



September 14, 2022

Lindsay D. Puckett
501 West Broadway, Suite 2000
San Diego, CA 92101
D. 858.794.4115
lindsay.puckett@stoel.com

VIA ELECTRONIC MAIL ONLY

Board of Supervisors
COUNTY OF LOS ANGELES
Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, CA 90012
[FirstDistrict@ bos.lacounty.gov](mailto:FirstDistrict@bos.lacounty.gov)
[HollyJMitchell@ bos.lacounty.gov.](mailto:HollyJMitchell@ bos.lacounty.gov)
Sheila@ bos.lacounty.gov
FourthDistrict@ bos.lacounty.gov
kathryn@ bos.lacounty.gov
executiveoffice@bos.lacounty.gov

Adam Bettino
Chief Deputy, Administrative Services and Operational Support
Probation Department
COUNTY OF LOS ANGELES
9150 East Imperial Highway
Downey, CA 90242
adam.bettino@probation.lacounty.gov

**Re Immediate Transfer of Secure Youth Treatment Facility Offenders to Campus
Kilpatrick – Violation of the California Environmental Quality Act**

Dear Board of Supervisors and Mr. Bettino:

On behalf of the City of Malibu, this letter is regarding the County’s failure to conduct *any* analysis of the environmental effects of its immediate plans to move Secure Youth Treatment Facility (“SYTF”) offenders to Campus Kilpatrick in violation of the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* Transferring high risk offenders to an understaffed, open dormitory-style facility located within a Very High Fire Hazard Severity Zone – *which already closed for two years after the Woolsey Fire due to safety issues* – will further exacerbate existing, dangerous conditions.

The City requests that this letter be included in the administrative record for the SYTF project, together with the City's July 13, 2022, letter related to analysis of the project under CEQA, attached as Exhibit A. We have yet to receive confirmation of receipt of the City's July 13 letter (emailed to the County the same day), despite repeated requests by our office to County staff and/or County Counsel on July 20, July 25, August 2, and August 3.

A. Failure to Provide Notice to the City of Malibu, as Requested on May 13, 2022

As a preliminary matter, the County failed to provide direct notice to the City of the agenda for its September 6, 2022, Special Meeting of the Board of Supervisors where the Chief Probation Officer and the Executive Director of the Probation Oversight Commission provided a "report" on the conditions at Barry J. Nidorf Juvenile Hall and the efforts to move juvenile offenders dispositioned to a SYTF from the juvenile hall to Campus Kilpatrick. The County disregarded the City's May 13, 2022, letter to the County requesting any notices related to use of Campus Kilpatrick as a SYTF under Public Resources Code section 21092.2 and Government Code section 54954.1, attached as Exhibit B. *Consistent with the City's May 13, 2022, request for notices, the City requests immediate notice of any transfer of SYTF juvenile offenders to Campus Kilpatrick on an ongoing basis.*

B. County's Immediate Transfer of SYTF Offenders Disregards Known Staffing Shortages and Safety Risks

Regarding the September 6 meeting, according to Chief Probation Officer Adolfo Gonzales, approximately six juvenile offenders will be transferred to Campus Kilpatrick as early as September 12, 2022, which will be the first "cohort" to be transferred to the cottage-style facility. Mr. Gonzales acknowledged the uncertainty as to when there will be sufficient staff and services to facilitate these additional offenders at Campus Kilpatrick and that necessary security improvements (including anti-climbing fencing and roller bars) have yet to be implemented. Despite these obstacles, Board members pushed on Probation staff to *increase* the number of SYTF offenders transferred from Barry J. Nidorf Juvenile Hall to Campus Kilpatrick in the immediate future. The Board ignored public comments submitted by the City of Malibu regarding the significant effects of the transfer that have yet to be analyzed.

The Board not only disregarded County staff's admission that Campus Kilpatrick remains unprepared for SYTF offenders, but it also ignored the Coalition of Los Angeles County Probation Unions' August 25, 2022, letter to the County concluding that moving such offenders "to Campus Kilpatrick as it is currently constructed is dangerous for the youth, staff, and treatment providers." The letter states that months of work is needed to make such facilities adequate for SYTF youth.

Further, according to an "assessment" by DLR Group (the architect for the existing Campus Kilpatrick) presented to the Board of Supervisors in October 2021 on the improvements that would need to be made to Campus Kilpatrick for temporary use as a SYTF, such youth are

generally older, committed for more serious crimes, and subject to longer stays averaging 28 months. As a result, the County must “limit” the mingling of SYTF youth with the more typical County committed population with an average length of stay of 5-7 months. (See <http://file.lacounty.gov/SDSInter/bos/supdocs/160475.pdf> at p. 2.) In addressing the security measures that must be installed at Campus Kilpatrick to make it suitable for SYTF youth, the DLR Group assessment acknowledges that the typical double security fence could be problematic because Campus Kilpatrick is located within sensitive habitat. *Id.* at pp. 3-6. According to the assessment, such security upgrades would require a permit from the California Coastal Commission and “significant” environmental review. *Id.* at p. 3. The assessment therefore discourages the double fence option unless it is necessary. But the County should not sacrifice optimal SYTF security features for the sake of re-purposing Campus Kilpatrick on a rush basis, particularly considering the County has had ample time to identify and analyze an adequate SYTF.

The County’s immediate transfer of SYTF offenders to Campus Kilpatrick is particularly perplexing given the agenda item for its September 13, 2022, Board of Supervisors meeting to consider the Probation Department’s request to rescind a hiring freeze imposed by the Board in 2021 on Probation’s Juvenile Institutions Services budget unit. According to the staff report for this item, the County’s “juvenile halls have approximately 807 budgeted youth supervision positions. Of those 807 positions, currently only 180 (22%) represent able bodied youth supervision staff. The remaining 627 (78%) are either vacant, unavailable for work, or have temporary work restrictions that do not allow them to supervise detained youth.” It is unclear how the Probation Department will ensure adequate staffing at Campus Kilpatrick when SYTF are transferred as early as September 12, given that it has lacked sufficient funding to hire personnel.

C. County’s Illegal Project Segmentation Delays and Downplays CEQA Analysis

At the September 6 meeting there was no mention of the threat of wildfires, like the Woolsey Fire that demolished Campus Kilpatrick so badly in 2018 that it was forced to close for two years. The County has failed to explain how the physical effects of a so-called “temporary” transfer of SYTF offenders are any different than the effects of using Campus Kilpatrick as a permanent SYTF. More importantly, it is unclear when the “temporary” offenders will be transferred to another facility that complies with SYTF criteria.

To be clear, *any* transfer of SYTF offenders to Campus Kilpatrick *prior* to environmental review is a violation of CEQA. On March 15, 2022, the Board directed County staff, County Counsel and relevant stakeholders to “develop a plan for proposed renovations and other necessary physical modifications, as necessary, at [] Campus Kilpatrick that would make the camp[] safe and ready for use.” The Board further ordered staff to “commence appropriate environmental review of the proposed plan in compliance with [] CEQA.” Staff was directed to “return to the Board within 120 days with the proposed designation” of Campus Kilpatrick as a SYTF “along with necessary recommendations for findings and analysis under CEQA to support the designation, or report back to the Board in writing within 30 days if it is anticipated that a longer timeframe will

be required to satisfy the requirements of CEQA.” None of these obligations have been satisfied, and yet Probation staff is moving forward with physical improvements to Campus Kilpatrick to facilitate the immediate transfer of SYTF offenders.

As detailed in the City’s July 13, 2022, letter, the transfer of SYTF offenders to Campus Kilpatrick would exacerbate significant effects related to wildfire and public safety, regardless of whether such a transfer is “temporary” or permanent. Once the County transfers SYTF offenders to Campus Kilpatrick, CEQA review will consist of nothing more than a *post hoc* rationalization of effects that have already occurred and will continue to occur, precluding any meaningful consideration of alternatives or mitigation measures. The County has already, effectively, committed to using Campus Kilpatrick as a SYTF site without analyzing potential wildfire and public safety effects.

For example, the Board of Supervisors’ September 24, 2019, motion approved mud removal and repair work at Campus Kilpatrick after the 2018 Woolsey Fire “destroyed much of the vegetation surrounding Campus Kilpatrick [] making Kilpatrick vulnerable to flood damage. With nothing to hold back the soil during the past rainy season, mud flowed down the canyon and overwhelmed the existing retention basin. Once full, the mud flowed over the barrier and into Kilpatrick, damaging five of the cottages and rising up against the existing fence line.” The site was left damaged and in need of repair work to avoid future flooding in the event of heavy rains. The damage from the fire forced the relocation of all staff and youth to the Challenger camp site in Lancaster. And yet it is unclear whether the County has established any contingency plan for the relocation of the “temporary” SYTF offenders at Campus Kilpatrick in the event of another wildfire. The County has also failed to analyze the ability of the project site to safely evacuate during a fire without draining resources needed to evacuate the remaining Malibu community.

The County’s use of Campus Kilpatrick as a temporary facility, without clearly defining or restricting the duration of use, chops up one larger project into smaller projects to downplay and delay adequate environmental review that is long overdue in violation of CEQA. See *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454. It is reasonably foreseeable that the so-called “temporary” transfer could last months, or even years, without adequate analysis of potentially significant direct, indirect, and cumulative effects and mitigation under CEQA. It also disregards the concerns of the City of Malibu, which is effectively the host jurisdiction that will bear the impacts of the facility within its community.

In sum, there appears to be a disconnect between what the Board of Supervisors would like Campus Kilpatrick to be as opposed to what it is and will continue to be – an open campus in a Very High Severity Fire Hazard Zone that is ill-equipped to handle SYTF youth. This disconnect could result in disastrous consequences in the event of another wildfire, for example, requiring evacuation of these high-risk offenders. This is particularly concerning given the lack of adequate staffing at County juvenile facilities. The City of Malibu urges the County to reconsider these

Board of Supervisors
Adam Bettino
Transfer of SYTF Offenders to Campus Kilpatrick
September 14, 2022
Page 5

actions before it is too late and to contact the City to further discuss alternative solutions to these issues.

Thank you for your attention to this matter, and please do not hesitate to contact me if you have any questions.

Very truly yours,



Lindsay D. Puckett

Attachments

cc: Steve McClary, City Manager, City of Malibu, SMcClary@malibucity.org
Paul Grisanti, Mayor, City of Malibu, PGrisanti@malibucity.org
Bruce Silverstein, Mayor Pro Tem, City of Malibu, BSilverstein@malibucity.org
Karen Farrer, City Councilmember, City of Malibu, KFarrer@malibucity.org
Mikke Pierson, City Councilmember, City of Malibu, MPierson@malibucity.org
Steve Uhring, City Councilmember, City of Malibu, SUhring@malibucity.org
Terry Dipple, Executive Director, Las Virgenes-Malibu COG, terry@lvmcog.org
Senator Henry Stern, Senator.Stern@senate.ca.gov