

NH1 News, New Hampshire

Transgender Patient: Secure Psychiatric Unit Is About Prison, Not Treatment

Written by Nancy West, InDepthNH.org on January 19, 2018 8:29 pm.

[\[Photo\]](#)



It was a welcome relief for Kevin Gearhart to plead not guilty by reason of insanity to receiving stolen property and escape on Dec. 21, 2016, but the feeling didn't last long after being sent to the state Prison for Men's Secure Psychiatric in Concord.

Finally, Gearhart of Manchester thought she would get psychiatric treatment for gender dysphoria and severe depression that led to more than 20 suicide attempts over the years. And treatment for the Hepatitis C diagnosed 15 years ago that was likely caused by a blood transfusion after a particularly horrific self-cutting episode.

Gearhart, 51, who goes by the name Kelly instead of Kevin now that she is transitioning from male to female at the men's prison, agreed to a five-year civil commitment instead of facing

criminal convictions even though her decision would likely mean more time in state custody.

She regrets that decision every day at the prison where she is held in the Secure Psychiatric Unit in one section with 10 men on the 1,400-man prison campus. Gearhart says she is routinely degraded, harassed and robbed of her constitutional rights because she is transgender.

“I’m just depressed all the time,” Gearhart said. “I don’t want to get out of bed.”

She spoke with InDepthNH.org at the prison and by phone numerous times.

The Secure Psychiatric Unit has come under fire in the past for housing people together who haven’t committed a crime, civilly committed mentally ill patients and convicted criminals who suffer from mental illness.

“My attorney told me I would come to this place (Secure Psychiatric Unit at the men’s prison) for four to six months and if I wasn’t being psychotic and hurting people, I would be moved to the state hospital,” Gearhart said, referring to New Hampshire Hospital across town, which is run by the state Department of Health and Human Service.

That was over a year ago, she said.

Degrading treatment

She has been forced to shower where male patients can see her, Gearhart said. And subjected to taunts and insults and worse as the female hormones she is prescribed cause her breasts to grow, she said.

Gearhart said she is deprived of her due process rights when accused of breaking the prison rules.

“No patient should be put in this correctional environment,” said Gearhart. Because of the plea to not guilty by reason of insanity, the criminal charges were dropped.

“We get mistreated when we are in this environment. It’s a prison environment,” she said.

That mistreatment is worse for her because she is transitioning to be a woman and living with all men, she said. She is prohibited from ordering women’s underwear from a women’s catalogue.

Instead, Gearhart said she is expected to wear second-hand bras and panties left behind when women patient/inmates are released. There are usually no more than 10 women housed at the men’s prison main campus of 1,400 men and they are housed separately in SPU.

“I don’t like to wear other people’s underwear – old bloody underwear,” Gearhart said.

“Therapy booths” that look like human cages are used for group therapy at the Secure Psychiatric Unit at New Hampshire State Prison for Men.

If she had gotten what she was promised, Gearhart said she would already be receiving appropriate psychological care. The Department of Corrections insists Gearhart is in fact receiving appropriate care.

“At the New Hampshire Hospital, I would get all sorts of treatment and classes,” she said. “There are no classes here and treatment is once a week in a cage. That’s the only group I get.”

Gearhart was referring to the four telephone-booth-size cages at the Secure Psychiatric Unit that are usually reserved for group therapy. She also talks with her doctor while locked in the cage, preferring the privacy to having a guard listen otherwise.

“I get locked in the cages along with some other people and that’s it,” she said.

A doctor does talk with her once a week, but there is no clinician trained in gender dysphoria, she said, and therefore no one to help her get what she needs.

“I’ve been a month and a half without my razor,” she said. Without a razor, she grows a beard which makes her feel like a freak with breasts, Gearhart said.

Gearhart said she finally received treatment for Hepatitis C after InDepthNH.org asked the Department of Corrections why she wasn’t receiving treatment.

But her liver was already severely damaged because authorities waited so long, she said.

“It hurts so much, the anxiety,” she said. She was referred to electrolysis hair removal, but like so many promises that hasn’t happened either.

Gearhart said she is often confined to the E ward in which she is limited to very little time outside her cell. She said there is often no recreation provided.

The last time she was sanctioned for breaking a rule was because she allegedly threatened another patient/inmate, but she said it was the other person who threatened her.

She believes she is frequently disciplined for standing up for herself and plans to file a civil lawsuit claiming her civil rights have been denied.

Most of the cells at the Secure Psychiatric Unit in NH are for one person.

Sometimes she is videotaped whenever she moves around the unit, she said. Gearhart hoped by talking with InDepthNH.org that she would be transferred sooner to the New Hampshire Hospital.

“I come out to the day room for a half hour in the morning and then locked in a cell until after 3 p.m. I have my paperwork, but I can’t have my toothbrush, cosmetics or hair conditioner,” she said.

Medical Services

Paula Mattis, director of medical and forensic services, agreed to speak with InDepthNH.org after Gearhart signed a waiver to her confidentiality.

Mattis said, “Ms. Gearhart is identified in our system and is being treated as a transgender woman. Since she has the medical diagnosis of gender dysphoria, she does receive hormone treatment and gender affirming garments.”

Mattis said Gearhart also receives mental health treatment for her dysphoria (depression) “so that she can manage the stress and emotions that result from her transgender status as well as her other behavioral health issues.”

“I have reviewed her medical record and see that she is having contact both with a psychiatric provider, a mental health clinician, nurses, and security staff (who received special training for mental health issues) as well as other medical and dental staff as necessary. She is getting individual sessions as well as attending groups,” Mattis said.

“I was very concerned to read her allegations that she is being harassed. As a result, we have referred our Victim Witness Specialist who specializes in PREA (Prison Rape Elimination Act) concerns to see Ms. Gearhart,” Mattis said.

Mattis said she hadn’t heard the harassment complaints from Gearhart.

“The individual meeting with Ms. Gearhart will talk with her, gather information and provide details so we can take appropriate actions.

“Ms. Gearhart resides in a facility that serves both men and women. She is on a wing that houses men. She has not had gender reassignment surgery and so is a male, anatomically speaking. The NH DOC policy is to examine each case individually for housing assignment,” Mattis said.

Mattis said Gearhart has been referred and accepted to New Hampshire Hospital and one of four people at the SPU awaiting a bed there.

She will be moved as soon as possible to the New Hampshire Hospital, Mattis said, but Gearhart said it could be another 18 months.

“It is my understanding that Ms. Gerhart may also be talking with her lawyer about this as well. We encourage this as it will certainly further her understanding of her adjudicated status,” Mattis said.

Prior record

Jeff Lyons, spokesman for the Department of Corrections said Gearhart was previously sentenced to 1 to 2 years for receiving stolen property out of Hillsborough County Superior Court North that ended Dec. 8, 2016.

Gearhart's record also included being convicted in Sullivan County of receiving stolen property in 2001 and sentenced to 1 to 15 years and was paroled five months later. There was also a 1- to 3-year sentence for robbery in 2013 in Hillsborough County and a 5-year probation sentence from another state the year before, Lyons said.

State Rep. Welch

Rep. David Welch, R-Kingston, said there should be some place to house the people who are transitioning from men to women other than with the men in the Secure Psychiatric Unit or other units at the state prison for men.

There were 14 transgender people recently transitioning from men to women in the state prison system, including the men's prisons in Concord and Berlin.

As the chairman of the House Criminal Justice and Public Safety Committee, who has served in the house for three decades, Welch said he looked into some other complaints from a prison inmate after the last session and discovered something that unnerved him.

"What we found out is the prison hasn't been accredited since 2009," Welch said.

Welch said the prison became accredited years ago at his prompting and he didn't know until recently that prison officials stopped seeking accreditation from the American Corrections Association.

He said there is legislation that will go to the finance committee to again require prison accreditation. He believes it was done to save money and that many programs have been cut as well, but believes it could cost more in lawsuits.

He is also concerned about women and transgender women being held in the men's prison.

"There must be some other way for them than housing them with men," Welch said.

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