

Executive Summary

Strengthening the Royal Malaysia Police by Enhancing Accountability

The Inspector General of Police (IGP) is arguably one of the most powerful offices in Malaysia. Sitting at the very top of multiple policing competencies across the country and empowered by laws such as the National Security Council Act - the IGP has full discretion, in some cases, to apply the law as and when he pleases.

In part 1 of this 2 part study, author Nicholas Chan looks into the concentration of power in the IGP's office, including the many laws that allow his office to infringe citizen's rights - particularly freedom of speech, movement, and assembly. He highlights the weakness in institutions that are supposed to hold the IGP in check, e.g., the Enforcement Agency Integrity Commission (EAIC) that received 301 complaints with only one investigating officer assigned to the cases. The author then compares best practice in other countries and makes recommendations for enhancing accountability in the IGP's office.

The IGP's powers range from policing street crimes to white collar crimes to even counter-terrorism efforts. He oversees 10 departments, 14 regions, 148 police districts, 837 police stations and employs 153,122 police officers.

His position is furthermore supported by laws such as:

- Sedition Act
- Prevention of Terrorism Act (POTA)
- Security Offences (Special Measures) Act (SOSMA)
- National Security Council Act

This wide scope of powers has allowed the IGP to make controversial decisions under the guise of the law including the arrests of individuals that have allegedly spoken out against the current administration. Unfortunately these powers remain unchecked by our institutions for the following reasons:

Institution	Weaknesses in the institution
Police Force Commission (PFC)	<ul style="list-style-type: none"> - The PFC is empowered by the Constitution (Article 140) to discipline police officers. - However the PFC is chaired by the Home Minister and its members include the IGP. Thus, the PFC lacks real independence in holding the IGP in check.
Enforcement Agency Integrity Commission (EAIC)	<ul style="list-style-type: none"> - The EAIC was set up to investigate complaints against government agencies - But its wide scope and limited resources limit its ability to investigate complaints against the police effectively
Other agencies (see policy ideas for full list)	<ul style="list-style-type: none"> - Other agencies such as the Malaysian Anti-Corruption Commission, Public Complaints Bureau and Attorney General's chambers can also theoretically hold the IGP in check. - However, these bodies suffer from lack of independence and do not have the full mandate to investigate the IGP

These weak checks and balances are in stark contrast to police oversight mechanisms (or Specialised Police Complaints Organisations, SPCO) available in countries such as the United Kingdom, Hong Kong and Australia. All three countries have independent SPCOs with broad powers which include the power to summon the Chief Police Officer to answer queries. They maintain their role as investigative authorities instead of being the disciplinary body themselves. In most cases, they oversee and review the investigations by the police instead of leading them, barring major cases (with the exception of Hong Kong). The systems in this regard maintain a healthy check and balance system.

Moving forward, the author reiterates the call to establish The Independent Police Complaints and Misconduct Commission (IPCMC) as per the Dzaidin Royal Commission report. The IPCMC will be tasked with the sole purpose of receiving and investigating complaints against the RMP as well as prevent, detect and investigate corruption within the force. The Commission would also have the power to order any punitive actions they deem necessary such as fines, dismissals and demotions

Malaysia will also have to reform the IGP's current top-down structure through decentralisation. This will allow for a division in policing competencies and a separation of powers because each entity will then serve as a potential check and balance mechanism to the other. The idea of a decentralised police force will be explored further in a future paper to be published by IDEAS.

About the Author

Nicholas Chan is the co-founder and research associate of Iman Research, a research consultancy that focuses on the study of religion, society, and perceptions in contemporary Malaysia and Southeast Asia. He is an MSc (Asian Studies) graduate from the S.Rajaratnam School of International Studies, Nanyang Technological University, Singapore.