

LOCAL

Police falsely arrested Black woman for shoplifting at Walmart in East York, lawsuit says

Latoya Batty, 43, of York, filed the civil rights lawsuit on Dec. 17 in U.S. District Court in Harrisburg.



Dylan Segelbaum

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Latoya Batty realized that she left behind a bag of items that she'd paid for at Walmart.

So on Jan. 27, 2019, Batty, a nurse and mother of three, called customer service, which was holding the merchandise. She later came back with a receipt to the store on East Market Street in Springettsbury Township.

But a Walmart employee accused her without evidence of shoplifting about \$1,000 worth of items and summoned law enforcement. Police threw her to the ground, repeatedly punched her in the head, handcuffed her and fingerprinted her more than 10 times, a lawsuit claims, before later admitting that she was not the person who'd stolen from the store.

Later, Batty received a citation for retail theft, which was ultimately “dismissed or terminated” in her favor, the lawsuit alleges.

Batty, 43, of York, who is Black, filed the lawsuit on Dec. 17 in U.S. District Court in Harrisburg against Walmart, Springettsbury Township, Lt. Brian Wilbur, Officer Jamie Miller and several police officers who are only identified as John or Jane

Doe. She asserts that she was falsely arrested and maliciously prosecuted for shoplifting based on her race and suffered injuries, including a concussion, muscle spasms in the neck and headaches.

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“What happened to our client, almost two years ago, is completely unacceptable in a civilized society,” said Alan Denenberg, Batty’s attorney, who is handling the case with his co-counsel, Leticia Chavez-Freed, in a statement.

“No person should be treated as less than, based on the color of their skin, and both Walmart and Springettsbury Police Department have much to answer for,” he added. “The systemic racism by police in our country has gone on for far too long and needs to change.”

Sometimes, Denenberg said, change only takes place when a civil rights lawsuit is filed. He said he’s hopeful the truth will prevail and that justice will be served for his client.

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Randy Hargrove, a spokesperson for Walmart, said "we do not tolerate discrimination of any kind" and that the company is "committed to providing an inclusive shopping experience for all of our customers.”

Hargrove said the company takes these kinds of allegations seriously and will respond after it is served with the complaint.

Springettsbury Township Police Chief Todd King and Township Manager Mark Hodgkinson said they could not discuss the case because it’s active litigation.

“We agree that no one should be treated unfairly or unjustly because of the color of their skin,” said Andrew Norfleet, an attorney who's representing Springettsbury

Township, Wilbur and Miller. "But we're confident when the full story and the facts of this case are told, it will be clear that did not happen here."

Norfleet said he cannot litigate specific claims in the newspaper. He said that has to happen in court.

In a statement, Ed Paskey, solicitor for the York County Fraternal Order of Police Lodge 73, said, "Anyone who knows Brian Wilbur and Jamie Miller can attest that these allegations are completely inconsistent with their true values and how they comport themselves personally and professionally."

"The claims in the suit will ultimately be weighed against all available evidence, including audio and video recordings from body cameras and other devices," he added. "Jumping to conclusions and rushing to judgment in this matter would be a colossal mistake."

MORE: [Excessive force lawsuits spur change at Springettsbury Township Police Department](#)

In the lawsuit, Batty alleges that Walmart employees and police officers rushed her into a backroom in the store, where they refused to listen to her or look at any of her evidence.

At one point, the lawsuit claims, Batty screamed out, "You are going to kill me." Police escorted her out of the store in handcuffs.

Law enforcement, the lawsuit asserts, then intentionally slammed the door of the police cruiser on her leg.

After repeatedly fingerprinting her in an unsuccessful effort to establish that she had "three felonies," the lawsuit alleges, police officers took her to the hospital in shackles for treatment. Law enforcement later admitted that she was not the person who had committed multiple thefts.

Batty does not have a criminal history, according to the lawsuit.

Police, the lawsuit argues, violated her Fourth and Fourteenth Amendment rights under the Constitution.

“It is believed and therefore averred that there are numerous prior complaints against Springettsbury Township Police Officers for arresting African-American citizens without evidence or probable cause and continuing the prosecution against them despite their knowledge that the person did not commit the crime for which he or she was charged,” the lawsuit claims.

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The complaint contains 12 counts including unreasonable force, malicious prosecution and selective enforcement.

Senior U.S. District Judge Yvette Kane is assigned to the case.

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