

1
2
3 BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
4

5 In the Matter of:
Application No. 2013-01

No. 15-001

6 TESORO SAVAGE, LLC
7 VANCOUVER ENERGY DISTRIBUTION
8 TERMINAL

PREFILED DIRECT TESTIMONY OF
RICHARD J. BISHOP ON BEHALF OF
CLARK COUNTY

9
10 I. INTRODUCTION AND QUALIFICATIONS

11 **1. Please state your name, place of employment and title and address.**

12 My name is Richard J. Bishop. I am presently employed as the Chief Corrections Deputy
13 for Clark County, Washington's Sheriff's Office. My business address is: 707 West 13th, PO
14 Box 410, Vancouver, WA 98666.

15 **2. Please summarize your education, training and any applicable certifications.**

16 I have an Associates Degree of Applied Sciences in Criminal Justice from Clark College,
17 Vancouver, WA. Additionally, I have received regular training from the Washington Criminal
18 Justice Training Commission. I also possess numerous certifications, including Middle
19 Management and First Line Supervisor Certification; National Institute of Corrections
20 Certification; Americans for Effective Law Enforcement Certification.

21 **3. What is your current position and what are your duties?**

22 I am presently the Chief Corrections Deputy for the Clark County, Washington Sheriff's
23 Office. As the Chief Corrections Deputy for Clark County I oversee and manage the Clark
24 County jail facilities which consist of 825 inmate beds in two facilities ranging from maximum
25
26
27

1 security to minimum security and work programs. Daily tasks and projects include, but are not
2 limited to, long range planning; policy and procedure development; review and implementation
3 of security and operational procedures that are focused upon risk-reduction; development and
4 oversight of a \$40 Million budget; employee hiring; training; discharge for 128 corrections
5 deputies; selection; and development/oversight of 18 supervisory and 5 management personnel.
6

7 **4. What other work experience do you have pertaining to jail operations and/or the**
8 **evaluation of risk in a jail setting?**

9 I am also a Jail Risk Specialist and Corrections Consultant and a Certified Litigation
10 Specialist. In these capacities, I assess risk and make recommendations for mitigating risk at
11 various jails around the country for insurance companies assessing risk, consult with corrections
12 personnel and attorneys regarding litigation, and make presentations at national conferences.
13 This work includes in-depth reviews of facilities by conducting a physical plant walk through,
14 interviewing employees and inmates regarding operations and concerns, reviewing claims and
15 grievances made by inmates and researching best practices to improve health and safety of all
16 parties working, living in or visiting the facility under review. This work has been recognized as
17 valuable and resulted in my presentations at the national Public Risk Managers Association in
18 2012 and 2015 and I am now contributing on their current risk management blog.
19

20 **5. Prior to your current role as the Corrections Chief Deputy, what positions have**
21 **you held and what were your duties?**

22 I have over 32 years of experience in corrections and public safety. In particular, I have
23 worked for the Clark County Sheriff's Office since 1984. Prior to my current position, I held the
24 ranks of Deputy (1984-1988), Sergeant (1988-1994), Lieutenant (1994-1998), Inspector (1998-
25 2000), Chief Civil Deputy (2000-2007), Chief Administrative Deputy (2007-2009), Commander
26 (2009- 2013).
27
28

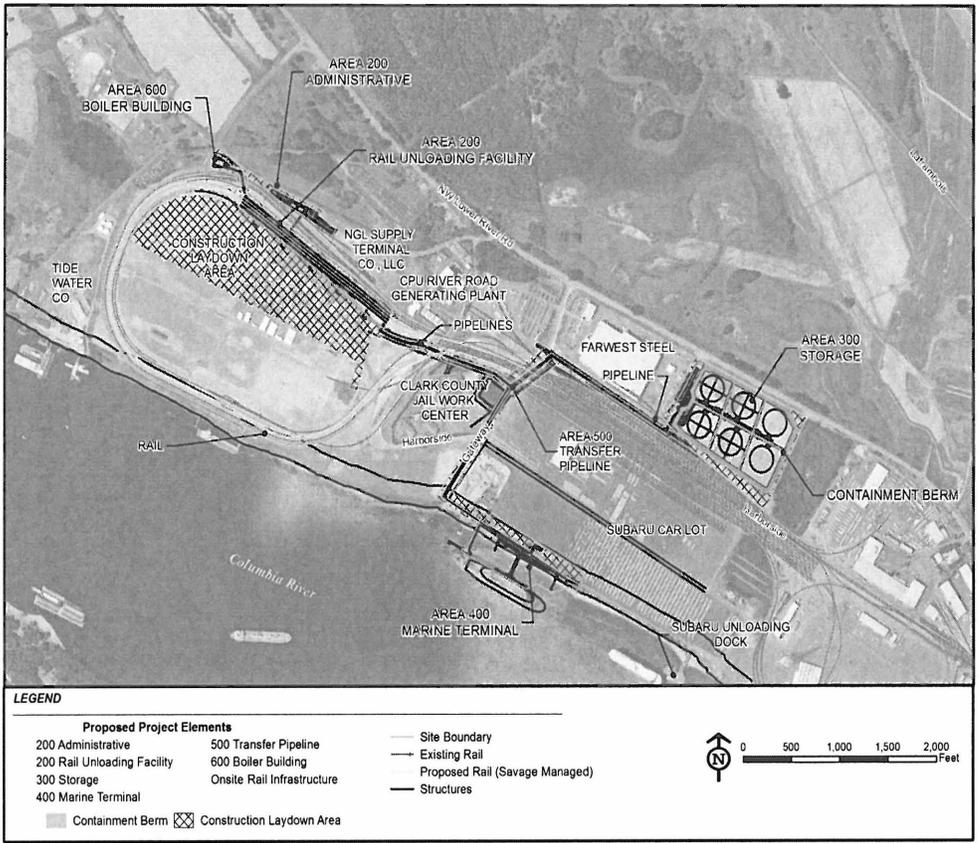
1 **6. What is your understanding of the proposed oil terminal as it relates to the opinions**
2 **expressed in your testimony?**

3 I have reviewed the Draft Environmental Impact Statement pertaining to this project as it
4 relates to the Clark County Jail Work Center (JWC). Based upon this review, it is my
5 understanding that the proposed oil terminal will involve the transfer of an average of 360,000
6 barrels of Bakkan Crude Oil per day from rail cars to either marine vessels and/or above ground
7 storage tanks. In particular, it is my understanding that Bakkan Crude Oil is proposed to be
8 transported between the rail off-loading area and the marine terminal and/or storage tanks
9 through above ground pipelines that will travel along the northern and eastern boundaries of the
10 JWC. I took particular note of Chapter 4 of the DEIS relating to potential accidents and the
11 conclusion that:

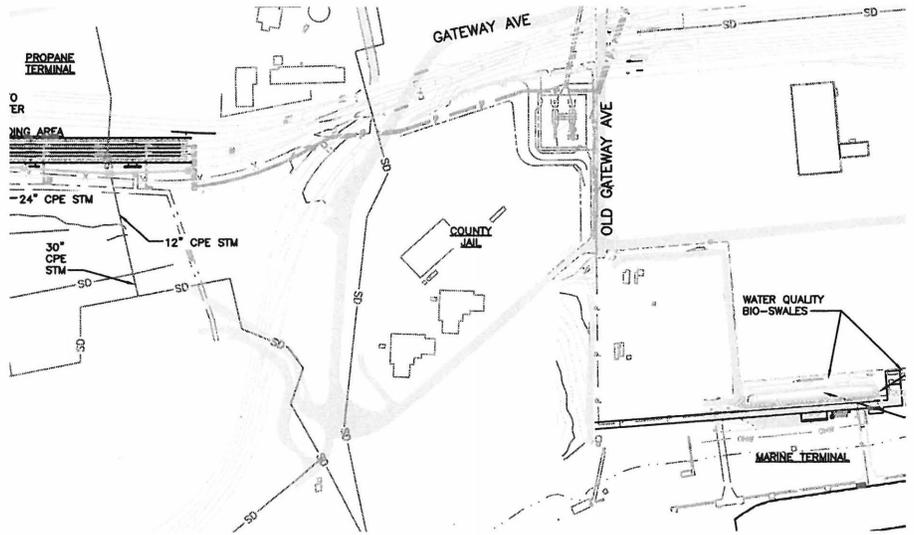
12 “In the event of a large fire and/or explosion at the proposed Facility, workers,
13 members of the public, and nearby residents of the JWC and Fruit Valley
14 neighborhood could be at risk of injury or death. The extent of risk would
15 depend on the unique circumstances of the event, including the spread of fire
16 and the severity of the explosion. Impacts from the fire would be similar to those
 described above, although the extent and severity of those impacts would likely
 be greater. In an explosion, blast wind could lead to injury or death from violent
 blunt force trauma from impact with facility infrastructure or explosion debris”

17 Ex. 0051-000000-PCE (DEIS Chapter 4 Page 86)

18 It is also my understanding that the Port of Vancouver has initiated condemnation
19 proceedings against Clark County to facilitate the construction of an electrical substation in the
20 northeastern corner of the JWC property. *See* Ex. 2002-000000-CLA (Port of Vancouver’s
21 Petition for Condemnation). It is my understanding that this substation is planned to be located
22 in close proximity to the proposed pipelines bordering the JWC property to the north and east.
23 *See* Ex. 0051-000000-PCE (Project Element Map) and Ex. 0002-000000-PCE (Storm Water
24 Drainage Map).



Ex. 0051-000000 PCE (Project Element Map)



Ex. 0002-000000 PCE (Storm Water Drainage Map).

1 **5. Please describe and discuss the JWC. Please include a discussion of its primary**
2 **and secondary purposes in the community, its inmates and employees.**

3 The Clark County Jail Work Center (JWC) is currently serving as a minimum security
4 facility with a housing capacity of 200 inmates. The 200 inmate classifications include:

- 5 • Up to 28 Washington Department of Corrections (DOC) Work Release (WR)
6 inmates who are in their final days of their sentence and either employed or
7 seeking employment in the community.
- 8 • Up to 15 Clark County local inmates participating in the WR program and are
9 fully employed in the community.
- 10 • Up to 157 local county inmates who are inmate workers in the JWC Industries
11 Program, including:
 - 12 ○ Food preparation for the Clark County Main Jail (main jail); Clark County
13 Juvenile Facility (JDH); and JWC;
 - 14 ○ Laundry services for the main jail, JDH, JWC and Lifeline Services (local
15 nonprofit providing sobering beds to the community);
 - 16 ○ Warehouse duty receiving and moving supplies for the main jail, JDH and
17 JWC;
 - 18 ○ Grounds duty including mowing and maintaining the JWC grounds;
 - 19 ○ Community Service special work crews for service projects in the
20 community;
 - 21 ○ Inmate workers for main jail external grounds; and/or
 - 22 ○ Inmates serving their local sentence at the JWC.

23 In addition to these services and support, the JWC is the primary evacuation location for
24 main jail inmates in the event the facility becomes uninhabitable for whatever reason, including
25
26
27

1 natural and/or manmade disasters. By way of example, it is anticipated that a moderate to severe
2 seismic event may render the main jail structurally unstable, necessitating the evacuation of
3 inmates for an indefinite period of time to the JWC, unless it is unavailable.

4 When fully operational, the JWC has 7 Corrections Deputies and 1 Sergeant supervising
5 the housing units and perimeter of the facility, 24 hours a day. When not in their housing units,
6 the inmate workers are supervised by 6 Jail Industries Technicians and Food Services
7 Coordinators up to 16 hours a day. During business hours, the described staff are supplemented
8 by 1 Facility Commander, 2 Washington DOC employees, 1 Clark County Sheriff's Office
9 (CCSO) Support Specialist II (SSSII) and 1 Jail Industries Manager. On average, there are 57
10 employees at the JWC in a 24 hours period.
11

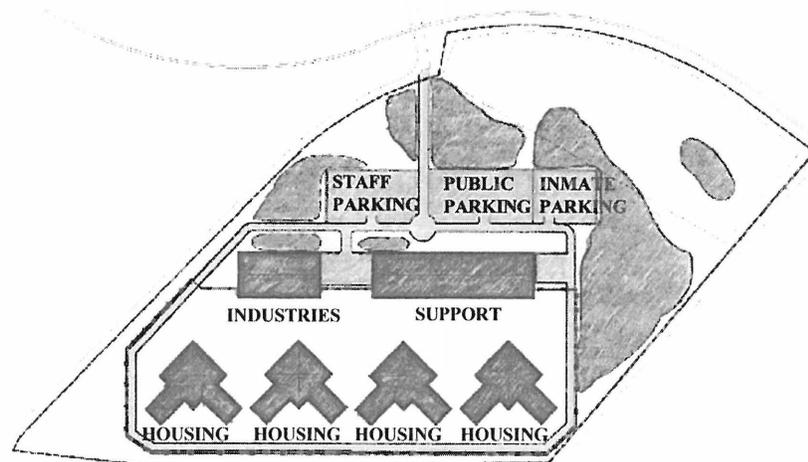
12 **7. Please describe the layout of the JWC and the relational proximity to other nearby**
13 **features relevant to the proposed oil terminal.**

14 The JWC has 2 primary housing units, with 100 beds in each unit on the south side of the
15 facility. Immediately south of the housing units are solar panels, used to heat water and reduce
16 the use of electric. The southern side of the facility has a solid masonry wall to deaden the
17 industrial noise and prevent the introduction of contraband. Directly north and across from the
18 housing units, is a 20,000 sq. ft. industries building for food, laundry and logistics operations.
19 The complex is bordered by chain link fencing on the eastern side and a masonry wall and chain
20 link fence on the western side of the facility. The northern side of the facility is secured by the
21 Industries building. The proposed oil pipeline will travel along the northern and eastern
22 boundaries of the JWC property as depicted in the above referenced maps. In addition, the
23 proposed pipeline will travel in close proximity to an electrical substation that is planned by the
24 Port of Vancouver in the northeastern corner of the JWC property and is the subject of ongoing
25
26
27
28

1 condemnation proceedings. Ex. 2002-00000-CLA (Port of Vancouver's Petition for
2 Condemnation).

3 **8. Please describe and discuss the planned for potential for expansion at the Clark**
4 **County JWC. Describe where these additional pods are planned to be located on the**
5 **property.**

6 Since the JWC opened in 1999 it was anticipated that Clark County would need to
7 expand the facility to provide additional housing for inmates. The full build out of the JWC
8 includes 2 additional 100 bed housing units, immediately to the east of the current two housing
9 units. The following artist's rendering from the original site plan depicts the full eventual build
10 out of the JWC property:



11
12
13
14
15
16
17
18
19
20
21 Presently, only the housing structures on the western side of the property (the left side of
22 the artist rendering) have been constructed. The area for the additional housing units on the
23 eastern side of the property (the right side of the artist rendering) was leveled and utilities
24 prepped during construction in 1999. As currently planned, the location of future JWC housing
25 units will be closer in proximity to the northern and eastern boundaries of the property and
26 therefore closer to the proposed oil pipelines and electrical substation. In addition, when the
27

1 planned expansion of the JWC occurs, the Industries Building will also be expanded to include a
2 cafeteria, classrooms and an administrative wing (Support Building in the drawing previously) to
3 support the full build out and facility operation. This building will also be in closer proximity of
4 the both the proposed oil pipeline and proposed electrical substation.

5 **9. Please discuss any emergency response personnel and or fire suppression equipment**
6 **that could be deployed in an oil terminal related emergency at the JWC.**

7 The JWC does not have equipment, sufficient staffing, or trained staff to deploy fire
8 suppression equipment to defend the structures and people at the JWC in the event of an oil
9 terminal emergency such as a fire or explosion. This type of equipment or training has not, to
10 date, been considered essential for employees at the JWC since there is currently no threat of
11 such an emergency. Presently, the JWC emergency plan and fire drills provide for the muster of
12 inmates and staff at the western side of the facility. Presently, the only fire suppression
13 equipment is the sprinkler systems required by Vancouver Municipal Code, and inspected by the
14 Vancouver Fire Marshals Office. Fire extinguishers, for the proper materials present, are also
15 located throughout the facility.
16

17 **10. Please discuss the potential for converting the JWC into a maximum security facility**
18 **to replace the main jail facility should it become uninhabitable.**

19 During an emergency where the main jail is evacuated, the JWC would be “hardened”
20 using staff and weapons to prevent escape of the either mandatory incarcerated inmates (those
21 who are awaiting trial or serving sentences for domestic violence, stalking, harassment, etc.); or
22 for inmates who were serving or awaiting trial on heinous person crimes (murder, rape, child sex
23 abuse, serious assault, robbery or other weapons enhanced crimes). In addition to preventing
24 escape, additional staff members would be needed inside the facility to maintain order and
25
26
27

1 provide for a constitutional level of safety and basic human needs (food, water, shelter, medical
2 attention, mental health, clothing and supervision).

3 Long term, this level of operation is unsustainable with the number of corrections
4 deputies employed at the Clark County Sheriff's Office. The facility would have to be hardened
5 on the perimeter (fencing, alarms, a large number of additional cameras and monitoring station)
6 and interior (individual cells for inmates who required separation from the general population for
7 either their protection or the protection of other inmates and staff). Direct supervision would be
8 required in the dormitories, 24 hours a day to adequately manage and supervise the population.
9 The type of hardening described has been vaguely suggested in the 2014 National Institution of
10 Corrections (NIC) Technical Assistance (TA) report where the JWC was suggested as the site for
11 a new Intake Center.
12

13 **11. Why is the potential for hardening of the JWC into a maximum security facility**
14 **significant to the discussion of the proposed oil terminal?**

15 In the event that the main jail is uninhabitable and the JWC must be converted into a
16 higher security facility, it will be the only local jail facility available to Clark County.
17 Consequently, an oil terminal related emergency that required the evacuation of the JWC would
18 leave Clark County without any local jail facility.

19 **12. Please discuss how you would evacuate the JWC in the event of an oil terminal**
20 **related emergency and any limitations that would apply.**

21 Presently, the JWC emergency plan and fire drills muster the inmates and staff at the
22 western side of the facility, close to the "back gate", which is located on the south eastern corner
23 of the property. In the case of an evacuation of the facility, the inmates would be either wait at
24 the muster point for transportation out of the facility. The JWC does not currently have vehicles
25 dedicated to the evacuation of inmates. Instead, the JWC would be forced to rely upon a small
26
27

1 fleet of 15 person passenger vans that are used to transport inmates to work assignments and/or
2 other correctional facilities and may or may not be available in the event of an emergency. If
3 safe, the inmates would wait at the muster point, at the back gate for transport. If necessary, the
4 inmates at direction of the staff could be moved to the parking lots immediately north of the
5 industries building, to await transport.

6 In the event the pipeline is placed in the proposed location immediately north of the JWC,
7 and the pipeline was the reason for the evacuation, the inmates would have to be moved to the
8 pedestrian gate on the east side of the facility, then walk south to the road to await transport. The
9 road south of the facility, NW Harborside Drive, would be used to transport inmates from the
10 road south of the facility, NW Harborside Drive, would be used to transport inmates from the
11 JWC, either by the Old Gateway Ave (which is part of the proposed oil pipeline from the storage
12 tanks to the marine terminal) or by the flyover of the current Gateway Ave (the flyover traverses
13 the current railroad tracks north of the JWC and is the proposed oil pipeline from the railroad car
14 offloading area to the storage tanks). The last potential escape route, for evacuation of inmates
15 from the JWC, in the event of a fire or major event involving the oil pipelines, storage units or
16 rail cars, is to follow the old access route (current condition is unknown) around the railroad
17 tracks to the west of the facility, just west of the proposed oil terminal, and out Old Lower River
18 Road. Each of these evacuation routes is in close proximity to oil terminal infrastructure that
19 could be compromised during an emergency necessitating the evacuation and are therefore not
20 practical.
21

22 In my opinion, any acceptable evacuation scenario would require the purchase of a
23 standing fleet of vehicles, a dedicated evacuation route, and the availability of emergency
24 responders (corrections or enforcement deputies) to the JWC to securely drive the inmates out of
25
26
27

1 the area to a yet to be determined large facility for emergency housing or release (after proper
2 review of potential risk to the community and inmate wellbeing).

3 One of the primary limitations to executing an evacuation of the JWC due to an oil
4 terminal related emergency is the potential shortage of Clark County corrections and/or law
5 enforcement deputies to facilitate a timely evacuation while continuing to respond to calls for
6 service and mutual aid. Given the needs of the population of the JWC and the need for secure
7 transportation, I estimate that it will require at least 27 Clark County corrections and/or law
8 enforcement deputies to evacuate 200 inmates from the JWC to a secure location. This assumes
9 that 200 inmates are simultaneously evacuated in 15 passenger vans with two Clark County
10 deputies per van. Presently, at most, there are only 7 corrections deputies assigned to the JWC.

12 II. PROXIMITY OF CLARK COUNTY JAIL WORK CENTER TO PROPOSED OIL
13 TERMINAL INFRASTRUCTURE AND ELECTRICAL SUBSTATION.

14 **13. Please discuss the proximity of the proposed oil terminal infrastructure and
15 electrical substation to the JWC property and buildings.**

16 As described above, the terminal infrastructure is immediately north and east of the JWC
17 site, running north and south along the property and Old Gateway Road. See Ex. 0051-000000-
18 PCE (Project Element Map) and Ex. 0002-000000-PCE (Storm Water Drainage Map). The
19 proposed electrical substation is planned to be located in what is presently the north east corner
20 of the JWC property, adjacent to the propose oil terminal pipelines. Ex. 2002-00000-CLA (Port
21 of Vancouver's Petition for Condemnation).

22 **14. What, if any, impact does the proximity of this proposed infrastructure have on
23 emergency response and evacuation planning at JWC?**

24 While Tesoro-Savage has assured that a major oil terminal event is unlikely, Clark
25 County is responsible for all of the human lives working and living at the JWC and must plan for
26 even the most remote event. Until now, the only potential threat was to the west of the facility

1 (Public Utility Steam Plant) which in the event of an emergency, the residents and staff of the
2 JWC would flee and be transported from the previously described east and south side of the
3 facility. The proximity of the oil pipelines to the north and east; the substation to the northeast
4 and the steam plant to the northwest, will require a plan and necessary infrastructure that
5 provides a safe path for emergency responders into the facility to provide assistance in
6 evacuating the staff and population.

7
8 III. EMERGENCY RESPONSE AND EVACUATION LIMITATIONS AT CLARK
9 COUNTY JAIL WORK CENTER

10 **15. Please describe the current plan to respond to an explosion or fire at or in the
11 vicinity of the JWC. Please include a discussion of any plans to shelter in place or
12 evacuate.**

13 To date, the fire drills consist of evacuation of the buildings, assessment of the danger
14 and determination what building to shelter in place (if the danger is in the industries buildings,
15 then the living units would be used to shelter in place; or if the living units are dangerous, the
16 industries building would be used for shelter). There are no current plans to evacuate the facility
17 due to an external threat.

18 **16. What, if any, changes would need to be made to reflect the construction of the
19 proposed oil terminal?**

20 As previously described, there is only one primary evacuation route (using the Gateway
21 Ave flyover), one secondary evacuation route (old Gateway Ave.) and one alternate route using
22 the locked port access road (NW Harborside Drive). All of these routes would be potentially
23 blocked by the proposed oil pipeline or require evacuees to cross over them (using the Gateway
24 Ave flyover). In the event of a large event, the current plan of using building to shelter in place
25 may not be safe and plans would need to be updated to determine a route that does not involve
26 traversing the proposed pipeline (along with purchasing the previous referenced additional fleet
27 vehicles for immediate transportation of the population and workers).

1
2 **17. Please discuss Clark County’s role as a custodian for the inmates and how this role**
3 **would be implicated by an oil terminal emergency that required the evacuation of**
4 **the JWC.**

5 When a government entity takes custody of a person (local, state or federal entity) they
6 assume the role as caretaker of the person. We are obligated to provide adequate “constitutional”
7 levels of care upon admission, confinement and release of the person from our custody. During
8 the time the person is incarcerated at a facility like the Clark County Main Jail or Jail Work
9 Center, they are either confined because they have been determined to be a safety threat to the
10 community; a flight risk pending trial; or are serving a sentence as punishment as a result of
11 being found guilty by trial or admission. This results in the jail having a dual role of providing
12 safety for the community as well as providing for the safety of the person confined to our
13 facilities. Evacuation of a jail in an emergency presents numerous challenges and potential
14 threats to community safety and the welfare of the inmates. Under normal conditions, the
15 government’s dual role of protecting community safety and personal safety of the person
16 confined requires public safety officials to perform a balancing act when a person is released
17 from jail. Under routine circumstances, the release is ordered by the court through a release
18 order; the person posting bail (in accordance with predetermined requirements of the court with
19 jurisdiction); or through the completion of a persons sentence. Each of these types of releases is
20 made after the court has balanced the individual’s rights with safety concerns the person may
21 pose in the community.
22

23 In the event of an oil terminal related emergency at the JWC that required evacuation,
24 Clark County is obligated to perform the same balancing of an inmate’s safety and special needs
25 with safety concerns of their victims, or new victims. The special needs of inmates range from
26
27

1 physical disability and health limitations to the mentally ill and require an intensive pre-release
2 review process to promote the inmate's safety and wellbeing. Even an abbreviated version of this
3 process in an emergency would necessitate the evacuation and, at least temporary, re-housing of
4 the JWC population at an alternative location. It would not be acceptable for the Sheriff or Clark
5 County to release someone directly from the JWC during an oil terminal related disaster.

6 Specifically, this form of evacuation and discharge is not conducive to the required balancing of
7 interests and does not relieve the Sheriff or Clark County of their obligation to provide a safe
8 discharge for the incarcerated person. In particular, a mass discharge of the JWC population
9 would not be responsible due to the potential threat to the community and the potential harm to
10 the inmates who would be released amidst a disaster without any support or re-integration.

11 Accordingly, inmates evacuated from the JWC due to an oil terminal related emergency would
12 need to be evacuated and, at least temporarily, re-sheltered at an alternative location so that they
13 could be safely released into the community.

14
15 **18. Please describe what, if any, limitations the proposed oil terminal infrastructure**
16 **would present in preparing and/or executing these emergency response and**
17 **evacuation plans.**

18 As previously stated, the proposed oil pipeline is in the way of the JWC's primary and
19 secondary evacuation routes. A new route and equipment is needed for the proper, rapid and
20 safe evacuation of the JWC inmate population and employees.

21 **IV. DISRUPTIVE REGIONAL IMPACT OF EMERGENCY AT PROPOSED OIL**
22 **TERMINAL AND CLARK COUNTY JAIL WORK CENTER**

23 **19. In the event of an oil terminal related emergency that required evacuation of the**
24 **JWC, please describe the impact upon the Clark County Main Jail.**

25 As noted above, the JWC provides food, laundry, logistic services, supplemental housing
26 and emergency evacuation housing for the Clark County Main Jail. In the event the JWC was
27 unavailable for more than five days (the main jail has 5 days of emergency supplies stored for

1 use in the event of an emergency), these services would need to be obtained from outside
2 vendors. In the event these services could not be obtained, the inmates of the main jail would
3 need to be re-located to other regional correctional facilities, to the extent that they had any
4 available capacity.

5 V. CONCLUSION AND PROPOSED MITIGATION

6 **20. What, if any, mitigation measures do you believe would be appropriate to address**
7 **the JWC emergency response and evacuation challenges that you have identified?**

8 The proposed oil terminal presents a number of very serious emergency response
9 challenges for the JWC that, to the extent possible, must be mitigated. Based upon my
10 experience administering jail facilities and planning for jail related emergencies, I do not believe
11 that the proposed oil terminal and the JWC are compatible adjacent uses and that re-location of
12 the JWC to a more compatible site is the only mitigation that would completely eliminate the
13 threat posed to inmates and employees at this facility in the event of an oil terminal emergency.
14 Relocation of the JWC and the elimination of the associated threats would eliminate the
15 emergency response challenges identified above. Short of re-locating the JWC to an alternate
16 site, Tesoro-Savage funded mitigations should include provisions for necessary dedicated JWC
17 fire suppression equipment and training for the JWC, dedicated evacuation vehicles, construction
18 of a dedicated evacuation route for the JWC that is unimpeded by oil terminal infrastructure or
19 other hazards.
20

21 I declare under penalty of perjury that the foregoing is true and correct to the best of my
22 knowledge. Executed this 13th day of May, 2016, at Vancouver, Washington.
23

24 
25 Richard J. Bishop, Chief Corrections Deputy
26 Clark County Sheriff's Office
27