



INDEPENDENT POLICE COMPLAINT OF MISCONDUCT COMMISSION (IPCC)



**IPCCMC one step
closer to reality.....**

but does it have bite?

EAIC, THE TOOTHLESS TIGER

AIM, SUARAM slam EAIC Bill (The Malaysia Bar @ The Sun, 13 March 2009)

The Malaysian Bar Council likened the proposed EAIC to a "toothless tiger" as it would have no power to act.

"The glaring weakness of the EAIC is that it will be weak because it can't take action. It can just recommend this or that ... but can't take any proper action," said Bar Council vice-president Ragunath Kesavan.

Tony Pua Describes EAIC a Toothless Tiger (Selangor Kini, 10 June 2013)

The difference between the two is obvious in their intent. Instead, Tony insisted for the EAIC which was established in 2011 to be only given power to make recommendations to the disciplinary organs of the police and the prosecutors.

EAIC, LACKS POWER TO ACT

Kit Siang again calls for IPCMC, says EAIC 'toothless' (Malay Mail, 16 February 2017)

The EAIC is the body that investigates such cases and other misconduct at government agencies, but *lacks powers to act on the outcomes of its own investigations.*

EAIC hamstrung by lack of power (The Nut Graph, 17 March 2009)

This is because it still lacks the independence that is necessary for its role as investigator of misconduct and abuse to be taken seriously, cautioned Suhakam commissioner Datuk Dr Denison Jayasooria. Like Suhakam, the EAIC *can only investigate and recommend action* against errant officers to the enforcement agencies' respective disciplinary boards.

RENEWED CALLS FOR IPCMC

Renewed calls for IPCMC, but what is it? A refresher.

(The Star, 25 June 2018)

DAP adviser Lim Kit Siang said the arrest has further reiterated the need of the IPCMC under the Pakatan Harapan government's institutional reforms.

He said the IPCMC would be able to restore public confidence in the police by **eradicating corruption, misconduct and abuse of power** within the force.

Ex-IGP: Yes to enforcement powers for oversight body but give cops right to appeal

(FMT News, 3 December 2018)

Former Inspector-General of Police (IGP) Mohammed Hanif Omar supports granting the proposed Independent Police Complaints and Misconduct Commission (IPCMC) enforcement power, but insists police officers charged must have the **right to appeal in court.**

Hanif, who was IGP from 1974 to 1994, said the **police objected to the IPCMC because there was currently no recourse to appeal.**

RENEWED CALLS FOR IPCMC

Renewed calls for IPCMC after failure to stop custodial deaths (MalayMail, 2 March 2018)


- Civil society groups have renewed calls for the government to establish an Independent Police Complaints and Misconduct Commission (IPCCM), calling the current Enforcement Agency Integrity Commission (EAIC) an organisation without “bite”.
- In a public forum organised by the Bar Council Task Force on IPCCM today and in collaboration with several other human rights groups at the Bar Council’s new headquarters near Dataran Merdeka, they insisted that the ***EAIC had failed to stop deaths in custody.***

EAIC now known as IPCMC, role enhanced, says Dr M (The Star, 21 Sept 2018)

- The Enforcement Agency Integrity Commission (EAIC) has been upgraded to an Independent Police Complaints and Misconduct Commission (IPCMC), says Tun Dr Mahathir Mohamad.
- The Prime Minister said the move would enhance its role and allow it to investigate complaints more holistically.
- He said this was one of the decisions made in the fourth meeting of the Special Cabinet Committee on Anti-Corruption here on Friday (Sept 21).
- There have been calls for an IPCMC to be set up in the past, as the EAIC has limitations and will **not be able to take action against misconduct, other than making recommendations.**

Sometimes the people with
the worst past create the
best future.

(Umar Ibn Al-Khattab Rdi.)

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IPCC Bill tabled, but debate to wait till October

(The Star, 19 July 2019)

- According to the IPCC Bill 2019, which was tabled for the first reading at the Dewan Rakyat, the commission would have to set up a **Disciplinary Board that could impose punishment in police misconduct cases.**
- Tabled by Minister in the Prime Minister's Department Datuk Liew Vui Keong, the Bill also outlines the functions of IPCC which, among others, are to receive and assess any complaint of **misconduct against any member of the police force and investigate the complaint.**

IPCCMC : A facelifted EAIC?

Friday's IPCCMC Bill offers a short-changed, face-lifted EAIC (The Leaders Online, 22 July 2019)

If, on Friday, you heard bad cops cheering, now you know why.

Friday's Bill proposes an "IPCCMC" which falls far short of the 2005 proposal by the Police Commission with respect to scope and powers. Relative to the EAIC, it has some enhancements, but also some reductions. It doesn't have the powers which make MACC successful.

It is not far off the mark to say the "IPCCMC" is the EAIC with a face-lift.

IPCCM, The Disciplinary Board



Jurisdiction / Oversight Bodies	Disciplinary Power of Oversight Bodies
Hong Kong Independent Police Complaints Council (IPCC)	<ul style="list-style-type: none"> • IPCC can only make recommendation and the police retains authority to impose discipline
Northern Ireland Police Ombudsman Northern Ireland (PONI)	<ul style="list-style-type: none"> • PONI can only make recommendation and the police retains authority to impose discipline
England and Wales, UK Independent Office for Police Conduct (IOPC)	<ul style="list-style-type: none"> • IOPC will refer its investigation findings to the police for determination and may direct the police to hold misconduct hearing. • Police retains authority to impose discipline
Queensland, Australia Crime and Corruption Commission (CCC)	<ul style="list-style-type: none"> • CCC can only make recommendation and the police retains authority to impose discipline
New South Wales, Australia Law Enforcement Conduct Commission (LECC)	<ul style="list-style-type: none"> • LECC can only make recommendation and the police retains authority to impose discipline
Ontario, Canada Office of the Independent Police Review Director (OIPRD)	<ul style="list-style-type: none"> • OIPRD shall refer the matter to the chief of police for determination

Is the IPCMC a discriminatory provision against the police?

(Rest Stop Thoughts, 26 August 2019)

- Today, at a meeting, I heard a retired senior police officer say that in 2005, the police, especially the lower ranks, expressed huge resentment when the Dzaidin Police Commission proposed the IPCMC. They felt the IPCMC discriminated against the police. They continue to believe so.
- Clearly the police felt if they were to be overseen by “outsiders,” then so should those who work in other agencies. In police eyes, expanding the scope of the EAIC meant “avoiding discrimination against the police.”

Bridges link things together and make previously impossible tasks possible. If we must build walls, keep them low enough to see the over the top so we can all appreciate the view, so we can communicate to others.

**We build too many walls
and not enough bridges.**

Isaac Newton

 BrainyQuote



Innocent Policemen Need Not Fear IPCMC: Tun Dr Mahathir

The Star, Bernama (14 May 2019)

- **Police personnel who have not committed any offences need not worry** about the setting up of the Independent Police Complaints and Misconduct Commission (IPCCM), says Prime Minister Tun Dr Mahathir Mohamad.
- “Both have succeeded in discussing and explaining to representatives of police associations on the importance of creating the **IPCCM to restore the image of PDRM** in the eyes of the people.
- “I believe with the setting up of IPCCM, **not only the image in fact the welfare of the police would also be defended,**” he said in a media conference after chairing the Special Cabinet Committee on Anti-Corruption (JKKMAR) here today.

Police Force Commission (PFC) & IPCMC (Article 140 FC)

....no provision of such law (IPCMC Bill) shall be invalid on the ground of inconsistency with any provision of Part X of the FC.

Part X : Art 132 – Art 148

PFC shall cease to exercise disciplinary control

The functions of PFC such as the appointment, confirmation, emplacement on the permanent or pensionable establishment, promotion and transfer of the police force will remain with the PFC.

Functions of PFC with regards to other matters

The Public Officers (Conduct and Discipline) Regulations 1993 [P.U. (A) 395/1993] would be the regulations to be enforced by the IPCMC.

P.U (A) 395/1993

The Disciplinary Board shall consist of the members of the IPCMC, the Chairman of PFC and Inspector-General of Police or their representative as specified in the column of the Schedule.

The Disciplinary Board

IPCMC will allow some internal and administrative exercise of disciplinary control over some members of the police force by the police force itself.

Empowerment

IPCMC will adhere to rule of natural justice in handling any report of misconduct or disciplinary offences and as well as the mechanism for the hearing and appeal of any decision made in respect of any disciplinary action taken.

Mechanism of handling disciplinary offence



TERIMA KASIH

THANK YOU