



Coroner excludes Smith drugging video for inquest



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

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TORONTO — An Ontario coroner presiding over an inquest into the prison death of a mentally ill teenager says jailhouse video her family considers key evidence would not help determine the cause of Ashley Smith's death.

Smith, 19, choked herself to death with a strip of cloth at the Grand Valley Institution in Kitchener, Ont., in October 2007.

Coroner Bonita Porter says videos depicting Smith's treatment at Quebec's Joliette prison for women aren't sufficiently connected to the circumstances of Smith's death to justify their being part of the inquest evidence.

In the decision released March 25, Porter says evidence already available to the inquest, which is to start April 4 in Toronto, leaves open manners of death other than suicide.

Before her death, Smith had endured months of forced medication, isolation and 17 transfers from one prison to another.

Smith was initially given a 90-day sentence for throwing crabapples at a postal worker. But incustody incidents kept her behind bars.

The executive director of the Canadian Association of Elizabeth Fry Societies called the Joliette videos "shocking and disturbing" in an affidavit.

"Ashley was left in a wet security gown for an extended period of time while strapped to a metal gurney," Kim Pate said.

The videos show Smith being given injections without her consent and medical staff "threatening her with further injections," Pate stated.

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.

Julian Falconer, the lawyer who represents the Smith family, had argued Smith's treatment in various institutions was integral to the inquest.

Smith engaged in self-harming behaviours because she was not able to form therapeutic relationships, Falconer said.

"(Smith's) inability to form therapeutic relationships was caused, in part, by her multiple transfers and her abuse at the hands of correctional and health services staff," he stated.

"Without this broader factual context, the jury will have no explanation for the self-evidently lethal self-strangulation behaviours but that Ashley intended death," Falconer argued.

Porter noted in her decision that an inquest is "a fluid process" and the importance of evidence can change as the inquest continues.

"There will be ample time to consider and reconsider what is necessary for the jury to fulfil their function," Porter wrote.