



**For Immediate Release**  
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### **Federal Court Approves Settlement with Target over Discriminatory Criminal Background Screening Policy**

On Wednesday, a federal district court gave final approval to a settlement resolving a lawsuit that challenged Target Corporation's discriminatory criminal background screening policy. The class action lawsuit was filed by the NAACP Legal Defense and Educational Fund, Inc. (LDF) and the law firm of Outten & Golden LLP in the Southern District of New York in April 2018.

Due to the bias and prejudice present in every level of the criminal justice system, Black and Latinx individuals are disproportionately likely to have an arrest or conviction record. These disparities are then carried over into the employment realm when companies implement overly broad criminal background screening policies. Under Target's prior screening policy, a disproportionate number of otherwise-qualified Black and Latinx applicants were automatically disqualified from employment opportunities.

In the lawsuit, LDF and Outten & Golden represented Ms. Carnella Times and Mr. Erving Smith, who received conditional employment offers from Target after interviews. The offers were later revoked when the company's screening process found that Ms. Times had two misdemeanor convictions, each of which were a decade old, and that Mr. Smith had a decade-old drug-related felony. LDF and Outten & Golden also represented the Fortune Society, a not-for-profit organization dedicated to the successful reentry of formerly-incarcerated individuals.

As part of the settlement, Target will pay over \$3.7 million and will institute a hiring process for class members to obtain jobs at any of its approximately 1,800 U.S.-based retail stores. Class members who would not benefit from a Target job (because, for example, they are already employed, retired, or have a disability) are eligible for a cash award.

"We are elated with this result," said Coty Montag, Senior Counsel at LDF. "For years, Target's criminal background screening policy barred qualified workers from obtaining jobs. We are very pleased with Target's progress in implementing the settlement, which will help create economic opportunities for deserving Americans."

Target will also continue to work with two of the nation's top experts to review its newly-implemented background check policy and make revisions so that fewer applicants with criminal records will face disqualification. Target will also make a monetary contribution to assist not-for-profit organizations that provide re-entry support to individuals with criminal records.

LDF has a long history of fighting for economic justice and equal opportunity in the workforce, including in the seminal 1971 Supreme Court case, *Griggs v. Duke Power Company*, which recognized the unjustified disparate impact theory of liability under Title VII. Additionally, in December 2017, LDF announced a settlement of its case against the Washington Metro Area Transit Authority (WMATA) that challenged WMATA's criminal background screening policy for job applicants and employees. And, in June 2019, LDF and Outten & Golden, along with Youth Represent, filed a lawsuit challenging Macy's' discriminatory criminal background screening policy.

Outten & Golden, an employment and civil rights law firm, is committed to representing individuals who have been denied employment because of their criminal records. In 2017, the firm, along with several co-counsel, earned the Trial Lawyer of the Year Award from Public Justice. The firm received the award in recognition of its achievement of an unprecedented class action settlement in a lawsuit challenging the use of criminal histories in U.S. Census Bureau hiring practices that denied thousands of applicants temporary jobs during the 2010 decennial census.

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*

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