The summaries of the Colorado Court of Appeals published opinions constitute no part of the opinion of the division but have been prepared by the division for the convenience of the reader. The summaries may not be cited or relied upon as they are not the official language of the division. Any discrepancy between the language in the summary and in the opinion should be resolved in favor of the language in the opinion.

SUMMARY
November 25, 2026

**2026 COA 88**

**No. 26CA1286, Rafferty v. Adams County — Government — Public Records — Criminal Justice Records — Criminal Justice Agency — County Officers — Coroner**

A division of the court of appeals considers whether a coroner's office is a criminal justice agency for the purposes of the Colorado Criminal Justice Records Act (CCJRA), §§ 24-72-301 to -309, C.R.S. 2026. Relying on the analysis established in *Gazette v. Bourgerie*, 2024 CO 78, the division holds that the coroner's office does not meet the statutory definition of criminal justice agency because coroners are not authorized to directly detect or investigate crime. Therefore, a coroner's records are subject to the disclosure procedures provided in section 24-72-204, C.R.S. 2026, of the Colorado Open Records Act (CORA), §§ 24-72-200.1 to -205.5, C.R.S. 2026, and not the CCJRA.

The respondent coroner failed to establish grounds under CORA to deny the petitioners' request to inspect the coroner's records. Accordingly, the division affirms the district court's judgment.

COLORADO COURT OF APPEALS **2026 COA 88**

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Court of Appeals No. 26CA1286
Adams County District Court No. 26CV30172
Honorable Patrick H. Pugh, Judge

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Gerald J. Rafferty and Eileen Rafferty,

Appellees,

v.

Adams County Coroner Monica Broncucia-Jordan,

Appellant.

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JUDGMENT AFFIRMED

Division C
Opinion by JUSTICE MARTINEZ*
Tow, C.J., and Taubman*, J., concur

Announced November 25, 2026

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Campbell Killin Brittan & Ray, LLC, Phillip A. Parrott, Margaret R. Pflueger, Denver, Colorado, for Appellees

Heidi Miller, County Attorney, Michael A. Sink, Assistant County Attorney, Brighton, Colorado, for Appellant

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2026.

¶ 1 Respondent, the Adams County Coroner Monica Broncucia-Jordan (the Coroner), appeals the district court's order granting the open records request filed by petitioners, Gerald J. Rafferty and Eileen Rafferty (together, the Raffertys). This appeal requires us to consider, for the first time in a published appellate decision, whether a request for disclosure of a coroner's investigation report is governed by the Colorado Open Records Act (CORA), §§ 24-72-200.1 to -205.5, C.R.S. 2026, or by the Colorado Criminal Justice Records Act (CCJRA), §§ 24-72-301 to -309, C.R.S. 2026. Because we agree with the district court's determinations that CORA was the applicable statute and that the Coroner failed to establish grounds under CORA to deny the Raffertys' request, we affirm.

## I. Factual and Procedural History

¶ 2 After the Raffertys' adult daughter, Kathleen Rafferty Petrocco, was found deceased at her home, the Coroner ruled the death a suicide and released an investigation report. Concerned about the accuracy of some of the information in the report, the Raffertys requested investigative files from the Adams County Sheriff's Office and from the Coroner. The sheriff's office provided its file. However, the Coroner, applying the standard set forth in the

CCJRA, refused to release the files on the basis that disclosure would be contrary to the public interest.

¶ 3 In a petition to the Adams County District Court, the Raffertys challenged the Coroner's position that her office's records fall under the CCJRA, rather than under CORA. The district court granted the Raffertys' petition, finding that the coroner's office is not a law enforcement authority for purposes of the CCJRA and that the Coroner failed to establish sufficient grounds to deny the Raffertys' request under the CORA standard. The Coroner appeals.[1]

## II. Standard of Review and Legal Principles

¶ 4 We review questions of law concerning the interpretation of the CCJRA and CORA de novo. *Gazette v. Bourgerie*, 2024 CO 78, ¶ 22.

¶ 5 The CCJRA and CORA are parts of Colorado's statutory public records scheme. "The purpose of open records statutes is to assure that the workings of government are not unduly shielded from the public eye." *Int'l Bhd. of Elec. Workers Loc. 68 v. Denv. Metro. Major League Baseball Stadium Dist.*, 880 P.2d 160, 165 (Colo. App. 1994). While CORA regulates the inspection of "public records"

[1] The district court granted the Coroner's motion to stay execution of its order granting the Raffertys' petition pending this appeal.

broadly, it explicitly excludes criminal justice records, which are governed by the CCJRA. § 24-72-202(6)(b), C.R.S. 2026; *see Gazette*, ¶ 24. Thus, "it is not CORA, but rather the CCJRA, that governs the disclosure of criminal justice records made, maintained, or kept by a criminal justice agency." *Gazette*, ¶ 24.

¶ 6 The CCJRA defines a criminal justice agency, in relevant part, as any agency of the state or a county "that performs any activity directly relating to the detection or investigation of crime." § 24-72-302(3), C.R.S. 2026. "[W]hether a governmental entity constitutes a criminal justice agency, as that term is used in the CCJRA, will necessarily turn on the specific functions an entity is required or authorized to perform by law." *Gazette*, ¶ 39.

## III. Analysis

¶ 7 The Coroner contends that her office is a criminal justice agency pursuant to the CCJRA because, under the *Gazette* test, a coroner's core duties directly relate to crime detection. We are not convinced.

### A. The Coroner's Statutory Duties and Authorization

¶ 8 As an initial matter, the parties do not dispute, and we agree, that a coroner's office is an agency of the state or a county.

¶ 9 The *Gazette* court applied its test to decide whether the duties of the Colorado Peace Officer Standards and Training Board (POST) constituted "*any* activity *directly* relating to the detection or investigation of crime." *Id.* at ¶ 40 (emphasis added) (quoting § 24-72-302(3)). In conducting its analysis, the court considered POST's statutory duties and testimony related to how it conducts its activities. Our inquiry is not whether a coroner conducts *any* activity relating to the detection of crime, but whether those activities are *directly* related to crime detection. Although we apply the analysis set forth in *Gazette*, we must rely solely on the Coroner's statutory authority because the record contains no testimony regarding the Coroner's activities. We are also mindful that, in *Gazette*, the court specifically noted that it must "decide this case narrowly" and cabined its analysis "to POST and POST alone." *Id.* at ¶ 39.

1. The Coroner's General Duties

¶ 10 A coroner is an elected county officer. § 30-10-601(1)(b), C.R.S. 2026. A coroner must comply with training requirements and standards set by the Colorado coroners standards and training board, which is housed within the Colorado Department of Public

Health and Environment. *See* §§ 30-10-601.6, -601.8, C.R.S. 2026. Training includes certification in medical-legal death investigation, while crime detection or other law enforcement training is not required. § 30-10-601.8. A coroner's duties are codified in sections 30-10-600.3 to -625, C.R.S. 2026 (the coroner's statute), with a coroner's principal duty being to determine an individual's "cause and manner of death." § 30-10-606(1), C.R.S. 2026. To effectuate this mission, a coroner is authorized to collect and examine evidence that may aid in identifying a victim or the cause and manner of death and to receive medical information related to the deceased. *See* § 30-10-606(1.2)(e), (g), (6)(a).

¶ 11 A coroner may conduct an inquest if a person dies under any of the circumstances listed in section 30-10-606(1)(a)-(h), or if the coroner determines under section 30-10-606(1)(i) that further inquiry into the cause and manner of death or further law enforcement investigation is required. § 30-10-606(3). When conducting an inquest, a coroner may assemble a jury of six to hear testimony; make inquiries; subpoena witnesses; and, if the jury determines that the death was caused by criminal activity by an identified individual, order the arrest of the person charged with

causing the death. *Id.*; §§ 30-10-608, -614, C.R.S. 2026. The purpose of the inquest is not to detect crime — rather, it is to determine "when, how, by what person, means, weapon, or accident [a person] came to [their] death, and whether feloniously." § 30-10-612, C.R.S. 2026. That the jurors may find "that a crime has been committed on the deceased" is incidental to a coroner's duty to determine the cause of death. § 30-10-613, C.R.S. 2026.

¶ 12 None of a coroner's authorized activities directly detect criminal activity. "Directly" means "in a direct manner." Merriam-Webster Dictionary, https://perma.cc/4EDC-V8SZ. "Direct" means "marked by absence of an intervening agency, instrumentality, or influence." Merriam-Webster Dictionary, https://perma.cc/U4KF-4VD3. If "a death becomes suspicious or the possibility of criminal activity arises, the coroner shall immediately consult with the district attorney and law enforcement in the jurisdiction where the events that caused the death occurred." § 30-10-606(1.2)(f). It is the law enforcement agency's role to then detect, investigate, and punish crime. *See Ma v. People*, 121 P.3d 205, 211 (Colo. 2005) ("[T]he term 'law enforcement agency' means a division of government that detects and punishes

criminal violations of the law . . . ."). A coroner's office is merely an intervening agency in this process. Its notice to law enforcement may influence whether further investigation resulting in the detection of a crime occurs, but a coroner's determination neither necessitates further law enforcement action nor establishes that a crime has occurred. Thus, while a coroner's investigation may detect a crime, it does not *directly* do so.

2. The Coroner as Sheriff

¶ 13 The coroner's statute also authorizes a coroner to act as interim sheriff when the sheriff is a party to, or otherwise disqualified from, a case and, in the unlikely instance that the sheriff is "committed to the jail of his county," until a new "sheriff is appointed or elected and qualified." §§ 30-10-604, -605, C.R.S. 2026.

¶ 14 When vested with a sheriff's duties, a coroner acts not in a coroner's capacity, but as a sheriff. *See* § 30-10-518, C.R.S. 2026 (applying procedures for incoming and exiting sheriffs to a coroner performing sheriff duties). Generally, sheriffs have different certification requirements, a different mission, and a different set of activities than the coroner. Unlike a coroner, a sheriff must be

certified by POST. *See* § 30-10-501.6(2), C.R.S. 2026. The sheriff's primary duty is law enforcement, and the sheriff's activities are designed to realize that mission. *See Gazette*, ¶¶ 34-35 (sheriff's deputy's criminal investigation techniques directly relate to the detection or investigation of crime). These duties are transferred to any incoming sheriff — including a coroner when necessary — pursuant to section 30-10-503, C.R.S. 2026. A coroner does not hold a sheriff's authority unless and until the duties have been transferred, at which point that coroner assumes the role of sheriff. § 30-10-518. Upon the transfer, that coroner, *as sheriff*, is authorized to perform duties that directly detect crime. The sheriff's role in detecting crime is absent when that coroner is acting as a coroner.

3. Law Enforcement Authority

¶ 15 The Coroner also contends that the CCJRA applies because a coroner constitutes a law enforcement authority, citing the peace officer's statute in addition to the coroner's sheriff duties. The peace officer's statute does not change our holding because the statute does not authorize a coroner to enforce the law or undertake any duties or activities outside the scope of the coroner's statute.

*See* § 16-2.5-104 ("A coroner is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to" the coroner's statute.). The CCJRA does not apply because a coroner's duties do not involve direct crime detection or investigation, not because a coroner is or is not a law enforcement authority.

¶ 16 For similar reasons, we reject the Coroner's reliance on her treatment as a law enforcement authority for purposes of the civil statute of limitations. *See* § 13-80-103(1)(c), C.R.S. 2026 (establishing a one-year statute of limitations for "[a]ll actions against sheriffs, coroners, police officers, firefighters, national guardsmen, or any other law enforcement authority"). That the General Assembly elected to provide coroners with the same protection from untimely lawsuits as "law enforcement authority" has no relation to the Coroner's authority or activity.

B. The Court's Application of CORA

¶ 17 Finally, the Coroner contends that the court erred by applying the CORA standard for disclosure rather than the CCJRA standard. Because we hold that the coroner's office is not a criminal justice agency for the purposes of the CCJRA, that statute is inapplicable

to the Raffertys' records request. Consequently, we discern no error in the district court's application of CORA's disclosure standard. Further, to the extent the Coroner argues that the district court improperly applied the CORA standard, she fails to provide any meaningful analysis, instead relying only on the irrelevant CCJRA analysis. We "will not 'consider undeveloped and unsupported arguments.'" *Galiant Homes, LLC v. Herlik*, 2025 COA 3, ¶ 14 (quoting *Woodbridge Condo. Ass'n v. Lo Viento Blanco, LLC*, 2020 COA 34, ¶ 41 n.12).

## IV. Disposition

¶ 18 The district court's judgment is affirmed.

CHIEF JUDGE TOW and JUDGE TAUBMAN concur.