

Ashley Smith jurors barred from stark video

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The inquest into the prison-cell death of Ashley Smith, 19, is scheduled to start April 4.

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Prison video showing a teen inmate forcefully injected with tranquilizers while strapped to a stretcher for hours will not be shown to an inquest jury, say lawyers who are challenging an Ontario coroner's decision to exclude key evidence.

Dr. Bonita Porter's decision not to obtain proof of the "abusive treatment" of Ashley Smith only 90 days before she died in a Kitchener jail cell "runs completely afoul of the fundamental purpose of an inquest to be a public process," said lawyer Julian Falconer, who is representing the teen's family.

The inquest, set to begin April 4 in Toronto, has been called to probe the young woman's death and make recommendations to prevent similar deaths.

Falconer and the Office of the Provincial Advocate for Children and Youth are challenging a decision by Deputy-Chief Coroner Porter to exclude the video.

“There’s no doubt that Ms. Smith was a hard-to-handle inmate,” said Richard Macklin, a lawyer for Office of the Provincial Advocate for Children and Youth. “But on the other hand, the Correctional Service of Canada contributed to her being a hard-to-handle inmate in the way it treated her.”

During her 11 months in federal custody, the 19-year-old Moncton native had been transferred 17 times to institutions across the country where she was repeatedly kept in segregation cells wearing little more than a padded gown.

Video taken at Joliette Institution in Quebec should be obtained by the coroner and shown to jurors, family lawyer Falconer told the *Star*.

According to a psychiatrist’s report, Smith was doused with pepper spray and injected with four unnecessary doses of anti-psychotic medications after she removed a metal plate from a cell wall. The report concludes that administration of the drugs was unnecessary and against Smith’s will.

Prison staff claimed Smith posed a threat to herself and others, prompting a nurse to give a doctor misleading information so he would prescribe the narcotics by phone. Video evidence of the incident showed Smith posed no risk and that her behaviour did not warrant extreme intervention against her will. Smith was strapped to a small stretcher with no food or liquids for half a day, according to the psychiatrist’s report.

The prison’s treatment of Smith “lead her to act out in ways that were bad,” said Macklin, and contributed to her downward spiral.

“How do you have a balanced inquest without that side?” he asked.

Smith choked herself to death with a piece of cloth in 2007 at Grand Valley Institution for Women while correctional officers watched. Convinced she was just looking for attention, prison managers had ordered staff not to enter her cell as she appeared to be breathing.

Macklin, Falconer and a lawyer for a prisoner’s advocacy group are challenging the coroner’s decision. Their recent request for a public hearing to argue the matter was rejected. They plan to submit written arguments Tuesday.

“We’re right back at square one,” said Falconer, commenting on the family’s battle to ensure the inquest is a transparent process.

The coroner initially ruled the inquest would only consider the time Smith spent in Ontario. Lawyers argued that curtailing the inquest to this period of time would conceal key circumstances that led to her death. Porter agreed and expanded the inquest in November to include Smith's entire time in custody.

A spokesperson for the coroner's office told the *Star* Porter was "unable to respond today."



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