

The High Court
Prisoner Application

Simon Griffin

2012 117 JR

Applicant

and

The Governor of Wheatfield Prison

Respondent

Judgment of Mr Justice Charleton delivered on the 5th of March 2012

This is a personal application by Simon Griffin who complains of ill treatment by the staff and governor of Wheatfield Prison.

Simon Griffin alleges that he has been consistently bullied by a named officer; that his cell door was deliberately left open in order to facilitate an attack on him by other prisoners; that he has been deprived of inhaler medicine for an asthma condition; that his wife has been strip searched; that his complaints have been ignored; and that he is being treated in a discriminatory manner as to the sharing of a cell and education. I will deal with the most substantial of these complaints. Enquiries have been made by the Court as to these complaints prior to this judgment and reports and statements from the prison have been furnished.

It is appropriate to comment, firstly, that any prisoner may make a complaint of ill treatment by prison officers directly to the governor of a prison. This Simon Griffin has done. There is no evidence that the governor did not hear his complaints with an open mind and make appropriate enquiries. All of the materials furnished on this application indicate clearly that everything complained of by the applicant was investigated thoroughly. In addition, an appeal is available from a ruling of the governor of a prison to the director general of the prison service. On the matters raised in this application, a complaint was made to the governor, it was appealed to the director general while at the same time this application to court was made before that appeal could be determined. Were a prisoner to be in a situation of no appropriate response to an immediate threat, a state of medical peril or grave depression, such an application would be justified before an appeal had run its course. This application does not fit within that exceptional category of serious and unredressed wrong. Nonetheless, as the alleged wrongs have been investigated, the Court will rule.

Complaints of bullying by a particular officer have been denied. There is nothing objective to support these allegations. On one occasion it was said that the applicant was deprived of cereal for breakfast. Investigations show that on that occasion, in order to be sure that fair nourishment was being supplied, an officer provided breakfast cereal to the applicant at a time long after breakfast hour. This is not indicative of bullying. There is nothing to indicate anything beyond the normal give and take of human relationships where one person is in authority over the other. In terms of the tenor of information gathered, the impression is given that the prison staff are of a kindly disposition towards Simon Griffin.

The most substantial allegation is of facilitating an assault. Prison routine indicates that all cells are to be unlocked in the morning. It is only on the directions of a chief officer that a particular cell is to be left shut and locked. There is no suggestion that at any stage Simon Griffin requested that procedure for his own protection. On Sunday the 20th of February 2011, Simon Griffin was apparently in his cell when another two prisoners came in and beat him about the head. He came to prison staff seeking help with his head and face bloodied. He was properly treated by being brought to surgery and given medical attention. Apart from those involved in this cowardly attack, another prisoner was alleged by him to have been keeping watch at his cell door. This does not indicate collusion by the prison authorities. When the matter was reported to gardaí by the prison authorities, Simon Griffin did not cooperate, perhaps out of a fear of further attacks: it is impossible to know. Were a case of collusion in assault to be made out against prison officers, then that would be serious. There is nothing, however, in the circumstances of this nasty attack to even raise a suspicion of collusion.

The applicant alleges that he has been deprived of educational opportunities. The reality is that schooling to a very high standard, and musical and art lessons, are available in this prison should a prisoner engage with the educational facilities. Very positive results can be achieved. Simon Griffin should be further encouraged in that direction. At the moment, however, there is no question of his being deprived of education. Rather, the files indicate a pattern of missing lessons due to him reporting sick. That is not the fault of anyone. A real opportunity awaits Simon Griffin and it is probable that he has many talents that education within prison would uncover and foster.

As to sharing cells, another issue, this is a matter for the consent of prisoners. It is carefully looked into and monitored. There can be no question of discrimination in that regard. No evidence of any wrongful conduct is presented.

Simon Griffin, as a prisoner, has access on an immediate basis to medical treatment. He may have a respiration problem. Ventolin, as a medicine, can be a vital immediate help for people with asthma. Perhaps he should be considered for Seratide or Symbicort, so that there is also a steroid element? It is impossible for any court to say what medication should be provided. That is a matter for the medical doctor attached to the prison. At the moment, notwithstanding what Simon Griffin says, there is no diagnosis of asthma. There is no evidence that he is being deprived of medication. A review of his breathing through peak flow analysis might be undertaken to clear up this matter one way or another. It is not something on which the court should make an order. There is no evidence that anyone connected to Simon Griffin was strip searched. That term seems to be a colourful way of alleging that a visitor was patted in order to ensure that there were no items of contraband being carried. Provided an officer of appropriate gender was used, there is no reason at all why this should not be done. The security in the prison seems similar to that in an airport. There is nothing wrong with that.

There is no basis on which a court could make an order in this application.

