

This is Inspector Walter Withey. Today is April 24, 2007. The time is 1500 hours. This interview is in reference to Internal Investigation Number 07-FC-28 regarding an allegation of Criminal Conduct. Present for this interview is Inspector Joel DeCoursey, Jr.

WW: For the record would you please state and spell your full name?

MK: Mike Kittel. Michael Thomas Kittel. Last name is K-I-T-T-E-L.

WW: You understand this interview is being recorded?

MK: Yes sir.

WW: You understand that during the course of this interview there will be no unrecorded conversations concerning this investigation?

MK: Yes sir.

WW: Have you reviewed and signed the Confidentiality Acknowledgement?

MK: Yes, I have.

WW: You understand this means that all information concerning this investigation is to remain confidential until the case becomes public record and if divulge information prior to it becoming public record you are in violation of ASO Directive 353?

MK: Yes sir.

WW: Please raise your right hand. Do you swear or affirm the information you are about to provide in this proceeding is the truth and nothing but the truth?

MK: Yes, I do.

WW: Okay. Detective Kittel, how long have you been employed with the Alachua County Sheriff's Office?

MK: Since February 14, 1982.

WW: Okay. And in July of 1999, what was your assignment with the Sheriff's Office?

MK: I was assigned to uh, property investigations uh, particularly northwest Alachua County.

WW: Okay. During that time period were you the assigned Detective to investigate a burglary at Major Robert Chapman's residence?

MK: Yes sir, I was.

WW: Okay. And as a result of you being assigned to that did you develop a suspect?

MK: Yes, I did.

WW: And who was that suspect in the burglary?

MK: Here was a juvenile, Brian Robert Nagel, N-A-G-E-L.

WW: Okay. And how did you develop him as that suspect?

MK: I received a uh, telephone call from the victim of the burglary, which was uh, uh, Major Robert Chapman. That would have been on July 11, 1999. Uh, the Major uh, informed me at that time that uh, he was aware that Nagel lived across the street from him in the subdivision, Countryside and that uh, he had been incarcerated uh, for a juvenile offense. Uh, he wanted, he asked me if uh, if we could go over and speak to Nagel uh, possibly regarding his burglary and theft. Uh, on the 12th of July, uh, we went over to the Juvenile Detention Center and made contact with uh, Brian Nagel. I introduced myself to Nagel. Uh, I asked him if he remembered me. He said, "He did." Uh, I remembered, he remembered speaking to me on a prior occasion unrelated to this. Um, I asked him if he recognized the gentlemen standing next to me. He said, "I do uh, he's a neighbor of mine." I don't recollect whether he recalled his name or not, but he obviously, identified him as someone he knew and, and living across the street. Uh, at that time uh, Major Chapman asked, asked Nagel if he knew why we were there to see him. Uh, Nagel spontaneously said, "Yes, I had stolen your bicycle." He then went on to state that uh, he had gone into Chapman's open garage and had stolen Chapman's daughter's, it was uh, a Diamond Back uh, the brand name is Diamond Back bicycle and that uh, he ultimately placed the bicycle in the neighborhood when the deputies uh, were trying to catch him alongside of Meadowbrook Golf Course. Um, he said the neighborhood was in the vicinity of the Countryside Subdivision. I went in that area. Uh, he dropped it into some woods during that time. And then Nagel was ultimately arrested uh, on the same day as the bike theft, uh, for committing burglaries in the area of Countryside. Uh, he gave us directions as to where the bike was. Uh, I asked him no further questions. Uh, myself and uh, Major Chapman then left the Detention Center. I uh, later received a call; it would've been on the 13th of July 1999, from Major Chapman who said he had located the bicycle in the same area that Nagel had described. Um, I removed the bike uh, from NCIC/FCIC. Uh, Major Chapman told me at that time he wou, he did not know whether he would pursue criminal sanctions. Uh, uh, Major Chapman knew there was pending charges on Nagel for various things. And then on uh, July 24th of 1999, I received an additional phone call from Major Chapman uh, telling me he did not wish to pursue any criminal sanctions on Nagel.

WW: Okay. As a result of, sounds like Nagel confessed uh, when you interviewed him?

MK: Yes sir.

WW: And the recovering the bicycle where Nagel told you. Was that enough probable cause to actually file charges on Brian Nagel for that burglary and theft?

MK: Yes sir.

WW: When Major Chapman called you and basically said he didn't want to press charges against Brian Nagel. Do you remember, did he say why or did he give a reason why he didn't want to uh, have Nagel charged with it?

MK: I don't recall specifically other than he, he knew that he was uh, he had other pending charges based on other burglaries he had committed in that same area. Uh, Nagel's name had come out uh, prior to this as being a suspect in the residential burglaries in the Countryside area. Uh, all, all Chapman informed me was you know, he's got other, other pending problems and at this time I don't wish to pursue mine.

WW: Based on your knowledge I guess, then and now that Brian Nagel was a good suspect in a lot of those burglaries in that area. And here is a burglary and a theft that's basically open and shut. He confessed. You have him. And with Major Chapman's experience did it make sense to you to as a Detective that he wouldn't want to help you out. I mean, here's uh, here's almost, I say a guarantee, nothing's guaranteed, but almost a guaranteed conviction and Major Chapman says, "I don't want to do anything with it."

MK: Did I think it was unusual? Probably, not in the fact that I was contacted, I, I would say more victims than not do pursue charges, especially as something as easy as that would be to clear. But, on occasion yes, you do get a victim that either feels sorry for the person for whatever reason they don't want to pursue sanctions. Uh, is it unusual, may be somewhat. I don't, I don't think it's, it's, it's the norm. I think pursuing charges is definitely more prevalent um, but again, it's not that uncommon to have uh, uh, a victim not want to pursue for whatever reason. Whether it be uh, a neighbor or whether it be someone they known all their life, uh, that type of situation.

WW: Well, I gotta ask you another question. In that report you documented that he declined to pursue charges.

MK: Yes sir.

WW: Is that true and factual?

MK: Yes sir, it is.

WW: Okay, thanks. Got anything else?

JD: Don't have any questions.

WW: Can you think of anything regarding that incident that maybe I didn't ask you?

MK: No, I know, I know Major Chapman knew him well or, or talked like he knew him well. Um, I know Nagel you know, obviously, had identified him as being a neighbor and uh, acted as if they had somewhat of a relationship as being a neighbor. I think, I wanna believe that uh, Major Chapman knew that he came from a single parent family, which I think was the case back then. Brian was in um, a lot of trouble. Uh, nothing really stands out other than what I wrote in, in this report.

JD: I have a question. Is it unusual or is it common for a victim to go to a detention facility and seeing a suspect in a burglary?

MK: That's unusual, yes sir.

JD: And in this case what was the reason for, for that?

MK: I, other than him being a Major of a Sheriff's Office uh, I would expect him to know what's appropriate and what's not. Um, was there any intimidation on my behalf, absolutely not. Uh. but. again, uh, he's a Major of uh, of uh, of a detention facility that should know what's. what's correct and what's not. Uh, was it unusual? Sure, sure. Did, did I, you know, was I gonna give any preferential treatment based on his recommendation? No. Uh. but, was it unusual he showed up? Yes, it was.

JD: No further questions.

WW: Did Major Chapman ask to go with you to do the interview?

MK: My recollection is yes sir, he did.

WW: Do you feel maybe a little pressured to allow him to go because of his position here with the Sheriff's Office?

MK: Probably so. Probably so. Uh, again, uh, he's a Major he out ranks me, he out ranks most. Uh, I would, I would probably follow his recommendations as to what's appropriate and what's not at uh, at a detention facility even, even though it was the juvenile facility. Um, yeah, and it was probably so, it was probably unusual that he requested to go, yes. I understand why he did him being the victim of the crime. Was it unusual he, he wanted to go? Would, would a normal civilian have this same opportunity? No, they wouldn't.

WW: Can you think of anything else?

MK: No sir.

WW: Alright sir, with that we'll end the interview. It's 1508.