekerjaan saya meningkatkan harga diri dan maruah saya

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

47. Pandangan rakan sepasukan terhadap diri saya di dalam organisasi polis.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

48. Pandangan orang awam terhadap diri saya ketika menjalankan tugas.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

49. Kedudukan dan kuasa yang ada pada diri saya disebabkan tugas saya.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

50. Peluang untuk memberikan pandangan saya di dalam pelaksanaan tugas yang diberikan.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati



51. Peluang untuk berbincang dengan pihak atasan mengenai matlamat dan objektif yang hendak dicapai di dalam tugas.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

52. Saya boleh turut serta di dalam proses menentukan prosedur kerja.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

53. Peluang kenaikan pangkat dalam kerja saya .

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

54. Peluang pembangunan diri seperti menghadiri kursus, latihan dan seminar di dalam kerja saya

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

55. Kepuasan diri yang dicapai di dalam kerja saya.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

56. Perasaan puas hati ketika berjaya melaksanakan tugas yang diberikan kepada saya.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

57. Gaji dan elaun yang mencukupi bagi kerja saya.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

58. Menjadi pakar di dalam bidang tugas saya.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

59. Kwarters polis yang didiami oleh saya adalah selesa.(jika berkaitan)

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

60. Pegawai atasan menghargai pencapaian saya dalam menjalankan tugas saya.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

61. Peralatan termasuk kemudahan pejabat yang mencukupi dalam menjalankan tugas.

Adakah kamu puas hati dalam aspek ini?

a	b	c	d	e
Sangat tidak puas hati	Tidak puas hati	Agak puas hati	Puas hati	Sangat puas hati

Two-way Table for Rank and Job Importance

1. Opportunity For Discussion With Higher-Ups

Job Importance		Rank		Total
		Officers	Rank & File	
Not Important/Not Very Important	Count	9	24	33
	% within Rank	1.9%	2.7%	2.4%
Moderately Important	Count	20	44	64
	% within Rank	4.1%	4.9%	4.7%
Important/Very Important	Count	453	822	1275
	% within Rank	94.1%	92.4%	92.9%
Total	Count	482	890	1372
	% within Rank	100.0%	100.0%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2 sided)
Pearson Chi-Square	1.417	2	> 0.10

2. Sufficient Equipment In Office

Job Importance		Rank		Total
		Officers	Rank & File	
Not Important/Not Very Important	Count	9	17	26
	% within Rank	1.9%	1.9%	1.9%
Moderately Important	Count	17	28	45
	% within Rank	3.5%	3.1%	3.03%
Important/Very Important	Count	456	845	1301
	% within Rank	94.6%	94.9%	94.8%
Total	Count	482	890	1372
	% within Rank	100.0%	100.0%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2 sided)
Pearson Chi-Square	0.147	2	> 0.90



Two-way Table for Rank and Job Satisfaction

1. Opportunity For Discussion With Higher-Ups

Job Importance		Rank		Total
		Officers	Rank & File	
Dissatisfied/Very Dissatisfied	Count	92	228	320
	% within Rank	19.1%	25.7%	23.4%
Moderately Satisfied	Count	141	208	349
	% within Rank	19.3%	123.4%	25.5%
Satisfied/Very Satisfied	Count	249	451	700
	% within Rank	51.7%	50.8%	51.1%
Total	Count	482	887	1369
	% within Rank	100.0%	100.0%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2 sided)
Pearson Chi-Square	10.026	2	< 0.01

2. Sufficient Equipment In Office

Job Importance		Rank		Total
		Officers	Rank & File	
Dissatisfied/Very Dissatisfied	Count	285	438	723
	% within Rank	59.5%	49.3%	52.9%
Moderately Satisfied	Count	107	175	282
	% within Rank	22.3%	19.7%	20.6%
Satisfied/Very Satisfied	Count	87	276	363
	% within Rank	18.2%	31.0%	26.5%
Total	Count	479	887	1368
	% within Rank	100.0%	100.0%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2 sided)
Pearson Chi-Square	26.688	2	< 0.01



**INDEPENDENT POLICE
COMPLAINTS AND
MISCONDUCT
COMMISSION BILL 2005**

LAWS OF MALAYSIA

Bill No. xxxx

Independent Police Complaints and Misconduct

Commission Bill 2005

Date of Royal Assent :

Date of Publication in the Gazette :

Date of coming into operation :

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A BILL

intituled

An Act to establish the **Independent Police Complaints and Misconduct Commission**, whose principal functions are to receive and investigate into complaints about the Royal Malaysia Police, to detect, investigate and prevent police corruption and other serious police misconduct, to set out the powers and functions of such Commission for improving police integrity, reducing misconduct and building public confidence and to ensure that there is vigilant oversight in Malaysia of the Royal Malaysia Police and to provide for matters connected therewith or incidental thereto.

ENACTED by the Parliament of Malaysia as follows:

PART I
PRELIMINARY

Short title, application and commencement.

1. (1) This Act may be cited as the **Independent Police Complaints and Misconduct Commission (IPCMC) Bill 2005**.
- (2) This Act applies throughout Malaysia.
- (3) This Act shall come into force on a date to be appointed by the Minister by notification in the **Gazette**.

Interpretation.

2. (1) In this Act, unless the context otherwise requires —

“**advocate and solicitor**” means an advocate and solicitor of the High Court in Malaya or the High Court in Sabah and Sarawak admitted and enrolled prior to the coming into operation of this Act under the Legal Profession Act 1976 [Act 166], the Advocates Ordinance (Sabah Cap. 2) and Advocate Ordinance Sarawak 1953 (Sarawak Cap. 110);

“**ACA**” means the Anti-Corruption Agency established under section 3 of the Anti-Corruption Act 1997 [Act 575];

“**ACA Officer**” includes the Director General and any officer appointed under subsection 4(1) of the Anti-Corruption Act 1997 [Act 575];

“**Anti-Corruption Act**” means the Anti-Corruption Act 1997;

“**body corporate**” refers to companies incorporated under the Companies Act 1960 [Act 125] and any businesses registered under the Registration of Businesses Act 1956 [Act 197]

“**Commission or IPCMC**” means the Independent Police Complaints and Misconduct Commission constituted by this Act;

“**Commissioner or IPCMC Commissioner**” means the Chairman, Deputy Chairmen and other Commissioners appointed under section 4 for the Independent Police Complaints and Misconduct Commission, except where expressly stated otherwise in the provisions of the Act;

“**Disciplinary Authority**” means the authority legally constituted under Clause (2) of Article 132 of the Federal Constitution;

“**disciplinary offence**” includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under this Act or under any law;

“**exercise a function**” includes perform a duty;

“**facsimile**” means facsimile transmission and includes the transmission of a document through the Internet or other electronic means;

“**former police officer**” means a person who is currently not a police officer but who has been a member of the Force under the Police Act 1967 [Act 344];

“**Force**” means the Royal Malaysia Police established under the Police Act 1967;

“**function**” includes a power, authority and duty;

“**hearing**” means a hearing under this Act;

“**investigate**” includes examine;

“**investigation**” means an investigation under this Act and (without limitation) includes a preliminary investigation referred to in section 22.

“**Minister**” means the Minister or Ministers for the time being charged with the responsibility for the matter or matters in connection with which the reference to the “Minister” is made;

“**officer of the Commission**” means a Commissioner, or any member of the staff of the Commission;

“**Police Act**” means the Police Act of 1967;

“**police complaint**” means any complaint against the Force or any police officers received by the Commission from any source;

“**police misconduct**” means any act of misconduct as stated in Section 14;

“**police officer**” means any member of the Force established under the Police Act;

“**premises**” includes any structure, building, aircraft, vehicle, vessel or place (whether built on or not), or any part thereof;

“**public body**” includes the Government of Malaysia; the Government of a State; any local authority and any other statutory authority; any department, service or undertaking of the Government of Malaysia, the Government of a State, or a local authority; any company over which any public body as is referred to herein has controlling power; or any society, union, organization or body as the Minister may prescribe from time to time by order published in the **Gazette**;

“**public service of Malaysia**” means the public services as prescribed in Part X of the Federal Constitution;

“**Royal Commission of Police**” means the Royal Commission To Enhance The Operation And Management of the Royal Malaysia Police appointed by the Yang di-Pertuan Agong on 4 February 2004;

“**search warrant**” means a search warrant issued under this Act;

“**staff of the Commission**” means the persons referred to in section 8 of this Act;

“**statutory authority**” means any authority, whether consisting of a single person or a body of persons, established by Federal or State law and exercising powers, discharging duties or performing functions conferred upon the authority by any Federal or State law;

“**task force**” includes a body of persons formed for a purpose provided under this Act.

PART II

Establishment of the Commission

Establishment of the Commission.

3. (1) A commission by the name of “**Independent Police Complaints and Misconduct Commission (IPCMC)**” is hereby established.
- (2) The Commission shall have perpetual succession and a common seal.
- (3) The Commission may sue and be sued in its name.
- (4) Subject to and for the purposes of this Act, the Commission may, upon such terms as it deems fit —
 - (a) enter into contracts;
 - (b) acquire, purchase, take, hold and enjoy movable and immovable property of every description; and
 - (c) convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Commission.

Constitution of the Commission.

4. (1) The Yang di-Pertuan Agong shall, on the advice of the Prime Minister, appoint not more than seven (7) Commissioners, of whom there shall be a Chairman and two Deputy Chairmen for such period and on such terms and conditions as may be specified in the instrument of appointment.
- (2) A person shall not be appointed as a Commissioner if he holds or has held office as a police officer.
- (3) An appointment in contravention of subsection (2) shall have no effect.

The Chairman, Deputy Chairmen and Commissioners.

5. (1) The Chairman, Deputy Chairmen and the Commissioners of the Commission shall hold office in accordance with the terms of his appointment.
- (2) The provisions of the First Schedule shall apply to the Chairman, Deputy Chairmen and the Commissioners.

PART III

Administration

The Secretary.

6. (1) The Commission shall have a Secretary who shall be the Chief Executive Officer of the Commission.

- (2) Subject to subsections (3) and (4), the Secretary shall be appointed by the Commission with the approval of the Prime Minister.
- (3) The Secretary shall be appointed on such terms and conditions and shall have such functions as the Commission may, with the approval of the Prime Minister, determine.
- (4) The appointment of a person to be the first Secretary of the Commission shall be made by the Prime Minister on such terms and conditions as may be determined by the Prime Minister.

Legal Counsel.

7. (1) The Commission shall appoint a Chief Legal Counsel to assist the Commission in performing its functions under the Act.
- (2) There shall be as many Legal Counsel as may be necessary who shall be seconded from amongst members of the Judicial and Legal Service or appointed from amongst advocates and solicitors to be engaged by the Commission.
- (3) The remuneration, allowance and gratuity payable to the Chief Legal Counsel or a Legal Counsel who is engaged from amongst advocates and solicitors shall be determined by the Commission.

Staff of the Commission.

8. (1) The staff of the Commission shall consist of —
 - (a) members of the public service of Malaysia on temporary secondment to the Commission or who have opted to be permanently employed by the Commission; and
 - (b) such other persons as the Commission may find it necessary to employ to assist the Commission, and who shall be employed on such terms and conditions as appear to the Commission to be appropriate.
- (2) The staff of the Commission shall include such number of investigators as the Commission deems necessary to assist the Commission to discharge its functions effectively and efficiently.

Employment of consultants.

9. The Commission may engage persons, including retired or former police officers, as consultants to the Commission or to perform services for it.

Use of staff, facilities or certain police personnel.

10. (1) The Commission may arrange for the use of the services of—
 - (a) any staff or facilities of a government department or a local or public body or statutory authority; or
 - (b) any police officer, to be involved in the work of task forces with which the Commission is involved or carry out or participate in investigations for or on behalf of or under the direction of the Commission.

- (2) It shall be the duty of the government departments or local or public body or statutory authority or police officer referred to in subsection (1) to cooperate with the Commission.

Delegation by Commission.

11. (1) The Commission may delegate to an officer or officers of the Commission any of its functions, other than this power of delegation.
- (2) An officer of the Commission may sub-delegate to another officer of the Commission any of the functions delegated to him, subject to any condition to which the delegation is subject.

PART IV

Functions and Powers of the Commission

Principal Functions of the Commission.

12. (1) The principal functions of the Commission are:
 - (a) to receive complaints made by members of the public against the Force and to inquire into these complaints and in particular to detect, investigate and prevent police corruption and other serious misconduct;
 - (b) to formulate and put in place mechanisms for the detection, investigation and prevention of serious police misconduct and other misconduct;
 - (c) to protect the public interest by preventing and dealing with police misconduct; and
 - (d) to provide for the auditing and monitoring of particular aspects of the operations and procedures of the Police Force.
- (2) In addition to the functions set out in subsection (1), the Commission has the functions conferred or imposed on it by or under the other provisions of this Act or by or under or any other written law.
- (3) The functions of the Commission are exercisable by any Commissioner, except where provided otherwise.
- (4) Any act, matter or thing done in the name of, or on behalf of, the Commission by the Commissioner, or with the authority of the Commissioner, is taken to have been done by the Commission.
- (5) A reference in this Act to a hearing before the Commission or anything done or omitted by, to or in relation to the Commission includes a reference to a hearing before, or a thing done or omitted by, to or in relation to the Commissioner or another officer of the Commission having authority in the circumstances.

Other functions of the Commission.

13. (1) In building its capacity to promote and improve police integrity and to deal with misconduct and in furtherance of the protection and promotion of public interest

in reducing and preventing police corruption and other serious police misconduct, the powers and functions of the Commission shall be —

- (a) to promote awareness of and provide education to raise integrity and fight corruption and other forms of misconduct;
 - (b) to advise and assist the Government in formulating legislation and administrative directives and procedures and recommend the necessary measures to be taken; and
 - (c) as stated in Schedule 2 of this Act.
- (2) For the purpose of performing its functions, the Commission may exercise any or all of the following powers:
- (a) to promote awareness of police integrity and ethics and to undertake research by conducting programmes, seminars and workshops and to disseminate and distribute the results of such research;
 - (b) to advise the Government and/or the relevant authorities of complaints against such authorities and recommend to the Government and/or such authorities appropriate measures to be taken;
 - (c) to study and verify any infringement of police procedures, corruption and misconduct in accordance with the provisions of this Act;
 - (d) to visit police stations and lockups in accordance with procedures as prescribed by the laws relating to the places of detention and to make necessary recommendations; and
 - (e) to undertake any other appropriate activities as are necessary in accordance with the written laws in force, if any, in relation to such activities.
- (3) The visit by the Commission to any place of detention under paragraph (2)(d) shall not be refused by the person in charge of such place of detention if the procedures provided in the laws regulating such places of detention are complied with.

Scope of police misconduct.

14. (1) The scope of police misconduct covered by this Act shall include misconduct by way of action or inaction or alleged action or inaction of a police officer suspected to be involved in but is not limited to —
- (a) police corruption and any corrupt conduct including conduct that constitute the offences of soliciting, accepting, offering and giving gratification or bribes within the meaning of the Anti-Corruption Act;
 - (b) commission of criminal offences;
 - (c) failure to follow rules and procedure laid down by law and by the Inspector General of Police;
 - (d) any other matters about which a complaint can be made under the Police Act.

- (2) The misconduct of a police officer may be investigated by the Commission —
- (a) whether or not it also involves participants who are not police officers;
 - (b) whether or not it occurs while the police officer is officially on duty;
 - (c) whether it occurs within or outside Malaysia; or
 - (d) whether or not it occurred before the commencement of this Act.
- (3) Misconduct of a police officer may be dealt with, or continue to be dealt with, under this Act even though any police officer involved has ceased to be a police officer. Accordingly, references in this Act to a police officer extend, where appropriate, to include a former police officer.
- (4) References in provisions of this Act to “serious police misconduct” and “other misconduct” are intended for general guidance and are not intended to indicate a precise distinction between the two concepts.

Assessments, opinions and action.

15. (1) Where it appears to the Commission that any act or omission of the Force or the conduct of a police officer about which or whom a complaint is made to the Commission falls under any of the categories under Section 16, the Commission may subject to subsections (2) and (3), make that conduct the subject of an investigation under this Act.
- (2) In deciding whether to make that conduct the subject of an investigation, the Commission may have regards —
- (a) to such matters as it thinks fit, and
 - (b) to whether, in its opinion
 - (i) the complaint is frivolous, vexatious or not in good faith;
 - (ii) the subject matter of the complaint is trivial;
 - (iii) the conduct complained of occurred at too remote a time to justify investigation;
 - (iv) in relation to the conduct complained of there is or was available to the complainant an alternative and satisfactory means of redress; or
 - (v) the complainant has no interest or an insufficient interest in the conduct complained of.
- (3) In deciding whether to initiate or to discontinue an investigation of police misconduct, the Commission shall have regards to the public interest.

Categories of complaints.

16. (1) The categories of conduct complained of may become the subject of an investigation by the Commission if in the opinion of the Commission, such conduct is —

- (a) contrary to law;
- (b) unreasonable, unjust, oppressive or improperly discriminatory;
- (c) in accordance with any law or established practice but the law or practice is, or may be, unreasonable, unjust, oppressive or improperly discriminatory;
- (d) based wholly or partly on improper motives, irrelevant grounds or irrelevant consideration;
- (e) based wholly or partly on a mistake of law or fact;
- (f) conduct of which reasons should be given but are not given; or
- (g) otherwise wrong.

(2) If the Commission finds after an investigation that the conduct complained of is well founded, the Commission may —

- (a) refer its finding with recommendation to the Disciplinary Authority of the Force if the conduct complained of discloses a disciplinary offence; or
- (b) refer its finding to its Chief Legal Counsel for the purpose of taking legal proceedings in Court against the police officer involved in the complaints.

Co-operation with other agencies.

17. (1) In exercising its investigative functions, the Commission may work in cooperation with other investigation and law enforcement agencies and any state or federal government departments or other persons and bodies as the Commission thinks appropriate.
- (2) For the purpose of this section, other investigation and law enforcement agencies means:
- (a) the Anti-Corruption Agency,
 - (b) the Auditor-General,
 - (c) the Central Bank of Malaysia,
 - (d) the Securities Commission,
 - (e) any police force outside Malaysia, and
 - (f) any other authority or person responsible for the enforcement of laws, whether federal or state.
- (3) In exercising its other functions, the Commission may work in co-operation with educational institutions and such other persons and bodies as the Commission thinks appropriate.
- (4) The Commission may consult with and disseminate intelligence and information to investigative agencies and such other persons and bodies, including any task force and any member of a task force, as the Commission thinks appropriate.

- (5) If the Commission disseminates information to a person or body under this section on the understanding that the information is confidential, the person or body is subject to the secrecy provisions of section 54 in relation to the information.

Evidence and procedure

18. (1) The Commission is not bound by rules or practice of evidence and can inform itself on any matter in such manner as it considers appropriate.
- (2) The Commission shall exercise its functions with as little formality and technicalities as is possible and in particular, the Commission shall accept written submissions as far as is possible and hearings are to be conducted with as little emphasis on the adversarial approach as is possible.
- (3) Despite any proceedings that may be in or before any court, the Commission may —
- (a) commence, continue, discontinue or complete any investigation;
 - (b) furnish reports in connection with any investigation; and
 - (c) do all such acts and things as are necessary or expedient for those purposes.
- (4) If the proceedings before or in any court are proceedings for a criminal offence, the Commission may to the extent to which the Commission thinks it necessary to do so —
- (a) ensure that the right of the accused person to a fair trial is not prejudiced;
 - (b) ensure that, as far as practicable, any hearing or other matters relating to the investigation are conducted in private during the currency of the proceedings; and
 - (c) defer making a report to Parliament in relation to the investigation during the currency of the proceedings.

Task forces.

19. The Commission may, in connection with its functions —
- (a) arrange for the establishment of task forces;
 - (b) seek the establishment of joint task forces with other authorities;
 - (c) cooperate with other task forces;
 - (d) co-ordinate or co-operate in coordinating any such task forces.

Incidental powers.

20. (1) The Commission has power to do all things necessary to be done for or in connection with, or reasonably incidental to, the exercise of its functions.
- (2) Any specific powers conferred on the Commission by this Act are not taken to limit by implication the generality of this subsection (1).

PART V

Investigation and Search

Investigations generally.

21. (1) The Commission may conduct an investigation on its own initiative, on a police complaint made or referred to it, on a police complaint of which it has become aware, or on a report made to it.
- (2) The Commission may conduct an investigation even though no particular police officer or other person has been implicated and even though no police misconduct is suspected.
- (3) The Commission may, in considering whether or not to conduct, continue or discontinue an investigation, have regard to such matters as it thinks fit, including whether or not, in the Commission's opinion —
- (a) the subject-matter of the investigation is trivial;
 - (b) the conduct or matter concerned occurred at too remote a time to justify investigation; or
 - (c) if the investigation was initiated as a result of a police complaint—the complaint was frivolous, vexatious or not in good faith.

Preliminary investigations.

22. (1) A preliminary investigation may be conducted for the purpose of assisting the Commission to discover or identify conduct that might be made the subject of a more complete investigation under this Act, or to decide whether to make particular conduct the subject of a more complete investigation under this Act.
- (2) Nothing in this section affects any other provision of this Act.

Power to obtain information.

23. (1) For the purposes of an investigation, the Commission may, by notice in writing serve on a body corporate or a public body or statutory authority or any officer of such body or authority, requiring the body corporate or the public body or statutory authority or its officer to produce a statement of information.
- (2) A notice under this section —
- (a) must specify or describe the information concerned;
 - (b) must fix a time and date for compliance; and
 - (c) must specify the person, being one of the Commissioners, or any other officer of the Commission to whom production is to be made.
- (3) The notice may provide that the requirement may be satisfied by some other person acting on behalf of the public body or statutory authority or the officer of such body or authority and may, but need not, specify the person or class of persons who may so act.

(4) Any person *who* —

- (a) without reasonable excuse, fail to comply with a notice served on the person under this section; or
- (b) in purported compliance with a notice served on the person or some other person under this section, furnish information knowing it to be false or misleading in a material particular, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Power to obtain documents or other things.

24. (1) For the purposes of an investigation, the Commission may, by notice in writing served on a person, whether or not a public body or a statutory authority or an officer or employee of such body or authority, require the person —
- (a) to attend, at a time and place specified in the notice before a Commissioner specified in the notice; and
 - (b) to produce at that time and place to the Commissioner so specified a document or other thing specified in the notice.
- (2) The notice may provide that the requirement may be satisfied by some other person acting on behalf of the person on whom it was imposed and may, but need not, specify the person or class of persons who may so act.
- (3) A person must not, without reasonable excuse, refuse or fail to comply with a notice served on him under this section.
- (4) Any person who fails, without reasonable excuse, to comply with a notice served under subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Advocates and solicitors to disclose information.

25. (1) Notwithstanding any other written law, an advocate and solicitor shall disclose information available to him in respect of any transaction or dealing relating to any matter or property which is a subject matter of or related to a complaint or investigation under this Act.
- (2) Any person who contravenes subsection (1), commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Legal obligation to give information.

26. (1) Subject to such limitation as is provided under this Act, every person required by a Commissioner to give any information on any subject which it is such Commissioner's duty to inquire into under this Act and which is in that person's power to give, shall be legally bound to give the information.
- (2) Any person who contravenes subsection (1), commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Self-incrimination.

27. (1) This section applies where, under section 23 or 24, the Commission requires a body corporate or any public body or statutory authority or any officer of such body or authority or any person —
- (a) to produce any statement of information, or
 - (b) to produce any document or other thing.
- (2) If the statement, document or other thing tends to incriminate the person and the person objects to production at the time, neither the fact of the requirement nor the statement, document or thing itself, if produced, may be used in any proceedings against the person except in proceedings for an offence against this Act.
- (3) The statement, document or other thing may however be used for the purposes of the investigation concerned, despite any such objection.

Power to enter public premises.

28. (1) For the purposes of an investigation, the Commissioner or an officer of the Commission authorized in writing by the Commissioner may, at any time —
- (a) enter and inspect any premises occupied or used by a public body or statutory authority or an officer or employee of such a body or authority in that capacity;
 - (b) inspect any document or other thing in or on the premises, and
 - (c) take copies of any document in or on the premises.
- (2) The public body or statutory authority or an officer or employee of the body or authority must make available to the Commissioner or authorized officer of the Commission such facilities as are necessary to enable the powers conferred by this section to be exercised.

Injunctions.

29. (1) The High Court may, on application made by the Commission, grant an injunction restraining any conduct in which a person, or an officer or employee of a public body or statutory authority, is engaging or in which such a person appears likely to engage, if the conduct is the subject of, or affects the subject of, an investigation or proposed investigation by the Commission.
- (2) The High Court is not to grant an injunction under this section unless it is of the opinion that:
- (a) the conduct sought to be restrained is likely to impede the conduct of the investigation or proposed investigation, or
 - (b) it is necessary to restrain the conduct in order to prevent irreparable harm being done because of serious police misconduct or suspected serious police misconduct.
- (3) The Commission is not to be required, as a condition for the granting of an injunction under this section, to give any undertakings as to damages.

Powers exercisable whether or not hearings being held.

30. Powers may be exercised under Part V in relation to an investigation whether or not a hearing before the Commission is being held for the purposes of the investigation.

PART V

Hearings and Investigative Powers

Hearings.

31. (1) For the purposes of an investigation, the Commission may hold hearings.
- (2) A hearing shall be conducted by a presiding Commissioner with legal qualifications and at least one other Commissioner as assisting Commissioner as determined by the Chairman.
- (3) At each hearing, the presiding Commissioner shall announce the general scope and purpose of the hearing.
- (4) A person appearing before the Commission at a hearing is entitled to be informed of the general scope and purpose of the hearing, unless the presiding Commissioner is of the opinion that this would seriously prejudice the investigation concerned.
- (5) The Chief Legal Officer or a Legal Counsel may assist the Commission at a hearing.

Public and private hearings.

32. (1) A hearing may be held in public or in private, or partly in public and partly in private, as decided by the presiding Commissioner.
- (2) Without limiting the power of the presiding Commissioner in subsection (1), the presiding Commissioner may decide to hear closing submissions in private from a person appearing before the Commission or a legal practitioner representing such a person, as well as to a closing submission by the Chief Legal Counsel or Legal Counsel.
- (3) In making these decisions, the presiding Commissioner is obliged to have regard to any matters that it considers to be related to the public interest.
- (4) The presiding Commissioner may give directions as to the persons who may be present at a hearing when it is being held in private, and no person shall be present at a hearing in contravention of any such direction.

Right of appearance of affected person.

33. If it is shown to the satisfaction of the Commission that any person is substantially and directly interested in any subject-matter of a hearing, the Commission may authorise the person to appear at the hearing or a specified part of the hearing.

Legal representation.

34. (1) The Commission may, in relation to a hearing, authorise —
- (a) a person giving evidence at the hearing, or

- (b) a person referred to in section 33, to be represented by a legal practitioner at the hearing or a specified part of the hearing.
- (2) The Commission shall give a reasonable opportunity for a person giving evidence at the hearing to be legally represented.
- (3) The Chief Legal Counsel or Legal Counsel appointed by the Commission to assist it may appear before the Commission.

Groups and unincorporated associations.

- 35. (1) Groups and unincorporated associations may be authorised to appear at a hearing or authorised or required to give evidence at a hearing.
- (2) Accordingly, references in sections 33 and 34 to a “person” extend for this purpose to a group or unincorporated association.

Examination and cross-examination of witnesses.

- 36. (1) A person authorised or required to appear at a hearing, or a person’s legal practitioner authorised to appear at a hearing, may, with the leave of the Commission, examine or cross-examine any witness on any matter that the Commission considers relevant.
- (2) The Chief Legal Counsel or a Legal Counsel appointed by the Commission to assist it may examine or cross-examine any witness on any matter that the Commission considers relevant.
- (3) Any witness examined or cross-examined under this section has the same protection and is subject to the same liabilities as if examined by a Commissioner.

Power to summon witnesses and take evidence.

- 37. (1) The Commissioner may summon a person to appear before the Commission at a hearing at a time and place named in the summons —
 - (a) to give evidence, or
 - (b) to produce such documents or other things as are referred to in the summons, or both.
- (2) The Commissioner may, at a hearing, take evidence on oath or affirmation in a form approved by the Commission.
- (3) A witness who has been summoned to attend before the Commission must appear and report himself from day to day unless the witness is excused from attendance or until the witness is released from further attendance by the presiding Commissioner at the hearing.
- (4) A person who, without being so excused or released, fails to appear and report himself, is taken to have failed to appear before the Commission in obedience to the summons and is punishable pursuant to section 77.
- (5) A High Court may, on the application of a Commissioner, issue any summons that a Commissioner is authorised to issue under this section to enable the summons to be given the character of a summons by a judicial officer, for the purposes of service out of jurisdiction.

Arrest of witness.

38. (1) If a person served with a summons to appear before the Commission as a witness fails to attend in answer to the summons, the Commissioner may, on proof by statutory declaration of the service of the summons, issue a warrant for the arrest of the witness.
- (2) The Commissioner may issue a warrant for the arrest of a person whose evidence is desired and is necessary and relevant to an investigation, if the Commissioner is satisfied by evidence on oath or affirmation that it is probable that the person is about to or is making preparations to leave his usual place of residence or the country and the person's evidence will not be obtained by the Commission if the person departs.
- (3) The Commissioner is authorised to administer an oath or affirmation for the purposes of subsection (2).
- (4) A warrant may be issued under subsection (2) after the issue of a summons to the person whose evidence is desired, even though the time named in the summons for the person to attend has not yet passed.
- (5) A warrant under this section authorises the arrest of the witness and his being promptly brought before the Commission and detained in a prison or elsewhere for that purpose until released by the order of a Commissioner.
- (6) A warrant issued under this section may be executed by any police officer, or by any person to whom it is addressed, and the person executing it may use such force as is reasonably necessary for the purpose of entering any premises for the purpose of executing it.

Conditional release of witness.

39. (1) The release of a witness by order of a Commissioner under section 38 (5) may be made subject to one or more of the following conditions or to any other conditions—
- (a) that the witness appear and report himself before the Commission in accordance with the terms of the order unless excused from attendance or until released from further attendance by the presiding Commissioner at the relevant hearing of the Commission, and
- (b) conditions for the purpose of ensuring the further attendance of the witness before the Commission either with the provision of sureties by the witness, the surrender of any passport held by the witness, a requirement as to where the witness is to live, and regular reporting by the witness to the Commission.
- (2) The Commissioner may by order, from time to time, amend, revoke or add to those conditions.

Review by the High Court.

40. (1) A witness who has not been released by the Commissioner under section 38(5) or whose release under that section 39 is subject to one or more conditions may apply to the High Court for a review of the decision not to release or failure to release the witness or of the terms of one or more of those conditions.

- (2) The High Court may affirm or set aside a decision by the Commissioner not to release the witness or any condition imposed by the Commissioner on the release of the witness.
- (3) The High Court may also or instead make any order that the Commissioner may make in relation to the detention or release of the witness.
- (4) The High Court may also exercise the powers conferred by subsection (3) where the Commissioner has not made any decision within a reasonable time on the release of the witness.
- (5) An order of the High Court under this section shall be deemed to be an order of the Commissioner.

Privilege as regards answers, documents, etc.

41. (1) A witness summoned to attend or appearing before the Commission at a hearing is not entitled to refuse:
 - (a) to be sworn or to make an affirmation, or
 - (b) to answer any question relevant to an investigation put to the witness by the Commissioner or other person presiding at a hearing, or
 - (c) to produce any document or other thing in the witness's custody or control that the witness is required by the summons or by the person presiding to produce.
- (2) A witness summoned to attend or appearing before the Commission at a hearing is not excused from answering any question or producing any document or other thing on the ground that the answer or production may incriminate or tend to incriminate the witness, or on any other ground of privilege, or on the ground of a duty of secrecy or other restriction on disclosure, or on any other ground.
- (3) An answer made, or document or other thing produced, by a witness at a hearing before the Commission is not (except as otherwise provided in this section) admissible in evidence against the person in any civil or criminal proceedings, but may be used in deciding whether to make an order for the purpose of any disciplinary proceedings held by the Force.
- (4) Nothing in this section makes inadmissible:
 - (a) any answer, document or other thing in proceedings for an offence against this Act or in proceedings for contempt under this Act; or
 - (b) any answer, document or other thing in any civil or criminal proceedings if the witness does not object to giving the answer or producing the document or other thing irrespective of the provisions of subsection (2); or
 - (c) any document in any civil proceedings for or in respect of any right or liability conferred or imposed by the document or other thing.

Declaration as to objection by witness.

42. The presiding Commissioner at the hearing may declare that all or any classes of answers given by a witness or that all or any classes of documents or other things produced by a witness will be regarded as having been given or produced on objection by the witness, and there is accordingly no need for the witness to make an objection in respect of each such answer, document or other thing.

Reimbursement of expenses of witnesses.

43. A witness attending or appearing before the Commission is to be paid, out of money provided by Parliament, an amount as the Commission determines.

Attendance of prisoner before Commission.

44. (1) If the Commissioner requires the attendance at a hearing before the Commission of a prisoner, the Commissioner may, by order in writing served on the Director General of Prison in whose custody the prisoner is, direct the Director General of Prison to produce the prisoner, or have the prisoner produced, at the time and place stated in the order.
- (2) Such an order is sufficient authority to the Director General of Prison for producing the prisoner or having the prisoner produced, and the prisoner must be produced accordingly.
- (3) A prisoner is, when produced under this section in the actual custody of the Director General of Prison, a prison officer or a police officer, taken to be in lawful custody.
- (4) The Director General of Prison, prison officer or police officer must in due course return the prisoner to the prison.

PART VII

Disciplinary Powers

45. (1) The Commission, upon finding that a police officer is guilty of any misconduct or have committed any disciplinary offences under this Act, and after weighing the seriousness of the misconduct or disciplinary offence, shall have the power to make the following orders—
- (a) caution and discharge the police officer;
- (b) that the police officer so convicted be deprived of one or more good conduct badges and allowances. Such allowance shall cease from the first day of the month following that in which the order of deprivation is made;
- (c) stop the increment or forfeiture of approved service for increment and such order shall specify the period for which such increment is stopped or such approved service if forfeited, as the case may be. Stoppage of increment shall be for a period of not less than three months;
- (d) reduce the rank of a police officer;

- (e) impose a fine not exceeding the amount of one month's basic pay of the offender;
 - (f) severely reprimand the offender; and
 - (g) transfer the offender to other duties; or
 - (h) dismissal.
- (2) An order of the Commission shall take effect from the date of the order and shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed or called in question in any court.
- (3) The Commission may make such regulations, rules and procedures as it deems necessary, for the conduct of any investigation to be conducted under this Part.

PART VIII

Search Warrant, Protection and Secrecy

Issue of search warrant.

46. (1) The Commissioner, on application made to the Commissioner under subsection (2), may issue a search warrant if the Commissioner thinks fit in the circumstances and if satisfied that there are reasonable grounds for doing so.
- (2) An officer of the Commission may apply to the Commissioner for a search warrant if the person has reasonable grounds for believing that there is in or on any premises a document or other thing connected with any matter that is being investigated under this Act or that such a document or other thing may, within the next 72 hours, be brought into or onto the premises.

Authority conferred by search warrant.

47. (1) A search warrant authorises a police officer, or any other person, named in the warrant:
- (a) to enter the premises specified in the warrant;
 - (b) to search the premises for documents or other things connected with any matter that is being investigated under this Act; and
 - (c) to seize any such documents or other things found in or on the premises and deliver them to the Commission.
- (2) If in the course of searching, in accordance with the terms of a search warrant, for documents or other things:
- (a) the person executing the warrant finds a document or other thing that the person believes on reasonable grounds to be evidence that would be admissible in the prosecution of a person for an offence against the law of Malaysia; and
 - (b) the first-mentioned person believes on reasonable grounds that it is necessary to seize the document or other thing in order to prevent its

concealment, loss, mutilation or destruction, or its use in committing such an offence,

the person may seize the document or other thing, and if it is so seized, it is taken for the purposes of this Act to have been seized pursuant to the warrant.

- (3) If a document or other thing is seized pursuant to a search warrant—
- (a) the Commission may retain the document or other thing if, and for so long as, its retention by the Commission is reasonably necessary for the purposes of an investigation to which it is relevant, and
 - (b) if the retention of the document or other thing by the Commission is not, or ceases to be, reasonably necessary for such purposes, the Commission may cause it to be delivered to:
 - (i) the person from whom the document or thing is taken from; or
 - (ii) the Director of Public Prosecutions, with a recommendation as to what action should be taken in relation to the document or other thing.
- (4) A police officer, or a senior Commission investigator, named in and executing a search warrant may search a person found in or on the premises whom the police officer or senior Commission investigator reasonably suspects of having a document or other thing mentioned in the warrant.
- (5) In this section:

“senior Commission investigator” means an officer of the Commission who is designated by the Commissioner as a senior investigator and who is issued by the Commissioner with means of identification as such a senior Commission investigator.

Obstruction of person executing search warrant.

48. A person must not, without reasonable excuse, obstruct or hinder a person executing a search warrant.

Power to intercept communications.

49. (1) Notwithstanding the provisions of any other written law, the Commissioner, if he considers that it is likely to contain any information which is relevant for the purpose of any investigation into an offence under this Act, may, authorise any officer of the Commission—
- (a) to intercept, detain and open any postal article in the course of transmission by post;
 - (b) to intercept any message transmitted or received by any method or form of communications; or
 - (c) to intercept or listen to any conversation by any method or form of communications.
- (2) When any person is charged with an offence under this Act, any information obtained by an officer of the Commission in pursuance of subsection (1),

whether before or after such person is charged, shall be admissible at his trial in evidence.

- (3) An authorisation by the Commissioner under subsection (1) may be given either orally or in writing but if any oral authorisation is given, the Commissioner shall, as soon as practicable, reduce the authorisation into writing.
- (4) A certificate by the Commissioner stating that the action taken by an officer of the Commission in pursuance of subsection (1) had been authorised by him under that subsection shall be conclusive evidence that it had been so authorised, and such certificate shall be admissible in evidence without proof of signature thereof.
- (5) No person shall be under any duty, obligation or liability, or be in any manner compelled, to disclose in any proceedings the procedure, method, manner or means, or any matter related thereto, of anything done under subsection (1) (a), (b) or (c).
- (6) For the purpose of this section —

“postal article” had the same meaning as in the Postal Services Act 1991 [Act 465]

“communications” means any communication, whether between persons and persons, things and things, or persons and things, in the form of sound, data, text, visual images, signals or any other form or any combination of those forms

“intercept” means the aural or other acquisition of the contents of any communications through the use of any electronic, mechanical, or other equipment, device or apparatus.

Protection of witnesses and persons assisting Commission.

50. (1) If it appears to the Commissioner that, because a person is assisting the Commission, the safety of the person or any other person may be prejudiced or the person or any other person may be subject to intimidation or harassment, the Commissioner may make such arrangements as are necessary:
- (a) to protect the safety of any such person; or
 - (b) to protect any such person from intimidation or harassment.
- (2) In this section, a reference to a person who is assisting the Commission is a reference to a person who —
- (a) has appeared, is appearing or is to appear before the Commission to give evidence or to produce a document or other thing;
 - (b) has produced or proposes to produce a document or other thing to the Commission under this Act; or
 - (c) has assisted, is assisting or is to assist the Commission in some other manner.
- (3) Any such arrangements may (but need not) involve the Commissioner directing the Inspector General of Police or a prescribed public body or statutory authority or an officer of such a body or authority —

- (a) to provide any protection referred to in subsection (1);
 - (b) to provide personnel or facilities or both to assist in providing that protection;
or
 - (c) to otherwise assist in the provision of that protection.
- (4) The Inspector General of Police, or such a public body or statutory authority or an officer of such a body or authority, is under a duty to comply with any such direction as far as reasonably possible.
 - (5) Any such arrangements may (but need not) involve the Commissioner making orders applying to a specified person for the purpose of protecting the safety of a person referred to in subsection (1) or of protecting such a person from intimidation or harassment; and such an order is not limited to directions of a kind referred to in subsection (3).
 - (6) Any person who contravenes an order applying to the person under subsection (5) without reasonable excuse commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Restriction on publication of evidence.

51. (1) The Commission may direct that —
 - (a) any evidence given before the Commission;
 - (b) the contents of any document, or a description of any thing, produced to the Commission, or seized under a search warrant issued under this Act;
 - (c) any information that might enable a person who has given or may be about to give evidence before the Commission to be identified or located;
or
 - (d) the fact that any person has given or may be about to give evidence before the Commission, must not be published except in such manner, and to such persons, as the Commission specifies.
- (2) The Commission is not to give a direction under this section unless satisfied that the direction is necessary or desirable in the public interest.
- (3) Any person who makes a publication in contravention of a direction given under this section commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Publication of evidence given at private hearing.

52. (1) A person who was present at a hearing of the Commission held in private must not publish, or permit or allow to be published, any evidence given before the Commission at the hearing or any of the contents of a document produced at the hearing, except to an officer of the Commission or as permitted by the Commission or by the regulations made under this Act.
- (2) Nothing in this section affects section 51, but a person cannot be punished under both sections for the same publication.
- (3) This section does not apply to an officer of the Commission.

Disclosures prejudicing investigations.

53. (1) A person who is required:
- (a) by a notice under section 23 or 24 to produce a document or other thing;
or
 - (b) by a summons under section 38 to give evidence or to produce a document or other thing, must not disclose any information about the notice or summons that is likely to prejudice the investigation to which it relates.
- (2) Subsection (1) does not apply to a notice or summons unless it specifies that information about the notice or summons must not be disclosed.
- (3) A person does not contravene this section if:
- (a) the disclosure is made to an employee, agent or other person in order to obtain information to comply with the notice or summons and the employee, agent or other person is directed not to inform the person to whom the information relates about the matter;
 - (b) the disclosure is made to obtain legal advice or representation in relation to the notice of summons;
 - (c) the disclosure is made for the purposes of, or in the course of, legal proceedings; or
 - (d) the disclosure is made in accordance with guidelines issued by the Commission or in accordance with the regulations.
- (4) A reference in this section to the disclosure of any information about a notice or summons includes a reference to —
- (a) a disclosure about the existence or nature of the notice or summons or of the investigation to which it relates; and
 - (b) a disclosure of any information to a person from which the person could reasonably be expected to infer the existence or nature of the notice or summons or of the investigation to which it relates.

Immunity and undertaking.

54. (1) The Commission may recommend to the Public Prosecutor that a person be granted immunity from prosecution.
- (2) The Commission may recommend to the Public Prosecutor that a person be given an undertaking that:
- (a) an answer, statement or disclosure in proceedings before the Commission;
or
 - (b) the fact of a disclosure or production of a document in proceedings before the Commission,
- will not be used in evidence against the person.
- (3) A reference in this section to proceedings before the Commission includes a reference to a hearing before the Commission or any other investigative activity involving the Commission or an officer of the Commission.

Secrecy.

55. (1) Except for any of the purposes of this Act or for the purpose of any civil or criminal proceedings under any written law, the persons stated in subsection (3) shall not disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.
- (2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.
- (3) This section applies to:
- (a) a person who is or was an officer of the Commission;
 - (b) a person who is or was an advocate and solicitor appointed to assist the Commission or who is or was a person who assists, or performs services for or on behalf of, such an advocate and solicitor in the exercise of the advocate and solicitor's functions as counsel to the Commission, and
 - (c) a person or body referred to in sections 5 to 10 and section 17
- (4) A person to whom this section applies cannot be required:
- (a) to produce in any court any document or other thing that has come into the person's possession, custody or control by reason of, or in the course of, the exercise of the person's functions under this Act; or
 - (b) to divulge or communicate to any court any matter or thing that has come to the person's notice in the exercise of the person's functions under this Act,
- except for the purposes of any disciplinary proceedings under any law made pursuant to Article 132 of the Federal Constitution and section 96 of the Police Act.
- (5) Despite this section, a person to whom this section applies may divulge any such information:
- (a) for the purposes of and in accordance with this Act;
 - (b) for the purposes of:
 - (i) a prosecution;
 - (ii) disciplinary proceedings; or arising out of an investigation conducted by the Commission in the exercise of its functions;
 - (c) in accordance with a direction of a Commissioner or Secretary of the Commission, if the Commissioner or Secretary of the Commission certifies that it is necessary to do so in the public interest; or
 - (d) to any prescribed authority or person as directed by a Commissioner or Secretary of the Commission.
- (6) An authority or person to whom information is divulged under subsection (5), and any person or employee under the control of that authority or person, is subject to the same rights, privileges, obligations and liabilities under subsections

(1), (2) and (3) in respect of that information as if he were a person to whom this section applies and had acquired the information in the exercise of functions under this Act.

(7) In this section:

“court” includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

“produce” includes permit access to.

Secrecy provisions in other Acts.

56. All provisions relating to secrecy in any Acts of Parliament shall not apply to the divulging of information or the production of any document or other thing, pursuant to a requirement made by or under this Act.

PART IX

Provisions relating to Inspector General of Police

Decision of Commission to investigate complaint.

57. (1) The Commission may decide to investigate into any complaints or to take over investigation of any complaint from the Inspector General of Police.
- (2) The Commission may direct the Inspector General of Police to investigate or continue to investigate in complaints relating to lack of action taken by the police.

Termination of police investigations.

58. (1) If the Inspector General of Police is directed under section 57 not to investigate a complaint :
- (a) the Inspector General of Police must not commence any such investigation or, if such an investigation has already commenced, must discontinue the investigation;
 - (b) the Inspector General of Police must take all reasonable steps to ensure that any such investigation is not conducted by a police officer; and
 - (c) the direction not to investigate absolves the Inspector General of Police and other police officers from any duty with respect to crime and the preservation of the peace so far as it relates to that investigation or to the bringing of an offender concerned before the courts to be dealt with according to law.
- (2) Subsection (1) does not prevent an investigation relating to an alleged offence that is conducted in accordance with arrangements made between the Commission and the Inspector General of Police.
- (3) Despite anything to the contrary in this Part, an investigation by the Inspector General of Police may be commenced or resumed if the Commission notifies the Inspector General of Police that it has completed its investigation into the complaint or that it has decided to discontinue the investigation.

Commission not required to disclose

59. Nothing in this Part is to be construed as requiring the Commission to disclose any matter to the Inspector General of Police.

Referral of matter to Inspector General of Police

60. (1) The Commission may, before or after investigating a matter (whether or not the investigation is completed), refer the matter for investigation or action to the Inspector General of Police.
- (2) The Commission may, when referring a matter, recommend what action should be taken by the Force and the time within which it should be taken.
- (3) The Commission may communicate to the Inspector General of Police information that the Commission has obtained during the investigation of conduct connected with the matter.

Report to Commission

61. (1) The Commission may, when referring a matter under section 60 or when investigating into any complaints, require the Inspector General of Police or such other police officer or police officers or such unit or other part of the Force to submit to the Commission, within such time as the Commission directs, a report or reports and the investigation papers in relation to the matter or complaint and the action taken by the Force.
- (2) A report must be of such a nature as the Commission directs.

Further action by the Commission

62. (1) If the Commission is not satisfied that the Force has duly and properly taken action in connection with a matter referred under sections 57, 58 and 59, the Commission must inform the Inspector General of Police of the grounds of the Commission's dissatisfaction and must give the Inspector General of Police an opportunity to comment within a specified time.
- (2) If, after considering any comments received from the Inspector General of Police within the specified time, the Commission is still not satisfied, the Commission may submit a report to the Minister setting out the recommendation concerned and the grounds of dissatisfaction, together with any comments from the Inspector General of Police and the Commission.
- (3) If, after considering any comments received from the Minister within 28 days after the report was submitted to that Minister under subsection (2), the Commission is still of the opinion that the recommendation should be adopted, the Commission may make a report to Parliament.

Responsibility of the Force

63. It is the duty of the Force to comply with any requirement or direction of the Commission under the provisions of this Act.

Revocation of referral, recommendation, etc.

64. (1) The Commission may revoke a referral made under section 60.
- (2) The Commission may revoke or vary a recommendation, requirement or direction of the Commission under 57,58 & 59.
- (3) The Commission may vary any time within which a requirement under sections 57, 58 & 59 is to be complied with.

PART X

Provisions relating to Relevant Authority, Public Prosecutor, Anti-Corruption Agency and Auditor-General

Referral of matter to the Relevant Authority.

65. (1) The Commission may, before or after investigating a matter (whether or not the investigation is completed), refer the matter for investigation or action to any authority or a government or semi-government agency (referred to in this section as the "relevant authority") considered by the Commission to be appropriate in the circumstances.
- (2) The Commission may, when referring a matter, recommend what action should be taken by the relevant authority and the time within which it should be taken.
- (3) The Commission may communicate to the relevant authority any information that the Commission has obtained during the investigation of conduct connected with the matter.
- (4) If the Commission communicates information to a relevant authority under this section, the relevant authority is subject to the secrecy provisions of section 55 in relation to the information.
- (5) The Commission may revoke a referral under this section.

Referral of matter to the Public Prosecutor.

66. (1) The Commission may, before or after investigating a matter (whether or not the investigation is completed) refer a matter to the Public Prosecutor for action under the Anti-Money Laundering Act [Act] or any other written law relating to confiscation or recovery of proceeds of crime.
- (2) The Commission may enter into arrangements with the Public Prosecutor regarding the class or kind of matters that might appropriately be dealt with by the respective parties to the arrangements.
- (3) An arrangement does not prevent any of the parties to it from exercising any of their functions.

Report to Commission.

67. The Commission may, when referring a matter under section 65 and 66, request the relevant authority or the Public Prosecutor to submit to the Commission a report or reports in relation to the matter and the action taken by the relevant authority or the Public Prosecutor.

Further action by Commission

68. (1) If the Commission is not satisfied that the relevant authority or the Public Prosecutor has duly and properly taken action in connection with a matter referred under section 65 & 66, the Commission must inform the relevant authority or the Public Prosecutor of the grounds of the Commission's dissatisfaction and must give the relevant authority or the Public Prosecutor an opportunity to comment within a specified time.
- (2) If, after considering any comments received from the relevant authority or the Public Prosecutor within the specified time, the Commission is still not satisfied, the Commission may submit a report to the Minister responsible for the relevant authority or, in the case of the Public Prosecutor, the Prime Minister, setting out the recommendation concerned and the grounds of dissatisfaction, together with any comments from the relevant authority or the Public Prosecutor and the Commission.
- (3) If, after considering any comments received from the Minister for the relevant authority or the Prime Minister within 28 days after the report was submitted to that Minister for the relevant authority or the Prime Minister under subsection (2), the Commission is still of the opinion that the recommendation should be adopted, the Commission may make a report to Parliament.

Role of relevant authority and the Public Prosecutor.

69. The relevant authority or the Public Prosecutor may deal with a matter referred to under section 65 & 66, in such manner as may be appropriate, having regard to and subject to any statutory requirements applicable.

Arrangements between the Commission and ACA.

70. (1) The Commission and the ACA Director General may enter into arrangements regarding —
- (a) matters about which the ACA will notify the Commission where the ACA suspects police misconduct may exist; and
 - (b) matters about which the Commission will notify the ACA where the Commission suspects corrupt conduct as defined in the Anti-Corruption Act may exist;
 - (c) matters that the ACA will investigate or otherwise deal with where conduct involves both police officers and other officers or employees of a public body or statutory authority; and
 - (d) matters that the Commission will investigate or otherwise deal with where conduct involves both police officers and other officers or employees of a public body or statutory authority.
- (2) The Commission and the ACA are empowered and required to exercise their functions in conformity with any relevant arrangements entered into under this section.

Other roles of ACA not affected.

71. Nothing in this Act prevents the ACA from exercising its educative and advisory roles and all its functions in the Anti-Corruption Act even though they may involve police officers.

Relationship with Auditor-General.

72. The Commissioner may enter into arrangements with the Auditor-General regarding the identity and qualifications (including security clearance) of the persons who will audit the books and accounts of the Commission or exercise any other functions of the Auditor-General in relation to the Commission.

PART XI

Reports by the Commission

Reports on investigations.

73. (1) The Commission may prepare reports in relation to any matter that has been or is the subject of an investigation.
- (2) The Commission shall prepare reports in relation to matters as to which the Commission has conducted a public hearing.
- (3) The Commission shall furnish reports prepared under this section to Parliament as soon as possible after the Commission has concluded its involvement in the matter.
- (4) The Commission may defer making a report under this section if it is satisfied that it is desirable to do so in the public interest.

Content of reports to Parliament.

74. (1) The Commission is authorized to include in a report under section 73:
- (a) statements as to any of its assessments, opinions and recommendations;
and
- (b) statements as to the Commission's reasons for any of its assessments, opinions and recommendations.
- (2) The report must include, in respect of each "affected" person, a statement as to whether or not in all the circumstances the Commission is of the opinion that consideration should be given to the following:
- (a) the prosecution of a person for a specified criminal offence;
- (b) the taking of action against the person for a specified disciplinary offence;
- (c) the taking of action against the person as a police officer on specified grounds, with a view to dismissing, dispensing with the services or otherwise terminating the services of the police officer;
- (d) the taking of reviewable action against the person as a police officer.

- (3) Subsection (2) does not limit the kind of statement that a report can contain concerning any such “affected” person and does not prevent a report from containing a statement described in that subsection in respect of any other person.
- (4) In this section, an “affected” person is a person against whom, in the Commission’s opinion, substantial allegations have been made in the course of or in connection with the investigation concerned.

Special reports.

75. The Commission may, at any time, make a special report to Parliament on any administrative or general policy matter relating to the functions of the Commission.

Annual reports.

76. (1) The Commission shall prepare a report in a particular calendar year within a period of seven (7) months after the year ended on 31 December.
- (2) The Commission shall submit a report to the Yang di-Pertuan Agong who shall cause it to be laid before Parliament at its next meeting.
 - (3) The Commission shall, before submitting the report to the Yang di-Pertuan Agong, submit a copy thereof to the Prime Minister
 - (4) A report by the Commission under this section must include the following —
 - (a) a description of the types of matters that were referred to the Commission;
 - (b) a description of the types of matters investigated by the Commission;
 - (c) an evaluation of the response of the Inspector General of Police, police officers, other relevant authorities and the Public Prosecutor to the findings and recommendations of the Commission;
 - (d) any recommendations for changes in the laws of the country, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions;
 - (e) the general nature and extent of any information furnished under this Act by the Commission during the year to a law enforcement agency;
 - (f) the extent to which its investigations have resulted in prosecutions or disciplinary actions;
 - (g) the number of search warrants issued by the Commissioner or the Secretary of the Commission respectively under this Act in that year;
 - (h) a description of its activities during that year in relation to its educating and advising functions.

Reports relating to authorities.

77. (1) The Commission may furnish to Parliament a report setting out a recommendation referred to in sections 62 and 68 which it is of the opinion should be adopted and the reasons for its opinion.

- (2) Such a report must not be furnished until after the period of 28 days referred to in subsection 62 (3) and subsection 68(3) has passed.

Provisions relating to reports.

77. (1) A copy of a report furnished to Parliament under this Part shall to be laid before Parliament at its next meeting.
- (2) In the case of a report of the Commission, the Commission may include in it a recommendation that the report be made public.
- (3) If a report includes a recommendation that the report be made public, Parliament may make it public whether or not Parliament is in session and whether or not the report has been laid before Parliament.
- (4) If such a report is made public by Parliament before it is laid before Parliament, it attracts the same privileges and immunities as if it had been laid before Parliament.
- (5) Parliament need not inquire whether all or any conditions precedent have been satisfied as regards a report purporting to have been made and furnished in accordance with this Act.
- (6) Notwithstanding the provisions of this section and sections 75 and 76, the Commission may at any time submit a report to the Yang di-Pertuan Agong upon any matters arising out of the performance of any of its duties or the exercise of any of its powers under this Act or under any written law, and shall also submit a copy of any such report to the Prime Minister.

PART XI

Offences

Obstruction of Commission

79. Any person who —
- (a) without reasonable excuse, wilfully obstructs, hinders, resists or threatens the Commission or an officer of the Commission, in the exercise of the functions under this Act;
- (b) without reasonable excuse, refuses or wilfully fails to comply with any lawful requirement of the Commission or an officer of the Commission, under this Act;
- (c) wilfully makes any false statement to or misleads, or attempt to mislead, the Commission or an officer of the Commission, in the exercise of the functions under this Act; or
- (d) disrupts a hearing before the Commission, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

Public and private hearings.

80. A person who is present at a hearing in contravention of section 32 (4) commits an offence and is liable upon conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

Failure to attend, etc.

81. (1) A person summoned to attend, or appearing before the Commission at a hearing must not, without reasonable excuse, fail:

(a) to attend before the Commission in accordance with the summons;

(b) to be sworn or to make an affirmation;

(c) to answer any question relevant to an investigation put to the person by the Commissioner or other person presiding at the hearing; or

(d) to produce any document or other thing in the person's custody or control that the person is required by the summons or by the presiding Commissioner to produce.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

(3) It is a defence to a prosecution for failing without reasonable excuse to produce a document or other thing if the defendant establishes that the document or other thing is not relevant to an investigation.

(4) Any person who without reasonable excuse fails to comply with a condition to which the release of the person under section 39 is made commits an offence and on conviction is liable to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

False or misleading evidence.

82. Any person who, at a hearing before the Commission, gives evidence that is, to the knowledge of the person, false or misleading in a material particular commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

Offences relating to documents or other things.

83. (1) Any person who, knowing that any document or other thing is or may be required in connection with an investigation, wilfully destroys it or renders it incapable of identification or, in the case of a document, renders it illegible, indecipherable or unusable, with intent to prevent it from being used in connection with the investigation, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

(2) Any person who, with intent to delay or obstruct the carrying out by the Commission of any investigation:

- (a) destroys or alters any document or other thing relating to the subject-matter of the investigation; or
 - (b) sends or attempts to send, or conspires with any other person to send, out of Malaysia any such document or other thing, or any property of any description belonging to or in the disposition of or under the control of any person whose affairs are the subject-matter of the investigation, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.
- (3) Any person who, with intent to delay or obstruct the carrying out by the Commission of any investigation, or with intent to mislead the Commission, fabricates any document or other thing commits an offence, if the document or other thing is produced in evidence to the Commission or is produced in purported compliance with a requirement under section 23 or 24 and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.
- (4) If in any prosecution for an offence under subsection (2) it is proved that the person charged with the offence has destroyed or altered any document or other thing, or has sent or attempted to send, or conspired to send, out of Malaysia any such document or other thing, the onus of proving that in so doing the person had not acted in contravention of this section is on the person.

Procuring false testimony by witness.

84. A person who procures or causes or attempts or conspires to procure or cause:

- (a) the giving of false testimony at a hearing before the Commission; or
- (b) in purported compliance with a notice served on any person under section 23, the furnishing of information that is, to the knowledge of the person so served, false or misleading in a material particular, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both

Bribery of witness.

85. A person who —

- (a) gives, confers or procures, or promises to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, on or for any person, on any agreement or understanding that any person called or to be called as a witness before the Commission will give false testimony or withhold true testimony;
- (b) attempts by any means to induce a person called or to be called before the Commission to give false testimony or to withhold true testimony; or
- (c) asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or herself, or for any other person, on any agreement or understanding that any person will as a witness before the Commission give false testimony or commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

Fraud on witness.

86. A person who practices any fraud or deceit on, or knowingly makes or exhibits any false statement, representation or writing to, any person-
- (a) called or to be called as a witness before the Commission with intent to affect the testimony of that person as a witness; or
 - (b) required to comply with a notice under section 23 or 24 with intent to affect that person's compliance with the notice, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

Preventing witness from attending and threats to witnesses.

87. (1) Any person who —
- (a) wilfully prevents or wilfully endeavours to prevent any person who has been summoned to attend as a witness before the Commission from attending as a witness or from producing anything in evidence pursuant to a summons to attend; or
 - (b) threatens to do or cause, or does or causes, any injury or detriment to any person intending to influence a person summoned as a witness before the Commission to give false testimony or to withhold true testimony or to not attend as a witness or not produce anything in evidence pursuant to a summons to attend, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.
- (2) Any person who —
- (a) wilfully prevents or wilfully endeavours to prevent any person from complying with a requirement under section 23 or 24; or
 - (b) threatens to do or cause, or does or causes, any injury or detriment to any person intending to influence a person to not comply with a requirement under section 23 or 24, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.
- (3) A reference in subsection (1) to a person who has been summoned to attend as a witness before the Commission includes a reference to a person who is in detention under a warrant under section 38 (5) or who, having been released under that subsection on condition that the person appear and report himself or herself before the Commission, is still subject to that condition.

Injury to witness or person assisting Commission.

88. (1) Any person who uses, causes, inflicts or procures any violence, punishment, damage, loss or disadvantage to any person for or on account of —
- (a) his assisting the Commission; or
 - (b) any evidence given by him before the Commission, commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

- (2) In this section, a reference to a person assisting the Commission is a reference to a person who:
- (a) has appeared, is appearing or is to appear as a witness before the Commission; or
 - (b) has complied with or proposes to comply with a requirement under section 23 or 24; or
 - (c) has assisted, is assisting or is to assist the Commission in some other manner.

Dismissal of witness, or person assisting Commission, by employer.

89. (1) An employer who dismisses any employee from his employment, or prejudices any employee in his employment, for or on account of the employee assisting the Commission commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.
- (2) In this section, a reference to a person assisting the Commission is a reference to a person who:
- (a) has appeared, is appearing or is to appear as a witness before the Commission; or
 - (b) has complied with or proposes to comply with a requirement under section 23 or 2; or
 - (c) has assisted, is assisting or is to assist the Commission in some other manner.
- (3) In any proceedings for an offence against this section, the onus lies on the employer to prove that any employee shown to have been dismissed or prejudiced in his employment was so dismissed or prejudiced for some reason other than the reasons mentioned in subsection (1).

Impersonation of officer of Commission.

90. (1) Any person who directly or indirectly represents that he is an officer of the Commission when that person is not such an officer commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.
- (2) For the purposes of subsection (1), a person represents that he is an officer of the Commission if the person does or says anything, or causes, permits or suffers anything to be done or said, whereby it is represented, or whereby a belief may be induced, that he is an officer of the Commission.

Bribery of officer of Commission.

91. (1) Any officer of the Commission who corruptly asks for, receives or obtains, or agrees to receive or obtain, any money, property or benefit of any kind for himself , or for another person —

- (a) to forgo or neglect his or her duty, or influence him or her, in the exercise of his or her functions as an officer of the Commission; or
- (b) on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the exercise of those functions; or
- (c) to use, or take advantage of, his or her position as an officer of the Commission in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, another person.

commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

- (2) Any person who corruptly gives to, confers upon, or procures for, or promises or offers to give to, confer upon, or procure for, or attempts to procure for, an officer of the Commission, or for any other person, any money, property or benefit of any kind —

- (a) for the person who has those functions to forgo or neglect his or her duty, or to influence him or her in the exercise of his or her functions as an officer of the Commission;
- (b) on account of anything already done, or omitted to be done, by him or her in the exercise of those functions; or
- (c) for the officer of the Commission to use or take advantage of his or her position as such an officer in order improperly to gain a benefit or advantage for, or facilitate the commission of an offence by, the person first referred to in this subsection.

commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.

Contempt

- 92. (1) Any person who —

- (a) having been served with a summons to attend before the Commission as a witness, fails to attend in obedience to the summons;
- (b) having been released under section 38 (5) on condition (under section 39 (1) (a)) that the person appear and report himself before the Commission, fails so to appear and report;
- (c) having been served with a summons to attend before the Commission, fails to produce any document or other thing in the person's custody or control that the person is required by the summons to produce;
- (d) being called or examined as a witness before the Commission, refuses to be sworn or to make an affirmation or refuses or otherwise fails to answer any question put to the person by the Commissioner or any person having the authority to question at the hearing;
- (e) wilfully threatens or insults:

- (i) the Commissioner or another officer of the Commission;
 - (ii) an advocate and solicitor appointed to assist the Commission as counsel;
 - (iii) any witness or person summoned to attend before the Commission;
or
 - (iv) an advocate and solicitor or other person authorized to appear before the Commission;
- (f) misbehaves himself before the Commission;
- (g) interrupts the proceedings of the Commission;
- (h) obstructs or attempts to obstruct the Commission, the Commissioner or a person acting with the authority of the Commission or the Commissioner in the exercise of any lawful function;
- (i) does any other thing that, if the Commission were a court of law having power to commit for contempt, would be contempt of that court;
- (j) publishes, or permits or allows to be published, any evidence given before the Commission or any of the contents of a document produced at a hearing which the Commission has ordered not to be published; or
- (k) publishes, or permits or allows to be published, any evidence given before the Commission at a hearing held in private or any of the contents of a document produced at a hearing held in private, except to an officer of the Commission or as permitted by the Commission or by the regulations,

commits an act of contempt.

(2) Paragraph (1) (k) does not apply to an officer of the Commission.

Punishment of contempt.

93. (1) Any person who commits an act of contempt as defined in section 92 against the Commissioners or any of them or the officer of the Commission commits an offence and is liable on conviction to a fine not exceeding two thousand ringgit or imprisonment for a term not exceeding three months or to both.

Manner of dealing with contempt.

94. (1) Where an act of contempt is committed in the presence of the Commissioners sitting in Commission, the Commissioners may, after hearing the offender in his defence, pass sentence upon him forthwith in accordance with section 93.

(2) In any other case the Commissioners may summon the offender to appear before them at a time and place to be specified in the summons, there to show cause why he should not be judged to have committed an act of contempt and be dealt with in accordance with section 93.

(3) If any person who has been summoned in accordance with subsection (2) fails to attend at the time and place specified in the summons, the Commissioners may issue a warrant to compel the attendance of such person.

PART XIII

General and Transitional Provisions

Functions of Commission where the employee of a public body or statutory authority is involved.

95. (1) The Commission cannot investigate or otherwise deal with a matter involving the conduct of an employee of a public body or statutory authority if the matter does not also involve the conduct of police officers.
- (2) The Commission may investigate and otherwise deal with a matter involving the conduct of an employee of a public body or statutory authority, provided this is done in the context of matters that also involve police officers.

Complaints by officers or employees of a public body or statutory authority.

96. (1) An officer or employee of a public body or statutory authority may complain to the Commission (orally or in writing) about the conduct of a police officer.
- (2) In this section:
- “conduct” includes conduct by way of action or inaction or alleged action or inaction.

Protection from liability.

97. (1) A matter or thing done or omitted to be done by the Commission, the Commissioner, or any person acting under the direction of the Commission, or Commissioner does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, subject the Commissioner, or a person so acting personally to any action, liability, claim or demand.
- (2) An advocate and solicitor assisting the Commission or representing a person before the Commission has the same protection and immunity as an advocate and solicitor appearing for a party in proceedings in the Court.
- (3) Subject to this Act, a person summoned to attend or appearing before the Commission as a witness, or producing a document or other thing to the Commission, has the same protection as a witness in proceedings in the Court.
- (4) No criminal or civil liability (apart from this Act) attaches to a person for compliance, or purported compliance in good faith, with any requirement made under this Act; in particular, if a person gives any statement of information or produces any document or other thing under section 23 or 24, no civil liability attaches to the person for doing so, whether that liability would arise under a contract or otherwise.

Service of documents.

98. For the purposes of this Act, service of a document on a person may be effected:
- (a) on a natural person:
- (i) by delivering it to the person personally; or

- (ii) by leaving it at, or by sending it by pre-paid post to, the residential or business address of the person last known to the person serving the document; or
- (b) on a body corporate — by leaving it at, or by sending it by pre-paid post to, the head office, a registered office or a principal office of the body corporate, or in any other way in which service could have been effected had this section not been enacted.

Penalties for offences committed by corporations.

99. Where a body corporate convicted of an offence against this Act or the regulations is (except in so far as other provision is made by section 99) the body corporate is liable to the maximum penalty of double the pecuniary penalty otherwise applying to the offence.

Proceedings for offences.

100. (1) Notwithstanding the provisions in Chapter XXXVII of the Criminal Procedure Code, the Commission shall have the power to institute, conduct or discontinue any proceedings for an offence commenced by it.
- (2) Except where otherwise expressly provided by this Act, proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Court of appropriate jurisdiction.

Exercise of functions by Police Officers.

101. (1) A police officer may not exercise investigative, surveillance or enforcement functions under or for the purposes of this Act unless expressly authorized to do so by the Commission.

Regulations.

102. (1) The Commission may, with the approval of the Prime Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1) regulations may be made for all or any of the following purposes:
- (a) the appointment, conditions of employment, discipline, code of conduct and termination of employment of staff of the Commission;
 - (b) security checks of officers of the Commission and applicants for appointment or engagement as officers of the Commission;
 - (c) the service of a notice to an occupier whose premises are entered under a search warrant;
 - (d) the issue of identity cards to officers of the Commission and their use;
 - (e) the use and custody of the seal of the Commission;
 - (f) providing generally for the performance of the functions, the exercise of the powers and the discharge of duties of the Commission under the provisions of this Act.

(3) Regulations under this section:-

(a) may provide that any act or omission in contravention of any provision of such regulations shall be an offence;

(b) may provide for the imposition of penalties for such offences or may allow such offences to be compounded.

Continuity with Royal Commission of Police.

103. (1) The Commission may exercise any of its functions under this Act in relation to anything done or omitted to be done by, to or in relation to the Royal Commission of Police.

(2) Without limiting subsection (1) or any other power of the Commission, the Commission may continue any investigation or other matter commenced but not completed by the Royal Commission of Police, and may for this purpose adopt any evidence taken or assessments made by the Royal Commission of Police.

(3) Accordingly, this Act has effect, for the purposes of this clause, with any necessary adaptations and with such modifications as may be prescribed by the regulations made under this Act.

(4) To advise and assist the Government in formulating or amending or deleting any legislation recommended by the Royal Commission of Police.

Records of Royal Commission of Police.

104. (1) In this section:

“**dissemination**” of record included permanently parting with the possession of the record itself or any part of it;

“**possession**” includes custody or control;

“**record**” includes any document or thing (including a videotape, audiotape, computer disk, computer tape, computer program, or other electronic material), and includes any information contained in it or on it;

“**transferred record**” means any record of the Royal Commission of Police that was in the possession of the Commissioners of the Royal Commission of Police or any officer of the Royal Commission of Police and that has come, whether before or after the commencement of this clause, into the possession of the Commission, but does not include a record or class of records that is prescribed by the regulations as excluded from this clause.

(2) A transferred record is taken at all times and for all purposes to have come lawfully into the possession of the Commission, and the possession of the record by the Commission is taken for all purposes to be lawful.

(3) No civil or criminal liability attaches to, or is taken to have attached to, any person in connection with any act or omission involved in the giving to the Commission, or the receiving by the Commission, of a transferred record.

- (4) Nothing in this section prevents a transferred record from being disposed of or otherwise dealt with in any manner that would be available if this section had not been enacted.

First Schedule

(Section 5)

Provisions relating to Chairman, Deputy Chairman and other Commissioners

Eligibility for appointment.

1. (1) A person is not eligible to be appointed as chairman or deputy chairman of the Commission unless the person has for the ten years preceding his appointment he has been an advocate and solicitor of those courts or any of them or a member of the judicial and legal service of the Federation or of the legal service of a State, or sometimes one and sometimes another.
- (2) A person is not eligible to be appointed as Commissioner or to act in that office if the person is a member of a House of Parliament or a member of a State Legislature of any State or holds or had held office as a member of the Force.
- (3) A Commissioner may at any time resign his office by letter addressed to the Prime Minister.
- (4) A Commissioner shall, before assuming the duties and responsibilities of his office, make in such manner as he may declare to be most binding on his conscience before the Yang di-Pertuan Agong such declaration as may be prescribed by the Prime Minister.

Basis of office.

2. (1) The office of the Chairman and the two Deputy Chairman are a full-time office.
- (2) The Commissioners, other than the Chairman and the Deputy Chairmen, are required to hold the office for such period and upon such terms and conditions as may be specified in the instrument of appointment.

Terms of office.

3. (1) Subject to this Schedule, a Commissioner holds office for a term not exceeding 3 years as may be specified in the instrument of appointment, but is eligible for re-appointment.
- (2) A person may not hold the office of Commissioner for more than 2 terms consecutively.
- (3) The appointment of the Chairman of the Commission shall be for a term not exceeding three years but he may be eligible for re-appointment at the end of his term of office.

Remuneration.

4. (1) The Prime Minister may determine such amounts as he may deem fit towards the payment of any remuneration, pension, allowance or gratuity to or in respect of the Chairman and the two Deputy Chairmen.
- (2) Where a Commissioner ceases, otherwise than on the expiry of his term of office, to hold office as a Chairman, a Deputy Chairman or a member of the Commission, the Prime Minister may direct the Commission to make a payment to that person of such amount as the Prime Minister may determine.
- (3) A person shall hold office as an ordinary member of the Commission in accordance with the terms of his appointment.
- (4) An appointment as an ordinary member may be to whole or to part time membership of the Commission.
- (5) A Commissioner shall be paid such travelling and subsistence allowances as the Prime Minister may from time to time determine.

Commissioner to devote time to business of the Commission.

5. Every Commissioner shall devote such time to the business of the Commission as may be necessary to discharge his duties effectively.

Vacancy in office.

6. (1) The office of a Commissioner becomes vacant if the holder:
 - (a) dies;
 - (b) completes a term of office and is not re-appointed;
 - (c) resigns the office by instrument in writing addressed to the Prime Minister;
 - (d) is nominated for election as a member of a House of Parliament or a State Legislature of any State;
 - (e) becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
 - (f) becomes a mentally incapacitated person or is otherwise incapable of discharging his duties;
 - (g) is convicted of —
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than three months;
 - (h) absents himself from three consecutive meetings of the Commission without leave of the Chairman; or

(i) is removed from office under subclause (2).

- (2) A Commissioner shall, during the period of his appointment as set out in the instrument of appointment, hold office at the pleasure of the Yang di-Pertuan Agong, subject to the advice of the Prime Minister.

Filling of vacancy.

7. Where any person ceases to be a member of the Commission by reason of any of the provisions of this Act, the Yang di-Pertuan Agong may appoint another person to fill the vacancy.

Meetings.

8. (1) The Commission shall meet at least once in every month at such time and place as may be appointed by the Chairman.
- (2) The Chairman shall preside at a meeting of the Commission.
- (3) The quorum of the Commission shall be four.
- (4) Every member of the Commission present shall be entitled to one vote.
- (5) If on a question to be determined by the Commission there is an equality of votes, the Chairman shall have a casting vote.
- (6) The Commission may invite any other person to attend any meeting or discussion of the Commission for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the meeting or discussion.

Common seal.

9. (1) The Commission shall have a common seal which shall bear such device as the Commission shall approve and such seal may be broken, changed, altered or made anew as the Commission may think fit.
- (2) Until a seal is provided by the Commission, a stamp bearing the words "Police Complaints and Misconduct Commission" may be used and shall be deemed to be the common seal of the Commission.
- (3) The common seal shall be kept in the custody of the Secretary of the Commission or such other person as may be authorised by the Chairman and shall be authenticated by the Secretary or such authorised person or by any officer authorised by either the Secretary or the Chairman in writing; and all deeds, documents or other instruments purporting to be sealed with that seal, authenticated as specified in this subparagraph, shall, until the contrary is proved, be deemed to have been validly executed.
- (4) Notwithstanding subparagraph (3), any document or instrument which if executed by a person who is not a body corporate would not be required to be under seal may in like manner be executed by the Commission and any such document or instrument may be executed on behalf of the Commission by any officer or servant of the Commission.
- (5) The common seal of the Commission shall be officially and judicially noticed.

Disclosure of interest.

10. A Commissioner having, directly or indirectly, by himself or his spouse any interest in any proceedings or inquiry before the Commission shall disclose to the Commission the fact and the nature of his interest and such disclosure shall be recorded in the minutes or notes of proceedings of the Commission and, unless specifically authorized by the chairman, such Commissioner shall take no part in any discussion, hearing or decision of the Commission relating to the matter.

Notes of proceedings and minutes.

11. (1) The Commission shall cause notes of proceedings of all inquiries and minutes of all its meetings to be maintained and kept in a proper form.
- (2) Any notes of proceedings or minutes made of a meeting of the Commission shall, if duly signed, be admissible in evidence in all legal proceedings without further proof.
- (3) Every meeting of the Commission in respect of the proceedings of which notes of proceedings or minutes have been made in accordance with subparagraphs (1) and (2) shall be deemed to have been duly convened and held and all Commissioners thereat to have been duly qualified to act.

Validity of acts and proceedings.

12. No act done or proceeding taken under this Act shall be questioned or invalidated on the ground of —
 - (a) any vacancy in the membership of, or any defect in the constitution of, the Commission; or
 - (b) any omission, defect or irregularity not affecting the merits of the case.

Procedure.

13. Subject to this Act, the Commission shall determine its own procedure.

SECOND SCHEDULE

(SECTION 13)

Other Functions of the Commission.

The functions of the Commission include the following —

- (a) to assemble evidence that may be admissible in the prosecution of a person for a criminal offence and to carry out such prosecution;
- (b) to gather and assemble evidence that may be used in the investigation of a police complaint;
- (c) to receive and assess all matters not completed by the Royal Commission of Police, to treat any investigations or assessments of the Royal Commission of

Police as its own, to initiate or continue with investigation of any such matters where appropriate, and otherwise to deal with those matters under this Act, and to deal with records of the Royal Commission of Police as provided by this Act;

- (d) to assemble evidence that may be admissible in the disciplinary proceedings of a police officer before the Disciplinary Authority;
- (e) to furnish evidence obtained in the course of the investigations, being evidence that may be admissible in the prosecution of a person other than a police officer for a criminal offence or a disciplinary offence to the Public Prosecutor or to the relevant authority concerned;
- (f) to undertake inquiries into or audits of any aspect of police activities for the purpose of ascertaining whether there is police misconduct or any circumstances that may be conducive to police misconduct, in particular, to monitor the quality of the management of investigations conducted within the Force and to undertake audits of those investigations;
- (g) to make recommendations concerning police corruption, education programmes, police corruption prevention programmes, and similar programmes, conducted within the Force or by the Anti-Corruption Agency;
- (h) to advise police and other authorities on ways in which police misconduct may be eliminated; and
- (i) to monitor and report on the conduct and effectiveness of the internal audits of the Force.

DIARY

**ACTIVITIES OF THE
ROYAL COMMISSION
TO ENHANCE THE
OPERATION AND
MANAGEMENT OF
THE ROYAL
MALAYSIA POLICE**

DIARY

ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : FEBRUARY 2004

Date	Day	Programme
4	Wednesday	❖ The Establishment of The Special Commission To Enhance The Operation And Management Of The Royal Malaysia Police under the Commission Of Enquiry Act 1950 (Act 119).
11	Wednesday	❖ 10.00 a.m. - Meeting of the Special Commission (No.1/2004) at the Ministry of Home Affairs, Putrajaya.
16	Monday	❖ 10.00 a.m. - Briefing by the Royal Malaysia Police (PDRM) on the Organisational Structure of the Special Commission (Session 1) at Bukit Aman, Kuala Lumpur.
19	Thursday	❖ 3.00 p.m. - Meeting of Tun Chairman with the Chief Editors and Editors of the daily newspapers at the Information Service Department.
24	Tuesday	❖ 10.00 a.m. - Briefing by PDRM on the Organisational Structure of the Special Commission (Session 2) at Bukit Aman, Kuala Lumpur. ❖ 2.00 p.m. - Visit to the Dang Wangi Police District Headquarters and Jalan Travers Police Station, Kuala Lumpur.
26	Thursday	❖ 10.00 a.m. - Meeting of the Special Commission (No.2/2004) at the Ministry of Home Affairs, Putrajaya.

DIARY

ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : MARCH 2004

Date	Day	Programme
1	Monday	❖ 2.30 p.m. - Discussion between the Chairman Y.A.Bhg. Tun Dzaidin, Tan Sri Datuk Zaki, Tan Sri Dato' Lee Lam Thye and the Secretary of the Commission on the formation of the Working Groups.
4	Thursday	❖ 10.00 a.m. - Briefing by the Anti-Corruption Agency and the Public Complaints Bureau at PWTC, Kuala Lumpur. ❖ 2.30 p.m. - Public Inquiry (No.1) at PWTC, Kuala Lumpur.
8	Monday	❖ 3.00 p.m. - Meeting of Working Group 'B' (No.1/2004) at MAS Building, Kuala Lumpur.
11	Thursday	❖ 9.00 a.m. - Meeting of the Special Commission (No.3/2004) at PWTC, Kuala Lumpur. ❖ 11.30 a.m. - Public Inquiry (No.2) at PWTC, Kuala Lumpur and the handing over of a Memorandum by Police Watch and Human Rights Committee.
15	Monday	❖ 9.00 a.m. - Meeting of Working Group 'A' (No.1/2004) at Wisma Genting, Kuala Lumpur.
18	Thursday	❖ 9.00 a.m. - Meeting of Working Group 'A' (No.2/2004) at Wisma Genting, Kuala Lumpur.
20	Saturday	❖ 9.00 a.m. - Meeting of Working Group 'A' (No.3/2004) at Wisma Genting, Kuala Lumpur.
23	Tuesday	❖ 4.10 p.m. - Announcement of Public Inquiry (No.3) by the Secretary of the Commission via Radio Malaysia Shah Alam.
24	Wednesday	❖ 2.30 p.m. - Meeting of Working Group 'C' (No.1/2004) at the office of Tan Sri Zaki Tun Azmi.
25	Thursday	❖ 9.00 a.m. - Meeting of the Special Commission (No.4/2004) at Hotel Grand Bluewave, Shah Alam, Selangor. ❖ 11.30 a.m. - Public Inquiry (No.3) at Hotel Grand Bluewave Shah Alam, Selangor. ❖ 4.30 p.m. - Visit to the lockup and quarters of Shah Alam Police District Headquarters, Selangor.
30	Tuesday	❖ 9.00 a.m. - Discussion between the Special Commission's Chairman and the Inspector General of Police and Deputy Inspector General Police at Menara Bursa, Kuala Lumpur. ❖ 2.15 p.m. - Announcement of Public Inquiry (No.4) by the Secretary of the Commission via Radio Malaysia Pulau Pinang. ❖ 4.45 p.m. - Announcement of Public Inquiry (No.5) by the Secretary of the Commission via Radio Malaysia Johor.

DIARY

ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : APRIL 2004

Date	Day	Programme
1	Thursday	❖ 9.00 a.m. - Public Inquiry (No.4) at Hotel City Bayview, Pulau Pinang. ❖ 9.00 a.m. - Public Inquiry (No.5) at Hotel Puteri Pan Pacific, Johor Baharu, Johor.
5	Monday	❖ 3.00 p.m. - Meeting of Working Group 'B' (No.2/2004) at MAS Building, Kuala Lumpur. ❖ 4.30 p.m. - Announcement of Public Inquiry (No.6) by the Secretary of the Commission via Radio Malaysia Sabah.
6	Tuesday	❖ 12.00 p.m. - Announcement of Public Inquiry (No.7) by the Secretary of the Commission via Radio Malaysia Sarawak.
8	Thursday	❖ 9.00 a.m. - Public Inquiry (No.6) at Hotel Promenade, Kota Kinabalu, Sabah. ❖ 9.00 a.m. - Public Inquiry (No.7) at Hotel Hilton, Kuching, Sarawak.
15	Thursday	❖ 9.00 a.m. - Meeting of the Special Commission (No.5/2004) at the Ministry of Home Affairs, Putrajaya. ❖ Official name of the Commission changed from " Special Commission " to " Royal Commission ."
19	Monday	❖ 3.00 p.m. - Meeting of Working Group 'B' (No.3/2004), at MAS Building, Kuala Lumpur.
20	Tuesday	❖ 4.35 p.m. - Announcement of Public Inquiry (No.9) by the Secretary of the Royal Commission via Radio Malaysia Pahang.
21	Wednesday	❖ 12.30 p.m. - Announcement of Public Inquiry (No.8) by the Secretary of the Royal Commission via Radio Malaysia Melaka.
22	Thursday	❖ 9.00 a.m. - Public Inquiry (No.8) at Hotel Equatorial, Melaka. ❖ 9.00 a.m. - Public Inquiry (No.9) at Hotel M.S. Garden, Kuantan, Pahang.
26	Monday	❖ 11.20 a.m. - Announcement of Public Inquiry (No.10) and (No.11) by the Secretary of the Royal Commission via Radio Malaysia Kedah.
27	Tuesday	❖ 3.00 p.m. - Courtesy call by the Chairman and Secretary of The Royal Commission to the Honourable Prime Minister at the Prime Minister's Department.
28	Wednesday	❖ 7.30 a.m. - Chairman of Royal Commission, Y.A.Bhg. Tun Dzaidin's interview with MHI TV3.
29	Thursday	❖ 9.00 a.m. - Public Inquiry (No.10) at Hotel Holiday Villa, Alor Setar, Kedah. ❖ 9.00 a.m. - Public Inquiry (No.11) at Hotel Casuarina, Ipoh, Perak.

DIARY

ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH: MAY 2004

Date	Day	Programme
6	Thursday	❖ 10.00 a.m. - Discussion between members of the Royal Commission and Inspector General of Police and Deputy Inspector General of Police at the Ministry of Internal Security, Putrajaya.
10	Monday	❖ 12.00 p.m. - 'Luncheon Talk' by Interpol Group of Experts on Corruption at Hotel Concorde, Shah Alam, Selangor.
11	Tuesday	❖ 10.15 a.m. - Announcement of Public Inquiry (No.12) by the Secretary of the Royal Commission via Radio Malaysia Kelantan.
12	Wednesday	❖ 9.30 a.m. - Announcement of Public Inquiry (No.13) by the Secretary of the Royal Commission via Radio Malaysia Terengganu.
13	Thursday	❖ 9.00 a.m. - Public Inquiry (No.12) at Hotel Renaissance, Kota Bharu, Kelantan. ❖ 9.00 a.m. - Public Inquiry (No.13) at Hotel Grand Continental, Kuala Terengganu, Terengganu.
20	Thursday	❖ 9.30 a.m. - The launching of The Royal Commission's office at Wisma Selangor Dredging, Kuala Lumpur. ❖ 11.30 a.m. - Briefing by the Malaysian Maritime Enforcement Agency (MMEA). ❖ 2.30 p.m. - Briefing and handing over of Memoranda by Non-Governmental Organizations –Malaysian Bar Council, Suara Rakyat Malaysia (SUARAM), Gerakan Mansuhkan ISA (GMI), Asia Pacific Strategic Alliance (APSA) and Angkatan Belia Islam Malaysia (ABIM) to the Royal Commission.
25	Tuesday	❖ 4.40 p.m. - Announcement of Public Inquiry (No.14) by the Secretary of the Royal Commission via Radio Malaysia Perlis.
26	Wednesday	❖ 12.30 p.m. - Announcement of Public Inquiry (No.15) by the Secretary of the Royal Commission via Radio Malaysia Negeri Sembilan.
27	Thursday	❖ 9.00 a.m. - Public Inquiry (No.14) at Hotel Holiday Villa, Kangar, Perlis. ❖ 9.00 a.m. - Public Inquiry (No.15) at Hotel Seri Malaysia, Seremban, Negeri Sembilan.

DIARY

ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : JUNE 2004

Date	Day	Programme
1	Tuesday	➤ 9.00 a.m. - Visit and interview with the detainees at the Simpang Renggam Rehabilitation Centre, Johor.
2	Wednesday	❖ 9.30 a.m. - Announcement of Public Inquiry (No.16) and (No.17) by the Secretary of the Royal Commission via Radio Malaysia Ibu Kota Johor.
3	Thursday	❖ 9.00 a.m. - Public Inquiry (No.16) at the office of the Royal Commission, Kuala Lumpur. ❖ 10.00 a.m. - Public Inquiry (No.17) at Hotel Katerina, Batu Pahat, Johor. ➤ 2.30 p.m. - Visit to Batu Pahat District Police Headquarters, Johor.
7	Monday	❖ 2.30 p.m. - Briefing by Bank Negara Malaysia on 'Smart Partnership in Addressing Financial Fraud and Motor Vehicle Thefts' at the office of the Royal Commission.
10	Thursday	❖ 10.00 a.m. - Meeting of the Royal Commission (No.6/2004) at the office of the Royal Commission.
11	Friday	❖ 9.00 a.m. - Briefing from Security and Public Order Division, Ministry of Internal Security to Working Group 'C'. ❖ 2.00 p.m. - An exclusive interview by the Royal Commission's Chairman with The Sun tabloid.
12	Saturday	➤ Secretariat's Retreat at Langkawi.
13	Sunday	➤ Secretariat's Retreat at Langkawi.
15	Tuesday	❖ 11.00 a.m. - Y.A.Bhg. Tun Dzaiddin's exclusive interview with Mingguan Malaysia. ❖ 4.15 p.m. - Announcement of Public Inquiry (No.18) by the Secretary of the Royal Commission via Radio Malaysia Alor Setar, Kedah.
16	Wednesday	❖ 8.30 a.m. - Announcement of Public Inquiry (No.19) by the Secretary of the Royal Commission via Radio Malaysia Pahang.
17	Thursday	❖ 9.00 a.m. - Public Inquiry (No.18) at Hotel M.S. Garden Sungai Petani, Kedah. ❖ 10.00 a.m. - Public Inquiry (No.19) Rumah Rehat Raub, Pahang.
22	Tuesday	❖ 12.30 p.m. - Announcement of Public Inquiry (No.20) by the Secretary of the Royal Commission via Radio Malaysia Sabah. ❖ 4.15 p.m. - Announcement of Public Inquiry (No.21) by the Secretary of the Royal Commission via Radio Malaysia Sarawak.
24	Thursday	❖ 9.00 a.m. - Public Enquiry (No.20) at Tawau Municipal Office, Sabah. ❖ 9.00 a.m. - Public Inquiry (No.21) at Hotel Tanah Mas, Sibul, Sarawak.
25	Friday	❖ 9.00 a.m. - Public Inquiry (No.22) at Sandakan Municipal Office, Sabah. ❖ 9.00 a.m. - Public Inquiry (No.23) at Hotel Grand Palace, Miri, Sarawak.
26	Saturday	❖ 9.00 a.m. - Public Inquiry (No.24) at Hotel Hilton, Kuching, Sarawak.
30	Wednesday	❖ 9.30 a.m. - Briefing by PDRM on Implementation of Preventive Laws at the office of the Royal Commission.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : JULY 2004

Date	Day	Programme
1	Thursday	<ul style="list-style-type: none"> ➤ 10.00 a.m. - Visit to Senior Police Officer's College, Cheras, Kuala Lumpur. ➤ 1.00 p.m. - Visit to Police Forensic Laboratory, Cheras, Kuala Lumpur. ➤ 2.30 p.m. - Visit to PULAPOL, Jalan Semarak, Kuala Lumpur.
5	Monday	❖ 4.30 p.m. - Announcement of Public Inquiry (No.25) in Klang, Selangor by the Secretary of the Royal Commission via Radio Malaysia Klang.
7	Wednesday	<ul style="list-style-type: none"> ❖ 2.30 p.m. - Meeting to discuss the Study Tour to United Kingdom at the office of the Royal Commission, Kuala Lumpur. ❖ 2.30 p.m. - Meeting of Working Group A (No.4/2004) at the office of the Royal Commission, Kuala Lumpur.
8	Thursday	<ul style="list-style-type: none"> ❖ 9.00 a.m. - Public Inquiry (No.25) at the Klang Municipal Office, Selangor. ❖ 10.00 a.m. - Public Inquiry (No.26) at the Larut Matang District Office, Taiping. ➤ 2.30 p.m. - Visit to the Traffic Department, Klang District Police Headquarters, Selangor.
10	Saturday	❖ 11.00 a.m. - Handing over of a Memorandum to the Royal Commission by family members of (i) Francis Udayappan; and (ii) Mageswaran.
12	Monday	❖ 9.00 p.m. - The Chairman of the Royal Commission appeared on TV1 programme "Current Issues".
13	Tuesday	❖ 9.00 a.m. - Discussion with the officials from the British High Commission on the Study Tour to United Kingdom at the office of the Royal Commission, Kuala Lumpur.
14	Wednesday	• Demise of Commissioner Tan Sri Dato' Seri Azizan Zainul Abidin.
15	Thursday	<ul style="list-style-type: none"> ❖ 10.00 a.m. - Meeting of the Royal Commission (No.7/2004) at the office of the Royal Commission, Kuala Lumpur. ❖ 1.00 p.m. - Discussion among members of Working Group 'B'. ❖ 2.00 p.m. - Submission of a Memorandum by <i>Dewan Pemuda PAS</i> to the Royal Commission at the office of the Royal Commission, Kuala Lumpur.
19	Monday	<ul style="list-style-type: none"> ❖ 10.00 a.m. - Briefing by the Criminal Investigation Division, PDRM on a case of death in police custody at the office of the Royal Commission, Kuala Lumpur. ❖ 1.00 p.m. - Meeting of Working Group 'C' (No.2/2004) at the office of the Royal Commission, Kuala Lumpur.
21	Wednesday	❖ 9.00 a.m. - Special Inquiry on a suicide case while in police custody (Kelantan case).
22	Thursday	❖ 10.00 a.m. - Meeting of the Royal Commission (No.8/2004) at the office of the Royal Commission, Kuala Lumpur.
23	Friday	❖ 3.00 p.m. - Meeting of Royal Commission's Anti-Corruption Committee with Anti-Corruption Agency (ACA) and the Disciplinary Division, PDRM at the office of the Royal Commission, Kuala Lumpur.
26	Monday	❖ 10.00 a.m. - Briefing by Department of Logistics, PDRM to Working Group 'B'.
29	Thursday	❖ 10.00 a.m. - Meeting of Working Group 'A' (No.5/2004) at the office of the Royal Commission, Kuala Lumpur.
30	Friday	❖ 3.00 p.m. - Y.A.Bhg. Tun Dzaiddin's discussion with the Australian High Commissioner, Kuala Lumpur at the office of the Australian High Commission.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : AUGUST 2004

Date	Day	Programme
4	Wednesday	❖ 2.00 p.m. - Meeting of Working Group 'A' (No.6/2004) at the office of the Royal Commission, Kuala Lumpur.
5	Thursday	❖ 10.00 a.m. - Discussion between Working Group 'B' and the Management Department of PDRM. ❖ 2.30 p.m. - Meeting of Working Group 'A' (No.7/2004) at the office of the Royal Commission, Kuala Lumpur.
6	Friday	❖ 11.00 a.m. - Submission of the Royal Commission's Preliminary Report to Seri Paduka Baginda Yang di-Pertuan Agong at the Istana Perlis, Kuala Lumpur.
9	Monday	❖ 12.30 p.m. - Submission of the Royal Commission's Preliminary Report to The Honorable Prime Minister at the Ministry of Finance, Putrajaya. ❖ 2.00 p.m. - Submission of the Royal Commission Preliminary Report to the Chief Secretary to the government at the Prime Minister's Office, Putrajaya. ❖ 2.30 p.m. - Discussion with JAKIM and PDRM on the development of the religious module for PDRM training at the office of the Royal Commission. ❖ 3.30 p.m. - Press Conference on the Royal Commission's Preliminary Report at the office of the Royal Commission, Kuala Lumpur.
11	Wednesday	❖ 9.30 a.m. - Special Inquiry on an infanticide case (Kedah case) at the office of the Royal Commission, Kuala Lumpur. ❖ 8.30 a.m. - Submission of the Royal Commission Preliminary Report to Inspector General of Police, PDRM at Bukit Aman, Kuala Lumpur.
12	Thursday	❖ 9.30 a.m. - Meeting of the Royal Commission (No.9/2004) at the office of the Royal Commission, Kuala Lumpur. ❖ 9.30 a.m. - Continuation of the Special Inquiry on infanticide case (Kedah case) at the office of the Royal Commission, Kuala Lumpur. ❖ 11.30 a.m. - Briefing by the Kuala Lumpur Society for Transparency & Integrity at the office of the Royal Commission, Kuala Lumpur. ❖ 2.30 p.m. - Briefing by the Malaysian Bar Council at the office of the Royal Commission, Kuala Lumpur.
13	Friday	❖ 9.30 a.m. - Briefing by the Logistics Department of PDRM to Working Group 'B' at the office of the Royal Commission, Kuala Lumpur.
16	Monday	❖ 3.00 p.m. - Working Group B's discussion with PDRM at the office of the Royal Commission, Kuala Lumpur.
17	Tuesday	❖ <u>At the office of the Royal Commission, Kuala Lumpur:</u> 10.00 a.m. - Seminar on issues relating to Children and Police. 10.00 a.m. - Discussion with representatives from Professional Bodies, NGOs, Child Specialists, Academicians, UNHCR (<i>United Nations High Commissioner For Refugees</i>) and family members of child complainant pertaining to issues of Child's Rights and Police. 3.00 p.m. - Meeting of Working Group 'A' (No.8/2004) and the PDRM.
19	Thursday	❖ 9.00a.m. - Visit by Commissioners to the Traffic Police Station at Jalan Bandar, Kuala Lumpur. ❖ 9.30 a.m. - Meeting of Working Group 'A' (No.9/2004) at the office of the Royal Commission, Kuala Lumpur. ❖ 2.30 p.m. - Meeting to discuss the Study Tour to the United Kingdom at the office of the Royal Commission, Kuala Lumpur.
24	Tuesday	❖ 10.00 a.m. - Discussion with Mr. Edward Hobart & Mr. Abdul Rashid from the British High Commission at the office of the Royal Commission, Kuala Lumpur.
26	Thursday	❖ 9.00 a.m. - Meeting of Working Group 'A' (No.10/2004) at the office of the Royal Commission, Kuala Lumpur.
27	Friday	❖ 8.30 a.m. - Visit by Ms. Ivy Josiah to the Women's Prison, Kajang, Selangor. ❖ 3.00 p.m. - Meeting of Working Group 'B' (No.4/2004) at the office of the Royal Commission, Kuala Lumpur.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : SEPTEMBER 2004

Date	Day	Programme
1	Wednesday	❖ 2.00 p.m. - Discussion with Ex-Directors of the Criminal Investigation Department, PDRM at the office of the Royal Commission, Kuala Lumpur.
2	Thursday	❖ 10.00 a.m. - Working Group B's discussion with the Public Service Department, Ministry of Internal Security, Ministry of Finance and the Economic Planning Unit.
5	Sunday	➤ Study Tour to the United Kingdom commence (5-11 September 2004).
9	Thursday	❖ 9.00 a.m. - Meeting of Working Group 'A' (No.11/2004) at the office of the Royal Commission, Kuala Lumpur. ❖ 2.30 p.m. - Meeting of Working Group 'C' (No.3/2004) with PDRM on a drug case from Perak at the office of the Royal Commission, Kuala Lumpur.
14	Tuesday	❖ 2.30 p.m. - Special Inquiry on an Emergency Ordinance case (Selangor case) at the office of the Royal Commission, Kuala Lumpur.
15	Wednesday	❖ <u>At the office of the Royal Commission, Kuala Lumpur:</u> 9.30 a.m. - Briefing by the ACA to the Royal Commission's Anti-Corruption Committee. 9.30 a.m. - Special Inquiry on the infanticide case (Kedah case) and the suicide while in police custody case (Kelantan case). 2.30 p.m. - Meeting of Working Group 'C' about Emergency Ordinance cases.
16	Thursday	❖ <u>At the office of the Royal Commission, Kuala Lumpur:</u> 9.30 a.m. - Meeting of Working Group 'A' to discuss on Commercial Crime and Crime Index. 2.30 p.m. - Special Inquiry on a Commercial Crime case (Pulau Pinang).
17	Friday	❖ 3.00 p.m. - Meeting of Working Group 'C' at the office of the Royal Commission, Kuala Lumpur.
21	Tuesday	❖ 3.00 p.m. - Meeting/Briefing to discuss the Study Tour to Australia at the office of the Royal Commission, Kuala Lumpur.
23	Thursday	❖ <u>At the office of the Royal Commission, Kuala Lumpur:</u> 9.30 a.m. - Meeting of the Royal Commission (No.10/2004). 2.30 p.m. - Meeting of Working Group 'C' to discuss on issues pertaining to Detainees under the Emergency Ordinance. 2.30 p.m. - Meeting of Working 'B' . ➤ 4.00 p.m. - Visit to Gombak Police District Headquarters, Selangor.
24	Friday	❖ 9.00 a.m. - Briefing by the Director General of the Public Service Department and his Officers to Working Group B at the office of the Royal Commission, Kuala Lumpur.
27	Monday	❖ 9.30 a.m. - Briefing by Criminal Investigation Department, PDRM on Emergency Ordinance cases (Sentul and Selangor cases respectively) at the office of the Royal Commission, Kuala Lumpur.
28	Tuesday	❖ 9.30 a.m. - Meeting of Working Group 'A' (No.12/2004) to discuss the preparations for the Final Report.
29	Wednesday	❖ <u>At the office of the Royal Commission, Kuala Lumpur:</u> 2.00 p.m. - Special Inquiry on 2 cases: i. Women Stripped Naked in police lockup; and ii. Student Demonstration at National Mosque, Kuala Lumpur.
30	Thursday	➤ 10.00 a.m. - Visit to the General Operation Force and Federal Reserved Unit, Cheras, Kuala Lumpur. - Briefing by the Federal Reserved Unit, General Operation Force and United Nations Peace Mission Force.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : OCTOBER 2004

Date	Day	Programme
3	Sunday	➤ Study Tour to Australia commence (3-9 October 2004).
6	Wednesday	❖ 10.00 a.m. - Pilot Survey at the Kuala Lumpur Police College Cheras and Police College Kuala Kubu Baru, Selangor.
7	Thursday	❖ 2.30 p.m. - Meeting of Working Group 'B' (No.5/2004) at the office of the Royal Commission, Kuala Lumpur.
11	Monday	❖ 9.30 a.m. - Visit and Briefing by the IT Division of PDRM to Group 'B' at Bukit Aman, Kuala Lumpur.
12	Tuesday	❖ 2.30 p.m. - Meeting of Working Group 'B' (No.6/2004) at the office of the Royal Commission, Kuala Lumpur.
14	Thursday	➤ One Day Study Tour to Singapore. ❖ 3.00 p.m. - Meeting of Working Group 'B' (No.7/2004) at the office of the Royal Commission, Kuala Lumpur.
21	Thursday	❖ 2.30 p.m. - Meeting of the Royal Commission (No.11/2004) at the office of the Royal Commission, Kuala Lumpur.
24	Sunday	➤ Study Tour to Hong Kong commence (24-27 October 2004).
28	Thursday	❖ 9.30 a.m. - Meeting of Working Group 'A' (No.13/2004) on the Preparation, Coordination and Finalisation of the Royal Commission Final Report at the office of the Royal Commission, Kuala Lumpur.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : NOVEMBER 2004

Date	Day	Programme
4	Thursday	<ul style="list-style-type: none"> ❖ 9.30 a.m. - Meeting of the Royal Commission (No.12/2004) at the office of the Royal Commission, Kuala Lumpur. ❖ 2.30 p.m. - Special Inquiry on a Child's Case (Negeri Sembilan case).
5	Friday	<ul style="list-style-type: none"> ❖ 9.30 a.m. - Meeting of Working Group 'C' (No.4/2004) at the office of the Royal Commission, Kuala Lumpur.
9	Tuesday	<ul style="list-style-type: none"> ❖ 2.00 p.m. - Special Inquiry for a case of house breaking (Selangor case) at the office of the Royal Commission, Kuala Lumpur.
20	Saturday	<ul style="list-style-type: none"> ❖ 2.30 p.m. - Meeting of Working Group 'B' (No.8/2004) at the office of the Royal Commission, Kuala Lumpur.
21	Sunday	<ul style="list-style-type: none"> ❖ Administration of the survey to obtain public's opinion on the performance of the police in Kedah / Perlis.
22	Monday	<ul style="list-style-type: none"> ❖ 9.30 a.m. - Special Inquiry for an accident case (Kedah case) at the office of the Royal Commission, Kuala Lumpur. ❖ 10.00 a.m. - Administration of a survey on the Police in Negeri Sembilan at the Police Contingent Headquarters' Hall, Negeri Sembilan. ❖ 2.00 p.m. - Administration of a survey on the Police in Kedah and Perlis at the Police Training Complex Anak Bukit, Kedah. ❖ 2.30 p.m. - Special Inquiry for a case on Commercial Crime, Melaka at the office of the Royal Commission, Kuala Lumpur.
23	Tuesday	<ul style="list-style-type: none"> ❖ 10.00 a.m. - Administration of a survey on the Police in Melaka at the Police Contingent Headquarters Melaka. ❖ 10.00 a.m. - Administration of a survey on the Police in Pahang at the Lecture Hall of the Police Contingent Headquarters Pahang. ❖ 9.00 a.m. - Administration of a survey on the Police in Pulau Pinang at the Police District Headquarters Sg. Dua, Pulau Pinang.
24	Wednesday	<ul style="list-style-type: none"> ❖ 9.00 a.m. - Administration of a survey on the Police in Perak at the Senior Officer's Mess Ipoh, Perak. ❖ 10.00 a.m. - Special Inquiry for a juvenile case (Negeri Sembilan case) at the office of the Royal Commission, Kuala Lumpur. ❖ 10.00 a.m. - Administration of a survey on the Police in Johor at the FRU Hall, Police Contingent Headquarters, Johor. ❖ 10.00 a.m. - Administration of a survey on the Police in Terengganu at the Police Contingent Headquarters, Terengganu.
25	Thursday	<ul style="list-style-type: none"> ❖ 9.30 a.m. - Meeting of Working Group 'A' at the office of the Royal Commission, Kuala Lumpur. ❖ 10.00 a.m. - Administration of a survey on the Police in Kelantan at the Training Hall of the Police Contingent Headquarters, Kelantan. ❖ 2.30 p.m. - Seminar on Women's Aid at the office of the Royal Commission, Kuala Lumpur.
26	Friday	<ul style="list-style-type: none"> ❖ 10.00 a.m. - Administration of a survey on the Police in Selangor at the Kuala Lumpur Police College, Cheras, Kuala Lumpur.
27	Saturday	<ul style="list-style-type: none"> ❖ 10.00 a.m. - Administration of a survey on the Police in Kuala Lumpur and Bukit Aman at the Police Training College, Cheras, Kuala Lumpur.
29	Monday	<ul style="list-style-type: none"> ➤ 9.00 a.m. - Visit to Child Protection Unit by Y.Bhg. Dato' Kamilia. ❖ 9.00 a.m. - Administration of a survey on the Police in Kuching at the Police Contingent Headquarters Kuching, Sarawak. ❖ 9.00 a.m. - Administration of a survey on the Police in Tawau at Battalion 14 PGA, Tawau, Sabah.
30	Tuesday	<ul style="list-style-type: none"> ❖ 9.30 a.m. - Meeting to discuss the Adoption of Islamic Values in PDRM at the office of the Royal Commission, Kuala Lumpur. ❖ 9.00 a.m. - Administration of a survey on the Police in Miri at Police Contingent Headquarters Sarawak. ❖ 9.00 a.m. - Administration of a survey on the Police in Sandakan at the Multipurpose Hall, Pangsapuri Bt.4, Sandakan, Sabah.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : DECEMBER 2004

Date	Day	Programme
1	Wednesday	<ul style="list-style-type: none">• 9.00 a.m. - Administration of a survey on the Police in Kota Kinabalu at the Dewan Kawad, Police Contingent Headquarters Kota Kinabalu, Sabah.• 9.00 a.m. - Administration of a survey on the Police in Sibul at the Police Contingent Headquarters Sibul, Sarawak.
2	Thursday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.13/2004) at the office of the Royal Commission, Kuala Lumpur.
3	Friday	• 9.30 a.m. - Administration of a survey on the Police at Briged Tengah, Cheras, Kuala Lumpur.
6	Monday	❖ Royal Commission's Retreat 1/2004 (Brainstorming Session) at Hotel Palace of the Golden Horses, Mines Resort City, Selangor.
7	Tuesday	❖ Royal Commission's Retreat 1/2004 (Brainstorming Session) at Hotel Palace of the Golden Horses, Mines Resort City, Selangor.
15	Wednesday	❖ 10.00 a.m. - Courtesy call by Mr. Edward Hobart from the British High Commission.
16	Thursday	<ul style="list-style-type: none">❖ 9.30 a.m. - Meeting of the Royal Commission with Inspector General of Police at the office of the Royal Commission, Kuala Lumpur.❖ 2.30 p.m. - Meeting of Working Group 'B' (No.8/2004) at the office of the Royal Commission, Kuala Lumpur.
21	Tuesday	❖ 2.30 p.m. - Meeting between Y.Bhg. Dato' Kamilia and PDRM to review Police Forms at the office of the Royal Commission, Kuala Lumpur.
23	Thursday	❖ 9.30 a.m. - The Royal Commission's Second Retreat at the office of the Royal Commission, Kuala Lumpur.
24	Friday	❖ 9.30 a.m. - Meeting of Working Group 'A' (No.14/2004) at the office of the Royal Commission, Kuala Lumpur.
27	Monday	<ul style="list-style-type: none">❖ 9.30 a.m. - Meeting of Working Group 'A' at the office of the Royal Commission, Kuala Lumpur.❖ 2.30 p.m. - Follow up of the Special Inquiry for a cheating case (Section 420 of the Criminal Procedure Code) (Kuala Lumpur case) at the office of the Royal Commission, Kuala Lumpur.
30	Thursday	❖ 9.30 a.m. - Working Group A's discussion with PDRM, Malaysia Bar Council and Federal Court of Malaysia at the office of the Royal Commission, Kuala Lumpur.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : JANUARY 2005

Date	Day	Programme
5	Wednesday	❖ 2.30 p.m. - Meeting of Working Group 'A' pertaining to the Final Report (No.1/2005) at the office of the Royal Commission, Kuala Lumpur.
6	Thursday	❖ 2.30 p.m. - Meeting of The Royal Commission (No.1/2005) at the office of the Royal Commission, Kuala Lumpur.
10	Monday	❖ 4.00 p.m. - Meeting of the Honourable Chairman and Secretary with the Rt. Honourable Prime Minister.
12	Wednesday	❖ His Royal Highness Consents for an extension of 3 months for the Royal Commission.
13	Thursday	❖ 2.30 p.m. - Discussion about the Formation of Religious Unit in PDRM at the office of the Royal Commission, Kuala Lumpur.
17	Monday	❖ 11.30 a.m. - Discussion about Intellectual Property & Copyright cases pertaining to Commercial Crime (Kuala Lumpur case) at the office of the Royal Commission, Kuala Lumpur.
20	Thursday	<u>At the office of the Royal Commission, Kuala Lumpur :</u> ❖ 9.30 a.m. - Meeting of The Royal Commission (No.2/2005). ❖ 9.30 a.m. - Inquiry about Emergency Ordinance case (Kuala Lumpur case). ❖ 12.30 p.m. - Inquiry about Intellectual Property & Copyright case (Petaling Jaya, Selangor case).
24	Monday	❖ Meeting of The Royal Commission (No.3/2005) at the office of the Royal Commission, Kuala Lumpur.
25	Tuesday	❖ Meeting of The Royal Commission (No.3/2005, continuation) at the office of the Royal Commission, Kuala Lumpur.
26	Wednesday	<u>At the office of the Royal Commission, Kuala Lumpur :</u> ❖ 9.30 a.m. - Inquiry about Emergency Ordinance Case, (Kuala Lumpur case). ❖ 12.30 p.m. - Intellectual Property & Copyright case (Petaling Jaya, Selangor case).
27	Thursday	<u>At the office of the Royal Commission, Kuala Lumpur :</u> ❖ 9.30 a.m. - Meeting of The Royal Commission (No.4/2005). ❖ 2.30 p.m. - Inquiry about torture and abuse of an Immigrant case (Kuala Lumpur case).
28	Friday	❖ 9.30 a.m. - Inquiry about Emergency Ordinance case (Kuala Lumpur case).
29	Saturday	❖ 9.00 a.m. - Discussion with PDRM pertaining to Logistics and Housing matters at the office of the Royal Commission, Kuala Lumpur.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : FEBRUARY 2005

Date	Day	Programme
3	Thursday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.5/2005) at the office of the Royal Commission, Kuala Lumpur.
7	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.6/2005) at the office of the Royal Commission, Kuala Lumpur.
14	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.7/2005) at the office of the Royal Commission, Kuala Lumpur.
17	Thursday	<u>At the office of the Royal Commission, Kuala Lumpur :</u> ❖ 9.30 a.m. - Meeting of The Royal Commission (No.8/2005). ❖ 2.30 p.m. - Discussion with PDRM pertaining to the Draft of Spiritual and Moral Training Curriculum for the PDRM Training Centre.
18	Friday	<u>At the office of the Royal Commission, Kuala Lumpur :</u> ❖ 9.30 a.m. - Inquiry about Intellectual Property & Copyright cases pertaining to Commercial Crime (Kuala Lumpur cases). ❖ 10.00 a.m. - Inquiry about Emergency Ordinance case (Kuala Lumpur case).
21	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.9/2005) at the office of the Royal Commission, Kuala Lumpur.
24	Thursday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.10/2005) at the office of the Royal Commission, Kuala Lumpur.
28	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.11/2005) at the office of the Royal Commission, Kuala Lumpur.

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ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : MARCH 2005

Date	Day	Programme
2	Wednesday	<p><u>At the office of the Royal Commission, Kuala Lumpur :</u></p> <ul style="list-style-type: none"> ❖ 9.30 a.m. - Briefing by the Special Branch of PDRM pertaining to issues of "Threat of Security". ❖ 10.30 a.m. - Briefing by the Department of Public Order and Security and Department of Management. ❖ 2.30 p.m. - Briefing about the Crime Prevention Act by the PDRM.
3	Thursday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.12/2005) at the office of the Royal Commission, Kuala Lumpur.
7	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.13/2005) at the office of the Royal Commission, Kuala Lumpur.
9	Wednesday	❖ 2.30 p.m. - Discussion with the PDRM pertaining to Emergency Ordinance Case at the office of the Royal Commission, Kuala Lumpur.
10	Thursday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.14/2005) at the office of the Royal Commission, Kuala Lumpur.
14	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.15/2005) at the office of the Royal Commission, Kuala Lumpur.
15	Tuesday	❖ 9.00 a.m. - Meeting of Working Group at the office of the Royal Commission, Kuala Lumpur.
17	Thursday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.16/2005) at the office of the Royal Commission, Kuala Lumpur.
21	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.17/2005) at the office of the Royal Commission, Kuala Lumpur.
24	Thursday	<p><u>At the office of the Royal Commission, Kuala Lumpur :</u></p> <ul style="list-style-type: none"> ❖ 9.30 a.m. - Meeting of The Royal Commission (No.18/2005). ❖ 2.30 p.m. - Working Group Discussion.
28	Monday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.19/2005) at the office of the Royal Commission, Kuala Lumpur.
31	Thursday	❖ 9.30 a.m. - Meeting of The Royal Commission (No.20/2005) at the office of the Royal Commission, Kuala Lumpur.

DIARY

ACTIVITIES OF THE ROYAL COMMISSION TO ENHANCE THE OPERATION AND MANAGEMENT OF THE ROYAL MALAYSIA POLICE

MONTH : APRIL 2005

Date	Day	Programme
29	Friday	❖ 10.30 a.m. - Submission of the Final Report to Seri Paduka Baginda Yang di-Pertuan Agong at Istana Negara, Kuala Lumpur.



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