

# **Bond Case Briefs**

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## **LIABILITY - CALIFORNIA**

### **State Dept. of State Hospitals v. Superior Court of Los Angeles County**

**Supreme Court of California - June 1, 2015 - P.3d - 2015 WL 3451562**

Sister of rape and murder victim killed by parolee four days after release from prison brought action against State Department of Mental Health and its acting directors, alleging that they breached mandatory duties under the Sexually Violent Predators Act (SVPA) and committed negligence, and seeking a writ of mandamus to compel them to perform their duties. The Superior Court overruled defendants' demurrers, and defendants petitioned for writ of mandate. The Court of Appeal granted petition in part and denied it in part.

On review, the Supreme Court of California held that:

- SVPA requirement that the Department designate two psychiatrists or psychologists to conduct evaluations was a non-discretionary mandatory duty;
- Department did not have any mandatory duty to conduct an in-person evaluation;
- The harm to the public caused by parolee's release was the kind of risk the mandatory duty to designate two evaluators was designed to forestall; but
- Department's breach of its duty to designate a second evaluator was not a proximate cause of rape and murder committed by parolee.

State Department of Mental Health's breach of its duty to designate a second evaluator for Sexually Violent Predator Act (SVPA) evaluation of prisoner was not a proximate cause of rape and murder committed by prisoner four days after his release, and thus did not support liability under the Government Claims Act, since concluding that the appointment of a second evaluator would have prevented prisoner's release would require courts to posit a subsequent unbroken series of discretionary findings contradicting the first evaluator's conclusion and leading to civil commitment.