

THE GLOBE AND MAIL

Ashley Smith's death was an accident, not suicide, report says

KIRK MAKIN — JUSTICE REPORTER

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After three years of demanding answers about how their daughter came to die on the floor of her prison cell with a cloth ligature around her neck, the family of 19-year-old Ashley Smith has obtained a damning Correctional Services Canada report that puts the lie to claims that she killed herself.

The report concludes that Ms. Smith had been desperately seeking attention and sensory stimulation after being systematically shunted around the country from one dank, featureless isolation cell to another.

“I consider it highly likely that Ashley Smith’s death was not a suicide, but rather an accident, and that no one intended Ashley Smith to die – least of all Ashley Smith herself,” psychologist Margo Rivera concluded in the internal CSC report.

The CSC has said that Ms. Smith committed suicide through self-asphyxiation.

The revelations come on the eve of a coroner’s inquest into Ms. Smith’s 2007 death at Ontario’s Grand Valley Institution. The hearing is expected to shine a harsh light on correctional policies for prisons, which include rampant overcrowding, medieval conditions and the warehousing of mentally-ill offenders.

Lawyers for the Smith family finally obtained the internal report in connection with a lawsuit they are pursuing against CSC. They allege that guards were following an official directive when they stood by watching as Ms. Smith struggled for breath and died.

Dr. Rivera stated in the report that Ms. Smith had become increasingly desperate and depressed after being shuffled through 17 different penitentiary isolation cells over an 11-month period.

“Ashley Smith’s transfer to the Regional Treatment Centre - Prairies was the first of a series of moves that would end up with her maladaptive behaviours escalating and her ability to participate in and benefit from treatment significantly eroded,” Dr. Rivera said.

“Ashley Smith’s use of ligatures and other methods of self-harm did not constitute suicide attempts...These behaviours met her need for increasing stimulation in an environment that was lacking in even the most basic sensation and stimulation,” she said.

In court filing that contains portions of the report, Dr. Rivera noted that Ms. Smith assured staff members repeatedly that her strangulation attempts were not intended to cause her death. She said that Ms. Smith even told guards shortly before her death that: “I’m not going to die, because it’s your job to save me.”

Lawyers Julian Falconer and Jackie Esmonde allege in the Smith family’s lawsuit that moving Ms. Smith from prison to prison was part of a calculated, inhumane plan to thwart reviews she would ordinarily have undergone into the conditions of her incarceration.

In an interview on Friday, Mr. Falconer said that the family refused to give up after CSC responded to their Access to Information requests with a version of the report that had all but one of its 25 pages blacked out.

“It is brutal to contemplate that authorities would allow the public to think that Ashley's death occurred from suicide when, all along, they were sitting on their own expert’s report that stated the opposite,” Mr. Falconer said. “This is a sad tale of endless tragic efforts to get the truth of Ashley's death that have been frustrated at every turn.”

The lawsuit will now reach well beyond the question of how Ms. Smith was allowed to die, Mr. Falconer said: “It's about the active efforts of correctional service authorities and federal ministry officials to conceal and suppress key information that the family has been looking for for years.”

The inquest starts on Monday morning with legal arguments about whether coroner Bonita Porter was right to restrict the scope of the hearing drastically and place most documents and legal arguments under a sealing order.

The Smith family and prisoner advocates intend to argue that the coroner’s jury must be permitted to scrutinize the entire history of Ms. Smith’s incarceration – particularly her constant transfers.

The legal arguments presage a volatile, hard-fought proceeding that could embarrass the Stephen Harper government, which has made crime and punishment a major policy plank.

Over dire warnings from prisoner advocates, the government has implemented a range of mandatory minimum prison sentences and increased the amount of time offenders must spend in custody.

Ms. Smith was initially imprisoned in 2003 on minor charges. Her penchant for breaking prison regulations and self-injurious behaviour led to her being isolated 24 hours a day in cells that lacked proper lighting, clothing or bedding.

The lawsuit accuses CSC officials of instructing guards not to enter her cell unless Ms. Smith stopped breathing as a result of her strangulation attempts. It says that several guards were even disciplined for coming to her aid in contravention of that instruction.

“It is hard to imagine a death that more poignantly demonstrates such situations of risk, need, want of care, lack of resources or inappropriate systemic responses than the death of Ashley Smith,” the lawsuit states.