



**Survival Factors Attachment:  
Law Enforcement Interview**

**Oakland, Ia.**

**HWY18MH003**

(21 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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SCHOOL BUS FIRE NEAR OAKLAND, IOWA,  
DECEMBER 12, 2017

\* Accident No.: HWY18MH003

\* \* \* \* \*

Interview of: JAMES HARVEY  
Deputy Sheriff

Oakland Volunteer Fire Department  
Oakland, Iowa

Saturday,  
December 16, 2017

## APPEARANCES:

SHERYL HARLEY, Survival Factors Investigator  
National Transportation Safety Board

MICHAEL LaPONTE, Highway Vehicle Crash Investigator  
National Transportation Safety Board

I N D E XITEMPAGE

Interview of James Harvey:

By Ms. Harley

5

I N T E R V I E W

(10:09 a.m.)

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2  
3 MS. HARLEY: All right. So it is 10:09 on December the 16th.  
4 Okay. 10:09. Okay.

5 MR. LaPONTE: Thanks for meeting us. We appreciate it.

6 MS. HARLEY: And thank you very much. We certainly do  
7 appreciate it.

8 MR. HARVEY: No problem.

9 MS. HARLEY: So, I'm sorry, Deputy Harvey, what's your first  
10 name?

11 MR. HARVEY: My name is James.

12 MS. HARLEY: James? How you doing? I'm Sheryl. And this is  
13 Mike LaPonte. He's my partner here.

14 MR. LaPONTE: I've already given him my card and introduced  
15 myself.

16 MS. HARLEY: Well, I didn't know --

17 MR. LaPONTE: Well, you're so busy with your administrative  
18 duties there.

19 MS. HARLEY: I know. All the nonsense makes me -- okay. All  
20 right. And we're here at the Oakland Fire Department parking lot.  
21 All right. So as you know, I'm sure you --

22 MR. LaPONTE: Is that a DOE badge?

23 MR. HARVEY: Yeah, I'm a bomb tech. That's why I couldn't  
24 get a meeting with you yesterday. I was doing training out with  
25 the FBI in West Omaha yesterday, so -- yeah.

## INTERVIEW OF JAMES HARVEY

1  
2 BY MS. HARLEY:

3 Q. So as you know -- your lieutenant has probably told you we're  
4 out here and we're kind of looking into this. And the information  
5 I got was that you were the first on the scene.

6 A. Yes, ma'am.

7 Q. So, I guess -- well, let's start from the beginning. What  
8 time did you get the callout and what actually did you get the  
9 call for?

10 A. I got called out at -- it was 7:02. I just came on shift. I  
11 was about 300th and Highway 6, a little bit west of here, probably  
12 about 14 miles. And I figured it was probably about a 23-, 24-  
13 mile trip from where I was to where the bus fire was at. And I  
14 was told a the bus fire, people trapped inside.

15 MR. LaPONTE: And then, you know, there's already -- somebody  
16 has already released all the 911 call tapes to the media, because  
17 actually I heard a full -- we heard the mother calling in  
18 screaming, and then we heard the 911 dispatchers repeating that,  
19 you know, bus fire; people trapped inside. And then there were  
20 several officers that said, you know, unit -- you know, whatever  
21 your protocol is, unit so-and-so and such-and-such responding.

22 MR. HARVEY: Yeah.

23 MR. LaPONTE: So --

24 BY MS. HARLEY:

25 Q. So what is your radio call sign?

1 A. 7847.

2 Q. 7847. Okay. Do you remember what time you arrived on the  
3 scene approximately?

4 A. I do not know the exact same -- I didn't look at the clock.  
5 I was out in my car pretty fast.

6 Q. Okay. No problem. And you called out once you got there?

7 A. Yes, ma'am. And that would be on my video recorder too. I'm  
8 sure you watched the tape?

9 MR. LaPONTE: No, we have not seen it.

10 MS. HARLEY: No, we have not seen it.

11 MR. HARVEY: If you do, I apologize for my language, because  
12 people wouldn't get out of the way.

13 MS. HARLEY: I spent 26 years as a police officer in  
14 Washington, D.C.

15 MR. HARVEY: Oh, boy.

16 MS. HARLEY: So, yes. Language? Got you beat. So, all  
17 right.

18 MR. LaPONTE: She scares us often in the office.

19 MS. HARLEY: So -- all right. So the video, I'm sure that  
20 Lieutenant Ambrose will take care of that, but we'll make sure.  
21 Okay.

22 BY MS. HARLEY:

23 Q. So you arrived on the scene. Were you the first police  
24 officer or fire -- or with the fire department on the scene?

25 A. I believe I was the first besides the family.

1 Q. Okay. All right. And when you arrived, what happened? Just  
2 walk me through it.

3 A. I was probably -- I was eastbound on Highway 6. I was  
4 probably about 3 or 4 miles out, and I could see the black smoke.  
5 And then as I turned on the road -- I believe it was 480th -- I  
6 could see flames from probably a mile and a half, 2 miles away.  
7 And then I basically pulled up. I ran up. My body camera  
8 actually fell off me, because I had a body camera running too at  
9 that time.

10 I went around the front of the bus, down the left side of the  
11 bus. I seen all the windows are out of the bus all the way  
12 around. And I deployed a fire extinguisher in the back cabin part  
13 where the seats would be, where the students would sit. Then I  
14 made my way back around behind the bus, and the grass had already  
15 been burnt. It was burning behind me a little bit, but I was able  
16 to get around to the safety door in the back. The windows were  
17 out of that. I couldn't even grab a hold of it. The flames were  
18 coming out of that.

19 I got the flames knocked down just barely where I could see  
20 up the floor of the bus. And next to the bus driver, I'd seen  
21 something on the floor. I couldn't identify what. Didn't see any  
22 movements, so I didn't attempt to make entry into the bus because  
23 I just -- you know, there was nothing I could do. It was fully  
24 engulfed inside.

25 Then I went back around to where the driver's window would



1 be, and that's where I observed the driver of the bus partway out  
2 of the bus, fully engulfed in fire. And I believe I called in a  
3 Code 11, which is our call sign for a dead body, at 7:21.

4 MR. LaPONTE: And then do you remember roughly when the first  
5 fire responders showed up?

6 MR. HARVEY: No, sir, I sure don't.

7 MS. HARLEY: Do you remember what the first unit, fire unit,  
8 was?

9 MR. HARVEY: It probably would have been -- I would imagine  
10 Oakland. No, I don't -- honestly, I can't remember. Because  
11 there's three little towns right along here. There's Oakland,  
12 Carson straight south of here, then Macedonia, and all three of  
13 them showed up. I know a guy in a road grader showed up, because  
14 I can remember seeing him going by in the field.

15 MR. LaPONTE: Yeah, he -- we talked to him yesterday, and he  
16 was the assistant fire chief, volunteer fire chief, from Carson.  
17 And he -- his narrative is that, when he got to the scene -- first  
18 of all, you passed him on the road up there. He said, I saw, you  
19 know, an officer --

20 MR. HARVEY: Was he in a truck?

21 MR. LaPONTE: Yeah.

22 MR. HARVEY: Okay, yeah.

23 MR. LaPONTE: And he said, when I got to the scene, the  
24 officer had already used one complete fire extinguisher, and that  
25 the bus was fully contained. And he said, then the first --

1 according to him, the first unit on the scene was the Carson Fire  
2 Department.

3 MR. HARVEY: Yeah, it could have been. Yeah.

4 MR. LaPONTE: And then, when the Carson Fire Department chief  
5 was oriented, he turned over control of the scene to him. And  
6 then Macedonia showed up. And actually, Oakland never did show  
7 up, according to him. Now I don't know if they did or didn't,  
8 but --

9 MR. HARVEY: Yeah, it's hard to say. I wasn't paying  
10 attention, honestly, to what fire units were there.

11 MR. LaPONTE: Yeah. He says Carson and Macedonia were the  
12 only two, and he said they got the fire knocked down pretty quick  
13 once, you know, they got the situation -- figured out what was  
14 what.

15 BY MS. HARLEY:

16 Q. So when you got on the scene, where were members of the  
17 family?

18 A. I thought -- I can think I remember seeing people off up by  
19 the house. But I -- shortly after I got there, Corporal Soucie  
20 would have showed up. He lives in Carson.

21 Q. I'm sorry. Corporal -- what's his --

22 A. Aaron Soucie. S-O-U-C-I-E.

23 Q. S-O-U-C-I-E Okay.

24 A. And then John Hiltz, he got there. I just --

25 Q. Can you spell Hiltz real quick?

1 A. H-I-L-T-Z, I believe is how he spells it.

2 Q. T-Z. Okay.

3 A. And I believe Corporal Soucie directed Hiltz to go take the  
4 family, you know, inside.

5 Q. Okay. All right. Were there any other civilians around you  
6 at the time?

7 A. When I was running around the bus, the only people -- I  
8 remember seeing somebody up by the house. And then I could  
9 remember the guy in the road grader just to the east of there in  
10 the bean field. And then a couple other county trucks pulled up,  
11 like, you know, county roads trucks, to help, but I don't know who  
12 they were. I don't -- I seen them and I didn't talk to them  
13 again.

14 Q. Okay. Did you have any interaction with the family?

15 A. No, I did not.

16 Q. Okay. So let's see. Let me just go back real quick. All  
17 right. So you received the call at 7:02 a.m. And you said it  
18 would be approximately at 23- or 24-mile trek for you to get to  
19 the location?

20 A. Yes, ma'am. I believe it took me probably around 13 minutes  
21 to get there.

22 Q. Okay. The call initially was for a bus fire with people  
23 trapped.

24 A. Yes, ma'am.

25 Q. All right. So you have an in-car video --

1 A. Yes, ma'am. I turned my body camera on as I pulled up on-  
2 scene, but like I said, I made it from my car probably partway to  
3 the bus, and it -- shirt gets bounced and the magnetic came off.

4 Q. Okay, no problem. When you arrived on the scene, the bus was  
5 fully involved and all the windows were out of the bus; is that  
6 correct?

7 A. I can remember, when I went down the left side of the bus,  
8 all the windows were out of the bus. And then later on, when I  
9 was back around the other side of the bus, I noticed the right-  
10 hand side looked like a lot of the windows were out of -- all of  
11 them were out of that. It looked like the windshield was gone.

12 I can remember, as -- when I came around the bus and I seen  
13 him on fire, it sounded like the truck was -- the bus was trying  
14 to start. I could hear it turning like somebody was trying to  
15 start the bus. That was kind of weird to me. You know, I've been  
16 to a few car fires. I've never heard something trying to start,  
17 so --

18 Q. Okay. The hood of the bus, was it still there or was it  
19 gone? Do you know?

20 A. It was gone, far as I can remember. I believe -- I'm the one  
21 that did the incident report. I can't remember what the wind  
22 direction and speed was that day, but it looked like the flames  
23 were coming back into the -- like where the bus driver would be  
24 sitting, up front and the back. It looked like a blowtorch coming  
25 up around him.

1 Q. Okay.

2 MR. LaPONTE: Yeah, that's -- one thing we're still trying to  
3 figure out is where the fuel source came from.

4 MR. HARVEY: If I remember correctly, it was like 16 degrees  
5 out that day. It was pretty chilly.

6 MR. LaPONTE: Cool, yeah.

7 MR. HARVEY: But I would have noted that in the -- we do  
8 these death packets. And I would have noted the wind speed  
9 direction and the temperature outside in there.

10 BY MS. HARLEY:

11 Q. Okay. So let's see. We have the -- all right. And you used  
12 a fire extinguisher initially.

13 A. Yes, ma'am.

14 Q. On which side of the bus?

15 A. That would have been on the driver's side of the bus, the  
16 left-hand side of the bus. Probably back, around the back tire  
17 area is where I deployed it inside. But I know all the seats were  
18 burning. Everything was burning in there.

19 Q. Okay. All right. And then you called in your Code 11 at  
20 7:21.

21 A. Yes.

22 Q. And then you were assisted by Corporal Soucie and Corporal  
23 Hiltz; is that --

24 A. And then Sergeant Freeman showed up somewhere in there too.

25 Q. Sergeant Freeman? Okay.

1 A. He'd be the shift supervisor.

2 Q. All right. And you had no interaction with the family.

3 A. No.

4 Q. Okay. But did you have any interaction with anybody from the  
5 bus barn?

6 A. No. No, I did not. Once I got there -- this is the first  
7 time I've ever got upset over any calls, you know, between 10  
8 years in the military and I've been out here 16½ years. This is  
9 the first time I kind of got upset, so it took me a few minutes to  
10 gather myself. Then once I did, I was assigned to do the incident  
11 report because it was my patrol sector that day. And then I did  
12 the crime scene entry log. That was hard to do, because there was  
13 just so many people there, in and out. The times won't be  
14 accurate. And then I have to do the death packet, one for each  
15 person, is what I was assigned to do that day. So I had a lot of  
16 paperwork to do. So I didn't get a lot of interaction with a lot  
17 of the people there. A lot of people were coming at me in my  
18 cruiser, giving me the names of people going in and out.

19 Q. Okay. Let me ask you a question. Did you know either one of  
20 the people who died?

21 A. No, I did not.

22 Q. Okay. All right. Okay. And you -- and someone contacted  
23 the -- what is it -- the local county coroner?

24 A. I'm not sure who did that, ma'am. I believe it might have  
25 been Sergeant Weaver contacted them.

1 Q. Sergeant Weaver?

2 A. Yes, ma'am.

3 Q. And was that -- and does -- did Dr. Elliot actually come out,  
4 or was that the investigator, John Hutchinson?

5 A. It would have been John -- it would be Mr. Hutchinson that  
6 came out. That's the first time --

7 Q. Jeff Hutchinson.

8 A. That's the first time I ever met him since he's taken over,  
9 so I don't know him very -- I don't know him at all.

10 Q. All right. So Jeff Hutchinson. Okay.

11 A. And then he had two gals with him.

12 Q. All right. Okay. Are all your cars equipped with onboard  
13 cameras?

14 A. I don't think Corporal Soucie's car has a camera. He works  
15 in court security in the courthouse, so he has an unmarked, and I  
16 don't think he's got -- and I know he doesn't have a camera in  
17 that. But John Hiltz would have had a camera in his. And then  
18 Sergeant Freeman's car actually broke down about 300 yards north  
19 of us, so he had to run the rest of the way there, so I don't  
20 think his car would have much on it.

21 Q. All right.

22 MR. LaPONTE: Does he get a pass for this year's PT test?

23 MR. HARVEY: I hope so. He got there pretty quick. His  
24 battery went (indiscernible).

25 BY MS. HARLEY:

1 Q. And does everyone have body-worn cameras?

2 A. Everybody's supposed to wear them, yeah.

3 Q. Yeah, I know.

4 A. I mean, everybody's assigned one.

5 Q. Okay. All right. Okay. So --

6 A. I believe Deputy Hiltz would've had his on. Working road  
7 patrol, we always wear ours, so he would probably have some.

8 Because he was the main one that interacted with the family.

9 Q. Okay. All right. All right. That's good.

10 So from the time that the fire department arrived to the time  
11 where the fire was actually brought under control -- and I  
12 realize, of course, no one's staring at a watch -- do you have  
13 some sense of time?

14 A. I think once they got it on-scene, it was -- they got the  
15 flames down pretty quick. But I couldn't give you any definite  
16 times.

17 Q. That's fine.

18 MR. LaPONTE: Neither could --

19 MR. HARVEY: No.

20 MR. LaPONTE: -- the assistant chief that got there in the  
21 pickup truck.

22 MR. HARVEY: If you look at my video camera, that thing  
23 should have ran the entire time, if I remember correctly. I don't  
24 think anybody shut it off or I shut it off. So that would maybe  
25 give you a time frame on a lot of stuff. I can't remember exactly



1 when I shut it off, though.

2 MR. LaPONTE: Yeah, we'll get a hold of the lieutenant.

3 MS. HARLEY: Yeah, he's getting all of that for us. Okay.

4 BY MS. HARLEY:

5 Q. One other question. How does the communications in this  
6 county work? The --

7 (Cell phone ringing.)

8 MR. HARVEY: Oops. Excuse me.

9 MS. HARLEY: No problem. Go ahead.

10 MR. LaPONTE: That's all right. Go ahead.

11 MR. HARVEY: That's a private dispatcher.

12 (Phone call.)

13 MR. HARVEY: This is 47. Okay. It'll be just a second and  
14 I'll be en route. Right. Bye-bye.

15 (End of call.)

16 MS. HARLEY: You know what? This isn't a -- this is a  
17 question I can actually get your lieutenant to answer.

18 MR. HARVEY: Okay. It's fine. I got a couple minutes.

19 MS. HARLEY: Okay.

20 BY MS. HARLEY:

21 Q. I was wondering about the communications real quick. Your  
22 communications center actually houses both the fire and the police  
23 department?

24 A. Yes, they do.

25 Q. Okay. Is it the same dispatcher or are there different

1 dispatchers?

2 A. There's usually a minimum of four dispatchers working. So  
3 you got one for county operations, one for police operations, and  
4 one that does the fire department. And then you have a channel,  
5 too, that runs vehicle plates and does things like that and helps  
6 out when they get busy. And sometimes there could be more than  
7 four in there also.

8 Q. Right. All right. So the -- do the fire employees have,  
9 like, a common fire ground channel or they always operate off the  
10 separate channels?

11 A. We operate off separate channels, but when we have large  
12 incidents they'll assign us a ground channel, and that's where  
13 everybody'll switch to.

14 Q. Was there a ground channel assigned in this incident?

15 A. There was, but I cannot remember what the channel was, to be  
16 honest with you.

17 Q. No problem. I'll just -- I'll find out. Okay. Okay. And  
18 in addition to the sheriff's department and the fire department,  
19 were there any other either law enforcement agents, other law  
20 enforcement agencies that responded?

21 A. Iowa Department of Transportation would have been there.  
22 Iowa State Patrol. Iowa State Fire Marshal, John Ticer, and  
23 another one -- I think there's one more there. And that's about  
24 it that I can think of.

25 Q. Okay. Great.

1 MS. HARLEY: All right. So thank you very much.

2 MR. HARVEY: Oh, you bet.

3 MS. HARLEY: I definitely want to give you this.

4 MR. HARVEY: Okay.

5 MS. HARLEY: This is my card. If you think of anything,  
6 please feel free to give me a call. The cell number is a 24-hour  
7 number.

8 MR. HARVEY: Okay.

9 MS. HARLEY: We absolutely, positively appreciate --

10 MR. HARVEY: Oh, yeah. You bet.

11 MS. HARLEY: -- you talking to us, and --

12 MR. LaPONTE: And we want to give you (indiscernible).

13 MS. HARLEY: -- appreciation for everything.

14 MR. HARVEY: Oh, thanks. Okay, yeah. If you guys have any  
15 more questions, feel free to contact me, okay?

16 MR. LaPONTE: We'll do it.

17 MS. HARLEY: Good luck. All right. You be safe, okay?  
18 Thank you, sir.

19 MR. HARVEY: All righty. All right. Thanks, guys. Have a  
20 safe trip.

21 MR. LaPONTE: You bet. You too, you too. Thank you.

22 MS. HARLEY: Okay. Bye-bye.

23 MR. HARVEY: I'm not used to these automatic doors.

24 MR. LaPONTE: Yeah, me neither.

25 MR. HARVEY: All right, you all have a safe trip.

1 MR. LaPONTE: You too. Thank you.

2 MS. HARLEY: All right. Thank you, sir.

3 And it's 10:27.

4 (Whereupon, at 10:27 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF:           SCHOOL BUS FIRE NEAR OAKLAND, IOWA,  
                                  DECEMBER 12, 2017  
                                  Interview of James Harvey

ACCIDENT NO.:               HWY18MH003

PLACE:                       Oakland, Iowa

DATE:                         December 16, 2017

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.

  
\_\_\_\_\_  
Eileen Gonzalez  
Transcriber