

OPS Complaint File Closeout Report

OPS Control Number: 19-I-0406-Va Date Investigation Received: 08-09-19

Date Investigation Completed: 8-16-19 Date Investigation Adjudicated: 08-23-19

Accused Employee: Lionel DELY R/S: Blm Unique ID: 6650

Accused Employee's Assignment: FOO 23 EW
DIVISION SECTION WATCH

Investigative Disposition:

	<i>Work Rule #1</i>	<i>Work Rule #2</i>	<i>Work Rule #3</i>	<i>Work Rule #4</i>	<i>Work Rule #5</i>
Rule Number(s):	<u>4.4.4</u>				
Disciplinary Action:	<u>NS</u>				
Modified Action:	<u>-</u>				
Disciplinary Category:	<u>-</u>				
Date of Action	<u>8-23-19</u>				

Waiver: YES NO CVSA: YES NO SAA: YES NO

Reimbursement Payment: YES NO

Special Conditions and / or Agreement: _____

Accused Employee: _____ R/S: _____ Unique ID: _____

Accused Employee's Assignment: _____
DIVISION SECTION WATCH

Investigative Disposition:

	<i>Work Rule #1</i>	<i>Work Rule #2</i>	<i>Work Rule #3</i>	<i>Work Rule #4</i>	<i>Work Rule #5</i>
Rule Number(s):					
Disciplinary Action:					
Modified Action:					
Disciplinary Category:					
Date of Action					

Waiver: YES NO CVSA: YES NO SAA: YES NO

Reimbursement Payment: YES NO

Special Conditions and / or Agreement: _____

Form Completed by: SP0 GACoveri Date: 10-24-19



MEMORANDUM

TO: Major C. N. Tyus

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

DATE: October 21, 2019

RE: OPS FILE #19-I-0406-VA (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 Work Rule(s):	<input type="checkbox"/>	Written Reprimand Work Rule(s):	<input type="checkbox"/>
Suspension Number of Days: Work Rule(s):	<input type="checkbox"/>		

Non-Disciplinary:

Not Sustained Work Rule(s): 4.4.4	<input checked="" type="checkbox"/> <i>JLG</i>	Exonerated Work Rule(s):	<input type="checkbox"/>
Exceptionally Closed Work Rule(s):	<input type="checkbox"/>	Unfounded Work Rule(s):	<input type="checkbox"/>



City of Atlanta Internal Correspondence

Atlanta Police Department

MEMORANDUM

TO: Major A. Senzer
FROM: Major C. Tyus
DATE: August 9, 2019
RE: Command Investigation of OPS Complaint File: 19-I-0406-VA
Officer Lionel Dely

ATTENTION: Pursuant to the Disciplinary Manual, section 4.2.2(5), the file should Be completed and returned on August 30, 2019.

It is the policy of the Atlanta Police Department that an allegation(s) of misconduct be investigated. Therefore, this OPS complaint file is assigned to your division for that investigation. An investigation is not complete until the file is reviewed by the chain of command and the commander of OPS. If additional time is needed to complete the investigation, the investigating supervisor must request an extension in writing.

Please expedite your investigation and return the file to OPS on or before the date indicated above. If you have any questions about this file, please contact Lieutenant J. Paden at 404-658-6830.

Date Stamp the Appropriate Block

Delivered to Division	Delivered to Section	Returned to Division	Returned to OPS
			RECEIVED OCT 22 2019 OFFICE OF PROFESSIONAL STANDARDS

ATLANTA POLICE DEPARTMENT DISCIPLINARY COMPLAINT FOLDER INDEX

EMPLOYEE NAME: Dely, Lionel

OPS CONTROL #: 19-I-0406-VA

Item No.	Item	Number of Pages	Initials	Date
1	Index	1	JSJ	08/16/2019
2	Supervisor Complaint Checklist	1	JSJ	08/16/2019
3	Preliminary Complaint Form	1	JSJ	08/16/2019
4	Notice of Allegations	1	JSJ	08/16/2019
5	Awareness Statement	1	JSJ	08/16/2019
6	Employee Statement	2	JSJ	08/16/2019
7	Accident Investigation Summary	1	JSJ	08/16/2019
8	Memorandum	1	JSJ	08/16/2019
9	Accident Report	4	JSJ	08/16/2019
10	Incident Report	3	JSJ	08/16/2019
11	Estimate	4	JSJ	08/16/2019
12	Investigation Disposition Form	1	JSJ	08/16/2019
13	Photos	N/A	JSJ	08/16/2019
14				
15				
16				
17				
18				
19				
20				

D-1-1-1

**ATLANTA POLICE DEPARTMENT
SUPERVISOR COMPLAINT INVESTIGATION CHECKLIST**

EMPLOYEE NAME: Dely, Lionel

OPS CONTROL #: 19-I-0406-VA

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

Sgt. J. Saint Jean

08/16/2019

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 192041637	OPS CONTROL NUMBER 19-I-0406-VA
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4">DATE & TIME COMPLAINT RECEIVED</th> <th colspan="4">DATE OF INCIDENT</th> </tr> <tr> <td>MO</td><td>DAY</td><td>YR.</td><td>TIME</td> <td>MO</td><td>DAY</td><td>YR.</td><td>TIME</td> </tr> <tr> <td>07</td><td>23</td><td>2019</td><td>1638</td> <td>07</td><td>23</td><td>2019</td><td>1638</td> </tr> </table>	DATE & TIME COMPLAINT RECEIVED				DATE OF INCIDENT				MO	DAY	YR.	TIME	MO	DAY	YR.	TIME	07	23	2019	1638	07	23	2019	1638	ADDRESS OF OCCURRENCE 1483 Arthur Langford Jr. Pl SW
DATE & TIME COMPLAINT RECEIVED				DATE OF INCIDENT																					
MO	DAY	YR.	TIME	MO	DAY	YR.	TIME																		
07	23	2019	1638	07	23	2019	1638																		
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"/>																							

APD.SOP.2010/4.4.4 OPERATION OF CITY VEHICLE
 On July 23rd, 2019 at approximately 1638 hours unit 3303 Officer Lionel Dely was driving vehicle # 32391 North on Arthur Langford Jr. Pl Sw coming up to the right-hand curve, just north of Lincoln St. A MARTA bus was also traveling the opposite direction and was about to take the curve as well. Officer Dely stopped short of the curve but the MARTA bus continued turning and the middle part of the bus on the driver's side struck the front driver's side fender and wheel of the patrol vehicle. The MARTA but stopped at the point of impact and that caused Officer Lionel Dely to have to exit out of the vehicle on the passenger's side. The patrol vehicle had minimal damage to the bumper and was driven back to the Zone Three Precinct due to a check engine and air bag light coming on in the vehicle. There were no injuries reported by Officer Lionel Dely or the MARTA driver. The MARTA driver was cited for failure to maintain lane.

COMPLAINANT INFORMATION										
USE "C" FOR COMPLAINANT, USE "P" FOR PARENT OR GUARDIAN, USE "W" FOR WITNESS, USE "S" FOR SUPERVISOR										
CODE S	NAME (LAST, FIRST, MI) Saint Jean, Jean B						RACE Black	SEX Male	DOB 11/07/1978	
RESIDENT ADDRESS 880 Cherokee Ave SW						HOME PHONE 404-624-0674		BUSINESS PHONE		
DESCRIBE INJURIES				HOSPITAL TAKEN TO	PHOTO ID #	SUSPECT WEAPON		WEAPON SERIAL #		
ACCUSED #1 NAME (LAST, FIRST MI) Dely, Lionel				RANK Officer	RACE Black	SEX Male	DOB 05/04/1989	DOE	4 DIGIT ID NO 6650	
DIVISION FOD	ASSIGNMENT SECTION Zone 3	WATCH EVE	ON DUTY Yes	DUTY STATUS OFF DUTY TMP ASGN XTRA JOB No		WEAPON		FIREARMS DISCHARGE ONLY WEAPON SERIAL # # SHOTS		
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 OFF DUTY TMP ASGN XTRA JOB		WEAPON		FIREARMS DISCHARGE ONLY WEAPONS SERIAL # # SHOTS		
DESCRIBE INJURIES				HOSPITAL TAKEN TO	PHOTO ID. NO.	TYPE OF DRUG TEST				
ACCUSED #3 NAME (LAST, FIRST, MI)				RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO	
DIVISION	ASSIGNMENT SECTION	WATCH	ON DUTY	DUTY STATUS OFF DUTY TMP ASGN XTRA JOB		WEAPON		FIREARMS DISCHARGE ONLY WEAPONS SERIAL # # SHOTS		
DESCRIBE INJURIES				HOSPITAL TAKEN TO	PHOTO ID. NO.	TYPE OF DRUG TEST				
SUPERVISOR RECEIVING COMPLAINT J. Saint Jean				INVESTIGATOR ASSIGNED			DATE ASSIGNED	DATE COMPLETE 08/16/2019		

P-3-1-1

ATLANTA POLICE DEPARTMENT
Written Notice of Allegations

Employee: Dely, Lionel

APD ID # 6650

OPS#: 19-I-0406-VA

Allegation: (Type Allegation and Work Rule #)
APD.SOP.2010/4.4.4 OPERATION OF CITY VEHICLE

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.

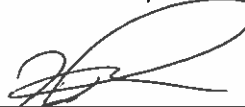
All employees who are subject to any form of discipline, whether non-adverse or adverse action, will be given written documentation of the disciplinary action taken. This written documentation must state the work rule which applies to the disciplinary action taken, information and/or documentation supporting 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.

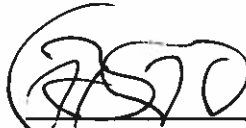
The employee against whom a complaint has been filed may review the investigative folder upon completion of that investigation. The OPS commander will designate the area where the folder is to be reviewed and establish rules governing the review of the folder.

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.


8-18-19
Employee Signature/Date


8/18/19
Witness/Date



ATLANTA POLICE DEPARTMENT
Awareness Statement: Truthfulness

OPS Complaint # 19-I-0406-VA

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

Lionel Dely
(Employee's Printed Name)

[Signature]
(Employee's Signature)

8-18-19 2:25pm
(Date/Time)

JEAN SAINT JEAN
(Interviewer's Printed Name)

[Signature]
(Interviewer's Signature)

8/18/19 2:25PM
(Date/Time)

(Witness Representative's Printed Name)

(Witness/Representative's Signature)

(Date/Time)

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE:

OPS # 19-I-0406-VA

EMPLOYEE NAME (LAST, FIRST, MI) Dely, Lionel				CLASSIFICATION OFC	POSITION NUMBER	DATE & TIME OF STATEMENT 08/18/19/2:25	
RACE Black	SEX Male	DOB 05/04/89	DATE OF EMPLOYMENT 03/2015	4 DIGIT ID NO. 6650	DIVISION FOD	SECTION Z-3	WATCH EVE
Investigator's Name I am Sgt. J. Saint Jean of the Atlanta Police Department						TYPE STATUS You are being questioned as a Accused	

in an official investigation by the Department. Also present is: REPRESENTATIVES NAME:
N/A

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 employed by the City of Atlanta on July 23rd, 2019?

A:yes

Q: What was your assignment on that day?

A:3303 FOD ZONE 3 Evening Watch

Q: Were you operating vehicle # 32391 on that day?

A:yes

Q: Were you involved in the vehicle accident on that day at 1483 Arthur Langford Jr. PL SW

A:yes

Q: Can you please describe the events of that accident?

A:n July 23, 2019, I Officer Dely was patrolling in the area of Arthur Langford Jr Pl Southwest. I came to a stop right in front of building six. I observed that a Marta bus was about to take a left turn. I attempted to

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 18 day of August in the year 2019

Lionel Dely

PRINT EMPLOYEE NAME

NOTARY PUBLIC

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ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE:

OPS # 19-I-0406-VA

signal to the Marta bus that he would not be able to make the left turn. That's when the Marta bus dropped a driver side bumper and the driver side door. The patrol vehicle that I was in slightly moved back. I was not able to get out from the driver's side due to the fact that the Marta bus had my patrol vehicle's door pinned, so got out from the passenger side. I observed damage to the front bumper, the driver door, as well as damage to the body. Nothing further at this time to report.

Q: Do you have anything else you would like to add to your statement?

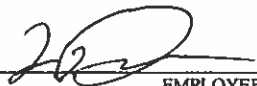
A: no

Q: Are you willing to submit a Computer Voice Stress Analysis (CVSA) if it becomes necessary?

A: yes

*** END OF STATEMENT***

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 18 day of AUGUST in the year 2019

Lionel DeN

PRINT EMPLOYEE NAME

NOTARY PUBLIC

P - 4 - 2 - 2

ATLANTA POLICE DEPARTMENT

Supervisor's Accident Investigation Summary

Employee's name: Dely, Lionel		Rank or title Officer	ID no. 6650
Division/section/unit/watch FOD/Zone 3/Evening			Assign no. 3303
Time in assignment 4 yrs	Date of employment 03/2015	Probationary status <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City vehicle no. 32391	Accident date 07/23/2019	Time 1638	
Accident location 1483 Arthur Langford			Incident no. 192041637
Name of accident responding officer M. Potter			Assignment no. 3303
Name of accident responding supervisor M. Wolfe			

The supervisor must complete the following reports, when appropriate (check those that are attached):

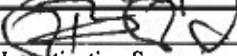

- Supervisor's Accident Investigation Summary (Form APD 705)
- Accident Report
- Incident report on injury to officer, damage to City property, etc.
- Copy of workers comp package
- Pursuit report package (see APD.SOP.3050 "Pursuit Policy")
- OPS package (see Disciplinary Manual) OPS Control Number 19-1-0406-VA
- AVAIL - history, if vehicle is equipped
- Watchguard video of incident
- Citizen Statement (APD FORM 824) *(completed on scene -hand written)*
- Video from the Video Integration Center Yes No

If no Watchguard video, or AVAIL history provide explanation:

Investigating Supervisors Summary of Accident: *(Include a narrative summary of what the employee was doing prior to and at the time of the accident; a detailed analysis of the accident; amount of damage; and contributing factors.)*

On July 23rd, 2019 at approximately 1638 hours unit 3303 Officer Lionel Dely was driving vehicle # 32391 North on Arthur Langford Jr. Pl Sw coming up to the right-hand curve, just north of Lincoln St. A MARTA bus was also traveling the opposite direction and was about to take the curve as well. Officer Dely stopped short of the curve but the MARTA bus continued turning and the middle part of the bus on the driver's side struck the front driver's side fender and wheel of the patrol vehicle. The MARTA but stopped at the point of impact and that caused Officer Lionel Dely to have to exit out of the vehicle on the passenger's side. The patrol vehicle had minimal damage to the bumper and was driven back to the Zone Three Precinct due to a check engine and air bag light coming on in the vehicle. There were no injuries reported by Officer Lionel Dely or the MARTA driver. The MARTA driver was cited for failure to maintain lane.

Investigating Supervisor and Section Commander Signatures:

	
Investigating Supervisors Signature:	Date 8/15/19
	
Section Commanders Signature:	Date 8-23-19



MEMORANDUM

TO: Memo to File
FROM: Sgt. M. Wolfe
DATE: 07/23/2019
RE: 41P Officer Involved Accident 192041637 Vehicle #32391

On 7-23-2019 Ofc. Dely Unit #3303 was driving vehicle # 32391 North on Arthur Langford Jr. Pl. SW coming up to the right-hand curve, just north of Lincoln St. SW At that time he saw the MARTA bus traveling the opposite direction about to take the curve as well. Ofc. Dely stopped short of the curve but the MARTA bus continued turning and the middle part of the bus on the drivers side struck the front drivers side fender and wheel of the patrol car. The MARTA bus stopped at the point of impact and that caused Ofc. Dely to have to exit out of the vehicle on the passenger side. There were no injuries reported by Ofc. Dely or the MARTA driver, some passengers left the scene before their names were retrieved, all other passengers are in the report.

MARTA police and MARTA supervisor (J. Edwards) arrived on scene. Mr. Edwards took pictures as well as C.S.I. unit #7332 Parker. The bus driver, Raymonde Grover (5-1-85) was cited for failure to Maintain lane as well as an outstanding warrant for traffic offenses in the City of Atlanta. MARTA supervisor J. Edwards was on scene and aware of the arrest. Officer Potter completed the accident and arrest report.

The patrol car had minimal damage to the bumper and was driven back to the Zone three precinct due to a check engine, and air bag light coming on in the vehicle. MARTA bus did not have any damage.

Sincerely,

Sergeant Michael Wolfe

Cc; Major Senzer
Capt. Peek

P-8-1-1

Printed By: 4752
Printed Date: 08/16/2019

PAGE:2

ATLANTA POLICE DEPARTMENT
Traffic Accident Report
Incident #: 192041637-00

Oversized vehicle:
Visibility obscured by:

----- Vehicle Summary -----

Veh #: 1
VIN: 15GGD2714J3192061
State: GEORGIA
Make: NOT PROVIDED/UNKNOWN

License #:
Year: 2018
Model:

Insurance Company: MARTA
Policyholder Name:
Registered Owner: MARTA

Insurance Policy #: FLEET INS
Insurance Company #:

Owner Address: 2424 PIEDMONT RD NE, ATLANTA, GA 30324

Veh #: 2 License #:
VIN: 1FAHP2MK8EG182766
State: GEORGIA Year: 2014
Make: FORD Model: TAURUS

Insurance Company: CITY OF ATL Insurance Policy #:
Policyholder Name: Insurance Company #:
Registered Owner: CITY OF ATL
Owner Address: 880 CHEROKEE AVE, ATLANTA, GA 30310

----- Involved Parties Summary -----

Unit #: 1
Name: GROVER, RAYMONDE
Driver's License #: 051710882
Employer:
Emp Address:

Rec Type: DRIVER
DOB: 5/1/1985

Unit #: 1 Rec Type: PASSENGER
Name: KALEY, ROBERT DOB: 11/25/1993
Driver's License #:
Employer:
Emp Address:

Unit #: 1 Rec Type: PASSENGER
Name: GRAY, MELVIN DOB: 11/26/1978
Driver's License #:
Employer:
Emp Address:

Unit #: 1 Rec Type: PASSENGER

Printed By: 4752
Printed Date: 08/16/2019

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ATLANTA POLICE DEPARTMENT
Traffic Accident Report
Incident #: 192041637-00

Name: JACKSON, LAWARVEN DOB: 7/18/1984
Driver's License #:
Employer:
Emp Address:

Unit #: 2 Rec Type: DRIVER
Name: DELY, LIONEL DOB: 1/1/1900
Driver's License #:
Employer:
Emp Address:

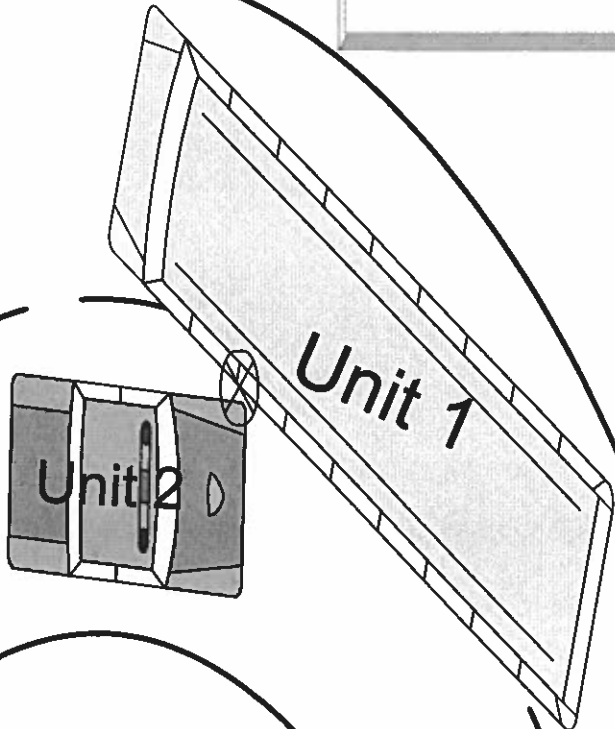
----- Narrative -----

7/23/2019 I Officer M Potter was dispatched to a Police involved traffic accident. Upon arrival I met with unit 3303 Ofc Dely, the driver of Vehicle 2. Ofc Dely was driving City of Atlanta Police Vehicle # 32391. He Advised he was coming around the curve at 1483 Arthur Langford Jr Pl. As he reached the peak of the curve he noticed a Marta Bus approaching. At that point he stopped when he noticed Vehicle 1

(Marta Bus) also trying to negotiate the curve at the same time. While negotiating the turn the Marta Bus driver failed to maintain his lane during the turn and struck Vehicle 2. There were no injuries due to this accident. All parties including passengers on the bus advised they were not injured on scene and refused medical attention. Driver 1 was cited for Failing to Maintain Lane. Crime scene units arrived on scene to take photos of the accident as the scene was still left in place. The Marta bus driver was cited and at fault in the accident. Evening watch supervisor 3395 was made aware of this incident. Nothing further to report at this time.

P-9-3-4

NOT TO SCALE



1483 ARTHUR LANGFORD JR PL SW



ATLANTA POLICE DEPARTMENT
Offense Report
INCIDENT NUMBER: 192041637-02

*** THIS REPORT INCLUDES RECORDS STILL IN WORKFLOW ***

----- INCIDENT INFORMATION -----

Report Date: 07/23/2019 Time: 18:37
Reporting Officer: 6650 (DELY)
Reviewed By Officer: 4472 (MCECKRON)
Officer Making Rpt: 6650 (DELY)
Occur/Earliest Date / Time: 07/23/2019 16:38
Location: 1483 ARTHUR LANGFORD JR PL SW, ATLANTA, GA 30312
Latest Poss Date / Time: 07/23/2019 16:40
Assoc Offense #:
RD: 307 Beat: 307 Shift: E
Zone: 03
Damaged Amount: Stolen Amount: Stolen Amount:
Disposition: Dispo Date:

----- OFFENSES -----

Offense: 9M (Miscellaneous Non-Crime)
GCIC: 9999 Att/Comp: C UCR: 9999 Vacant Prop: 0

----- VICTIM -----

Victim #1
Name: CITY OF ATLANTA
Juvenile?: NO
Home Address: 880 CHEROKEE AVE SW, ATLANTA, GA 30310
SSN: DOB: Sex: Race:
Hgt: Wgt: Hair: Eye:
Driver's License: State:
Employer:
Emp Address:

--- Home Contact ---
HOME # (404) 624-0674

----- PROPERTY -----

Damaged #1
Property Tag #:
Rec Type: DAMAGED
UCR Type: MISCELLANEOUS
Brand: FORD
Description:
Quantity: 1
Owner Applied Number:
Property Type: OTHER
Model: INERCEPTOR
Serial #:
Damaged Value:

Printed By: 4752
Printed Date: 08/18/2019

PAGE: 2

ATLANTA POLICE DEPARTMENT
Offense Report
INCIDENT NUMBER: 192041637-02

*** THIS REPORT INCLUDES RECORDS STILL IN WORKFLOW ***

Rep/Evid/Found Date: 7/23/2019 18:37
Recover/Found Date:

TOTAL VALUE STOLEN: \$0
TOTAL VALUE RECOVERED: \$0

----- VEHICLE -----

#1

Date and Time Last Updated: 8/18/2019 7:39:26 PM Officer Signed ID: 6650

Record Type:

Year: 2014

Make: FORD

Model: TAU

Style: 4D

Color 1: BLU

Color 2:

Tag Type: U

State: GA

License #: GV3528E

VIN: 1FAHP2MK8EG182766

Date Reported: 7/23/2019

Value:

Date Recovered:

Value Recovered:

Registered Owner: CITY OF ATLANTA

Owner Address: 880 SW CHEROKEE AVE SW, ATLANTA, GA 30310

--- Home Contact ---

WORK # (404) 624-0674

TOTAL VALUE STOLEN: \$0
TOTAL VALUE RECOVERED: \$0

INCIDENT NARRATIVE

On July 23, 2019, I Officer Dely was patrolling in the area of Arthur Langford Jr Pl Southwest. I came to a stop right in front of building six. I observed that a Marta bus was about to take a left turn. I attempted to signal to the Marta bus that he would not be able to make the left turn. That's when the Marta bus dropped a driver side bumper and the driver side door. The patrol vehicle that I was in slightly moved back. I was not able to get out from the driver's side due to the fact that the Marta bus had my patrol vehicle's door pinned, so got out from the passenger side. I observed damage to the front bumper, the driver door, as well as damage to the body. Nothing further at this time to report.

P-10-2-3

Printed By: 4752
Printed Date: 08/18/2019

PAGE: 3

ATLANTA POLICE DEPARTMENT
Offense Report
INCIDENT NUMBER: 192041637-02

*** THIS REPORT INCLUDES RECORDS STILL IN WORKFLOW ***

OFFENSE REPORT REVIEWED BY DELY, L ON 8/18/2019 7:39:25 PM

OFFENSE REPORT APPROVED BY

P-10-3-3

WADE FORD INC.

Workfile ID: 3a382fd2
Federal ID: 58-1544317

Trade With Wade
3860 S COBB DR SE, SMYRNA, GA 30080
Phone: (770) 436-2200
FAX: (770) 333-5906

Preliminary Estimate

Customer: CITY OF ATLANTA 32391

Job Number:

Written By: Rusty Walker

Insured: CITY OF ATLANTA 32391 Policy #: Claim #:
Type of Loss: Date of Loss: Days to Repair: 0
Point of Impact:

Owner: CITY OF ATLANTA 32391 **Inspection Location:** WADE FORD INC.
3860 S COBB DR SE
SMYRNA, GA 30080
Repair Facility
(770) 436-2200 Day **Insurance Company:**

VEHICLE

2014 FORD Police Interceptor AWD (Fleet) 4D SED 6-3.7L Gasoline Sequential MPI BLUE

VIN: 1FAHP2MK8EG182766 Interior Color: Mileage In: Vehicle Out:
License: Exterior Color: BLUE Mileage Out:
State: Production Date: Condition: Job #:

TRANSMISSION

Automatic Transmission
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat
Power Adjustable Pedals

DECOR

Dual Mirrors

Tinted Glass

Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Message Center
Steering Wheel Touch Controls
Telescopic Wheel

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags
Head/Curtain Air Bags

SEATS

Cloth Seats

Bucket Seats

Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control
Stability Control
California Emissions

D-11-1-4

Preliminary Estimate

Customer: CITY OF ATLANTA 32391

Job Number:

2014 FORD Police Interceptor AWD (Fleet) 4D SED 6-3.7L Gasoline Sequential MPI BLUE

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER					
2		O/H bumper assy				2.6	
3	*	Rpr Bumper cover				2.0	3.4
4		Add for Clear Coat					1.4
5	#	R&I FRONT PUSH BAR				3.0 M	
6		Repl LT Side support	AG1Z17C947B	1	10.05	0.2	
7		FRONT LAMPS					
8		R&I LT R&I headlamp assy				0.3	
9		FENDER					
10	*	Rpr LT Fender				4.5	2.0
11		Add for Clear Coat					0.8
12	**	Repl A/M FRT FENDER DECALS		1	155.90 X	1.0	
13	#	Cover Car		1	5.00	0.3	
14	#	Flex Additive		1	8.00		
SUBTOTALS					178.95	13.9	7.6

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			23.05
Parts Discount	\$ 23.05	-35.0 %	-8.07
Body Labor	10.9 hrs @	\$ 42.00 /hr	457.80
Paint Labor	7.6 hrs @	\$ 42.00 /hr	319.20
Mechanical Labor	3.0 hrs @	\$ 78.95 /hr	236.85
Paint Supplies	7.6 hrs @	\$ 28.00 /hr	212.80
Miscellaneous			155.90
Subtotal			1,397.53
Grand Total			1,397.53

MyPriceLink Estimate ID / Quote ID:

583286763544387584 / 51731750

WE ARE NOT RESPONSIBLE FOR LOST OR STOLEN ARTICLES LEFT IN YOUR AUTOMOBILE. THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE FOUND AFTER THE WORK HAS BEEN STARTED, PARTS PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE. THIS ESTIMATE IS FOR IMMEDIATE ACCEPTANCE, THANK YOU.....

NOTICE TO THIRD PARTY CLAIMANTS: Failure to use the insurance proceeds in accordance with a security agreement between you and a lienholder, if any, may be a violation of Code Section 16-8-4 of the O.C.G.A. If you have any questions, contact your lending institution.

Preliminary Estimate

Customer: CITY OF ATLANTA 32391

Job Number:

2014 FORD Police Interceptor AWD (Fleet) 4D SED 6-3.7L Gasoline Sequential MPI BLUE

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTER MARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DR2JN10, CCC Data Date 07/01/2019, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2020 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

Preliminary Estimate

Customer: CITY OF ATLANTA 32391

Job Number:

2014 FORD Police Interceptor AWD (Fleet) 4D SED 6-3.7L Gasoline Sequential MPI BLUE

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

ATLANTA POLICE DEPARTMENT INVESTIGATION DISPOSITION FORM

EMPLOYEE: Dely, Lionel

OPS CONTROL #: 19-I-0406-VA

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

- On July 23rd, 2019 at approximately 1638 hours unit 3303 Officer Lionel Dely was driving vehicle # 32391 North on Arthur Langford Jr. Pl Sw coming up to the right-hand curve, just north of Lincoln St.
- A MARTA bus was also traveling the opposite direction and was about to take the curve as well.
- Officer L. Dely stopped short of the curve but the MARTA bus continued turning and the middle part of the bus on the driver's side struck the front driver's side fender and wheel of the patrol vehicle.
- The MARTA but stopped at the point of impact and that caused Officer Lionel Dely to have to exit out of the vehicle on the passenger's side.
- The patrol vehicle had minimal damage to the bumper and was driven back to the Zone Three Precinct due to a check engine and air bag light coming on in the vehicle.
- There were no injuries reported by Officer Lionel Dely or the MARTA driver.
- The MARTA driver was cited for failure to maintain lane.
- Officer L. Dely was following APD SOP-2010/ 4.4.4 Operation of City Vehicle by stopping at the curve as soon as he noticed the MARTA bus was coming in the opposite direction.





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

No recommendations

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

RULE <u>4.4.4</u>	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input checked="" 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)

 <hr/> INVESTIGATING SUPERVISOR	8/18/19 <hr/> DATE	 <hr/> UNIT COMMANDER	8/21/19 <hr/> DATE
 <hr/> ASSISTANT SECTION COMMANDER	8-23 ^{STP} -19 <hr/> DATE	 <hr/> SECTION COMMANDER	8/23/2019 <hr/> DATE



Atlanta Police Department

MEMORANDUM

TO: Officer Lionel Dely
FROM: Major C. Tyus
DATE: October 30, 2019
RE: Disposition OPS Complaint File: 19-I-0406-VA

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 4.4.4 OPERATION OF CITY VEHICLES USED FOR LE PURPOSES
- Sustained - the investigation did develop sufficient information to prove the allegation stated in the complaint with regards to employee Work Rule
- Unfounded - the allegation was without factual basis Work Rule

CT/cd
cc: File