

CHURCH OF THE GARDENS

Law/Political Science

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El Abandonado

The Abandoned

by
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We have all seen them, scruffy and unkempt. Living in the shadows, standing on the street corner or near freeway on and off ramps holding signs. Sometimes you simply ignore that they are even there. Other times you wonder how it came to be? What is their story?

These are the faces of homelessness that we so frequently see. Those living, breathing, tangible broken human pieces that remind us of the failures of humanity. These are the faces we easily see and touch that are paraded across our television screens on the nightly news or are talked about at countless city and county council meetings. These are the people that are used by government agencies to plead for grants, dollars and donations to help “eliminate homelessness”. Much has been written about these lost souls and many programs have been developed to try and help them. This story however is not about these visible reminders. I want you to look deeper, and beyond the surface where you discover *el abandonado* - the abandoned. These are the people who are homeless; people who have lost their homes through unlawful foreclosures; and people who have been incarcerated and released only to find that in spite of completing their sentence, they are still punished by society being unable to get employment or housing.

El abandonado often suffer from disabilities, and while we do have the ADA oftimes it doesn't protect those that are the most vulnerable. Why? Because if you dig deep enough, you will find that there is one common denominator. They are the victims of corrupt judicial and governmental systems and a society that finds it easier to turn away than to get involved.

During 12 months ending January 2016 there were 9,979 completed foreclosures in Washington State¹. Washington State allows non-judicial foreclosures, which means that there is no oversight by the Court or Judge to ensure the process is completed correctly and fairly. We also have judicial foreclosures where one party or another with standing, brings suit to either

¹ *National Foreclosure Report January 2016 - CoreLogic*

foreclose on a property or to stop the foreclosure of a property. Many, if not most of these people who *were* homeowners become homeless as a result of the foreclosure.

The November 2016 Annual Homeless Assessment Report (AHAR) to Congress, Washington State saw an increase of 11% in the homeless population over the previous year. That is the 2nd highest increase in the country and 54% of the homeless were unsheltered, (Unsheltered Homelessness refers to people whose primary nighttime residence is a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for people (for example, the streets, vehicles, or parks)).

Homeless people are three to four times more likely to die than the general population.² Normally housed women have higher life expectancies than housed men, however, homeless men and women have similar risks of premature mortality. In fact, young homeless women are 4 to 31 times as likely to die early as housed young women. The average life expectancy in the homeless population is estimated between 42 and 52 years, compared to 78 years in the general population. Think about this. You decrease your lifespan by 30 to 40 years by being homeless. That is staggering.

Among the homeless population are many who are disabled. A July 2013 report by the Council for Disability Awareness pointed out that disability causes severe financial hardship. This report indicated that medical problems contributed to 62%³ of all personal bankruptcies filed in the US in 2007 and in 2006 medical problems contributed to half of all home foreclosure

² O'Connell, J.J. "Premature Mortality in Homeless Populations: A Review of the Literature." 19 pages. Nashville: National Health Care for the Homeless Council, Inc., 2005.

³ The American Journal of Medicine, June 4, 2009 Medical Bankruptcy in the United States, 2007: Results of a National Study; David U. Himmelstein, MD, Deborah Thorne, PhD, Elizabeth Warren, JD, Steffie Woolhandler, MD, MPH

filings.⁴ Disabilities go beyond what we usually think which is people who are in wheelchairs, blind or deaf. There are many disabilities that are invisible. Disabilities such as PTSD, Bipolar disorder, Depression and Anxiety, just to name a few. These can be as debilitating as any physical disability. And when you add to that the stress of having your home foreclosed upon, it is amplified. The Northwestern Journal of Law & Social Policy published in their Spring 2010 edition that the courts continually fail make the “promise of the Fair Housing Amendments Act of 1988 (FHAA) and Americans with Disabilities Act (ADA) a reality” when it comes to those with severe and persistent mental illness. They often order evictions without any inquiry into disability status or any thought given to what may happen to the individual once evicted.⁵ Many end up homeless and ultimately die as a result.

El abandonado also includes those who have been previously incarcerated. These are those individuals whom for one reason or another end up serving some time with the Department of Corrections. The premise of sending people to jail is for punishment for a crime they have been convicted of, to protect the community. It is ultimately up to the Judge to determine the appropriate sentence - just like it is up to the Prosecuting Attorney as to whether or not they will bring charges against someone. Many of these individuals are released back into society and become part of the homeless population. The New England Journal of Medicine in their January 11 2007 edition published an article on release from prison. A study was made of all inmates released from the Washington State Department of Corrections from July 1999 through December 2003. Below is the chart they published illustrating the results:⁶

⁴ Get Sick, Get Out: The Medical Causes of Home Mortgage Foreclosures, Christopher Tarver Robertson, Richard Egelhof, & Michael Hoke; August 8, 2008

⁵ Meghan P. Carter, How Evictions from Subsidized Housing Routinely Violate the Rights of Persons with Mental Illness, 5 Nw. J. L. & Soc. Pol'y. 118 (2010).

⁶N Engl J Med. 2007 January 11; 356(2): 157–165. doi:10.1056/NEJMsa064115. Release from Prison — A High Risk of Death for Former Inmates Ingrid A. Binswanger, M.D., Marc F. Stern, M.D., Richard A.

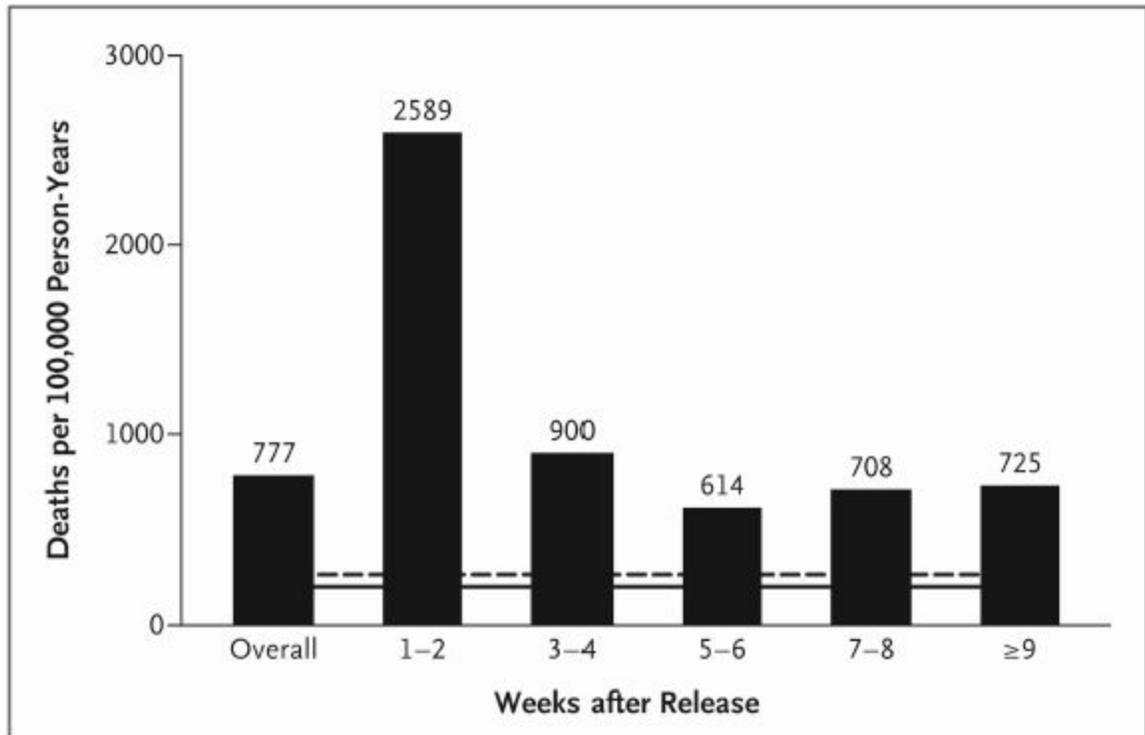


Figure 1. Mortality Rates among Former Inmates of the Washington State Department of Corrections during the Study Follow-up (Overall) and According to 2-Week Periods after Release from Prison

The dashed line represents the adjusted mortality rate for residents of the State of Washington (223 deaths per 100,000 person-years), and the solid line represents the crude mortality rate among inmates of the state prison system during incarceration (201 deaths per 100,000 inmate person-years).

This chart speaks for itself. Why do we have so many individuals dying after release from prison? What is the reason for this? How does this correlate with recidivism?

With all the government studies and outreach programs and the millions of dollars spent to “study” problems, why is it that we continue to have homelessness and people dying as a result of foreclosure or release from prison? Where are the multitude of government agencies who are supposed to provide help and assistance? Where is our judicial system who is

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supposed to ensure equal protection under the law? Do we as a society believe this is how people should be treated? Or should WE THE PEOPLE take action and demand answers of our government and judicial system? It is my hope that we can shed further light on these issues of El Abandonado, and together we can raise our voices so that they are heard. The Church of the Gardens intends to pursue these issues and to advocate for justice. Together, as a community we can hold our government accountable and the judiciary. Those licensed to practice in our judicial system, whether judges or attorneys, who have taken an oath to uphold the letter as well as the spirit of the law, must do so in a manner that does not stamp out the lives of those who stumble on their path of life, but rather strives to make life better for all. Please join us in our efforts to help bring awareness, and justice for all.

"We will not tolerate a situation where the many who are okay say it's not their business to be concerned about those who are not."

~ President John F.
Kennedy

This is the first article in the series regarding El Abandonado