

Ashley 'tortured': lawyer

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Hearing: Attorney representing Smith family says scope of inquest into her death should be expanded

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Ashley Smith

TORONTO - The lawyer representing the family of Ashley Smith argued Monday that an upcoming inquest into the young woman's death in an Ontario prison in 2007 will be incomplete if it does not look at her incarcerations in other provinces.

Julian Falconer used extremely dramatic language at the pre-inquest hearing, saying that Corrections Canada had "tortured" Smith by putting her into segregation and did not give the young woman the necessary mental-health assistance that she needed.

"The whole truth needs to be told," he said in his submission to the Toronto's coroners' court.

Smith, 19, was found dead from asphyxia in a prison cell at the Grand Valley Institute for Women in Kitchener, Ont., on Oct. 19, 2007. The New Brunswick woman had tied a piece of cloth around her neck and strangled herself.

Prison guards have been criticized for not immediately entering her cell to try to prevent her death.

The inquest, which is set to begin in January, is currently only set to look at the time between May 2007 and October 2007 when Smith was incarcerated in Ontario.

Her family, the Canadian Association of Elizabeth Fry Societies and the provincial child advocate want the inquest to be expanded to include the 11½ months leading up to her death, which included 17 transfers to prisons across Canada.

"It will take a long time to explain the circumstances of her death," Falconer said.

A report released last week and conducted by a Corrections Canada psychologist suggests that Smith's death may not have been a suicide, but an accident.

According to the psychologist, Smith had believed that staff at the prison would save her when she repeatedly pretended to strangle herself for stimulation.

"I consider it highly likely that Ashley Smith's death was not a suicide but an accident and no one intended for Ashley Smith to die, especially Ashley Smith," Dr. Margo Rivera wrote in the report.

Smith was incarcerated at the age of 15 after breaching probation for an incident when she threw crab apples at a postal worker in Moncton. She continued to be institutionalized after racking up a number of charges inside the prisons.

Last year, the New Brunswick ombudsman questioned why prison guards and detention workers had to use Tasers, pepper spray, full-body restraints and isolation in attempts to control Smith. Her family has launched an \$11-million lawsuit against the federal government, alleging the federal government put Smith through "inhumane and unnecessary restrictive" prison conditions.

The hearing at the coroner's courts is expected to continue today.