

DISTRICT COURT, ADAMS COUNTY, COLORADO 1100 Judicial Center Dr., Brighton, CO 80601	
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. 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.	▲ COURT USE ONLY ▲
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CLASS ACTION COMPLAINT AND JURY DEMAND

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 all other similarly situated persons (collectively “Plaintiffs”), pursuant to Colo. R. Civ. P. 23, by and through their attorneys, and for their complaint against Defendants Adams County Sheriff Gene Claps, in his individual and official capacities; The Board of County Commissioners of Adams

* Application for admission *pro hac vice* is forthcoming.

County; Adams County Jail Division Chief William Dunning, in his individual and official capacities; and HomeWAV, LLC, state as follows:

I. INTRODUCTION

1. The Adams County Detention Facility (“Adams County jail” or “jail”) bans children from visiting their incarcerated parents and parents from visiting their incarcerated children, ensuring lifelong harm to the parent-child relationship and children’s emotional, psychological, and social development.

2. Because of the jail’s Family Visit Ban, families must pay cash to maintain any form of connection between children and their parents detained in the jail: either through telephone calls, video calls, or mail.

3. The Sheriff’s Office, the Board of County Commissioners (“Board”) (together, “County”), and private, for-profit corporation HomeWAV LLC all conspire to profit from the jail’s unconstitutional family separation scheme. In 2020 and 2021, Defendants negotiated and the County signed exclusive video and telephone call contracts with HomeWAV. Those contracts ensure the County—through checks payable to the Sheriff—receives a minimum of 40% of video call money and 80% of telephone call money paid by families to talk to their loved ones. Telephone and video calls cost \$0.15 and \$0.20 per minute, respectively. One of the primary goals of Defendants’ conspiracy is to restrict in-person human contact as a way of forcing communication into channels they have monetized in order to increase their shared profits.

4. In 1978, the Colorado Supreme Court ordered the Adams County Sheriff to allow families to have contact visits at the jail, during which parents and children could look into each other’s eyes, hold hands, or hug. *See Wesson v. Johnson*, 579 P.2d 1165 (Colo. 1978). The Sheriff has never been released from this judgment.

5. Defendants seem to have forgotten or ignored this order from the Colorado Supreme Court, because the jail has adopted a permanent, total, and blanket ban on family visits, without any individualized consideration.

6. The parent-child relationship is universally recognized as a profound source of emotional, physical, psychological, and social support and well-being. More than that, the ability of children and parents to associate without undue government interference is a bedrock of our culture and values. Few things are as important to our history as a people, or to our continued vitality as a society, as protecting the sacred bond between child and parent.

7. For this reason, the rights to familial association and to maintain family relationships free from governmental interference are fundamental rights under the Colorado Constitution. Furthermore, the Colorado legislature recently reiterated the importance of family integrity by passing HB25-1013, which enshrines the right to contact visitation in Colorado prisons, and SB23-039, which entitles incarcerated parents to family time with their children during the course of dependency and neglect proceedings.

8. The integrity of the parent-child relationship depends on physical presence and contact. Telephone and video calls are not equivalent to in-person family visits. The ability to sit across from each other, to make eye contact, to make physical contact, for a baby to smell her mother, and for a father to rub his child's back keeps those relationships healthy and alive.

9. Under Defendants' Family Visit Ban, children and parents are unable to look directly into each other's eyes, hold each other's hands, give each other a hug, or otherwise maintain the in-person connections that are essential to intimate family relationships. They are unable, even, to have any form of communication that is not surveilled, entirely eliminating the most basic forms of private communication on which all intimate human relationships depend.

10. The implications of preventing children from visiting their parents are dire. Doctors and psychologists have equated the psychological impact of completely separating children from their parents—keeping them from seeing and touching one another—to torture. Such separation causes children and parents serious adverse health effects that follow them into adolescence and adulthood. As a result of Defendants' Family Visit Ban, the children and parents bringing this case have experienced grievous harm that will change them for the rest of their lives.

11. The Family Visit Ban forces families into an impossible position. Families desperate to maintain some form of communication with their loved one must choose between paying for painfully inadequate phone and video calls or paying for other necessities of life, like food, rent, gas, medical care, and hygiene products. As the Colorado Supreme Court noted in *Wesson*, and is still true today, most people detained in the jail, "if they had sufficient funds, would be free on bail enjoying freedom while awaiting trial." Nevertheless, the families least able to afford to pay for the basic right to maintain their family bonds are the ones the County, Sheriff's Office, and HomeWAV have targeted for profits.

12. Even putting aside the cost of the phone and video calls, these limited forms of communication are completely inaccessible to many because the call formats can fail to support meaningful communication for infants and young children, neuro-divergent children, and people with various disabilities. Additionally, Defendants bar minors from creating HomeWAV accounts, require government identification to create an account, and require internet capabilities that are not accessible to many families living in rural areas with limited internet access.

13. Defendants' Family Visit Ban and the severe harms that policy causes are not justified by any conceivable government interest. In fact, denying contact visits *undermines* state interests. Empirical studies and correctional best practices demonstrate that allowing families the opportunity for in-person connection helps mitigate the tremendous emotional and physical health consequences of child-parent separation, improves safety inside jails, promotes staff retention, improves employment prospects after release, reduces recidivism, and saves the government money.

14. Motivated by these considerations, Colorado prisons, for example permit and encourage contact visits with positive results. In fact, the Denver County Sheriff reinstated contact visits for families in 2024, noting that contact visits "keep people connected in a way that a video

call just doesn't allow.”¹ Denver Sheriff Elias Diggins further reiterated the importance of “reduc[ing] the trauma that families have by their incarceration experience, because families are doing time as well.”²

15. Defendants' Family Visit Ban violates the Colorado Constitution. Defendants may not prevent children from having any personal contact with their incarcerated parents, and they certainly cannot prohibit in-person family contact as part of a scheme to make money. This scheme violates Colorado law, offends basic principles of human connection and dignity, and imposes profound costs on families. It also harms individual and public safety without serving any compelling government interest. Because Defendants' conduct violates Plaintiffs' fundamental rights, Plaintiffs come to this Court and seek declaratory, injunctive, and monetary relief on behalf of themselves and those who are similarly situated.

II. PARTIES

16. **Plaintiff E.L.** is a six-year-old resident of Adams County, Colorado. E.L.'s father has been confined inside the Adams County jail since February 2025. Because of Defendants' Family Visit Ban and conspiracy, E.L. has not been allowed to visit his father at the jail. E.L. brings this action, by and through his mother and next friend, Scarlet Ramirez, pursuant to C.R.C.P. 17. *See* Declaration of Scarlet Ramirez, attached hereto as Exhibit A. E.L. brings this action individually and on behalf of a Class of similarly situated people. E.L. also represents a subclass of similarly situated people seeking injunctive relief.

17. **Plaintiff D.L.** is a four-year-old resident of Adams County, Colorado. D.L.'s father has been confined inside the Adams County jail since February 2025. Because of Defendants' Family Visit Ban and conspiracy, D.L. has not been allowed to visit his father at the jail. D.L. brings this action, by and through his mother and next friend, Scarlet Ramirez, pursuant to C.R.C.P. 17. *See* Ramirez Decl., Ex. A. D.L. brings this action individually and on behalf of a Class of similarly situated people. D.L. also represents a subclass of similarly situated people seeking injunctive relief.

18. **Plaintiff J.B.** is a nine-year-old resident of El Paso County, Colorado. J.B.'s stepfather, who J.B. considers his dad, was confined inside the Adams County jail from June to October 2025. Because of Defendants' Family Visit Ban and conspiracy, J.B. was not allowed to visit his dad at the jail. *See* Declaration of J.B., attached hereto as Exhibit B. J.B. brings this action, by and through his mother and next friend, Autumn Ray, pursuant to C.R.C.P. 17. *See* Declaration

¹ Bennito L. Kelty, *Denver Resumes In-Person Jail Visitations After Nearly Two Decades*, Westword (May 17, 2024), <https://www.westword.com/news/after-twenty-years-denver-jail-resumes-in-person-visits-20746920> [https://perma.cc/DME8-CS54].

² Gabby Easterwood, *'When you strip away the jumpsuit, you restore dignity': Denver jail launches in-person visitation clothing project*, KVDR (May 1, 2025), <https://kdvr.com/news/local/when-you-strip-away-the-jumpsuit-you-restore-dignity-denver-jail-launches-in-person-visitation-clothing-project/> [https://perma.cc/5ML5-XG76].

of Autumn Ray, attached hereto as Exhibit C. J.B. brings this action individually and on behalf of a Class of similarly situated people.

19. **Plaintiff Ashlee Trujillo** is a resident of Adams County, Colorado. Ms. Trujillo's son has been confined in the Adams County jail since July 2025. Because of Defendants' Family Visit Ban and conspiracy, Ms. Trujillo has not been allowed to visit her son at the jail. *See* Declaration of Ashlee Trujillo, attached hereto as Exhibit D. Ms. Trujillo brings this action individually and on behalf of a Class of similarly situated people. Ms. Trujillo also represents a subclass of similarly situated people seeking injunctive relief.

20. **Plaintiff Cassondra Reeves** is a resident of Denver County, Colorado. Ms. Reeves' son was confined in the Adams County jail from approximately August 2024 through February 2025. Because of Defendants' Family Visit Ban and conspiracy, Ms. Reeves was not allowed to visit her son at the jail. *See* Declaration of Cassondra Reeves, attached hereto as Exhibit E. Ms. Reeves brings this action individually and on behalf of a Class of similarly situated people injured by Defendants' Family Visit Ban and conspiracy.

21. **Defendant Adams County Sheriff Gene Claps** ("Sheriff" or "Sheriff's Office") has charge and custody of the Adams County Detention Facility, located at 150 N 19th Ave, Brighton, CO 80601, and is responsible for all policies of the jail, including the Family Visit Ban.³ The Sheriff's Office requested and negotiated the contracts with Defendant HomeWAV, LLC, for telephone and video call services and profit sharing at the jail. The Sheriff enforces the jail's Family Visit Ban and receives commission checks from Defendant HomeWAV pursuant to the County's contracts. The Sheriff appoints and may revoke the appointments of all deputies and undersheriffs.⁴ At all times relevant to this Complaint, Defendant Claps was acting as a peace officer under color of state law in his capacity as the Sheriff of Adams County. Defendant Claps is sued in his individual capacity for declaratory, injunctive, and monetary relief under C.R.S. § 13-21-131. Defendant Claps is also sued in his official capacity as the Adams County Sheriff for declaratory, preliminary injunctive, and permanent injunctive relief.

22. **Defendant Board of County Commissioners of Adams County** (the "County") is a body corporate and politic under the laws of Colorado. The County negotiated and entered into exclusive contracts with Defendant HomeWAV, LLC, for telephone and video call services and profit sharing at the jail on behalf of the Sheriff's Office. The County has exclusive contracting⁵

³ C.R.S. §§ 17-26-102, 30-10-503, 30-10-511.

⁴ C.R.S. §§ 30-10-504, 30-10-506.

⁵ C.R.S. § 30-11-101(1)(d).

and budgeting authority⁶ for the jail and is responsible for funding the jail,⁷ as well as inspecting and correcting irregularities therein.⁸ The County is sued for declaratory, preliminary injunctive, and permanent injunctive relief.

23. **Defendant Jail Division Chief William Dunning** (“Jail Division Chief”) is appointed by the Sheriff to operate the jail. Defendant Dunning implements and enforces the Family Visit Ban.⁹ At all times relevant to this Complaint, Defendant Dunning was acting as a peace officer under color of state law in his capacity as the Jail Division Chief for the Adams County jail. Defendant Dunning is sued in his individual capacity for declaratory, injunctive, and monetary relief under C.R.S. § 13-21-131. Defendant Dunning is also sued in his official capacity as the Adams County Jail Division Chief for declaratory, preliminary injunctive, and permanent injunctive relief.

24. Defendants Sheriff and Jail Division Chief, in their official capacities, are referred to throughout the complaint as the “Sheriff’s Office.” Defendants County, Sheriff, and Jail Division Chief are referred to throughout the complaint as the “County Defendants.”

25. **Defendant HomeWAV, LLC** (“HomeWAV”) is organized under the laws of Virginia with its principal place of business in Missouri. Defendant HomeWAV registered with the Colorado Secretary of State to do business in Colorado on August 31, 2018, and has done business in Colorado at all times relevant to this Complaint. HomeWAV contracted with the County for exclusive rights to charge families for telephone and video calls with people incarcerated at the jail in exchange for commission payments made directly to the Sheriff. Defendant HomeWAV is sued for declaratory, permanent injunctive, and monetary relief.

III. JURISDICTION AND VENUE

26. This Court has jurisdiction over the parties and subject matter of this action pursuant to the Colorado Constitution; C.R.S. § 13-1-124; the Enhancing Law Enforcement

⁶ See C.R.S. § 29-1-103(1); C.R.S. § 30-11-107(2)(a); *Tihonovich v. Williams*, 196 Colo. 144, 150, 582 P.2d 1051, 1055 (1978) (“Responsibility for county finances is borne exclusively by the board of county commissioners.”); *Chavez v. Bd. of Cnty. Commissioners of Lake Cnty., Colo.*, 426 F. Supp. 3d 802, 813 n.7 (D. Colo. 2019) (“The sheriff’s office is deemed a ‘spending agency’ within the county that must yearly submit a budget proposal to, and receive approval from, the board of county commissioners.” (citations omitted)).

⁷ C.R.S. § 17-26-102; C.R.S. § 30-11-104(1)(a).

⁸ C.R.S. § 17-26-126.

⁹ See Adams County Sheriff’s Office, Adams County SO Policy Manual, Policy 901: Jail (May 16, 2023), available at <https://public.powerdms.com/AdamsCountyUT/tree/documents/2601965> [<https://perma.cc/3F6F-EH7V>].

Integrity Act (“ELEIA”), C.R.S. § 13-21-131; the Uniform Declaratory Judgments Law, C.R.S. §§ 13-51-101, *et seq.*; and C.R.C.P. 57 and 65.

27. Plaintiffs’ claims for attorney fees and costs are authorized by ELEIA, C.R.S. § 13-21-131; C.R.S. § 24-10-107; and C.R.C.P. 54(d).

28. The Court has jurisdiction over the County Defendants because they commit the acts alleged in this Complaint in Adams County, Colorado.

29. The Court has jurisdiction over Defendant HomeWAV because the corporation transacts business within the state and has contributed to and committed the acts alleged in this Complaint.

30. Venue in this Court is proper pursuant to C.R.C.P. 98 because at least one Defendant may be found in this County and because the events giving rise to this cause of action—the prohibition of all family visits, including contact visits, in the jail and resulting injuries suffered by Plaintiffs and the proposed class members—occurred and continue to occur in Adams County, Colorado.

IV. FACTUAL ALLEGATIONS

A. Defendants Prohibit In-Person Visits for Families at the Adams County Jail.

31. The County Defendants created and enforce—in conspiracy with Defendant HomeWAV—a blanket Family Visit Ban in the Adams County jail. As a matter of policy, parents and children are not allowed to sit with, touch, or hug each other, or look directly into each other’s eyes. Defendants have caused and continue to cause lasting harm to Plaintiffs’ relationships with their parents and children, as well as to thousands of other families’ intimate connections.

- i. Each year, thousands of people spend months in the Adams County jail, many of whom have not been convicted of any offense.

32. At any given time, the Adams County jail detains hundreds of people for weeks, months, and years, many of whom are presumed innocent and awaiting trial.

33. In the first quarter of 2025, the Adams County jail booked 3,329 people, and the average daily jail population was 795 people.

34. Most of the people in the jail are awaiting trial or other legal proceedings, often solely because they cannot afford a financial condition of pretrial release.

35. Lengths of stay in the jail vary widely, from days to years. For example, Reynaldo Loya-Martinez, father of Plaintiffs E.L. and D.L., has been in the jail for over eight months.

36. Each of the individuals confined in the jail is connected to people on the outside, like the named Plaintiffs, who are deprived of physical contact with the people they love and

depend on most in the world. Due to Defendants' blanket visitation ban, they will be separated from their families for prolonged and indefinite periods.

ii. The Adams County jail was built to facilitate contact visits.

37. After the Colorado Supreme Court in *Wesson* ordered the Adams County Sheriff to permit contact visits on June 12, 1978, the Sheriff's Department instituted a contact visitation program at the former jail located at 1901 East Bridge Street in Brighton.

38. Though the former jail was built without contact visitation rooms, the Sheriff's Office instituted a program that entitled all persons in the jail to contact visits from relatives or friends. *See Regulations for Contact Visitation at the Adams County jail* (Mar. 1, 1979), attached hereto as Exhibit F.

39. Families and friends were able to visit their incarcerated loved ones outside of traditional school and working hours, every day of the week, in a space where they could hug, hold hands, and talk free of audio surveillance from jail staff. *See Adams Contact Regs., Ex. F at D, E.5.*

40. These visits were free to families and friends of the incarcerated individuals.

41. These contact visit regulations were approved by District Court Judge Abraham Bowling on March 1, 1979, following a hearing.

42. Four years after the adoption of the Contact Visit Regulations, the voters approved a tax increase to construct the current jail located at 150 North 19th Avenue. The new jail was built to alleviate overcrowding in the former jail, comply with the Colorado Supreme Court's directive in *Wesson*, and address inhumane and inadequate jail conditions.¹⁰

43. The current jail was designed to accommodate contact visits.

44. The jail features five housing modules or "mods"—A, B, C, D, and E—and a three story dormitory, F. Each of the mods was constructed with a "contact room" adjacent to the mod. *See Declaration of Caitlin Power ¶ 4*, attached hereto as Exhibit G.

¹⁰ *See* Jeannine Heitman, *Adams County Jailhouse Blues: Court decision could make jail vote result moot*, Westminster Sentinel, Oct. 9, 1980, at 8; Scott Taylor, *As Adams County sheriff considers new jail, Brighton council urges keeping it where it is*, Colo. Comm. Media (July 13, 2023), https://www.coloradocommunitymedia.com/archives/brighton/news/local-government/article_ce71d2e0-9118-5d6d-8bba-34a5d26e3a50.html [https://perma.cc/UHL2-ZCJH]; Monte Whaley, *Adams County jail is "deteriorating rapidly" and needs upgrades or to be rebuilt*, Colo. Comm. Media (Jan. 20, 2025), https://www.coloradocommunitymedia.com/archives/brighton/news/courts-crime/article_44a39ef7-b114-5975-81d8-fbbe40f1304d.html [https://perma.cc/DNZ2-SCSE].

45. The contact visit rooms are accessible from the hallways of the jail. The rooms are large open spaces, featuring lockers, a sink, and chairs. The B mod contact visit room has elevator access. Power Decl., Ex. G ¶¶ 6–7.

46. Each module also has another visitation room, adjacent to the contact room, with glass barriers and/or metal grates partitioning the visitor from the incarcerated person.

47. Outside of the contact visit rooms are large storage lockers, marked with the module letter and “CONTACT.”



Figure 1. Placard outside B module contact room.



Figure 2. Interior of B module contact visit room.



Figure 3. C module contact visit room locker, located outside the two visitation spaces for C module.

48. Not every module is occupied within the jail. The jail closes some modules due to maintenance needs, low population, or other reasons. Thus there are more contact visit rooms available than occupied modules. Power Decl., Ex. G ¶ 5.

49. In addition to the contact visit rooms, the jail has several other spaces that could be used to facilitate in-person contact visits.

50. For example, the Library is a large open room containing several tables and chairs, with reading materials lining the walls.

iii. The County Defendants prohibit in-person, face-to-face visitation for families in the Adams County jail.

51. Since at least 2006, the Sheriff's Office has banned family visits at the jail.

52. The Sheriff's website states that "In Person Visitation . . . is currently not available at our facility."¹¹

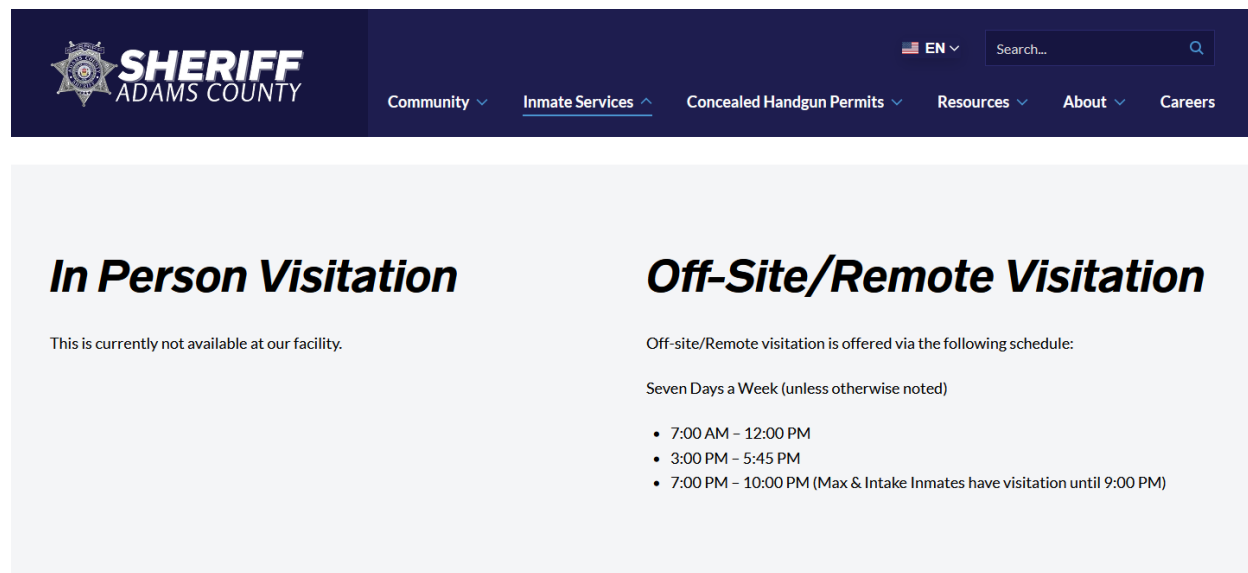


Figure 4. Screenshot of the Adams County Sheriff's website (Oct. 25, 2025).

53. The County Defendants' Family Visit Ban is a written policy contained in the Inmate Rules for the Adams County Detention Facility ("Inmate Rules"), which are posted on the Sheriff's website. Rule 14 of the Inmate Rules states: "Contact visits are not permitted." See Adams County Detention Facility Inmate Rules (rev. Dec. 2023), attached hereto as Exhibit H.

¹¹ See Adams County Sheriff's Office, Visiting an Inmate, at <https://adamssheriffco.gov/inmate-services/visitation/> [https://perma.cc/SS88-777G] (last visited Oct. 27, 2025).

54. The Sheriff's Office first implemented the Family Visit Ban after the County contracted with a for-profit corporation called Multimedia Telesys, Inc. ("MTI") in December 2004 to install video kiosks in the jail for on-site video calling between families and incarcerated loved ones.

55. Over the last twenty years, the video and phone call industry inside jails has become a lucrative business, attracted significant investment from private equity, pushed for new ways to generate revenue, and conspired with local officials to share revenue in exchange for changes in jail policies that maximize profits.

56. In 2012, the County Defendants decided to profit from the Family Visit Ban by issuing a Request for Proposals ("RFP") for a new video calling provider at the jail. The RFP required that all proposals offer profit sharing from the first day of service and that the system be installed at no cost to the county. The RFP also stated that the kickback to the County would be a key factor in awarding the contract.

57. The County Defendants contracted with a for-profit corporation called iWebVisit to be the jail's video calling provider in 2013.

58. The Board's contract with iWebVisit specifically stated that a goal of the contract was "to decrease on-site visitations" and maximize use of the paid iWebVisit visit system by "eliminat[ing] face-to-face visitation" for non-professional visitors. *See* 2013 iWebVisit Video Service Contract, attached hereto as Exhibit I.

59. In 2019, the County issued another RFP for video call services at the jail, which asserted that only proposals offering a commission and at no cost to the County would be considered.

60. On May 15, 2020, the Board negotiated and signed a new contract with Defendant HomeWAV for video calling at the jail. *See* 2020 HomeWAV Video Contract, attached hereto as Exhibit J.¹²

61. From at least 2006 to 2020, the Sheriff's Office offered free remote video calling from the lobby of the jail.

62. At some point in 2020, the Sheriff's Office eliminated the option for families to make free video calls from the jail lobby.

63. Defendants have not reinstated the ability of families to make free video calls from the jail lobby to their incarcerated loved ones.

¹² The County and HomeWAV have amended the video services contract to extend its termination date to November 20, 2025.

64. In 2021, the Board negotiated and signed a contract with HomeWAV for telephone calling at the jail. *See* 2021 HomeWAV Telephone Contract, attached hereto as Exhibit K.¹³

65. The only way for children and parents to talk to their incarcerated loved ones is through expensive phone and video calls operated by HomeWAV.

- iv. Defendants allow professional visitors to have free, unescorted, and unsupervised contact visits with incarcerated individuals at the jail.

66. Despite the County Defendants' policy of prohibiting contact visits for families, the Sheriff's Office allows professional visitors to have contact visits with incarcerated people in the contact rooms at the jail. *See* Power Decl., Ex. G ¶¶ 9–15.

67. Professional visitors enter the jail through the lobby and get a ticket from a kiosk.

68. Once the ticket number is called, the professional visitor walks up to a front desk area with glass partitions. The visitor is required to give jail staff their ID and credentials, such as a state bar license, as well as a slip of paper with information for the individual the professional visitor wishes to meet.

69. After walking through a metal detector, professional visitors are allowed to walk to the contact visitation room unescorted. Professional visitors navigate the jail's interior hallways using painted signage, stopping at locked doors which jail staff open remotely.

70. Incarcerated people enter the room through a door that is remotely unlocked. Incarcerated people are not restrained or handcuffed.

71. Jail staff are not present in the room during professional visits in the contact visit rooms.

72. Professional visitors may shake hands with, or hug, an incarcerated person in the contact visit room. Chairs in the room can be moved freely to allow for privacy.

- v. Families are forced to pay HomeWAV and the County Defendants for all communication at the Adams County jail.

73. Without in-person visits, staying in even minimal contact with an incarcerated loved one is expensive for families. Today, a video call with someone in the Adams County jail costs \$0.20 per minute, or \$6.00 for a 30-minute call.

¹³ The County and HomeWAV have extended this telephone services contract three times, amending its termination date to March 2, 2026.

74. Unlike in Colorado prisons, where the legislature has mandated that telephone calls be provided free of charge,¹⁴ Defendants charge \$0.15 per minute for telephone calls.

75. Defendants charge \$0.40 for a 40-second video message.

76. None of the Defendants offer families any other forms of electronic (e.g., email or text message) or in-person communication with individuals incarcerated in the jail.

77. All phone and video calls on the HomeWAV system must be initiated by an incarcerated person on a HomeWAV kiosk.

78. All HomeWAV funds are added by someone who is not incarcerated.

79. Thus, all calls made by incarcerated individuals are paid for by loved ones on the outside.

80. In addition to the cost of the calls, HomeWAV charges families a non-refundable \$2.00 “deposit fee” for each deposit of funds, as well as a cost recovery fee.

81. The video call contract between the Board and HomeWAV does not list or authorize any fees, taxes, or assessments in addition to the cost of the calls.

82. Families of people in the jail regularly spend hundreds of dollars each month on communication, often forgoing basic necessities of life so they can maintain some form of contact with a person they love.

83. For instance, Plaintiff Ashlee Trujillo spends hundreds of dollars per month on video and phone calls with her son while he has been detained at the jail. This creates a huge financial strain on her family, and she struggles to pay for food and medical care. She has to choose between talking to her son and saving up to pay his bail.

vi. HomeWAV telephone and video calls are inaccessible, lack privacy, and lack the intimacy of in-person visitation.

84. Incarcerated individuals make telephone and video calls from HomeWAV kiosks in the mods and in the F dormitories. These kiosks are out in the open communal space.

85. Families can only be contacted by their incarcerated loved one through the HomeWAV app. Families cannot initiate telephone or video calls to their incarcerated loved ones.

¹⁴ C.R.S. § 17-42-103.

86. To get access to HomeWAV, a person must submit a clear headshot and a picture of their driver's license, state ID, or passport. Jail staff review and approve applicants for HomeWAV accounts.

87. Defendants do not allow children under the age of 18 to create HomeWAV accounts, even if those children have access to one of the forms of accepted identification.

88. Defendants do not allow users to share or make their accounts available to other people, including family members.

89. To receive a call, families must have the HomeWAV app open on a computer or they must be signed in on their mobile app when a call is placed from the jail.

90. Incarcerated people can only place calls when they are not in lockdown and can get access to one of the few HomeWAV kiosks in their housing unit.

91. A through E mods are broken into six separate housing units. Each housing unit has two tiers with cells designed to house two people each. In total, each unit is designed to house 32 people. Those 32 people, or more,¹⁵ share three HomeWAV kiosks.

92. F contains three floors of four dormitories each. Each dormitory is designed to house 64 people. Within one dormitory, there are six HomeWAV kiosks.

93. The jail places incarcerated people on lockdown numerous times throughout the day, often for fourteen or more hours per day.

94. Jail staff also limit access to HomeWAV kiosks, even when the housing units are not in lockdown. For example, jail staff turn off HomeWAV kiosks for several hours on weekends to force incarcerated people to clean the housing unit.

95. The HomeWAV kiosks often do not work, further limiting contact options.

96. Telephone and video calls on the HomeWAV kiosks lack any privacy.

97. Children who talk to their incarcerated parents on video calls can see other individuals in the background and are in turn observed by other people incarcerated in the mod.

98. Anything said by the incarcerated loved one in a telephone or video call can be heard by everyone else in the mod.

¹⁵ The jail often places people on cots, colloquially referred to as "boats," on the first tier of housing units in the common spaces. This results in housing units that are overcrowded, further limiting access to HomeWAV kiosks.

99. Defendants monitor and record all calls made through the HomeWAV system. *See* Inmate Rules, Ex. H at 13.e, 14.f.

100. Because of the total lack of privacy from both people in the mod and Defendants' monitoring, establishing intimacy in video or telephone calls is nearly impossible. Plaintiffs cannot share the most intimate moments of their lives, ask personal questions, seek unfiltered advice, or share the types of personal details one would share with a loved one in a private conversation.

101. Even when Plaintiffs are able to speak to their incarcerated loved ones, those communications are inherently changed because of the digital nature of the communication. They cannot engage in any of the many forms of intimate non-verbal communication that form some of the most powerful forms of human connection.

102. Video calls through the HomeWAV system are full of problems that demonstrate that the calls are no substitute for in-person communication.

103. Video calls often have poor resolution, with grainy and jerky depictions of loved ones. Videos also often freeze.

104. The audio on video and phone calls is frequently muffled or garbled, preventing the caller from hearing their loved one's words. Family members must shout to overcome the background noise in their loved one's housing pod. Other times, there is no audio at all. A time-delay lag of a second or two disrupts conversations and leads people to constantly interrupt and speak over each other.

105. When a video or phone call does not work—whether because the call did not connect, the kiosk malfunctioned, or the call quality was too poor to communicate—the money spent on the call is not refunded.¹⁶

106. For example, nine-year-old J.B. faced challenges communicating with his dad during the months his dad was detained at the Adams County jail. They mostly talked on the phone because the video calls would not work with their internet at home. These phone calls were frequently cut off due to signal issues, or sometimes they couldn't hear each other because of static or background noise from the jail. The HomeWAV kiosks were sometimes broken, or so busy that J.B.'s dad wasn't able to call during the times J.B. was home from school. When they were able to speak, J.B. had trouble understanding his dad without being able to see his face and body language. J.B. shared that "It's not the same because I can't see his face or touch him. . . . It has

¹⁶ Plaintiffs in this case do not challenge the existence, cost, or quality of Defendants' video and phone call system. Defendants' Family Visit Ban would be no less offensive to the fundamental right to family integrity enshrined by the Colorado Constitution if calls worked perfectly. But the lack of even a basically functional alternative means of communication underscores Defendants' callous disregard for the deprivation of rights caused by the ban on in-person contact in exchange for their own profit.

been really hard for me to not be able to see my dad in person and only hear his voice. I sometimes feel really upset and sad after the phone call ends.”

107. Plaintiff Ashlee Trujillo struggles to communicate with her eighteen-year-old son, who is being detained at the Adams County jail. The HomeWAV video calls often drop, or end before the full thirty minutes she paid for. On many occasions, she has been unable to talk to her son because his unit was on lockdown, and they can’t speak openly about their feelings because he is in the middle of an open unit.

108. Similarly, Plaintiff Cassandra Reeves found it extremely difficult to support her twenty-three-year-old son, Lu-tejohn Baldwin, without visiting him. Her son was hospitalized soon after he entered the jail, and Ms. Reeves did not hear from him for weeks. Even after he recovered, he had trouble learning how to use HomeWAV video calls, and his health issues and depression made it difficult for him to communicate over the phone. The constant presence of other inmates and noise during their calls made it even more difficult for Ms. Reeves to talk to her son. Her grandson also struggled with the physical separation from his dad. Now that Ms. Reeves’ son is in a halfway house, she and her grandson are able to see him in person. She can see how being able to hug her and his child gives Lu-tejohn purpose, and it has greatly reduced her anxiety to be able to see how he is doing in person.

vii. Plaintiffs are or were unable to visit their parents and children in the Adams County jail for the entire time that they were jailed.

109. **E.L. and D.L.** In February 2025, E.L. (age six) and D.L. (age four) were separated from their father, Reynaldo Loya-Martinez, when he was detained in the Adams County jail. E.L. and D.L. have not been able to see, touch, or hug their father for over eight months.

110. Prior to Reynaldo’s detention, E.L. and D.L. loved spending time with their father. They like to play outside in the park, on the trampoline or playground in their backyard, and have little picnics with their dad.

111. Since Reynaldo’s detention, E.L. and D.L. have only been able to see their father on video calls. Sometimes, E.L. and D.L.’s grandparents drive them to the jail while talking to their father so that they can feel closer to him. Due to their ages, it is hard for them to stay focused during the video calls or connect with their father.

112. Not being able to see and hug their father has been challenging for both E.L. and D.L. They have both developed separation anxiety. Since Reynaldo’s detention, E.L. has struggled in school and experienced behavioral issues and struggles with his peers. D.L. struggles with not wanting to go to school. Both E.L. and D.L. no longer like to be outside for extended periods of time and generally want to be at home where they feel safest.

113. E.L. and D.L. often express that they miss their father and they want to give him a hug. They miss playing outside with their father, playing video games with him, and just being close to him.

114. E.L. said, “I want the rules guy to change the rules so kids can hug their dads more.”
115. If the jail did not ban contact visits, E.L. and D.L.’s grandparents would take them to visit their dad regularly.
116. **J.B.** J.B., who is nine years old, was unable to see, touch, or hug his stepfather from June 16, 2025, to October 1, 2025, because his stepfather was held at the Adams County jail.
117. J.B.’s stepfather is the only father he has ever known, and J.B. calls him his dad. He was very involved in J.B.’s life, including as a stay-at-home parent. J.B. loved to join him in working on his truck, taking care of their farm animals, and playing Minecraft together.
118. J.B. has been diagnosed with ADHD and attachment disorder, and his dad’s absence has been extremely difficult for him. He has not been sleeping or eating well since he was separated from his dad, and he sees a therapist to deal with his grief.
119. While his dad was at the Adams County jail, J.B. mostly talked to him over the phone because the video calls did not work well with their home internet service, even after his mom bought better service.
120. J.B. communicates best via hands-on interactions, so the shift to phone calls took a toll. J.B. struggles to verbalize his emotions, thoughts, and actions, and he has a hard time understanding others without body language and facial cues. In person, J.B. was energetic and engaged with his dad, but on the phone he is withdrawn and distant.
121. The phone calls between J.B. and his dad often dropped because of signal issues, and it was sometimes hard for them to hear one another because of static and background noise from the jail. Because HomeWAV kiosks were broken or busy, it was difficult for J.B.’s dad to reach J.B. outside school hours, and their calls were often short.
122. When there were connection or noise issues, J.B. became angry and sad and would isolate himself in his room after a call.
123. J.B. shared that “I feel very sad that I can’t see my dad in real life. It confused me that his lawyers were allowed to visit with him in Adams County and I couldn’t, even though he’s my dad. I talk to my dad over the phone but it’s not the same because I can’t see his face or touch him. And I don’t get to talk to him as much as I want to. . . . I sometimes feel really upset and sad after the phone call ends.”
124. J.B. drew his dad pictures as a way to stay close with him through the separation. “My mom got me some new colored pencils so I could draw my dad some cherries to hang up on his wall but he never got to see my picture,” J.B. said. “I drew him cherries because they are my favorite food, and they are red and red is a color for love. It made me feel mad and sad to have my drawing sent back [by the jail].”

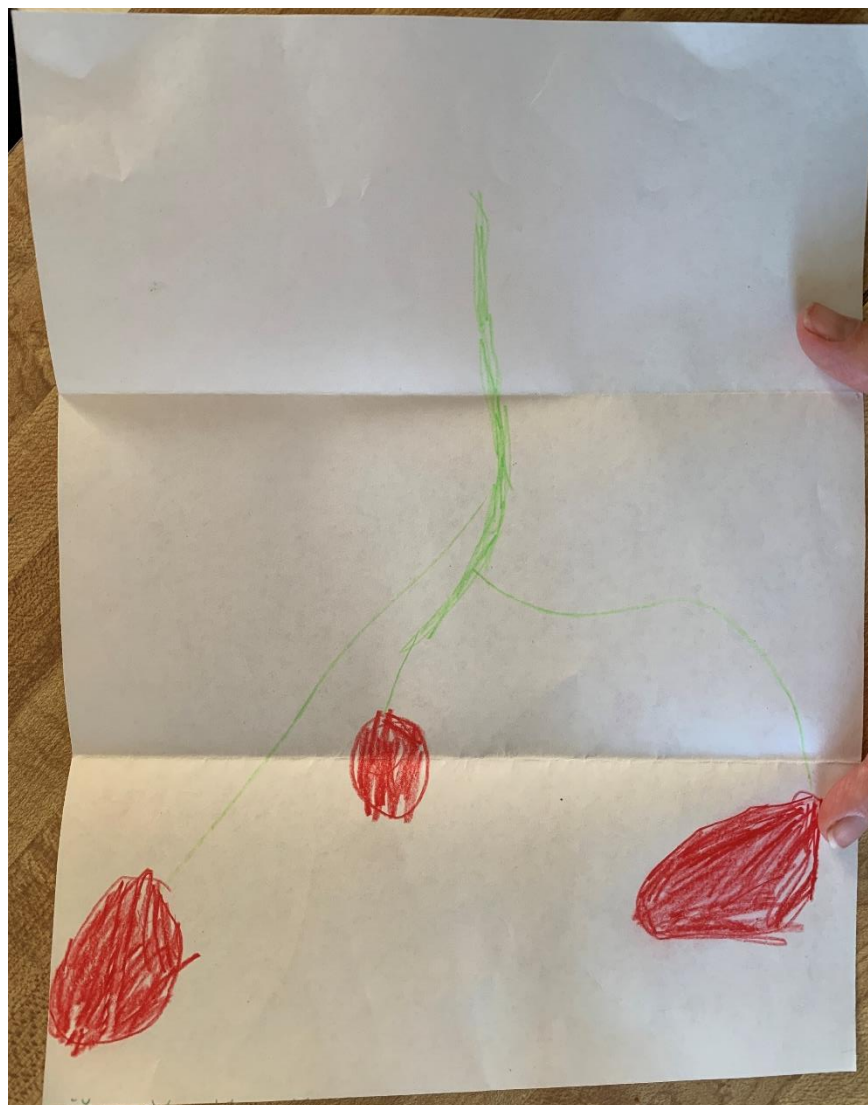


Figure 5. J.B.'s picture of cherries for his dad that the jail sent back.

125. If visits were allowed at Adams County jail, J.B. and his mom would have driven there to visit. He said that “seeing my dad in person is very important to me. If we could have visits, I could talk to him more about how I’m feeling and make sure he’s okay, too. I worry about him a lot and it makes it worse to not be able to see him. If I could see him in person I would say all the private stuff I want to say but can’t say on the phone. I would give him a big hug and probably suffocate him with my love.”

126. **Ashlee Trujillo.** Ashlee Trujillo’s son was barely 18 years old when he was arrested. He has been detained in Adams County Detention Facility since July 24, 2025, and Ms. Trujillo has not been able to hug, see, or touch her son since.



Figure 6. Ms. Trujillo with her son and his father at her son's graduation, just before he was jailed.

127. Ms. Trujillo talks to her son via HomeWAV several times per week, costing her hundreds of dollars a month.

128. These costs create a huge financial strain for Ms. Trujillo and her family. She struggles to pay for food and medical care, which she needs for ongoing health issues. She also has to choose between talking to her son and saving money to pay his bail.

129. Even when Ms. Trujillo can afford calls, she faces challenges communicating with her son. HomeWAV call quality is bad, and calls often drop, end early, or are disconnected by jail staff. He often can't call because his unit is in lockdown. Even when he can, it is difficult for Ms. Trujillo and her son to express themselves given that the calls are monitored and her son can only talk to her out in the common area of his housing unit.

130. It would mean everything for Ms. Trujillo to hug her son. She has serious medical procedures coming up, and she is afraid she will never be able to hug her son again.

131. **Cassandra Reeves.** Cassandra Reeves' son was incarcerated in the Adams County jail from approximately August 2024 through February 2025. For over six months, she was not able to see, touch, or hug her son.

132. While Ms. Reeves' son was incarcerated, he experienced serious health issues, including hospitalization. Ms. Reeves was not able to visit him in the hospital or in the jail to see how he was doing. During this time, she experienced panic attacks due to worries about her son's safety.

133. Ms. Reeves' son had difficulty learning to use video calls, and due to his health issues and depression he had difficulty engaging on the phone. She also had difficulty communicating with him because there were always people and loud noises in the background of the calls.

134. Ms. Reeves spent over \$1,000 on HomeWAV calls to reach her son and her brother, who was also incarcerated in Adams County. She struggled to pay rent and sometimes had to go weeks without speaking to her son because she couldn't afford the calls. Ms. Reeves became depressed because she couldn't afford to call her son, and she struggled at her job and at home.

135. Now that Ms. Reeves' son is in a halfway house, she can see him almost every day: "I love seeing him. He is my best friend. I hug him every time I see him. We tell each other we love each other. [My son] can see how proud I am of him, and it gives him purpose. I have also been able to bring my grandson to visit [my son] in the halfway house. I could see how happy they were to be together, hug each other, and connect in person."



Figure 7. Ms. Reeves and her son after he was released from Adams County jail.

B. Defendants' Visitation Ban Inflicts Grievous Harm on Children and Parents.

136. The relationship between a child and their parent is one of our society's oldest and most revered bonds. Incarceration strains that relationship by physically separating families and removing children from their caregivers.

137. The primary way to mitigate the harm of parent-child separation by incarceration is through regular in-person contact visitation.

138. The complete separation that occurs without in-person contact inflicts irreparable damage on children, parents, families, and communities.

i. The parent-child relationship is a cornerstone of society.

139. Few things are cherished more than the relationship between a child and their parent. The parent-child relationship is universally recognized as a fundamental source of emotional, physical, psychological, and social support throughout a person's life.

140. The relationship between parents and their children plays a crucial role in the physical, emotional, cognitive, and social development of young people. Children depend on stable relationships and physical contact with their primary caregivers to build future strong and trusting relationships. A positive bond between parent and child lays the groundwork for children to grow into happy, independent adults. Loving, secure relationships help build the resiliency needed to cope with challenges and setbacks.

141. Likewise, children are the source of a significant part of their parents' identity and wellness. Parents not only find joy and comfort in raising their children, but these relationships give them feelings of accomplishment, validation, and peace.

142. Beyond the individual benefits, the parent-child relationship has profound importance on a societal level. Family—including the parent-child relationship—is considered the foundation of society. Through this relationship, parents influence the values and moral behavior of their children, and children also influence their parents. The parent-child relationship is key to encouraging prosocial behavior, or helping and caring acts.

143. In short, the ability of children and parents to associate is a foundation of our culture, our history, our values, and our well-being. Few things are as important to our history as a people, or to our continued vitality as a society, as the sacred bond of child and parent.

144. For these reasons, Colorado courts have long recognized the fundamental rights to familial association and to maintain family relationships.¹⁷

¹⁷ See, e.g., *Wesson v. Johnson*, 579 P.2d 1165, 1167 (Colo. 1978) ("The family relationship involves a zone of privacy emanating from the recognition that such relationships are fundamental

145. The enormous value placed on family integrity is not a uniquely American tradition. The European Court of Human Rights has often recognized “that the mutual enjoyment by parent and child of each other’s company constitutes a fundamental element of family life.”¹⁸ And the United Nations Convention on the Rights of the Child calls on all nations to “respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis . . .”¹⁹

ii. Physical presence and touch are vital to the parent-child relationship.²⁰

146. Physical presence and touch are essential human needs and vital components of a loving, successful parent-child relationship. “Intimate association [] implies an expectation of access of one person to another particular person’s physical presence, some opportunity for face-to-face encounter.”²¹ Consistent parent-child contact is necessary for a child to successfully bond with a parent and has positive implications for forging healthy relationships later in life.

147. The importance of physical touch to the family relationship is well known. Touch is the earliest form of sensory experience for a developing human being. Beginning at birth, skin-to-skin contact is recommended as a way to lower stress in both baby and parents, and to promote bonding and breastfeeding. Positive, nurturing touch, such as cradling a child, holding hands, kissing a cheek, or sharing a hug, triggers the release of the “bonding hormone,” oxytocin. In the context of the family, positive touch increases feelings of closeness and facilitates parent-child

in our societal and political system.”); *L.L. v. People in Interest of R.W.*, 10 P.3d 1271, 1275–76 (Colo. 2000) (“[P]arents possess a right to the ‘companionship, care, custody, and management’ of their children, and a fundamental right to maintain family relationships free from governmental interference.”).

¹⁸ European Court of Human Rights, *Key Theme – Rights of the child: Contact rights* (Feb. 28, 2025), <https://ks.echr.coe.int/documents/d/echr-ks/contact-rights> [https://perma.cc/3Z9B-HSA7].

¹⁹ United Nations Convention on the Rights of the Child, Art. 9, Nov. 20, 1989, 1577 U.N.T.S. 3, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>. The Convention is built on the notion of family integrity. It grants children “as far as possible, the right to know and be cared for by [their] parents.” Art. 7. It demands that nations “respect the right of the child to preserve his or her identity, including nationality, name and family relations.” Art. 8. And it emphasizes a child’s right to remain with her parents, requiring “that a child shall not be separated from his or her parents against their will.” Art. 9.

²⁰ The allegations in this section are supported in part by the expert testimony of Dr. Julie Poehlmann. See Declaration and Expert Report of Julie A. Poehlmann ¶¶ 20-34 (“Poehlmann Report”), attached hereto as Exhibit L.

²¹ Kenneth L. Karst, *The Freedom of Intimate Association*, 89 Yale L.J. 624, 630 (1980).

attachment and social-emotional adjustment.²² It connects parent to child and helps them each feel accepted and loved.

148. Physical touch is a crucial part of the human experience. Children are touched by their parents in the majority of their everyday joint interactions. Mothers touch their infants between 33 and 61% of the total time that they interact with them, making touch one of the principal means of communication between parents and children.²³

149. Touch is critical to child development. Nurturing physical touch promotes development of children's physiological systems involved in regulating emotions and stress responses. Physical touch such as holding and rocking calms and soothes a distressed baby; repeated experiences of being soothed when distressed attunes the stress-response system and prepares children's ability to self-regulate and to identify ways to calm strong feelings such as anger or frustration.

150. Children who have this ability to calm their strong feelings have greater levels of empathy: they are better able to understand that other people have feelings and thoughts, which can lead to them having more positive relationships. In this way, nurturing physical touch supports children's prosocial development (*i.e.* their ability to be kind, caring, and helpful). Children whose mothers more often hug them when they are upset tend to be more concerned and caring about others.²⁴ And children whose mothers provide more positive touch when they are 18 months old are more likely to demonstrate prosocial behavior at 24 and 30 months old, further demonstrating that nurturing touch helps children develop important relationship skills.²⁵

151. The positive effects of touch in childhood persist throughout one's life. Positive parental touch throughout childhood supports later well-being, including the development of empathy, mental health symptoms, and romantic relationships. For example, undergraduate

²² See, e.g., Lena M. Forsell & Jan A. Åström, *Meanings of Hugging: From Greeting Behavior to Touching Implications*, 1 *Comprehensive Psychology* 1 (2012); Brett K. Jakubiak & Brooke C. Feeney, *A Sense of Security: Touch Promotes State Attachment Security*, 7 *Social Psychological & Personality Sci.* 745 (2016).

²³ Dale Stack et al., *Tactile Stimulation as a Component of Social Interchange: New Interpretations for the Still-Face Effect*, 8 *British J. of Dev. Psychology* 2 (1990).

²⁴ Darcia Narvaez et al., *The Importance of Early Life Touch for Psychosocial and Moral Development*, 32 *Psicol Reflex Crit.* 16 (2019).

²⁵ *Id.*

students who received higher levels of positive parental touch as children reported lower levels of depression and more satisfactory romantic relationships in adolescence and early adulthood.²⁶

152. Adults need touch too. In a particularly influential set of controlled experiments, study participants were put under threat of mild electric shock, either alone or while holding the hand of someone they knew and trusted.²⁷ Typically, when we are under stress, blood, and the glucose and oxygen within, flows to the prefrontal cortex, the region of the brain associated with threat vigilance and emotion regulation. This was true for participants who were alone—but not for those holding hands with someone they were close with. This discrepancy goes a long way toward explaining why touch is so important. In order to relax, the brain needs to know that it has backup—that someone else is there to help should the need arise. Physical contact is the simplest, most powerful way of communicating that.

153. In sum, the parent-child relationship requires physical presence and touch to nurture the relationships that function as a cornerstone of individual and societal well-being. For this reason, contact visits are essential to maintaining healthy parent-child relationships with an incarcerated loved one. Without them, family bonds inevitably weaken, and a parent and child's health and well-being suffer.

iii. Keeping children and parents from being together harms them both.²⁸

154. When one family member is jailed, every family member experiences the impacts. The incarceration of a parent or child strains the parent-child relationship, causing severe, negative consequences that can affect the rest of their lives. Left unmitigated, these separations increase the intergenerational persistence of poverty and criminal behavior. Consistent contact visits provide a means of preventing these harms, *see infra* Part IV.B.iv.

155. **Separating Children from their Parents Harms Children.** Most people in jails and prisons are parents to minor children, including over 75% of the 2 million women jailed each year. A staggering 2.7 million children currently have a parent in jail or prison. Half of those children are under ten years old.

156. Incarceration creates an unnatural separation between child and parent, harming this crucial relationship. Children who are kept from hugging and touching their parent are more

²⁶ Mika Takeuchi et al., *The Effect of Interpersonal Touch During Childhood on Adult Attachment and Depression: A Neglected Area of Family and Developmental Psychology?*, 19 J. of Child and Fam. Studies 1 (2010).

²⁷ James A. Coan et al., *Lending a Hand: Social Regulation of the Neural Response to Threat*, 17 Psych. Sci. 12 (2006).

²⁸ The allegations in this section are supported in part by the expert testimony of Dr. Julie Poehlmann. See Poehlmann Report, Ex. L ¶¶ 30–40.

likely to experience the following exacerbated and cascading harms as a result of their parent's incarceration:

157. Most obviously, incarcerating a parent has immediate material impacts on dependent children. A child who loses a parent to incarceration experiences an increased short- and long-term risk of living in poverty, an increased likelihood of becoming homeless, and an increased likelihood of becoming involved in the criminal legal system.

158. Separating a child from their caregiver has a profound impact on children's ability to develop future healthy relationships. Children rely on a secure bond, or attachment, with their caregiver(s) for normal social and emotional development. Secure attachment gives children the needed sense of love and stability to mature normally, enabling children to take risks and grow and to soothe intense emotions. Children who form secure attachments to their caregivers exhibit higher levels of well-being as they grow older, including fewer behavior problems, more curiosity, better emotion regulation, and more social competence compared to children who have formed what are known as "insecure" attachments.

159. When a caregiver is incarcerated and no longer present in a child's life, it leads to insecure attachment that can leave the child with profound and long-lasting challenges. Children who are suddenly deprived of parental care and affection experience traumatic loss combined with feelings of rejection, social stigma, and shame that surround the parent's incarceration. The internalization of this stigma and shame heightens children's risk of insecure attachment, leading to externalized negative behavior, emotional hardship, and heightened risk for adverse effects to a child's neurological, physical, behavioral, educational, and material health.

160. The consequences of insecure attachment are wide-ranging. Separating a child from a caregiver places the child at a higher risk of developing anxiety and depression, learning disabilities, behavioral or conduct problems, developmental delays, and speech or language problems. Children who experience parental incarceration demonstrate increased aggression, attention deficits, and delinquency, with these studies finding that the effects in young children persist and continue to manifest into middle childhood and adolescence.

161. The absence of a stable support system also leaves children vulnerable to substance use and dangerous behaviors as a method of coping. Compared to their peers whose parents are free, children with an incarcerated parent are over twice as likely to report abuse of or dependence on drugs or alcohol, less likely to report overall good health, around four times more likely to report engaging in theft and physical fighting, and nearly three times as likely to report suicidal ideation.

162. The loss of emotional and psychological support from an absent parent also leads to poorer educational outcomes. The incarceration of a parent leads to lower educational achievement, impaired teacher-student relationships, and increased likelihood of school disciplinary issues, special education placement, being held back in school, or dropping out entirely. Children whose fathers are jailed for the first time when the children are between ages one and nine experience decreased cognitive capacities equaling a two-month loss of schooling

for Black boys and a four-month loss for white boys compared to peers whose fathers remain free during their early childhood.²⁹

163. A landmark study surveyed 17,000 participants to study the effect of “Adverse Childhood Experiences” (“ACEs”) on one’s health as an adult.³⁰ The study found Adverse Childhood Experiences have a profound and negative impact on adult mental and physical health. The 17,000 participants surveyed were asked about their experiences with potentially traumatic events occurring in childhood and adolescence, including parental incarceration. The responses revealed a strong link between parental incarceration or other childhood trauma and adult onset of health-related risk behaviors, many health conditions, and even early mortality. Further, the survey responses demonstrated parental incarceration increases the risk of other, non-incarceration traumatic experiences, compounding the negative health outcomes children with incarcerated parents experience. These differences persist after adjusting for child and parent characteristics. In short, experiencing parental incarceration as a child hurts that child’s health as an adult.

164. In 2023, the Colorado Legislature declared that separating children from their incarcerated parents harms children, finding that “Preserving children’s relationships with parents who are incarcerated benefits families by decreasing risks to children’s mental health, including the potential to experience depression and anxiety, and benefits society by reducing recidivism rates and facilitating successful returns to our communities. . . . Therefore, the general assembly declares that measures are necessary to reduce the trauma of family separation caused by incarceration and to promote strong and healthy family relationships for the benefit of children, their parents, and society.”³¹ Governor Polis signed this declaration into law.

165. As the Council of State Governments Justice Center notes in its 2025 Action Plan for Policymakers to support children with incarcerated parents, “families find physical contact restrictions distressing, making it harder to maintain relationships.”³² This led CSG to officially recommend contact visits for children with incarcerated parents as a means of promoting children’s resiliency in the face of traumatic family separation.

²⁹ John Hagan & Holly Foster, *Intergenerational Educational Effects of Mass Imprisonment in America*, 85 Socio. Educ. 259 (2012).

³⁰ Centers for Disease Control and Prevention, *About the CDC-Kaiser ACE Study*, <https://www.cdc.gov/violenceprevention/aces/about.html> [<https://perma.cc/C84J-PYKL>] (last visited Oct. 27, 2025).

³¹ Concerning Measures to Reduce Family Separation Caused by a Parent’s Detention, and, in Connection Therewith, Making an Appropriation Act, S.B. 23-039 § 1, 74th Gen. Assemb., Reg. Sess. (Colo. 2023).

³² Ann Adalist-Estrin et al., *Statewide Correctional Initiatives Supporting Children with Incarcerated Parents: An Action Plan for Policymakers*, Institute for Municipal and Regional Policy (2025) (citations omitted).

166. The effect of separating a child from their parent has been likened to torture. Physicians for Human Rights, an international organization that applies medicine and science to document mass atrocities and severe human rights violations, conducted psychological evaluations of asylum-seeking parents and children who were separated by the U.S. government in 2018 for an average of 60-69 days. A majority of both children and parents displayed at least one mental health condition—such as post-traumatic stress disorder, major depressive disorder, or generalized anxiety disorder—consistent with, and likely linked to, the trauma of family separation.³³ The PHR experts found that the psychological impact of being suddenly separated from family members—including the inability to see one’s family, to know where they are and that they are safe—rose to the level of torture.³⁴

167. Plaintiff J.B. has experienced the harm of being physically separated from his father. He is seeing a therapist to deal with his grief and feels “very sad” and “confused” that he can’t visit his father.

168. Plaintiffs E.L. and D.L. are also struggling with these harms. Since being separated from their father, both E.L. and D.L. have had issues with school. They prefer to spend most of their time at home, where they feel safe, instead of spending time outside.

169. **Separating Parents from their Children Harms Parents.** Parents whose children are incarcerated experience similar challenges, as they struggle to cope with the burdens of parenting from a distance, negative social reaction, and carrying the burden of caring for an imprisoned loved one.

170. Parents are regarded as the primary caregivers and providers for their children, and their role is to protect, nurture, and guide them through life. A parent’s identity as a caregiver and their love or loyalty for their children does not disappear as their children age. Many adults, both middle aged and elderly, have extraordinary love for their own adult children. The well-being of those children, and the ability to communicate with, touch them, and look into their eyes are among the most profound pleasures and, indeed, needs of their existence.

171. Many parents acknowledge that their relationship with their adult children evolves into a deeper connection, a friendship that is unique and unlike friendships with peers. Plaintiff Cassandra Reeves describes her adult son as her “best friend.”

172. As noted above, separating a parent from their child has been likened to torture by Physicians for Human Rights.

³³ Physicians for Human Rights, “*You Will Never See Your Child Again*”: *The Persistent Psychological Effects of Family Separation*, PHR 3 (Feb. 2020), <https://phr.org/wp-content/uploads/2020/02/PHR-Report-2020-Family-Separation-Full-Report.pdf> [<https://perma.cc/4ZTV-D772>].

³⁴ *Id.*, 5.

173. Mothers, in particular, tend to experience additional trauma and grief from the “slow death” of family separation.³⁵ Those feelings are worsened when they are unable to hold their incarcerated child.

174. For parents, the dissolution of the attachment relationship with the child elicits severe anxiety and other negative emotions associated with loss. Plaintiff Cassandra Reeves experienced panic attacks and depression while her son was incarcerated and she was unable to visit him. After her son was hospitalized while in jail, she worried about his physical and mental health constantly.

175. A feeling of ambiguity, or not knowing what will happen next to their child, contributes to the harm of separation. Similar to the way mothers who lose their children to the foster system develop higher rates of anxiety and substance use disorders within two years of separation, mothers who lose their children to incarceration may develop similar symptoms due to the trauma of separation.³⁶

176. In sum, the trauma of family separation puts children with incarcerated parents and parents with incarcerated children at higher risk of negative emotional and physical health. Such children experience higher likelihoods of delinquency, incarceration, family instability, economic hardship, school failure, poor health, and incarceration themselves. It also places extreme strain on parents with incarcerated children. However, research shows that these risks can be mitigated through regular contact visits.³⁷

iv. Contact visits mitigate the harms of family separation.³⁸

177. Visiting a jailed parent or child, particularly contact visits that allow a child to touch and hug her parent, can substantially decrease the negative effects of separation on a family. Our need for physical touch is primordial and particularly important to the child-parent relationship.

³⁵ Stephen Lee, *Family Separation as Slow Death*, 119 Columbia L. Rev. 8 (2020), <https://columbialawreview.org/content/family-separation-as-slow-death/> [https://perma.cc/9DNW-9MNY].

³⁶ Vivek Sankaran et al., *A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families*, 102 Marq. L. Rev. 4 (2019), <https://repository.law.umich.edu/articles/2055/> [https://perma.cc/5MVJ-KNEV].

³⁷ Rebecca Shlafer et al., *Children with Incarcerated Parents — Considering Children's Outcomes in the Context of Family Experiences*, U. of Minn. Extension (2013); Julie Poehlmann-Tynan, *Children's Contact with Incarcerated Parents: Implications for Policy and Intervention* 83–92 (Julie Poehlmann-Tynan ed., 2015).

³⁸ The allegations in this section are supported in part by the expert testimony of Dr. Julie Poehlmann. See Poehlmann Report, Ex. L ¶¶ 42–44.

178. Contact visits between children and their incarcerated parents benefit children emotionally and behaviorally. These visits have a number of advantages, including that they:

- allow children to know that their parent is safe.
- allow children to express their emotional reactions to the separation from their parent.
- allow children to maintain existing relationships with their parents, contributing to a successful family reunification.
- help the child develop a realistic understanding of their parent's circumstances and allow parents to model appropriate interaction.
- help parents deal with separation and loss issues.
- help parents develop and maintain the role of a parent figure.
- allow parents and children to engage in physical touch, which brings them closer together, encourages engagement, fulfills attachment-based needs, and allows parents to practice their parental role, *see* Poehlmann Report, Ex. L at fig. 3.

179. By fortifying the relationship between parent and child, in-person visits strengthen the child's well-being. Children who visit their incarcerated parents report higher quality parent-child relationships.³⁹ This holds true in the context of both maternal incarceration and paternal incarceration. Indeed, in-person contact visitation has a robust ability to improve parent-child relationship quality, a significantly larger positive effect than contact by mail or by phone.⁴⁰

180. While all in-person visits help mitigate the traumatic effects of the incarceration of a loved one, research shows that in-person contact visits are more beneficial than non-contact visits where physical barriers separate visitors from their incarcerated loved ones. Professor Julie Poehlmann notes that "[i]n-person contact visits are the most affirming of children's attachment relationships with their parents because children and parents can see, hear, and touch each other. Touch is an essential component of parent-child relationships, and close relationships in general, from infancy onward." Poehlmann quotes an incarcerated parent, who stated, "Giving your child a hug is worth a hundred video visits." *See* Poehlmann Report, Ex. L ¶ 60.

181. A stronger parent-child relationship yields a range of positive outcomes for children. Parent-child visits promote positive psychological outcomes, including improved

³⁹ Danielle Haverkate & Kevin Wright, *The Differential Effects of Prison Contact on Parent-Child Relationship Quality and Child Behavioral Changes*, 5 Corrections: Policy, Practice, & Research 222-44 (2020), https://static.prisonpolicy.org/scans/Haverkate_Wright_2020.pdf [<https://perma.cc/V25N-7682>].

⁴⁰ *Id.*

feelings of life purpose and reduced feelings of depression and loneliness among children who visit. Physical contact and privacy during parent-child visitation also reduce feelings of abandonment and promote emotional security. And children who communicate frequently with their incarcerated mothers—including by visiting in-person—have better educational outcomes.

182. Parents of incarcerated adults are influenced by expectations of parental care and sacrifice for their children, and also benefit from maintaining contact throughout their separation. Frequent visitation allows parents on the outside to nurture the well-being of their children while simultaneously nurturing their own in their role as a caregiver. One mother described visiting her son and making meals for him with food from vending machines as a rare moment of normalcy: “We sit down and have a meal, just like you would at home.”⁴¹

183. Thus, in-person visits are a critical intervention when it comes to mitigating the trauma of separation and the risks associated with having an incarcerated parent or child.

v. Video calls do not provide the benefits of in-person contact.⁴²

184. Prisons and jails across the country have partnered with private companies to introduce video-calling services. Many experts and impacted families agree that these products are a useful *supplement* for family and friends to maintain their relationships with incarcerated people, particularly when a loved one is incarcerated far from their community. But, Defendants have gone much farther, prohibiting all in-person family visits.

185. Video calls are not an adequate substitute for in-person visits. By definition, video calls do not allow for physical presence or touch. But the profound difference between in-person and electronic communication goes far beyond physical contact. As one researcher puts it, video “appears to be an impoverished social communication system relative to in-person conditions.”⁴³ The gulf between in-person and video-mediated communication has many sources, some logistical and others psychological.⁴⁴

⁴¹ Melinda Tasca et al., *Families Coming Together in Prison: An Examination of Visitation Encounters*, 18 *Punishment & Soc’y* 459 (2016).

⁴² The allegations in this section are supported in part by the expert testimony of Dr. Julie A. Poehlmann, Professor Joshua C. Cochran, and Vincent N. Schiraldi, MSW. See Poehlmann Report, Ex. L ¶¶ 45–58; Expert Report and Declaration of Professor Joshua C. Cochran (“Cochran Report”), attached hereto as Exhibit M; Expert Report and Declaration of Vincent N. Schiraldi (“Schiraldi Report”), attached hereto as Exhibit N.

⁴³ Beth Connolly, *Zoom Conversations vs In-Person: Brain Activity Tells a Different Tale*, *Neuroscience News* (Oct. 26, 2023), <https://neurosciencenews.com/zoom-conversations-social-neuroscience-24996/> [https://perma.cc/37VY-8F4L].

⁴⁴ Linoy Schwartz et al., *Technologically-Assisted Communication Attenuates Inter-Brain Synchrony*, 264 *NeuroImage* (2022) (finding that video communication results in less

186. **Video calls introduce technological barriers.** Relying on technology to provide an essential service introduces several unique barriers to access for people desiring to use the service to talk to a jailed loved one.

187. Many people do not have access to the technology required for video communication. Video calls require an updated tablet, computer, or smartphone, in addition to a fast and reliable WiFi or data connection. As articulated by the Federal Communications Commission, would-be callers “may lack sufficient broadband service or equipment to enable video [calling] from their home or elsewhere.”⁴⁵ Moreover, these services all cost money that may put them out of reach of family members who already tend to come from low-income communities.

188. Plaintiff J.B. lives on a farm and did not have reliable enough internet access to use Defendants’ video calling system.

189. A lack of technological literacy also prevents many from using video communications. Many family members, especially the elderly or those with disabilities, cannot navigate the countless websites, accounts, and applications required to arrange for a video call with their loved one.

190. For example, Plaintiff Cassondra Reeves’ son had a difficult time learning how to use video calls.

191. Additionally, frequent technical problems mean that communication often does not happen at all. Family members may not be able to hear each other, or the audio lags, leading to frustrating miscommunications and interruptions. Other times, the images are pixelated or screens freeze.⁴⁶ All of the Plaintiffs experienced these barriers to communication, including dropped calls, static, and background noise.

neurological activity representing connection between mothers and children than in-person communication); Nan Zhao et al., *Separable Processes for Live “In-Person” and Live “Zoom-like” Faces*, *Imaging Neuroscience* (2023) (finding that individuals engaged two-person interactions over Zoom experience significantly less neural signaling than those involved in live, two-person interactions); Stefan Stieger et al., *Face-to-Face More Important Than Digital Communication for Mental Health During the Pandemic*, 13 *Sci. Rep.* 8022 (2023) (finding face-to-face communication was significantly more important for mental health during the pandemic than digital communication, including video calls).

⁴⁵ Federal Communications Commission, *Notice of Proposed Rulemaking and Order*, FCC 23-19, 16 (2023), <https://docs.fcc.gov/public/attachments/FCC-23-19A1.pdf> [https://perma.cc/4BE8-3VKW].

⁴⁶ Bernadette Rabuy & Peter Wagner, *Screening Out Family Time: The For-Profit Video Visitation Industry in Prisons and Jails*, Prison Policy Initiative (2015), <https://www.prisonpolicy.org/visitation/report.html> [https://perma.cc/RB5Q-J9XU].

192. Even when people have access to the technology, navigate it successfully, and the software works, a 30-minute non-private video call cannot compare to the benefits and meaning conveyed through an in-person contact visit.

193. **Video calls lack key features of in-person communication.** The pandemic highlighted the limitations of video calling tools. Anyone who has attended a virtual funeral or wedding, or even just a virtual happy hour or one-on-one meeting, quickly realizes that it feels drastically inadequate when compared to the in-person experience it aims to recreate.

194. Video calls also do not permit direct eye contact between callers. This is especially important when communicating with infants, for whom facial recognition largely depends on direct eye contact.⁴⁷ Yet because the video camera is located above the screen, a parent and their child have to choose between looking into the camera and looking at the screen, making mutual eye contact impossible. The absence of eye contact decreases the sense of connectedness, which in turn limits the ability to discuss complex topics or enjoy a meaningful conversation.⁴⁸

195. Video calls further inhibit people's ability to read important visual cues. During in-person conversations, nonverbal communication is often more important than words. These visual cues are difficult to recognize in video calls, which can show only a small portion of a caller's body at a time, particularly if the call quality is not high or there is a lag or delay in the video feed. The missing nonverbal cues cause a loss of trust and emotional connection with the person on the screen.

196. Loved ones also find it is easier to assess the mental and physical health of a loved one face-to-face than by video. Nine-year-old J.B. wants to make sure his dad is okay: "I worry about him a lot and it makes it worse to not be able to see him." Plaintiff Cassandra Reeves continuously worried about her son after he was hospitalized while in jail. Ashlee Trujillo had surgery the day after her son was arrested. "I wanted to see [my son] after my surgery to show him that I was ok, but the jail does not allow family visits."

197. These critical differences render video communication functionally inaccessible to large groups of people. Video calls are particularly challenging for neuro-divergent individuals and people with disabilities. For example, people on the autism spectrum have extra difficulty picking up non-verbal cues, and the distracting nature of background noise or video can make focusing even more difficult for those with ADHD. J.B. has ADHD and adjustment disorder, and struggles to verbalize his emotions, thoughts, and actions. Video calls were difficult for him not only because of internet connectivity but because he had a hard time sitting still.

⁴⁷ Teresa Farroni et al., *Mechanisms of Eye Gaze Perception During Infancy*, 16 J. Cogn. Neurosci. 1320 (2004).

⁴⁸ Niclas Kaiser et al., *Eye Contact in Video Communication: Experiences of Co-creating Relationships*, 13 Front Psych. (Apr. 25, 2022).

198. Infants and toddlers—children of an age most in need of contact with a caregiver—may not be able to engage by video at all. And young children struggle to sit still without physical forms of engagement. For E.L. and D.L., who are six and four, video calls are nothing like being in person with their dad. It is much more difficult for them to focus on video calls. According to their mom, “in-person time, when they are able to embrace and physically connect, is much more meaningful to them.” J.B., who was used to enjoying hand-on activities with his dad around their farm, became withdrawn and distant during their phone calls. J.B. says that he longs to give his dad “a big hug and probably suffocate him with my love.”

199. Young children may not even comprehend who is on the other end of the call.

200. For adults, too, video visits are just not the same. As Plaintiff Ashlee Trujillo shared, “It would mean everything to me to be able to hug my son—to let him know that I am here for him with more than just words. The emotional connection of being with him in person, looking into his eyes, just isn’t there over video.”

201. **Lower quality communications.** Interacting without touch, eye contact, and body language cues means that key information is not communicated, particularly the shared emotional understanding of a conversation. Video calls thus make it harder to create trust, harder to sit in silence, and harder to concentrate.

202. Establishing trust takes longer via video communication than in face-to-face conversations where almost spontaneous trusting behaviors can occur. This is especially worrisome for video conversations between parents and their young children, where trust is pivotal to a healthy conversation and relationship.

203. Video calls also prevent people from sitting comfortably together in silence. In typical in-person conversation patterns, the presence of silence creates a natural rhythm and signals comfort. However, when it occurs in a video call, the participants become anxious and uncomfortable. They may be conscious of the limited few minutes they have to speak to one another, or they may not know whether someone has gone silent because they can no longer hear what they are saying. This is particularly problematic where video call technology is glitchy or delayed because such disconnects shape our views of people negatively. One study found that even a 1.2 second transmission delay made people perceive the responder as less friendly or focused.⁴⁹

204. Additionally, video calls are exhausting. Participants’ brains have to work much harder to translate what they are seeing, and to send signals in return. Participants are forced to consciously monitor nonverbal behavior and to send cues to others that are intentionally generated. Examples include centering oneself in the camera’s field of view, nodding in an exaggerated way for a few extra seconds to signal agreement, or looking directly into the camera (as opposed to the

⁴⁹ Katrin Shoenenberget al., *Why Are You So Slow? – Misattribution of Transmission Delay to Attributes of the Conversation Partner at the Far-End*, 72 Int’l J. of Human-Computer Studies 477 (2014).

faces on the screen) to try and mimic direct eye contact when speaking. This constant monitoring of behavior adds up. People also tend to examine their own face if they can see it on screen, adding an extra layer of self-conscious stress that has been shown to distract from the ability to connect.

205. **Additional strain on relationships.** The barriers inherent to video communication place additional strain on relationships that undermines the typical healing power of time spent in physical proximity.

206. It is more difficult for people to express intimacy and social connection with video communication as compared to in-person visits. This problem is aggravated further with correctional video calls, where the callers have no privacy. Family members are told that every word they say is being recorded, tempering their willingness to speak freely about sensitive or emotional topics that are necessary to a trusting relationship. Plaintiff Ashlee Trujillo shared that “[w]e can’t speak openly on HomeWAV calls, because they are monitored and out in the open of his unit. . . . [My son] feels like he can’t let all of his feelings out. We never know when the call will drop, so I can’t fully parent and be what he needs in that moment.” If J.B. was able to see his dad, “I would say all the private stuff I want to say but can’t say on the phone.”

207. Barriers to connection in general make addressing and healing conflict particularly difficult. Arrest and separation are distressing to a family relationship. While family members often feel fierce love and a need to protect their loved one, this often occurs simultaneously with complex feelings of anger, sadness, or betrayal. Plaintiff J.B.’s mother, Autumn Ray, observed that “J.B. is dealing with a lot of grief about [his dad]’s case and meets with a youth therapist to help him deal with the grief.” Ms. Ray noted, “[i]n-person visits would go a long way in making sure their bond continues to be strong. J.B. would be reassured to see [his dad] and it would really help him process his grief with his dad.” The privacy and reassurance of physical presence and contact are crucial to the conversations necessary to working through conflict and healing the relationship.

- vi. State and international government agencies recognize that allowing families to visit each other furthers compelling state interests.⁵⁰

208. Jurisdictions across the world recognize the governmental interest in families maintaining contact through in-person family visits and the inadequacy of video calls as a substitute.

209. **Colorado.** Colorado has declared that a person confined by the Department of Corrections (“CDOC”) “has visitation rights.”⁵¹ CDOC “shall not limit [an incarcerated] person’s

⁵⁰ The allegations in this section are supported in part by the expert testimony of Vincent N. Schiraldi. *See* Schiraldi Report, Ex. N.

⁵¹ C.R.S. § 17-20-130(2).

contact visits for more than thirty consecutive calendar days.”⁵² For persons incarcerated by CDOC, “Video visits are considered non-contact visits and may supplement, but must not take the place of, in-person visits when in-person visits are permitted.”⁵³

210. CDOC has issued an administrative regulation concerning visitation.⁵⁴ The policy is designed to “encourage family and other supportive relationships important to offender stability while incarcerated.” To this end, CDOC permits “reasonable levels of physical contact” during visits. The policy allows incarcerated individuals to hold hands, embrace, and kiss their loved ones.

211. These rights guaranteed to people incarcerated by CDOC are denied to people—many of whom are presumptively innocent—in the Adams County jail and, by extension, to their children, parents, and wider support networks.

212. The financial barriers to family communication are also lower in CDOC. Phone calls are entirely free for people in CDOC custody, and the department is prohibited from receiving revenue, including commissions or fees, from the administration of any communications services for detained individuals.⁵⁵

213. Youth detained or committed to a Division of Youth Services (“DYS”) facility in Colorado have a right to contact visits with family members.⁵⁶ Virtual calls may supplement to in-person visitation but may not replace in-person visitation except in ongoing emergencies.⁵⁷ Visits must last at least forty-five minutes and must be available seven days per week.⁵⁸

214. The Prairie Vista Youth Services Center in Brighton—only four miles from the Adams County jail—houses youth awaiting juvenile delinquency court proceedings or serving a sentence. Because “[v]isitation is an avenue to build and maintain healthy family and community

⁵² C.R.S. § 17-20-130(4)(a)(II).

⁵³ C.R.S. § 17-20-130(4)(b)(II).

⁵⁴ *Administrative Regulation: Offender Visiting Program*, Co. Dep’t of Corrections, Reg. No. 300-01 (Jan. 1, 2025), available at <https://cdoc.colorado.gov/about/departments-policies> [https://perma.cc/RZ4A-E7JW].

⁵⁵ C.R.S. § 17-42-103.

⁵⁶ Colo. Div. Youth Servs., Policy S-18-1 at IV.I (May 14, 2024), <https://drive.google.com/file/d/0B32vshZrERKsRUo4bUZfZ3pST0k/view?resourcekey=0-Lk8SXtbvF819DStkqlji5w> [https://perma.cc/CHN5-WWBY].

⁵⁷ *Id.* at IV.A.7.

⁵⁸ *Id.* at IV.A.1.

relationships,” the Prairie Vista website “encourage[s]” families to visit youth detained in the center, making such visitation accessible every day of the week.⁵⁹

215. Youth detained in DYS facilities also have the right to free telephone communication.⁶⁰

216. Though Colorado recognizes the importance of physical contact with family and free communication for incarcerated youth, Defendants deny youth, including Plaintiffs, these same basic needs when their parents or children are incarcerated in the Adams County jail.

217. Colorado’s commitment to preserving the parent-child relationship is also reflected in the state’s criminal sentencing laws. In 2023, the Colorado legislature enacted C.R.S. § 18-1.3-103.7, finding and declaring the enormous impact of family separation: “A child who is separated from any parent may experience stress hormones, which may lead to difficulty sleeping, developmental regression, heart disease, hypertension, obesity, diabetes, or decreased life span. A newborn who is separated from a parent may also experience permanent architectural changes in the brain, including a lower intelligence quotient or an increased likelihood of depression, suicidal ideation, or addiction to alcohol or gambling.”⁶¹ Therefore, the legislature created a presumption against detention and incarceration. The law requires courts to consider “all alternatives to prosecution, commitment, and incarceration of a pregnant or postpartum person.”⁶²

218. Furthermore, Colorado’s commitment to preserving family relationships is reflected in the state’s dependency and neglect laws. In 2023, the Colorado legislature emphasized the importance of maintaining parent-child relationships that are strained due to the incarceration of a parent and a resulting dependency proceeding. The legislature required the courts to appoint incarcerated parents counsel for dependency proceedings,⁶³ guaranteed incarcerated parents the right to attend all dependency proceedings,⁶⁴ and removed “long-term confinement” as a legitimate basis for termination of parental rights.⁶⁵ While dependency proceedings are ongoing, the

⁵⁹ Colo. Dep’t of Human Servs., Prairie Vista Youth Services Center, <https://cdhs.colorado.gov/our-services/youth-services/residential-youth-centers/prairie-vista-youth-services-center> [<https://perma.cc/9BF3-QV6W>] (last visited Oct. 27, 2025).

⁶⁰ Colo. Div. Youth Servs., Policy S-18-3 (Dec. 22, 2021), <https://drive.google.com/file/d/0B32vshZrERKsWGVHdzU2Q1ZlNUk/view?resourcekey=0-d9HxuzDEqlWPEPas5zHJhQ> [<https://perma.cc/C8AX-SF9V>].

⁶¹ C.R.S. § 18-1.3-103.7(1)(a)(XI)(C).

⁶² C.R.S. § 18-1.3-103.7(1)(b).

⁶³ C.R.S. § 19-3-202(1)

⁶⁴ C.R.S. § 19-3-502(5.5)(a).

⁶⁵ See S.B. 23-039 § 7, 74th Gen. Assemb., Reg. Sess. (Colo. 2023) (repealing C.R.S. § 19-3-604(1)(b)(III)).

Department of Human Services is required to facilitate communication and “meaningful family time” between children and their incarcerated parents.⁶⁶ The state is *not* relieved of its duties to preserve family relationships merely because a parent is incarcerated.

219. In May 2024, the nearby Denver County Sheriff’s Office reinstituted family contact visits after nearly twenty years of offering only video calls.

220. Denver Sheriff Elias Diggins, who was responsible for installing the Denver jail’s video call system in 2005, remarked that video calls were fundamentally insufficient: “We must balance our security needs with the need to keep people connected in a way that a video call just doesn’t allow,” he said. “Being face-to-face with a loved one or friend is something we all long for, and that connection is truly a part of the human experience.”⁶⁷

221. The Denver County Sheriff’s Department retrofitted the old visitation room, which Sheriff Diggins described as “very correctional” and “traumatizing” to families.⁶⁸

222. In 2025, the Denver County Sheriff’s Office launched another improvement to their contact visitation program that gives incarcerated individuals access to street clothing for visits. Sheriff Diggins stated that the plain clothes program would “bring families together” and “reduce the trauma that families have by their [incarceration] experience, because families are doing time as well.”⁶⁹

223. **Other States.** Judges in family courts have addressed the negative impact replacing visits with video calls can have on families, especially parent-child relationships. Courts have repeatedly found that video calls are an inadequate substitute for in-person visits between noncustodial parents and their children.⁷⁰

⁶⁶ C.R.S. § 19-1-131; C.R.S. § 19-3-507(1)(f)(I)(B).

⁶⁷ Bennito L. Kelty, *Denver Resumes In-Person Jail Visitations After Nearly Two Decades*, Westword (May 17, 2024), <https://www.westword.com/news/after-twenty-years-denver-jail-resumes-in-person-visits-20746920> [https://perma.cc/DME8-CS54].

⁶⁸ *Id.*

⁶⁹ Gabby Easterwood, *‘When you strip away the jumpsuit, you restore dignity’: Denver jail launches in-person visitation clothing project*, KVDR (May 1, 2025), <https://kdvr.com/news/local/when-you-strip-away-the-jumpsuit-you-restore-dignity-denver-jail-launches-in-person-visitation-clothing-project/> [https://perma.cc/5ML5-XG76].

⁷⁰ See, e.g., *Gilbert v Gilbert*, 730 N.W.2d 833, 840 (ND 2007) (“Virtual visitation is not a substitute for personal contact.”); *RM v NF*, No. 09-02791, 2013 WL 9930839, at *8 (Pa Com Pl May 20, 2013) (“[I]t is unrealistic to believe that such limited visits are a fair substitute for the frequent regular contact Father now has with Abygail, or that video conferencing through the

224. Numerous state legislatures have removed the decision from judges' hands altogether, recognizing the deficiencies of video calls by drawing bright-line rules in family law statutes that forbid judges from equating the use of phone or video calls with in-person visits.⁷¹

225. **National Correctional Organizations.** National correctional organizations also recognize that video calls are no substitute for in-person family visits, which must be offered.

226. The American Correctional Association, the oldest and largest trade association and accrediting body for the corrections industry, has declared that emerging technologies like video calls should be used only *to supplement* existing in-person visitation, not replace it.⁷²

227. According to the National Institute of Corrections ("NIC")—which provides training and policy development assistance to federal, state, and local corrections agencies—"[s]tudies confirm that incarcerated individuals have better outcomes when they receive in-person visits from family members and supportive community members." For this reason, NIC concludes that "[t]raditional, in-person visiting is a best practice that should continue in all correctional settings when possible."⁷³

228. The U.S. Department of Justice's Bureau of Justice Assistance ("BJA") provides grants, training, and technical assistance to state, local, and tribal law enforcement, courts, corrections, treatment, reentry, and community-based partners to address chronic and emerging criminal justice challenges nationwide. In 2019, BJA co-authored a report for correctional administrators, along with NIC, detailing practices "to remove barriers that inhibit children from

internet is the same as face-to-face contact, particularly with a young child."), *aff'd*, 87 A.3d 875 (Pa. Super Ct 2013).

⁷¹ See Wis. Stat. Ann. § 767.41(4)(e) ("Electronic communication with the child may be used only to supplement a parent's periods of physical placement with the child. Electronic communication may not be used as a replacement or as a substitute for a parent's periods of physical placement with the child"); Tex. Fam. Code Ann. § 153.015(d) ("The availability of electronic communication under this section is not intended as a substitute for physical possession of or access to the child where otherwise appropriate"); Fla. Stat. Ann. § 61.13003(4) ("Electronic communication may be used only to supplement a parent's face-to-face contact with his or her minor child. Electronic communication may not be used to replace or as a substitute for face-to-face contact").

⁷² See Lucius Couloute, *American Correctional Association says that video visitation should not replace in-person visits*, Prison Pol'y Initiative (April 24 2017), https://www.prisonpolicy.org/blog/2017/04/24/aca_video_policy/ [https://perma.cc/HZ8M-SNG8].

⁷³ Nat'l Inst. Of Corr., *Video Visiting in Corrections: Benefits, Limitations, and Implementation Considerations* 3-4 (2014), <https://s3.amazonaws.com/static.nicic.gov/Library/029609.pdf> [https://perma.cc/KQ2V-4KAF].

cultivating or maintaining relationships with their incarcerated parents.”⁷⁴ The report specifically recommends contact visitation programs for children and incarcerated parents⁷⁵ and concludes that such practices “do not compromise a facility’s safety or security”⁷⁶ and in fact “improve overall safety in a facility by improving the adjustment of incarcerated parents and decreasing levels of misconduct and violence.”⁷⁷

229. In 2021, BJA launched a grant program called the “Child Friendly Family Visiting Spaces in Jails and Prisons Program” to “provide[] federal funds and training and technical assistance to correctional facilities to construct, renovate, or modify child-friendly family visiting spaces. It also provides funding to review, modify, and implement visiting policies, procedures, staffing, training, and implementation plans to support family strengthening and the best interests of child visitors.”⁷⁸ The grant program was created to help local correctional facilities implement the policies recommended in the 2019 report.

230. The Federal Bureau of Prisons (“BOP”) adheres to this guidance as well. Acknowledging the myriad benefits of visitation, the BOP specifically “encourages visiting by family, friends, and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members or others in the community.”⁷⁹

231. **National Legal Organizations.** Similarly, the American Bar Association (“ABA”), in its Standards on Treatment of Prisoners, states that visit bans are improper. The ABA emphasizes that “[c]orrectional officials should implement visitation policies that assist prisoners in maintaining and developing healthy family relationships,” including contact visits between family members.⁸⁰ “Because physical contact between parents and small children is so psychologically important, correctional officials should permit more extensive physical contact

⁷⁴ Nat’l Inst. of Corr. & Bureau of Justice Assistance, *U.S. Dep’t of Justice, Model Practices for Parents in Prisons and Jails* 3 (July 2019), <https://s3.amazonaws.com/static.nicic.gov/Library/033094.pdf> [https://perma.cc/P3RV-48AG].

⁷⁵ *Id.*, 45, 50–51.

⁷⁶ *Id.*, 1.

⁷⁷ *Id.*, 45.

⁷⁸ Bureau of Justice Assistance, U.S. Dep’t of Justice, *Programs that Support Corrections* 1 (May 2024), <https://bjaojp.gov/doc/programs-that-support-corrections.pdf> [https://perma.cc/S4SV-4UNM].

⁷⁹ 28 C.F.R. § 540.40.

⁸⁰ A.B.A., *Treatment of Prisoners Standards* 23-8.5(b), https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/treatment_of_prisoners.pdf [https://perma.cc/RS4A-4EW5].

during such visits. For example, a child might be allowed to sit on her mother's lap and read during a visit, or a prisoner might be allowed to play 'pat-a-cake' with his toddler."⁸¹

232. The ABA exhorts correctional officials to "develop and promote other forms of communication between prisoners and their families, including video visitation," but cautions "that such options are not a replacement for opportunities for in-person contact."⁸²

233. The ABA notes that the need for in-person visitation is even more acute in jails like Adams County, where much of the population is awaiting trial and presumed innocent.⁸³ "Detainees have a greater need for all kinds of contact with families and friends, including visits, to deal with the results of incarceration—to get a lawyer, try to arrange bail, pay the rent, get children taken care of, communicate with employers, get the car keys into the family's possession, etc."⁸⁴

234. **International Standards.** International organizations also recognize the compelling state interest in in-person visitation with family members.

235. The United Nations' ("U.N.") Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that detained or imprisoned people must have "the right to be visited by and to correspond with, in particular, members of [their] family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations."⁸⁵ Similarly, the U.N.'s Standard Minimum Rules for the Treatment of Prisoners calls for detained people to "be allowed, under necessary supervision, to communicate with their family and friends at regular intervals" by "receiving visits."⁸⁶

236. The European Prison Rules also emphasize that incarcerated people shall be allowed to receive visits from their families, friends, and representatives of outside organizations. These rules provide that "Prisoners shall be allowed to communicate as often as possible . . . with their families, other persons and representatives of outside organisations, and to receive visits from

⁸¹ *Id.*, 23-8.5(e) Commentary.

⁸² *Id.*, 23-8.5(e).

⁸³ *Id.*, 23-8.5(d) Commentary ("Visiting is particularly important for pretrial detainees, who are in jail because of arrests that they and their families generally did not plan for. (By contrast, people who are sentenced to prison generally have advance notice of what is coming and time to get ready for it.)").

⁸⁴ *Id.*

⁸⁵ U.N. G.A. Res. 43/173, at 19 (December 9, 1988).

⁸⁶ U.N. Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners*, Rule 58(1)(a), https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf [https://perma.cc/MA7V-4V9D].

these persons.”⁸⁷ “The arrangements for visits shall be such as to allow prisoners to maintain and develop family relationships in as normal a manner as possible.”⁸⁸

C. Defendants’ Scheme to Ban Visits Emerges from a Broader Business Strategy.

237. The conspiracy between the Defendants emerges from a broader business strategy. For decades, a handful of for-profit “jail technology” companies have been exploiting the country’s historic incarceration levels to extract money from tens of millions of people who are desperate to stay in contact with their incarcerated loved ones.

i. Defendants exploit families desperate to stay in touch with their jailed loved ones.

238. For incarcerated people and their families, resources that people on the outside use every day—phone and video calls, educational resources, data storage, music and podcasts, word-processing software, and messaging platforms—are all controlled by just a few companies. These “jail technology” companies generate substantial profits by charging incarcerated people and their loved ones exorbitant rates to connect with one another. The business model thrives on negotiating agreements with jail officials to create conditions of isolation and desperation under which families are forced to spend as much money as possible.

239. HomeWAV employs a similar business model, which thrives on having a monopoly on providing telecommunications within a particular facility. HomeWAV’s for-profit platform is the sole means through which families can talk to their loved ones incarcerated in Adams County jail.

240. Unlike the options families have in choosing their own home telephone and internet providers, the families of incarcerated people cannot choose between multiple service providers to save money. Instead, County Defendants have contracted with a single company, HomeWAV, to provide communication services in the jail.

241. This business model is standard within the jail telecommunications industry: the company that wins the contract becomes a monopoly seller. Without any competition, the company can charge above-market rates to a population with nowhere else to turn.

242. In fact, above market rates are a feature—not a bug—of the jail telecommunications industry. Corporations like HomeWAV compete with the handful of other providers to provide *more revenue* to the county jail by increasing the cost to families, which in turn increases the county’s cut of the revenue.

⁸⁷ Comm. of Ministers, European Prison Rules, 24.1, <https://tinyurl.com/mvj63pd3> [<https://perma.cc/3RHW-D3AP>].

⁸⁸ *Id.*, 24.4.

243. HomeWAV charges extraordinary rates for common phone and video calls to generate hefty profit margins.

244. Between September 2020 and April 2025, HomeWAV’s anticompetitive monopoly in Adams County extracted at least \$4.8 million from families, generating \$3.1 million in kickbacks for the County and \$1.7 million in revenue for HomeWAV.

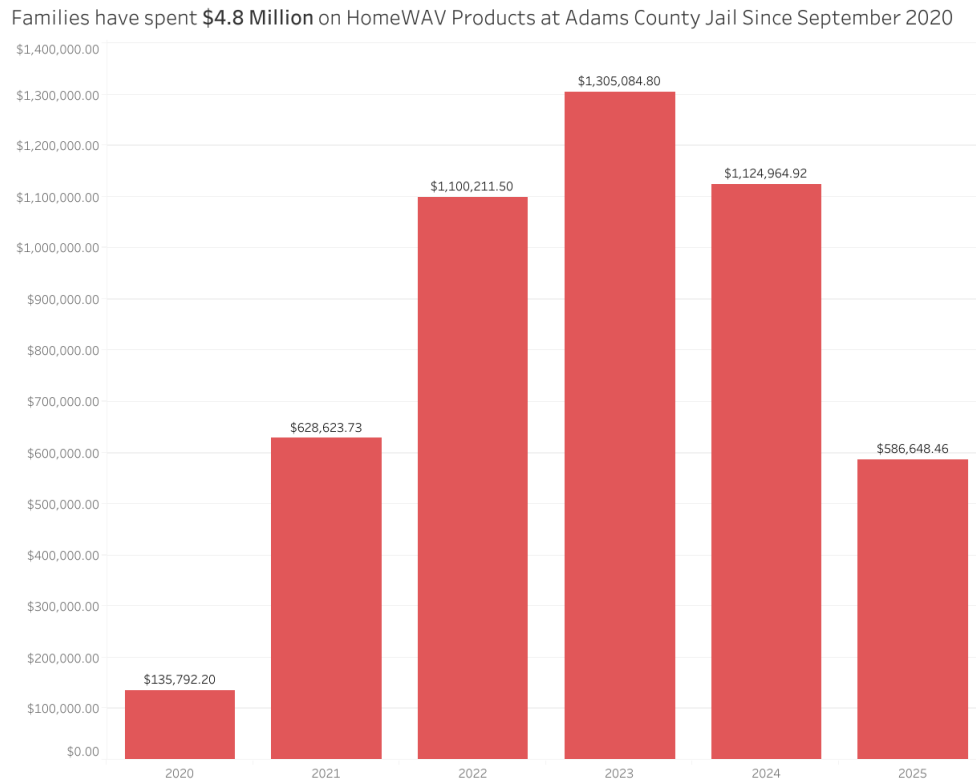


Figure 8. Annual Family Spend on HomeWAV phone and video calling at the Adams County jail from September 2020 through August 2025.

245. Recently, as advocates across the country have won demands for capped phone rates (and in some cases, free phone calls) for incarcerated individuals,⁸⁹ jail telecommunications companies have shifted their attention to less regulated services, like video calls. The companies try to incentivize local officials to eliminate in-person visits to increase the use of high-cost video calls and traditional phone calls, eliminate physical mail in favor of costly emails and electronic

⁸⁹ See, e.g., Worth Rises, *Connecticut Makes History as First State to Make Prison Calls Free* (June 16, 2021), <https://worthrises.org/pressreleases/connecticut-makes-history-as-first-state-to-make-prison-calls-free> [https://perma.cc/GU5U-4RWT]; Bri Buentello, *Policy Priority: Keeping Families Connected with Free Phone Calls*, Stand for Children Colorado (Jan. 9, 2024), <https://stand.org/colorado/our-stories/policy-priority-keeping-families-connected-with-free-phone-calls-2/> [https://perma.cc/7ZB9-95UT].

messages, permit junk fees to inflate the cost of money transfers, and increase commissary prices such that basic necessities like soap, more nutritious food, warmer clothing, and menstrual products are unaffordable to many.⁹⁰

246. HomeWAV does not charge the same rate for telephone and video calls at every facility in which they operate. Instead, jail telecommunications companies negotiate individual contracts with county and state governments to set the prices incarcerated people and their families pay in order to maximize total revenue.

247. The result of this pricing model is a stark disparity across facilities as families are charged vastly different rates for identical products. While HomeWAV charges Adams County families \$0.15 per minute for a telephone call, the company charges families in Stearns County, Minnesota, only \$0.10 per minute. Families pay these exorbitant rates for a version of a technology that most people today can use for free through Zoom, Google, Skype, or FaceTime.

248. These price discrepancies do not reflect public safety determinations or the cost of providing telecommunications services in different facilities. Instead, jail telecommunications companies conspire with and provide kickbacks to local officials to negotiate prices with one primary goal in mind: make as much money as possible. This means a calculation of how much money local officials can be convinced to extract, with the for-profit companies, from a captive market.

- ii. HomeWAV pays Adams County hundreds of thousands of dollars each year to prohibit in-person visiting and to keep jail populations high in order to increase profits.

249. Across the country, jail telecommunications companies win monopoly contracts by promising contracting counties hundreds of thousands of dollars each year to increase the use of expensive phone and video calls, including by prohibiting free in-person visits on which families of people who are incarcerated used to rely. The companies pay the counties and, in return, the counties end in-person family visits and limit other types of contact to ensure that the money keeps flowing.

250. **Kickbacks.** Kickbacks, or unearned payments intended as compensation for preferential treatment, are a type of negotiated bribery. A form of collusion between two parties, kickbacks warp competitive practices and can interfere with a public official's ability to make

⁹⁰ See Shannon Sims, *The End of American Prison Visits: Jails End Face-to-Face Contact – and Families Suffer*, The Guardian (Dec. 9, 2017), <https://www.theguardian.com/us-news/2017/dec/09/skype-for-jailed-video-calls-prisons-replace-in-person-visits> [https://perma.cc/PTU5-3LXK]; Phillip Vance Smith II, *Priced Out of Phone Calls Home*, Bolts (July 10, 2025), <https://boltsmag.org/north-carolina-prison-phone-calls/> [https://perma.cc/KY4T-BVKR].

unbiased decisions. Kickbacks are widely seen as unethical and are strictly prohibited in many areas including federal contracts, healthcare, and mortgages.⁹¹

251. Kickbacks are a key part of the business model for HomeWAV. In their contracts and negotiations surrounding those contracts, HomeWAV offers to pay sheriffs' offices and/or the contracting jurisdictions a specified percentage of the revenue from the communications inside jail facilities.

252. By giving the County Defendants a cut of the money from telephone and video calls, HomeWAV accomplishes two key goals.

253. First, it convinces the jurisdiction to award the contract to the company. As the Prison Policy Initiative has observed, "jails and prisons often choose their telecom providers on the basis of which company will pay the facility the most money in kickbacks."⁹²

254. This is true of Adams County, where County Defendants emphasized the role of "commission" as the first factor in evaluating and awarding contracts for the jail's video and telephone calling systems. And in responding to County Defendants' video contract RFP, HomeWAV asserted that its system provides "maximum revenue" for the County.

255. Second, kickbacks based on the number of phone or video calls give the people running the jail a shared financial incentive to protect the company's profits (which they now share) by maximizing call revenues. Under these conditions, companies compete based not on who can provide the lowest priced calls or the best quality services or the highest contribution to public safety, but rather on who can charge families the most and kick back the largest share of revenue to the county holding the power to award the monopoly contract.

256. The kickbacks function as intended: contracting jurisdictions are motivated by the potential profits offered by kickbacks (often sanitized as "commissions"), and they enact and enforce various policies, including ending contact visits, as a result of these incentives.

257. The profitability of the jail telecommunications business, including the size of commissions paid to jail facilities, is directly dependent on large jail populations and a high utilization of its services by the jail population. A county typically has to (a) agree to maintain the jail population at a sufficiently high level to guarantee a satisfactory minimum revenue base; and (b) eliminate any alternatives to the companies' calls by prohibiting in-person visits, leaving

⁹¹ See, e.g., 41 U.S.C. § 8702 (prohibiting kickbacks in transactions related to federal contractors); 42 U.S.C. § 1320a-7b(b) (federal healthcare); 12 U.S.C. § 2607 (federal mortgages).

⁹² Peter Wagner & Wanda Bertram, *State of Prison Phone Justice 2022*, Prison Policy Initiative (Dec. 2022), https://www.prisonpolicy.org/phones/state_of_phone_justice_2022.html [https://perma.cc/JR9A-ATTf].

people in the jail with no choice but to use the company's system—and to pay for it. Such is the case in Adams County.

258. For many years, companies in the jail telecommunications industry explicitly required counties to eliminate family visits and maintain minimum jail populations in their contracts. But negative publicity led to these kinds of explicit terms being removed even as the overall conspiracy and business model stayed the same.

259. **Jail Population and Video Call Minimums.** Video calling contracts frequently predicate a local government's commission on maintaining a minimum jail population and producing a minimum number of video calls.

260. For example, under the contract with HomeWAV for video call services, County Defendants receive "a Minimum Monthly Guarantee of \$20,000 per month," but only if the jail population stays above 1,000 people per month. *See* 2020 HomeWAV Video Contract, Ex. J at 3–4. If the jail population falls, the County's share of profits "shall automatically default to 40% until the average inmate population meets or exceeds 1,000 for an entire month." *Id.* at 4.

261. Incarceration—one of the most solemn and intrusive actions taken by the state—must be based on compelling government interests rather than the pursuit of profit. Conspiracies to create a financial incentive to reward and encourage jailing more people introduce particularly perverse incentives at the county level, where the official who stands to make money from a higher jail population—the sheriff—is the same person responsible for setting and carrying out law enforcement priorities. This arrangement introduces the possibility that the sheriff would use their law enforcement power to place more people in the jail than they would otherwise.

262. Video calling contracts also frequently predicate a county's commission on maintaining a minimum number of calls per incarcerated person. For example, under its contract with iWebVisit, the County received kickbacks only when the jail "averag[ed] 1.0 remote visits per inmate per month based on the monthly average daily population of the Facility." *See* 2013 iWebVisit Contract, Ex. I at 9.

263. **Requiring Prohibition of In-Person Visitation.** Plaintiffs and many other families of incarcerated people would overwhelmingly choose free, in-person visits over video calls if given the option. So the County Defendants, and other jails that contract with jail telecom companies, must prohibit family visits to meet their contract metrics and divert incarcerated individuals and their families into more video and phone calling.

264. Though the Sheriff's Office eliminated in-person visits before contracting with iWebVisit in 2012 and HomeWAV in 2020, the business models of these two companies allowed the County Defendants to *profit* from their policy.

265. Furthermore, iWebVisit conditioned its over \$275,000 investment in the Adams County jail on the elimination of in-person visitation. *See* 2013 iWebVisit Contract, Ex. I at 5.

266. By the time the County Defendants entered a contract with HomeWAV, this type of provision was no longer necessary: the jail had already embraced the visitation ban and, more importantly, the resulting profits.

267. HomeWAV knew the Sheriff's Office banned in-person visitation at the jail at the time it bid on the video calling contract in 2020 and the telephone calling contract in 2021.

268. HomeWAV also knew the jail population, call rates, and physical layout of the video calling space within the jail at the time of bidding for the video calling contract in 2020.

269. HomeWAV's responses to Adams County's telephone and video RFPs were conditioned on its knowledge of the jail and jail policies.

270. HomeWAV's lucrative offer of \$20,000 or 40% of revenue per month for video calling far surpassed the financial terms of the iWebVisit contract. Relatedly, HomeWAV's telephone calling offer of \$65 per inmate per month or 80% of revenue per month, whichever is higher, *see* 2021 HomeWAV Telephone Contract, Ex. K at 5, far surpassed the jail's previous provider, ICS Solutions.

271. For context, County Defendants pocketed \$1.7 million from families through iWebVisit and ICS Solutions across a ten-year period, while HomeWAV's contract terms have generated more than \$3.1 million in kickbacks since September 2020.

Annual Phone and Video Kickbacks to the Adams County Sheriff
December 2010 through August 2025

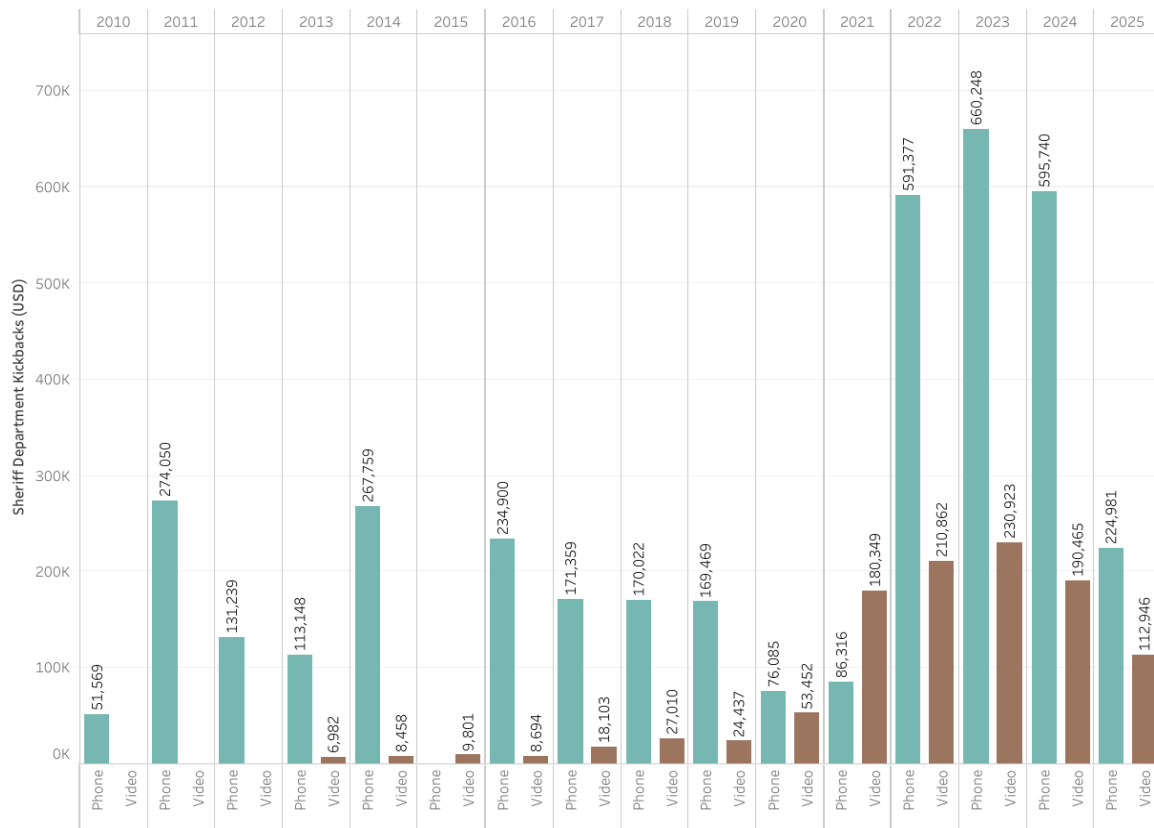


Figure 9. Annual kickbacks to County Defendants from phone and video providers at the Adams County jail between December 2010 and August 2025. Note that 2025 numbers do not include the entire year.

272. HomeWAV’s incredibly profitable telephone and video calling monopolies provide County Defendants with an even greater incentive to maintain the Family Visit Ban.

273. Even where not explicit, the terms of the contract reflect an understanding that the contract will require the prohibition of family visits. This is the case in the HomeWAV video calling contract, which called for installing on-site video kiosks for “Public Visitors” who were willing to drive to the jail—kiosks that would never be necessary if in-person visitation were permitted. *See* 2020 HomeWAV Video Contract, Ex. J at 25, 31, 125, 135.

274. Furthermore, HomeWAV’s bid on the telephone contract for the jail made clear that its integrated kiosk system, installed within “secure” housing areas in the jail, is designed specifically to “eliminate[] need to move inmates for visitation” and to ensure “No-contact.”

275. HomeWAV and County Defendants conspire to maximize revenue by prohibiting in-person visits.

276. All five of the Colorado county jails that contract with HomeWAV for video calling prohibit in-person contact visits.

iii. The prices Defendants charge are not warranted by the cost of providing video or telephone calling services.

277. Defendants temporarily dropped the cost of telephone calls from \$0.15 to \$0.07 per minute in April 2025. *See* Mar. 28, 2025 Telephone Contract Amendment, attached hereto as Exhibit O.

278. Defendants' rate drops were based on federal regulations promulgated by the Federal Communications Commission ("FCC") under the Martha Wright-Reed Act.

279. Defendants signed a contract stating that they would drop the cost of video calls from \$0.20 to \$0.12 per minute in May 2025. *See* Apr. 2, 2025 Video Contract Amendment, attached hereto as Exhibit P.

280. The contract amendments additionally state that HomeWAV was "no longer permitted to revenue share with the facility, so the seconds [sic] that outline payments from HomeWAV to the County will be inoperable." *See, e.g.*, Ex. P at 3.

281. HomeWAV did not require County Defendants to pay HomeWAV for the difference in call revenue. Nor did HomeWAV or the County cancel the contracts for any reason, such as lack of profitability, based on the newly lowered rates.

282. The dramatic decrease in rates without any corresponding loss of service demonstrates that Defendants' prices for calls exceed the cost of providing the service to families of people incarcerated in Adams County jail.

283. Nevertheless, Defendants unilaterally increased telephone and video call prices back to their prior rates—\$0.15 per minute and \$0.20 per minute, respectively—on July 7, 2025, after the FCC stayed implementation of the regulations.

284. Defendants chose to increase telephone and video calls prices on July 7, 2025, to extract more money from families of people incarcerated in the jail.

285. Defendants' rate increases in July 2025 were made in the absence of new contract terms and in violation of the contract amendments signed by Defendants.

286. Instead, Defendants signed a "retroactive" contract amendment for the telephone contract over three months *after* they increased rates and reinstated commissions for the Sheriff's Office. *See* Oct. 10, 2025 HomeWAV Telephone Contract Amendment, attached hereto as Exhibit Q; Power Decl., Ex. G ¶ 24.

287. Defendants did not inform incarcerated people or their family members of the new pricing when they unilaterally increased call prices on July 7, 2025. Plaintiff J.B.’s mother, Autumn Ray, complained to the jail about the abrupt price increase.

288. The abrupt and extra-contractual increase in the rates charged to families for phone and video calls shows that County Defendants are anxious to protect HomeWAV revenue and resistant to any suggestion of decreasing—or stopping—the commission structure.

D. Defendants’ Family Visit Ban Places Severe Financial Burdens on Families and Forces Children into a Web of Digital Surveillance.

289. In-person visitation is the only method of communication with a jailed loved one that is traditionally free and that offers relatively private communication. In addition to damaging intimate family relationships, ending in-person visits places immense financial strain on low-income families, who are forced to pay unaffordable amounts if they need to communicate with their loved ones. Family visit bans also chill private family conversations and force young children to choose between having no contact at all with their parent and being surveilled, recorded, and turned into a digital profile that is then created, retained, analyzed with proprietary artificial intelligence software, and shared across the country without their consent.

i. Low-income families bear the cost of Defendants’ profiteering.

290. Monopoly contracts to monetize jail communication add a costly financial burden on the families of those incarcerated.

291. The enormous profits received by the Defendants are a direct tax on low-income families who have no other choice than to pay that money to keep their family minimally connected.

292. The economic burden of having an incarcerated family member is worsened by the financial costs of phone calls and video calls. It was difficult for Plaintiff J.B.’s mother to justify spending about a hundred dollars a week on HomeWAV calls, especially because the family lost its second income when J.B.’s dad was incarcerated. But if she didn’t pay for the calls, “J.B. would lose his only connection with his dad, which was too high a price to pay.”

293. Each year, families spend more than one billion dollars on jail and prison calls to remain in contact with their loved ones.⁹³

⁹³ Rosalie Chen & Belle Lin, *The High Cost of Phone Calls in Prisons Generates \$1.4 Billion a Year, Disproportionately Driving Women and People of Color into Debt*, Business Insider (June 30, 2021), <https://www.businessinsider.com/high-cost-prison-communications-driving-debt-racial-wealth-gap-2021-6> [https://perma.cc/4LP8-VMZU].

294. Many people cannot afford the high cost of phone and video calls. More than one in three families goes into debt to cover the costs of keeping in touch with their incarcerated loved one.⁹⁴

295. Families are often forced to choose between communicating with their incarcerated loved ones and meeting the basic needs of family members both inside and outside of the jail.

296. “I was short on rent because of the cost of HomeWAV. Sometimes, other financial demands were too much and I could not afford HomeWAV calls,” said Plaintiff Cassondra Reeves. “[My son] and I would have to sacrifice talking for weeks at a time and I could see that it broke my family to not be able to talk.” Ashlee Trujillo spends hundreds every month to talk to her son: “Paying to talk to [my son] creates a severe financial strain for my family. Because of the cost of calls, I struggle to pay for food and medical care. . . . [E]very dollar I spend on HomeWAV is money I cannot save towards [my son]’s bond to bring him home.”

297. Low-income women in particular bear the brunt of the financial burden. In one comprehensive survey, 82% of participants reported that family members were primarily responsible for the costs of maintaining contact during incarceration. Of the family members responsible, 87% were women.⁹⁵ One study found that low-income women spend 26% of their income on visits, calls, and packages for incarcerated loved ones.⁹⁶

298. The financial cost of connection to incarcerated loved ones also reinforces the racial wealth gap. Nearly one in every four women is related to someone who is incarcerated, but Black women are more substantially affected than their white peers: 44% of Black women have a family member who is imprisoned, compared to 12% of white women.⁹⁷

299. Individual jurisdictions are gradually recognizing that monetizing human isolation and connection is wrong. In 2018, New York City became the first city to offer free jail calls. Since then, San Francisco, Miami, Louisville, Los Angeles, and other cities have done the same. Entire states are following suit. Indeed, Colorado has joined other states, including California, Connecticut, Massachusetts, Minnesota, and New York, in making all prison calls free. One of the sponsors of the bill to make Colorado prison calls free, Rep. Mandy Lindsay, said, “We’ve heard from countless Coloradans who’ve racked up thousands of dollars worth of debt communicating with their incarcerated loved ones. Making prison phone calls free will allow family members,

⁹⁴ Saneta deVuono-powell et al., Ella Baker Center, *Who Pays? The True Cost of Incarceration on Families* 9 (2015), available at <https://static.prisonpolicy.org/scans/who-pays%20Ella%20Baker%20report.pdf> [https://perma.cc/3E94-5UCV].

⁹⁵ Saneta deVuono-powell, *supra* note 94 at 30.

⁹⁶ Olga Grinstead et al., *The Financial Cost of Maintaining Relationships with Incarcerated African American Men: A Survey of Women Prison Visitors*, 6 J. of Afr. Am. Men 59 (2001).

⁹⁷ Hedwig Lee et al., *Racial Inequalities in Connectedness to Imprisoned Individuals in the United States*, 12 Du Bois Rev. 269 (2015).

especially children, to stay in-touch with their loved ones which lays a strong foundation to life after incarceration and works to reduce recidivism.”⁹⁸

- ii. Prohibiting visits forces the intimate communications of children into a web of corporate and government surveillance.

300. Defendants’ Family Visit Ban also ensures that every communication between families and their loved ones are not only expensive, but also surveilled, recorded, and combed for data with increasingly sophisticated artificial intelligence algorithms. HomeWAV’s communications systems capture children and other non-incarcerated family members in an expanding web of surveillance, depriving them of the intimacy of private moments and intruding on their digital privacy.

301. The knowledge that communication is recorded changes the nature of that communication. Plaintiff Ashlee Trujillo notes that she and her son “can’t speak openly on HomeWAV calls, because they are monitored and out in the open of his unit. Jail staff have cut off my call with Shawn before because they didn’t like what we were talking about. [My son] feels like he can’t let all of his feelings out.”

302. Through these recordings, HomeWAV harvests and uses the personal data of not only incarcerated people, but the friends and family they are communicating with.

303. Families of incarcerated people are forced to choose between being surveilled or not communicating with their loved ones at all. This is a coerced choice for all, but particularly for children, who cannot consent to sharing their private conversations with their mom or dad with companies that sell their personal information for profit across the country. Nor can children consent to having an artificial intelligence algorithm study and report on the child’s mood and emotions to government agencies or corporate entities looking to sell that data. Entire communities—people who are charged with no crime—become enveloped in a vast net of invasive for-profit surveillance.

304. **Surveillance Databases.** As a byproduct of its monopoly control, HomeWAV has built databases of recorded calls, texts, and emails from people in jails and prisons, a wealth of personal information that they market to those government and corporate entities willing to pay for it. The companies’ software records phone conversations and uses artificial intelligence to monitor and transcribe them. Although much is unknown about the extent of this surveillance and how it is used, the company’s technology, at a minimum, flags words and phrases within conversations and forwards them to law enforcement agencies for review.

⁹⁸ Tatiana Flowers, *People in Colorado prisons and youth detention facilities will soon be able to make free phone calls*, The Colo. Sun (May 16, 2023), <https://coloradosun.com/2023/05/16/colorado-prison-calls-bill/> [https://perma.cc/8BP3-P7MY].

305. Such intrusive surveillance tools are vulnerable to abuse. In 2020, HomeWAV failed to secure a database and left it accessible online without a password, allowing anyone to read, browse and search the transcriptions of calls between incarcerated people and their loved ones.⁹⁹ The transcriptions showed the caller's phone number, the name of the incarcerated person, and the call duration. Many of these calls were confidential conversations between attorneys and their clients.

306. To meet their customers' demands, HomeWAV offers mass surveillance tools such voice-recognition technology, which relies on machine learning to associate unique biometric identifiers with each voice that is recorded during a company-provided phone or video call.

307. As described in HomeWAV's contract with Adams County, HomeWAV utilizes Echo, a platform that can "[i]dentify all calls in which targeted inmate may have spoken." A "voiceprint" can be "searched through historical calls, allowing investigators to listen to and extract potential intelligence, regardless of suspect/inmate identity or number of telephone numbers used." *See* 2020 HomeWAV Video Contract, Ex. J at 227.

308. HomeWAV's technology not only monitors people in the jail, it also collects information on anyone who communicates with those incarcerated people, including the Plaintiffs in this case. According to Defendants' contract, the "[v]oices of NON-INMATES can also be run against database, providing investigators with unparalleled intelligence gathering tools." *See* 2020 HomeWAV Video Contract, Ex. J at 227.

309. HomeWAV boasts on its website that it "is the only inmate communications company providing continuous voice biometric services for both inmate video calls and voice calls. Keyword search capabilities efficiently determine the content and nature of conversations."¹⁰⁰

310. These voiceprints are retained upon a person's release and can identify and profile anyone whose voice reaches into their jails or prisons, including all the parents, children, family, and friends of incarcerated people.

⁹⁹ Zack Whittaker, *A prison video visitation service exposed private calls between inmates and their attorneys*, TechCrunch (Oct. 10, 2020), <https://techcrunch.com/2020/10/10/prison-visitation-homewav-leak/> [https://perma.cc/5MA2-3CFK].

¹⁰⁰ HomeWAV, *Technology*, <https://www.homewav.com/corrections/technology/> [https://perma.cc/T297-9QT4] (last visited Oct. 27, 2025).

E. Defendants' Family Visit Ban Serves No Important State Interest and Actually Damages Jail and Community Safety.¹⁰¹

311. The Family Visit Ban is enforced primarily for profit. Indeed, prohibitions on visits *harm* any other valid penological and security interests, including jail security and public safety outside the facility.

312. Decades of research establish that in-person visits between loved ones yields a cascade of profound positive effects, including for jail security. Visits benefit the psychological and social health of incarcerated people, decrease the likelihood of misconduct or disciplinary action, and increase safety for both jail staff and people in their custody.

313. Moreover, visitation decreases the likelihood of arrest and incarceration after release, increasing public safety, saving money (for families and the government), and mitigating the damage incarceration wreaks on families and communities.

i. Contact visits make the jail safer.

314. In-person visits reduce misconduct and violence, creating a significantly safer jail environment.

315. Jails and prisons physically isolate incarcerated people from their loved ones and communities, causing severe emotional distress and lasting damage to their mental, physical, and cognitive health. Harsh jail conditions—including solitary confinement, violence, and the stress of daily life—produce “a form of traumatic stress” that is “severe enough to produce post-traumatic stress reactions once released.”¹⁰²

316. Incarcerated parents also suffer tremendous harm when separated from their children. They face stressors including general worry about the well-being of their children, lack of control associated with forced separation, caregiver conflict, custody issues, concerns regarding transparency about their criminal behavior, and loss of identity as a parent. These stressors have been associated with more anxiety symptoms, more frequent institutional misconduct, and more in-facility aggression for parents who are incarcerated.

317. Regular in-person visitation is a key intervention to alleviating the traumatic and often irreparable harms of incarceration. The ability to connect face-to-face is a vital bonding opportunity for detainees and their families or friends. The moral support and continued human

¹⁰¹ The allegations in this section are supported in part by the expert testimony of Joshua C. Cochran and Vincent N. Schiraldi. See Cochran Report, Ex. M; Schiraldi Report, Ex. N.

¹⁰² Craig Haney, *Criminality in Context: The Psychological Foundations of Criminal Justice Reform* 380 (2020) (pointing to the staggering number of collateral effects of incarceration, many of which can have significant criminogenic consequences).

connections provided by families through visits helps to lessen some of the psychological damage incurred as a result of the experience of incarceration.

318. Incarcerated people who receive more frequent, regular visits with their family members tend to be less depressed, anxious, and stressed. “Improving optimism of incarcerated people could be easily overlooked as a policy target,” observes Professor Joshua Cochran, Ph.D., a national expert on visitation and correctional policy evaluation, “but it is likely important—for safety and order, for treatment effectiveness, and for reentry—that jails and prisons promote conditions for optimism.” Cochran Report, Ex. M ¶ 14.

319. Just as isolation contributes to self-harm and distress among incarcerated people, regular visits help maintain a more peaceful environment within detention facilities. Incarcerated people who receive consistent visits are substantially less likely to engage in misconduct. Even one visit can have an effect, and visits from parents or guardians are particularly effective.

320. According to Vincent Schiraldi, a corrections administrator with approximately 45 years’ experience in the corrections field, including running large institutions such as the New York City Department of Corrections (Rikers Island) and the Maryland Department of Juvenile Services, at the facilities he oversaw, “contact visits were encouraged as a means of improving staff and inmate well-being, reducing facility tensions, reducing facility incidents and violence, and improving post-release outcomes.” Schiraldi Report, Ex. N, ¶ 16. He stated, “[C]ontact visitation is the correctional field’s well-accepted standard for inmate-family visitation. It normalizes inmates in the eyes of correctional staff, reduces inmate incidents and violence, and improves inmate and staff morale and inmate behavior.” Schiraldi Report, Ex. N, ¶ 111.

321. Unsurprisingly, the available evidence shows visitation bans lead to heightened jail misconduct, and when visits are replaced by expensive and error-ridden video calls, violence and disciplinary issues tend to dramatically increase.

322. After in-person visitation was eliminated in Travis County, Texas, to take one representative example, the jail experienced a 20% surge in altercations between incarcerated people, and a 100% increase in the number of detainee-on-staff assaults.¹⁰³ Two years after the initial change, Travis County legislators brought back in-person visits to the jail.

323. Similarly, in Knox County, Tennessee, the replacement of family visits with video calls coincided with more jail violence—including more assaults on staff—and higher numbers of

¹⁰³ Jorge Renaud, Texas Crim. J. Coalition, *Video Visitation: How Private Companies Push for Visits by Video and Families Pay the Price* 4 (Oct. 2014), <https://www.prisonlegalnews.org/media/publications/Video%20Visitation%20How%20Private%20Companies%20Push%20for%20Visits%20by%20Video%2C%20Grassroots%20Leadership%20202014.pdf> [https://perma.cc/PN9M-S77W].

disciplinary infractions. The jail's own data showed that the change made detainees and jail staff all less safe.¹⁰⁴

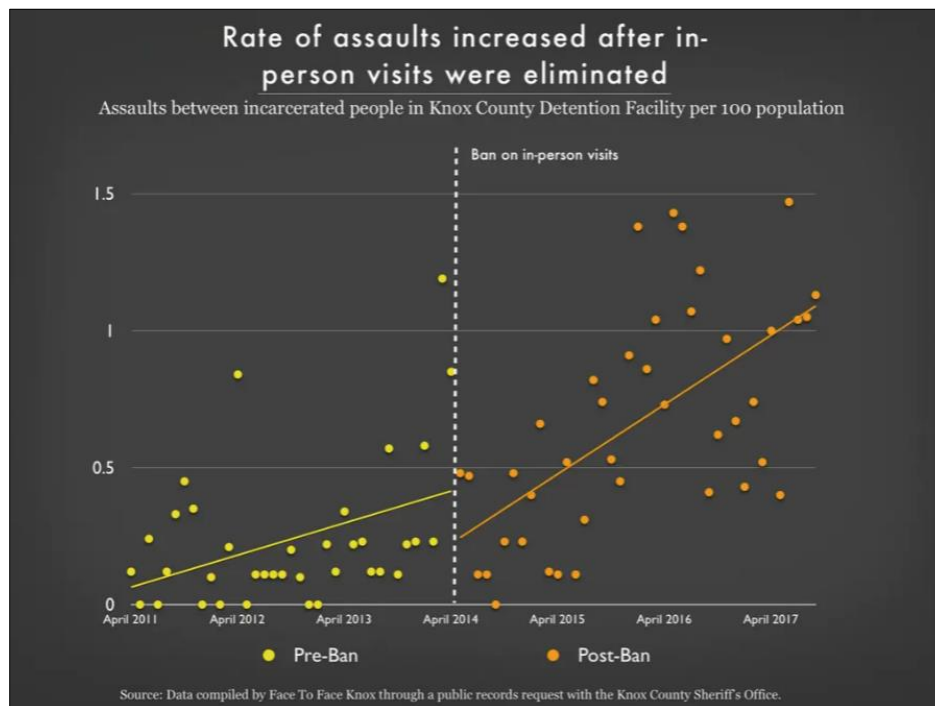


Figure 10. Jail violence went up after Knox County, TN, prohibited family visits.

324. Perhaps because of their positive effect on jail safety, in-person visits also boost staff morale. In short, when incarcerated people have something to look forward to, their interactions with the jail's workforce improve.

325. On the whole, prohibiting visits makes everyone in jails—those who work there and those who are incarcerated there—less safe and more vulnerable to violence.

- ii. Jails and prisons across the country have restored in-person visitation after its suspension without undermining safety or security.

326. In-person visits do not pose an unmanageable risk to institutional safety or security.

327. In-person visitation is the norm in state and federal prisons. The earliest days, weeks, and months of incarceration in jail, however, are a particularly difficult time when nearly everyone who is incarcerated is experiencing the pains of adjusting to incarceration. Therefore, this is a period of time when contact with one's community outside the jail is especially likely to

¹⁰⁴ Face to Face Knox, *To What End?: Assessing the Impact of the Knox County Jail's Ban on In-Person Visits* 4–5 (Jan. 29, 2018), <https://tinyurl.com/bdz6jpc5> [<https://perma.cc/R5PE-ZN3A>].

have a large mitigating effect. Thus, in-person visits produce as great benefits in jails as in the prison setting.

328. Jails and prisons operate appreciably better when those who are in custody are able to maintain family and community ties. Jurisdictions that reinstated in-person visits after suspending them cited the positive impact in-person visits can have on people in the facilities and their families without undermining the safety and security of the facilities.

329. In Dallas County, Texas, the county government reversed its ban on in-person visitation in its jail. As Dallas County Judge (an executive position) Clay Jenkins stated, “[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.”¹⁰⁵ Dallas County continues to allow in-person visits today, over a decade after their reinstatement.

330. In Mecklenburg County, North Carolina, Sheriff Gary McFadden proudly defended his jail’s return to in-person visitation, noting that it improves mental health and public safety, reduces recidivism, and reduces the likelihood that someone will commit an infraction inside the jail.¹⁰⁶ The County continues to allow in-person visits.

331. In Multnomah County, Oregon, Sheriff Dan Staton reversed the ban on in-person visits in Portland jails—which was initiated by a contract with a for-profit jail telecommunications company—to give families the option to visit incarcerated loved ones in person, in addition to offering video calls.¹⁰⁷ The Multnomah County jail continues to offer in-person visits.

332. Other jurisdictions that suspended in-person visits at the outset of the COVID-19 pandemic have since recognized the importance of visits and reinstated them.

333. In April 2020, the Michigan Department of Corrections temporarily halted in-person visits and turned to video calling as an interim replacement. In March 2021, the MDOC

¹⁰⁵ 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/> [https://perma.cc/DK9U-YL8T].

¹⁰⁶ *In-Person Visitations Restored at Mecklenburg County Jails, Sheriff’s Office Says*, WFAE 90.7 (Jan. 16, 2019), <https://www.wfae.org/post/person-visitations-restored-mecklenburg-county-jails-sheriffs-office-says> [https://perma.cc/6DYY-WV4S].

¹⁰⁷ *Multnomah County Sheriff to Preserve In-Person Visitations*, Street Roots (Mar. 3, 2015), <https://www.streetroots.org/news/2015/01/27/mult-co-sheriff-preserve-person-visitations> [https://perma.cc/HA4Q-YT5X].

restored families' access to in-person contact visitation. "Connections with family and the community lead to greater offender success," said MDOC Director Heidi Washington.¹⁰⁸

334. King County, Washington, eliminated in-person visitation during the pandemic and subsequently saw a sudden rise in the number of deaths by suicide in the jail. Family members attributed the deterioration of their loved ones' mental health to the shutdown of in-person visits. Despite overcrowding problems that increased staff-to-inmate ratios, the county decided to bring back in-person visits.¹⁰⁹

335. Ottawa County, Michigan, eliminated in-person visits for several months at the height of the pandemic but reinstated them thereafter. Ottawa County Sheriff Steve Kempker stated: "We realize that it is an important piece, not only for the communication with their families and friends . . . but also for the citizen that is lodged in our jail, for . . . their mental health."¹¹⁰

336. In Illinois, the Cook County Department of Corrections eliminated in-person visits at the jail during the COVID-19 pandemic. Sheriff Thomas J. Dart later reinstated in-person visitation, explaining that "nothing can replace seeing loved ones face-to-face. . . . We believe this is not only beneficial for those in our custody, but also for our staff, since it reduces anxiety among detainees."¹¹¹

337. The experiences of these and many other jurisdictions demonstrate that ending in-person visitation is not necessary to run a safe and secure jail—indeed, ending in-person visitation undermines those very goals. As Vincent Schiraldi explains in his expert report, contact visitation "reduces inmate incidents and violence" and "has been correlated with fewer drugs entering jails." Schiraldi Report, Ex. N., ¶ 111.

338. Indeed, in Denver County, the jail's return to contact visits for families was prompted by these very concerns. In 2017, the Office of the Independent Monitor, in response to

¹⁰⁸ Nisa Khan, *After a long, lonely year, Michiganders plan to see their incarcerated loved ones in prison*, Michigan Public Radio (Mar. 26, 2021), <https://www.michiganpublic.org/news/2021-03-26/after-a-long-lonely-year-michiganders-plan-to-see-their-incarcerated-loved-ones-in-person> [https://perma.cc/8RL5-ZUTF].

¹⁰⁹ 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/> [https://perma.cc/87NP-QLPP].

¹¹⁰ Beenish Ahmed, *One Man's Fight to Bring Back Visits in the Wayne County Jail*, Mich. Public Radio (Jan. 30, 2023), <https://www.michiganradio.org/criminal-justice-legal-system/2023-01-30/jail-visitation> [https://perma.cc/SA97-4DRZ].

¹¹¹ 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> [https://perma.cc/MZ69-TCAC].

an RFP from the Sheriff's Department seeking to renew its video calling contract, recommended the Sheriff's Office use the RFP as an opportunity to reinstate contact visits instead of continuing to separate incarcerated people from their families. The Independent Monitor noted, "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."¹¹²

339. Following the Independent Monitor's urging to "tak[e] advantage of those opportunities to try and improve behavior while inmates are inside, and reduce recidivism through in-person visitation,"¹¹³ the Denver Sheriff's Department reinstated contact visits, invested in an inviting visitation space, and started a program to allow incarcerated people to meet with their loved ones in plain clothes.

340. The changes adopted in Denver—a county adjacent to Adams—are not only possible in Adams County but also likely to improve safety within the jail and the broader County.

iii. In-person contact visits make the broader community safer.

341. Restricting visits also harms community safety. There is strong evidence that incarcerated people who receive sustained family contact through visitation are far less likely to return to jail or prison after release.

342. The beneficial effects of visitation on future contact with the criminal system have been well-known for decades. Seeing loved ones face-to-face provides crucial emotional support to people coping with the pains of family separation and incarceration, and helps to maintain, repair, and strengthen the social bonds that are crucial to leading joyous and productive lives following release.

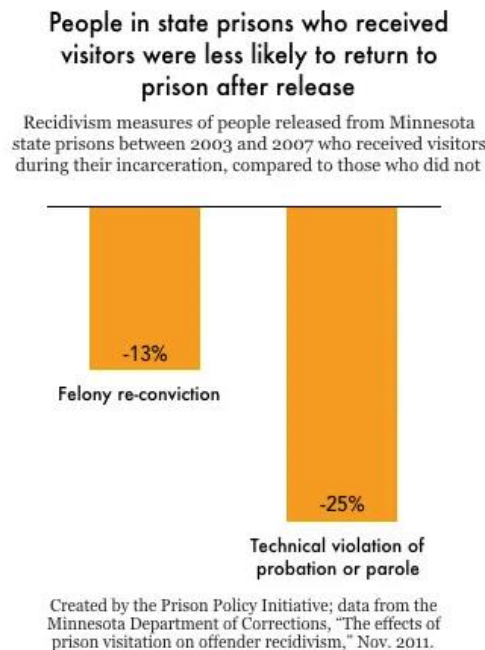
343. A study by the Minnesota Department of Corrections, the largest and most thorough of its kind, concluded that people who received visits while incarcerated were substantially less likely to recidivate.¹¹⁴ Tracking over sixteen thousand individuals released from Minnesota

¹¹² Nicholas E. Mitchell, Denver Off. of the Independent Monitor, *2017 Semi-Annual Report of the Office of the Independent Monitor* 18 (Oct. 11, 2017), *see* https://denver.prelive.opencities.com/files/assets/public/v/1/independent-monitor/documents/2017semiannualreport_oim.pdf [<https://perma.cc/2ZDU-2T73>] (footnotes omitted).

¹¹³ Michael Elizabeth Sakas, *Denver Jails Reconsider In-Person Visitation After Watchdog Says Video-Only Is "Inhumane"*, CPR News (Dec. 7, 2017), <https://www.cpr.org/2017/12/07/denver-jails-reconsider-in-person-visitation-after-watchdog-says-video-only-is-inhumane/> [<https://perma.cc/Y7Z5-ZKF6>].

¹¹⁴ Grant Duwe & Valerie Clark, *Blessed Be the Social Tie that Binds: The Effects of Prison Visitation on Offender Recidivism*, 24 Crim. Just. Pol'y Rev. 271, 277 (2013), <https://journals.sagepub.com/doi/10.1177/0887403411429724>.

prisons, the study showed that, when controlling for numerous other factors, prisoners who received visits were 13% less likely to be reconvicted of a felony after release and 25% less likely to have their probation or parole revoked.



344. If anything, the Minnesota study is an *underestimate* of the benefits of visitation on community safety. A meta-analysis examining findings from 16 different empirical studies found that people who experienced in-person visits while incarcerated were 26% less likely to be re-arrested than their unvisited peers.¹¹⁵ The frequency of visits matters too. More frequent visits amplify the positive effects of visitation.

345. Visitation also makes it more likely someone will be employed after release. A large-scale study of more than 15,000 individuals released from Minnesota state prisons found that in-person visits significantly predicted employment in the short and long term. In fact, visitation's effect was comparable to the more targeted interventions offered in state prisons, such as

¹¹⁵ Meghan M. Mitchell et al., *The Effect of Prison Visitation on Reentry Success: A Meta-Analysis*, 47 J. Crim. Just. 74 (Dec. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0047235216300575> [https://perma.cc/EV4B-HAD3].

vocational rehabilitation or work release, in its beneficial impact.¹¹⁶ Other studies have reached similar conclusions about the employment-boosting power of in-person visits.

346. In sum, in-person jail visits directly contribute to higher rates of employment, lower rates of criminal activity, safer communities, and less expenditure of taxpayer dollars. For these reasons, researchers refer to families of incarcerated people as the “prime treatment agent,” and contact with families as “a major correctional technique” that leaves everyone better off.¹¹⁷ There is no evidence that video calls have a comparable effect. Prohibiting in-person visits as Defendants have done imperils the health and safety of incarcerated persons, staff, and the public at large.

347. The positive impact of jail visits on community safety have been recognized by neighboring Denver County. According to its Office of the Independent Monitor, “[b]y maintaining family and community bonds during incarceration, in-person visits can also help ease inmates’ transitions back into the community. In particular, in-person visits have been shown to decrease inmates’ likelihood of reoffending after release by up to 30%. At least one study suggests that the likelihood of violent reoffending may be reduced by as much as 47%.”¹¹⁸

V. CLASS ACTION ALLEGATIONS

348. Plaintiffs assert their claims individually and pursuant to C.R.C.P. 23 on behalf of a class of persons they seek to represent.

349. Plaintiffs seek to certify one class and one subclass of similarly situated people defined as follows:

- The Class consists of all individuals with a parent or child detained in the Adams County Detention Facility, located at 150 N 19th Ave, Brighton, CO 80601, at any time since October 28, 2023.
- The Prospective Relief Subclass consists of all Class Members whose parent or child is currently detained, or will become detained in the future, in the Adams County Detention Facility.

¹¹⁶ Grant Duwe & Valerie A. Clark, *Nothing Will Work Unless You Did: The Predictors of Postprison Employment*, 44 Crim. Just. & Behavior 657 (2017), <https://journals.sagepub.com/doi/abs/10.1177/0093854816689104>.

¹¹⁷ Norman Holt & Donald Miller, Cal. Dep’t of Corrs., *Research Report No. 46: Explorations in Inmate-Family Relationships 2* (1972), https://www.prisonlegalnews.org/media/publications/holt_miller_prisoner_and_family_relations_hip_recidivism_study_1972.pdf [https://perma.cc/B435-SZPK].

¹¹⁸ Mitchell, *supra* note 112 at 18 (footnotes omitted).

350. The Prospective Relief Subclass is, by its nature, a transitory class seeking only declaratory and injunctive relief on behalf of people whose own individual claims for prospective relief would be capable of repetition yet evading review absent the ability to proceed as a class.

351. The class allegations and law are set forth in this Complaint and also in detail in the accompanying Motion for Class Certification.

352. **Numerosity.** Upon information and belief, the Class and Subclass each have hundreds or even thousands of class members. In the first quarter of 2025, 3,329 people were booked into the Adams County jail. Many of those people will have parents or children impacted by the Family Visit Ban. The members of the proposed Class and Subclass are so numerous that joinder of all members is impracticable. The members of the Class are identifiable through the records of the Adams County jail, and further identifiable through public records. A class action is the only practicable means by which Plaintiffs and Class members can challenge Defendants' unconstitutional policies and practices.

353. **Commonality.** There are multiple questions of law and fact common to all members of the Class and Subclass. Because this case is a quintessential class action challenging the application of a blanket government policy to a group of people harmed by it, the entire set of dispositive factual and legal questions, as well as the subsidiary ones on which they rely, are shared. These include questions about what the visitation policy is, how the profit scheme works, and whether the visitation policy is lawful.

354. Plaintiffs' claims are based on the factual allegation that Defendants bar them from visiting loved ones at the jail, and that Defendants uniformly apply this policy to all Class members. Every form of evidence and proof concerning how, why, and when those policies were and are enforced, who developed them (including how Defendants acted in concert), and what effective alternative policies exist that would not require a prohibition on visits are common questions of fact.

355. Similarly, the evidence concerning the empirical research—including expert testimony—showing how such policies affect children, parents, and jail administration present common questions of fact.

356. There are also ample and dispositive questions of law that must be resolved to address all claims. First, Plaintiffs assert fundamental rights to familial association and to maintain family relationships, which have been infringed by Defendants. The Court will, therefore, be required to define the scope of these rights under the Colorado Constitution in this context and, relatedly, whether the actions taken by Defendants infringe on fundamental protections. Second, in answering those questions, the Court will be required to determine the level of scrutiny that is warranted when those important rights are infringed. Third, the Court will be called upon to apply the common facts to the common questions of law to determine whether Defendants' violation of the Plaintiffs' rights is necessary to further a compelling government interest. Fourth, as Plaintiffs allege a conspiracy between County Defendants and HomeWAV to enforce and profit from a

prohibition on family visits, the Court must apply the common evidence of such a conspiracy to liability for the entire Class. Thus, common questions include, but are not limited to:

- Do Defendants prohibit Class members from visiting their parents and children at the Adams County jail?
- Do Defendants prohibit Class members from attending contact visits with their parents and children incarcerated at the Adams County jail?
- Do children and parents enjoy rights under the Colorado Constitution to familial association and to maintain family relationships?
- Does Defendants' blanket prohibition of in-person visits infringe on the Class members' rights to familial association and to maintain family relationships?
- What level of scrutiny is warranted when Plaintiffs' fundamental rights to familial association and to maintain family relationships are infringed?
- Do Defendants meet the standard of constitutional scrutiny required to justify such a deprivation?
- Did Defendants act in concert to profit from the Family Visit Ban in the Adams County jail?

357. **Superiority.** A class action is the superior method to adjudicate the claims as common questions of law and fact predominate over questions affecting only individual class members. Defendants have acted and failed to act in a manner that applies generally to the Class and Subclass as a whole, rendering class-wide relief appropriate.

358. **Typicality.** Plaintiffs' claims are typical of the claims of the Class and Subclass. That typicality stems from the fact that Defendants have denied each Class member family contact in violation of the same constitutional and legal rights. Additionally, Plaintiffs, like every other Class member, are injured by the same unconstitutional policies and practices maintained by Defendants.

359. **Adequacy.** Plaintiffs will fairly and adequately represent the interests of the Class and Subclass. Plaintiffs do not have any conflicts with the unnamed members of the proposed Class or Subclass.

360. Plaintiffs are represented by attorneys from Civil Rights Corps, Public Justice, Singleton Schreiber, LLP, Maxted Law LLC, National Center for Youth Law, and Spero Justice Center, each of whom has extensive knowledge of both the details of Defendants' practices and the relevant law. Counsel from Civil Rights Corps, Public Justice, Singleton Schreiber, LLP, Maxted Law LLC, and National Center for Youth Law have experience litigating complex civil rights class action matters. Plaintiffs' counsel have the resources, expertise, and experience to prosecute this action.

361. The Class seeks certification under C.R.C.P. 23(a), (b)(3) and (c)(4) as there are questions of law and fact common to all Class members, including those identified above, which predominate over any questions affecting only individual members, and a class action is a superior to other methods for fairly and efficiently adjudicating the controversy. A class action is the only practicable means by which Plaintiffs and Class members can challenge Defendants' unconstitutional policies and practices.

362. In addition, the Prospective Relief Class seeks certification under C.R.C.P. 23(a) and (b)(2), as Defendants have acted and refused to act on grounds that apply generally to the Subclass, such that final injunctive relief and corresponding declaratory relief is appropriate for the Subclass as a whole.

VI. CLAIMS FOR RELIEF

COUNT I: C.R.S. § 13-21-131

Rights to Familial Association and to Maintain Family Relationships

*All Named Plaintiffs, individually and on behalf of the Class,
Against Sheriff Gene Claps and Jail Division Chief Bill Dunning, in their individual capacities,
for Damages and Declaratory, Preliminary Injunctive, and Permanent Injunctive Relief*

363. Plaintiffs re-allege and incorporate by reference the preceding allegations in this Complaint as if fully set forth herein.

364. Defendants Claps and Dunning ban in-person and contact visits at the Adams County jail for families, including Plaintiffs and members of the putative class.

365. Defendants Claps and Dunning acted under color of state law and within the course and scope of their employment as law enforcement officers at all times relevant to the allegations in this Complaint.

366. At all relevant times, Defendants Claps and Dunning were “peace officers” under C.R.S. § 24-31-901(3) and were employed by a local government, Adams County.

367. Defendants Claps and Dunning promulgated the December 2023 Inmate Rules, currently in effect in the jail, that ban contact visits.

368. Plaintiffs have fundamental rights to familial association and to maintain family relationships under the Colorado Constitution, including the Due Process Clause, art. 2, § 25, the

Inalienable Rights art. 2, § 3, and the Unenumerated Rights Clause, art. 2, § 28, all of which protect rights that are not explicitly enumerated in the state Constitution.¹¹⁹

369. Plaintiffs’ fundamental rights may be infringed only where the government demonstrates that the infringement is necessary to further a compelling government interest. Defendants’ ban on in-person visits does not meet such a standard. Even if a lesser standard applied, Defendants could not meet it because the blanket Family Visit Ban is not sufficiently related to any legitimate penological interest, and because the ban is both pursued for profit and an inappropriate response to any purported legitimate interests.

370. Defendants’ Family Visit Ban violates Plaintiffs’ fundamental rights to familial association and to maintain family relationships by preventing them from hugging, touching, making eye contact with, intimately communicating with, or spending time in the same room with their incarcerated parents and children. The prohibition on physical presence and contact causes irreparable harm to the parent-child relationship and inflicts significant, lasting trauma. The ban is arbitrary, irrational, and unnecessary to further any conceivable penological interest.

371. In coordinating, implementing, and enforcing the Family Visit Ban, Defendants Claps and Dunning willfully and intentionally violate Plaintiffs’ constitutional rights and act with reckless indifference to such rights.

COUNT II:

Rights to Familial Association and to Maintain Family Relationships

*All Named Plaintiffs seeking to represent the Prospective Relief Subclass,
individually and on behalf of the Prospective Relief Subclass,
Against Sheriff Gene Claps and Jail Division Chief Bill Dunning, in their official capacities, and
the Board of County Commissioners of Adams County
for Declaratory, Preliminary Injunctive, and Permanent Injunctive Relief*

372. Plaintiffs re-allege and incorporate by reference the preceding allegations in this Complaint as if fully set forth herein.

373. Plaintiffs have fundamental rights to familial association and to maintain family relationships under the Colorado Constitution, including the Due Process Clause, art. 2, § 25, the Inalienable Rights art. 2, § 3, and the Unenumerated Rights Clause, art. 2, § 28, all of which protect rights that are not explicitly enumerated in the state Constitution.¹²⁰

¹¹⁹ See, e.g., *Salah v. People*, 2024 CO 54, ¶ 27, 550 P.3d 698, 705 (“[T]he parent-child relationship is afforded the greatest constitutional protection within the context of the right to familial association.”).

¹²⁰ See, e.g., *Salah v. People*, 2024 CO 54, ¶ 27, 550 P.3d 698, 705 (“[T]he parent-child relationship is afforded the greatest constitutional protection within the context of the right to familial association.”).

374. Plaintiffs' fundamental rights may be infringed only where the government demonstrates that the infringement is necessary to further a compelling government interest. Defendants' ban on in-person visits does not meet such a standard. Even if a lesser standard applied, Defendants could not meet it because the blanket Family Visit Ban is not sufficiently related to any legitimate penological interest, and because the ban is both pursued for profit and an inappropriate response to any purported legitimate interests.

375. Defendants' Family Visit Ban violates Plaintiffs' fundamental rights to family integrity and familial association by preventing them from hugging, touching, making eye contact with, intimately communicating with, or spending time in the same room with their incarcerated parents and children. The prohibition on physical presence and contact causes irreparable harm to the parent-child relationship and inflicts significant, lasting trauma. The ban is arbitrary, irrational, and unnecessary to further any conceivable penological interest.

376. The Board of County Commissions of Adams County willfully and intentionally violates Plaintiffs' constitutional rights and acts with reckless indifference to such rights through its contracting, budgeting, and funding authority for the Adams County jail. Defendant County further violates Plaintiffs' constitutional rights by failing to fulfill its statutory obligations to inspect and correct unconstitutional conditions within the jail.

377. In coordinating, implementing, and enforcing the Family Visit Ban, the Adams County Sheriff's Office willfully and intentionally violates Plaintiffs' constitutional rights and acted with reckless indifference to such rights.

**COUNT III:
Conspiracy**

*All Named Plaintiffs, individually and on behalf of the Class,
Against HomeWAV for Damages*

*All Named Plaintiffs seeking to represent the Prospective Relief Subclass,
individually and on behalf of the Prospective Relief Subclass,
Against All Defendants for Declaratory and Permanent Injunctive Relief*

378. Plaintiffs re-allege and incorporate by reference the preceding allegations in this Complaint as if fully set forth herein.

379. Defendants conspire to violate Plaintiffs' constitutional rights by unnecessarily and indiscriminately prohibiting in-person visits, separating children from their parents.

380. HomeWAV and the County Defendants, in concert with one another, have, through their acts and omissions, ratified, adopted, and approved the policies that have resulted in Plaintiffs' injuries. Specifically, they have acted together to prohibit in-person family visits at the Adams County jail, violating Plaintiffs' constitutional rights to familial association and to maintain family relationships. Defendants reached a meeting of the minds to profit from the violation of Plaintiffs' constitutional rights.

381. HomeWAV and the County Defendants each intended that their actions would lead to prohibiting Plaintiffs' ability to visit their parents and children in-person at the county jail in order to increase cash payments to themselves. And the combined actions of HomeWAV and the County Defendants did and do in fact prohibit in-person visitation at the jail, violating Plaintiffs' constitutional rights.

382. Throughout the conspiracy, the County Defendants have directly violated Plaintiffs' constitutional rights by enforcing a total jail-wide ban on in-person visits. Since joining the conspiracy in 2020, HomeWAV has encouraged, lent aid to, and financially incentivized the County Defendants to prohibit in-person visits. HomeWAV continues to pay, assist, and encourage the County Defendants to maintain their total and unlawful visitation ban.

383. HomeWAV and County Defendants have known of each other's tortious conduct and have intended to aid in its commission. HomeWAV and County Defendants' tortious conduct has caused, and continues to cause, grievous and lasting harm to Plaintiffs.

VII. JURY DEMAND

384. Plaintiffs demand trial by a jury of six for all issues triable by a jury.

VIII. REQUEST FOR RELIEF

385. WHEREFORE, on the basis of the foregoing, Plaintiffs request that this Court enter judgment in their favor and issue the following relief:

- Pursuant to C.R.C.P. 17(c), appoint the next friends as nominated in ¶¶ 16–18, *supra*;
- Certify this action as a class action pursuant to C.R.C.P. 23(b)(3) with a Prospective Relief Subclass pursuant to C.R.C.P. 23(b)(2); designate Plaintiffs E.L., D.L., J.B., Ashlee Trujillo, and Cassondra Reeves as representatives for the Class, with E.L., D.L., and Ashley Trujillo also representatives for the Subclass; and designate Public Justice, Civil Rights Corps, Singleton Schreiber, LLP, Maxted Law LLC, National Center for Youth Law, and Spero Justice Center as class counsel;
- Declare that Defendants violate Plaintiffs' rights under the Colorado Constitution by enforcing a blanket denial of Plaintiffs' ability to visit their parents or children in person;
- Grant a temporary restraining order as to Defendants Adams County Sheriff Claps (in his official and individual capacities), Board of County Commissioners of Adams County, and Adams County Jail Division Chief Dunning (in his official and individual capacities) enjoining them from continuing to enforce the Family Visit Ban against Plaintiffs E.L., D.L., and Ashlee Trujillo, whose loved ones are currently incarcerated in the jail;

- Grant preliminary and permanent injunctions as to Defendants Adams County Sheriff Claps (in his official and individual capacities), Board of County Commissioners of Adams County, and Adams County Jail Division Chief Dunning (in his official and individual capacities) enjoining them from continuing to enforce the Family Visit Ban;
- Grant a permanent injunction against Defendant HomeWAV, enjoining it from continuing to conspire to prohibit in-person visits;
- Award compensatory and exemplary damages against Defendants Sheriff Claps (in his individual capacity), Chief Dunning (in his individual capacity), and HomeWAV to be determined at a jury trial;
- Award equitable relief in the form of disgorged profits made from depriving parents and children of in-person visits from Defendants Board of County Commissioners of Adams County and HomeWAV;
- Award reasonable expenses and costs of litigation;
- Award reasonable attorney's fees; and
- Award such other relief as the Court deems just and proper.

Date: October 28, 2025,

Respectfully submitted,

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**Application for admission pro hac vice forthcoming*