

## Ashley Smith's family sues over death in prison

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[CBC News](#)



*The family of Ashley Smith is suing the federal government for \$11 million over the teenager's death in a federal segregation cell in 2007. (Photo courtesy of Ashley Smith's family)*

The family of Ashley Smith is suing the federal government for \$11 million over the Moncton teenager's 2007 death in a segregation cell in an Ontario prison.

The lawsuit alleges federal corrections staff — from senior bureaucrats to prison guards — engaged in a "conspiracy" that endangered Smith's life by "unlawfully" segregating her for nearly a year and not taking proper action after she was declared a suicide risk.

Julian Falconer, the family's lawyer, said the lawsuit alleges that inhumane conduct led to Smith's death after she tied a ligature around her neck in a segregation cell at the Grand Valley Institution for Women in Kitchener, Ont.

"By not intervening with her physically they were able to duck their requirements of use-of-force reports, so the intention and hope [of the suit] — by properly looking at circumstances

surrounding Ashley's death and the conduct of public officials — [is] in the end to avoid another death," Falconer said.

The defendants named in the lawsuit include the individual guards involved in the incident and the senior federal bureaucrats who were in charge at the time.

They are accused of negligence, abuse of public office, infliction of mental distress and false imprisonment. The allegations in the lawsuit have not been proved in court.

### **Several reports filed on death**



*Howard Sapers, the federal correctional investigator, said in a 2009 report that Ashley Smith's death was 'entirely preventable.'* (Tom Hanson/Canadian Press)

Smith died Oct. 19, 2007, after being found unconscious in her cell. She was taken to hospital, where she died of what police described as "self-initiated asphyxiation."

Smith's death has been subject to several investigations.

Howard Sapers, the federal correctional investigator, said in his March 2009 report that Smith's death was the "entirely preventable" result of a series of systemic failures.

The tragedy followed "the inability of federal and provincial health-care and correctional systems to provide her with the care, treatment and support she desperately needed," Sapers said.

Bernard Richard, New Brunswick's ombudsman, produced a report in June 2008 that called for significant changes in how the justice system handles young people with mental health problems.

Smith's time in the province's youth criminal justice system "tells a pretty tragic story" and highlights the need to change practices, Richard said his review, particularly to divert youth with

mental illnesses and behavioural problems from the justice system by boosting services and foster care.

The union representing Grand Valley guards conducted its own investigation into Smith's death. In a report, the union said guards were told not to interfere when she engaged in her practice of tying ligatures around her neck.