Ricardo M. -- Cases on Commitment to Juvenile Hall (Chronological)

Compiled by Sue Burrell – 3/16/11 – sburrell@ylc.org

Youth Law Center
200 Pine Street, Suite 300
San Francisco, California 94104
http://www.ylc.org

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Note that the statutes have changed over time – especially W & I § 777, but also the purpose clause (W & I § 202). Also, some focus on what can be done as a probation condition, and others focus on required 726 removal or 730 findings. Also, a number deal with other kinds of dispositions, including non-wardship probation, camp commitments or CYA/DJF commitments. Only a couple of cases have been published since the big changes to 777 in Prop 21 (2001), but those cases do recognize the vitality of Ricardo M.

In re Ricardo M. (1975) 52 Cal.App.3d 744	Not less than 5 nor more than 30 days at discretion of probation upheld	p. 749: "It is imposed as an alternative to the more serious measure of commitment to a juvenile camp. Its purpose is to demonstrate to the minor the road to which continuation of delinquency will lead while at the same time preserving family ties which are the best of all possible means of bringing the child to productive adulthood. It seeks to avoid the unkind leniency which all too often leads the juvenile to further and more aggravated violations of law and consequently to a continuum of more severe treatment through camp and youth authority commitment to a sentence of state prison by a felony court." Order must also comply with required 726 and 730 findings.
In re John S. (1978) 83 Cal.App.3d 285, 147 Cal.Rptr. 771	5 to 10 days in juvenile hall upheld	Case deals with whether the record was adequate to demonstrate compliance with required findings that there was a need to remove the youth from his parent's custody - quotes extensively from Ricardo M. (pgs. 292-293) Also finds order for jh time not punitive (not sure if this case was before amendment to 202 allowing punishment) (p. 295).
In re Gerald B. (1980) 105 Cal.App.3d 119	Supreme Court strikes down special order that would	Case is notable for the Supreme Court's characterization of Ricardo M., p. 125: "As noted, Gerald was made a

	have imposed automatic jh time for violation of order to attend in a 602 case	ward of the court by virtue of his criminal conduct under section 602 ; his potential confinement to juvenile hall arises not from the fact of truancy alone, but as the result of a condition of probation stemming from such criminal conduct. And it is generally recognized that there is no legal impediment to the imposition of brief periods of juvenile hall detention as a condition of probation in section 602 proceedings. (See In re John S. (1978) 83 Cal.App.3d 285, 294, 147 Cal.Rptr. 771; In re Ricardo M. (1975) 52 Cal.App.3d 744, 751, 125 Cal.Rptr. 291; In re Preston B. (1969) 273 Cal.App.2d 607, 611, 78 Cal.Rptr. 436; In re Bacon (1966) 240 Cal.App.2d 34, 63, 49 Cal.Rptr. 322.)
In re Demetrus H. (1981) 118 Cal.App.3d 805	Not less than 5 nor more than 10 days in jh stricken	P. 809: "...the condition of probation requiring confinement in December 1980 should be eliminated, not because it was improper when that order was made, but because its intended therapeutic effect has evaporated with the passage of time." Case quotes extensively from Ricado M. and John S. on the idea of therapeutic punishment and semantics about what is punitive.
In re Stephen L. (1984) 162 Cal.App.3d 257	Spend 15 days in jh or participate in JAWS program (community service), with 30 days stayed	Ricardo M. was not the issue on appeal – this is just an example of a Ricardo M. order.
In re Robert M. (1985) 163 Cal.App.3d 812	Robert had been committed to jh twice for failure to comply with the satisfactory grades and citizenship condition of his probation (p. 814)	Not really a Ricardo M. case, just an example of circumstances when it has been used. Condition requiring the youth to maintain satisfactory grades and citizenship was struck down on appeal.

In re Lance W. (1986)	Upheld an order staying the imposition of 30 days Ricardo M. time after the youth was released from camp on the same case (p. 899).	Important in discussing legislative changes in relation to Ricardo M., p. : Statutory changes since *Ricardo M.,* taken as a whole, reflect legislative awareness and approval of the holding in that case. In 1977, the Legislature amended section 777 to add subdivision (b), which authorized commitment in juvenile hall for *violation* of probation, *but limited* such confinement to ***898** two periods of fifteen days each during the period of the wardship. FN21 In *In re Mark M.* (1980) 109 Cal.App.3d 873, 167 Cal.Rptr. 461, the Court of Appeal considered the application of subdivision (b) to a case in which the juvenile court had stayed 23 of 25 days of detention in juvenile hall ("Ricardo M. time") imposed as a modified condition of probation following the sustaining of a supplemental petition filed pursuant to section 777 alleging a violation of probation. The 23 days were stayed on condition that the ward not miss school, and on the date set for further hearing the court ordered execution of the stayed detention time without following the supplemental petition procedures of section 777. The Court of Appeal held that this summary procedure was contrary to the "clear implication of subdivision (b) ... that a supplemental petition must be filed whenever the minor is to be committed to a county juvenile institution for violating a condition of probation, although the basis for the commitment changes if its term exceeds 15 days as it did here. The effect ***648** of section 777, subdivision (b) is that if a court stays *Ricardo M.* time, it cannot later impose it unless the provisions of section 777 [i.e., 'noticed hearing upon a supplemental petition'] are first complied with." ***761** (109 Cal.App.3d 873, 877, 167 Cal.Rptr. 461.)

		In 1981, the Legislature amended section 777 to add subdivision (e) (Stats.1981, ch. 1142, § 9, p. 4536), which provides: "The filing of a supplemental petition and the hearing thereon shall not be required for the commitment of a minor to a county institution for a period of 30 days or less pursuant to an original or a previous order imposing a specified time in custody and staying the enforcement of the order subject to subsequent violation of a condition or conditions of probation, provided that in order to make the commitment, the court finds at a hearing that the minor has violated a condition of probation." This provision, while apparently in response to *Mark M.,* gives express recognition to the practice of imposing time in juvenile hall either as a condition of probation in an original disposition, or as a condition in a subsequent order in which the minor is granted or continued on probation.
In re Joe. A. (1986) 183 Cal.App.3d 11Cal.App. 5 Dist.,1986.	Upholds imposition of jh time in connection with 777 petition Ricardo M. time under then existing W & I 777(e)	The opinion mostly addresses the notice and due process requirements for 777 petitions, but mentions Ricardo M. in connection with 1981 legislative amendments that added 777(e), and recognizes that 30 days of stayed time may be imposed if previously stayed (p. 24) [Again, 777(e) no longer exists}
In re Ronnie P. (1992) 10 Cal.App.4th 1079	Strikes down stayed Youth Authority commitment -- included because of discussion of Ricardo M. in relation to W & I 777(e)	p. 1087: First we note the complete absence of authority for an order imposing a "suspended" or "stayed" Youth Authority commitment. Courts have permitted the imposition of a brief juvenile hall detention stayed on condition that other dispositional orders be performed. (E.g. *In re Mark M.* (1980) 109 Cal.App.3d 873, 167

		Cal.Rptr. 461; see *In re Ricardo M.* (1975) 52 Cal.App.3d 744, 125 Cal.Rptr. 291.) This practice has been codified at section 777, subdivision (e), which permits the court to enforce, upon a violation of "a condition or conditions of probation," a "stayed" order for confinement in a county institution for up to 30 days. The expression of this narrow authorization implies the exclusion of any broader authority for "stayed" dispositions, under the doctrine of " *expressio unius est exclusio alterius.*" (See *In re Michael G.* (1988) 44 Cal.3d 283, 291, 243 Cal.Rptr. 224, 747 P.2d 1152.)
In re Kazuo G. (1994) 22 Cal.App.4th 1	Struck down automatic imposition of stayed six month jh commitment and requires compliance with 777 notice and due process requirements whenever Ricardo M. time is more than 30 days [note that all of this statutory law has since changed] Length of jh commitment is dicta?	P. 8: [10] [11] When a minor is adjudged a ward of the court under section 602, the juvenile court has various dispositional alternatives, including supervised or unsupervised probation. (§ 727.) Juvenile probation has long been recognized as an alternative to the more serious measure of commitment to a county juvenile institution or to the Youth Authority. (§§ 730, 731; *In re Ricardo M., supra,* 52 Cal.App.3d 744, 749, 125 Cal.Rptr. 291.) Indeed probation is the statutorily preferred alternative. Before a minor is removed from the physical custody of a parent the minor must ordinarily have been tried on probation. (§ 726, subd. (b).) Pgs. 8-9: In *In re Ricardo M., supra,* 52 Cal.App.3d 744, 125 Cal.Rptr. 291, the court held that section 730 authorizes confinement to juvenile hall as a condition of probation: "Its *9 purpose is to demonstrate to the minor the road to which continuation of delinquency will lead...." (*Id.* at p. 749,

		125 Cal.Rptr. 291.) For the same reason, the Supreme Court has upheld a *stay* of juvenile hall commitment as a condition of probation: "[T]he court could reasonably conclude that ... the threat of further confinement if he again violated the conditions of probation would serve as a deterrent to delinquent behavior." (*In re Lance W.* (1985) 37 Cal.3d 873, 899, 210 Cal.Rptr. 631, 694 P.2d 744.) Even the court in *Ronnie P.* acknowledged the "salutary effect" of such a stayed commitment: "Of course, the threat of Youth Authority commitment may have a salutary effect on a particular minor's attitude, and nothing said here should be understood to restrict the court's ability to employ such a threat to encourage the minor's reform." (*In re Ronnie P., supra,* 10 Cal.App.4th at p. 1090, fn. 8, 12 Cal.Rptr.2d 875.) Yet, the court concluded that "such a warning can have no legal bearing on a subsequent dispositional proceeding. Certainly it cannot operate to foreclose the imposition or continuation of a less restrictive placement." (*Ibid.*) Moreover, in our view, subdivision (e) of section 777 contemplates just such a procedure. It provides: "The filing of a supplemental petition and the hearing thereon shall not be required for the commitment of a minor to a county institution for a period of 30 days or less pursuant to an original or a previous order imposing a specified time in custody and staying the enforcement of the order subject to subsequent violation of a condition or conditions of probation, provided that in order to make the commitment, the court finds at a hearing that the minor has violated a condition of probation."

		[15] As we read the statute, it merely creates an exception to the requirement of a supplemental petition if the commitment is for 30 days or less.[FN5] *10 Contrary to the statement in *Ronnie P.,* subdivision (e) does not limit the juvenile court's authority to impose and stay a longer commitment. For commitments longer than 30 days the exception created by subdivision (e) will not apply and the general procedural requirements of section 777 (a supplemental petition and noticed hearing) must be followed before the stay is lifted. FN5. Before subdivision (e) was added, some juvenile courts granted probation and also committed the minor to juvenile hall but stayed the commitment upon certain conditions. The appellate courts held that before the court could impose the previously-stayed time in juvenile hall upon a violation of a condition of probation the procedural requirements of section 777 must be followed. (*In re Ruben A.* (1981) 121 Cal.App.3d 671, 175 Cal.Rptr. 649; *In re Mark M., supra,* 109 Cal.App.3d 873, 875, 167 Cal.Rptr. 461; *In re Phillip A.* (1980) 109 Cal.App.3d 1004, 169 Cal.Rptr. 88; see *In re Gerald B.* (1980) 105 Cal.App.3d 119, 126, 164 Cal.Rptr. 193.) Subdivision (e) now eliminates the supplemental petition for such commitments of 30 days or less. (*In re Robert M., supra,* 163 Cal.App.3d 812, 818-819, 209 Cal.Rptr. 657.) Our reading of section 777, subdivision (e), is supported by the decision in *In re Benny S.* (1991) 230 Cal.App.3d 102, 281 Cal.Rptr. 1. There the juvenile court placed the minor on probation and also imposed 60 days in

		juvenile hall, with the commitment stayed. The appellate court rejected the minor's argument that the dispositional order violated section 777, subdivision (e): “That subdivision concerns *supplemental,* i.e. probation violation, hearings *not* original disposition ***161* hearings, such as the instant hearing. As to such probation violation hearings the section prescribes two different procedures depending upon the ordered custody period. The section does not prohibit, contrary to appellant's contention, a 60-day custody period as a condition of probation. Rather, it merely requires that when such a condition has been stayed, and is later sought to be enforced, a supplemental petition must be filed and a hearing provided.” (Emphasis in original.) (*Id.* at pp. 110-111, 281 Cal.Rptr. 1.) Pgs. 10-11: The court in *Ronnie P.* failed to make the distinction made in *Benny S.* between a stay of commitment, imposed as a condition of probation, and a lifting of the stay when probation has been violated. There is nothing in the statute to limit the juvenile court's authority to stay a commitment to a juvenile institution for more than 30 days *when probation is granted.* The statute comes into play when a condition of probation has been violated: it limits the court's authority to lift the stay and enforce the order of commitment. If the commitment is for more than 30 days, the exception created by subdivision (e) will not apply and the procedural requirements of section 777 **11* must be followed: a supplemental petition must be filed and a hearing held. (*In re Benny S., supra,* 230 Cal.App.3d at p. 111, 281 Cal.Rptr. 1.) And the court may not impose the commitment automatically; it must

		reassess the dispositional issues in light of then-prevailing circumstances. (*In re Ronnie P., supra,* 10 Cal.App.4th 1079, 12 Cal.Rptr.2d 875.) As long as those requirements are met, however, we find nothing to preclude the juvenile court from modifying the disposition to impose the previously-stayed commitment. [14] We reiterate our agreement with *Ronnie P.* that a prior stay of a juvenile commitment may not be automatically lifted at a subsequent dispositional proceeding, but we find the Supreme Court's holding in *In re Lance W., supra,* controlling. A juvenile commitment may be imposed and stayed when probation is granted-to serve as a warning to the minor where his continued delinquency will lead.
In re Chad S. (1994) 30 Cal.App.4th 607	Upheld stayed CYA commitment	Not really a Ricardo M. case – it involved stayed CYA commitment, but it quotes heavily from Ronnie P. and Kazuo G. cases. P. 612: "In *In re Ricardo M.* [(1975)] 52 Cal.App.3d 744 [125 Cal.Rptr. 291], the court held that section 730 authorizes confinement to juvenile hall as a condition of probation: 'Its purpose is to demonstrate to the minor the road to which continuation of delinquency will lead....' [Citation.] For the same reason, the Supreme Court has upheld a *stay* of juvenile hall commitment as a condition of probation: '[T]he court could reasonably conclude that ... the threat of further confinement if he again violated the conditions of probation ***798** would serve as a deterrent to delinquent behavior.' [Citation.]
In re Myresheia W.(1998) 61 Cal.App.4th 734	Case involves right to a jury trial for juvenile. Just cites Ricardo M. in	P. 749: The California juvenile system has available diagnostic and rehabilitative services that are significantly better than those available

	discussion of dispositional options in juvenile court.	in adult criminal proceedings. The options available to a juvenile court hearing officer after a minor has been declared a ward of the court are numerous, including diagnostic studies, home on probation, suitable placement, detention pursuant to *In re Ricardo M.* (1975) 52 Cal.App.3d 744, 752, 125 Cal.Rptr. 291, camp placement, and commitment to the California Youth Authority.
In re Trevor W. (2001) 88 Cal.App.4th 833	Imposition of 210 days in jh struck down because Trevor was not made a ward of the court. Also recognizes that even if proper, jh time may not be imposed for longer than the max probation period.	P. 837: The court in this case based its imposition of juvenile hall time on *In re Ricardo M., supra,* 52 Cal.App.3d 744, 125 Cal.Rptr. 291 (*Ricardo M.*). That decision establishes that, where the necessary findings under section 726 are expressly or implicitly made by the court and supported by the evidence, the court may impose juvenile hall time as a condition of probation. ***172* (*Ricardo M., supra,* at pp. 749-751, 125 Cal.Rptr. 291.) In *Ricardo M.,* however, the minor was adjudged a ward of the court. (*Id.,* at p. 747, 125 Cal.Rptr. 291.) To our knowledge, the same is true in the subsequent reported decisions in which juvenile hall time as a condition of probation has been imposed based on *Ricardo M.* (See, e.g., *In re Scott S.* (1998) 66 Cal.App.4th 1528, 1529, 78 Cal.Rptr.2d 748; *In re Stephen L.* (1984) 162 Cal.App.3d 257, 259, 208 Cal.Rptr. 453; *In re Demetrus H.* (1981) 118 Cal.App.3d 805, 806-807, 173 Cal.Rptr. 627; *In re Mark M.* (1980) 109 Cal.App.3d 873, 875-876, 167 Cal.Rptr. 461; *In re Gerald B.* (1980) 105 Cal.App.3d 119, 125, 164 Cal.Rptr. 193; *In re John S.* (1978) 83 Cal.App.3d 285, 289, 147 Cal.Rptr. 771; see also *In re Preston B.* (1969) 273 Cal.App.2d 607, 608, 78 Cal.Rptr. 436 [pre- *Ricardo M.*].)

		Indeed, *Ricardo M.* found the authority for imposing juvenile hall as a condition of probation in section 730. As the court noted, section 730 provides that, where a minor is placed on probation, the court may impose "any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced." (§ 730, subd. (b); see *Ricardo M., supra,* 52 Cal.App.3d at p. 751, 125 Cal.Rptr. 291.) Section 730, however, only applies " *[w]hen a minor is adjudged a ward of the court.* ..." (§ 730, subd. (a), italics added.)