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

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

No. 15-001

7 TESORO SAVAGE, LLC  
8 VANCOUVER ENERGY DISTRIBUTION  
9 TERMINAL

PREFILED DIRECT TESTIMONY OF  
CHUCK ATKINS ON BEHALF OF  
CLARK COUNTY

10  
11 **1. Please state your name, place of employment and title, and address.**

12 Chuck Atkins, Clark County Sheriff  
13 Clark County Sheriff's Office  
14 707 West 13<sup>th</sup> Street  
15 Vancouver, Washington 98660

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17 **2. What are the general responsibilities and mission of the Clark County Sheriff's Office?**

18 The primary responsibility of the Clark County Sheriff's Office is to protect public  
19 safety. In particular, it is the mission of the Clark County Sheriff's Office to protect and  
20 safeguard the community by upholding and enforcing the law, enhancing public safety through  
21 sound correctional practices, and serving the public through effective civil process.

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23 **3. What are your responsibilities as Clark County Sheriff?**

24 My primary responsibility as the Sheriff is to provide public safety to all those who live,  
25 work, play or pass through Clark County. My responsibility also includes protecting all of the  
26 Clark County employees that work for The Clark County Sheriff's Office and all detainees that  
27 are held in custody by the Clark County Sheriff's Office at its main jail or the Clark County Jail  
28 Work Center (JWC). I am responsible for the entire Sheriff's Office. In particular, I am

1 responsible for the Enforcement Branch, Corrections Branch, Civil Branch and all job duties that  
2 fall under each one of these branches. The Sheriff is also responsible for Search and Rescue  
3 missions (Land and Water) and we play a vital role with Emergency Operations Preparedness  
4 and Implementation.

5 **4. Can you review your professional experience as it relates to law enforcement,**  
6 **emergency management, and administration?**

7 I have been a law enforcement officer in Clark County for the past 37 years. Specifically,  
8 I was hired by the Clark County Sheriff's Office in 1977 as a Sheriff's Deputy. As a Deputy, my  
9 duties included patrolling the county, responding to calls, working with the K-9 Unit, and  
10 serving as a member of the Special Weapons and Tactics (SWAT) team. In 1994 I was  
11 promoted to Sergeant and was assigned to the Central Precinct. As a Sergeant I participated in  
12 the Gang Task Force and was promoted to SWAT team leader and a K-9 Supervisor. In 1999, I  
13 was promoted to Lieutenant and remained assigned to the Central Precinct and K-9 Unit.

14 In 2000, I was promoted to Special Operations Commander. In this position, I continued  
15 to serve as the SWAT Team Commander and work in a leadership role in the following units  
16 Gang Task Force, Marine, K-9, Traffic. Additionally, as a Special Operations Commander, my  
17 responsibilities included planning and, if necessary, executing response scenarios for unusual  
18 accidents and situations. The situations that I was responsible for planning for ranged from small  
19 scale localized emergencies to community wide and/or regional natural or manmade disasters.

20 In 2007 I was promoted to Chief Criminal Deputy and oversaw the Enforcement Division  
21 of the Clark County Sheriff's Office. This was an upper level management position that reported  
22 directly to the Chief Criminal Deputy. My responsibilities in this position included: As the  
23 Assistant Chief Criminal Deputy I worked with the Commanders on all matters related to Policy  
24 and Operations and reported up the chain of command to the Chief Criminal Deputy.  
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1 In 2009, I served as a Precinct Special Operations Commander and my responsibilities  
2 included, planning and operations of all events related to SWAT, K-9, Gangs, Marine, Traffic,  
3 Explosives Unit (EDU), Tactical Detective Unit (TDU), Department of Homeland Security -  
4 Urban Area Strategic Initiative (UASI) and Region IV, Unusual Occurrences and all other duties  
5 as assigned.

6 Following my retirement in 2012, I was elected Sheriff in 2015. As noted above, since  
7 being elected Sheriff, I have been responsible for the management of all aspects of the Sheriff's  
8 Office, including addressing staffing levels and balancing limited available resources to protect  
9 public safety and serve the community.  
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11 **5. What organizations are you a member of related to law enforcement?**

12 I am currently a member of the following law enforcement organizations and professional  
13 organizations:

- 14 ● Clark County Child Justice Center (CJC)
- 15 ● Clark County Elder Justice Center (EJC)
- 16 ● Clark County Drug Task Force
- 17 ● Clark County Juvenile Detention Alternative Initiative (JDAI)
- 18 ● Clark Regional Services Agency (CRESA 911)
- 19 ● Safe Communities Task Force (SCTF)
- 20 ● Department of Homeland Security Region IV Coordinating Council
- 21 ● National Sheriff's Association (NSA)
- 22 ● Washington State Sheriff's Association (WSSA)
- 23 ● Western States Sheriff's Association (WSSA)
- 24 ● Washington Association of Sheriff's-Police Chiefs (WASPC)
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1           ● FBI National Academy Associates, Inc. (FBINAA)

2           **6. As the Clark County Sheriff what are your primary concerns regarding the**  
3           **proposed oil terminal facility?**

4           One of my primary concerns regarding the proposed oil terminal facility includes its  
5 potential to negatively impact upon the health and safety of inmates and employees at the Clark  
6 County Jail Work Center (JWC), which is bound on three sides by the proposed terminal site. In  
7 particular, I am concerned that an oil terminal related emergency, such as a fire or explosion,  
8 could threaten the JWC population and/or necessitate the evacuation of the facility. This concern  
9 is reflected the DEIS conclusion that an explosion or fire at the oil terminal could lead to injury  
10 or death at the JWC. In addition to these very serious impacts, I am concerned the impact that an  
11 oil terminal related emergency at the JWC would have upon the operations of the main Clark  
12 County Jail, which depends upon the JWC for essential services such as food and laundry. My  
13 Chief Corrections Deputy, Richard J. Bishop, will be testifying regarding these potential impacts.  
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15           In addition to these serious jail oriented concerns, I am also concerned about the  
16 secondary impact that an oil terminal related emergency in the vicinity of the JWC would likely  
17 have upon CCSO's ability to provide essential law enforcement and emergency response  
18 services to the community for an indefinite period of time. Specifically, CCSO has a paramount  
19 custodial responsibility to protect inmates that are in its custody and a responsibility to confine  
20 inmates for the terms of their sentence for the benefit and protection of the community. In the  
21 event of an emergency that required the evacuation of either the main Clark County Jail or the  
22 JWC, this responsibility would take priority over CCSO's routine law enforcement services and  
23 its ability to provide mutual aid to other agencies and communities. Based upon my experience,  
24 an oil terminal related emergency that required an evacuation of the roughly 200 inmates and  
25 employees of the JWC would require virtually every on-duty CCSO law enforcement deputy  
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1 then on duty to assist in the evacuation and re-housing of inmates in an alternate secure location.  
2 This necessary diversion of CCSO law enforcement resources to facilitate an evacuation and re-  
3 housing would indefinitely strain CCSO's ability to respond to other emergency calls in the  
4 community and/or provide mutual aid to other regional agencies.

5 **7. Please explain how CCSO's ability to respond to law enforcement calls would be**  
6 **limited in the event of an oil terminal related emergency that required the**  
7 **evacuation of the JWC?**

8 CCSO presently has 72 Sheriff's Deputies that rotate through shifts during the day. At  
9 any given time there are between 16 and 26 deputies on duty to respond to law enforcement and  
10 other emergency calls. In the event that an oil terminal related emergency required the  
11 evacuation of approximately 200 inmates from the JWC, many, if not all available deputies  
12 would likely be tasked with facilitating the evacuation and re-location of the JWC population,  
13 assuming it was safe and possible to do so. During the indefinite period of time that it would  
14 take to evacuate and relocate these inmates to another secure facility, there will continue to be  
15 calls for service from our community. These calls include, but are not limited to reported crimes  
16 as well as missing persons (elderly/young), runaways, vehicle lockouts, neighborhood livability  
17 issues, nuisance calls, homeless and mental illness concerns, welfare checks, etc. CCSO's ability  
18 to respond to these calls would be severely limited and would have a very detrimental impact  
19 upon public safety, especially if other law enforcement agencies in the area, such as the  
20 Vancouver Police Department, who might otherwise be able to provide mutual aid, are equally  
21 pre-occupied with responding to an oil terminal related emergency.  
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23 In the event that the JWC must be evacuated and/or is not operational for more than a day  
24 or two, the main Clark County Jail will require a replacement source for food and laundry. If  
25 such resources cannot be located and contracted for, the approximately 650 inmates of the main  
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1 Clark County Jail would also need to be evacuated to another facility in the region to provide for  
2 their health, safety, and security. This evacuation would again require virtually every available  
3 deputy, which would again have a detrimental impact upon CCSO's ability to respond to the  
4 community's calls for service.

5 **8. Please explain in detail how CCSO's ability to provide mutual aid to other**  
6 **jurisdictions would be limited in the event of an oil terminal related emergency that**  
7 **required the evacuation of the JWC?**

8 CCSO and many other local law enforcement agencies have agreed that they will  
9 endeavor to provide each other with mutual aid and assistance in the event that agencies  
10 resources are insufficient to meet a particular situation. These situations can range from a small  
11 scale warrant arrest where a neighboring Police Department doesn't have back up for an officer  
12 who has a wanted person to a large scale disturbance/protest or a natural or man-made disaster.  
13 In the event of an oil terminal related emergency that required the evacuation of the JWC, the  
14 Clark County Sheriff's Office's resources would be stretched and limited to the point that it  
15 would be unable to provide mutual aid to other jurisdictions. Depending upon the nature and  
16 extent of the oil terminal related emergency, this inability to provide mutual aid could last for  
17 several days or weeks.

18 **9. What other concerns do you have about the ability to provide services to the**  
19 **community in the event of an oil terminal related emergency?**

20 Another significant concern is the fact that Clark County Sheriff's Office lacks the  
21 training, expertise, and/or specialized equipment necessary to respond to a major disruption,  
22 explosion, fire or other emergency were to occur at the proposed oil terminal. Presently, Clark  
23 County Sheriff's Deputies do not receive any training regarding the evacuation of a population  
24 from an oil terminal related emergency. Additionally, aside from a standard fire suppression  
25 system, Clark County does not have any on-site firefighting equipment or other sufficient  
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1 protective equipment to protect inmates and employees at the JWC from an oil terminal related  
2 emergency. This specialized training and equipment would be very costly for the Clark County  
3 Sheriff's Office to obtain and would require diverting resources from other programs that serve  
4 the community.

5         Additionally, as detailed above, an oil terminal related emergency would exceed Clark  
6 County Sheriff's Office's immediate staffing resources and would likely result in an inability to  
7 respond to other calls. This insufficient staffing would result in a need to call in off-duty  
8 deputies on an overtime basis in an effort to respond to the emergency. This necessary and likely  
9 prolonged over-time call out would have a devastating impact upon the Clark County Sheriff's  
10 Office budget and its ability to respond to normal calls for service on an ongoing basis. It is  
11 foreseeable that this over-time call out could continue for days or weeks as inmates are  
12 evacuated and relocated to other facilities. Even under current normal operating conditions, the  
13 Clark County Sheriff's Office is experiencing a severe staffing shortage in the Enforcement and  
14 Corrections Branch and routinely needs to staff deputies on an overtime basis to meet basic  
15 response and service needs. An oil terminal related emergency that required deputies to assist in  
16 the evacuation of the JWC and re-location of the inmates would severely exacerbate this staffing  
17 shortage and resulting overtime budget impacts. These budgetary and/or service cut impacts  
18 would ultimately be borne by the community.

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21         Ultimately, as noted above, my primary concerns relating to the proposed oil terminal  
22 relate to the health and safety of the JWC inmates and employees that would be directly  
23 impacted by an oil terminal related emergency. I also believe there are significant adverse  
24 staffing, budgetary and community service impacts upon the Clark County Sheriff's Office that  
25 must be heavily considered in connection with the permitting of the proposed oil terminal.  
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1 I declare under penalty of perjury of the laws of the State of Washington that the  
2 foregoing is true and correct to the best of my knowledge.

3 DATED this 12<sup>TH</sup> day of May, 2016 at Vancouver, Washington.  
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7 Chuck Atkins, Clark County Sheriff  
8 Clark County Sheriff's Office  
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