

Falsely Accused NYPD Officer Files Civil Rights Complaint Against Macy's Inc.

17-Year NYPD Police Sergeant alleges civil rights violations, including false arrest, false imprisonment and malicious prosecution due to race

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/EINPresswire.com/ -- Eric Sanders,

Esq., of The Sanders Firm, P.C., a

leading civil rights firm in New York

City, today announced that NYPD

Sergeant Eva Y. Peña, a 17-year

member of the NYPD, who identifies as

Dominican, has filed a federal civil

rights lawsuit in the Eastern District of

New York against Macy's Inc., its

employees, the City of Yonkers, and its

officers, for violating her civil rights through their collective and ongoing constitutional violations in a case involving false arrest, false imprisonment and malicious prosecution.



NYPD Sergeant Eva Y. Peña

The federal civil rights complaint alleges that on September 3, 2019, Peña, a loyal long-time customer of Macy's Inc., entered the retailer's store location inside of the Cross County Mall located in Yonkers, N.Y., and proceeded to shop.

Upon leaving the retail location, Peña was surrounded by asset protection personnel, accused of petit larceny and escorted to the retailer's asset protection office where she was detained in a holding cell against her will and despite her pleas of innocence.

Police personnel from the Yonkers Police Department were subsequently called and provided a 'false' statement on behalf of Macy's Inc. by Newton-Henry, who later modified her statement and admitted that members of the team deleted text messages and destroyed potentially exculpatory evidence. Peña alleges that the Yonkers' police officers intentionally failed to independently investigate her claims of innocence at that time, or since, although video files maintained by Macy's Inc. were readily available for instant review.

Peña alleges that “but for her race,” the Defendants, in joint participation, have collectively engaged in falsely arresting and maliciously prosecuting her without the existence of probable cause or having observed a crime committed in their presence in the Yonkers’ City Court case. As a result, the NYPD took action to suspend, then modify Sergeant Peña’s duties, with the recommendation to terminate her employment. Although Sergeant Peña continues to be employed within the Fleet Services Division of Queens County, the NYPD has passed her over for promotion to the position of Lieutenant on several occasions.

Relevant to this complaint is the fact that Macy’s Inc. has a historical track record regarding its treatment of Non-White customers, which was addressed by the 2005 Office of the New York State Attorney General (OAG) Memorandum Agreement, and other more recent court actions. The OAG Agreement covered prohibited activities, including profiling, false arrest, false imprisonment, prohibiting a detained individual from having counsel present during questioning, unlawfully obtaining a confession under duress, and more. A key issue addressed in the OAG Agreement involved the fact that the percentage of Non-Whites arrested for petit larceny at Macy’s Inc. locations was far greater than the percentage of Caucasians similarly arrested in its stores.

“Unfortunately, Macy’s, the Yonkers Police Department and Westchester District Attorney failed to follow constitutional standards designed to protect Ms. Peña from being falsely arrested and maliciously prosecuted,” say Sanders. “This is particularly egregious in light of ‘troubling’ admissions from Macy’s Asset Protection Detective Samantha Newton-Henry during an NYPD department trial in which she admitted that she followed Peña although not observing any illegal conduct, that there was no ‘evidence’ Peña committed any crime, and that she and other asset protection personnel discarded ‘evidence’ regarding their observations of Peña.”

The federal lawsuit alleges that due to the actions of the Defendants, Peña suffered emotional distress, monetary damage, and incurred medical and legal expenses. “With this federal complaint, Pena intends to hold these parties legally accountable while shedding light upon the allegations of persistent marginalization of Black, Hispanics and other customers of color by Macy’s asset protection personnel in joint participation with government actors,” added Sanders.

The federal civil rights lawsuit was filed in United States District Court for the Eastern District of New York: *Eva Y. Peña v. Macy’s Inc., City of Yonkers, et al.* Docket No.: 1:22-cv-05268.

About The Sanders Firm, P.C.

The Sanders Firm, P.C. offers those in the New York City area legal services related and connected to civil rights, civil service rights, criminal law and discrimination.

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