

Christie Blatchford: Prison staffer allegedly assaulted Ashley Smith

Inquest told that correctional supervisor used the 'F word-C word' combination

By CHRISTIE BLATCHFORD, Postmedia News April 4, 2013



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As with all things Ashley Smith, even a complaint of a simple assault on her wasn't a simple matter.

The assault is alleged to have occurred March 24, 2007, during the teenager's near-four-month-long stay at Saskatoon's Regional Psychiatric Centre and about seven months before her death at an Ontario federal facility.

That spring day, Ashley was, as usual, "tying up" with the homemade ligatures she made from whatever she could get her hands on and then wrapped tightly around her neck.

Wherever she was in the federal system, each ligature sparked a similar series of events: Staff would enter her cell to cut off the noose, an effort that usually required applying some physical force, and sometimes considerable force, and that use of force in turn would set in motion various reports within the Correctional Service of Canada bureaucracy.

It was during such a "use of force" that a correctional supervisor named John Tarala allegedly grabbed her by the hair, lifted her off the ground and called her what Meaghan Daniel, the lawyer for Ashley's family, delicately described as "the F word-C word" combo.

Uncharacteristically, Ashley later made a complaint about the incident, a nurse who had been there backed up her account despite allegedly being told by Tarala to falsify her report, and as soon as the hospital's senior management learned about it, investigations were launched.

The executive director at the time, Peter Guenther, is testifying now at the Ontario coroner's inquest probing Ashley's Oct. 19, 2007, death by asphyxiation at the Grand Valley Institution for Women in Kitchener, Ont.

Now retired, Guenther was clearly horrified by the assault on the 19-year-old.

"This was very serious," he told the jurors Wednesday, "the most serious incident we'd had since her arrival."

Guenther ordered a full probe, asked that it be conducted by external investigators and alerted his superiors at national and regional headquarters.

The day after the incident first came to his attention, Guenther called Tarala to his office, and after a chat with the human rights chief, agreed to speak to the manager privately. "Pretty much the first words out of his mouth was, 'Would you like my resignation?'

"I said I didn't know if I could accept it," Guenther said. He urged Tarala to get some advice.

The correctional supervisor was first suspended, then fired.

Guenther also called in the Saskatoon police, who interviewed Ashley and ended up charging Tarala criminally. He was eventually acquitted at trial.

Guenther also went to four of the regular staff briefings held daily at the hospital, telling the staff - both security staff, such as correctional officers, and clinical staff, such as nurses - that "it doesn't matter how difficult a patient is, or how challenging, there is no provision for force beyond that what is necessary."

There is no question that Ashley was an extraordinary challenge.

Guenther, while quick to emphasize Smith had periods of good behaviour, said the "intensity and sustained level of her self-harm was unlike anything I'd ever experienced before."

At that time, he was in the latter stages of a 39-year career in corrections.

His is a familiar description for the five jurors, for just about every staff, senior or not, who dealt with Ashley and who has testified here has said she was uniquely difficult to manage and utterly exhausting to both individual and institution.

The cycle Guenther described was equally familiar: Ashley would tie up; staff would go in to cut off the ligature; Ashley would become combative and they might have to use pepper spray to subdue her; that would require she be "decontaminated" in a shower; she might become

combative in the shower, too, and that would require another round of pepper spray and another "use of force" report.

And Ashley could tie up several times a day, or more.

Though Guenther agreed that, overall, Ashley made little progress at the hospital, he emphasized the positive and said he believed the 200bed facility, which is a secure accredited psychiatric hospital and the only one in the country that accepts women, was the right place for her.

But after the assault on her, he said, tensions ratcheted up, with correctional officers in particular fearful that Ashley would have gone to school on her formal complaint - and learned, in other words, that she now had another tool at her disposal - and management concerned that COs would be leery of entering her cell to cut off a ligature or that they might retaliate against her for complaining about Tarala.

In fact, though, Guenther said, neither of the latter fears came to pass, though Ashley once told a staffer to hit her hands, "so I can charge you."

She was transferred from the hospital - the part of her journey through the correctional system that the inquest has begun to examine - three weeks after the assault, solely because of the incident and the exacerbated tensions it caused.

Interestingly, despite the one-dimensional public picture that surrounded Ashley's death and endured for years - of a heartless bureaucracy, peopled with cold and unfeeling monsters who were cruel or indifferent to the plight of a vulnerable teen - Guenther's appearance here has added to a developing image that is almost the opposite.

While clearly there were a few bad apples in the huge CSC barrel - with more to come and testify - the jurors have heard lengthy evidence from the COs at Grand Valley, a psychiatrist and psychologist from the Nova Institution in Truro, N.S., where Ashley stayed twice, and even the Nova warden and Guenther, relatively senior managers.

All were warm and compassionate witnesses who not only clearly liked the teenager - and she wasn't always easy to like - but who also did the right things, or tried to at least.

As with so much, as the colours are filled in, the stark and often incomplete black and white of the story disappear.

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