

Natick judge to Macy's: Stop collecting shoplifting fines

A Natick District Court judge told a lawyer from Macy's he planned to issue an injunction banning the store from collecting fines from shoplifting suspects, but said he expects Macy's to ignore the court order.

Judge Douglas Stoddart said Macy's policy to collect a \$500 fine from alleged shoplifters is "ethically wrong."

"We're heading into uncharted waters, legally, and I think it needs to be heard by a higher court," Stoddart told the store's lawyer, Daniel Field.

In March, Stoddart held a hearing to discuss Macy's policy. Currently, if suspected shoplifters are caught they are brought into a security office, and told they can pay a \$500 fine instead of being sued civilly for the money. However, payment of the \$500 does not preclude their arrest. Several people have told Stoddart over the years they were told if they paid the money they wouldn't be arrested, but still were.

Stoddart has twice issued injunctions preventing Macy's from collecting fines, and said he was upset they continued to do so. He said the practice was coercive because suspects who often had limited English were often locked in a security office and felt like they had to sign the paperwork and pay the money.

"They (Macy's) must make so much money that they don't want to give it up," said Stoddart. "You guys bypass the statute. You have security guards acting as lawyers." Field argued that the shoplifting statute allows the \$500 fine, and that Macy's methods are legally correct.

"I am confident this is not coercive behavior," said Field. "There is no coercion and there is no profiling."

In addition, Field said there is no legal way for Stoddart to issue an injunction. The lawyer said there is no outstanding case and no one issuing a complaint against Macy's. A case that Stoddart originally used to bring his charge against Macy's in March has been settled.

Stoddart agreed it is a legal question that would have to be argued by a higher court. He said he believes he has the right and thinks an appeals court will side with him.

"If I can get over that hurdle, I think I'll win," Stoddart said.

Stoddart said he will issue a written permanent injunction soon.

"I expect your client to ignore it," said Stoddart. "I will find Macy's in contempt and issue a sanction that will be monetary in nature and my guess is Macy's will ignore it. I will then go into deeper uncharted legal territory and order the sheriffs to go into Macy's cash registers and physically remove the money for the fines. And then I expect that you will appeal it."

By Norman Miller