SPC Guiding Case No. 247: Application by Chen [X]yuan for State Compensation for Injury Caused by Hubei Hanjiang Prison's Failure to Perform Supervisory Duties

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Keywords

State compensation / compensation for injury caused by negligent performance of supervisory duties / performance of supervisory duties / denial of compensation

Holding

When examining and determining whether a supervisory organ such as a prison or detention house constitutes negligent performance of supervisory duties, a comprehensive judgment shall be made based on factors such as whether the supervisory organ's supervision, disposition and treatment of the detainee or prisoner conforms to the provisions of laws, regulations and relevant regulatory documents, whether it is reasonable and timely, and whether it has fulfilled the duty of care within the scope of normal cognition. Where the supervision is lawful, the disposition is reasonable and the treatment is timely, the supervisory organ shall be found to have performed its supervisory duties in accordance with the law.

Basic Facts

At about 7:30 a.m. on June 22, 2013, Chen [X]yuan and Liu [X], fellow prisoners in Hubei Hanjiang Prison, had a dispute in the prison washroom. Liu [X] first pushed and hit Chen [X]yuan's head; when Chen [X]yuan picked up a mop in the washroom to fight back, Liu [X] grabbed the mop and hit Chen [X]yuan's head twice with it. After other prisoners intervened and took away the wooden mop, Chen [X]yuan picked up another mop handle in the washroom and jabbed Liu [X] once in the abdomen; Liu [X] grabbed the mop and then punched Chen [X]yuan once in the face and twice on the head, causing bleeding from Chen [X]yuan's right eye and nose. The dispute and fight between the two were quickly broken up, and Chen [X]yuan, covering his eye, walked to the washroom door, where he met the duty police officer Wu [X]hui, who had arrived upon hearing the news. After learning the situation, Wu [X]hui immediately reported to deputy warden Cai [X]ming, who promptly arranged for Chen [X]yuan to be sent to the prison hospital for examination and treatment. Hubei Hanjiang Prison successively transferred Chen [X]yuan to Hubei Hanjiang Prison Hospital, Xiantao First People's Hospital, Shayang Prison Administration Bureau General Hospital and Zhongnan Hospital of Wuhan University for examination and treatment. Upon forensic appraisal, the injury to Chen [X]yuan's right eye caused blindness, constituting a serious injury, with a disability degree of Level 8. Hubei Hanjiang Prison spent a total of RMB 25,982.90 in medical expenses for the treatment of Chen [X]yuan's eye injury. The perpetrator Liu [X] was sentenced to three years and two months of fixed-term imprisonment for the crime of intentional injury and compensated Chen [X]yuan for economic losses.

Chen [X]yuan applied for state compensation on the grounds that Hubei Hanjiang Prison negligently performed its supervisory duties and allowed prisoner Liu [X] to beat him, causing bodily injury. Hubei Hanjiang Prison did not make a compensation decision within the statutory period. Chen [X]yuan applied for reconsideration, and the Hubei Provincial Prison Administration Bureau issued Criminal Compensation Reconsideration Decision E Jian Fu Jue Zi [2014] No. 1, denying Chen [X]yuan's compensation claims. Chen [X]yuan was dissatisfied and applied to the Compensation Committee of the Hubei Provincial High People's Court for a compensation decision.

Judgment

On May 21, 2014, the Compensation Committee of the Hubei Provincial High People's Court rendered State Compensation Decision (2014) E Gao Fa Wei Pei Zi No. 4: the Criminal Compensation Reconsideration Decision E Jian Fu Jue Zi [2014] No. 1 of the Hubei Provincial Prison Administration Bureau was affirmed. Chen [X]yuan was dissatisfied and filed a complaint with the Compensation Committee of the Supreme People's Court. On March 26, 2018, the Compensation Committee of the Supreme People's Court rendered Decision (2018) Zui Gao Fa Wei Pei Jian No. 43: Chen [X]yuan's complaint was dismissed.

Reasoning

The focus of the dispute in this case was: whether the prison staff negligently performed their supervisory duties. Chen [X]yuan's disability caused by Liu [X]'s beating was the result of a dispute and fight between Chen [X]yuan and Liu [X] in the prison washroom, and there was no circumstance of Hubei Hanjiang Prison staff instigating or conniving at Liu [X]'s beating of Chen [X]yuan. At the same time, because the dispute and fight between the two were sudden and short-lived, when the prison staff arrived at the scene, the two had already been separated, and Chen [X]yuan was walking toward the washroom door, indicating that the prison staff arrived at the scene in a timely manner; there was no circumstance of knowing that beating or abuse had occurred yet still ignoring it, allowing it to continue, or being seriously irresponsible.

Regarding Chen [X]yuan's complaint that “the prison should ensure the personal safety of prisoners and safeguard their relevant lawful rights and interests, and the prison and its staff should bear the corresponding statutory obligations,” the Compensation Committee of the Supreme People's Court held that, for certain accidental or sudden circumstances, whether a supervisory organ is found to have negligently performed its duties should be comprehensively judged based on factors such as whether the supervisory organ's supervision, disposition and treatment of the detainee or prisoner conforms to the provisions of laws, regulations and relevant regulatory documents, whether it is reasonable and timely, and whether it has fulfilled the duty of care within the scope of normal cognition. Lawfulness, reasonableness and timeliness are the standards for measuring whether a prison administrative organ performs its duties in accordance with the law. In this case, Chen [X]yuan and a fellow prisoner violated prison rules and had a sudden dispute and fight; Hubei Hanjiang Prison staff arrived at the scene in a timely manner, reported the situation promptly after learning of it, sent Chen [X]yuan for medical treatment, and subsequently sent Chen [X]yuan out of prison for medical treatment on multiple occasions and paid the relevant medical expenses. The above circumstances can establish that Hubei Hanjiang Prison had already performed the duties it should perform as a supervisory organ. Chen [X]yuan's complaint that Hubei Hanjiang Prison negligently performed its duties and was lax in supervision lacked a factual basis.

Relevant Legal Provisions

Article 17 of the State Compensation Law of the People's Republic of China

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