

# Wisconsin DOJ Division of Criminal Investigation

## ACISS Investigative Report

Report Number: DCIR13280/13

Report Date:

### Primary Information

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### Narrative

CASE ACTIVITY REPORT Wisconsin Department of Justice  
DJ-DCI-2 (Rev. 8/91) DIVISION OF CRIMINAL INVESTIGATION

1. Case Number

GC-13280

2. Date

10/06/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Interview/Kolanczyk

5. Date of Activity

10/02/2003

6.

On Thursday, October 2, 2003 at approximately 12:45 p.m., S/A Debra K. Strauss and S/A Amy A. Lehman interviewed ALLAN (AL) R. KOLANCZYK, DOB: 07/20/1936. This interview was conducted at KOLANCZYK's residence, 1622 S. 16th Street, Manitowoc, WI, telephone number 920-682-4306. The purpose of this interview was to obtain information KOLANCZYK may have regarding the investigation of the PENNY BEERNTSEN assault and the arrest and conviction of STEVEN AVERY.

KOLANCZYK provided the following information:

KOLANCZYK said he has been retired from the sheriff's department for approximately 13 years. In July 1995, when the BEERNTSEN assault occurred, KOLANCZYK was working as a detective for the Manitowoc County Sheriff's Department. KOLANCZYK stated on the day of the assault it was his day off and he was in the process of moving out of his ex-wife's house. KOLANCZYK said he received a call from the sheriff's department and was advised by a dispatcher that a rape had occurred and they needed a detective to investigate the crime. The dispatcher told KOLANCZYK they could not find any other detectives so KOLANCZYK agreed to come into work. KOLANCZYK said he would be there in approximately 1 hour. KOLANCZYK was told to go directly to Memorial Hospital, where the victim was taken, and meet with BILL BECK.

KOLANCZYK stated that approximately 1 hour later, at 7:00 p.m., KOLANCZYK arrived at Memorial Hospital. When KOLANCZYK arrived at the hospital, Sheriff Tom Kocourek was there. Sheriff Kocourek was mad that it took so long for KOLANCZYK to get to the hospital. KOLANCZYK asked the sheriff what the sheriff wanted KOLANCZYK to do. The sheriff responded, "do what you want". While KOLANCZYK was still standing there, a jailer came to the hospital and

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### Narrative - Continued

*including Avery*  
handed the sheriff a stack of pictures. KOLANCZYK stated that Sheriff Kocourek put these pictures in his pocket. KOLANCZYK asked the sheriff if KOLANCZYK should set up a Photo ID for the victim to review and the sheriff responded he would handle it.

While KOLANCZYK was still at the hospital, GENE KUSCHE from the Manitowoc County Sheriff's Department came to the hospital. KUSCHE was going to work with the victim to draw a composite picture. KOLANCZYK heard KUSCHE state that no one should show the victim any pictures of potential suspects until the composite picture is completed. KOLANCZYK then observed KUSCHE and Sheriff Kocourek go into the victim's hospital room to do the drawing.

When the sheriff came out of the victim's hospital room the sheriff asked KOLANCZYK if he knew where the Crime Lab was in Madison. KOLANCZYK responded that he did. The sheriff then told KOLANCZYK to be at the sheriff's department at 7:00 o'clock the following morning to pick up the evidence and take it to the Crime Lab.

KOLANCZYK said he left the emergency room and went home.

The next morning KOLANCZYK was at the sheriff's department at 7:00 a.m. KOLANCZYK was told that a search warrant was going to be executed at AVERY's residence so KOLANCZYK would not be going to the Crime Lab, instead KOLANCZYK was going to help with the search warrant.

KOLANCZYK was asked if he knew that STEVEN AVERY was considered a suspect at the time. KOLANCZYK responded that he thought he was aware of this information because he had thought he had heard that AVERY was a suspect while KOLANCZYK was still at the hospital.

KOLANCZYK said he helped execute the search warrant with KUSCHE, Sheriff Kocourek, JUDY DVORAK and another part time deputy. KOLANCZYK stated that as part of the search warrant, the officers were looking for a leather jacket. During the execution of the search warrant, KUSCHE came down the stairs stating he had found a leather jacket. KOLANCZYK remembers telling KUSCHE to put the jacket back where he found it until the search team was ready to search that particular room.

When the search warrant was completed, the jacket had been seized. It was KOLANCZYK's job to log the evidence. KOLANCZYK was asked if he took this evidence to the Crime Lab. KOLANCZYK responded he did not. KOLANCZYK said he never went to the Crime Lab for this case and he is not sure who did.

KOLANCZYK was asked if he was involved in a trial run to the ShopKo in Green Bay to determine if AVERY would have had time to commit this assault and then drive to the ShopKo in Green Bay to purchase paint. KOLANCZYK said he was not involved in this timed run and he thought Det. LARRY CONRAD and another officer may have done this.

*the the boy?*  
KOLANCZYK said STEVE AVERY was a suspect for this crime from the very beginning. KOLANCZYK said AVERY was the first name KOLANCZYK heard as a possible suspect for this assault. According to KOLANCZYK, AVERY had a bad reputation. Even though AVERY had this bad reputation, KOLANCZYK did not know if a sexual assault was part of AVERY's criminal history. KOLANCZYK said he could never understand what AVERY would have been doing in the location where the sexual assault occurred. KOLANCZYK also said the place where the assault took place was not a place where AVERY would have been. Because of this, KOLANCZYK had doubts as to whether or not AVERY actually committed this crime. KOLANCZYK stated he has never had any personal dealings with AVERY, however, he was familiar with the AVERY family and he knew the AVERY reputation.

KOLANCZYK was then asked if he knew GREGORY ALLEN. KOLANCZYK said he did not. KOLANCZYK continued to state that he did not know ALLEN's name until he heard it on the t.v. after AVERY's release from prison and ALLEN's positive identification through DNA.

KOLANCZYK was then asked if there were other suspects in this case except for AVERY. KOLANCZYK responded he did not know of any other suspects but KOLANCZYK stated he was "not in the loop".

The night of the BEERNTSEN assault, when KOLANCZYK went to the hospital, KOLANCZYK recalls the sheriff

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### Interview - Continued

commenting to him that no detectives were available so the sheriff had to come in. KOLANCZYK remembers the sheriff being very mad about this. When KOLANCZYK arrived at the hospital, KOLANCZYK estimated there was still between 1 to 1 1/2 hours of daylight left. KOLANCZYK offered to go out to the crime scene to look for evidence. The sheriff told KOLANCZYK this was not necessary because the counties' dog, BRUNO, was already out there.

KOLANCZYK was then asked if he ever heard any other detective express any doubts about AVERY committing this crime. The only thing KOLANCZYK could remember was the detectives talking about how they could not understand why AVERY would be in the area where the crime was committed.

KOLANCZYK stated that on the Monday after this crime occurred, the sheriff put KOLANCZYK on a 3-day suspension because it took him so long to get to the hospital that night. KOLANCZYK said he grieved the suspension through the Union and had the suspension reduced to 1-day. KOLANCZYK said he does not think he ever served that 1-day suspension.

KOLANCZYK had no additional information and the interview concluded at approximately 1:20 p.m.

DKS:dmg: 10/17/2003

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### Record Status Information

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