

CVS Hit With Racial Profiling Claims By Ex-Store Detectives

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Law360, Los Angeles (June 3, 2015, 8:06 PM ET) -- A group of former CVS Pharmacy Inc. loss prevention detectives lobbed a putative class action against the retailer claiming they were told to target black and Hispanic customers and were subjected to a hostile work environment, according to a complaint filed in New York federal court Wednesday.

The four former detectives claim that two loss prevention managers at stores in Manhattan and Queens were the “ringleaders” in the racial profiling of potential shoplifters, which was also perpetuated by store managers.

“CVS intentionally targets and racially profiles its black and Hispanic shoppers based on the highly offensive, discriminatory and ill-founded institutional belief that these minority customers are criminals and thieves,” the complaint states. “Rather than attempting to prevent shoplifting by individuals of all races equally and without regard to race, defendants repeatedly direct [market investigators] to racially profile black and Hispanic customers.”

Two plaintiffs, Laco Simpson and Delbert Sorhaindo, who each worked as loss prevention investigators for four years, claim that supervisor Anthony Salvatore would often say, “These black people are always the ones that are the thieves” or “Lots of Hispanic people steal there,” according to the complaint.

The plaintiffs claim Salvatore would instruct them to watch black shoppers even when there was no evidence of potential shoplifting and would never give such directives for white shoppers.

Similar claims were made for the other loss prevention manager in Queens, Abdul Selene, who is accused of repeatedly saying, “You have to catch more thieves, you know how these young black guys are,” according to the complaint.

The plaintiffs, all of whom are black or Hispanic, say they themselves were also targeted with racial slurs or discriminatory conduct by the loss prevention managers and store managers.

When they complained about the alleged discriminatory practices to both human resources and the head of CVS loss prevention in New York City, no remedial action was taken, the complaint states.

Within weeks of complaining, the plaintiffs allege, they were subjected to increased scrutiny by management and, in one case, accused of misconduct “which was entirely fabricated” and were later constructively discharged, according to the complaint.

The complaint brings claims of discrimination and retaliation, among other claims, and seeks to establish

a class of similarly situated individuals in New York City.

An attorney for the plaintiffs told Law360 on Wednesday that they hope to send a message to all retailers regarding racial profiling.

“We are seeking injunctive relief requiring CVS to end its racial profiling practices as well as monetary damages for the treatment our clients were forced to endure, all of which we hope will send a loud message to all retailers that this conduct will not be condoned,” said David Gottlieb of [Wigdor LLP](#).

A CVS spokeswoman told Law360 that the company “rigorously enforces” nondiscrimination policies.

“We serve all communities and we do not tolerate any policy or practice that discriminates against any group,” said spokeswoman Carolyn Castel. “We are shocked by the allegations in this complaint and we intend to defend against them vigorously.”

Wednesday’s suit comes almost a year after Macy’s Inc. paid \$650,000 [to settle allegations](#) brought by New York prosecutors over the unlawful profiling of minority customers. The deal came on the heels of a [similar agreement](#) between New York Attorney General Eric T. Schneiderman and [Barneys New York](#) that saw Barneys pay \$525,000.

CVS Pharmacy is a unit of CVS Health Corp., which changed its name from [CVS Caremark](#) in September 2014.

The plaintiffs are represented by Douglas H. Wigdor, David E. Gottlieb and Michael J. Willemin of Wigdor LLP.

Counsel information for the defendants was not immediately available.

The case is *Lacole Simpson et al. v. CVS Pharmacy Inc. et al.*, case number 15-cv-04261, in the U.S. District Court for the Southern District of New York.

--Editing by Kelly Duncan.