

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/37

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

11/03/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Interview/Tomas Kocourek

5. Date of Activity

10/29/2003

6.

On 10/29/2003, Special Agents Amy A. Lehmann and Debra K. Strauss interviewed THOMAS H. KOCOUREK, DOB: 12/05/45. The interview began at approximately 6:00 p.m., and took place at KOCOUREK's residence, 1601 Shoto Road, Two Rivers, WI 920-984-3871. Also present during the interview was ELIZABETH BLITZ-KOCOUEK, TOM KOCOUREK's wife. KOCOUREK is currently the Executive Director of Big Brothers Big Sisters of Manitowoc County, Inc., KOCOUREK was interviewed regarding the case of STEVEN AVERY. At the time of AVERY's arrest, KOCOUREK was the Sheriff of Manitowoc County. KOCOUREK provided the following information:

KOCOUREK stated that regarding the crimes that were committed against PENNY BEERNTSEN, those crimes were ones KOCOUREK was not normally directly involved with. The policy of the sheriff's department was to notify the sheriff in the event of a homicide or traffic fatality. In July of 1985, there was no money in the budget for pagers and portable radios for the five detectives that worked for the sheriff's department. The only two individuals that had these available to them were KOCOUREK and his Chief Deputy who was either VERN KLEMENT or RICHARD ANDREWS at the time.

KOCOUREK stated that after the report came in about BEERNTSEN being attacked on the beach, dispatch attempted to locate a detective to come to the hospital and take the complaint and report. KOCOUREK said that the only detective that was located by dispatch was AL KOLANCZYK and he said that he was not able to come in. Dispatch then contacted KOCOUREK and because he had some previous criminal investigative experience he went to the hospital. Prior to being elected sheriff, KOCOUREK worked as a detective for the Manitowoc Police Department.

Once KOCOUREK got to the hospital, he spoke with BILL BECK who was at the hospital already. BECK would have been

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an officer or sergeant at that time. BECK relayed that he was unable to locate any detectives and he himself did not have any investigative background and so did not know how to proceed.

KOCOUREK stated that BEERTNSEN was located in the emergency room of the hospital when he arrived and he believed that he would have requested that the doctor on duty to do a sexual assault work up on BEERTNSEN.

KOCOUREK stated that BEERTNSEN was alert and talking while in the emergency room. *Compare w. Beertnsen self drawing*

Handwritten initials

Also present at the hospital was a female deputy, possible JUDY DVORAK. KOCOUREK stated that while BEERTNSEN was in the emergency room other than asking her for a verbal description of her attacker, there were no questions asked of her until she was moved to a private room. KOCOUREK stated that he wanted the verbal description of BEERTNSEN's attacker so that officers on the street could keep a look out for a suspect. KOCOUREK stated that he could remember BEERTNSEN making the comment to him that while she was being attacked she knew that she needed to remember what her assailant looked like, so BEERTNSEN made it a point to concentrate on her assailants face and other descriptors.

KOCOUREK believed that in July of 1985 he would have heard of STEVEN AVERY before but probably had never met him or knew what he looked like.

KOCOUREK said that at the point that BEERTNSEN gave a verbal description of her assailant, no particular person came to mind. KOCOUREK said that GENE KUSCHE was called to complete a composite drawing working with BEERTNSEN and that it was after this was finished that someone in the room made a mention that the drawing looked like AVERY.

not so, right? who was in the room

KOCOUREK stated that he could not remember if he was in the room with KUSCHE when he drew the composite drawing. When the composite drawing was completed KOCOUREK could remember KUSCHE asking BEERTNSEN if the drawing looking like her assailant. BEERTNSEN responded that it did. It was at this point that KOCOUREK could remember someone saying that the drawing looked like AVERY. KOCOUREK believed that this comment was made away from the victim.

who? looking cards

Following the composite drawing, a photo line-up was created. KOCOUREK said that several photographs from the jail were placed in a paper cut out so that the booking numbers were not visible. KOCOUREK believed that BEERTNSEN was shown one or two sheets of photographs. KOCOUREK stated that he worked with KUSCHE in showing the victim the photo line-up. KOCOUREK said that BEERTNSEN looked at the photographs and instantly picked AVERY out as her assailant. KOCOUREK was asked if BEERTNSEN at any time was shown an individual photograph of AVERY prior to his photo being part of the photo line-up. KOCOUREK stated that she was not and that doing that would defeat the purpose of having a photo line-up.

except Steven Avery

KOCOUREK stated that in regards to the photo line-up he relied on his jailers to come up with photographs, as they were more familiar with individuals that were committing particular crimes.

what crimes?

KOCOUREK said that after BEERTNSEN identified AVERY in the photo line-up the decision was made to take AVERY into custody. A squad car was dispatched to take AVERY into custody. KOCOUREK stated that he did not know if he had spoken to the district attorney prior to making the decision to arrest AVERY. KOCOUREK believed that AVERY's uncle ARLAND AVERY may have went along to help with the arrest along with KEN PETERSON (the current sheriff).

STEVEN AVERY was arrested and taken to the Manitowoc County Jail. KOCOUREK stated that he was told by one of the arresting officers that AVERY made a comment during his arrest that made him look like he was guilty. AVERY told his wife that he was being arrested for "killing a woman". KOCOUREK stated that AVERY had not been told anything about a woman being the victim prior to his arrest. After his arrest, samples of hair, fingernail scrapings and other potential evidence were taken from AVERY. KOCOUREK believed that LARRY CONRAD was the detective that interviewed AVERY after his arrest. AVERY denied his involvement in the assault against BEERTNSEN on that night and all the way through the court process.

had gotten Steven to admit to assault

KOCOUREK stated that sometime during that evening of the arrest a detective had been contacted and it was possible

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it was LARRY CONRAD. It was at that point that KOCOUREK stated that he backed out of the investigation and had a limited role.

KOCOUREK was asked about the policies at the Sheriff's Department when it came to writing reports. KOCOUREK stated that all information obtained during an investigation was to be documented on a report. KOCOUREK readily admitted that some of the detectives were a little lax with this policy. WRITTEN POLICY? None for Berghner interview?

KOCOUREK was asked who the lead detective was in the AVERY investigation. KOCOUREK stated that because he could not get a hold of an investigator at the onset of the crime, he started the investigation. KUSCHE and CONRAD then were pulled in to help and the investigation ended up being a team effort with no real lead detective. KOCOUREK was asked if he could remember what other detectives had a role in the investigation. KOCOUREK stated that it was possible other detectives helped out as several were at the beach looking for physical evidence at the scene of the crime. *not the woman in the D.A.'s office?*

KOCOUREK was asked what position JIM GOSPADAREK held at that time. KOCOUREK stated that GOSPADAREK was a training officer at that time and prior to that held the position of detective, so it was possible that he was asked to assist at some point during the investigation. *death of Gospadarek*

KOCOUREK was asked about the canvas of the beach area that was completed by his detectives at that time. KOCOUREK stated that he was sure a canvass had been completed although he could not name which detectives would have assisted with it. KOCOUREK stated that for every contact made there should have been interviews corresponding with that contact by the detectives. *S/A Strauss informed KOCOUREK that there were no reports done by detectives in regards to the canvass of the area that was done.* KOCOUREK responded that it was "sloppy police work". KOCOUREK thought that DON BELZ, Captain of the Detectives, would have been the person to have coordinated the canvass. *☆*

KOCOUREK was asked his relationship with the BEERNTSEN's. KOCOUREK stated that he knew the family from church and their children were the same ages. KOCOUREK said that they were not social friends. KOCOUREK was asked about his interest in the case. KOCOUREK stated that he did not have a real interest in the case for reasons other than he was the one to start the investigation and wanted to know how it was going as it went along.

KOCOUREK remembered that the day after the arrest of AVERY a search warrant was obtained for the AVERY house. Law enforcement was looking for clothing that AVERY would have been wearing on the day that BEERTNSEN was assaulted. KOCOUREK stated that he might have gone to the house to assist with the search warrant. At the warrant a leather jacket was located along with clothing that AVERY said he was wearing the day of the assault.

KOCOUREK relayed that a live line-up was also organized and occurred in the room just across from his office in the Sheriff's Department so he was able to observe it. KOCOUREK was asked if he could remember BEERTNSEN making any comments that AVERY was the only person in the line-up that fit her description. KOCOUREK stated that he could not remember any comments like that from BEERTNSEN. KOCOUREK said that some people who were in the line up were concerned that they looked too much like AVERY. KOCOUREK said it was hard to find people for a line-up that had a beard in July.

KOCOUREK was asked if he remembered TOM BERGNER from the Manitowoc Police Department coming to him to talk about another possible suspect. KOCOUREK stated that he could not recall that happening. *Did he deny it?*

KOCOUREK stated that there were other suspects that were looked at by the Sheriff's Department and cleared. One was a man from Two Rivers, who Det. CONRAD may have looked in to. There may also have been another suspect out of Sheboygan. KOCOUREK could not remember how those individuals came to the attention of the Sheriff's Department. KOCOUREK stated that he did not do any of the follow-up on any suspects. KOCOUREK stated that any suspect name that the sheriff's department would have received would have been followed up on. This lead KOCOUREK to believe that if BERGNER would have come to him with another name it would have been documented somewhere and would have been checked out as well.

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KOCOUREK stated that he never had many doubts of AVERY being the assailant because BEERTSEN was so certain and convincing that AVERY was the person who assaulted her.

KOCOUREK relayed that he did not know who GREGORY ALLEN was and did not think that the Manitowoc Sheriff's Department knew who he was in 1985. KOCOUREK stated that to this day he still does not know what ALLEN looks like.

wrong - inconsistent with home telling you - Allen booked + photoed + fingerprinted

KOCOUREK relayed that AVERY had a background that caused some concern. There was an incident in 1985 where a woman had filed a complaint against AVERY for exposing himself in the front yard of his residence wearing nothing but a pair of shoes.

Here 8/24

KOCOUREK was asked if he was ever concerned that AVERY was not the person who committed the crimes he was charged with. KOCOUREK stated that AVERY was mainly convicted by the testimony of the victim, as they didn't have DNA at that time like they do now. KOCOUREK stated that there was not a lot of physical evidence and that would have been his main concern.

KOCOUREK was asked if he could remember being contacted by BEERTSEN with BEERTSEN relaying that she was contacted by the Manitowoc Police Department with the question of, did she think that she had the correct person. KOCOUREK stated that did not "ring a bell" with him. The only telephone call that KOCOUREK could remember receiving from BEERTSEN was when she thought one of the AVERY family members was calling her house with valed threats.

write a report by his standards?

KOCOUREK stated that AVERY had many alibi witnesses. However, there were so many statements that differed that they all looked like they were incompetent. There were time frame issues and issues with the lack of cement dust and the cement truck driver said that someone other than AVERY was running the cement spout.

KOCOUREK was asked why he attended all the court hearing that took place. KOCOUREK stated that he was a witness for several hearing and was sequestered for those. He was also there more for the BEERTSEN's benefit. PENNY BEERTSEN was concerned for her safety and so KOCOUREK told her that he would try to attend the hearings. In addition TOM BEERTSEN was making comments that if AVERY was not found guilty that he may take matters into his own hands.

pressure?

KOCOUREK was asked if he could remember any of the detectives having concern about the guilt of AVERY. KOCOUREK stated that he could not recall that at all.

KOCOUREK was asked if he met more frequently with DENIS VOGEL during this investigation that he normally would have as sheriff. KOCOUREK stated that he only met with VOGEL because he was originally involved with the investigation and was a witness. KOCOUREK stated that he would have also met with VOGEL to discuss the live line-up. KOCOUREK was asked if VOGEL ever needed encouragement or any pushing to prosecute AVERY for the crimes. KOCOUREK stated that VOGEL was an aggressive prosecutor and there was no problems getting VOGEL to prosecute AVERY.

KOCOUREK was asked if there were any detectives that worked for him in 1985 that he did not get along with or where there were any conflicts. KOCOUREK stated that he got along with most detectives, however he did have some problems with AL KOLANCZYK. KOCOUREK considered KOLANCZYK lazy and stated that he lacked motivation.

? original copy - content

KOCOUREK was asked who had spoken with about the AVERY case since AVERY was released from prison. KOCOUREK stated that he met with KEN PETERSON, the current Sheriff, on another topic and the STEVEN AVERY issue came up. KOCOUREK spoke briefly with DON BELZ about the case as KOCOUREK was dropping a gun off for repair, and KOCOUREK also spoke with VOGEL during the week of October 19, 2003, after VOGEL called him.

content

KOCOUREK was asked if the way he reviewed reports changed for this investigation. KOCOUREK was told that special

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agents were informed that for this investigation KOCOUREK insisted on viewing all reports prior to BELZ receiving them. KOCOUREK stated that nothing changed for this investigation, all detectives reports went to BELZ and then to KOCOUREK. *understand*

info better spoke to him - he could have seen such a photo
KOCOUREK was asked looking back where he thought things went wrong with the investigation. KOCOUREK stated that he would like to see a photograph of ALLEN from that time period to see if there were similarities between ALLEN and AVERY. KOCOUREK said that maybe he would have questioned the identity of the alleged assailant more, however, BEERTSEN's identification was convincing to him, the district attorney and the jury of twelve. KOCOUREK stated that it would have been nice to have information on ALLEN, however the sheriff's department and the police department did not have joint records or joint dispatch in 1985, where today they do.

KOCOUREK was asked if he presented photographs of BEERTSEN showing her injuries after her attack to the Manitowoc County Board, using the photographs as a way to request more money. KOCOUREK stated that he did not recall that ever happening.

The interview of KOCOUREK was terminated at approximately 7:30 p.m.

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