

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,	:
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Plaintiffs,	:
	:
- against -	:
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CITY OF NEW YORK, et al.,	:
	:
Defendants.	:
	: 11 Civ. 5845 (LTS)(JCF)
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	:
UNITED STATES OF AMERICA,	:
	:
Plaintiff-Intervenor,	:
	:
- against -	:
	:
CITY OF NEW YORK and NEW YORK CITY	:
DEPARTMENT OF CORRECTION,	:
	:
Defendants.	:
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FIFTH STIPULATION AND ORDER
REGARDING 16-AND 17-YEAR-OLD ADOLESCENT
OFFENDERS AT HORIZON JUVENILE CENTER

This Fifth Stipulation and Order (“Stipulation”) is entered by and among the Plaintiff Class, Plaintiff the United States of America (the “United States”), and Defendants the City of New York (the “City”) and the New York City Department of Correction (the “Department” or “DOC”) (the City and the Department are collectively referred to herein as the “Defendants”).

WHEREAS, on October 21, 2015, this Court entered a Consent Judgment (Dkt. No. 249) in this matter requiring the Defendants to take specific actions to remedy a pattern and practice of violence against incarcerated individuals, and to develop and implement new practices, policies, and procedures designed to reduce violence in the jails and ensure the safety and well-being of incarcerated individuals;

WHEREAS, on April 10, 2017, the State of New York enacted legislation (known as the “Raise the Age Law”) that raised the age of criminal responsibility to 18 years of age and created a new category of offenders called “Adolescent Offenders,” which are defined as 16- or 17-year-olds who are charged with a felony-level offense, *see* Criminal Procedure Law 1.20(44);

WHEREAS, the Raise the Age Law was implemented in stages. The new category of offenders applied to any 16-year-old youth charged on or after October 1, 2018, and any 17-year-old youth charged on or after October 1, 2019. All 16- and 17-year-old youth charged before October 1, 2018, and any 17-year-old youth charged between October 1, 2018 and September 30, 2019, were to still be processed as adults (collectively, “Pre-Raise the Age Youth”);

WHEREAS, pursuant to the Raise the Age Law, all 16- and 17-year-old incarcerated youth were required to be housed in a facility not located on Rikers Island as of October 1, 2018;

WHEREAS, starting in October 2018, all Pre-Raise the Age Youth were housed at the Horizon Juvenile Center (“Horizon”), a specialized secure juvenile detention facility located in the Bronx, New York, which was at the time jointly operated by DOC and the New York City Administration for Children’s Services (“ACS”);

WHEREAS, during the period during which Pre-Raise the Age Youth were housed at Horizon, the Monitor appointed under the Consent Judgment monitored and reported on the extent to which Defendants complied with applicable provisions of the Consent Judgment with respect to these Pre-Raise the Age Youth housed at Horizon;

WHEREAS, as of July 26, 2020, there were no longer any Pre-Raise the Age Youth housed at Horizon but the facility continued to house Adolescent Offenders;

WHEREAS, ACS has assumed day-to-day operations of Horizon, and DOC currently does not have any role in the day-to-day management of the facility;

WHEREAS, the City asserts that ACS’ approach to managing Adolescent Offenders at Horizon is premised upon a therapeutic model, whose main focus is engagement of youth in positive pro-social, therapeutic, educational and/or vocational activities; de-escalation of volatile engagements; and trusted communications with youth to support a positive forward-facing behavioral approach;

WHEREAS, the United States, the Plaintiff Class, and the City had a dispute concerning the extent to which certain provisions of the Consent Judgment should apply to Adolescent Offenders housed at Horizon given that DOC is no longer involved in the day-to-day operations of the facility and the facility no longer houses Pre-Raise the Age Youth;

WHEREAS, on or about November 11, 2020, the City voluntarily entered into an Agreement with the Monitor (“First Horizon Agreement”) concerning the operation of Horizon and the management and supervision of Adolescent Offenders housed at that facility, under which the Monitor would file with the Court three public reports describing the efforts ACS had undertaken to implement the requirements of the First Horizon Agreement and assessing the extent to which ACS had complied with these requirements, applying the standard for Compliance set forth in the First Horizon Agreement;

WHEREAS, on or about November 12, 2020, the Court entered the Stipulation and Order Regarding 16- and 17-Year-Old Adolescent Offenders at Horizon Juvenile Center (Dkt. No. 364), which attached the First Horizon Agreement and specified that, during the duration of the First Horizon Agreement, the Monitor would not assess compliance with the Consent Judgment with respect to Adolescent Offenders and the Plaintiff Class and the United States would not seek judicial action to enforce the Consent Judgment with respect to Adolescent Offenders;

WHEREAS, on or about October 25, 2022, the Monitor filed with the Court the third and final report under the First Horizon Agreement (Dkt. No. 471, “the Third Monitor Horizon Report”), which assessed ACS’ compliance with the requirements under the First Horizon Agreement for the period of January 1, 2022 through June 30, 2022;

WHEREAS, in the Third Monitor Horizon Report, the Monitor found that while ACS had demonstrated good faith efforts to improve its practice, ACS had not achieved compliance with certain requirements of the First Horizon Agreement, although progress had been made;

WHEREAS, on or about September 29, 2022, the City voluntarily entered into an Agreement with the Monitor (“Second Horizon Agreement”) concerning the operation of Horizon and the management and supervision of Adolescent Offenders housed at that facility, under which the Monitor would file with the Court two public reports describing the efforts ACS had undertaken to implement the requirements of the Second Horizon Agreement and assessing the extent to which ACS had complied with these requirements, applying the standard for Compliance set forth in the Second Horizon Agreement;

WHEREAS, on or about February 3, 2023, the Court entered the Second Stipulation and Order Regarding 16- and 17-Year-Old Adolescent Offenders at Horizon Juvenile Center (Dkt. No. 503), which attached the Second Horizon Agreement and specified that, during the duration of the Second Horizon Agreement, the Monitor would not assess compliance with the Consent Judgment with respect to Adolescent Offenders and the Plaintiff Class and the United States would not seek judicial action to enforce the Consent Judgment with respect to Adolescent Offenders;

WHEREAS, on or about October 25, 2023, the Monitor filed with the Court the second and final report under the Second Horizon Agreement (Dkt. No. 587, “the Fifth Monitor Horizon Report”), which assessed ACS’ compliance with the six substantive requirements under the Second Horizon Agreement for the period of January 1, 2023 through June 30, 2023;

WHEREAS, in the Fifth Monitor Horizon Report, the Monitor found that while ACS had demonstrated good faith efforts to improve its practice, ACS had not achieved compliance with certain requirements of the Second Horizon Agreement, although progress had been made;

WHEREAS, on or about October 13, 2023, the City voluntarily entered into an Agreement with the Monitor (“Third Horizon Agreement”) concerning the operation of Horizon and the management and supervision of Adolescent Offenders housed at that facility, under which the Monitor would file with the Court one public report describing the efforts ACS had undertaken to implement the requirements of the Third Horizon Agreement and assessing the extent to which ACS had complied with these requirements, applying the standard for Compliance set forth in the Third Horizon Agreement;

WHEREAS, on or about January 11, 2024, the Court entered the Third Stipulation and Order Regarding 16- and 17-Year-Old Adolescent Offenders at Horizon Juvenile Center (Dkt. No. 673), which attached the Third Horizon Agreement and specified that, during the duration of the Third Horizon Agreement, the Monitor would not assess compliance with the Consent Judgment with respect to Adolescent Offenders and the Plaintiff Class and the United States would not seek judicial action to enforce the Consent Judgment with respect to Adolescent Offenders;

WHEREAS, on or about October 24, 2024, the Monitor filed with the Court a report under the Third Horizon Agreement (Dkt. No. 790, “the Sixth Monitor Horizon Report”), which assessed ACS’ compliance with the four substantive requirements under the Third Horizon Agreement for the period of July 1, 2023 through June 30, 2024;

WHEREAS, in the Sixth Monitor Horizon Report, the Monitor found that while ACS had demonstrated good faith efforts to improve its practice, ACS had not achieved compliance with three of the four substantive requirements of the Third Horizon Agreement, although progress had been made;

WHEREAS, on or about September 24, 2024, the City voluntarily entered into an Agreement with the Monitor (“Fourth Horizon Agreement”) concerning the operation of Horizon and the management and supervision of Adolescent Offenders housed at that facility, under which the Monitor would file with the Court one public report describing the efforts ACS had undertaken to implement the requirements of the Fourth Horizon Agreement and assessing the extent to which ACS had complied with these requirements, applying the standard for Compliance set forth in the Fourth Horizon Agreement

WHEREAS, on or about January 23, 2025, the Court entered the Fourth Stipulation and Order Regarding 16- and 17-Year-Old Adolescent Offenders at Horizon Juvenile Center (Dkt. No. 809), which attached the Fourth Horizon Agreement and specified that, during the duration of the Fourth Horizon Agreement, the Monitor would not assess compliance with the Consent Judgment with respect to Adolescent Offenders and the Plaintiff Class and the United States would not seek judicial action to enforce the Consent Judgment with respect to Adolescent Offenders;

WHEREAS, pursuant to Paragraph 3 of the Fourth Stipulation and Order Regarding 16- and 17-Year-Old Adolescent Offenders at Horizon Juvenile Center, the parties agreed that in the event that the Monitor found that the City and ACS were in compliance with the requirements with the three substantive requirements in the Fourth Horizon Agreement during the period from July 1, 2024 through June 30, 2025, the parties would “file with the Court a stipulation and proposed Order stating that the Consent Judgment shall not apply to Adolescent Offenders going forward;”

WHEREAS, on or about November 7, 2025, the Monitor filed with the Court a report under the Fourth Horizon Agreement (Dkt. No. 926, “the Seventh Monitor Horizon Report”), which assessed ACS’ compliance with the three substantive requirements under the Fourth Horizon Agreement for the period of July 1, 2024 through June 30, 2025;

WHEREAS, in the Seventh Monitor Horizon Report, the Monitor found that ACS had achieved compliance with all three substantive requirements of the Fourth Horizon Agreement;

NOW, IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel, and this Court THEREFORE ORDERS, as follows:

1. The Consent Judgment shall not apply to Adolescent Offenders going forward.
2. Nothing in this Stipulation shall be construed to impact the applicability of the Consent Judgment to any Plaintiff Class member who is not an Adolescent Offender.

FOR THE UNITED STATES:

JAY CLAYTON

United States Attorney for the
Southern District of New York

By: Jeffrey Powell

JEFFREY K. POWELL

RACHAEL L. DOUD

Assistant United States Attorneys

86 Chambers Street, 3rd Floor

New York, NY 10007

Telephone: (212) 637-2706/2599

Email: Jeffrey.Powell@usdoj.gov

Rachael.Doud@usdoj.gov

FOR PLAINTIFF CLASS:

THE LEGAL AID SOCIETY

THE PRISONERS' RIGHTS PROJECT

By: Mary Lynne Werlwas

MARY LYNNE WERLWAS

SOPHIA GEBRESELASSIE

KATHERINE HAAS

KAYLA SIMPSON

49 Thomas Street, 10th Floor

New York, New York 10013

Telephone: (212) 577-3530

Email: mlwerlwas@legal-aid.org

sgebreselassie@legal-aid.org

khaas@legal-aid.org

ksimpson@legal-aid.org

EMERY CELLI BRINCKERHOFF & ABADY LLP

By: s/Debra Greenberger

JONATHAN S. ABADY

DEBBIE GREENBERGER

SANA MAYAT

600 Fifth Avenue, 10th Floor

New York, NY 10020

Telephone: (212) 763-5000

Email: jabady@ecbawm.com

dgreenberger@ecbawm.com

smayat@ecbawm.com

FOR DEFENDANTS CITY OF NEW YORK AND DEPARTMENT OF CORRECTION:

MURIEL GOODE-TRUFANT

Corporation Counsel for the City of New York

By: *Alan H. Scheiner /s/*

Alan H. Scheiner

100 Church Street

New York, New York 10007

Telephone: (212) 356-2344

Email: ascheine@law.nyc.gov

SO ORDERED this 9th day of December, 2025

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
CHIEF UNITED STATES
DISTRICT JUDGE