

Statement of Scott West
October 31, 2008

I have 21 plus years experience as a federal criminal investigator. Almost a full 19 of those years were with the US EPA Criminal Investigation Division. For over 13 of those years I was a supervisor in the Criminal Investigation Division and for the past 10 ½ years I served as a senior manager with the Criminal Investigation Division. I have personally investigated a number of significant criminal environmental cases and supervised an untold number more. Never in my experience have I had a significant environmental criminal case shut down by the political arm of the Department of Justice, nor have I had a case declined by the Department of Justice before I had been fully able to investigate the case. This is unprecedented in my experience.

The case against BP Alaska involved a major oil company with strong political connections. We had several investigative avenues available to us that in my judgment as a veteran senior manager with the EPA Criminal Investigation Division would likely have led us to find criminal culpability on the part of a number of senior BP officials and to felonious behavior by this major corporation. If after fully investigating this matter we found that BP was only culpable for negligent behavior which caused the largest oil spill on the North Slope, then I would have been fine with that conclusion, but in August of 2007, there was a significant amount of evidence in our possession that were not able to review.

There were many bright and experienced individuals sitting around the table at the US Attorney's Office that day we were pressed with the question "If we had to go to trial today, what could we prove." My answer at that time was just like everyone else's and that was a misdemeanor against the corporation is what we could prove that day. Now, no one person at that table has as much environmental criminal investigative experience as I do and in my judgment our investigation was far from complete. In my judgment and experience as a senior federal environmental criminal investigator and manager, there was far too much work to be done to rush to settlement at that time. I vehemently asked for more time to complete the investigation and was denied. I was told this decision was made by a recent presidential appointee at the Department of Justice. Because this company has strong political connections and because the unprecedented decision to shut down the investigation before it was complete was made by a recent political appointee, I as an experienced criminal investigator and senior manager at the EPA could come to no other judgment than that something "sinister" did indeed occur in the summer of 2007.

Furthermore, after this decision was made I was shocked to witness the Department of Justice during settlement negotiations with defense counsel open with the lowest dollar amount in the government's range of \$20 to \$35 million. Never in my experience have I witnessed such a "negotiation." Nor in my experience have I witnessed the Department of Justice blatantly reject legitimate alternative fines calculations provided by the EPA. I was told that one of the reasons the Department of Justice decided on a fine range of \$20 to \$35 million was because the criminal case against BP in Texas, where 15 persons were killed because of similar corporate misconduct, was being settled for \$50 million.

Fortunately, the US District Court Judge in that case rejected the plea deal. I do not have the knowledge base to speak to the particulars of that case, but from my experience in this field, I have to wonder if that settlement was rushed too quickly as well.

Finally, it is true and factual that Department of Justice prosecutors handling the BP Alaska case expressed great optimism in June 2007, that the ongoing investigation could likely result in individuals and the corporation alike being charged with felonies. So I ask, how can the Department of Justice now tell you that my "allegations that the Department improperly handled this case are not based in fact and are simply not true?"

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