



NEW YORK STATE SENATOR

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## What You Should Know

[RUBEN DIAZ](#) October 28, 2013

### WHAT YOU SHOULD KNOW

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### IT IS ABOUT TIME TO INVESTIGATE MACY'S

You should know that there has been a lot of media hype about Macy's and the lawsuit actor Robert Brown has brought against Macy's for (allegedly) parading him through the store in handcuffs after he bought a \$1350.00 watch for his mother. Mr. Brown's case may very well be the tip of the iceberg as to what actually goes on inside Macy's Herald Square Store, located on West 34th Street in New York City.

My dear friend and former legal counsel, Christopher Lynn, Esq. told me about his experience representing a Hispanic man who was arrested and accused of shoplifting at Macy's two years ago.

Mr. Lynn's client went to exchange a coat purchased at Macy's the day prior and he brought the coat and his receipt for which he paid cash. He was arrested for stealing the coat. The security claimed that the receipt was found on the floor.

Mr. Lynn's client was taken to the private jail in the store - yes, bars and all. There, he was given a choice: to face arrest with NYPD, or to pay a fine to Macy's with a credit card or debit card for violating the New York State General Obligation Law section 11-105 Law which allows a store to sue a shop lifter.

Mr. Lynn's client refused. While he was in custody waiting for the NYPD to arrive, he saw dozens of such detentions, all involving people of color. Many, not wishing arrest, surrendered to the coercion and used their cards to pay a fine.

Mr. Lynn's client was formally arrested by the NYPD and taken to the midtown criminal court where Presiding Criminal Court Judge Richard Weinberg, upon learning the facts and looking at the receipt, dismissed the charges.

Judge Weinberg recommended that Mr. Lynn subpoena the store videos and records and to start a civil action against Macy's. Mr. Lynn's client told his attorney about Macy's private jail. When Mr. Lynn went to serve the subpoenas, he saw the Macy's jail. According to Mr. Lynn, "It was just like central booking."

Of course, Macy's settled.

My dear reader, we all know that people steal, but as Mr. Lynn stated – repeating the words of Judge Weinberg: "They don't steal in the numbers represented by the arrests. There are not that many stupid, dishonest shoppers. And why are they all minorities? And why is Macy's using that part of the State Law?"

I fully agree with Judge Weinberg and with Mr. Lynn that we need to look at this law. Is Macy's using the New York State General Obligation Law as a stream of revenue? Are their security guards licensed? Are they under quotas for shoplifting detentions? Do they use racial profiling in the store to determine who may or may not be a shoplifter? Why is Macy's allowed to run a private jail and offer thieves the choice to pay or to get arrested? What does NYPD have to say about this? What records does Macy's keep?

I agree with anyone and everyone who wants to ask Macy's for the statistics on these "collections." I agree with all who want to know if Macy's allow those falsely arrested at Macy's to get a minimum dollar amount if they sue Macy's in small claims court and win. (If anyone were to ask me how much I think they should pay, I might suggest for Macy's to pay \$5,000 per false arrest.)

You should know that I have sent letters demanding that the New York State Division of Human Rights and the New York City Commission on Human Rights to investigate these matters. I have also sent letters demanding that the U.S. Attorney for the Southern District take a first-hand look at this jail at Macy's 34th Street Flagship Store.

Ladies and gentlemen, I hope the authorities will focus on these matters before things get even more out of control, and before the rush of Christmas shoppers fills the store.

This is Senator Rev. Rubén Díaz, and this is what you should know.