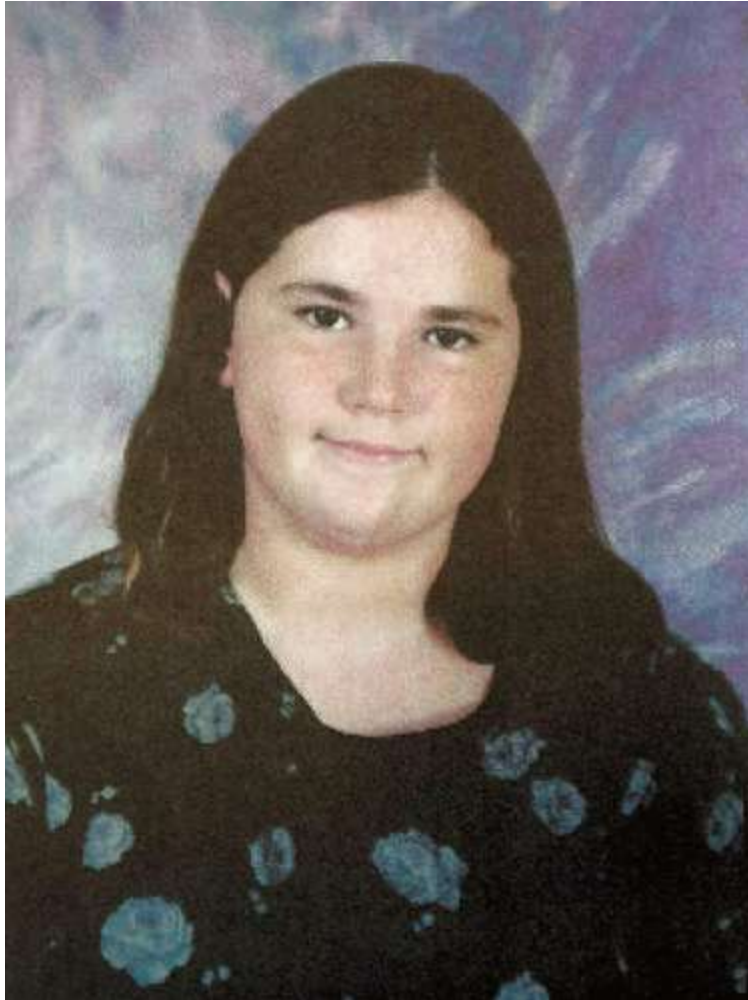


## **Exclusive: Ashley Smith's family settles wrongful death lawsuit**

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An undated family handout photo of Ashley Smith, who took her own life in a federal institution on October 19, 2007.

TOM HANSON/THE CANADIAN PRESS FILE PHOTO

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A mother who accused the prison system of conspiring to torture her teenage daughter has settled her wrongful death suit against the federal government.

"It was settled to the satisfaction of all parties," said Julian Falconer, lawyer for Coralee Smith, whose daughter Ashley, 19, died in a segregation cell at Kitchener's Grand Valley Institution.

While Smith's family sought \$11 million, the parties would not release details of the settlement, citing a confidentiality clause.

Federal officials said they could not comment on the case.

The lawsuit, filed in 2009, named nearly 20 defendants including the Attorney General of Canada, the Commissioner of the Correctional Service of Canada, multiple prison wardens and guards. It alleged corrections staff 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.

Smith died Oct. 19, 2007. She had strangled herself with a piece of cloth while guards watched her turn purple. Prison managers believed Smith, who had been declared suicidal by medical staff, was playing games and ordered staff they would be disciplined if they entered her cell while she appeared to be breathing.

Toward the end of her life, Smith's habit of tying ligatures around her neck escalated. One prison report concluded she was reaching out for human interaction. She expected that if she tied something around her neck — dental floss, pieces of mattress, shreds of blankets and clothing — someone would have to cut it off. She didn't know the rules had changed, the report said.

While many correctional workers viewed the mentally ill young woman as an impetuous, hard-to-manage inmate, new court documents obtained by the *Toronto Star* this week show a softer side. Shortly before her death, Smith reached out to a prison nurse at the Regional Psychiatric Centre in Saskatoon, one of five correctional institutions she was sent to during her 11 months in federal custody.

"I sometimes feel like I will never get out," Smith told nurse Sindee Tchorzewski in a handwritten letter dated August 2007 from Nova Institution in Truro, N.S., which she signed "xoxoxo Love Ashley" with a picture of a heart.

"I miss our late night chats," the letter said. "No one does that here. It's different I guess. No one takes the time to talk . . . Every time I hear, 'Keep holding on,' I think about you."

Smith was transferred three more times, ending up in the Kitchener prison where she died.

The letter was entered this week in Divisional Court, where a panel of judges will decide if an Ontario coroner erred in refusing to seize prison videos for the upcoming inquest. The tapes show Smith strapped to a metal gurney for 12 hours while a prison nurse forcibly injected her with tranquilizers, according to a prison report. They also show a pilot duct-

taping Smith to the seat of an airplane when she was transferred by the prison service from a psychiatric centre in Saskatoon to a psychiatric hospital in Montreal.

Falconer argued the videos are critical to a jury determining a means of death other than suicide. He argued that the events depicted in the videos and the abusive treatment she received in prison contributed to her state of mind at the time of her death.

Lawyers for the correctional service and the coroner argued the Divisional Court must defer to presiding coroner Dr. Bonita Porter's expertise.

On Tuesday, the judges reserved decision. The inquest where Smith's lawyer wants the video viewed starts May 16 in Toronto.

