



MEMORANDUM

TO: Major C. N. Tyus

FROM: Deputy Chief J. L. Glazier *JLG*

DATE: December 18, 2018

RE: OPS FILE #18-I-0234-MISC (Officer Lionel Dely)

I have reviewed the listed file and taken the following actions:

Concur with Section Commander:

Did not concur with Section Commander:

Recommended Discipline Modified:

My recommendation is as follows:

Disciplinary:

Oral Admonishment Written Reprimand
 Work Rule(s):

Suspension
 Number of Days: 3 days
 Work Rule(s): 4.1.4 *JLG*

Non-Disciplinary:

Not Sustained Exonerated
 Work Rule(s):

Exceptionally Closed Unfounded
 Work Rule(s):

JLG/mmf



DO NOT REMOVE THIS DOCUMENT FROM FILE

MEMORANDUM

TO: Major C. M. Murphy

FROM: Deputy Chief J. L. Glazier *JLG*

DATE: October 10, 2018

RE: **OPS COMPLAINT INVESTIGATION #18-I-0234-MISC**

Attached is OPS Complaint Investigation #18-I-0234-MISC involving Officer Lionel Dely. Please have the appropriate supervisor issue the adverse action to Officer Dely for Work Rule 4.1.4 (Conduct).

The file will need to be returned to the FOD/Administrative Office with the completed action by **Thursday, October 25, 2018.**

If you have any questions regarding this information, please feel free to contact Sergeant M. Fuller at (404) 546-7786.

JLG/mmf



Atlanta Police Department

MEMORANDUM

TO: Deputy Chief J. Glazier

FROM: Major C. Tyus

DATE: October 3, 2018

RE: Chain-of-Command Review OPS File: #18-I-0234-MISC

ATTENTION: Expedite Response, Return Complaint File by October 17, 2018

This complaint of alleged misconduct on the part of Officer Lionel Dely has been investigated by this office. Sufficient facts were gathered and evidence collected to **Sustain** the allegation(s). Command is required to review and complete all sections of the Notice of Proposed Adverse Action (NPAA) and the Notice of Final Adverse Action (NFAA).

Please expedite your review and have the complaint file returned to the Office of Professional Standards on or before the date indicated above. Please keep in mind that APD.SOP. 2020 § Disciplinary Process requires the following:

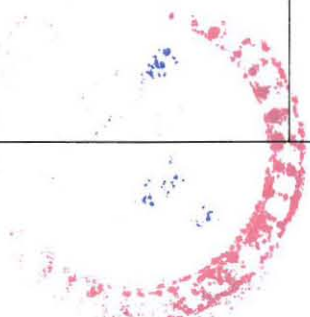
All citizen complaints, regardless of the nature of the complaint, shall be investigated and adjudicated within one hundred and eighty (180) days of the complaint. Failure to timely resolve citizen complaints may result in disciplinary action.

Should you have any questions or concerns, please contact me directly.

Thank you.

Date Stamp the Appropriate Block

Delivered to Division	Delivered to Section	Returned to Division	Returned to OPS



**ATLANTA POLICE DEPARTMENT
NOTICE OF PROPOSED ADVERSE ACTION (NPAA)
OPS CONTROL #: 18-I-0234-MISC**

NAME (LAST, FIRST, MI) DELY, LIONEL		4 DIGIT ID 6650	POSITION # 37882	CLASSIFICATION OFF.	DIVISION FOD	SECTION Z-3	WATCH E/W
EMPLOYEE STATUS PERMANENT <input checked="" type="checkbox"/> PROBATION <input type="checkbox"/> OTHER <input type="checkbox"/>		PERSONNEL ORDER # APD.PO.18.194	DISTRIBUTION 7	EMERGENCY ACTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			

XXX Suspension without pay for <u>3</u> working day.	Date NPAA Issued 10/22/18
Suspension without pay pending adjudication of criminal charges.	
Demotion from _____ to _____	
Dismissal	Effective Date of Action 11/3/18
Other _____	

NARRATIVE (Reasons for Adverse/Emergency Action)
The specific disciplinary action proposed for each Departmental work rule or other violation you are charged with is as follows:

RULE VIOLATION	DISCIPLINARY ACTION
4.1.4 Conduct	3 Day Suspension

See attached page(s) for the specifics of the violation(s).

TO EMPLOYEE: If you choose to respond to this notice, you have a right to one or both of the following:

- You may make a written response which must be received by the Disciplinary Authority named below by on 11/24/18 a 2:00pm
- You may appear personally before the Disciplinary Authority named below on 11/24/18 at 2:00pm At his/her office to present an oral and/or written response. You may have a representative with you at this meeting. Prior to the time set for your meeting with the Disciplinary Authority you may request to reschedule the appointment by calling him or her at: 404.558.4911

The granting of such a request is at the discretion of the disciplinary authority.

<u>X Major C. M. Murphy</u>	<u>X [Signature]</u> 10/22/18
TITLE AND NAME OF DISCIPLINARY AUTHORITY (PRINT OR TYPE NAME)	DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE
<u>[Signature]</u> 10-22-18	<u>[Signature]</u> 10/22/18
EMPLOYEE SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)	WITNESS SIGNATURE AND DATE

P - - - - -

Original to OPS; photocopy: to employee; to employee's supervisor; to Personnel and Human Resources; to Personnel Section (2) & to Chief of Police

**ATLANTA POLICE DEPARTMENT
ADVERSE ACTION CONTINUATION**

NOTICE OF PROPOSED ADVERSE ACTION OPS CONTROL #: 18-I-0234-MISC

NAME (LAST, FIRST, MI) DELY, LIONEL	4 DIGIT ID 6650	POSITION # 37882	CLASSIFICATION OFF.
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NARRATIVE (REASONS FOR EMERGENCY ACTION)

GENERALLY: You are charged with violating Rule 4.1.4 of the Employee Work Rules of this Department. Said Rule states:

Conduct

Employees will not act in an official or private capacity in a manner that will bring discredit upon the Department or themselves.

SPECIFICALLY: On or about March 9, 2018, you acted in poor conduct by driving your marked city patrol vehicle past a stopped school bus but that was loading and/or unloading passengers. Your actions were recorded by video surveillance cameras as you passed the school bus while visual signs were in operation. You maintained that there was a possibility you were distracted while driving due to you looking on the MDT for the address of your next call.

YOUR ACTIONS AS DESCRIBED ARE CONTRARY TO SAID LISTED WORK RULES.

<p>X <i>Major Murphy</i> TITLE AND NAME OF DISCIPLINARY AUTHORITY</p>	<p>X <i>[Signature]</i> 10/22/18 DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE</p>
<p><i>[Signature]</i> 10-22-18 EMPLOYEE'S SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)</p>	<p><i>[Signature]</i> 10/22/18 WITNESS SIGNATURE AND DATE</p>

Form APD-834 revised 1/1/2000

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**ATLANTA POLICE DEPARTMENT
NOTICE OF FINAL ADVERSE ACTION (NFAA)
OPS CONTROL #: 18-I-0234-MISC**

NAME (LAST, FIRST, MI)	4 DIGIT ID	POSITION #	CLASSIFICATION	DIVISION	SECTION	WATCH
DELY, LIONEL	6650	37882	OFF.	FOD	Z-3	E/W
PERMANENT <input checked="" type="checkbox"/>	PROBATION <input type="checkbox"/>	OTHER <input type="checkbox"/>	PERSONNEL ORDER #	DISTRIBUTION	EMERGENCY ACTION?	
			APD.PO.18.194	7	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

NOTICE OF PROPOSED ADVERSE ACTION (N.P.A.A.) ISSUED ON:

Did employee respond to NPAA? YES NO If yes WRITTEN RESPONSE PERSONAL RESPONSE DATE RESPONDED 10/24/18

Summary of Employee Response: _____

FINAL ADVERSE ACTION: *If an emergency action state the nature of the emergency below in the Narrative.*

Suspension without pay for 3 working days. Was the Notice of Proposed Adverse Action Modified? YES NO Date NPAA Issued 10/24/18

Suspension without pay pending adjudication of criminal charges. YES NO

Demotion from _____ to _____

Dismissal. Effective Date of Action 11/5/18

Other _____

NARRATIVE (Reasons for Adverse/Emergency Action)

The specific disciplinary decision for each Departmental work rule or other violation you were charged with follows below:

RULE VIOLATION	DISCIPLINARY ACTION
4.1.4 Conduct	
<i>See attached page(s) for the specifics of the violation(s).</i>	

TO EMPLOYEE: Pursuant to Labor Management Relations Ordinance Section 114-547, you may appeal any adverse action taken in this matter to the City of Atlanta Civil Service Board by completing the Civil Service Appeal form and submitting it to the Bureau of Labor Relations.

<u>Mayor Murphy</u>	<u>[Signature]</u> <u>10/24/18</u>
TITLE AND NAME OF DISCIPLINARY AUTHORITY (PRINT OR TYPE NAME)	DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE
<u>[Signature]</u> <u>10-24-18</u>	<u>[Signature]</u> <u>10/24/18</u>
EMPLOYEE SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)	WITNESS SIGNATURE AND DATE

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**ATLANTA POLICE DEPARTMENT
ADVERSE ACTION CONTINUATION**

NOTICE OF FINAL ADVERSE ACTION

OPS CONTROL #: 18-I-0234-MISC

NAME (LAST, FIRST, MI)	4 DIGIT ID	POSITION #	CLASSIFICATION
DELY, LIONEL	6650	37882	OFF.

NARRATIVE (REASONS FOR EMERGENCY ACTION)

GENERALLY: You are charged with violating Rule 4.1.4 of the Employee Work Rules of this Department. Said Rule states:

Conduct

Employees will not act in an official or private capacity in a manner that will bring discredit upon the Department or themselves.

SPECIFICALLY: On or about March 9, 2018, you acted in poor conduct by driving your marked city patrol vehicle past a stopped school bus but that was loading and/or unloading passengers. Your actions were recorded by video surveillance cameras as you passed the school bus while visual signs were in operation. You maintained that there was a possibility you were distracted while driving due to you looking on the MDT for the address of your next call.

YOUR ACTIONS AS DESCRIBED ARE CONTRARY TO SAID LISTED WORK RULES.

<p><i>Major C. Murphy</i> <small>TITLE AND NAME OF DISCIPLINARY AUTHORITY</small></p>	<p><i>[Signature]</i> 10/24/18 <small>DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE</small></p>
<p><i>[Signature]</i> 10-24-18 <small>EMPLOYEE'S SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)</small></p>	<p><i>[Signature]</i> 10/24/18 <small>WITNESS SIGNATURE AND DATE</small></p>

Form APD-834 revised 1/1/2000

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ORDER OF EXTENSION OF TIME
FOR FURTHER INVESTIGATION AND/OR CONSIDERATION

RE:

Pursuant to the Labor-Management Relations Ordinance, I am extending the prescribed time period for further investigation and/or proper consideration of an Proposed Adverse Action involving _____.
Name of Employee

This extension of time shall not exceed ten (10) days. Accordingly, the proposed effective date of the Adverse Action shall be extended to _____.

Date _____

Signature of Disciplinary Authority
or Designee

**ATLANTA POLICE DEPARTMENT
APPEAL WAIVER**

OPS CONTROL #:

I, _____ accept full responsibility for violation of the following employee work or other rule(s) or ordinance(s): _____

Of the Atlanta Police Department or City of Atlanta, as outlined in Office of Professional Standards Complaint File Number _____ . I concur with the disciplinary action of:

imposed by the Atlanta Police Department in my disciplinary case. With this my concurrence, I voluntarily, without coercion or duress, waive any and all of the right(s) I may have to appeal the above described disciplinary action taken in this case, either to the Civil Service Board of the City of Atlanta, or by way of administrative grievance, or by use of any other administrative or judicial remedy that may be available to me.

EMPLOYEE AND WITNESS SIGNATURES

EMPLOYEE SIGNATURE _____	DATE _____
WITNESS SIGNATURE _____	DATE _____

APPROVED BY DISCIPLINARY AUTHORITY

DISCIPLINARY AUTHORITY SIGNATURE AND TITLE _____	DATE _____
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MEMORANDUM

TO: Major C. N. Tyus

FROM: Deputy Chief J. L. Glazier *JLG*

DATE: September 24, 2018

RE: OPS COMPLAINT INVESTIGATION #18-I-0234-MISC

Attached is OPS Complaint Investigation #18-I-0234-MISC involving Officer Lionel Dely. This file includes adverse discipline and requires the N.P.A.A. and N.F.A.A. to be prepared for a 3-day suspension for Officer Dely.

If you have any questions regarding this information, please feel free to contact Sergeant M. Fuller at (404) 546-7786.

JLG/mm

RECEIVED
SEP 24 2018
OFFICE OF
PROFESSIONAL
STANDARDS



DO NOT REMOVE THIS DOCUMENT FROM FILE

MEMORANDUM

TO: Major C. M. Murphy

FROM: Deputy Chief J. L. Glazier *JLG*

DATE: August 30, 2018

RE: **OPS COMPLAINT INVESTIGATION #18-I-0234-MISC**

Attached is OPS Complaint Investigation #18-I-0234-MISC involving Officer Lionel Dely. This file was returned by Zone 3 to the FOD/Administrative Office without the correction listed in the August 14, 2018 memo being completed. Please refer to the earlier memo and ensure that the investigative file is properly updated.

The file will need to be returned to the FOD/Administrative Office with the completed action by **Friday, September 7, 2018.**

If you have any questions in regard to this information, please feel free to contact Sergeant M. Fuller at (404) 546-7786.

JLG/mmf



DO NOT REMOVE THIS DOCUMENT FROM FILE

MEMORANDUM

TO: Major C. M. Murphy
FROM: Deputy Chief J. L. Glazier *JLG*
DATE: August 14, 2018
RE: **OPS COMPLAINT INVESTIGATION #18-I-0234-MISC**

Please make the following update(s) to the attached OPS Complaint Investigation #18-I-0234-MISC involving Officer Lionel Dely:

1. The Section Commander needs to sign the Investigation Disposition Form (page 8-1-1).

The file will need to be returned to the FOD/Administrative Office with the completed action by **Wednesday, August 22, 2018.**

If you have any questions regarding to this information, please feel free to contact Sergeant M. Fuller at (404) 546-7786.

JLG/mmf

ATLANTA POLICE DEPARTMENT DISCIPLINARY COMPLAINT FOLDER INDEX

EMPLOYEE NAME: Dely, Lionel

OPS CONTROL #: 18-I-0234-MISC

Item No.	Item	Number of Pages	Initials	Date
1	Disciplinary Complaint Folder Index	1	BLK III	06/11/2018
2	Supervisor Complaint Investigation Checklist	1	BLK III	06/09/2018
3	Preliminary Complaint Form	3	WD	05/08/2018
4	Written Notice of Allegations	1	BLK III	06/09/2018
5	Awareness Statement	1	BLK III	06/09/2018
6	Daily Activity Report (March 9, 2018)	1	BLK III	06/09/2018
7	Employee Statement (Dely, Lionel)	2	BLK III	06/09/2018
8	Investigation Disposition Form	1	BLK III	06/09/2018
9	Video surveillance of incident from the school bus		BLK III	05/08/2018
10	Employee Discipline Worksheet	2	BLK III	07/15/2018

P-1-1-1

**ATLANTA POLICE DEPARTMENT
SUPERVISOR COMPLAINT INVESTIGATION CHECKLIST**

EMPLOYEE NAME: Lionel Dely

OPS CONTROL #: 18-I-0234-MISC

INVESTIGATIVE FOLDER

- 1. Disciplinary Complaint Folder Index
- 2. Supervisor Complaint Investigation Checklist
- 3. Preliminary Complaint Form (For all formal complaints)
- 4. Citizen Statements (Where applicable)
- 5. Employee Statements
- 6. Complaint Investigation Disposition Form (Command Investigations) OR
Complaint Transmittal Summary Memorandum (OPS Investigations)
- 7. Any Supporting Documentation (See below list)

<input type="checkbox"/>	Offense Report	<input type="checkbox"/>	Lab Results
<input type="checkbox"/>	Accident Report	<input type="checkbox"/>	Photos
<input type="checkbox"/>	Medical Release	<input checked="" type="checkbox"/>	Video Tape/Audio Tape
<input type="checkbox"/>	Other	<input type="checkbox"/>	Other

SGT. B. King III

06-09-2018

Investigation Completed By

Date Completed

DETERMINE DISCIPLINARY ACTION

8. Disciplinary Worksheet (Filled out by supervisor)

NON-ADVERSE ACTION

9. Oral Admonishment given to (Employee) _____ by _____
(Supervisor) _____ for rule _____ on _____
10. Written Reprimand given to (Employee) _____ by _____
(Supervisor) _____ for rule _____ on _____

I have received a copy of this form. _____ on _____
(Employee Name) (Date)

ADVERSE DISCIPLINARY ACTION

11. Notice of Proposed Adverse Action (NPAA) issued (Date) _____
12. Extension of time form (When applicable)
13. Notice of Final Adverse Action (NFAA) issued (Date) _____
NFAA issued by (Name)

PROACTIVE CORRECTIVE ACTION

14. Memorandum on Corrective Action (If applicable, includes counseling)
15. Training given on _____ for _____
16. Other

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ATLANTA POLICE DEPARTMENT PRELIMINARY COMPLAINT FORM

<input type="checkbox"/> OPS INVESTIGATION	<input checked="" type="checkbox"/> COMMAND INVESTIGATION	COMPLAINT NUMBER	OPS CONTROL NUMBER 18-I-0234-MISC
--	---	------------------	--

DATE & TIME COMPLAINT RECEIVED				DATE OF INCIDENT				ADDRESS OF OCCURRENCE			
MO	DAY	YR.	TIME	MO	DAY	YR.	TIME	MCDANIEL ST @ FLETCHER ST SW ATLANTA, GA			
05	08	2018	0939	03	09	2018	1612				

BRIEFLY DESCRIBE ALLEGATIONS	AUDIO AND VIDEO TAPES THAT ARE PART OF THIS FILE VIDEO TAPES OF INTERVIEWS <input type="checkbox"/> AUDIO TAPES OF 911 RADIO <input type="checkbox"/> OTHER TAPES <input type="checkbox"/>
-------------------------------------	---

THE DEPARTMENT REQUESTS AN INVESTIGATION INTO THE ALLEGATION THAT AN UNKNOWN OFFICER ACTED IN POOR CONDUCT BY DRIVING HIS CITY OF ATLANTA PATROL VEHICLE AROUND A STOPPED SCHOOL BUS THAT WAS LOADING/UNLOADING PASSENGERS ON 03/23/2018.

APD.SOP.2010/4.1.4 CONDUCT

"C" FOR COMPLAINANT, USE "P" FOR PARENT OR GUARDIAN, USE "W" FOR WITNESS, USE "S" FOR SUPERVISOR

CODE	NAME (LAST, FIRST, MI)	RACE	SEX	DOB
C	APD			
RESIDENT ADDRESS			CELL PHONE	BUSINESS PHONE
DESCRIBE INJURIES		HOSPITAL TAKEN TO	PHOTO ID #.	SUSPECT WEAPON
		-	-	-
BIASED BASED INCIDENT DESCRIPTION		TYPE OF BIASED ALLEGATION		
N/A		AGE	RACE	SEXUAL ORIENTATION
		-	-	-

CODE	NAME (LAST, FIRST, MI)	RACE	SEX	DOB
C				
RESIDENT ADDRESS			CELL PHONE	BUSINESS PHONE
DESCRIBE INJURIES		HOSPITAL TAKEN TO	PHOTO ID #.	SUSPECT WEAPON
		-	-	-
BIASED BASED INCIDENT DESCRIPTION		TYPE OF BIASED ALLEGATION		
N/A		AGE	RACE	SEXUAL ORIENTATION
		-	-	-

ACCUSED #1 NAME (LAST, FIRST, MI)		RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO
UNKNOWN							
DIVISION	ASSIGNMENT SECTION	WATCH	ON DUTY	DUTY STATUS		FIREARMS DISCHARGE ONLY	
FOD	Z3	EW	X	OFF DUTY	TMP ASGN	XTRA JOB	WEAPON
				-	-	-	-
DESCRIBE INJURIES		HOSPITAL TAKEN TO	PHOTO ID NO.	TYPE OF DRUG TEST			
		-	-	-			
ACCUSED #2 NAME (LAST, FIRST, MI)		RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO
DIVISION	ASSIGNMENT SECTION	WATCH	ON DUTY	DUTY STATUS		FIREARMS DISCHARGE ONLY	
				OFF DUTY	TMP ASGN	XTRA JOB	WEAPON
				-	-	-	-
DESCRIBE INJURIES		HOSPITAL TAKEN TO	PHOTO ID NO.	TYPE OF DRUG TEST			
		-	-	-			

SUPERVISOR RECEIVING COMPLAINT	INVESTIGATOR ASSIGNED	DATE ASSIGNED	DATE COMPLETE
SGT. W. DEAN		05/08/17	



City of Atlanta, GA
 School Bus Safety Program
 PO Box 22091
 Tempe, AZ 85285-2091

SECOND NOTICE OF VIOLATION AND SUMMONS



CITY OF ATLANTA
 23 CLAIRE DR
 ATLANTA, GA 30315-4345



NOTICE #: 4541800033978

PIN: 7347

View your video & images at
www.ViolationInfo.com

Amount Due: \$300.00

Due Date: 07/18/2018



1073 McDaniel St SW, Atlanta, GA



TO DISPUTE THIS VIOLATION, YOU MUST APPEAR IN COURT ON THE FOLLOWING DATE, TIME, AND LOCATION						
HEARING DATE 07/18/2018	HEARING TIME 8:00 AM	HEARING LOCATION THE MUNICIPAL COURT OF ATLANTA, 150 GARNETT STREET SW, ATLANTA, GA 30303				
YOU MUST CONFIRM YOUR APPEARANCE WITHIN 14 DAYS OF THIS SUMMONS BY SUBMITTING THE FORM ON THE REVERSE SIDE OF THIS NOTICE						
ON/ (Date) 03/09/2018	AT TIME 4:12 PM	GPS DESCRIPTION (Latitude, Longitude See Map) 33.72551 -84.40163				
REGISTERED OWNER'S NAME (FIRST, MIDDLE, LAST) CITY OF ATLANTA						
STREET ADDRESS 23 CLAIRE DR						
CITY ATLANTA			STATE GA	ZIP CODE 30315-4345		
DID UNLAWFULLY <input type="checkbox"/> OPERATE / DRIVE <input type="checkbox"/>						
OFFENSE Georgia Code §40-6-163(3)(A) You, as the registered owner of the vehicle described above are alleged to have failed to stop before reaching or overtaking a school bus on a highway while the visual signals were in operation. (Under Georgia Code §40-6-163(3)(A) you are presumed to be the driver, but such presumption may be rebutted as outlined on the reverse side.)						
VEHICLE INFORMATION						
YEAR 2016	MAKE FORD	MODEL TAURUS PC	STYLE 4S	COLOR BLU	LIC NUMBER GV6603J	LIC STATE GA
Certificate Based on the inspection of recorded images, the motor vehicle was operated in disregard of a visual signal on the school bus arm in violation of OCGA §40-6-163(3)(A) as evidenced by the images shown and such disregard was not authorized by law						
						BADGE # 4367

WARNING Failure to pay the civil monetary penalty or to contest liability in a timely manner shall waive any right to contest liability and you shall be liable for a civil monetary penalty that starts at \$300.00



NAME CITY OF ATLANTA	DUE DATE 07/18/2018
NOTICE # 4541800033978	VERSION 1
PIN 7347	ISSUE DATE 04/24/2018
STATE GA	PLATE GV6603J

No points will be assessed for this Notice of Violation

- ✓ Make your cashier's check or money order payable to City of Atlanta, Georgia.
- ✓ Pay by phone by calling 1-866-790-4111, available 24 hours a day, 7 days a week
- ✓ DO NOT MAIL CASH
- ✓ Do not staple or paper clip your items
- ✓ Write the Notice # on the front of your payment
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window

City of Atlanta, Georgia
 School Bus Safety Program
 PO Box 742629
 Cincinnati, OH 45274-2629



You must respond with either a payment of the violation before the Due Date, or confirm your appearance in court to dispute this violation within 14 days of the issue date shown to the right.

AMOUNT DUE: \$300.00

1 4541800033978 000043946558 300009

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Vehicle ID's

Long, Charles L

Mon 5/7/2018 3:50 PM

To:Cone, Glenn <GCone@AtlantaGa.Gov>;

GV6603J - #33413 – Zone 3

GV6445J -#33503 – Zone 1

GV2901C -#31713 - Zone 3

From: Cone, Glenn

Sent: Thursday, May 3, 2018 9:04:48 AM

To: Long, Charles L

Cc: Zenelaj, Hajredin

Subject: Vehicle ID's

Sgt. Long,

I need the assignment locations for the following vehicles as they pertain to complaints received at OPS. Tag #GV6603J, GV2901C, and GV6445J. Lt. Zenelaj also asked if you have and could send us a spread sheet that we could use here at OPS to alleviate us having to come to you every time we need to identify a vehicle. Thank you for any assistance you are able to provide.

SPO G. A Cone

Atlanta Police Department

Office Of Professional Standards

950 Joseph E. Lowery Blvd. NW #16

Atlanta, GA 30318

Phone 404-546-5945

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ATLANTA POLICE DEPARTMENT
Written Notice of Allegations

Employee: Lionel Dely APD ID # 6650 OPS#: 18-I-0234-MISC

Allegation: (Type Allegation and Work Rule #)
On March 9, 2018 you drove City of Atlanta police vehicle 33413 with a Georgia tag of GV6603J pass a stopped school. You failed to stop before reaching or overtaking a school bus on the roadway while the visual signals were in operation. "Conduct"
APD.SOP.2010/4.1.4

According to APD.SOP.2020 your responsibilities, restrictions, and rights as an employee are:

3.4 Employee Responsibilities

All employees must answer questions and/or make available any relevant materials or sworn statements concerning an investigation of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees will provide all relevant information and materials and answer all questions honestly, completely, and to the best of their ability. **An employee's refusal to cooperate and provide sworn statements, answers, or relevant materials during an authorized administrative investigation will result in disciplinary action, up to and including dismissal.**

Any employee reporting for duty under the influence of any substance such as prescription medications, alcohol, over the counter medications, or other substances that, while legal, may adversely affect the judgment or performance of that employee during duty hours, must notify his or her immediate supervisor prior to commencing work.

3.5 Employee Restrictions

Except as authorized, in an investigation into employee misconduct, employees may not:

Interfere with the complaint investigation in any manner

Independently participate in the investigation

Be present during any investigative contact with a complainant or with witness involved in the investigation

Contact the complainant or witness concerning the allegations; or

Discuss the existence or facts of a complaint with anyone except designated Department authorities conducting the investigation.

This restriction will not be construed to prohibit an employee from discussing any aspects of a complaint with his or her attorney or other representative, or to prevent his or her attorney from developing information for his or her defense.

3.6 Employee Rights

All employees have the right to have an attorney or other representative present during questioning in an administrative investigation. However, any employee who is either an accused employee or a witness in a complaint investigation may not act in the capacity of representative for any other employee being questioned as an accused or witness in that complaint investigation. An employee's representative shall be allowed to consult with the employee, and to object to questions, but shall not delay or interfere with the questioning process. Any objections to the form or content of the questions will be noted, but the employee shall still be required to answer fully and completely any and all questions presented during the investigation. An employee cannot delay questioning for more than three hours beyond the time he or she was given notice to appear for the questioning.

The employee being questioned as the accused will be issued the Written Notice of Allegations form (Form APD 848), which includes, but is not limited to a written statement of the allegation(s) and the employee's rights and responsibilities relative to the investigation against him/her prior to any questioning.


All employees who are subject to any form of discipline, whether non-adverse or adverse action, will be given written documentation of the disciplinary action taken. This written documentation must state the work rule which applies to the disciplinary action taken, information and/or documentation supporting the alleged work rule violation, and the disciplinary action that was taken. Employees must sign the written documentation stating that they have been notified of the disciplinary action taken. The employee's signature does not constitute an admission of guilt or wrongdoing, it serves only as receipt of the written documentation of disciplinary action and notification of the same.

The employee against whom a complaint has been filed may review the investigative folder upon completion of that investigation. The OPS commander will designate the area where the folder is to be reviewed and establish rules governing the review of the folder.

If the employee is being questioned as a suspect in a criminal investigation, the employee will be afforded complete Miranda Rights.

Administrative statements made by employees and evidence gained as a result of such statements shall not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

I have received a copy of the allegation(s) and my rights and responsibilities relative to the investigation against me as the accused prior to any questioning.


Employee Signature/Date

6-9-2018

Witness/Date



ATLANTA POLICE DEPARTMENT
Awareness Statement: Truthfulness

OPS Complaint # 18-I-0234-MISC

This statement form will be completed for every employee, accused or witness, in its entirety by the interviewer, and will be signed by the employee, prior to obtaining a statement for any allegation being investigated by the investigating authority.

I am aware that I will be **dismissed** for a Sustained violation of APD.SOP.2010, "Employee Work Rule" 4.1.03 (Truthfulness) which reads:

"Employees will be truthful in their written and spoken words at all times."

Do you understand this statement? Yes No

OFF. Lionel Dely

(Employee's Printed Name)

(Employee's Signature)

6-9-2018

(Date/Time)

SGT. B. King III

(Interviewer's Printed Name)

(Interviewer's Signature)

6-9-18 17:50

(Date/Time)

(Witness Representative's Printed Name)

(Witness/Representative's Signature)

(Date/Time)

Atlanta Police Department-Daily Activity Report

Name: Deiy
 APD I.D.: 6650 Assignment: 3301
 Vehicle No.: 33 413

End time <u>2200</u>	Mileage end <u>405276</u>
Start time <u>1400</u>	Mileage start <u>40483</u>
Hrs worked <u>8</u>	Miles driven <u>44.4</u>

Date: 3-9-18
 Day of the Week: Fri

I certify that this report is a true and accurate record of my activities for this date. Signature: <u>[Signature]</u> Date: <u>3-9-18</u>	I have reviewed both sides of this report. Supervisor's Signature: <u>[Signature]</u> Date: <u>3/9/18</u>
---	--

SIGNAL	TIME RECEIVED CALL	TIME ARRIVED	TIME BACK IN SERVICE	LOCATION OF CALL (ADDRESS OR INTERSECTION)	NUMBER AND TYPE OF ARRESTS	DISPOSITION OF THE CALL AND COMPLAINT NUMBERS
1	23	1419		1434	1003 McDANIEL ST SW	C-12
2	39	1420	1437	1453	1141 MOTON AVE	C-12
3	39	1453	1519	1540	963 DILL AVE SW	C-12
4	29	1606	1608	1628	1096 COLLEMAN ST SW	C-12
5	29	1607	1602	1602	1372 ATHENS AVE SW	C-12
6	25	1528		1550	1376 ATHENS AVE SW	C-12
7	2A	1544	1555	1605	1109 MCDANIEL ST SW	C-6
8	41	1645	1715		1449 BOULEVARD SE	C-12
9	29	1631	1631	1720	717 UNIVERSITY AVE SW	C-12
10	3929	1720	1725	1820	530 MANFORD RD SW	C-12
11	2A	1821	1837	1847	1113 METROPOLITAN	C-12
12	45	1838	1838	2200	1192 PRYOR ST SW	C-9
13						
14						
15						
16						
17						
18						
19						
20						

1-1-1-1-1-1-1

PR 1200

GBI #

Property

Atlanta P.D. Barcode #: 1620161



APD Case#: 180682249 Owner: MCGAHEE, JESSES
 Crime Type: Drug Violation - Misd
Recovered on 3/9/2018 by 6650
 Desc: SAMSUNG CELL PHONE

PR 1200

GBI #

Evidence

Atlanta P.D. Barcode #: 1620160



APD Case#: 180682249 Owner: MCGAHEE, JESSES
 Crime Type: Drug Violation - Misd
Recovered on 3/9/2018 by 6650
 Desc: MARIJUANA

Atlanta Police Department Daily Activity Report

PREVENTIVE MAINTENANCE CHECKLIST
WORK RULE 4.4.07: A CHECKLIST WILL BE FILLED OUT BY OPERATOR ON EACH VEHICLE, BEFORE EACH TOUR OF DUTY

- 1) Check all lights, including taillights, turn signals and emergency lights.
- 2) Check horn and siren.
- 3) Check gasoline, oil, and heat gauges.
- 4) Check brakes to determine if there is enough pedal.
- 5) Check tires for proper inflation, cracks, cuts and blisters.
- 6) Check glass; all glass surfaces, including headlights, side and rear view mirrors.
- 7) Check condition of spare tire and tire changing equipment.
- 8) Check vehicle cleanliness; vehicle must be clean inside and out.
- 9) Check for body damage; if any damage is unaccounted for, make report of same.

Lights.....Explain: _____
 Body Damage...Explain: _____
 Other.....Explain: _____
 Next service due at: 44393 (mileage) 6-13-18 (date)

Vehicle Inventory	In Vehicle	Needed
1) Fully charged fire extinguisher	<input type="checkbox"/>	<input type="checkbox"/>
2) OC Water	<input type="checkbox"/>	<input type="checkbox"/>
3) Trunk Mounted Shotgun Rack	<input type="checkbox"/>	<input type="checkbox"/>
4) Flexcuffs	<input type="checkbox"/>	<input type="checkbox"/>
5) Evidence bags (large & small)	<input type="checkbox"/>	<input type="checkbox"/>
6) Evidence and property tags	<input type="checkbox"/>	<input type="checkbox"/>
7) Flares	<input type="checkbox"/>	<input type="checkbox"/>

Note: Items 4, 5, 6, 7 in supervisors' vehicles only

	OK	Needs attention
Mobile computer (laptop)	<input type="checkbox"/>	<input type="checkbox"/>
MDT Number: _____		
Mobile Audio/ Video System	<input type="checkbox"/>	<input type="checkbox"/>
Mobile Cameras	<input type="checkbox"/>	<input type="checkbox"/>

Inspect computer equipment, per APD.SOP.3062.

BASIC CHECKLIST FOR POLICE PATROL BIKES

- 1) Check tire pressure – always maintain 55-65 psi.
- 2) Check chain – insure proper lubrication.
- 3) Pedal cranks backwards and check for stiff or bent links in drive chain.
- 4) Squeeze front brake and rock bike forward and backward to check for loose headset.
- 5) Check crank bolts for proper tightness.
- 6) Spin both wheels to check for trueness.
- 7) Check front and rear brake pads for wear.
- 8) Insure that both brake and shift cables are in good shape and are capped on the ends.
- 9) Check front and rear brake levers and insure that they engage firmly without bottoming out on bars.
- 10) Check all quick releases to insure that they are safely and securely engaged.

Directed Patrol Locations	Time
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

Directed Patrol Time Total _____

Drop-In Locations	Time
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

Drop-in times total _____

Activity Statistics		
Felony arrests	Rape	_____
	Robbery	_____
	Auto theft	_____
	Aggravated assault	_____
	Drugs-felony	_____
	Theft-felony	_____
	Weapon-felony	_____
	Other felony	_____
Total felony		_____
Misdemeanors	Battery, assault-misd	_____
	Drugs-misdemeanor	_____
	Theft-misdemeanor	_____
	Weapon-misdemeanor	_____
	Criminal trespass	_____
	Obstruction	_____
	Other misdemeanor	_____
Total misdemeanor		_____
City	Drugs-City	_____
	Weapon-City	_____
	Other City	_____
	Total City	
Traffic	Moving	_____
	Non-moving	_____
	D.U.I.	_____
	Seatbelts	_____
	Winnipeg	_____
	Accidents	_____
	Stolen vehicle recovered	_____
	Auto impound	_____
	5-day stickers	_____
	Other traffic	
Community policing	F.I.F.'s	_____
	Warrants served	_____
	Drop-in's	_____
	Directed patrols	_____
	Community meetings	_____
	Calls for service	_____
	Time on calls	_____
	32's & 42's	_____
	Fingerprints lifted	_____
	Alarm notice	_____
Other comm policing		_____
Juvenile	Juvenile arrest	_____
	Taken home	_____
	Taken to school	_____
	Parent arrested	_____
	Curfew	_____
	Truancy	_____
Other		_____

The unit commander will keep this form on file for sixty days, ready for inspection.

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE: Lionel Dely

OPS # 18-I-0234-MISC

EMPLOYEE NAME (LAST, FIRST, MI) Dely, Lionel				CLASSIFICATION Officer	POSITION NUMBER 37882	DATE & TIME OF STATEMENT 6/9/18 4:17pm	
RACE B	SEX M	DOB 8/21/86	DATE OF EMPLOYMENT 3/17/2016	4 DIGIT ID NO. 6650	DIVISION FOD	SECTION Zone 3	WATCH Eve

Investigator's Name I am Sergeant Benjamin King of the Atlanta Police Department	TYPE STATUS Accused
You are being questioned as a in an official investigation by the Department. Also present is: REPRESENTATIVES NAME: None	

All employees must answer questions and make available relevant materials or sworn statements concerning an investigation of allegations of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation but cannot delay questioning for more than three hours beyond the time he or she was notified of the questioning. Except as authorized or required, an employee shall not interfere with nor contact persons involved in an internal investigation nor disclose or discuss with anyone except the designated Departmental authority the existence or facts of an internal investigation. This restriction will not be construed to prohibit an employee from discussing any aspect of the investigation with his or her representative. Administrative statements made by employees and evidence gained by reasons of such statements may not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

- Q. Were you working on 3/9/2018?
A. Yes

- Q. Where you operating vehicle number #33413 on that day?
A. Yes

- Q. Do you recall being in the area of 1073 McDaniel Street on March 9, 2018 around 4:12pm?
A. Yes

- Q. Do you recall seeing a stopped school bus while the visual signals were in operation?
A. No

- Q. Do you recall passing a stopped school bus while the visual signals were in operation?
A. No

- Q. Was there anything that would have caused you to be distracted while you were driving?
A. I was on the MDT looking for the address of my next call.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


EMPLOYEE SIGNATURE

Sworn and subscribed to me this 9 day of June in the year 2018

Lionel Dely
PRINT EMPLOYEE NAME

NOTARY PUBLIC

P - 7 - 1 - 2

ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Lionel Del Y

OPS # 18-I-0234-MISC

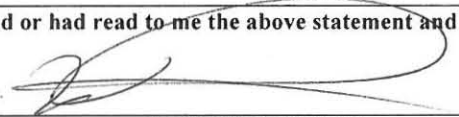
Q. Were there any other occupants in your vehicle at the time of this incident?

A. No, I was the only person in my vehicle.

Q. Is there anything that you would like to add to your statement?

A. Clearly, I was in the wrong. I should have payed more attention to the roadway. This was a valuable lesson learned. I have children myself, so I understand how bad this looked.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.



EMPLOYEE SIGNATURE

Sworn and subscribed to me this 9 day of June in the year 2018

Lionel Del Y

PRINT EMPLOYEE NAME

NOTARY PUBLIC

P - 7 - 2 - 2

**ATLANTA POLICE DEPARTMENT
INVESTIGATION DISPOSITION FORM**

EMPLOYEE: Lionel Dely

OPS CONTROL #: 18-I-0234-MISC

I. FINDING OF FACT: (LIST FACTS IN SIMPLE SENTENCES; DO NOT INCLUDE DISCIPLINARY ACTION RECOMMENDATIONS.)



- On March 9, 2018 Officer L. Dely was driving Atlanta Police vehicle #33413 with Georgia Tag GV6603J
 - On Officer L. Dely drove by a stopped yellow school bus with all visual signals being displayed for traffic to yield in all directions
 - The vehicle Officer Dely was driving on March 9, 2018 was captured on video surveillance disregarding the traffic laws.
 - The City of Atlanta received a notice of violation and summons from the City of Atlanta. There is a fine of \$300 that is Due.
- Since this incident was captured on video surveillance, Officer Dely was in violation of APD.SOP.2010/4.1.4 (Work Rules/Conduct)

II. PROCEDURE, POLICY OR TRAINING RECOMMENDATIONS: (DO NOT RECOMMEND DISCIPLINARY ACTION)

III. INVESTIGATIVE DISPOSITION (INDICATE RECOMMENDED DISPOSITION FOR EACH WORK RULE)

RULE <u>4.1.4</u>	SUSTAINED <input checked="" type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>

IV. REVIEWING SIGNATURES (DOES NOT INDICATE AGREEMENT)

Sgt. B. King III	<u>6/9/18</u>	<u>Ys J L</u>	<u>7-3-18</u>
INVESTIGATING SUPERVISOR	DATE	UNIT COMMANDER	DATE
	<u>9/4/2018</u>		<u>9/4/2018</u>
ASSISTANT SECTION COMMANDER	DATE	SECTION COMMANDER	DATE

P-811

**ATLANTA POLICE DEPARTMENT
EMPLOYEE DISCIPLINE WORKSHEET**

Employee: Lionel Dely

OPS Control 18-I-0234-MISC

Date: 6/12/18

Employee Disciplinary History: Charges with Active Reckoning Period			History by: <i>CK</i> SPO. G. A. CONE		Step #1 Sustained Violations		Step #2 Adjusted Category	Step #4 Recommended Action
OPS Control #	Rule	Final Cat.	Final Action	Date of Action	Rule	Rule Category		
17-I-0285-AT	2.34	A	WR	06-16-2017	4.1.4	A		WR

Supervisor Completing Worksheet

Sgt. B. King

Typed Name & Title of Supervisor

[Signature]

Signature & Date

7.15.18

Unit Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

LT. J. K. SMITH

Typed Name & Title of Unit Commander

[Signature]

Signature & Date

7-15-18

Assistant Section Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Major C.M. Murphy

Typed Name & Title of Asst. Commander

[Signature]

Signature & Date

7/16/18

Section Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Major C.M. Murphy

Typed Name & Title of Section Commander

[Signature]

Signature & Date

8/17/18

Division Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Typed Name & Title of Division Commander

Signature & Date

ATLANTA POLICE DEPARTMENT EMPLOYEE DISCIPLINE WORKSHEET

Employee: **Lionel Dely**

OPS Control **18-I-0234-MISC**

Date: **6/12/18**

Employee Disciplinary History: Charges with Active Reckoning Period			History by: <i>[Signature]</i> SPO. G. A. CONE		Step #1 Sustained Violations		Step #2 Adjusted Category	Step #4 Recommended Action
OPS Control #	Rule	Final Cat.	Final Action	Date of Action	Rule	Rule Category		
17-I-0285-AT	2.34	A	WR	06-16-2017	4.1.4	B	B	S-3

Supervisor Completing Worksheet

Typed Name & Title of Supervisor

Signature & Date

Unit Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Typed Name & Title of Unit Commander

Signature & Date

Assistant Section Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Typed Name & Title of Asst. Commander

Signature & Date

Section Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

C. M. Murphy Major

Typed Name & Title of Section Commander

[Signature] 7/18/18

Signature & Date

Division Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Deputy Chief J. L. Galazian

Typed Name & Title of Division Commander

D/C J. [Signature] 9/12/18

Signature & Date

**ATLANTA POLICE DEPARTMENT
EMPLOYEE DISCIPLINE WORKSHEET**

Employee: Lionel Dely

OPS Control 18-I-0234-MISC

Date: 10/3/18

Employee Disciplinary History: Charges with Active Reckoning Period			History by: <i>[Signature]</i> SPO. G. A. CONE		Step #1 Sustained Violations		Step #2 Adjusted Category	Step #4 Recommended Action
OPS Control #	Rule	Final Cat.	Final Action	Date of Action	Rule	Rule Category		
18-I-0285-AT	2.34	A	WR	06-16-2017				

Supervisor Completing Worksheet

Typed Name & Title of Supervisor

Signature & Date

Unit Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Typed Name & Title of Unit Commander

Signature & Date

Assistant Section Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Typed Name & Title of Asst. Commander

Signature & Date

Section Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Typed Name & Title of Section Commander

Signature & Date

Division Commander (*Commanders who do not concur must fill out a separate worksheet*)

I concur Do not concur With the recommended discipline.

Typed Name & Title of Division Commander

Signature & Date



Atlanta Police Department

MEMORANDUM

TO: Officer Lionel Dely
FROM: Major C. Tyus
DATE: January 24, 2019
RE: Disposition OPS Complaint File: 18-I-0234-MISC

An investigation has been completed into the complaint filed against you alleging misconduct. The complaint has been closed as indicated below:

- Exonerated - your conduct was determined to be justified, lawful and Proper in the complaint with regards to employee Work Rule
- Not-Sustained - the investigation did not develop sufficient information to prove or disprove the allegation stated in the complaint with regards to employee Work Rule
- Sustained - the investigation did develop sufficient information to prove the allegation stated in the complaint with regards to employee Work Rule
4.1.4 CONDUCT
- Unfounded - the allegation was without factual basis

CT/kdm
cc: File