

COLORADO COURT OF APPEALS 2 East 14th Avenue Denver, CO 80203	DATE FILED July 1, 2026 9:35 AM FILING ID: 59E09C3B9C703 CASE NUMBER: 2026CA570
District Court, Adams County 2025CV031717 Hon. Priscilla J. Loew	
▲ COURT USE ONLY ▲	
Appellants/Plaintiffs: E.L. and D.L., by and through their parent and next friend SCARLET RAMIREZ; J.B., by and through his parent and next friend AUTUMN RAY; ASHLEE TRUJILLO; and CASSONDRA REEVES; individually on their own behalf and on behalf of those similarly situated, v. Appellees/Defendants: ADAMS COUNTY SHERIFF GENE CLAPS, in his individual and official capacities; BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY; ADAMS COUNTY JAIL DIVISION CHIEF WILLIAM DUNNING, in his individual and official capacities; and HOMEWAV, LLC.	Case No.: 2026CA000570
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BRIEF OF <i>AMICI CURIAE</i> IN SUPPORT OF APPELLANTS	

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with C.A.R. 29 and 32, including all formatting requirements set forth in those rules. I certify that this brief complies with the applicable word limit set forth in C.A.R. 29(d) that an *amicus* brief contain no more than 4,750 words. This brief contains 4,718 words. I certify that this brief complies with the content and form requirements set forth in C.A.R. 29 and C.A.R. 32.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 29 and C.A.R. 32.

/s/ Amy F. Robertson (original signature on file)
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INTERESTS OF *AMICI CURIAE*

Amici curiae are current and former justice-system and law enforcement organizations and leaders. *Amici* include:

Fair and Just Prosecution

A Project of the Tides Center

Law Enforcement Action Partnership

Lieutenant Diane Goldstein (Ret.)

Redondo Beach Police Department

Chief Mike Butler (Ret.)

Longmont Public Safety Department
Longmont, CO

Judge Gordon McAllister (Ret.)

District Court of Tulsa, OK

Det. Sgt. J. Gary Nelson (Ret.)

Scottsdale Police Department, AZ

Ronald E Hampton

Washington DC Representative
Blacks in Law Enforcement of America.

Officer David Franco (Ret.)

Chicago Police Department

Joseph F. Iniguez

Former Chief Deputy District Attorney
Los Angeles County District Attorney's Office

Sergeant Carl Tennenbaum (Ret.)

San Francisco Police Department

Chief Chris Burbank (Ret.)

Salt Lake City, UT

Chief Stephen Mills (Fmr.)

Lindsay, OK

Special Agent Ray Strack (Ret.)

Department of Homeland Security, Immigration and Customs Enforcement

Officer Jeff Kaufman (Fmr.)

New York Police Department

Educator, Rikers Island Detention Center

Major Michael Hilliard (Ret.)

Baltimore Police Department

Major Neill Franklin (Ret.)

Maryland State Police

Baltimore, MD

Commander Marc S. Buslik (Ret.)

Chicago Police Department

Chief Norm Stamper (Ret.)

Seattle Police Department, WA

Deputy Sheriff Jay Fleming (Fmr.)

Park County, MT

The individual interests of *Amici* are set forth in the accompanying Motion for

Leave to File Brief of *Amici Curiae*.

Amici respectfully submit this brief to highlight the profound harms that flow from bans on in-person jail visits and the detrimental effects on public safety

and urge this Court to reverse the district court’s order denying Appellants’ motion for a preliminary injunction.

INTRODUCTION AND SUMMARY OF ARGUMENT

Since at least 2006, the Adams County Sheriff’s Office has banned in-person visits at the Adams County Detention Facility (“Adams County Jail”).¹ In 2012, the Adams County Sheriff’s Office, the Board of County Commissioners, and Adams County Jail Division Chief decided to leverage the ban to increase profits and put out a request for video calling providers at the jail.² The request mandated a profit-sharing model, including a notice that a kickback incentive would be key in selecting the new service provider.³ The first contract featured a goal of decreasing on-site visits and banning non-professional visitation entirely.⁴ Then on May 15, 2020, Appellees entered into their current contract.⁵ In 2021, the contract expanded to include telephone calls, ensuring the only way children and parents could talk to their incarcerated loved ones was through costly video and telephone calls.⁶ The decisions of Adams County forced the loved ones of incarcerated individuals to

¹ CF, p.14.

² *Id.* p.15.

³ *Id.*

⁴ *Id.* pp.15, 119-34.

⁵ *Id.* pp.15, 135-610.

⁶ *Id.* pp.16, 611-26.

choose between life's necessities like rent or food, and the exorbitant price per minute of calls.

On October 28, 2025, Appellants filed a complaint alleging a violation of their right to familial association under Article II of the Colorado Constitution and a conspiracy to violate their constitutional rights. Appellants also sought a preliminary injunction requiring the defendants to reinstate in-person visitation. On January 30th, 2026, the District Court denied the request. Appellants have appealed that ruling to this Court.

Bans on in-person visitation result in significant harm to detained individuals, their loved ones, jail employees, and the community at large. The harmful effects of family separation while awaiting trial lead to increased pressures to plead guilty and accept excessive sentences. The net result is an erosion of public trust and confidence in the legal system. When people lack confidence in the fairness of the legal system, they are less likely to report crimes, participate in the legal process, or cooperate with law enforcement, undermining public safety.

The ban on in-person visitation does not advance any legitimate government interest. In-person visitation reduces the risk of recidivism, alleviates the traumatic experiences associated with incarceration, minimizes violence in the jail environment, and promotes safety for both those detained and jail employees.

Moreover, the commonly alleged risk of introduction of contraband through visitation is unsupported by evidence. The only benefit of this ban is the increased revenue generated by forcing families to pay for video and phone calls. Such a financial incentive should not be prioritized over the safety and wellness of detained individuals, jail employees, and community members.

ARGUMENT

I. Banning In-Person Visits Exacerbates Harms from Incarceration in County Jails.

It is well-established that incarceration harms individuals who are held in jails, along with their families and communities. Defendants' policies exacerbate these harms. For all those who are incarcerated, banning them from seeing their loved ones and requiring them to pay exorbitant prices to communicate via phone and video negatively affects their stability upon release. As a result, Colorado, including Adams County, is made less safe.

Many of those affected by the ban on in-person visitation have not been convicted of any offense. Pretrial incarceration accounts for approximately 69% of all detained individuals in jails throughout the country.⁷ Since courts in Colorado

⁷ *Pretrial Detention*, Prison Pol'y Initiative, https://www.prisonpolicy.org/research/pretrial_detention/.

can only completely deny bail under rare circumstances,⁸ the majority of Coloradans held pretrial are only incarcerated due to their poverty; a lengthy period of pretrial incarceration is not out of the ordinary.

In Adams County between 2022 and 2025, individuals who had not been sentenced accounted for an average of two-thirds of the jail population.⁹ In 2020, the data showed that 52% of those held in county jails were awaiting trial and had not been convicted of any crime, and 28% of those held pretrial were being held for misdemeanors.¹⁰ Since 2019, the average length of stay for an individual charged with a misdemeanor has been between 14 and 28 days, while the average stay for those accused of a felony offense is usually between 40 and 49 days, but in the most recent quarters reported spiked to over 60 days.¹¹ Most of these alleged offenses are nonviolent: in 2024, individuals were arrested for drug offenses at

⁸ § 16-4-101, C.R.S. (2025).

⁹ *ORS: Jails and Corrections-Jail Data-Population*, Colorado Div. of Crim. Just., <https://dcj.colorado.gov/dcj-offices/ors/dashb-jcs-jailpop> (“ORS”) (select “Jail Data” under main headings and “Jail Population” under the “Jail Data: Dashboards” heading, then select “Snapshot of Reporting Quarter” tab then select “Adams” under County and under the “Select a Measure” heading compare “Unsentenced No Hold” to “Number of Inmates”).

¹⁰ Colorado Div. of Crim. Just., *Jail Data Collection*, Tableau Pub., <https://public.tableau.com/app/profile/pflick/viz/JailDataCollection/Dashboard> (see “Time Period 3 – On the First Day of the Reporting Quarter”).

¹¹ *ORS*, *supra* n.9 (select “Jail Data” under main heading and “Jail Population” under the “Jail Data: Dashboards” heading, then select “Length of Stay (LOS)” tab).

double the rate of violent crimes.¹² Here most of the named Plaintiffs’ parents and children experienced pretrial detention for several months.¹³

People held in pretrial detention are at higher risk of losing their jobs, homes, and parental rights.¹⁴ Such social instability not only negatively affects the detained person; it also has a ripple effect on their families and communities. Research shows that detention even for 24 or 48 hours increases the likelihood of recidivism and criminal behavior, particularly for individuals who are deemed to pose a lower risk.¹⁵ Most individuals in the Adams County Jail are held far longer than that.

¹² *ORS, supra* n.9. (ORS: Crime and Policing- Arrests and & Court Filings, choose “Number of arrests” select “Violent” (9,546) or “Drugs” (18,834) under “2. Type of Crime Arrest”).)

¹³ CF, pp.7-8, 79-96.

¹⁴ See Erika Kates, Wellesley Ctrs. for Women, *Moving Beyond Incarceration for Women in Massachusetts: The Necessity of Bail/Pretrial Reform* 4-5 (2015), https://www.wcwonline.org/images/PolicyBrief3.15.Bail.Pretrial_Reform.pdf; Tiffany Bergin *et al.*, Arnold Ventures & N.Y. Crim. Just. Agency, *The Initial Collateral Consequences of Pretrial Detention: Employment, Residential Stability, and Family Relationships* (2022), <https://www.nycja.org/assets/downloads/Collateral-Consequences-Results-Summary-Brief.pdf>.

¹⁵ See Christopher T. Lowenkamp *et al.*, LJAF, *The Hidden Costs of Pretrial Detention* 10-11, 19-20 (2013), https://static.prisonpolicy.org/scans/ljaf/LJAF_Report_hidden-costs_FNL.pdf; Léon Digard & Elizabeth Swavola, Vera Inst. of Just., *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention* 6 (2019), <https://vera-institute.files.svdcdn.com/production/downloads/publications/Justice-Denied-Evidence-Brief.pdf?dm=1568655572>.

Furthermore, pretrial detention pressures individuals to enter into plea agreements to avoid further incarceration, which often contributes to lengthier, disproportionate sentences.¹⁶ Instead of focusing on defending against the charges pending against them, parents who are held pretrial suffer from anxiety about the safety and security of their children. This is especially true for single parents, who comprise more than 39% of incarcerated mothers and 21% of incarcerated fathers.¹⁷

Depriving detained individuals of family contact intensifies the pressure to be released. The mental health toll on mothers separated from their family is particularly severe.¹⁸ Individuals who died of dehydration or starvation in a New York jail were overwhelmingly suffering from mental illness and had been restricted from seeing their loved ones.¹⁹ Depriving people of the opportunity to see their family and loved ones deepens the anxiety and trauma they experience

¹⁶ Digard & Swavola, *supra* n.15, at 3-5.

¹⁷ Leah Wang, *Both Sides of the Bars: How Mass Incarceration Punishes Families*, Prison Pol’y Initiative, Aug. 11, 2022, https://www.prisonpolicy.org/blog/2022/08/11/parental_incarceration/.

¹⁸ Katie Rose Quandt & Alexi Jones, *Research Roundup: Incarceration Can Cause Lasting Damage to Mental Health*, Prison Pol’y Initiative, May 13, 2021, <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>.

¹⁹ Sarah Stillman, *Starved in Jail*, *The New Yorker*, Apr. 14, 2025, <https://www.newyorker.com/magazine/2025/04/21/starved-in-jail>.

and increases the risk that they will plead guilty despite being innocent or agree to excessive sentences.

Pay-for-service models like the one at issue here cause two direct harms: they result in poorer people having less family contact and thus having a harsher experience of incarceration; and families of justice-involved people are saddled with another financial burden, reinforcing the cycle of poverty. In many jails, detainees are responsible for paying for their own toiletries, supplemental food, and additional clothing.²⁰ Requiring families to pay \$6 for a 30-minute video call depletes resources that could be used to keep the incarcerated person physically and mentally healthy.²¹ Without an opportunity to regularly speak to their loved ones without paying hundreds of dollars in fees a month — money that is likely limited given their inability to pay bail — a ban on in-person visitation can cause permanent damage to the mental health of incarcerated people. The less stable an

²⁰ Brittany Friedman, *Unveiling the Necrocapitalist Dimensions of the Shadow Carceral State: On Pay-to-Stay to Recoup the Cost of Incarceration*, NCBI, Apr. 20, 2021, <https://pmc.ncbi.nlm.nih.gov/articles/PMC8055507/>; Lauren-Brooke Eisen, *America's Dystopian Incarceration System of Pay to Stay Behind Bars*, Brennan Ctr. for Just., Apr. 19, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/americas-dystopian-incarceration-system-pay-stay-behind-bars>.

²¹ CF, p.16, 135-610.

individual is upon release, the more likely they are to recidivate, perpetuating a cycle of harm.

Many individuals who are held in custody in jails that are not awaiting trial or serving an underlying sentence are being held on administrative detainers for technical violations of probation and/or are awaiting treatment for substance use disorder or mental health. In Colorado, an individual can be arrested for a probation violation, including technical violations, and be held up to 21 days before receiving a hearing, and even longer if the court finds “good cause” for the delay.²² Colorado county jails on average hold between 585 and 667 individuals awaiting competency evaluations at any given time.²³ Over the last year, 930 inmates have been referred for competency restoration and have spent, or will spend, an average near 110 days each on the waitlist.²⁴ For these vulnerable individuals, the stabilizing effect of familial support through in-person visitation

²² § 16-11-205(4), C.R.S. (2025) gives the probation officer seven days to file a complaint in the court after arresting a probationer, and § 16-11-206(4) states that a hearing must be held within fourteen days after the filing of the complaint.

²³ *ORS*, *supra* n.9 (select “Jail Data” under main heading and “Jail Population” under the “Jail Data: Dashboards” heading, then select “Snapshot of Reporting Quarter” tab, and “Awaiting competency evaluation” under the “Select a measure” drop-down).

²⁴ Erik Gamm & John Kellner, *Colorado’s Competency Crisis*, Common Sense Inst. of Colorado, Oct. 2, 2025, <https://www.commonsenseinstituteus.org/colorado/research/crime-and-public-safety/colorados-competency-crisis>.

cannot be overstated. Telephone or video calls are no substitute for in-person visits, in part because they do not allow family members the opportunity to detect signs of worsening mental health symptoms in their loved ones.

II. There Is No Valid Public Safety Reason to Impose a Blanket Ban on In-Person Visitation.

Under any conceivable balancing test, including the *Turner*²⁵ standard, a blanket ban on in-person visitation fails because there is no “compelling” or “legitimate” governmental interest at stake.²⁶ *First*, while public safety is of course a valid government interest, in-person visitation *promotes* safety both within the jails and the broader community, and there is ample evidence demonstrating the blanket ban does not improve public safety. *Second*, the commonly asserted rationale for a visitation ban — restricting contraband — is also unsupported by the evidence. *Third*, Defendants’ financial motivations have no bearing on public safety.

A. In-Person Visitation Promotes Safety within Jails and the Broader Community.

Past bans have had such detrimental effects that in-person visitation was reinstated to avoid dangerous conditions and promote the safety of both

²⁵ *Turner v. Safley*, 482 U.S. 78, 89-91 (1987) (establishing three factors for evaluating the reasonableness of a prison regulation).

²⁶ *See Doe v. Dep’t of Soc. Servs.*, 439 Mich. 650, 662 (1992).

incarcerated individuals and jail employees. In-person visits promote safety in the community at large by reducing recidivism and the traumatic effects of incarceration, which can otherwise make it difficult for formerly incarcerated people to adjust and reintegrate to life outside of jail.

For example, in the year following the elimination of in-person visitation in one Texas jail, the number of inmate-on-staff assaults immediately doubled.²⁷ Violence and disciplinary infractions also significantly increased.²⁸ Similarly, in Knox County, Tennessee, banning in-person visits coincided with more jail violence — including assaults on staff — and higher numbers of disciplinary infractions.²⁹ In King County, Washington, a ban on in-person visits resulted in a

²⁷ See Grassroots Leadership & Texas Crim. Just. Coal., *Video Visitation: How Private Companies Push for Visits by Video and Families Pay the Price* 4 (2014), <https://www.prisonlegalnews.org/media/publications/Video%20Visitation%20How%20Private%20Companies%20Push%20for%20Visits%20by%20Video%2C%20Grassroots%20Leadership%2C%202014.pdf>.

²⁸ *Id.*

²⁹ *To What End?: Assessing the Impact of the Knox County Jail's Ban on In-Person Visits*, Face to Face Knox, Jan. 29, 2018, at 3-5, https://www.prisonlegalnews.org/media/publications/To_What_End_Assessing_the_Impact_of_the_Knox_County_Jails_Ban_on_In-Person_Visits.pdf.

sudden rise in suicides in the jail.³⁰ As a result, the county decided to bring back in-person visits as necessary to promote institutional safety.³¹

Several professionals working in jurisdictions that reinstated in-person visits cited the positive impact on incarcerated individuals, their families, and jail safety. In Dallas, the county government reversed its ban on jail in-person visitation.³² As one judge explained, “[p]sychology and common sense tells you that it’s better for the prisoners and families to sit across from each other and see each other, rather than talking through an iPad.”³³ In North Carolina, Sheriff Garry McFadden defended his jail’s return to in-person visits, noting that it improves public safety, reduces recidivism, and minimizes the likelihood that someone will commit an infraction inside the jail.³⁴ In Illinois, Sheriff Thomas J. Dart explained “nothing can replace seeing loved ones face-to-face[.] . . . We believe this is not only

³⁰ Sydney Brownstone & David Gutman, *Amid Spike in Suicides, King County Jail to Restore Visits, Services*, Seattle Times, Sept. 19, 2022, <https://www.seattletimes.com/seattle-news/times-watchdog/amid-spike-in-suicides-king-county-jail-to-restore-visits-services-within-two-years/>.

³¹ *Id.*

³² Mindy Fetterman, *Face-to-Face Family Visits Return to Some Jails*, Stateline, Feb. 15, 2017, <https://stateline.org/2017/02/15/face-to-face-family-visits-return-to-some-jails/>.

³³ *Id.*

³⁴ *In-Person Visitations Restored at Mecklenburg County Jails, Sheriff’s Office Says*, WFAE 90.7, Jan. 16, 2019, <https://www.wfae.org/local-news/2019-01-16/in-person-visitations-restored-at-mecklenburg-county-jails-sheriffs-office-says>.

beneficial for those in our custody, but also [for] our staff, since it reduces anxiety among detainees.”³⁵

In Denver County, the jail returned to in-person visits after the Office of the Independent Monitor submitted a 2017 Semi-Annual Report recommending that the county not renew its contract with a for-profit video and telephone calling company because “there is broad consensus that in-person visits have many positive impacts on inmates, including increasing their psychological well-being, and reducing their likelihood of violating jail rules.”³⁶

Harsh jail conditions — including solitary confinement, violence, and the stress of daily life — result in “a form of traumatic stress” that can be “severe enough to produce post-traumatic stress reactions once released.”³⁷ These effects lead to increased recidivism rates and worsening conditions for the detained individuals and workers alike. The moral support and continued human connections provided by loved ones through visits help to lessen some of the

³⁵ Matt Masterson, *Cook County Sheriff Resumes In-Person Visits for Jail Detainees*, WTTW, June 8, 2020, <https://news.wttw.com/2020/06/08/cook-county-sheriff-resumes-person-visits-jail-detainees>.

³⁶ Nicholas E. Mitchell, Off. of the Indep. Monitor, *2017 Semi-Annual Report* 8 (2017), https://denver.prelive.opencities.com/files/assets/public/v/1/independent-monitor/documents/2017semiannualreport_oim.pdf (citations omitted).

³⁷ Craig Haney, *Criminality in Context: The Psychological Foundations of Criminal Justice Reform* 380 (American Psychological Ass’n, 1st ed. 2020).

psychological damage caused by incarceration, which allows individuals to have greater stability upon release.

The positive public safety effects of in-person visits are well-documented. A Minnesota study considered over 16,000 incarcerated individuals between 2003 and 2007 and examined visitation over the period of their incarceration. The study found that even one in-person, face-to-face visit reduced recidivism by 13% for new crimes and by 25% for technical violations.³⁸ A similar study in 2016 found that visits caused a 26% decrease in recidivism.³⁹ Visitation also increases the likelihood of post-release employment.⁴⁰

B. The Most Commonly Alleged Policy Rationale for Restricting In-Person Visits — the Potential for an Increase in Contraband — Is Unsupported.

Although some jail administrators and sheriffs' departments have argued that restricting in-person visits leads to a decline in contraband entering the jail,⁴¹

³⁸ Minnesota Dep't of Corr., *The Effects of Prison Visitation on Offender Recidivism* 18-22 (2011), https://mn.gov/doc/assets/11-11MNPrisonVisitationStudy_tcm1089-272781.pdf.

³⁹ Meghan M. Mitchell *et al.*, *The Effect of Prison Visitation on Reentry Success: A Meta-Analysis*, 47 J. Crim. Just. 74 (2016), <https://www.sciencedirect.com/science/article/abs/pii/S0047235216300575>.

⁴⁰ Grant Duwe & Valerie A. Clark, *Nothing Will Work Unless You Did: The Predictors of Postprison Employment*, 44 Crim. Just. & Behav. 657 (2017), <https://journals.sagepub.com/doi/abs/10.1177/0093854816689104>.

⁴¹ Erie County Sheriff's Office (@ECSONY1), Facebook (Aug. 17, 2017, at 8:44 a.m. MT) <https://www.facebook.com/ECSONY1/posts/sheriff-announces-inmate->

research and experience show that contraband seizures — especially those related to substance use — often *increase* or remain stable when in-person visitation is suspended or replaced.⁴² This suggests that a blanket ban on in-person visits will not address the underlying problem of contraband.

For example, Texas prisons stopped all in-person visits and severely limited mail during the pandemic. Despite these restrictions, drugs entered the facilities and guards were initiating disciplinary processes for contraband at an even higher rate.⁴³ Similarly, at Rikers Island, visits were terminated entirely during the pandemic, but internal jail data indicated that authorities seized twice as many

video-visitsnow-entire-families-can-visit-with-loved-on/1420628641365575/; Michelle Williams, *Massachusetts Jail Following Nationwide Trend, Ending In-Person Inmate Visits, in Move Critics Call Cruel*, Mass Live, July 21, 2017, https://www.masslive.com/news/2017/07/massachusetts_jail_following_n.html; Mo Barnes, *Louisiana Jail Replaces In-Person Visits with Video Calls*, Rolling Out, Oct. 6, 2017, <https://rollingout.com/2017/10/06/prisoners-lose-person-visits-louisiana-jail-moves-video/>.

⁴² George Joseph & Reuven Blau, *When Visitors Were Banned From Rikers Island, Even More Drugs Showed Up*, The City, Feb. 9, 2022, <https://www.thecity.nyc/2022/02/09/when-visitors-were-banned-from-rikers-island-even-more-drugs-showed-up/>; see also Rochisha Shukla *et al.*, Urban Ins., *Contraband and Interdiction Strategies in Correctional Facilities* 16 (2021), https://www.urban.org/sites/default/files/publication/103619/contraband-and-interdiction-strategies-in-correctional-facilities_0.pdf (noting that “research finds that visitation does not lead to a significant increase in a facility’s overall contraband levels” and citing studies).

⁴³ Jolie McCullough & Keri Blakinger, *Texas Prisons Stopped In-Person Visits and Limited Mail. Drugs Got in Anyway.*, The Texas Trib., Mar. 29, 2021, <https://www.texastribune.org/2021/03/29/texas-prisons-drugs/>.

drugs in the facility when visits were terminated.⁴⁴ A program of the California Department of Corrections and Rehabilitation subjecting visitors to additional security measures did not result in the elimination of contraband; of the 11 facilities subjected to the additional measures, only three showed a reduction in positive drug tests.⁴⁵

The unfortunate reality is that staff are a common source of contraband in jails. A review of news stories of arrests for bringing contraband into correctional facilities in 2018 found that almost all contraband was introduced by staff.⁴⁶ In that year alone, 20 jail staff members in 12 separate county jails were arrested, indicted, or convicted on charges related to the introduction of contraband.⁴⁷ Other examples abound. In Georgia, at least 360 staff have been arrested on accusations of

⁴⁴ Joseph & Blau, *supra* n.42.

⁴⁵ *\$15M Drug Smuggling Crackdown in California Prisons Gets Mixed Results*, CBS News, May 10, 2017, <https://www.cbsnews.com/sanfrancisco/news/california-prisons-drug-smuggling-crackdown-mixed-results/>.

⁴⁶ The motivation for staff to smuggle is largely financial; many correctional officers are severely underpaid, and contraband can carry a high price tag within jails and prisons that some of those detained are willing to pay. Shukla *et al.*, *supra* n.42, at 16-17.

⁴⁷ Jorge Renaud, *Who's Really Bringing Contraband into Jails? Our 2018 Survey Confirms it's Staff, Not Visitors*, Prison Pol'y Initiative, Dec. 6, 2018, <https://www.prisonpolicy.org/blog/2018/12/06/jail-contraband/>.

smuggling contraband into prisons since 2018.⁴⁸ In December 2025 in Maryland, correctional staff were indicted on more than 55 counts combined in multiple conspiracies stemming from a single correctional institution.⁴⁹ In April of 2025, a former correctional officer was sentenced for her participation in a scheme to accept bribes in exchange for smuggling narcotics and other contraband into Rikers Island.⁵⁰ Since 2019 in Colorado, officers have been arrested and charged with smuggling in both federal⁵¹ and state penitentiaries, including smuggling drugs

⁴⁸ 360 Ga. Prison Guards Arrested for Smuggling Since 2018, WRDW, Sept. 26, 2023, <https://www.wrdw.com/2023/09/26/360-ga-prison-guards-arrested-smuggling-since-2018/>; see also Kate Brumback, *More than 40 Georgia Prison Guards, Officers Indicted on Drug Trafficking, Bribery Charges*, The Florida Times-Union, Feb. 11, 2016, <https://www.jacksonville.com/story/news/crime/2016/02/11/more-40-georgia-prison-guards-officers-indicted-drug-trafficking-bribery/15699623007/>.

⁴⁹ News Release, OAG Maryland, *Attorney General Brown Announces Charges for Three Contraband Schemes at Jessup Correctional Institution* (Dec. 1, 2025), <https://oag.maryland.gov/News/Pages/Attorney-General-Brown-Announces-Charges-for-Three-Contraband-Schemes-at-Jessup-Correctional-Institution-.aspx>.

⁵⁰ Press Release, U.S. Att’y’s Off., S.D.N.Y., *Former Corrections Officer Sentenced To Prison For Accepting Bribes In Exchange For Smuggling Narcotics Into Rikers Island* (Apr. 16, 2025), <https://www.justice.gov/usao-sdny/pr/former-corrections-officer-sentenced-prison-accepting-bribes-exchange-smuggling>.

⁵¹ Austen Erblat, *Federal Prison Staffer in Colorado Charged with Taking Bribes and Bringing in Contraband*, CBS News, Jul. 18, 2023, <https://www.cbsnews.com/colorado/news/federal-prison-staffer-colorado-charged-taking-bribes-contraband/>.

inside pens,⁵² and, in one infamous case, a burrito filled with methamphetamine and opiates.⁵³

Interviews with correctional staff confirm that staff can be a major contributor to substance-use-related contraband in jails. In the Texas study that found contraband seizures increased when in-person visitation ended, the main source of the drugs were low-paid employees in understaffed facilities.⁵⁴

Interviews with personnel with the Florida Department of Corrections also indicated that “a significant amount of contraband enters FDOC through staff.”⁵⁵ A blanket ban on in-person visitation is neither a necessary nor effective strategy to stem the flow of drugs and other contraband into jail facilities.

⁵² Tracy Harmon, *Former Corrections Officer Sentenced in Canon City Prison Contraband Case*, The Pueblo Chieftan, Nov. 4, 2022, <https://www.chieftain.com/story/news/2022/11/04/former-prison-guard-sentenced-in-caon-city-contraband-case/69619643007/>.

⁵³ Chris Vanderveen, *Corrections Officer Accused of Trying to Smuggle Drug-Filled Burrito into Colorado Prison*, 9NEWS, Jul. 9, 2019, <https://www.9news.com/article/news/investigations/corrections-officer-accused-of-trying-to-smuggle-drug-filled-burrito-into-colorado-prison/73-b5b2d7ef-bf93-4660-a853-6852e1c7f7b8>.

⁵⁴ McCullough & Blakinger, *supra* n.43.

⁵⁵ Shukla *et al.*, *supra* n.42, at 16.

C. Banning In-Person Visits Based on Financial Motivations Does Not Serve a Legitimate Penological Purpose.

The Colorado Court of Appeals has held that, “limitations [on] visitation may be imposed *only if* they are necessary to meet legitimate penological objectives, such as rehabilitation and the maintenance of security and order.”⁵⁶ Furthermore, the Colorado Supreme Court has held that, to withhold in-person visitation from individuals held pretrial — the majority of the Adams County Jail population — the state has the burden of proving “the security of the institution precludes the operation of . . . [an in-person contact visitation] program.”⁵⁷ The County cannot meet this burden if it can operate an in-person visitation program without impairing security.⁵⁸

Adams County’s visitation ban is not necessary to meet any penological objective because it is motivated by financial rather than security concerns. Adams County has sought to exploit families of incarcerated individuals and increase their revenue from the in-person visitation ban by seeking profit-sharing contracts with video call providers.⁵⁹ The contractual obligations between Adams County and its

⁵⁶ *Buenabenta v. Neet*, 160 P.3d 290, 294-95 (Colo. App. 2007) (quoting *Lynott v. Henderson*, 610 F.2d 340, 342-43 (5th Cir. 1980))(emphasis added).

⁵⁷ *Wesson v. Johnson*, 579 P.2d 1165, 1167 (Colo. 1978).

⁵⁸ *See id.*

⁵⁹ CF, p.15, 119-610.

for-profit video and telephone contractors betray its desire to increase revenue and belie its stated concerns of reducing contraband.⁶⁰ Adams County does not offer any justification for shutting down the in-person visit request on its website; rather, it blames the families for not requesting in-person visits, when there is no opportunity for doing so.⁶¹ The pay-sharing provisions in the contracts directly incentivize⁶² the county to restrict in-person visits in order to funnel incarcerated people and their families to for-profit communication. These provisions demonstrate that the motivation for ending in-person visits is not rooted in the safety of jail populations or staff, but in increasing revenue.⁶³

Ultimately, ending in-person visits will likely cost communities more money, not less: it leads to a rise in recidivism, mental and physical illness, suicides, staff assaults, and contraband — all issues that require more resources to address.

⁶⁰ *Id.* pp.599, 611.

⁶¹ *Id.* p.1632.

⁶² *Id.* pp.46-47, 138-39, 615-16.

⁶³ See Unofficial Announcement, FCC, *Carr Acts to Address Unintended Consequences of 2024 IPCS Order* (June 30, 2025), <https://docs.fcc.gov/public/attachments/DOC-412597A1.pdf>.

III. Banning In-Person Visitation Harms Public Safety by Eroding Public Trust.

The harm that banning in-person visitation causes incarcerated individuals, their loved ones, and the security of the jail also erodes public trust in institutions that people assume exist for public safety. Harsh jail conditions harm familial relationships, which in turn increases the likelihood that people will plead guilty to a crime they did not commit or accept a sentence they otherwise would not absent the pressure of incarceration. Lengthier, more onerous pretrial detention results in increased wrongful convictions and excessive sentences, both of which undermine the fairness of the judicial process.⁶⁴ This is detrimental for public confidence in the integrity of the criminal justice system: when the community rightly connects unnecessarily restrictive and unfairly punitive jail conditions and worse case outcomes for defendants who simply cannot afford bail, faith in the criminal justice system suffers.⁶⁵

⁶⁴ Digard & Swavola, *supra* n.15.

⁶⁵ Natalia Ermasova *et al.*, *Perceptions Toward Wrongful Convictions and Needed Reforms in the Criminal Justice System: Does Working Experience in Law Enforcement Matter?*, 14(1) Qualitative Criminology 46, 51 (2024), <https://qualitativecriminology.pubpub.org/pub/7tlj85ll/release/1> (“[W]rongful convictions have been recognized as a failure of the justice system that poses a significant challenge to the integrity and legitimacy of the criminal justice system.”).

Any policy that privileges or punishes individuals based solely on their financial resources further destroys confidence in the fairness of the criminal justice system. Many people are subjected to pretrial incarceration merely because they are too poor to afford bail; therefore the people most adversely affected by in-person visitation bans are those from communities where poverty is most prevalent.⁶⁶ The criminal justice system, which already disproportionately impacts poor individuals by requiring bail amounts they are unable to pay, inflicts a double injury by forcing them to curtail visitation to save up funds to pay for their release. When people become disconnected from their families and loved ones based solely on the inability to post bail or afford expensive calls, while defendants who are more financially well-off are released or able to more easily access communications, communities rightly question the legitimacy of the criminal justice system and its actors. The undisputed profit motive of a policy eliminating in-person visits and replacing them with costly video calls would lead anyone to question the fairness of the systems claiming to protect them and their families.

The destruction of confidence in the legal system significantly harms public safety. Our legal system “depends in large measure on the public’s willingness to

⁶⁶ Megan Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes*, 34(4) J.L. Econ. & Org. 511, 542 (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2777615.

respect and follow its decisions.”⁶⁷ When people trust legal authorities and view the police, the courts, and the law as legitimate, they are more likely to report crimes, cooperate as witnesses, and accept police and judicial system authority.⁶⁸ Without cooperating victims and witnesses, police are unable to investigate, prosecutors are unable to bring charges, and juries are unable to convict the guilty or free the innocent. Thus, by eroding trust in the criminal justice system, unnecessary bans on in-person visitation during incarceration make communities less safe.

⁶⁷ *Williams-Yulee v. Fla. Bar*, 575 U.S. 433 (2015).

⁶⁸ See Tom R. Tyler & Jeffrey Fagan, *Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?*, 6 Ohio St. J. Crim. L. 231, 263 (2008), <https://kb.osu.edu/server/api/core/bitstreams/9f207de7-8f1e-550b-bae1-be261bd741f7/content>; Tom R. Tyler & Jonathan Jackson, *Popular Legitimacy and the Exercise of Legal Authority: Motivating Compliance, Cooperation and Engagement*, 20 Psych., Pub. Pol’y & L. 78, 78-79 (2013), <https://law.yale.edu/sites/default/files/area/center/justice/document/ssrnpopularlegitimacy.pdf>. See also Giffords L. Ctr. to Prevent Gun Violence, *In Pursuit of Peace: Building Police-Community Trust to Break the Cycle of Violence* (updated 2021), <https://giffords.org/report/in-pursuit-of-peace-building-police-community-trust-to-break-the-cycle-of-violence/>.

CONCLUSION

For the reasons set forth above, *Amici* respectfully request this Court to reverse the district court's order denying Appellants' motion for a preliminary injunction and hold that the elimination of in-person visitation violates the Colorado Constitution.

Respectfully submitted this 1st day of July, 2026.

FOX & ROBERTSON

/s/ Amy F. Robertson (original signature on file)

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2026, the foregoing was served via CO

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