



## Lawyer hopes 2nd inquiry into Ashley Smith death finally answers some questions



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As the inquest into the death of teenager Ashley Smith in a federal prison five years ago gets underway in Toronto, the lawyer representing her family says he won't be satisfied until officials at the highest levels weigh in.

In an interview before the coroner's inquest five-person jury began hearing evidence Monday, Smith's family's lawyer Julian Falconer said he hopes the federal government and the head of the Correctional Service of Canada will actually answer questions about what happened.

"At its heart, the federal government has to reconsider its approach to simply building bigger warehouses and putting more people in them," Falconer said, before adding that he will be pressing for "numerous levels of accountability."

## PHOTOS



Ashley Smith is shown surrounded by guards at Joliette Institution in Joliette, Que., on July 26, 2007 in this image made from video. (THE CANADIAN PRESS/HO - Office of the Chief Coroner for Ontario)

That includes the doctors who authorized the administering of Smith's anti-psychotic medication, just as a means of managing her for security purposes, he said.

Falconer said he also hopes to hear from Correctional Service Commissioner Don Head, who wrote in a leaked internal memo that the negative media coverage of Smith's case is "upsetting to Canadians," but not a reflection of his agency's overall work.

"Canadians have a right to expect that the Commissioner of Correctional Services himself... answer questions about Correctional Services management of the issues, because at the end of the day it stands for the leaders to answer questions," Falconer said.

Monday marks the start of a second inquest into the Ontario prison death of 19-year-old Ashley Smith, who fatally choked after tying a cloth around her neck as correctional officers watched in October 2007. Guards at the Grand Valley Institution for Women in Kitchener, Ont. had been ordered not to intervene.

A first inquest into Smith's death was cut short last year, after the abrupt resignation of coroner Dr. Bonita Porter.

This time round, Falconer said he expects the process will continue to its conclusion, expected to come between six months and a year from now.

"I think there's some comfort to be taken from the fact the prime minister stepped in," Falconer told Canada AM, referring to Stephen Harper's order that Correctional Service end its court challenges and allow the inquest to go ahead.

Smith, who was adopted when she was just five days old, began getting in trouble at school in Moncton, N.B. when she was 10. By the time she was 15, Smith was in youth custody after throwing crab apples at a mail carrier.

During the three years she spent in provincial custody in New Brunswick -- during most of which she was in segregation -- Smith accumulated a long list of several hundred "incidents," from failing to comply with correctional officers' demands, to self-harm and suicide attempts.

In the 11-and-a-half months leading up to her death in 2007, Smith was transferred 17 times among nine federal institutions in five provinces.

Smith's family believes she was mistreated during that time, and point to video released after a bitter court fight as evidence.

In the videos seen by the public last fall, Smith is seen being physically restrained by guards dressed in riot gear, injected with drugs, and duct-taped to an airplane seat.

The videos, in which Smith can be heard pleading with staff not to hurt her, sparked outrage across Canada.

In his latest report, Canada's Correctional Investigator Howard Sapers said despite the \$80 million spent on studies, reports and staff training in the five years since Smith died, little has changed.

Some staff do exceptional work under the circumstances they're engaged in, other staff not so much. It's very uneven. You have to remember that these are penitentiaries and the first responders to a situation... are correctional officers, their primary focus is security," Sapers told CTV News Channel.

"They're not trained mental health professionals," he said, explaining that the system is not designed to deal with inmates suffering from those issues.

In his remarks, Falconer acknowledged the inquest will prove difficult for his clients, but is hoping their principle goal will be realized, "which is to get people to understand a federal jail is no place for a mentally ill person."

*With files from The Canadian Press*