



PROSECUTING ATTORNEY
STATE OF ARKANSAS SIXTH JUDICIAL DISTRICT
LARRY JEGLEY

January 20, 2021

Office of the Mayor
Frank D. Scott, Jr.
500 West Markham Street, Room 203
Little Rock, Arkansas 72201

Dear Mayor Scott,

Today I was forwarded a copy of the St. Charles Community Association Crime Watch update. As you may be aware, this is a newsletter that goes out to approximately 600 residents of the City of Little Rock. Upon reading the newsletter, I was disheartened to read, "The Chief put a significant portion of the blame for LRPD's failure to stop these groups on the prosecutor's 'failure' to prosecute citations issued by the LRPD." Make no mistake: My office did not "fail" to prosecute- we refused because the law requires it.

The citations to which Chief Humphrey was referring were for the offense of Loitering, Arkansas Code Annotated 5-71-203, and were issued the weekend of July 24, 2020. It is true that my office ultimately was forced to dismiss these cases because the individuals involved had not committed the crime of Loitering, pursuant to the statute. You should know that prior to taking this action, my office contacted LRPD to determine if there were any facts not contained in the citations and police reports that would support criminal charges. We were told of no additional facts.

On October 27, 2020, my Chief Deputy, John Johnson, and I met with Chief Humphrey to discuss unrelated issues when this topic was brought up by Chief Humphrey. We informed the Chief that the law regarding the crime of Loitering states : "A person commits the offense of Loitering if he or she: Lingers, remains, or prowls in a public place or the premises of another person without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity, **AND**, upon inquiry by a law enforcement officer, refuses to identify himself or herself and give a reasonably credible account of his or her presence."

Because all of the people charged with Loitering were in a public place **AND** identified themselves to LRPD, this office could not in good faith prosecute them for Loitering. We told Chief Humphrey and Sgt. Andre Dyer this and discussed other policing strategies to help with this issue. It was my impression that they understood. In fact, I told the Chief my office would research the prosecution of Criminal Trespass to see what policing strategies could be employed to enforce that law. Because it is the responsibility of the City Attorney's office to advise LRPD, our work product was conveyed to that office on that issue so they could advise LRPD.

My staff and I are available to the LRPD and all other police agencies all day and every day. Throughout my tenure, my office has endeavored to collaborate with all police agencies to ensure public safety. There are many challenges that confront law enforcement and my office and as such I would never blame another agency if my staff or I came up short. It is disappointing to hear from a citizen that there appears to be a "disconnect" between my office and the LRPD. That citizen apparently reached that conclusion having just listened to a presentation by Chief Humphrey where blame was placed on my office for a local problem that is, by Chief Humphrey's accounts, a nationwide problem.

I remain committed to cooperation with all law enforcement agencies while upholding my office's obligation to seek justice and refrain from prosecuting cases which, while perhaps brought by law enforcement officers in good faith, may nevertheless be neither legally nor ethically tenable to pursue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Jegley", with a stylized, sweeping flourish extending from the end of the name.

Larry Jegley
Prosecuting Attorney
Sixth Judicial District

cc: Little Rock City Board of Directors
St. Charles Community Association