



Key administration and improvement of the Malaysian Police from the viewpoint of the Illustrious Commission Report

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Abstract

The focus of this paper is on the Royal Malaysian Police (RMP) where the issues in improving the RMP along with its problems from the perspective of strategic management in the public sector based on three important themes that is, strategy, implementation and politics were addressed. The discussion draws substantially from the Report of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police (2005) [hereafter RCR] and the analysis was guided by the framework presented by Kelman (1987) and Moore (1995). For any improvement to take place, the problems must first be identified. Based on the problems of the RMP identified by the Royal Commission (RC), suggestions for improvement will be provided. This paper starts by looking at the strategy of the RMP. This is followed by the second section which focus on the implementation part and the concluding section provides the challenges facing the RMP with regard to the politics.

Keywords: Police, accountability, reforms, public management, public value.

INTRODUCTION

Strategy

Alice said, "Would you tell me, please, which way I ought to go from here?" The cat said, "That depends a good deal on where you want to get to," –Lewis Carroll, 1865.

The Royal Malaysian Police (RMP) took its current name upon the formation of Malaysia in 1963. It is a federal institution and is led by the Inspector General of Police (IGP). The regular functions of the force involve largely law enforcement, order maintenance and services. Over the years, there is a public dissatisfaction over the performance of the RMP. In response, the government under the former Prime Minister (PM) Abdullah Badawi announced the formation of a Royal Commission to investigate and review the operation and management of the RMP. In 2005, the Royal Commission released a report, that is, the Report of the Royal Commission to Enhance the Operation and Management of the Royal Malaysia Police (RCR) detailing the problems of the force

and recommended 125 recommendations to the Government to improve the force.

Hence, the discussion of this paper will draw substantially from the report and the analysis will be guided by the framework presented by Kelman (1987) and Moore (1995) based on three important themes that is, strategy, implementation and politics. This paper starts by looking at the strategy of the RMP.

It is a well-accepted fact that police departments play an important role in a society. As Moore and Braga (2003) put it, they are "significant, even essential, public agencies". Moore (1995) argues that public agency's aim is to create public value. The value is determined by the public themselves in which they are "willing to give something up in return for it" (Kelly et al., 2002: 4).

Notably, the assets and resources used by the police are given by the citizens that is, money and authority to produce something that is considered valuable for the citizens (Moore

and Braga, 2004). The pertinent question arises here is, "how does it get produced?". Moore (1995) proposes that, in so doing, organizational strategy must be established in which, the public agency must meet three criteria that is, it must define a goal, it must capture and sustain the support of overseers and it must be doable. All these criteria must be met, otherwise, the strategy will fail. Indeed, Moore argues that public manager must first establish a mission by which their organizations will be guided. In describing the mission and strategy for public policing, Moore and Braga (2003: 13) noted the following,

...the right mission or strategy of an organization is not a fixed, permanent thing. It is instead, something to be chosen by those who own and lead the organization in light of the environmental circumstances – both the "task environment" of problems that the police confront, as well as the "authorizing environment" of public expectations and demands of the police.

With regard to the strategy of the RMP, the RCR (2005: 179) commented that,

RMP has already embarked upon measures to realign its *raison d'être*, vision, mission and objectives to adjust to the changes occurring in the policing environment. In particular it has sought to emphasize 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 the 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.

At first glance, as noted by the RCR, the RMP seems to have a well-established strategy, mission and goals. They appear to know where they are heading. Notwithstanding with that fact, the RCR also noted that, "the RMP has been unsuccessful in projecting a positive image of itself to the people." What is more, the RCR (2005: 33) listed several problems with the RMP based on their inquiries and feedback from the public and the RMP itself as well as nine major challenges confronting the RMP. Hence, when the RMP celebrated its 200th anniversary recently, they have come up with a new and improved strategy, vision, mission and goals in line with the suggestions made by the RCR (New Straits Times [NST] 25 March, 2007). Nonetheless, many observers strongly remarked, "...200 years of policing, 50 years of Malaysian Police abuses and ensuing gross injustices" (www.policewatchmalaysia.com). On closer inspection, the author shall argue that, the main problem with the RMP is its implementation. It seems that the RMP has badly managed its "operational management", to borrow

Moore's term. The discussion which follows will emphasize the central concern of this paper that is, the implementation. As warned by Moore (1995: 71), "If managers have an attractive purpose broadly supported by the political environment but lack in the operational capacity to achieve it, the strategic vision must fail." This paper will be concluded by considering the political management in the context of the RMP.

IMPROVING THE MALAYSIAN POLICE: IMPLEMENTATION

"Reform that you may preserve"- Lord Macaulay 1831

It is pertinent to note that police agency "organization's production process emerges from the particular way that individual officers do their work" (Moore, 1995: 222). View it another way, its operational process lies in the "orientations and capabilities of the officers, policies and procedures and its culture."

As noted earlier, the main problem with the RMP is poor "operational management". Significantly, this has led to more serious consequences that is, corruption, abuse of power, deaths in the police custody and high incidence of crime. Perhaps, more importantly, this problem has resulted the declining of confidence among the public. In fact, the RCR (2005: 3) also admitted that, "...confidence in the police, as the agency which is responsible for upholding law and order in the country, was being seriously undermined." Beginning with the findings of the RCR, the section below will consider the problems of the RMP. Thereafter, the discussion will centre on the question 'what should be done?'

Implementation: What went wrong?

What went wrong? This is a crucial question. Perhaps Kelman's (1987) words are worth noting in answering this question, "If it (organization) proves impossible to create the needed capacity, or if unintended consequences of establishing it distort performance, then an organization may founder: experience teaches that the production stage can be a land where dreams die". Kelman further argues that, the capacity can be attained from a "good performance of its people" and "the way it designs the jobs the organization does". Simply put, he emphasizes on the importance of Human Resources Management (HRM) and job design that is, Standard Operating Procedures (SOP). Likewise, Moore (1995: 212) suggested that for any organization to maintain its good performance, it must "use and adjust their organization's administrative systems that is, their structures, policy making processes, personnel systems and control mechanisms". In this regard, it is doubtful that the RMP has fully developed its capacity and maintain its

performance.

To begin with, among the challenges noted by the RCR (2005), which are particularly relevant in this context, are “inadequacies in Human Resources Management and performance” and “compliance with prescribed laws and human rights.”

Human resources management (HRM): Among the issues that had been highlighted by the RCR pertaining to the flaws of HRM in the RMP are, deficiencies in recruitment which has restrained them to hire the right people with the right skill and the absence of competencies -based model for HRD which has contributed to the following problems:

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. 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. It is more difficult to target, attract and hire the right people for the right job. It is more difficult to customize training, skills development and career development to fit different competency profiles and personnel (RCR 2005: 143-144).

In this regard, it appears that many cases were dismissed due to the lack of skills among the police Prosecuting Officers. There are also cases which remain unresolved or prosecuted due to the lack of investigation skills of the police that is, “basic examining skills” (RCR, 2005: 236). The RC also noted that there was a delay in taking immediate action of the ‘non-classification’ cases because the personnel in charged were not trained enough. In fact, the RC had considered this matter as “extremely unsatisfactorily” (RCR, 2005: 227).

The RCR also indicated that the training system of RMP is “unable to produce sufficient personnel with the necessary work ethics, competence and competencies such as communication and language skill.” Not surprisingly, this has raised complaints among the public with regard to poor quality counter services. Among the complaints were, “...wait for hours to lodge a report and there was no police personnel to attend to their complaints at the enquiry counter...difficulties in making reports when there are no translators...” (RCR, 2005: 45). The training also seems to neglect the ethics and integrity component. Among others, this has contributed to the problem of corruption and abuse of power among the police personnel.

There is also a flaw with regard to the RMP workforce planning. The RCR commented that the manpower management of RMP has not been effective. Undoubtedly, the consequences of this problem are predictable that is, inability to fill vacancies, weaknesses in distribution and deployment of RMP personnel, problems in managing expenditure on employee remuneration and anticipating

changes for RMP, difficulties in ensuring the provision of sufficient and appropriate training and development and difficulties in planning for other support facilities that are required, such as housing, arms and uniforms (RCR, 2005: 145).

Indeed, this explains the reason why sometimes there was no follow-up action taken by the police when the reports had been lodged by the complainants. The RMP noted their difficulty in coping with many responsibilities and duties. They also claimed that they are “overworked and have too many cases to handle” (RCR, 2005: 36).

As previously stated, culture of the organization is also part of the production or implementation process in which it consists of “values that are common to most of the organization’s members” (Kelman, 1987: 152) whereby the values will “guide the organization and the behaviour of its employees” (Moore and Wasserman, 1988). Kelman further reminded us that, organization need to establish a positive culture in order for its members to perform well. The RMP listed its values as “loyalty, discipline, credibility, caring and friendly and excellence” (RCR, 2005: 179). However, the crucial point to note here is that, again, as indicated by the RC, the culture of impunity pervades in all ranks of the RMP. It is therefore not too far wrong to believe that the percentage of corrupt personnel in the RMP is high and occurs at all levels. Not surprisingly, a recent survey conducted by Merdeka Centre on behalf of Transparency International Malaysia (TIM) found that the public and private sector perceive police force as the most corrupt of all government officials (NST, 6 March, 2007). In this regard, Tunku Abdul Aziz, one of the members of the RC puts it well, “...by allowing a culture of routine unethical policing to develop with impunity, the seed of serious institutionalized corruption was planted” (The Sun 8 December, 2005) . Indeed, as rightly pointed out by Moore and Wasserman (1988: 1).

Police departments are powerfully influenced by their values. The problem is that police departments, like many organizations, are guided by implicit values that are often at odds with explicit values. These breeds confusions, distrust and cynicism rather than clarity, commitment and high morale.

Job design: Job design is the second important factor emphasized by Kelman (1987). He argues that in designing a job, the most significant issue is the Standard Operating Procedures (SOP), that is, rules that will guide employees on what and how to do a job. Moore (1995: 224) pointed out the reason for SOP is to ensure organizational effectiveness, consistency and fairness “by ensuring that every police officer used what the organization had learned was the best and most appropriate technique for dealing with a particular problem.” This in a way, will reduce the chances of the personnel to use their discretions widely as well as to avoid misbehaviour

(Kelman, 1987; Moore, 1995).

As far as this statement is concerned, this is quite far from true in the case of the RMP. Unmistakably, the RMP has detailed its policies and procedures to guide the behavior of its personnel that is, Criminal Procedure Code (CPC), Inspector General Standing Order (IGSO), Lockup Rules 1953, Police Act 1963 etc. Nevertheless, the fact is that, even if everything were in place, does it help the organization work? Perhaps the words of Moore (1995: 229) are worth noting.

In reality, however, officers worked with little supervision. The informal culture encouraged them to break the rules to get the job done. When caught, they were alternately protected and made scapegoats by their superiors. Such conditions generated an enormous amount of stress and cynicism in organization.

In the case of RMP, the findings on the cases of deaths in police custody indicated that many times:

...the police do not faithfully follow the provisions of the Lockup Rules 1953 and the IGSO. The duties imposed on Magistrates and the police under CPC are not always complied with...relied solely on the findings of the pathologist on the cause of death and stopped investigation. The police should not stop investigation solely based on the reason given by the pathologist. The investigations were not thorough. Witnesses that is, cell-mates, duty lockup officers, arresting officers and officers who participated in examining the suspect were frequently not asked to give statements (RCR, 2005: 42-43).

Crucially though, the police had also misused the power entrusted to them. The case in point was the "abuse of safeguards of rights in prescribed laws and regulations" including law and regulation with regard to women and child provided in the CPC, IGSO and Lockup Rules (RCR, 2005: 302; 339). What is most striking about the findings is that there is extensive and recurrent abuse of various kinds. The RC also noted that this practice had become "ingrained" in the police and they attributed to the failure of implementation of the IGSOs and national laws. Non-compliance of the rules, regulations, systems and procedures also prelude to demands of bribes among the police.

IMPLEMENTATION: WHERE DO WE GO FROM HERE?

The problem of internal operations of the RMP illustrate to us operational challenges facing the public manager of the RMP that is, the IGP. The flaws and gaps in the production process of the RMP definitely need to be remedied. As Moore (1995) has pointed out, this is particularly important to lead the public manager towards innovation, to define products, to redesign the production process and to use administrative systems to influence

operations. As suggested by Moore (2003: 476), there are four types of police innovation that is, programmatic, administrative, technological and strategic innovations. Perhaps the most suitable innovation that can be adopted by the RMP is administrative innovations, as it "will have an important impact on operations" (Moore, 2003: 477). Hence, below are the specific areas of administrative innovations that warrant a closer look for improvement to take place in the RMP.

Human resources management: Develop capacity

Cohen (1988: 23) remarked that, "Finding employees, nurturing them and motivating them form the essence of effective public management". Indeed, the most important resource a police agency has is its personnel. Personnel system of the RMP should be the main concern of improvement because as Phil Keith put it, "...that's where the majority of our resources are vested." (Quoted in Moore et al. 1999: 79) . To a certain extent, recommendations made by the RC to improve the management and development of the RMP human resources are quite comprehensive as far as the HRM is concerned. This should not come as a surprise because as observed by Moore et al. (1999: 80), "the substances of the reforms are fairly similar: Every agency sought to make changes in hiring and recruitment, training systems and personnel evaluations and promotions..."

Nonetheless, the author would like to highlight several pertinent issues with regard to the HRM of the RMP. Initially, the RMP should pay more attention in the "selection" process of its personnel. Many HRM experts agree that selection decisions are the most important part of successful HRM (Dessler, 1991; Shafritz et al., 2001; Bohlander and Snell, 2004). Selection process should be done properly to get the right people with the right skills and inclination (Kelman, 1987). This issue is particularly vital given the fact that police force is entrusted with powers to enforce the rule of law and maintain public order.

The RMP also needs to consider a holistic approach to its training and development programs especially with regard to work ethics, compliance with human rights, gender sensitization, public relations and so on and so forth. Both formal and informal training are important. To quote Kelman (1987: 152) on this point, training is "...not only about the nuts and bolts of the job, but about attitudes and orientations as well...-- about what a 'good' police officer is like".

To a great extent, inducement can play a significant role in eliciting good performance from organization's members. Kelman (1987: 156) contend that inducements are necessary in order for organization members to perform beyond the minimum. Along this line, Moore (2003: 483) noted that, "incentives (in the form of both rewards and penalties tied to bits of behavior) can motivate people to perform in particular ways". This is

particularly true for the police force whose tasks are vulnerable and often exposed to hardship and danger. Indeed, the recent pay rise for civil servants including the police personnel was considered by many as “apt and meaningful” (The Star, 22 May, 2007) for the police force to improve their performance. Besides that, the RMP should also pay considerable attention to the working premises and the welfare of the personnel. As recommended by the RC, the RMP definitely needs to improve the situation as “it has a negative impact on their morale, self-esteem and performance” (RCR, 2005: 427). In fact, this is in line with the suggestion made by Chester Barnard in which he noted that the incentives that is, money, recognition, working conditions and pleasant social environment can contribute to better performance of employees (Cohen, 1988: 38).

External accountability: Ensure compliance

Given the nature of police task which seems to be imbued with ‘super-enormous power’ to ensure “the protection of the people rights, including security of life and property” (RCR, 2005: 168) there is a need that much of their work must be guided with proper rules, regulation and procedures. As noted earlier, the SOP is important in a sense it limits the discretion possessed by the police personnel. As Kelman (1987: 173) once remarked, the SOP “create organizational capacity by telling organization members how to react in a given situation”.

This is particularly essential for the police force who “works under conditions that are far from ideal” (NST, 18 March, 2007). Again, the situation in the RMP seems to suggest that non-compliance of the SOP persist at all levels. More importantly, there is little supervision of subordinate officers and staff due to poorly enforced supervisory system. Indeed, this has led the RC to propose one of the most important key recommendations to ensure that “doctrines, laws, rules and procedures are observed and implemented” (RCR, 2005: 189) that is, Independent Police Complaints and Misconduct Commission (IPCMC) as the external oversight body. In this regard, the Report on Oxford Policing Policy Forum (2006: 9) pointed out that,

In a political climate characterized by a decline in trust in the political process, loss of respect for public servants and an increase in public expectations, the existence of an overarching national, external and independent body for investigating allegations of police misconduct must be viewed as vital for holding the police to account and for dealing with police misconduct.

Interestingly, the recommendation has drawn mixed reactions from various quarters. Given the credibility crisis faced by the RMP, the public has welcomed the proposal, yet when it was first proposed, the RMP and

several National Front (Barisan Nasional) MPs seem to be reluctant on the grounds that it is “against the Federal Constitution, natural justice, rule of law and against the police personnel’s fundamental rights” (The Sun, 31 May, 2006). Nonetheless, the assurance given by the then Deputy Inspector General of Police, Musa Hassan that “the men and women in blue have unanimously agreed to support any proposal by the government” has end the objection of the RMP on the IPCMC (The Sun, 6 July 2006). However, as to date, there is still uncertainty in which Tunku Abdul Aziz commented that the government has “soft pedal strenuously” the decision to its establishment (NST, 18 March, 2007).

For whatever reasons that seem to back-track the formation of the IPCMC, the author is of the view that, the establishment of IPCMC will definitely restore the image of RMP which had been tainted by many allegations. More importantly, it will ensure RMP to “effectively implements and abides by rules and regulations” (RCR, 2005: 189). As Moore (1995: 274) argued, strategic managers will expose their organizations to the pressures of external accountability. They should “embrace rather than shun accountability, and they stimulate rather than dampen public expectations.” He further emphasized that,

...if managers seek strategic changes in the organizations, embracing accountability seems to be an important tool. Without such an embrace, managers confront their organizational alone. With it, managers can focus the massed force of public expectations for change on their organizations—a far more advantageous position (1995: 276).

Organizational (bureaucratic) values: Managing culture

Kelly et al. (2002: 13) point out that, “values can create value” in a sense it will determine the “capacity to deliver results”. Concomitant to this, Moore (1995: 265) is also of the view that, “If the values could be held in place as obligations that the department could learn to honor, then the culture of the organization would be transformed”. In the case of the RMP, although they have defined their own values, this is hardly being reflected in most of their actions. In fact, the RC also proposed another three critical values for the RMP to consider viz. “integrity, public accountability and upholding human rights” (RCR, 2005: 183). Somehow, the author is of the view that these notions should be expanded into a statement and incorporates those values into the rules, procedures and directives. Significantly, this initiative has proven success in improving the performance of police force. A case in point is Wichita Police Department and Houston Police Department (Moore and Wasserman, 1988: 3). Nonetheless, having explicit value statements to cultivate

a positive culture in an organization is only one matter. The challenge is to foster the values into the actions of the police personnel. Perhaps, as indicated earlier, emphasis on training of these values can help but it is still debatable whether it can have any effect on the behavior of the police personnel.

Again, to an important degree, the IPCMC as an external body will also help to discard the culture of impunity which has embedded in all ranks of the RMP. Changing the overall police culture will be one of the critical factors in improving the force. To elaborate a bit further, perhaps the word of Tunku Abdul Aziz is worth noting, "An organization is a child of its culture. A positive culture grounded in high professional standards underpinned by sound and moral values promotes public confidence and a sense of harmony in society" (The Sun, 8 December, 2005).

IMPLEMENTATION: MAKING IT HAPPEN

It is unclear to the author how far the recommendations proposed by the RC have been implemented by the RMP even though the former Prime Minister (PM), Tun Abdullah Badawi insists that, "...of the 125 suggestions by the RC...81 proposals or 65% have been implemented..." (The Sun, 14 March, 2006). On the other hand, the RMP claimed that 100 of the recommendations have been implemented in 2006 (www.rmp.gov.my). What is evident is the fact that the RMP has created a new strategy, vision and mission (NST, 25 March, 2007) in which Moore (1995; 2003) would describe it as a "strategic innovations". At this juncture, the author does not see this as crucial though maybe necessary as Moore (1995: 234) has aptly puts it, "a strategic innovation usually requires a great many programmatic and administrative innovations if it is to succeed." Viewed it another way, the RMP should first adopted the "administrative innovations" as Moore (1995: 234) emphasizes that it will "close the gap between what the organization now is and what it can become". Moore further argues that it "maybe adopted because they will lead to a new strategy or simply because they seem to solve a current operational problem." Hence, it seems reasonable to suggest that the RMP should focus on administrative innovations before it embarks on the strategic innovations.

Conclusion

"Courage is the thing. All goes if courage goes..."

Moore in his arguably the most influential book, *Creating Public Value* (1995) and elsewhere seems to put greater emphasis on the role of politics. He contends that, politics cannot and should not be excluded from the definition of

definition of public value... Responding to politics and accepting its demands and expectations is as fundamental to public managers as responding to the market is to private managers. Without politics, public managers could not know what was worth doing, for, in the end, it is politics that authoritatively defines what is publicly valuable. Thus, it is in learning to read, respond to, and help to shape political aspirations that managers can learn to create public value (1994: 304).

No doubt, in the case on the RMP, the Inspector General of Police (IGP) has to play a significant role in mobilizing the support from the Government in order to improve the current state of the RMP. As indicated by Moore et al. (1999: 46), they claimed that, "...the political environment can obviously be influenced by the chief". The author certainly do not dispute Moore's contention saying that, "...managers need these 'external' actors because they need their permission to use public resources...; or they need their operational assistance to help produce the results for which they are responsible" (Moore, 1995: 113). By and large, the author personally does not see any difficulties for the IGP to gain the supports from the Government to improve its operational management except for this critical issue that is, the IPCMC. The former PM in particular obviously senses a need for the RMP to regain its reputation. The establishment of the RC itself sets the tone of seriousness on the part of the Government. Besides, the Government has also channeled a huge amount of money under the 9MP for the upgrading and building of new infrastructure for the RMP (The Star, 26 March, 2007).

Somehow, pertaining to the IPCMC, many had grave doubts that the IGP has done enough to expedite its formation. Several quarters have raised concern over the 'sincerity' of the IGP on this issue. Nonetheless, this is quite understandable given the fact that the IGP works under much political constraints when it comes to accountability and transparency. One need not wonder further as experience has taught us how the Malaysian government has constantly ignored the call for the establishment of Ombudsman as a watchdog. As one observer pointed out,

Refusing to improve one's self even when one is stuck in a fairly dismal state constitutes doing a grave injustice to oneself. Shutting out any possible avenues for change and betterment when someone else is counting on you is an even graver offence (The Sun, 9 April, 2006).

In many respects, the author is of the view that the IGP should first garner the support from the police force in order to push the PM to expedite his decision on the IPCMC. Even though the IGP pledged that his force would support the Government to set up the IPCMC, many are still skeptical. Words are only words; something must be done to show that the RMP is serious enough to have the IPCMC as an independent, external oversight body. To gain the support from the force, the IGP can

engage with them in explaining the real intention of the IPCMC as many within the force itself seem to be misunderstood of its rationale. The public at large must be persuaded to support its formation. Perhaps, this will put pressure on the PM to make a firm decision on IPCMC. But, then again, this will also largely depends on his political will and courage as Bailey notes, "Perhaps the most essential courage in the public service is the courage to decide" (Quoted in Warwick, 1981: 125). Essentially, as rightly pointed out by the RCR (2005: III),

The process of modernizing and improving the performance of RMP will not be an easy task. It will require strong and inspired leadership...strong and sustained political will on the part of Government...and those who comprise the service to welcome, embrace and champion it.

It is a challenge that has to be taken by the RMP in particular its leaders. Simon (1998) once remarked "...whatever our talents, we have an opportunity, by dedication to the goals of the organizations, public or private, in which we work, to play a productive role in the society in which we live." To conclude, perhaps, the words of Moore and Braga (2003: 7) are an important reminder, "We all understand in our bones that the police can do as much harm as good. Badly managed, the police can become as great a threat to life, liberty and property as the criminals from whom they are meant to protect us".

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