

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DECLARATION OF RASA BUNIKIENE

Rasa Bunikiene makes the following declaration under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Rasa Bunikiene. My children are Egle Baubonyte, who is fifteen years old, and Saule Bunikyte, who is nine years old. I am Lithuanian.

2. Saule, Egle and I have been in jail at the T. Don Hutto Family Residential Center ("Hutto") since December 15, 2006. No one has accused me or my daughters of presenting a danger to anyone. But they have trapped us at Hutto where I cannot be a good mother to my daughters. I cannot make any decisions about what is good for them or what is not. The guards are in charge of everything and we must get their permission for everything and do whatever they say. We are always being monitored like convicts. All of the control that the guards have is making us crazy. I cannot communicate with my children anymore, I cry for no reason, I don't want to live anymore. Saule says "Mom, you are always mad at me," but I am not, I am just losing my mind. No guards have ever asked me what is wrong but they are watching me falling apart.

3. As far as I know, the U.S. government has not considered my kids or me for release under reasonable conditions of supervision. My husband, Paul Velasquez, lives in Chicago. He is a U.S. citizen and he wants to take care of his stepdaughters. He is distraught that they are living in a jail. He would do anything he can in order to get them out of Hutto and back into school. But I don't think the government has done anything so my kids can be with their stepfather.

4. Hutto cannot be the least restrictive alternative available for my daughters. They were trapped in our small cell for 11 or 12 hours each day for days and days and weeks and weeks. Starting only on March 12, we are not trapped in our cells for half the day. But still we can't move where we want when we want and do things like free people. We have to always ask the guards, can we do this? Can we do that? We cannot make a step outside the pod door without being escorted by a guard. There is a sign that says "keep residents away from the door at all times!" A woman who had been moved to another pod wrote a note to her friend, a woman in my pod, and gave it to her and the guards caught her. A young male guard with glasses told us that they might close everything and lock us in our cells for 24 hours a day for as long as needed if anyone did anything like that again. If we were not in jail, we would keep arriving on time for our court dates, just as we have been. Being trapped at Hutto is driving us nuts. There are other ways to make sure we follow the laws, my girls don't need to be in prison. In fact we have missed a court date because we are trapped in here and ICE did not take us to appear in front of the judge even though they were supposed to.

5. The girls and I do not know why we are in jail. We never got anything like a notice of reasons for why the children are imprisoned here. There was no real reason to detain them. It was absolute overexercising of power by ICE. This place is not a place for children. The guards are mean to kids. I don't think this place has any license for taking care of kids, it is a prison.

6. I never saw that Egje and Saule were evaluated to determine what their individualized or special needs are.

7. The living conditions here are bad for my kids. My daughters and I share a small cell. We all have to use the toilet in front of each other and right next to our beds. The mattresses on the beds are too thin. Our cell is damp and, during the winter, it was very cold and water still leaks into it. However now that it is spring they cannot control the humidity and the pod and cells are stuffy. For many weeks and months, the showers had only freezing cold water available but that is starting to get better.

8. The food here is disgusting, and I am really upset that I cannot get anything better for Egle and Saule to eat. The food often consists of sweet corn, which is brown. Sometimes, there is a slice of bologna. Other times I cannot even recognize what we are being served. It is certainly not fresh vegetables and rarely meat. We bring back our trays untouched. Food is high in fat and indigestible; it is overprocessed and not nutritious, therefore not appropriate for children's developing bodies. Families are prohibited from taking food and juice out of the cafeteria. They guards used to rush us through meals and Saule would never be able to finish. Often my kids and I just went to sleep because we were too hungry. Now, they give us a little more time. We are not allowed to take food or juice out of the cafeteria. Until recently, there was no food available outside of the cafeteria at all. Saule and Egle often get stomachaches after meals. Only on the days when there is an inspector here or on the day of the media visit is the food any better.

9. Egle and Saule have to wear the prison uniform, even though they had their own clothing when we arrived at Hutto. They are forced to wear prison clothes instead. The "Hutto Overview" says "jail uniforms are not worn." [Declaration of Marc Moore, Exhibit A at p. 20] (hereinafter "Moore Declaration"). These clothes are jail

uniforms, even the guard confirms that. They wear the same clothes all day, including to sleep and to recreation. There are no pajamas. This is against elementary hygiene. One day each week they have to wear dirty clothes, because of the laundry cycle. The underwear they were given is gray, not white, and much of it is clearly stained from other people. Saule spilled milk on her shirt once. The shirt came back from the laundry with the stain still there. The clothes smell even after the laundry. I try to pre-wash all the clothes before they go to the laundry so that blood stains and other stains do not stay in the clothes, but it is hard. The clothes are not enough to keep my kids warm. They are often shivering. They have gotten sick several times because they are too cold. I had to ask to get a long-sleeve shirt for Egle for two weeks until she finally got it. They do not have long sleeved shirts or sweaters for adults, only for little kids. Adults only get windbreaker jackets.

10. Doctors at Hutto have given my children poor care. None of us got a complete medical examination when we arrived. When Saule got a fever in the night they refused to take her to the doctor, even though I filled out a sick call slip. I was very upset. I made a fuss. By the time she got to the doctor in the morning she had a very high fever. They gave her Tylenol, but they did not try to treat the underlying cause of the illness. They refuse to treat people unless they are very, very sick. Emergency care seems to be getting better, but the nurses have a bad and rude attitude towards the residents. They are compassionless. It is clear they do not want to help us.

11. We have also had problems with dental care at Hutto. At the beginning we were told that they do not and will not provide orthodontic care and will only take braces off. Egle has braces and since we got to Hutto the wires have broken and are

causing her lots of pain. They will not provide her with any access to dental care to take care of it. Saule has a toothache, but is afraid to ask for care for it because she thinks they will just yank it out.

12. Egle and Saule are sad and depressed here. They cry often. It was especially hard at Christmastime. We were all broken-hearted. There is nothing to celebrate here. I know that Egle and Saule are clinically depressed. I am also. I see that Egle is withdrawing into herself. She just sits on the bed and does nothing. She withdraws from the pod. There is no one here her age, she is isolated and alone. She cries and cries. When I ask her why, she says nothing. There are counseling services available for them, but the counselor is very limited, and cannot help them cope with the hardship of being here.

13. Before we came to Hutto, Egle was in the ninth grade and Saule was in the third grade in Crystal Lake, Illinois. The education they are receiving at Hutto is a joke in comparison. When we first arrived here, they were in school only one hour per day and with many, many children. Now their classes are smaller and they go to school for more hours each day, but they still learn little class. The high school math consists of learning fractions, multiplication, and addition. Egle says the children receive lessons such as "Australia is cold" and "Africa is a country." Saule was moved from the elementary school class into the middle school class because the work was so easy for her and I made a fuss, but she is still learning little. There is no consistent reading program; the education is scattered and teachers do not meet the individual needs of children. On Fridays, Saule's class often watches movies.

14. I read the description of the education program at Hutto in the "Hutto Overview" attached to Marc Moore's statement. [Moore Declaration, Exhibit A at p. 7-8]. Almost none of what I read is true. There is no computer education and none has ever been available to anyone, kids or adults. There are no music classes or art classes. The description in the "Hutto Overview" bears no resemblance to the actual education program in Hutto.

15. Egle and Saule don't have enough books to read in English. Most of the books that are available are not written in English and are not appropriate for their ages. We have been to the library four times since we came to Hutto. The first time, in December, we were kicked out because a staff member had some items in the library. The next two times, at the beginning of February, we were allowed to take as many books as we wanted, which was wonderful. The fourth and last time, Captain Paige took our books and said residents are not allowed to be in the library! She took all our books away. I filed a grievance about this incident and put it in the box but no one has ever responded to me. I told the guards that the handbook says we are allowed to go to the library once a week. But they don't care. The library cart has come to our pod four times, but almost all the books on the cart are in Spanish. Marc Moore's statement says the law library is available 5 days per week to residents. [Moore Declaration, Exhibit A at p. 3]. That is absolutely not true. It is easier to get an appointment with God than to get into the law library.

16. Marc Moore's Exhibit says all new residents receive a thorough orientation and everyone is told all the rules and the potential consequences for failing to abide by the rules. [Moore Declaration, Exhibit A at p. 17]. It also says Hutto has a

grievance process for its residents to utilize and all grievances are promptly handled. *Id.* I have filed numerous grievances and none have been handled. I have never heard any response at all. Many rules the guards claim exist are not written down or posted anywhere. Guards also threaten consequences for breaking these unwritten rules, like separating families. It is impossible to feel safe and know that my family is going to be alright when the rules seem to change all the time and the “consequences” seem so arbitrary and cruel.

17. My kids also do not get enough chances to run around and play. They are not allowed to have their own toys, crayons, pencils, or pens. They are not allowed to keep toys or writing materials in the cells. They need to ask a guard to borrow a pencil if they want to do homework, which they don’t often get. Until a few weeks ago, we got outside very seldom. The children did not get enough fresh air. The “Hutto Overview” says “physical wellness is emphasized through an active indoor and outdoor recreational program. [Moore Declaration, Exhibit A at p. 6]. There is no recreational program as such. Residents are brought to the gym and left to themselves.

18. If my husband came to visit, we would not be able to touch him. We would be separated by the glass and would only be allowed to talk to him on the phone. That would not satisfy anyone, so we have told Paul not to come see us.

19. My kids and I have no privacy. We shower and dress in front of strangers. We have been warned that when we make phone calls, they are being monitored. I worry that even my calls to my lawyer is being monitored. They read our mail. When my husband mailed books for me and the girls, the guards told us that they were contraband and took them away. Contraband is a prison word. Since when are children’s books

“contraband”? We are not allowed to hang a curtain over the window into our cell. Some guards make us keep the door open. If we close it, they might interrupt us, even if we are using the toilet.

20. Guards yell at kids for running around, making noise, and climbing on furniture. The threat parents here are always under is that children will be taken away from their parents if they misbehave. Of course, Saule and Egle are very scared of the possibility of being in jail without me. The Hutto Overview says all facility staff members receive more than 24 hours of specialized training in dealing with children, but children are often mentally abused by staff members. We are always stressed and depressed as a result of these threats.

21. Hutto has been cleaned up in recent days and weeks. There are now pictures hanging in the cafeteria, fake trees, napkin holders on the tables, paintings, and exercise tapes played during recreation. Despite these touches, the utensils we have to eat with are still dirty, and we are still in jail. A jail is a jail no matter what. Barred doors were covered with a drywall only a few weeks ago. There are long corridors without windows. Guards interrupt us when we use the bathroom. I can only see the sun shining through a window that is three inches wide. There are prison bars everywhere. Every step that we take is controlled by the guards. We cannot open doors without the guards, we cannot enter a corridor without the guards. Each of our movements is monitored. We can't leave our pod without supervision. This place is a prison. It is making me crazy.

22. I know that despite my attempts to hold myself, I am sinking into depression. I am physically ill. I cry and cry. I don't want to live any more. I feel an

enormous sense of guilt that my girls are suffering here in this place. I am going nuts. My daughters feel guilty. They think they have done something wrong. But they have done nothing wrong, they are only young children. All the guards here know that I am falling apart. No one is helping me, no one has reached out to help me. No plastic plants or paintings on a wall can cure this awful place of its misery.

I, Rasa Bunikiene, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

EXECUTED on March 18, 2007

Rasa Bunikiene
Rasa Bunikiene

Williamson County, Texas