

## Judge weighs release of Ashley Smith prison videos

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A Superior Court judge has reserved his decision on whether the federal prison service must produce controversial videos showing teen inmate Ashley Smith restrained with duct tape and threatened with drug injections.

“This is not going to be easy,” Justice Thomas Lederer said after hearing nearly four hours of arguments Monday. “This is going to take me some time.”

The judge said he will likely need the weekend to review the arguments.

Lederer must decide whether the videos and supporting documents should be turned over to the Divisional Court next month. On May 2, a judicial review panel, which includes Lederer, will determine whether an Ontario coroner erred in her decision not to compel the prison service to turn over these videos ahead of an inquest into Smith’s death.

“Everybody knows what’s in the videos,” said lawyer Joel Robichaud on behalf of the prison service.

“I can’t emphasize enough that everybody doesn’t know,” said Julian Falconer, representing the Smith family.

Court heard there is video evidence showing the pilot of a prison plane physically duct-taping Smith to her seat during an institutional transfer six months before her death.

Falconer also told the court of discrepancies between official prison documents detailing incidents at Quebec’s Joliette prison and video records of these events. Staff notes describing a series of anti-psychotic injections administered to Smith on three occasions said the young woman consented to the drugs. Prison video showed a different story.

The tapes reportedly portrayed a calm Smith pleading with a prison nurse to not administer injections. They also showed the nurse had at times worn a gas mask while threatening the teen with a syringe, according to a report commissioned by the federal correctional investigator’s office.

While Coroner Dr. Bonita Porter did not rule out the possibility that the videos could come into play at some point during the inquest, which is slated to begin in Toronto on May 16, she said she found no “nexus” between the events on tapes and Smith’s death.

Smith, a native of Moncton, N.B., died on Oct. 19, 2007 in a segregation cell at Kitchener’s Grand Valley Institution. She had tied a ligature around her neck and pulled tight while guards watched. Prison managers had recently ordered staff not to enter Smith’s cell until she stopped breathing because her numerous attempts at self-harm were considered attention-seeking behaviour that would only be encouraged with intervention.

