

Bond Case Briefs

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LIABILITY - WASHINGTON

Binschus v. State, Dept. of Corrections

Court of Appeals of Washington, Division 1 - February 23, 2015 - P.3d - 2015 WL 754230

After former inmate, who had been released from county jail following incarceration for committing nonviolent crimes, killed six people and injured several others while experiencing a psychotic episode, estates of five people inmate killed and four people he injured brought lawsuit against counties in which defendant had been incarcerated for negligence. The Superior Court granted counties summary judgment. Estates and injured persons appealed.

The Court of Appeals held that:

- Fact issue existed as to whether county in which inmate was initially incarcerated knew or should have known of inmate's violent propensities;
- There was no evidence as to whether county to which inmate was transferred was aware of inmate's violent disposition;
- Fact issue existed as to whether injuries to victims were reasonably foreseeable;
- Alleged improper mental health evaluation and treatment of inmate did not create duty to protect victims; and
- Fact issue precluded summary judgment on claim that counties proximately caused victims' injuries.