

Report Highlights

Colorado Civil Rights Commission and Civil Rights Division

Department of Regulatory Agencies

Performance Audit • September 2024 • 2359P



OFFICE OF THE STATE AUDITOR

C O L O R A D O

Key Concern

Neither the Colorado Civil Rights Commission (Commission) nor the Colorado Civil Rights Division (Division) are fulfilling some of their powers and duties outlined in statute and, in some cases, the Division—rather than the Commission—is carrying out the Commission’s powers and duties. In addition, the statutory requirements for Commission membership may be restricting the Governor’s ability to timely fill vacancies on the Commission.

Key Findings

- The Commission and Division have implemented the recommendations from our 2019 Management of Civil Rights Discrimination Complaints performance audit and have taken steps to improve their overall operations. Specifically:
 - The Division has improved the timeliness of investigations. The Division closed all cases filed between August 10, 2022 and December 31, 2023, within the statutorily-required 450 days.
 - The Division has improved its data collection and the functionality of its case management system, CaseConnect.
 - The Commission votes on cases in public session, in compliance with open meetings laws.
- The Division and Commission have effective policies in place to fulfill their primary responsibilities of investigating discrimination complaints, reviewing appeals, and taking action on cases where the Division finds probable cause that discrimination occurred.
- We found that some of the Commission’s powers and duties are not being fulfilled by either the Commission or the Division, and sometimes the Division is carrying out those duties assigned in statute to the Commission. This is due to the roles of the Commission and Division having changed over time and some Commission powers and duties may be at odds with some of its other responsibilities. For example, statute states that it is the Commission’s power and duty to make policy recommendations on issues related to discrimination. However, by making policy recommendations, it could appear that the Commission is taking an advocacy role, which could hinder its ability to remain neutral.
- The statutory requirements for Commission membership may be making it difficult to fill vacancies on the Commission. Since the current membership requirements were enacted in 2018, the geographic diversity of the Commission has decreased and the length of time that seats remain vacant has increased. Of 37 states with similar commissions, 35 have less restrictive membership requirements than Colorado.

Background

- The Colorado Anti Discrimination Act (CADA) prohibits discrimination on the basis of certain characteristics known as protected classes (e.g., race, disability, sex).
- The Division enforces CADA by investigating complaints of discrimination in employment, housing, and public accommodations (i.e., businesses). The Division investigates around 1,500 complaints annually.
- The Commission is comprised of seven members that the Governor appoints and the Senate approves to represent business and employee interests. The Commission meets monthly to review appeals of the Division’s decisions and take action on cases where the Division found probable cause that discrimination occurred.

Recommendations Made

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Responses

Agree: **1**

Partially Agree: **0**

Disagree: **0**

Policy Considerations

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