Lawsuit Likely in NH’s Imprisoning of Non-Criminal Mentally Ill Patients
By Nancy West
May 17, 2016
A national group that helps people with severe mental illnesses is pushing to stop New Hampshire from housing civilly committed patients who haven’t committed a crime at the Secure Psychiatric Unit at the state prison for men. Frankie Berger, director of advocacy at the nonprofit Treatment Advocacy Center, said the practice violates patients’ civil rights and must stop immediately. “We had no idea this type of thing was happening,” Berger said. “Honestly, it’s appalling and shocking what we’ve learned so far. We need to see it fixed.”

The Arlington, Va.-based center is taking immediate action to investigate and press for action that could result in a federal civil rights lawsuit, Berger said. Berger disagreed with the Department of Corrections’ contention that the Secure Psychiatric Unit is a hospital. There’s no oversight, no reporting, she said. “I don’t know how that can possibly be a hospital.”

Jeff Lyons, spokesman for the Department of Corrections, said the way New Hampshire law is written, civilly committed patients who haven’t committed or been convicted of a crime, but are danger to themselves or others, must be housed in the Secure Psychiatric Unit. “They are placed in the Secure Psychiatric Unit because they exhibit more violent tendencies than the other patients at the New Hampshire Hospital,” Lyons said. The New Hampshire Hospital, located about three miles from the state prison in Concord, is a less restrictive, but locked campus. It is the state’s main psychiatric hospital and is run by the Department of Health and Human Services. “Until such time as there is another option in New Hampshire, this is where they will be housed,” Lyons said of the Secure Psychiatric Unit.

The Department of Corrections has agreed in the past with study committees about the need to build a new secure wing on the grounds of the New Hampshire Hospital, Lyons said. The department does consider the Secure Psychiatric Unit to be a hospital. “We have the same medical and mental health treatment,” Lyons said. State Rep. Renny Cushing, D-Hampton, submitted legislation this session – as he has in the past – that would require alternative housing besides prison for mentally ill patients who haven’t committed a crime, but are considered dangerous.

The House Health and Human Services Committee ultimately decided to study the problem again during the summer. “I don’t think it comes as a surprise that a national organization with expertise in this area comes to the conclusion that New Hampshire is violating patients’ rights,” Cushing said. The Legislature recognized the problem in 2005 and 2010, he said. “Reports then acknowledged the potential for legal action against the state,” Cushing said. “It’s long past time that the state of New Hampshire stop taking people who have never been charged with or convicted of a crime and sending them to prison. We should be sending them to hospitals, not prison,” Cushing said.
Berger agreed that the practice of commingling patients who haven’t committed a crime with convict criminals has to stop. “It doesn’t matter how many laws the Legislature passes in New Hampshire to say it’s legal. That doesn’t make it legal,” Berger said. “It is unconstitutional.” Berger said she learned of the practice through an opinion piece written by registered nurse Beatrice Coulter for a local newspaper condemning the practice.

Coulter worked for four days at the Secure Psychiatric Unit before resigning over what she saw as unethical treatment, especially given that civilly committed patients who hadn’t committed a crime were housed there. Coulter has since formed a group called Advocates for the Ethical Treatment of Mental Illness. Coulter has been asked, along with Lisa DiMartino, a former state representative, to participate in the legislative study committee on Cushing’s House Bill 1541. “I think all of these practices need an outside agency to look at the Secure Psychiatric Unit,” Coulter said recently.

The state Department of Corrections has said in the past that the number of patients who haven’t been convicted of crimes that are housed in the unit can vary daily. At different times, estimates have ranged from seven to 16 patients being house at SPU who hadn’t been convicted of a crime. Some stay only a matter of days and others may stay for years. The unit population includes patients who haven’t committed a crime, those who have been deemed incompetent to stand trial, those found not guilty by reason of insanity and mentally ill patients who have committed serious crimes such as murder and rape.

The state’s most dangerous sex offenders are housed there. Ten mentally ill women are also housed at the Secure Psychiatric Unit on the otherwise all-male campus. “We are going to do everything we can to stop this,” Berger said. Federal lawsuits in other states have prompted changes relative to the treatment of people with mental illness in prisons. “But the New Hampshire example is by far the most egregious one that I’ve heard of,” Berger said. “It’s so bad that it is something that needs to be stopped right away. We’re going to move on it as soon as possible.”

**NH1 – May 17, 2016**

**NH1 News Exclusive: Hassan wants to 'scour every option' to keep guns from mentally ill**

**By: Paul Steinhauser**

CONCORD – Gov. Maggie Hassan says New Hampshire lawmakers should “look again” at passing a bill that would allow the state to disclose the names of mentally ill people deemed dangerous to the FBI’s national background check gun registry. And the Democratic governor, in an exclusive interview with NH1 News on Tuesday, pushed back against criticism from Republican Sen. Kelly Ayotte about the time she’s spent out of state fundraising for her Senate challenge against Ayotte, calling the charges “hypocritical.”
And Hassan also criticized Manchester Mayor Ted Gatsas, who’s running for the GOP gubernatorial nomination, for questioning why she didn’t visit the injured police officers. The man accused in the shootings legally purchased the weapon linked to the incident at a gun store in Derry after successfully completing a background check, according to court documents released Monday. This despite the fact that Ian MacPherson had a history of psychiatric illness.

New Hampshire’s the only state in New England, and just one of a handful across the country, that doesn’t disclose such names to the National Instant Criminal Background Check system. “I am very concerned about the issue of people with serious mental illness having access to firearms. And I was part of an effort to try to begin addressing that, to get New Hampshire to report the names of people with that kind of serious mental illness who shouldn’t have access to firearms to the federal system,” Hassan told NH1 News. “That effort failed for a variety of reasons. I think it is something we should look at again as we scour every option we have to make sure we can to protect the people of New Hampshire from this kind of senseless violence,” the governor added.

But state Rep. J.R. Hoell of Dunbarton, a member of the New Hampshire Firearms Coalition, disagreed, telling NH1 News that “we shouldn’t treat the mentally ill as criminals.” Asked about those comments, the governor said “other states have found thoughtful ways to make sure people who have an illness that could lead to violent acts don’t have access to firearms. We make these kind of decisions in many other kinds of instances. Some people with certain kinds of illnesses don’t have access to automobiles, to drive automobiles, for instance.”

“I think it’s really important that we look at this. We always have to balance the rights of people with mental illness, the rights of responsible gun owners, but I think this is one of those places where everybody in New Hampshire can come together and find a way to make sure that people who are having a serious episode of mental illness don’t have access to firearms,” she continued.

State Sen. Jeanie Forrester, who’s running for the Republican gubernatorial nomination, urged caution before moving ahead with such a legislative push. “I think that’s a conversation I would want to have with the state physiatrist and the mental health professionals and our law enforcement before we do anything like that. I would want to have a conversation with all those folks, those experts, to find out really what are the unintended consequences if we do something like that and how we should move forward,” she told reporters at a news conference on Monday.

Hassan defends out of state travel
Hassan was in Chicago at a fundraiser for her U.S. Senate campaign at the time of the shootings in Manchester. But she told NH1 News “I was in constant contact with the attorney general, with the
Manchester chief of police. I spoke with both officers who were shot and their wives, spoke with Mayor Gatsas. I made the decision to monitor the events to make sure that the police and all of our first responders we’re getting the resources that they needed, to make sure those resources were coordinated and I monitored it throughout the day.”

Answering a question from WMUR-TV on Monday, Gatsas said "I would have thought wherever she was, she would have come into town to see how those officers were." Asked about that comment, Hassan told NH1 News “what I think is truly unfortunate here is that somebody’s politicizing what was a very serious event.”

NH1 News has learned that Hassan separately visited both officers over the past three days. Hassan’s come under repeated criticism over the past two months from the Ayotte campaign for her out of state travel. The race between the popular Republican senator and popular Democratic governor is one of the most high profile, expensive and negative Senate showdows in the nation. Last week Ayotte told NH1 News “the governor is the chief executive of the state and she said she was going to be focused on that job even though she was running for Senate. So I think that’s really an important issue.”

Responding on Tuesday, Hassan said “in terms of the attack from the Ayotte campaign it’s pretty hypocritical. Just recently Sen. Ayotte was supposed to be back in the state for the Senate state work week and for 80% of those days she had no public events in New Hampshire while she was fundraising. So it’s a pretty standard and hypocritical political attack.”

NH1 – May 17, 2016

NH launching new initiative to lower stigma of mental illness
By: Colleen Shaugnessy
CONCORD — A new nationwide initiative aimed at lowering the stigma of mental illness is launching in New Hampshire next week.Former state Chief Justice John Broderick is the co-chair of Change Direction for New Hampshire. For Broderick, the issue is a personal one. In 2002, he was seriously injured by his son who was suffering from an undiagnosed mental illness."I don't want parents to have my experience or the mentally ill to have my sons experience, when it's unnecessary in many cases," Broderick said.

His son has since gotten the help he needs. Now, Broderick is encouraging anyone struggling with mental illness to come forward and not be ashamed to ask for help."Be visible," he said. "If they're visible then we can assess what the needs are."As a society, he believes the needs are high. After speaking with medical professionals he says the drug crisis is connected to mental illness, with many people attempting to medicate themselves.
Following the recent shooting of two Manchester Police officers, Broderick can empathize with the father of the man accused of shooting them. "That young man, he's ill. He's not well, so we need to find people sooner and we need to be less judgmental about it," Broderick said. Russell MacPherson said his son, Ian MacPherson has been struggling with mental illness for years and he's calling for change in the mental health system. "It's ok to come out of the shadows and if they do we'll save lives and change lives. It would have changed and saved our lives if we had known," Broderick said.

Broderick is hoping to fill all 400 seats in the House Chambers at the State House Monday with people who have been impacted by mental illness. The event takes place May 23rd at 10 a.m.