

## **Ashley Smith's family challenges coroner's ruling**

Mar 29 2011



An undated family handout photo of Ashley Smith, who killed herself in a federal institution on Oct. 19, 2007.

THE CANADIAN PRESS FILE PHOTO

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The family of Ashley Smith is taking an Ontario coroner to court for excluding disturbing video evidence from an upcoming inquest into her prison death.

Joined by youth and prisoner advocacy groups, the family will challenge Dr. Bonita Porter's ruling that videos showing abuse the teen inmate suffered at Quebec's Joliette Institution and during prison transfers are not relevant to her death.

“What this ruling does is ensure what’s secret behind walls stays secret,” said Julian Falconer, the family’s lawyer.

Falconer and lawyers for the provincial youth advocate and Canadian Association of Elizabeth Fry Societies hope to argue the matter in Ontario Divisional Court next week. It is not clear if the inquest, which was scheduled to begin in Toronto on April 4, will be rescheduled. A coroner’s court spokesperson said an inquest cannot proceed while a judicial review is pending.

Smith asphyxiated herself with a piece of cloth at Kitchener’s Grand Valley Institution nearly four years ago after spending 11 months in federal custody where she was shunted 17 times throughout institutions across the country — from segregation cell to segregation cell.

During some institutional transfers, where Smith was flown across Canada, the 19-year-old was fully shackled, forced to wear a heavy canvas-and-mesh hood that covered her head and duct-taped to her seat, according to court documents filed by the youth advocate and the Elizabeth Fry group.

In a ruling earlier this week, Porter said she would not force the correctional service to turn over tapes of these transfers because they have no bearing on Smith’s death.

Porter has also rejected video evidence describing Smith’s treatment at Joliette prison, where she was forcibly injected with tranquilizers, threatened by medical staff and strapped to a metal gurney without food or water for 12 hours. Her requests for a clean tampon were ignored as she lay bleeding in a wet gown.

“It is impossible to think forcing a youth to take medication and restraining her for endless hours are not related to her death which occurred 90 days later,” said Irwin Elman, the provincial youth advocate.

Smith was originally jailed in New Brunswick at age 15 for throwing crab apples at a mailman. Additional time was added to her sentence for bad behaviour in juvenile detention. She was moved to the adult system at age 18 despite her parents’ protests.

“I am devastated that it has come to this,” Ashley’s mother, Coralee Smith, said from her home in Moncton. “We have completely lost confidence in this process. The jury will not hear the full story and that’s why we have to go to court. My daughter deserves no less.”

