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State Audit Finds Civil Rights Commission Improved, But Role & Duties Need Clarity

DENVER—The Office of the State Auditor (OSA) issued its performance audit of the Colorado Civil Rights Commission (Commission) and Civil Rights Division (Division). Overall, auditors concluded that the Commission and Division have effective processes to investigate discrimination complaints and take action when they find probable cause that discrimination occurred. However, auditors found that the Commission and Division could do more to clarify and fulfill their statutory duties and powers.

The Division investigates and makes determinations about discrimination complaints related to employment, housing, and public accommodations in the state. The Colorado Anti-Discrimination Act prohibits discrimination in these areas based on an individual's color, disability, race, sex, or other characteristics. In Fiscal Year 2023, a total of 1,492 discrimination complaints were filed with the Division, which is roughly the number of complaints filed in 2022. The Commission's role is to promote awareness of the State's anti-discrimination laws, review complaints on appeal, and decide which complaint cases warrant an administrative hearing.

Auditors found that some of the Commission's powers and duties outlined in statute are not being fulfilled by either the Commission or the Division. For example, the Commission does not conduct studies of discrimination practices, or make policy recommendations to the General Assembly and Governor related to discrimination issues even though statute says it is the Commission's power and duty to do so. There was also some confusion among Commissioners as to their role and assigned duties. Auditors also reported that the Division issues an annual report and provides education intended to help eliminate discriminatory practices, although those are responsibilities assigned to the Commission.

The audit noted that the Commission and Division consider some of their statutory responsibilities to conflict with each other. According to the Division, the Commission needs to maintain neutrality and cannot take an advocacy role, which may conflict with the power and duty of making policy recommendations. The Commission's and Division's roles have also changed over time, but they have not evaluated the powers and duties listed in statute to determine if they are still appropriate.

In addition, the audit found that membership requirements for the Commission may need to be revised. Since the current requirements were enacted in 2018, the Commission's geographic diversity has decreased and membership positions have remained vacant longer when there has been turnover on the Commission. "The statutory requirements for Commission membership may be restricting the Governor's ability to timely fill vacancies on the Commission," said Heidi Wagner, Legislative Audit Supervisor.

This is the second of two performance audits of the Commission and Division required by statute. The first audit was in 2019. Auditors determined that the Commission and Division implemented the prior audit recommendations, which related to complaint investigations, data and case management, and transparency of Commission decision-making.

The State Auditor's report made one recommendation to the Commission and Division management to evaluate their statutory powers and duties, and work with the General Assembly to amend statute as needed. The audit also made a policy suggestion to the General Assembly to consider reassessing the Commission's membership requirements.

The full report is available @ www.colorado.gov/auditor.

About the Office of the State Auditor

Under the direction of State Auditor Kerri L. Hunter, the OSA's nonpartisan, professional staff promote government accountability by conducting independent performance, financial, and IT audits and evaluations of State departments, agencies, institutions of higher education, special purpose authorities, and tax expenditures (e.g., credits, exemptions, deductions). The OSA also tracks about 4,000 Colorado local governments for compliance with the Local Government Audit Law, and operates a statewide fraud reporting hotline.

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