
Reining in the IGP's Power: Decentralisation as an option

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Abstract

Structural reform is often the buzzword of trite when discussing policy options to remedy any deficiencies in accountability. Yet, the results of such proposals are usually more oversight bodies and over-bureaucratisation. A previous IDEAS policy paper had examined the inadequacy of oversight bodies in checking the Inspector General of Police (IGP)'s power in Malaysia. As an extension to that, this paper puts forward an argument for decentralisation as a policy option to structurally reform the Royal Malaysian Police (RMP). With specific reference to the IGP's office, the paper argues that a decentralised police system can firstly, reduce the scope of power of the IGP, and secondly, decouple the link the position has with the federal government, which often led to politicisation of the position. To do so, two types of decentralisation are explored. The first, horizontal decentralisation, which will see the Special Branch and its associated sensitive portfolio separated from the RMP under a different chain of command. The second, vertical decentralisation, will allow for the institution of independent state police forces that are answerable only to the respective state governments, thereby multiplying the avenues for check and balance mechanisms.

Introduction

As the sole custodian of Malaysian law enforcement, the Inspector General of Police (IGP)'s discretions and decisions concern not only crime and safety levels, but also affect federal-state relations, civil liberties, and inevitably the social harmony in Malaysia's ethno-religiously diverse society.² Unfortunately, a quick overview of the conduct of many IGPs in Malaysia, as illustrated in an earlier IDEAS policy paper (Strengthening the Royal Malaysia Police by Enhancing Accountability), paints a picture where power abuse, lack of professionalism, and non-partisanship in law enforcement remain rife (Chan, 2016). One of the lowest points of IGP conduct was the assault of former Deputy Prime Minister Anwar Ibrahim in prison by former IGP Rahim Noor in 1998.

A case of politicised policing was also made when an estimated 120 individuals were detained or questioned in just over a month following the second jailing of Anwar in February 2015. (Political Studies for Change, 2015). Also contributing to the perception of a lack of impartiality towards the government is the fact that the Royal Malaysian Police (RMP) is now the only agency on the disbanded IMDB investigation task force—the others being the Attorney General's Chambers (AGC), the Malaysian Anti-Corruption Commission (MACC), and Bank Negara—that has not suffered the fate of a change in leadership.² The police were instead tasked to question members of the MACC and Bank Negara over allegations of information leak during the mega scandal's probe (Razak, 2015; Mahayera, 2015).



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¹ See Abdullah (1999) and Magcamit (2015) on how issues of race and religion continue to dominate the national security paradigm of Malaysia.

² Attorney General Abdul Gani Patail was sacked in July 2015, followed by the retirement of Bank Negara Governor Zeti Aziz in April 2016; while MACC chief Abu Kassim Mohamed and his deputy also retired prematurely in July 2016.

As claims of 'national security interest' had resulted in the passing of many questionable legislations, it is vital that the unfettered powers of the IGP be re-examined lest rule of law and human rights protection in Malaysia be further eroded. As the IGP presides over a wide range of security-related areas (from petty crime to espionage) covering the entire country, the room for abuse of power is invariably large. While genuine national security threats such as terrorism should not be underplayed, the IGP's involvement in the creation of "a culture of fear" through "abusive police tactics and selective prosecution", as highlighted by Human Rights Watch (HRW), speaks of the role's centrality as an enforcer of potentially authoritarian laws (2016). The arrest of Maria Chin, the head of electoral reform group BERSIH 2.0, on November 19, 2016 using the anti-terror law Special Offences Special Measures Act 2012 (SOSMA) buttressed such a perception (Channel News Asia, 2016).

This paper serves as the continuation of a previous IDEAS policy paper that demonstrates how police oversight mechanisms have failed in the absence of greater structural reforms. It will begin by analysing why the observed lack of accountability by the IGP is, in fact, the result of a systemic issue—centralisation. The historical background of Malaysia's centralised police system will then be discussed, following which the paper will proceed to explore how decentralisation can be a viable solution, and give a preliminary view of how it can be applied in the Malaysian context.

The pitfalls of centralisation

Malaysia is a federation, which means that there is constitutionalised separation of powers between different units of government. For the case of Malaysia, the major separation occurs between the federal and state government, although some of the municipal based responsibilities fall under the ambit of local government, such as “public amenities, enforcement and license grant, public health and hygiene (cleaning and waste management), social service and development, and environmental issues” (Penang Monthly, 2014). Yet, when it comes to policing, the power lies squarely in the hands of the federal government, with the IGP being in charge of 10 departments and every police district (148 of them) in the country (Chan 2016). However, such centralisation of policing powers is not the default arrangement for federations, and as a matter of fact, is a case in the minority (see Table 1). For example, in the case of Australia, India, United Kingdom (not a federation), and United States, the majority of policing duties are undertaken by subnational units.

Table 1: Police Systems in Federations (Shah, 2007; Saferworld, 2015)⁴

Federations	Federal Police	State/Regional Police	Local/Municipal Police
Australia	×	×	
Brazil	×	×	×
Canada	×	×	×
Germany	×	×	×
India	×	×	×
Malaysia	×		
Nigeria	×		
Russia	×		
South Africa	×		
Spain	×	×	×
Switzerland	× ⁵	×	
United States	×	×	×

⁴ The list of federations is based on the federations identified by Anwar Shah(ed), The Practice of Fiscal Federalism: Comparative Perspectives. The data is based on Saferworld's "Police Decentralisation," and the author's research.

⁵ Policing in Switzerland happens predominantly at the canton (state) level. The Federal Office of Police mostly coordinates between the different cantonal police, although it has an investigative arm called the Federal Criminal Police.

Having a centralised system does have its own merits (as a later section will show), but in Malaysia's case, the concentration of powers in the hands of the IGP has led to multiple concerns. First, it entails a lack of check and balance on the conduct of the IGP. This is especially so when multiple questionable legislations, such as the Sedition Act, the vaguely defined Section 124B of the Penal Code (activities detrimental to parliamentary democracy), SOSMA, Prevention of Terrorism Act (POTA), and the Peaceful Assembly Act, have given the IGP great latitude to exercise his powers.

The lack of effective accountability mechanisms in Malaysia's political system allows such centralisation to foster a culture of impunity. To quote an example, despite The Human Rights Commission of Malaysia (SUHAKAM), HRW, and the United Nations Human Rights Office claiming that Maria Chin was unjustifiably incarcerated (considering that the SOSMA Act precludes it from being used for political detention), the IGP appears to be free of consequences for his actions (SUHAKAM, 2016; HRW, 2016; Lim, 2016).

The reinforcement of such a culture of impunity originates from the politicisation of the police. Centralisation contributes to such politicisation because the lack of a healthy independence from the Executive branch of government (as well as the dearth of effective external supervision, as discussed in the previous policy paper) suggests that the police will continue to mirror the overall lack of transparency and rule of law that define ruling governments known for their authoritarian streak. This is also seen in the case of federations like Russia, Nigeria, and South Africa, which like Malaysia have rather low (if not lower) scores in accountability and rule of law (see Table 2). The one commonality they share with Malaysia is a centralised police system where the federal government controls all if not a preponderant portion of the police force (see Table 1). Nevertheless, this is not to say that centralisation alone leads to a culture of impunity. In Japan, for example, where the political culture is relatively free of corruption and maintains a high standard of accountability, its police enjoys the same prestige, by reputation or performance (Bayley 1991:4).

Table 2: A Comparison of Governance Indicators in Selected Countries with Centralised Police Systems (The World Bank Group, 2015)

Countries	Voice and Accountability ⁸	Rule of Law ⁹	Control of Corruption ¹⁰	Government Effectiveness
Japan	79	89	91	96
Malaysia	36	72	66	77
Nigeria	33	13	11	17
Russia	19	26	19	48
South Africa	69	59	58	65

⁸ Defined by the World Bank as "voice and accountability captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media". Countries are ranked from 0 (lowest) to 100 (highest).

⁹ Defined by the World Bank as "rule of law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence." Countries are ranked from 0 (lowest) to 100 (highest).

¹⁰ Defined by the World Bank as "perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests". Countries are ranked from 0 (lowest) to 100 (highest).

On the other hand, levels of accountability, especially when it is low to begin with, can be exacerbated by a centralised police system as accusations raised by the opposition about the 'double standards' of the IGP will likely remain unaddressed (Rodzi, 2016). This is because, in the absence of independent oversight bodies, there is no incentive for the IGP to be fair to both sides of the political divide as the federal opposition members lack access to the process of appointing, promoting, repudiating or even terminating the police leadership, even if they are the ruling government in a few states in Malaysia. To add, extraordinary political will is needed from the federal ruling party to modify the system for they have historically benefited from such concentration of powers with the police answering to the Executive only.

The Origins of a Centralised System

Any serious review of a police system should not be divorced from its history. As much as French republicanism shaped its centralised police system, the RMP's highly centralised structure also reflects the type of federalism Malaysia practices. The unified police system we see today in Malaysia is a direct legacy of the centralisation agenda of the Malayan Union (1946), where matters deemed to be of pan-Malayan interest, including defense, tax collection, education, and policing, were all placed under the ambit of the central government (Simandjuntak 1969:37). From the beginning, it is safe to say the policing in Malaya (and later Malaysia) was conceived as the sole prerogative of the federal government.

However, it was the Malayan Emergency (1948–1960) that truly defined the RMP as the centralised security apparatus as we know it today. Major departments, such as the criminal investigation department (CID), the Special Branch, management, and logistics, were all set up during a period of civil conflict, together with an exponential expansion of police personnel as the police were involved in heavy fighting against the communist militants. (Hj Aslie and Hj Ibrahim 1984:114). Not only that, the RMP was involved directly in the Briggs Plan which saw the resettlement of up to one million rural dwellers in New Villages. Senior police officials were appointed to the federal, state, and district level War Executive Committees and played a major role in the regulation (and even surveillance) of public life (Hamby 2002:55).

This development marks a turning point as the RMP's ethos was now infused with the logic of regime preservation and population control; a feature that is outside the realm of day-to-day policing duties. The legacy of internal security can still be seen today as by 2013 (latest statistics available), 30 percent of the force is still composed of members of the paramilitary Internal Security and Public Order Department, with only 9 percent staffing the CID, even if it is arguably the most important division for concerns of ordinary citizens, such as street and organised crime (Chan, 2016). In a typology of regime police and democratic police as devised by the Commonwealth Human Rights Initiative (see Table 3), one can say that the RMP was instituted more as the former, unsurprising considering that its initial *raison d'être* was to help the state staved off an existential threat, which was the communist insurgency.

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Table 3: A Comparison between Features of a Regime Police and Democratic Police (Commonwealth Human Rights Initiative, 2005)

Regime Police	Democratic Police
The police answer predominantly to the regime in power and its bureaucracy, and not to the people.	The police serve the public and protect, rather than impede, human rights and freedom of all.
Instead of protecting the community, the police are responsible for controlling populations.	The police strive to create a security environment which promotes the growth of democracy.
The police tend to remain outside of the community. The police culture is one that is insular and impregnable, and sometimes even hostile to the outside world.	The police communicate, serve and are representative and accountable to members of the public.
The police tend to secure the interests of one dominant group over another, resulting in discriminating and insensitive behaviours.	The police are responsive to vulnerable groups, and function within the principles and instruments in accordance with the rule of law.

A corollary to this is that the IGP rose to an instrumental position in the exercise of the government's power. For example, Mohamed Salleh Ismael, the first ethnic Malay IGP, was a member of the National Operations Council (NOC), the highest executive body of Malaysia at the aftermath of the May 13 racial riots. Similarly, the IGP today is a legally mandated member of the National Security Council, making him one among the eight who holds absolute discretion over the management of a security area the moment one is declared.¹² With the benefit of hindsight, while one may argue that a centralised chain of command enables effective planning, mobilisation and coordination in the fight against insurgency, it also bestowed ramifications that saw the IGP's performance as an independent, accountable, and democratic enforcer of law continuously being called into question.

¹² According to the National Security Council Act, the Prime Minister, under the advice of the National Security Council, can declare an area of unspecified size to be a 'security area', and subject it to Emergency-like rule which ostensibly include the power to search and arrest as well as the seizure of properties and possessions without a warrant.

Considering Decentralisation as a Solution

Reforms to enhance the accountability of the IGP should address two pertinent issues; first, it must deconcentrate power from the position of IGP; and second, it must alter or mitigate the current situation where the RMP is an insular, top-down organisation, with very few feedback mechanisms available to stakeholders other than the Executive—such as opposition politicians, civil society, and even the wider public—to participate in democratic check and balance processes.

The most obvious recourse, of course, is for the federal government to enact institutional reforms and legislative measures, such as the much debated Independent Police Complaints and Misconduct Commission (IPCMC),¹³ to further strengthen the accountability of the IGP. Yet, such continued dependence on the federal government surrenders the impetus to reform to the ruling government that, conveniently, also enjoys the fruit of concentration of police power, which allows for the crackdown on political opponents such as during the infamous Ops Lalang in 1987.¹⁴ In this paper, we argue that decentralisation of the police system offers an effective and sustained solution to such a conundrum.

Some caveats must be raised before we explore decentralisation as an option. First, decentralisation is not the panacea to every policing issue under the sun. In many cases, centralisation, or recentralisation, was instead touted as a solution. For example, faced with severe problems of drug violence and local corruption, a decision was made to recentralise its municipal 1,800 police forces under 32 state police forces in 2010, although the process is still undergoing at the time of writing (Esparza 2012:2; Ahrens 2014; Davis-Cohen 2016). In the case of Mexico, federal security forces had to be deployed in its battle against organised crime because municipal forces were deemed corrupted and untrustworthy (Grant, 2014). In Bosnia-Herzegovina, concerns about ethnic discrimination practiced by the state had launched calls by the European Union towards a “radical centralisation” of the police as local police are perceived to be more prone to ethnic discrimination (Paun 2005:68–69).

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¹³ See a previous IDEAS policy paper at Chan (2016) for a more detailed discussion of the IPCMC.

¹⁴ Ops Lalang was launched by the Malaysian government as a security crackdown in 1987 that saw 106 individuals being detained without trial using the now defunct Internal Security Act, as well as the suspension of three newspapers. The crackdown occurred amidst a situation of heightened political and racial tensions, which also coincided with a leadership crisis in the largest ruling party of Malaysia, the United Malays National Organisation (UMNO).

Second, there are no generic schemas in implementing decentralisation. One must note that there are no police systems that do not practice some form of centralised policing to begin with. This is because police functions such as tackling cross-border crimes (be it crimes that cross state or international boundaries) or terrorism operates best at the national level. Also, as the experience of defeating the Communist Insurgency has shown, centralisation allows for the streamlining of resources, better coordination of units, and greater uniformity (and arguably, equity) in the outcomes of policing. In fact, most nations are not defined by their presence or lack of a national police but by how strong that force is.

Nevertheless, the global trend for community policing¹⁵ has ushered in some form of decentralisation for most police systems under the argument that for a police force to be responsive and accountable to its immediate policed community, it has to be legislatively, administratively, or bureaucratically tied to that smaller, local polity rather than a larger and more distant political structure. In many ways, this is a reproduction of the principles of local democracy, not unlike the case where local governments are argued to be the most effective in tackling local issues because it attains autonomy from 'higher-up' power structures and answers, electorally at least, to the local population. Anglo-Saxon countries such as the United States, the United Kingdom, and Australia, all saw the majority of the nation's police work being conducted by municipal-level, if not state-level police forces.

In recent years, we have also seen municipal and metropolitan polices sprouting as the concept of community policing gained traction. For example, in India, the Barrackpore City Police was established as recent as 2012. Even France with its centralised Napoleonic legacy, have instituted local police forces in the form of police municipale, albeit one with limited enforcement capacity. Malaysia, in this context, represents an extreme example, where state- and district-level autonomous police forces are virtually non-existent since they belong to the RMP. States in Malaysia that have asked for auxiliary polices, or have tried to organise their own patrol units, were met with resistance (Selangor)¹⁶ and repercussions (Penang)¹⁷. This is synchronous to a larger framework of anti-decentralisation, as seen in the refusal of the federal government in reviving local elections (Chi, 2015).

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¹⁵ Community policing is a much heralded, albeit not universally defined philosophy of policing. In general, community policing programs can be defined by three components, they are “some level of community involvement and consultation; decentralisation, often increasing discretion to line-level officers; and problem solving” (Center for Evidence-Based Crime Policing, 2015). It was widely adopted in many countries since the 1980s as a form of policing that is more neighbourhood-focused, in contrast with the military-style policing that is seen to be more top-down, authoritarian and insensitive to community needs.

¹⁶ The Selangor state government had asked for auxiliary police for its local councils, but the request has not been approved since 2011 with the exception of 20 auxiliary policemen which are limited to guarding council buildings of the Petaling Jaya City Council. See Brenda Ch'ng, 'Selangor auxiliary police should come under ministry, says Kow', The Star, August 7, 2013

¹⁷ The Voluntary Patrol Unit (PPS), which is a non-uniformed unit formed by the Penang state government had suffered a police crackdown, citing reasons of illegality. See Zalinah Noordin, 'Penang cops to launch statewide crackdown on PPS', The Rakyat Post, September 1, 2014.

Decentralising Malaysia's Police System

Nevertheless, in the case of Malaysia, a strong case for decentralisation can be built. First, unlike Mexico, endemic corruption of the local police forces is not the case in Malaysia nor is the country embroiled in a situation of perpetual and violent conflict that requires significant mobilisation at the federal level. Second, as our diagnosis indicates, for accountability to be enhanced at the apex level, the RMP needs to be decoupled (though not entirely, as we shall see) from the Executive, and that powers amassed at the position of the IGP be deconcentrated. In pursuant to this, we shall explore two avenues of decentralisation, namely *horizontal* and *vertical* decentralisation.

a) **Horizontal Decentralisation: Divorcing the Special Branch**

Building on the Dzaiddin Royal Commission's recommendation to enhance Special Branch accountability (Royal Commission 2005: 315–318), we argue that organisational separation will limit the IGP's power, and at the same time improve the position's accountability. Considering that many of the functions of the Special Branch are handled by dedicated agencies separated from the police in other countries; for example, the MI5 and MI6 in the United Kingdom, or the Central Intelligence Agency (CIA) in the United States, this recommendation is not without precedents. Even as far as Malaysia's neighbours are concerned, their national intelligence agencies are all separated from the police, such as the Internal Security Department of Singapore (the Republic's Special Branch equivalent) and the Badan Intelijen Negara (BIN) of Indonesia.

While some of the Special Branch's functions such as criminal intelligence can be transferred to other departments of the RMP, areas of national security interest such as counter-intelligence, security surveillance, and counter-terrorism should ideally be separated from the force that conducts more quotidian policing tasks. As the functions and duties of the Special Branch are sensitive and often invoke concerns with regards to democratic rights,¹⁸ it would also hurt the 'community policing' cause if the RMP continues to be associated with the Special Branch's more controversial—even though at times, necessary—functions (Royal Commission, 2005: 316). Moreover, considering the rising challenges in areas like counter-terrorism, conferring the Special Branch structural independence would not only reduce the RMP's burden but also strengthens the Special Branch's specialisation and accountability. In fact, an upcoming decision to appoint a new deputy IGP to run a separate counter-terrorism department shows that the separation is tenable, if not favourable under present security challenges (The Straits Times, 2017). What should be considered is greater decentralisation rather than administrative deconcentration.

A more direct implication of such a separation of powers is that the IGP would no longer hold the 'extraordinary' powers that are integral in many security legislations. In this case, the deciding authority on the enforcement of laws such as SOSMA and POTA would be a body separated from the police to ensure that whenever such laws were used, it is directly related to counter-terror or other well-defined matters of grave security threat. Through such separation, the current situation in which the IGP decides both if an assembly is illegal, as well as if its organiser should be subjected to preventive detention can be avoided.

¹⁸ Among major contentions with regards to the Special Branch is that it was allegedly "manipulated by a party in power for political purposes" (Royal Commission, 2005).

b) Vertical Decentralisation: Having independent state police forces

Vertical decentralisation entails the institution of independent subnational police forces, so there is a division between national, state, or even municipal police forces. The idea of vertical police decentralisation might sound radical, but as discussed, Malaysia's heavily centralised police system runs counter to that of most other federations (see Table 1). Vertical decentralisation is relevant to our discussion of IGP accountability for mainly two reasons:

i) More avenues for checks and balances

Vertical decentralisation can improve the accountability of the IGP for two major reasons. First, the system will have dispersed sources of authority that operate at two tiers of government. This allows for less concentration of power and more entry points for check-and-balance mechanisms as state police forces will be under the supervision of the state government. This is seen in the case of Australia, where a decentralised police system saw the growth of multiple feedback and oversight mechanisms because these agencies are present at separate states to monitor their own police forces. For example, in Queensland alone, there is the Crime and Corruption Commission and Queensland Ombudsman for the reporting, investigating, and monitoring of complaints against police officers in the state. As Australia's total population is less than Malaysia's, it is not a stretch to call for a revamp of Malaysia's current system where oversight of all police personnel is only concentrated at the federal level.

Nevertheless, this does not mean federal intervention or arbitration should be completely done away with. If the suspected offense is serious enough (such as the high level of corruption involving police chiefs), a federal investigative agency's involvement, such as the MACC, is warranted. In fact, this is the advantage of having a decentralised system, where accountability processes can involve different police forces. As esprit de corps within the same unit might result in difficulties in internal investigations, roping in another police force to conduct, moderate, or arbitrate investigation will greatly facilitate the fact-finding process due to the professional camaraderie that is widely held between law enforcement officers.

When high-level police scandals erupt, having the investigation separated from the police force in question will also help restore some public confidence in the due process. This is seen in how the Department of Justice and the Federal Bureau of Investigation (FBI) assume the investigation of a fatal police shooting incident involving a civilian by a municipal police force (Carlson, 2016). The FBI was also involved with the Kentucky State Police in the arrest of the Chief of Police of Lynch, Kentucky for drug charges in June 2016; one can only imagine the difficulty if the Lynch police force were to investigate and arrest its own Chief of Police (FBI Louisville, 2016).

The argument made here is not that a fragmented system will inevitably lead to better check and balances; but that more avenues of recourse would lead to a more diverse policy environment, thereby increasing the chances of police accountability measures to be enacted as compared to a system where all the decision-making is concentrated at one level. An analogy of this in Malaysia is the administration of religious affairs that occurs at the state-level. Such decentralisation enables Negeri Sembilan to lead the nation's effort in preventing the unilateral conversion of children into Islam as the state enacted the policy even before the federal government does; a situation only made possible due to the autonomy the state enjoyed in such affairs (Al-'Abidin, 2016).

ii) Reducing power distance by linking police performance to state governments

Under a decentralised system, the nation's police force (or forces) is no longer completely tied to one ruling party at the federal level, a development that is vital to reflect the more vibrant democracy post-2008 Malaysia enjoys. Instead, state governments will be the civilian authority in checking the conduct of state-level police forces and their chiefs. Under such instances, the 'power distance' is reduced because the performance of the police will be tied to state-level electoral politics, which is closer to the electorate. On the other hand, under the current system, a voter's concern over policing issues will be mixed with other issues during the General Elections (such as cost of living, healthcare, education), diluting its significance amidst a mélange of other concerns. The 'distance' to which a voter's preference can affect the choice of an IGP is thereby, larger.

In a vertically decentralised police system, the issue of policing can feature prominently in local politics. The elected Police and Crime Commissioner in the United Kingdom oversees police funding, policing plans, as well as the appointment, suspension and dismissal of the Chief Constable, the Chief of Police in the 43 Police Areas of the United Kingdom's decentralised police systems.¹⁹ Policing issues also feature prominently in the mayoral elections of New York, with the controversial 'stop-and-frisk' practice being called into question.²⁰ Current mayor, Bill de Blasio, was elected with the promise of being a police-reformer, following which during his first term the use of the tactic dropped "precipitously" (Toure, 2016). His re-election campaign in 2017 is also strongly tied to, and thus vulnerable to, policing issues (Goodman, 2016). Conversely, the policing of Penang, or Pahang, for example, are not featured prominently in either the state-level or national-level elections.

In the Malaysian context, vertical decentralisation allows the police system to be released from a monolithic, top-down power structure where the police's source of authority and legitimacy is confined to the Home Minister-IGP dyad, whereby the accountability of both positions is rather 'distant' from the electorates. Electorally, only the parliamentary constituents of the Home Minister can affect his position, if the ruling government stays in power, that is. Or else, it is entirely up to the Prime Minister's decision. Therefore, vertical decentralisation opens up the opportunity for check and balance avenues to be situated at different levels of government. A decentralised system might see the issue of policing being politicised as it will be featured in elections, but it will be a better alternative to the current 'winner takes all' situation where policing is political because complete control is given to the federal ruling party.

¹⁹ The Police and Crime Commissioner system do not cover Scotland and Northern Ireland, where policing is under the control of the Scotland Parliament and Northern Ireland Assembly, as well as the two police forces in Greater London, the City of London police as well as the Metropolitan Police Service which is under the control of City Council and the Mayor's Office respectively. However, the Metropolitan Police Service is also responsible for national issues, such as counter-terrorism, and its Commissioner (the Chief of Police equivalent) is appointed by Her Majesty The Queen following the advice of the Home Secretary.

²⁰ The stop-and-frisk practice is an initiative by the New York Police Department that enables police officers to stop and question individuals, as well as search them for arms and other contrabands. The controversy of this practice is that it is done without warrant, with majority of those stopped and frisked being found guilty of nothing, and is claimed to be targeting people of colour disproportionately. See 'Stop and Frisk Data', nycclu.org.

How should a Decentralised Police System in Malaysia look like?

Combining both the decentralisation proposals highlighted, the police system in Malaysia will be reorganised into thirteen state forces, a federal police force, and the Special Branch being the intelligence and counter-terrorism agency. Jurisdiction wise, the state police forces will be responsible for their respective states, while the federal police would cover the federal territories (see Figure 1). The recommendation to decentralise to the state level instead of lower levels (such as the municipal level) is based on the reasoning that takes into account of Malaysia's current federal-state dynamics, as well as the possibility of having operational difficulties and low level corruption when a more fragmented system is adopted.

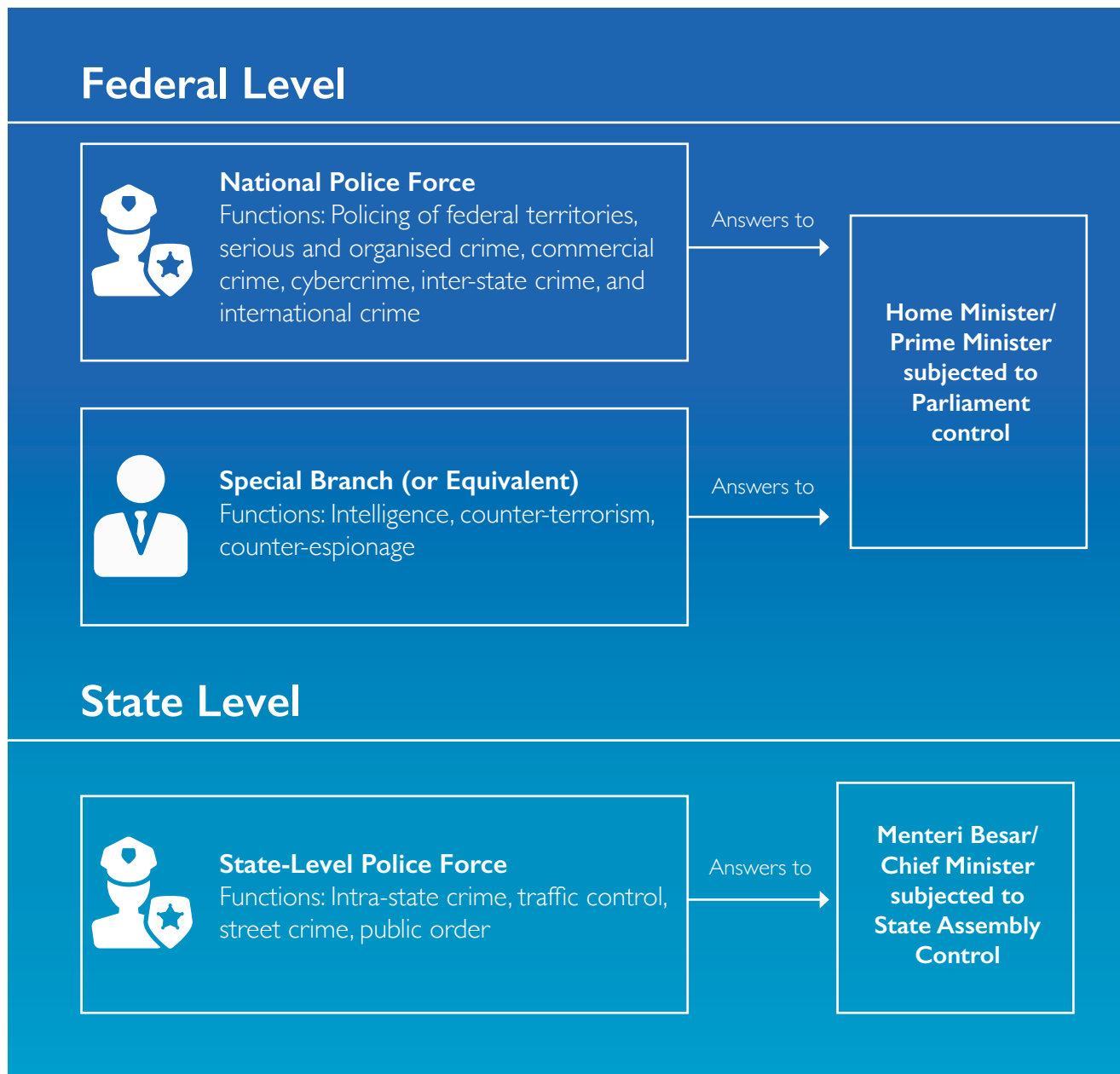
Nevertheless, the federal police force will remain the larger, more prominent, and more specialised force. This is because it will still be needed to tackle areas of crime that are cross-jurisdiction in nature; such as serious and organised crime, commercial crime, cybercrime, inter-state crime, and international crime. State police forces, on the other hand, will deal with smaller and more geographically confined issues, such as street crime, intra-state crime, public order, and traffic control within their respective states. This is similar to the police areas that demarcated the jurisdiction of different police forces in the United Kingdom. In accordance with the principle of civilian control, state and federal police forces should be made answerable to state or federal level governments respectively.

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Figure 1: What a Horizontally and Vertically Decentralised Police System in Malaysia might look like



Conclusion

This paper aims to posit a scenario of reform whereby the accountability of the IGP is enhanced through having more structurally independent police chiefs in the country. The basis of this proposal stands on the premise that the IGP's wide-ranging powers and interlocking relationship with the federal executive need to be dispersed, moderated, and restructured in a way that is more reflective of Malaysia's federated system and rising demands for local democracy from its populace. Again, radical it may sound, fragmented policing systems are not rare and in fact is a staple find in many federations, such as Australia, India, Canada, and Switzerland. That being said, it should be stressed that decentralisation is, and never meant to be, the panacea to all the issues faced by the RMP. But in the case of Malaysia where a monolithic police force was linked with arbitrary, unrestrained, and sometimes questionable exercise of power, decentralisation as a liberalising and countervailing tool should certainly be explored as a key step to transformative reform.

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