

VAWA Confidentiality Workshop Scenario¹ (March 29, 2019)

Lupe received a temporary protection order against her husband Joe. Joe was served and both parties appear in court for the full protection order hearing. Lupe came to your courtroom with her legal services attorney on their assigned court date. Lupe's husband came into the courtroom, looked at something on his phone and left your courtroom to speak with someone in the hallway outside of your courtroom. Joe then returned to the courtroom and was approached by a man wearing a sweatpants, a sweatshirt with a hoodie and diamond stud earrings. The man spoke with Joe and you observe Joe pointing to Lupe on the other side of your courtroom so that the man could identify her.

The man later identified himself to you as Lupe as ICE Special Agent Brown. After speaking with Joe in your courtroom, Special Agent Brown approached Lupe and acted aggressive, saying that Lupe had to go with him because he was an ICE agent. When Lupe's attorney asked for Special Agent Brown's badge number and first name, he refused, saying, "Special Agent Brown is all you need to know." He was insistent that he take Lupe and the witness Lupe brought with her to court to testify at the protection order hearing immediately, despite Lupe's protection order case had not yet been completed. Special Agent Brown also said that he didn't care that Lupe had a court date set for a hearing on her protection order, because she was illegal she did not have the right to even be in the courtroom.

The exchange culminated when Special Agent Brown handcuffed the wrists of Lupe and the witness Lupe brought with her to court. Lupe told the ICE agent in Spanish that the cuffs were too tight and were hurting her wrists. Lupe's attorney asked Special Agent Brown if he understood Lupe, as she had spoken Spanish. Mr. Brown stood approximately 1 foot from the Lupe's face and shouted at her in the courtroom "What the f---! I can get my whole f----- hand in here!" referring to the fact that the handcuffs were not too tight.

Lupe's attorney asked if she could accompany her client to the ICE office in town. Special Agent Brown refused to allow the Lupe's attorney to accompany Lupe and also refused to give any information as to where the attorney could meet Lupe when she arrived at the ICE office. You as the protection order judge witnessed and heard this full exchange.

- List steps could the judge take that would have helped ensure access to justice for Lupe in this case.

¹ These facts were taken from an actual case that occurred in a protection order courtroom in 2007.