

Prison death probe set to expand beyond Ashley Smith's case



KIRK MAKIN — JUSTICE REPORTER

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A coroner's inquest into the prison death of Ashley Smith is on the verge of broadening into an intensive probe of how the use of solitary confinement and multiple prison transfers can harm mentally ill inmates.

The expansion became probable Tuesday when Eric Siebenmorgen – counsel to Ontario coroner Bonita Porter – said that probing Ms. Smith's treatment throughout her incarceration in prison is “certainly fair game.”

Mr. Siebenmorgen told the coroner that she has enormous leeway to consider evidence, provided it will bolster public confidence in the inquest system and help explain why the 19-year-old woman tied a ligature around her neck and died as prison guards looked on passively.

The development was welcome news for Ms. Smith's family and a coalition of prison advocates who see the inquest as a rare opportunity to shine light on a penitentiary system they view as opaque and devoid of fundamental human rights.

Their concerns were highlighted Tuesday when Julian Falconer, a lawyer for the Smith family, used a previously confidential report to illustrate how correctional authorities subjected Ms. Smith to forced medication.

Prepared by Quebec psychiatrist Paul Beaudry, the report found that Joliette prison officials successfully persuaded a psychiatrist to prescribe anti-psychotic drugs for Ms. Smith in spite of

the fact that she was neither delusional nor sufficiently dangerous to warrant being drugged involuntarily.

Dr. Beaudry expressed deep concerns that, while at Joliette, Ms. Smith was intimidated by staff and physically restrained for long periods with little regard for her comfort or personal hygiene. He said that she was treated as if she were a dangerous individual with little or no actual evidence that she was.

His report also stated that, in spite of being found on eight occasions during her year of incarceration to be certifiably ill, Ms. Smith was nonetheless uprooted from one penitentiary to another 17 times without the guidance of an overall treatment plan.

“The fact that it was necessary to have Ms. Smith certified eight times in less than one year of incarceration should have highlighted to the Correctional Services the urgent need to have a comprehensive mental health assessment completed for this young woman,” Dr. Beaudry wrote.

“A concrete, comprehensive treatment plan was never put into place for this young woman despite almost daily contact with institutional psychologists.”

Mr. Falconer told Dr. Porter that the Smith family has requested a full RCMP criminal investigation into the forced drugging incidents at Joliette, but have received no response.

In his report, Dr. Beaudry said videotape of three separate incidents at Joliette in July, 2007, indicates that Ms. Smith was not as agitated as prison officials claimed.

In view of this, he said it was worrisome that psychiatrists prescribed medication based solely on telephone accounts of Ms. Smith's behaviour from correctional officials.

It was also disturbing that Ms. Smith was given four injections over the course of two and a half hours on one occasion – considerably more than even a severely psychotic patient would be given, Dr. Beaudry said.

In general, Dr. Beaudry said, Ms. Smith was a terribly troubled youth who had been involved in 150 security incidents during her year of incarceration. Most involved acts such as self-strangulation, head-banging and superficial cutting of her arms.

Most of these incidents resulted in staff using physical force, sprays or restraints to overpower her and bring the incidents to an end, he said.

The inquest will focus largely on whether Ms. Smith was genuinely intent on ending her life, or whether abuse and isolation had reduced her to such a state of depression that she fashioned ligatures as a cry for help and a form of stimulation.

“If you or I or anyone else in this room were taken off the street and forced illegally to submit to anti-psychotic drugs, they would be subject to the rule of law,” Mr. Falconer said Tuesday.

“It is shocking that correctional services staff feel they are entitled to act in this way to mentally ill offenders in the system,” he said. “It means that the system is horribly broken.”

Dr. Porter said that she will decide on expanding the inquest by Nov. 15.