

May 27, 2015

Dear Colleagues:

We write with important information concerning *Franco-Gonzalez v. Holder*, a class action lawsuit concerning the rights of immigrant detainees in Arizona, California, and Washington with serious mental disabilities.

On March 2, 2015, the *Franco* Court appointed a monitor, Katherine Mahoney, to oversee the Government's compliance with (1) the district court's April 2013 order granting a Permanent Injunction requiring the Government to, *inter alia*, provide legal representation to any class member who is determined to be incompetent to represent herself by reason of a serious mental disability; and (2) the district court's October 2014 comprehensive Implementation Plan Order, which set forth both substantive and procedural rules for determining the competency of *Franco* class members who have serious mental disabilities. The Government claims to have fully implemented this Order in January 2015. All three orders are available at <https://www.aclusocal.org/franco/>.

Ms. Mahoney has broad authority to collect information and data regarding the Government's compliance with the *Franco* injunction and investigate possible violations of the court's orders. She is also responsible for issuing periodic reports to the court regarding the Government's compliance.

Ms. Mahoney is authorized to receive communication from any interested stakeholders – including class members and their families, as well as attorneys and other advocates – regarding the Government's compliance with the Court's orders. If you are aware of, or have observed, potential violations of the court's Permanent Injunction or Implementation Plan Order, or have any concerns regarding the ways in which the Government is implementing the Court's orders, please contact her at:

1-844-687-1800  
[francomonitor@gmail.com](mailto:francomonitor@gmail.com).

Ms. Mahoney may not respond to every call or email, but she will reply if she needs additional information in order to investigate the incident or practice in question. Ms. Mahoney has asked that in each communication, you provide the following information if possible:

- Attorney name & employer
- Attorney contact information
- If report pertains to a specific Class Member:
  - A number
  - Facility where detained
  - Procedural posture of case
  - Next hearing date (or other important date)
  - Description of issue/incident
- If report pertains to a policy/practice at a particular facility:

- Facility
- Description of the issue/incident
- Titles of individuals involved in the issue/incident (if known)
- Date(s) of the issue/incident
- How the attorney became aware of the issue/incident being reported (i.e. personal observation, detainee call, detainee family members, etc.)

We hope that this information will be of use to you as you work with immigrants with serious mental disabilities. Further information regarding the Monitor and the Reopening Agreement are available at:

<https://www.aclusocal.org/franco/>

If you have any further questions about the *Franco* litigation, feel free to contact me at the email address below, or *Franco* class counsel generally at:

323-553-1244

[classcounselfranco@aclu-sc.me](mailto:classcounselfranco@aclu-sc.me)

Take care,  
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