



City of Phoenix

To: Harold L. Hurtt
Police Chief

Date: December 4, 2002

From: Jack Harris, Assistant Chief *WER*
Professional Standards Division *JFH*

Subject: INTERNAL INVESTIGATION PSB 01-13

Internal Investigators:

Lieutenant Ken Johnson (Investigative Review)
Detective Dan Courtney
(Primary Investigator)
Sergeant Linda Johnson
Sergeant Kathy Johnson
(Interviews)

Locations of Occurrence:

Allegations #1 through #4 occurred between 12th Street and Northern to 22nd Avenue and Greenway Road.

Allegations #5 through #7 occurred at various locations in Phoenix.

Allegation #8 occurred at 13825 North 32nd Street.

Date/Time Occurred:

July 24th 1999, at approximately 11:50 p.m.
(Allegations #1 through #4)

January 23rd, 2000 through March 2000
(Allegations #5 through #7)

April 15, 1999 at approximately 1:50 a.m.
(Allegation #8)

Allegation #1:

On July 24th, 1999, approximately 11:50 p.m., Officer Kemp Layden #5993 while off duty and driving his personal 1994 Honda motorcycle took police action after observing minor traffic violations involving Ms. Elexis Estrada. Officer Kemp Layden #5993 pursued Ms. Estrada northbound on Interstate 17 between Northern Avenue and Greenway Road at speeds in excess of 105 miles per hour

Finding:

Sustained

Allegation: #2

That on the morning of July 25th, 1999, Officer Layden used profanity when he contacted Ms. Estrada at 22nd Avenue and Greenway Road.

Finding:

Unresolved

Allegation: #3

That on the morning of July 25th, 1999, Officer Layden inappropriately searched Ms. Estrada while at 22nd Avenue and Greenway Road.

Finding:

Unresolved

Allegation: #4

That on the morning of July 25th, 1999, Officer Layden inappropriately seized Ms. Estrada's vehicle after arresting her for DUI at 22nd Avenue and Greenway Road and drove her to another location.

Finding:

Sustained

Allegation: #5

On January 23rd, 2000, Officer Layden arrested Ms. Lena Manchess for Aggravated DUI at 5400 East Thunderbird Road and booked her into jail. Subsequent to the arrest, Officer Layden converted an enforcement contact into a social relationship.

Finding:

Sustained

Allegation: #6

After arresting Ms. Lena Manchess on January 23rd, 2000, Officer Layden provided her with a list of defense attorney's names he would use if he needed an attorney. From that list Ms. Manchess chose attorney Craig Penrod to represent her in the DUI case which Officer Layden arrested her.

Finding:

Sustained

Allegation: #7

After arresting Ms. Lena Manchess on January 23rd, 2000, for Aggravated DUI, Officer Layden used his position as a police officer to interfere with her prosecution.

Finding:

Sustained

Allegation #8

On April 15, 1999, at approximately 1:50 a.m. Officer Layden watched Ms. Kati Woodall and a male engage in sexual acts in public view while in the parking lot of Joe's Grotto, 13825 N. 32nd Street. Officer Layden failed to take appropriate police

action to contact the parties involved and continued to watch the acts until they were completed.

Finding:

Sustained

Employee Involved:

Officer Kemp Layden #5993
Duty Assignment: Maryvale Precinct
Squad: 81J
N-Days: Sun/Mon/Tue
Supervisor: Sergeant Hofmann

N.O.I. Given - Requires Follow-up

Action.

Witnesses:

1. Lena Manchess
White female
DOB:

2. Elexis E. Estrada
Hispanic female
DOB:
Address: retained by investigator

3. Craig Penrod, Attorney
9280 South Kyrene Road #117
Tempe, AZ
480-897-8737

4. Richard Nothwehr
Deputy Maricopa County Attorney
222 East Javelina

Mesa, AZ
602-506-2640

5. Eric Jeffery
City of Phoenix Assistant Prosecutor
262-6461
6. Bill Solomon
City of Phoenix Assistant Prosecutor
262-6461
7. Ms. Kati Woodall
White Female
DOB [REDACTED]
[REDACTED]

Witness Employee Interviewed:

Officer Christopher McCloud #6858

Officer R. Lee Campbell #3576

Photos:

See photo section.

Attachments:

See attachment section.

Summary of Investigation:

This investigation consists of three completely separate incidents. The first two incidents were brought to the attention of the Professional Standards Bureau (PSB) at the same time. The third incident was brought to the attention of PSB prior to the completion of the investigation. Since the incidents involve only Officer Kemp Layden, and occurred during the same basic time frame and are similar in nature, the incidents were investigated simultaneously as one investigation.

On Saturday, July 24th, 1999, at approximately 11:50 p.m., Officer Kemp Layden #5993 was off duty and riding his 1994 red Honda motorcycle in the area of 12th Street and Northern Avenue. At that time he observed Ms. Elexis Estrada driving a 1994 Ford sport utility vehicle westbound on Northern.

Officer Layden visually estimated Ms. Estrada's speed was above the posted speed limit. As Officer Layden followed Ms. Estrada he also observed that as Ms. Estrada approached red traffic signals at 7th Avenue and 15th Avenue on Northern she slowed her vehicle then proceeded through the intersection against a red traffic signal. Officer Layden initiated police action by pacing Ms. Estrada's vehicle between 1700 West Northern and 1800 West Northern at a speed of 65 to 70 miles per hour. He again conducted a pace of Ms. Estrada's vehicle between 2100 West Northern and 2400 West Northern at a speed of 70 miles per hour.

Officer Layden followed Ms. Estrada on Interstate 17 northbound where he paced her vehicle at speeds up to one hundred and ten miles per hour between Peoria and Greenway, in moderate traffic conditions. Ms. Estrada was alone in her vehicle and did not know that Officer Layden was a police officer during the time he followed her. Ms. Estrada believed Officer Layden was following / chasing her to possibly cause her harm and for that reason she was speeding to get away from him.

Officer Layden ultimately followed Ms. Estrada to a location near her home at 22nd Ave and Greenway and arrested her for driving under the influence of intoxicating liquor (DUI). Officer Layden did not have the means to call for an on duty police officer to transport Ms. Estrada to a police facility for DUI processing. For this reason, he seized her vehicle and drove her to a 7-11 store at 2424 West Greenway.

Ms. Estrada was transported to a DUI van facility by an on-duty police officer for the testing process. Her blood alcohol test revealed a reading of .101 and .099. She was issued traffic citations for speeding, failure to stop for a red traffic signal and DUI. She was released from custody and transported home by an on-duty police officer.

On Sunday, January 23rd, 2000, at approximately 11:58 p.m., while on duty, Officer Layden stopped Ms. Lena Manchess at 5400 East Thunderbird Road and arrested her for Aggravated DUI. Officer Layden booked Ms. Manchess into the Maricopa County Jail charging her with one count Aggravated DUI, a class 4 felony. Her blood alcohol reading was .095 and .098. At the time Officer Layden booked Ms. Manchess, he provided her with his pager and cellular telephone numbers so she could contact him if she needed a ride home after she was released.

Ms. Manchess was released from jail on January 24th, 2000, at approximately 2:30 p.m. At that time, Officer Layden met Ms. Manchess at the jail and gave her a ride to her home. Officer Layden indicated Ms. Manchess called or paged him and requested a ride home from the jail. Ms. Manchess indicated that she did not call Officer Layden to request a ride home, however, he was waiting outside the jail and offered her a ride home, which she accepted. Officer Layden was off-duty and driving his personal vehicle. Subsequent to the arrest, Officer Layden and Ms. Manchess established a personal relationship consisting of several telephone conversations and meeting for dinner for three separate occasions at restaurants between January 2000 and March 2000. During one of the dinner engagements, Officer Layden and Ms. Manchess talked about her DUI arrest and a defense strategy referred to as the "Affirmative Defense." Ms. Manchess tape recorded the conversation and turned the tape over to her attorney. On February 7th, 2000, Officer Layden attended a Preliminary Hearing at Scottsdale Justice Court. At that time, Officer Layden described the DUI case to the prosecutor as being weak. The prosecutor made a notation in the case notes that Officer Layden "doesn't have a strong feeling for the case and it could be dumped because he has concerns." Officer Layden told investigators that he would not characterize what he said in the same manner as the prosecutor.

As a result of Officer Layden's off-duty contacts with Ms. Manchess and their discussion regarding the Affirmative Defense, the Maricopa County Attorney's Office declined to prosecute Ms. Manchess for Aggravated DUI. A plea agreement was made charging Ms. Manchess with Driving with a Suspended Drivers License, carrying a \$500 fine.

On April 15th, 1999, at approximately 1:50 a.m., Officer Layden parked his marked police vehicle at approximately 13800 North 32nd Street to complete some paper work. While parking in that location he could observe Joe's Grotto at 13825 North 32nd Street. During that time, Officer Layden observed Kati Woodall and her boyfriend, Matthew Strangrwayes, engage in sexual acts consisting of fellatio and intercourse. The acts occurred on the trunk of Ms. Woodall's vehicle and in public view while in the parking lot. Officer Layden watched the acts until they were completed with and without the aid of binoculars. Officer Layden did not attempt to stop the acts or make contact with Ms. Woodall or her boyfriend until he observed Ms. Woodall drive from the parking lot in her car. Officer Layden stopped Ms. Woodall at 2700 East Sweetwater after following her for approximately a mile and arrested her for DUI. Ms. Woodall was transported to a DUI van for processing and later released.

Subsequent to the arrest, Officer Layden completed an Alcohol Influence Report and a Departmental Report listing the details of the DUI arrest. Officer Layden failed to make any statements in his reports regarding his watching the sex acts prior to the arrest of Ms. Woodall.

On January 9th, 2002, a trial was scheduled regarding the DUI case. At that time, Officer Layden mentioned to Officer Lee Campbell the sexual acts he had observed. Officer Campbell brought this information to the attention of the prosecutor, and the prosecutor immediately informed Ms. Woodall's defense attorney. The information caused immediate embarrassment to Ms. Woodall and she immediately pled guilty to the DUI charge to avoid going through a trial.

