



July 13, 2022

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VIA ELECTRONIC MAIL ONLY

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Re: Permanent Secure Youth Treatment Facility Designation of Campus Kilpatrick – Compliance with the California Environmental Quality Act

Dear Mr. Bettino:

On behalf of the City of Malibu, this letter is regarding the County's compliance with the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"), for the matter entitled, *Preparing for the Closure of the Division of Juvenile Justice: Secure Youth Treatment Facility ("SYTF") Designation and LA Model Expansion Project ("Project")*, particularly as it relates to the County's proposed use of Campus Kilpatrick as a SYTF.

We ask that this letter be included in the administrative record for the Project, together with the City's request for notices related to the Project dated May 13, 2022, Public Records Act Request dated June 1, 2022, and all subsequent communications between the City and the County regarding that records request.

A. Lack of Transparency in Conducting Environmental Analysis

In September 2020, the Governor signed Senate Bill 823 directing the closure of the State's Division of Juvenile Justice and the transition of responsibilities to counties, effective July 1, 2021, in preparation for the closure of such facilities on June 30, 2023. According to the initial records produced by the County to the City, on July 27, 2021, the County Board of Supervisors approved the use of Campus Kilpatrick as a temporary SYTF to house up to 45 male youth and "minor actions" or "minor improvements" to the interior and exterior of the facility to accommodate such offenders. The County determined such actions were exempt from CEQA review.

Subsequent information provided by the County to the California Board of State and Community Corrections under Welfare and Institutions Code section 875(g)(4) (*County Notice of Proposed Operation and Description of Secure Youth Treatment Facility*, dated December 23, 2021) indicates that the County decided over six months ago to use Campus Kilpatrick as a SYTF, which could result in the housing of older youths who have committed more serious crimes. And yet the County has not released for public review any disclosure of the full scope of the Project, nor any analysis of the environmental effects of transitioning the juvenile offenders previously housed by the State to County facilities.

According to the Statement of Proceedings for the Board of Supervisors meeting on March 15, 2022, County staff, County Counsel, and relevant stakeholders have been directed to “develop a plan for proposed renovations and other necessary physical modifications, as necessary, at Camp Scott, the Dorothy Kirby Center and Campus Kilpatrick that would make the camps 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 these facilities “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 in order to satisfy the requirements of CEQA.”

In response to our email dated June 14, 2022, inquiring as to whether staff determined that it will in fact return to the Board within 120 days with a proposed determination regarding compliance with CEQA, you responded on June 21, 2022, that “[t]he county has not yet responded to this specific directive of the Board.” Thus, it is still unclear to the City when and to what extent the County will analyze the Project under CEQA. The City is concerned that the County has not allowed for sufficient time to prepare an adequate analysis of the Project’s potentially significant environmental effects.

It is the County’s burden to investigate and disclose the Project’s environmental effects, not the City’s burden. The County cannot conclude that a project would result in no significant environmental effect without having first done the necessary work to support that conclusion. The City is concerned that any reliance on environmental review for the existing Campus Kilpatrick facility for this subsequent discretionary action would be inappropriate given the potential for new significant effects related to wildfire and public services, among other things. The City asks that the County continue any consideration of the Project, and its CEQA determination, until an adequate analysis of the Project has been completed.

B. Premature Commitment to the Campus Kilpatrick Facility as a SYTF

Based on the County’s March 15, 2022, directives, and other prior County actions and commitments, it appears that the County has prematurely determined that only Campus Kilpatrick and/or Camp David will be a permanent SYTF for male youth prior to the completion of CEQA review. The elimination of additional facilities has tainted the CEQA review process, precluding

adequate consideration of alternative locations and mitigation measures in violation of CEQA. The County has also prematurely committed itself to implementing improvements at Campus Kilpatrick prior to completing environmental review under CEQA. CEQA prohibits segmenting a project into smaller pieces to avoid consideration of the whole of the action and the totality of its physical effects.

Whatever level of CEQA analysis the County manages to compile within its self-imposed 120-day deadline will have deprived the City, as well as other interested agencies, departments, and members of the public, an opportunity to meaningfully participate in the environmental review process. It is unclear, for example, what additional discretionary approvals would be needed for the Project, such as whether changes to the facility would require a coastal development permit. It is the County's responsibility, as the lead agency under CEQA for the Project, to conduct the necessary environmental review.

C. Adequate Project Description, Including Environmental Setting

CEQA requires the County to adequately define the Project subject to environmental review. The project description must include a statement of the objectives sought by the proposed project, which would enable the County to develop a reasonable range of alternatives to evaluate in an Environmental Impact Report, if required. The project description must also include a general description of the Project's technical, economic, and environmental characteristics, including any supporting public services.

Further, the CEQA document must include a list of the agencies that are expected to rely on it in their decision-making, a list of permits and other approvals required to implement the Project, and a list of related environmental review and consultation requirements under federal, state, or local laws, regulations, or policies. In addition, the CEQA document must include an adequate description of the environmental setting to enable the public, agencies, and decisionmakers to adequately assess the Project's near-term and long-term impacts.

More specifically, the CEQA document for the Project must include sufficient detail describing the existing Campus Kilpatrick facility, including its current bed capacity/number of residents versus the Project's proposed bed capacity/number of residents, if it is established as a permanent SYTF. The analysis must also disclose the average age of existing and proposed juvenile offenders, as well as their comparative lengths of stay and severity of their offenses. The City's understanding is that SYTF offenders are more likely to be older and to have committed serious felonies, including rape and murder.

Additionally, the CEQA analysis must explain whether the Project would result in the relocation of any juvenile offenders currently housed at Campus Kilpatrick and where those offenders would be relocated. The project description must also describe the maximum number of juvenile offenders that would be housed at Campus Kilpatrick if it becomes a permanent SYTF; any additional physical improvements to accommodate these offenders (beyond those that have

already been implemented by the County prior to CEQA review); how and to what extent the LA Model would continue to be implemented at the facility; and what criteria would be used to determine which offenders are housed at Campus Kilpatrick versus other County juvenile detention facilities.

And lastly, the CEQA analysis must adequately disclose the current challenges facing Campus Kilpatrick to adequately analyze how the Project could further *exacerbate* those conditions. The January 2021 report entitled, *Evaluation of the LA Model*, prepared by Evident Change under contract with the Los Angeles County Probation Department to evaluate Campus Kilpatrick (“**Evident Change Report**”), found as follows:

CK was set to open in July 2017 with a small cohort of youth and staff. The staff faced immense challenges while being under much scrutiny from county stakeholders and with some shortcomings in the construction of CK. For example, staff indicated that the original design was condensed due to funding, which posed significant safety challenges. In addition, CK opened with building operational challenges (e.g., missing doorknobs), limited emergency protocols in place, lack of policies for assaults, no space for de-escalation, and without a procedural manual on how to implement the LA Model. (Page 14)

The above-described challenges relate to potentially significant wildfire and public safety impacts, among other things, as further described below.

D. Potentially Significant Impacts

The County must adequately analyze the Project’s potentially significant effects related to wildfire safety and evacuation, emergency access, and public services, among other impact areas. This analysis should consider any additional or modified significance thresholds identified in Appendix G of the State CEQA Guidelines, as amended in 2018, that were not previously considered as part of the environmental review for the existing Campus Kilpatrick facility.

1. *Wildfire Related Impacts*

According to the County of Los Angeles Fire Department’s October 22, 2012, letter on the Mitigated Negative Declaration for the existing Campus Kilpatrick facility, the Project site is located within the area described by the Forester and Fire Warden as a Very High Fire Hazard Severity Zone (VHFHSZ). The CEQA analysis for the Project must assess the impact of the Project on wildfire risk, including the impact to any emergency response or evacuation plans. It must be clear as to whether the current access roads and driveways would be sufficient to serve any increase or change in the type of offenders housed at the facility and describe any potential safety issues

related to slope stability and changes in runoff, given the topography of the Campus Kilpatrick site and the likelihood of a wildfire within the surrounding areas.

The CEQA analysis must also adequately identify evacuation routes for various wildfire and emergency scenarios, including wildfires to the north, south, east, or west of the facility. It must factor time estimates required to execute an evacuation; the number of persons on campus prior to evacuating (minimum and maximum allowed); the number and types of vehicles used to evacuate; and potential destinations for juvenile offenders who must evacuate. Are there sufficient vehicles located at the facility in the event of an emergency, or would the vehicles need to be transported up the hill to the facility first? Where are those vehicles typically stored if not at the Campus Kilpatrick facility? The County should also consider the evacuation routes of other nearby communities including Santa Monica Mountains, Malibu, Westlake Village, and Agoura Hills, and the impact of vehicles leaving Campus Kilpatrick (particularly larger vehicles such as vans or buses). If evacuation times are inadequate, all feasible mitigation measures must be adopted.

And how would the County ensure during an emergency evacuation that no juvenile offenders escape into the neighboring communities? If there have been any security breaches at the existing Campus Kilpatrick facility or other County facilities, those details should be considered in this analysis and adequately mitigated.

If the County is unable to safely evacuate Campus Kilpatrick, as was the case during the Woolsey fire, is Campus Kilpatrick fit for use as a shelter-in-place facility? How would the Project impact that option? Would there be any significant health risks to youth and staff related to pollutant exposure during a wildfire?

The City's understanding is that during the Woolsey fire at least some juvenile offenders were forced to remain at Campus Kilpatrick while others managed to evacuate, and there was confusion among Probation staff as to whether safe evacuation was feasible. The CEQA analysis for the Project must disclose any challenges that occurred during the Woolsey fire and how the County plans to address those challenges with the Project. This new information, which was not previously available during the environmental review for the existing Campus Kilpatrick facility, relates to the ability of the County to safely evacuate staff and juvenile offenders at the facility. This new information must be adequately factored into the environmental analysis. For example, how will the County ensure that exit vehicles will adequately operate during a wildfire? Does Campus Kilpatrick have adequate water supply, water pressure, and firefighting equipment to combat fires at the facility, particularly those caused by embers? What happens if emergency personnel cannot access the facility in time?

And what about long-term effects to the Campus Kilpatrick facility and other County juvenile facilities caused by wildfires? The Evident Change Report (Page 15) noted that "[t]he Woolsey fire in November 2018 not only was traumatic to all staff and youth who were in Malibu at the time, it also displaced youth and staff, who had to move from the CK in Malibu to Challenger Youth Memorial Center in Lancaster, 90 miles away." The Evident Change Report found the

Woolsey fire resulted in operational challenges that disrupted implementation of the LA Model for the residents of Campus Kilpatrick, including *staffing shortages and a two-year delay in returning youths to Campus Kilpatrick*. The County must consider the likelihood of future wildfires that could result in access road closures and post-fire slope instability or drainage changes, among other potential environmental effects. The County must also adequately analyze the impact of any additional youths at the facility, including the type of offenders and available resources to safely evacuate them, given the difficulties that the County already experienced during the Woolsey fire. The County must consider alternative locations to serve as a permanent SYTF in lieu of Campus Kilpatrick, particularly other County juvenile facilities that are not located in a VHFHSZ and that are better equipped to handle SYTF offenders.

2. Public Services/Public Safety Impacts

The CEQA analysis must also adequately analyze the Project's potential impacts related to public services, including fire and police protection. Would there be any additional need for fire personnel, equipment, or infrastructure to serve Campus Kilpatrick because of the Project?

It is also unclear as to whether the County of Los Angeles Sheriff Department would be able to adequately serve Campus Kilpatrick if it becomes a permanent SYTF, including adequate service ratios and response times. Is the current facility meeting adequate response times? Are there sufficient security measures in place to prevent unauthorized entrance or exit of the facility, to avoid hindering police services and access?

Additionally, it is unclear as to whether older juvenile offenders and/or those convicted of more serious crimes would have access to the existing outdoor recreational facilities at Campus Kilpatrick, including field and track, sports courts, and the pool. The CEQA analysis must explain whether the existing "cottages" would be sufficient to house these new offenders. If facility improvements are necessary, the environmental effects of such improvements must be disclosed, analyzed, and mitigated.

Further, the CEQA analysis must explain whether there have been staffing shortages at juvenile offender facilities within the County, particularly due to the Covid-19 pandemic, that could frustrate the County's ability to operate Campus Kilpatrick as a permanent SYTF. How would the County ensure that sufficient staff is adequately trained and equipped to handle these new juvenile offenders?

The CEQA analysis should also identify whether the SYTF offenders would be separated from the general population, and if so, what facility improvements would be needed to facilitate this change? Would there be emergency accommodations for visitors? Would the County limit the number juvenile offenders that would be onboarded at one time, and would the change in use at the facility increase those numbers? If existing de-escalation facilities are sparse, the Project must include adequate infrastructure to address this problem, and the CEQA analysis must address any related physical effects. According to the Evident Change Report (Page 15), there is a history of

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overcrowding at Campus Kilpatrick that has led to security issues. It is reasonable to assume that overcrowding with SYTF offenders could result in additional effects related to public services.

E. Consultation with the City

Based on the above concerns, and as the jurisdiction that is forced to bear the physical effects of Campus Kilpatrick, the City requests that the County postpone consideration of the Project until an adequate CEQA analysis can be performed. While the City understands the need to provide permanent facilities for juvenile offenders, it is imperative that the environmental effects of such facilities are adequately analyzed. The City is open to meeting with County staff and officials to discuss further the City's concerns regarding the treatment of Campus Kilpatrick as a permanent SYTF and potential solutions to address these concerns. But without sufficient information regarding the Project and its impacts, it has been challenging for the City to meaningfully engage in that process.

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

Very truly yours,



Lindsay D. Puckett

Attachment - *Evaluation of the LA Model*, Evident Change, January 2021

cc: Steve McClary, City Manager, City of Malibu, SMcClary@malibucity.org
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