



Coroner could seek video for Ont. inmate death inquest



An undated family handout photo of Ashley Smith, who took her own life in a federal institution on October 19, 2007. The photo was taken before she was incarcerated. (THE CANADIAN PRESS/Tom Hanson)

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TORONTO — An Ontario coroner presiding over an inquest into the prison death of a mentally ill teenager may yet decide to seek jailhouse video her family considers key evidence.

However, it will be up to the family of Ashley Smith to persuade deputy chief coroner Dr. Bonita Porter in writing to do so.

"At this point, (Porter) is not interested in getting this material," Eric Siebenmorgen, a lawyer with the Office of the Chief Coroner, said Tuesday.

"(But) she said, 'I'm open to be persuaded, but you're going to have to convince me (to get the material.)'"

On Monday, the family lashed out at Porter's decision against seeking videotapes of Smith being forcibly restrained and administered anti-psychotic medication at Quebec's Joliette prison for women.

They also accused Porter of trying to avoid public scrutiny by insisting the family had to argue against her decision in writing.

Siebenmorgen said the public could have access to the written submissions but refused to say why Porter had decided -- at least provisionally -- against obtaining the video.

Julian Falconer, the lawyer who represents the Smith family, said they were dumbfounded as to why the coroner was forcing them to argue again for access to the video material.

"The Smith family spent significant financial resources and went through the burden of arguing these matters last October only to find now, a month before this inquest, that there is still no videotape," Falconer said Tuesday.

"This is exactly what we argued and no one opposed it. I'm at a complete loss as to where we are in this process."

The inquest, due to start April 4 in Toronto, is looking at the circumstances of Smith's suicide at the Grand Valley Institution in Kitchener, Ont., in October 2007.

Smith, 19, who choked herself to death with a strip of cloth, had endured months of forced medication, isolation and 17 transfers from one prison to another.

As a teen, she was initially given a 90-day sentence for throwing crabapples at a postal worker. But in-custody incidents kept her behind bars.

Initially, the inquest was limited to looking at the last 13 weeks of Smith's life -- the time she was in Ontario prisons -- but was broadened to the last 11 months of her life in November.

Falconer said a key part of the family's argument for expanding the inquest's scope were the Joliette incidents in the video.

He decried the process, which he said only seemed to work when the family spent money on lawyers and pressed Porter.

"It was a complete surprise to hear that the video relating to Ashley's treatment in Joliette has not been ordered and has not been reviewed," Falconer said.

"We are simply back to Square 1."

Porter had previously sparked controversy by imposing a gag order on any discussion of arguments about expanding the inquest to look at the final year of Smith's life.

She eventually withdrew that order and also reversed a sealing order that had prevented the release of several key documents and reports.

Porter herself refused to comment on the latest controversy. Instead, her office issued a statement Tuesday saying it would be inappropriate to do so.

"No further comment about matters currently under consideration by the coroner presiding over the inquest into the death of Ashley Smith will be made," the statement said.