



OFFICE OF THE STATE AUDITOR



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STATE'S CIVIL RIGHTS DISCRIMINATION COMPLAINT PROCESS IS SLOW AND VEILED

DENVER—the Office of the State Auditor has released a performance audit on the Management of Civil Rights Discrimination Complaints at both the Colorado Civil Rights Division and Colorado Civil Rights Commission and has found that the Division is slow to investigate complaints and the Commission operates in a manner that is not transparent.

The Division investigates complaints of discrimination in employment, housing, and public accommodations from individuals in protected classes - such as age, race, color, mental or physical disability, national origin, creed, and sexual orientation - to determine if there is probable cause the alleged discrimination occurred. The Division also mediates settlement terms between parties. The Commission reviews complaints that are not settled or that are appealed after being dismissed by the Division to decide whether there should be an Administrative Law Hearing. In Fiscal Year 2019, a total of 1,929 complaints were filed.

State law allows a maximum of 270 days to investigate and set a hearing for each complaint but auditors found that for more than a third of the 933 cases they reviewed the investigations took longer than allowed, instead taking an average of almost a year to complete. Auditor analysis also found that, to

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help manage the lags in its work, the Division initiated requests for more investigative time. Statute does not allow the Division to request more time, but it does permit parties to a complaint to ask the Commission for time extensions if they need them. For the 66 time extension requests auditors reviewed, 58 were initiated by the Division to give it more time, rather than coming from the parties. The Commission approved all of these requests. Furthermore, the Commission deems its actions to be exempt from public transparency or accountability. The Commission reviewed 218 cases in Fiscal Years 2017 and 2018 but had no documentation of its deliberations or the basis for its decisions for any of them. Since the Commission holds closed meetings to maintain the confidentiality of the parties to any complaint it reviews, the public cannot observe or assess the Commission's actions. The absence of any documentation means the auditors were also unable to examine Commission actions to gain assurance that the Commission follows statutes and rules and makes decisions in a fair and consistent manner. In its response to audit recommendations, the Commission stated that it "will not engage in creating a record of its deliberations" and that "The Commission's deliberations...are not subject to review."

The audit makes 6 recommendations.

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

Under the direction of the state auditor, the OSA is the state's nonpartisan, independent external auditor with broad authority to audit state agencies, departments, institutions of higher education, and the Judicial and Legislative Branches. The OSA's professional staff serve the people of Colorado by addressing relevant public issues through high-quality, objective audits and reviews that promote accountability and positive change in government. Performance audits address whether programs operate in compliance with laws and regulations and in a manner that accomplishes intended program goals. Financial audits include annual audits of the state's basic financial statements and federal grants on a statewide level. IT audits review procedures and technology to ensure the confidentiality, integrity and availability of the state's critical computer systems and taxpayer data. The OSA also tracks about 4,000 Colorado local governments for compliance with the Local Government Audit Law.