



THE POLICE AND YOUR BASIC RIGHTS

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1. WHEN THE POLICE STOPS YOU

1.1 If the police is not in uniform

Ask the police to show his/her authority card.

1.2 Police authority card

Red : Suspended police officer. He/she has no authority to do anything to you. Walk away.

Other colours

Blue : Rank of Inspector and above

Yellow : Below the rank of Inspector

White : Reserve police

Note the police's name and ID number on his/her authority card.

1.3 If police is in uniform

Note his/her name and ID number on his/her uniform.

1.4 Police vehicle

Note the number plate of the police patrol car or motorcycle.

2. WHEN THE POLICE QUESTIONS YOU

2.1 Your identification

Only give your name, NRIC number and address.

2.2 The police asks other questions

Politely ask "Am I under arrest?"

2.3 Under arrest

You are arrested if the police:

- answers "yes" to your question above;
- does not allow you to leave / wants to take you to the police station; or
- handcuffs you.

If you are not under arrest, you may walk away or refuse to follow him/her back to the police station or anywhere else, if asked to.

2.4 When you cannot be arrested

The police cannot arrest you just because you are a potential witness and want to take a statement from you (112 Statement / Witness Statement).

3. QUESTIONING BY THE POLICE WITHOUT ARREST

3.1 112 Statement

When the police are investigating a case and think you have information / knowledge about the case, the police may examine you and take down your answers (112 Statement).

3.2 Informal / formal request

Most times, the police will make an informal request that you give a 112 Statement. Cooperate, if the place and time is convenient to

you. If not, tell the police you will do so at a convenient place and time.

If you refuse to cooperate, the police may issue a formal order in writing and signed by an investigating officer (“Police Order”) to compel you to cooperate.

3.3 Giving a 112 Statement

You have the right to ask a lawyer to accompany you. This is advisable.

In giving a 112 Statement, you may choose to refuse to answer any question that could expose you to a criminal offence.

Important points to note:

- Bring along a notebook or writing paper with you (“Personal Notes”).
- Write down every question asked in your Personal Notes.
- Make sure you understand every question asked.
- Take your time and think carefully before writing your answers in your Personal Notes.
- Read your answers to the police officer questioning you.
- Keep your Personal Notes for future reference.

3.4 Signing your 112 Statement

Before signing your Statement, read the questions and your answers written by the police officer carefully.

- Compare the Statement that you are asked to sign with your Personal Notes.
- You have the right to make any corrections / changes to your Statement before signing it.
- Place your signature immediately below the last sentence of your Statement.

If you disobey a Police Order, you cannot be arrested. However, it is an offence and the police may request the Magistrate to issue a warrant against you to compel you to cooperate.

4. THE POLICE ARRESTS YOU

4.1 When arrested, ask for the reason for the arrest (“Why am I under arrest?”)

An arrest is unlawful if you are not informed of the reason.

4.2 Do not resist an arrest

The police have the right to use reasonable force to arrest you if you resist.

4.3 Ask: “Which police station are you taking me to?”

The arresting police officer must immediately take you to the nearest police station and no other place.

4.4 What to do when informed of your arrest?

You have the right to make telephone calls. Make calls to your family, lawyer, or the Legal Aid Centre (“LAC”). Inform them about the following:

- You have been arrested;
- The time, place, and reason of the arrest;

- The ID of the arresting police officer; and
- The police station you will be taken to.

4.5 What happens after the arrest?

You may be detained up to 24 hours:

- at the police station; or
- in a lock-up to assist in the police investigation.

5. YOUR RIGHTS DURING DETENTION

5.1 Right to consult a lawyer

You have the right to contact a lawyer and are entitled to state your wish to do so.

Once you request for the presence of a lawyer, you have the right to consult the lawyer at the police station. The police must accord you the facility and reasonable time for you to meet and consult the lawyer. The police may, however, deny you this right, if the delay in questioning you may cause the occurrence of another crime or cause danger to others.

5.2 Clothing

You are allowed to have 1 set of clothing with you in the lock-up.

5.3 Personal belongings

The police must record and put all your personal belongings in safe custody. Your personal belongings must be returned to you upon your release.

5.4 Welfare

You are allowed to take a bath 2 times a day. If you are sick, you have the right to receive immediate medical attention.

You are to be given proper and adequate food and water during detention.

5.5 How long may the police detain you?

The police may only detain you up to 24 hours for investigation. The duty of the police is to complete investigations within 24 hours and to release you as soon as possible.

If the police cannot complete investigations within 24 hours, they must bring you before a Magistrate to obtain a Remand Order to extend your detention beyond 24 hours.

6. REMAND ORDER BY A MAGISTRATE

6.1 Who is a Magistrate?

A Magistrate is a judicial officer with the power to make a Remand Order to detain you for more than 24 hours.

6.2 Purpose of a Remand Order

It is to give more time to the police to complete their investigations and to decide whether there is evidence to charge you for an offence.

The police cannot ask for a Remand Order only for the purpose of taking a Statement from you.

6.3 How long is a Remand Order?

When the police brings you before a Magistrate for a Remand Order, they must give reasons to the Magistrate why it is necessary to detain you for more than 24 hours. The Magistrate's duty is to consider carefully the reasons given by the police.

In any event, the Magistrate has the power to make a Remand Order of not more than 4 days or 7 days depending on the offence being investigated. The police may return at the expiration of this time period and apply for a second Remand Order. The Magistrate may make a second Remand Order of not more than 3 days or 7 days depending on the offence being investigated.

The Magistrate, after considering carefully the reasons given by the police, has the discretion to:

- not make a Remand Order, and release you; or
- make a Remand Order for a period shorter than that asked for by the police.

6.4 What to say when you are brought before a Magistrate for remand?

Tell the Magistrate the following:

- You want legal representation, and you want to contact the LAC and your family;
- You want medical treatment because you are sick or have been beaten;
- If you have been threatened or beaten during detention;
- If you have been denied proper and adequate food / water / clothing, the use of toilet, or the necessary medical attention during your detention; and
- If the police had carried out any investigations during your detention.

6.5 Ask for a shorter Remand Order from the Magistrate

Before the Magistrate makes the Remand Order, ask for a shorter remand period than that asked for by the police. Give reasons (example: "I will cooperate with the police in their investigation", "I will be available and will not run away", etc).

7. BODY SEARCH WITHOUT ARREST

7.1 When can this be done?

If you are at a place (example: club / karaoke / entertainment outlet) where the police are conducting a raid to look for something there (example: dangerous drugs), the police may detain and search your body / bag without arresting you.

This may only be done in the presence of a police officer ranked Inspector and above.

7.2 What to do?

- Do not allow the police officer to put his/her hands into your pocket / clothes or bag.
- Clear your pocket / bag in front of the police officer voluntarily so that you can monitor your belongings.

Take out your belongings one by one, and state each of the items you are taking out, example “purse”, “keys”, “IC”, etc.

- When your pockets / bags are empty, turn your pockets / bags inside out.

7.3 Your rights

- A female can only be body searched by a female police officer.
- All body searches must be carried out in a professional manner and with decency (example: A search cannot be done on areas of your private parts).
- There are no laws that compel one to strip naked.

8. BODY SEARCH UPON ARREST

8.1 The police is authorised to do body search to obtain an object that is connected to the suspected offence

The body search must be conducted in a confined place. It is your right to be bodily searched in private.

8.2 Strip search

Even if you are under arrest, there is no law that allows the police to force you to strip in order to be searched.

If you are forced / threatened to strip naked:

- Protest;
- Note down the name of the police officer; and
- Lodge a police report after the incident.

9. QUESTIONING BY POLICE AFTER ARREST

9.1 Identify the police officer who questioned you

Note the name / rank of the police officer who questioned you.

9.2 Right to remain silent

The police officer will first make friendly conversation / talk (example: ask you about your family and friends, etc). Remain polite. Do not be afraid to remain silent. This is your right.

9.3 112 Statement by you during investigation

The police officer will ask you questions and then write down your answers. You are only obliged to give your full name, age, address, and occupation (“Personal Particulars”).

Other than giving your Personal Particulars, you have the right to remain silent. If you choose the right to remain silent, say: “I will answer in court”.

9.4 The police are not authorised to compel you to make 112 Statement

After you have provided your Personal Particulars, and the police still threatens you to make a written statement:

- Stay calm and remain silent;
- The police cannot threaten or force you into making a statement.

If you have been threatened, beaten, or forced to make a 112 Statement, lodge a police report against the police officer at first opportunity. This is your right.

10. CAN THE POLICE SEARCH YOUR CAR?

10.1 The police have the power under section 24(1) of the Police Act 1967 to stop and search your car

Hence, the police have the authority to stop your car and conduct inspection on your identification card as well as your driving licence (section 58(2) of the Road Transport Act 1987).

The police also have the power to search your car if they suspect you have done something illegal, or you are being investigated for a crime, or you have been arrested on suspicion of committing a crime.

10.2 What to do if the police want to search your car?

- Request to see their authority card or kad kuasa;
- Take note of their name, rank, and service ID number;
- Take note of their vehicle registration number;
- Ask for the reason why they want to search your car; and
- Ask whether you are being investigated or suspected of committing any crimes.

10.3 What to do when you are being questioned by the police officer?

- You only have to give your name, NRIC number, and address.
- If the police officer asks another question, ask the police officer if you are under arrest.
- You are arrested if the police officer says “yes” to the above question, or if you are not allowed to leave the location, and when you are handcuffed.
- If you are not arrested, you can leave the location or refuse to obey the police officer’s instructions to go to the police station or other place, if instructed.

10.4 What to do if you have been arrested?

- When you are arrested, ask “why am I arrested?”
Every arrest made without being informed of the reason, is a wrongful arrest.
- Do not fight with the police officer. Police officers have the right to use reasonable force if you resist arrest.
- Ask: “Which police station do you want to take me to?”
The police officer should take you immediately to the nearest police station and not anywhere else.

10.5 What to do after being notified of an arrest?

- You have the right to make phone calls. Make a call to your family, a lawyer, or the nearest LAC. Inform them about your arrest.
- Give full cooperation to the police officer. Otherwise, under sections 24(2), (3), and (4) of the Police Act 1967, you may be arrested without a warrant, or your vehicle can be moved to the nearby police station or to other places, if you have been suspected of committing an offence.

11. CAN THE POLICE SEARCH YOUR MOBILE PHONE?

11.1 The police are allowed to check your phone

But they cannot do so without a valid reasonable cause.

If they do check your phone, they must suspect that you have done something illegal, or you are being investigated for a crime, or you have been arrested on suspicion of committing a crime.

11.2 What to do if the police want to check your phone?

- Request to see their authority card or kad kuasa;
- Take note of their name, rank, and service ID number;
- Take note of their vehicle registration number;
- Ask for the reasons why they want to check your phone; and
- Ask whether you are being investigated or suspected of committing any crimes.

11.3 What to do if you are unsure of what to do?

- Call a lawyer for advice; and
- Request to be taken to the nearest police station for your phone check to be conducted.

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