SEC. 507. Section 825a of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–3105), is amended by striking out "or by imprisonment not exceeding ten years." and inserting in lieu thereof the following: "and by imprisonment for not less than five years or more than ten years."

SEC. 508. Whoever shall make or cause to be made to the Metropolitan Police Department of the District of Columbia, or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within the District of Columbia, or a false or fictitious report of any other matter or occurrence of which such Metropolitan Police Department is required to receive reports, or in connection with which such Metropolitan Police Department is required to conduct an investigation, knowing such report to be false or fictitious; or who shall communicate or cause to be communicated to such Metropolitan Police Department, or any officer or member thereof, any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such Metropolitan Police Department is required to receive reports, or in connection with which such Metropolitan Police Department is required to conduct an investigation, knowing such information to be false, shall be punished by a fine not exceeding $100 or by imprisonment not exceeding six months, or both.

Passed the House of Representatives August 12, 1963.

Attest:

RALPH R. ROBERTS, *Clerk.*

---

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
*Washington, D.C.*

Hon. ALAN BIBLE,
*Chairman, Committee on the District of Columbia,*
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on H.R. 7525, a bill relating to crime and criminal procedure in the District of Columbia. We understand from Mr. Acheson that he has asked you to consider this report as a response to your request for his views.

### TITLE I. MALLORY RULE

Title I as passed by the House of Representatives is intended as a response to the Supreme Court decision in *Mallory* v. *United States*, 354 U.S. 449 (1957). However, it raises serious constitutional difficulties in dispensing with safeguards which the Mallory rule assured to persons charged with crime. If a change in some of the recent interpretations of the Mallory rule is to be legislated, certain essential safeguards should be preserved to save the bill from constittutional attack.

The Mallory rule is a rule of evidence in criminal trials. The rule excludes a confession from evidence if it was obtained during a period of unnecessary delay in bringing an arrested person before a committee magistrate. It is intended as a judicial sanction with which to enforce Rule 5(a) of the Federal Rules of Criminal Procedure, which rule requires that an arrested person be taken without unnecessary delay to a committing magistrate to be advised of his rights and to receive a preliminary hearing. The Supreme Court made it clear that the Mallory rule was intended to prevent law enforcement officers from delaying preliminary hearings for the purpose of eliciting confessions. This is as it should be.

However, since the decision in the Mallory case there have been numerous cases in the District of Columbia[1] interpreting "unnecessary delay." Compara-

[1] The Mallory rule is not frequently invoked in Federal criminal cases in jurisdictions other than the District of Columbia. The reason is twofold. First, only in the District of Columbia do the Federal courts have broad jurisdiction over crimes of violence which characteristically lack eyewitnesses and independent evidence. It is quite common in cases of homicide, yoke robberies, rapes, and certain other crimes that there is no third eyewitness, and it is ofen very difficult for the complaining witness to make an identification. In homicides there is no complaining witness at all. Thus, confessions assume far greater significance as evidence of guilt, and it becomes important to defendants to exclude their confessions in the courts of the District of Columbia. Second, by contrast most Federal criminal cases in other jurisdictions involve frauds, mail thefts, narcotic violations, and the like, where there is substantial evidence apart from a confession, i.e., contraband property, financial records, tax returns, etc.