

The Star Phoenix

Girl's death shows problems in Corrections

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From the time she entered the justice system as a 15-year-old accused of throwing crabapples at a postal worker, to her choking death four years later watched by seven prison guards ordered not to intervene, Ashley Smith's experience points to serious flaws in Canada's corrections system.

If there's one thing positive to come out of this sorry saga, it's the likelihood that the coroner's inquest into Ms. Smith's avoidable death will be expanded into a comprehensive review of how the corrections system uses solitary confinement and prison transfers, and deals with mentally ill prisoners.

Just in the last year of her life, Ms. Smith had been shuffled through 17 institutions across four provinces, often unable to talk in phone calls with her family even where she was. She spent most of that time in segregation cells wearing only a padded gown.

An incident born of teenage rebellion escalated into criminal charges, solitary confinement and, as revealed last week by the family's lawyer, Julian Falconer, the forced administration of anti-psychotic drugs even though she neither was delusional nor dangerous enough to warrant what amounted to a chemical straitjacket.

Quebec psychiatrist Paul Beaudry, who prepared the previously confidential report released by Mr. Falconer, was deeply concerned that the young woman was certified ill on eight occasions in her final year of life, yet was transferred 17 times with no proper treatment plan.

"The fact that it was necessary to have Ms. Smith certified eight times in less than one year of incarceration should have highlighted to the Correctional Services the urgent need to have a comprehensive mental health assessment completed for this woman," he wrote.

Since Ms. Smith's death at the Grand Valley Institution for Women in Kitchener, Ont., on Oct. 19, 2007, correctional investigator Howard Sapers reports that he has discovered nine other fatalities that question the correctional service's willingness to stop jailhouse suicides.

The initial investigation into Ms. Smith's case was supposed to focus only on her treatment in the 13 weeks that preceded what's now being called an accidental death, but in all likelihood will go beyond that period to consider her experience through her four-year incarceration.

A new report by a psychologist hired by Correctional Services Canada says her use of a cloth ligature around her neck wasn't a suicide attempt but likely was done out of boredom -- hardly a

surprise given that her sole contact with others for long periods was limited to exchanges through the food slot in her cell door.

The fundamental tragedy of this case is that this was no hardened criminal, but a young woman originally sentenced for a minor offence whose disruptive behaviour, caused or exacerbated by an untreated mental illness, kept adding months and years to her time in custody.

As Mr. Sapers notes, neither a corrections system under stress nor an inadequate mental health care system are equipped to deal with the torments suffered by those such as Ms. Smith who get ensnared in the wheels of the justice system.

The politicians who insist on locking up more people for more offences for longer periods need also to consider that a considerable number of young people (estimated to be as high as 70 per cent) who get in trouble with the law suffer from issues such as mental illness and addictions for which incarceration isn't the answer.

Addressing these problems can be beneficial both for the offenders and society, saving lives and money. Any credible review of Ms. Smith's case should highlight the need to provide better mental health care within the corrections system and about the need to revamp an archaic punish-them-straight mentality whose failure is only too frighteningly evident.

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"Democracy cannot be maintained without its foundation: free public opinion and free discussion throughout the nation of all matters affecting the state within the limits set by the criminal code and the common law."

-The Supreme Court of Canada, 1938

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