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JERRY L. CLARK, CLERK

Yellen v. Ada Co.



Jl-ID-004-002

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

FREDERICK YELLEN, JR., a minor,)
by and through FREDERICK YELLEN,)
SR. and ANITA YELLEN, his parents)
and legal guardians; et al.,)
Plaintiffs,)
v.)
ADA COUNTY, IDAHO, et al.,)
Defendants.)

Civ. No. 83-1026
ORDER OF PERMANENT
INJUNCTION

At this time the Court is presented with a Stipulation for Entry of Permanent Injunction executed by all attorneys for the parties. While neither admitting nor denying any allegations of fact or legal liability in this cause, the parties have now agreed to the entry of a Permanent Injunction in the form and style stated in this Order, and Defendants do not oppose entry of such order. The parties further

agree that this Order does not serve as an admission of any kind, nor does it establish liability or fault.

Nevertheless, it is understood and agreed that this Order is to have permanent, perpetual and binding effect upon Defendants, their officers, successors in office, employees, agents and assigns, and that the directives contained herein and the relief hereby granted, is and shall be fully enforceable as between the parties hereto and all juveniles who may hereafter be subject to incarceration in the Ada County Jail.

Therefore, based upon the stipulation and agreement of all parties to this action, by and through their respective counsel, and based upon all matters of record in this case, it is hereby ORDERED, ADJUDGED AND DECREED that:

Upon the entry of this Order by the Clerk of the Court, the Defendants shall not detain nor incarcerate any person under the age of 18 years in the Ada County Jail except those who have been waived to adult status or those who are initially charged as adults, pursuant to Idaho Code sections 16-1806 and 16-1806A, as those statutes now exist or may be subsequently amended or codified.

This Order shall exclude from incarceration and detention in the Ada County Jail any person under the age of 18 years, who might otherwise be treated as an adult pursuant to the laws of Idaho because of commission or alleged commission of an offense not addressed by the Youth Rehabilitation Act,

except as provided in Idaho Code sections 16-1806 and 16-1806A, as those statutes now exist or may be subsequently amended or codified, including but not limited to, those persons charged with traffic offenses, fish and game violations, criminal or civil contempt, or other like provisions of law. This Order shall not prohibit the short-term detention of any person under the age of 18 years where the individual making the arrest has a good faith belief that the person is at least 18 years of age.

A copy of this Order shall be provided to the Sheriff of Ada County, the Ada County Prosecuting Attorney, the Chief of Police of the City of Boise, the Boise City Attorney, the Chief of Police of Garden City, the Garden City Attorney, the Chief of Police of the City of Meridian, the Director of the Ada County Juvenile Detention Center, the Director of the Idaho Department of Fish and Game, the Director of the Idaho Department of Law Enforcement, the United States Marshal for the State of Idaho, the Supervisory Investigator for the Bureau of Immigration and Naturalization Service (within the State of Idaho), and all judges within Ada County having authority to commit juveniles to the Ada County Jail for detention, incarceration or other disposition.

This Order is not a determination on the merits of Plaintiffs' Motion for Preliminary Injunction and cannot be offered in this or any other litigation as an admission of any kind or for the purpose of establishing liability or

fault. This Order does not resolve the claims of the individually named Plaintiffs for money damages. Plaintiffs and Defendants reserve the right to request attorneys fees and costs and Plaintiffs and Defendants reserve the right to oppose such request.

DATED This 13th day of February, 1985.

RAY McNICHOLS
HONORABLE RAY McNICHOLS
United States District Judge