

The New York Times

Ex-Store Detectives Accuse CVS of Racial Discrimination Against Shoppers

By ALAN FEUER JUNE 3, 2015



Four former store detectives employed by [CVS](#) in New York filed a class-action lawsuit against the drugstore chain on Wednesday, accusing their bosses of ordering them to target black and Hispanic shoppers.

The lawsuit, filed in Federal District Court in Manhattan, also alleged that the detectives were fired after they complained about racial discrimination, both of customers and themselves.

The plaintiffs, all of whom are either black or Hispanic, contend in their suit that two supervisors in CVS's loss-prevention department, overseeing stores in Manhattan and Queens, regularly told them to racially profile nonwhite shoppers.

The suit says that one of the supervisors, Anthony Salvatore, routinely told subordinates that "black people always are the ones that are the thieves," and that "lots of Hispanic people steal." The second supervisor, Abdul Selene, frequently advised detectives to "watch the black and Hispanic people to catch more cases," the suit said.

The supervisors also subjected the plaintiffs themselves to discriminatory treatment, the lawsuit said. Once, when one of the plaintiffs, Kerth Pollack, got into an argument with a store manager, Mr.

Salvatore called him on the phone and demanded that he “get his black ass back to the store and apologize,” according to the suit. A different store manager once instructed another plaintiff, Delbert Sorhaindo, to “hide like a monkey” to avoid being detected by potential shoplifters, the suit said.

When the plaintiffs complained about these and other episodes to officials at CVS, the suit said, they were subjected within weeks “to increased scrutiny, micromanagement and fabricated performance criticism.”

The suit comes nearly a year after Macy’s struck a deal with Eric T. Schneiderman, the New York State attorney general, to pay [a \\$650,000 fine](#) and hire an independent monitor to address complaints that minority shoppers faced heightened surveillance and, in some cases, wrongful detention at its flagship store in Midtown Manhattan. Mr. Schneiderman reached a similar arrangement with Barneys New York, which agreed last summer [to pay](#) \$525,000 and put in place a host of reforms intended to deter racial profiling at its Madison Avenue store.

“While there have been many high-profile shop-and-frisk cases filed by customers of large retailers in recent years,” said David E. Gottlieb, a lawyer for the plaintiffs, “this is the first time a group of employees has banded together to provide an inside account and expose the blatant racial profiling policy at one of the largest retailers in the world.”

Mr. Gottlieb, whose law firm, Wigdor L.L.P., handled the initial private lawsuits against Macy’s, said he had not spoken to Mr. Schneiderman’s office in advance of filing this suit. The office could, as it did with Macy’s, bring its own enforcement action against CVS.

Carolyn Castel, a spokeswoman for CVS, which is based in Maryland, said the company “has firm nondiscrimination policies that it rigorously enforces.”

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

Mr. Gottlieb said the case began this year when one of the plaintiffs — he declined to say which one — came to the firm complaining, as the suit contends, that the store detectives, known at CVS as market investigators, were routinely being “directed to follow utterly despicable and racist directives.” The four eventual plaintiffs — Mr. Pollack, 41; Mr. Sorhaindo, 26; Lacle Simpson, 32; and Sheree Steele, 46 — contend that CVS store or loss-prevention managers frequently used crude racial epithets to describe their customers.

Mr. Pollack, Ms. Simpson and Mr. Sorhaindo, each of whom had worked for CVS for about four years, were all fired between February and April. Ms. Steele, who worked for the chain for only a few months, was not allowed to return to work in July 2013 after taking an approved leave, the lawsuit said.