

OPS Complaint File Closeout Report

OPS Control Number: 19-20433-misc Date Investigation Received: 8-15-19

Date Investigation Completed: 9-18-19 Date Investigation Adjudicated: 9-23-19

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

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

Investigative Disposition:

	Work Rule #1	Work Rule #2	Work Rule #3	Work Rule #4	Work Rule #5
Rule Number(s):	4.1.4				
Disciplinary Action:	EX				
Modified Action:	-				
Disciplinary Category:	-				
Date of Action	9-23-19				

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:

	Work Rule #1	Work Rule #2	Work Rule #3	Work Rule #4	Work Rule #5
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: 500 GA Cond Date: 9-30-19



MEMORANDUM

TO: Major C. Tyus
FROM: Lieutenant H. Zenelaj
DATE: September 23, 2019
RE: Investigation and Disposition
OPS File # 19-I-0433-MISC

An investigation of the allegations of this complaint and any other allegations, which arose during the investigation, has been completed.

The following represents the findings of this investigation:

I. INVESTIGATIVE DISPOSITION

Of the Complaint against: Officer Lionel Dely

Exonerated 4.1.4 Conduct

II. POLICY OR PROCEDURAL CHANGES, TRAINING, RECOMMENDATIONS, AND/OR COMMENTS

The department requires an investigation into the allegation that Officer Lionel Dely's personal vehicle was involved in a pursuit with Cobb County Police Dept where the driver was apprehended but the passenger fled on foot on August 14, 2019.

The investigation did not produce any factual evidence to indicate that Officer Lionel Dely violated the listed work rule as alleged. Cobb County Police contacted Atlanta Police Communications Supervisor making a notification that a vehicle (personal) belonging to Officer Lionel Dely was recovered after a brief chase which resulted with one of the occupants being detained and the second fleeing police on August 14th, 2019, at 1810 hours. Cobb Police reported that the vehicle contained Atlanta Police duty gear, but not the officer's service weapon. Officer Dely responded to the incident location and recovered his vehicle and equipment. Officer Dely was then relieved of duty pending an internal investigation.

Officer Lionel Dely stated that the last call for service he responded to the night before was a juvenile call where he recovered a weapon from the juvenile and required more paperwork than a usual call for service. Officer Dely stated that after completing all appropriate paperwork, it was 5 am as he is an evening watch officer he elected to stay at his mother's home in Cobb County rather than drive to his home in Adairsville.

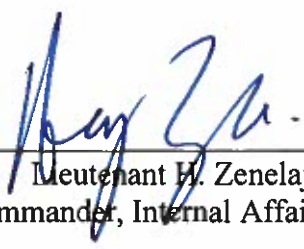
MEMORANDUM

Officer Dely stated that after he got something to eat, he gave his car keys to Clint Saintvil (a friend of the family who is going through a hard time) so that he could move his (Dely's) vehicle from the front of the house to the rear of the house while he (Dely) went to sleep. Officer Dely stated that when he awoke, he looked at his phone and saw that he had 2 missed calls and another missed call from his mother. Officer Dely stated that he saw a text message from his supervisor (Sergeant McEckron) to call him asap. Officer Dely stated that when he called Sergeant McEckron, he was asked: "where is your car?" Officer Dely stated that he told Sergeant McEckron that his car was here (at his mother's). Officer Dely was told that his car was not at his location and while Sgt McEckron informed Officer Dely of the situation, Officer Dely went to where his car was supposed to be, he saw that it was not there. Officer Dely state that his mother called him hysterical as she thought he had been in an accident because the Cobb County police called her and informed her about his car. Sgt McEckron directed Officer Dely to call the Cobb County officer that did the traffic stop on his vehicle. Officer Dely was given the number to the (Cobb) VIPER unit and to call him. Officer Dely called the Cobb County Police Officer and was told how they came upon his vehicle. Officer Dely went to where his vehicle was located and recovered his vehicle and equipment after Cobb Police told him what happened. Officer Dely was informed that the driver of his vehicle (Clint) was able to get away on foot, but the passenger of the vehicle was arrested. Officer Dely cooperated with the Cobb Police officers regarding how to locate Clint. Officer Dely's duty weapon was in his duty holster which was on his gun belt, inside his mother's house. The equipment inside of his vehicle consisted of a raid vest ballistic helmet and raincoat. Officer Dely stated that he did not give Clint permission to take his vehicle off the property.

As a result of the investigation into Officer Dely's involvement and conduct in this incident, there was nothing gleaned that would indicate that Officer Dely loaned his vehicle or involved himself with a person of questionable character. Officer Dely's willingness to assist Cobb Police in locating the individual that fled from their traffic stop, is supportive of this assertion.

Based upon my review of this investigation, I recommend that the allegation against Officer Lionel Dely for the alleged violation of work rule **4.1.4 Conduct** be **Exonerated**.

MEMORANDUM



Lieutenant H. Zenelaj
Commander, Internal Affairs Unit

This Investigation is: Approved Disapproved

By: Major C. Tyus 09-24-19
 Major C. Tyus Date
 OPS Commander

Comments: _____

ATLANTA POLICE DEPARTMENT DISCIPLINARY COMPLAINT FOLDER INDEX

EMPLOYEE NAME: Lionel Dely

OPS CONTROL #: 19-I-0433-MISC

Item No.	Item	Number of Pages	Initials	Date
1	Disciplinary Complaint Folder Index	1	AN	9/18/2019
2	Supervisor Complaint Investigation Checklist	1	AN	9/18/2019
3	Preliminary Complaint Form	1	AN	8/15/2019
4	Complaint Transmittal Summary Memorandum	3	AN	9/18/2019
5	APD Memorandum regarding Dely's incident	2	AN	8/14/2019
6	Statement of Officer Lionel Dely	4	AN	8/16/2019
7	Cobb County Police Report	7	AN	8/19/2019
8	Relief of Duty paperwork	1	AN	8/14/2019
9	Google Map of residence Dely's vehicle was parked at	2	AN	8/16/2019

**ATLANTA POLICE DEPARTMENT
SUPERVISOR COMPLAINT INVESTIGATION CHECKLIST**

EMPLOYEE NAME: Lionel Dely

OPS CONTROL #: 19-I-0433-MISC

INVESTIGATIVE FOLDER

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

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

OPS INVESTIGATION

COMMAND INVESTIGATION

COMPLAINT NUMBER **19-071004 COBB**

OPS CONTROL NUMBER **19-I-0433-MISC**

DATE & TIME COMPLAINT RECEIVED				DATE OF INCIDENT				ADDRESS OF OCCURRENCE			
MO	DAY	YR.	TIME	MO	DAY	YR.	TIME	16 BEECH RD MARIETTA, GA			
08	15	2019	0915	08	14	2019	1810				

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 OFFICER LIONEL DELY'S PERSONAL VEHICLE WAS INVOLVED IN A PURSUIT WITH COBB COUNTY POLICE DEPARTMENT WHERE THE DRIVER WAS APPREHENDED BUT THE PASSENGER FLED ON FOOT ON 08/14/2019.

APD.SOP.2010/4.1.04 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	WEAPON SERIAL #
	-	-	-	-

BIASED BASED INCIDENT DESCRIPTION	TYPE OF BIASED ALLEGATION				
	AGE	RACE	SEXUAL ORIENTATION	GENDER	CLASS
N/A	-	-	-	-	-

CODE	NAME (LAST, FIRST, MI)	RACE	SEX	DOB
W				
RESIDENT ADDRESS		CELL PHONE	BUSINESS PHONE	

DESCRIBE INJURIES	HOSPITAL TAKEN TO	PHOTO ID #	SUSPECT WEAPON	WEAPON SERIAL #
	-	-	-	-

BIASED BASED INCIDENT DESCRIPTION	TYPE OF BIASED ALLEGATION				
	AGE	RACE	SEXUAL ORIENTATION	GENDER	CLASS
N/A	-	-	-	-	-

ACCUSED #1 NAME (LAST, FIRST, MI)	RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO
DELY, LIONEL	OFF	B	M		04/02/15	6650

ASSIGNMENT			DUTY STATUS				FIREARMS DISCHARGE ONLY		
DIVISION	SECTION	WATCH	ON DUTY	OFF DUTY	TMP ASGN	XTRA JOB	WEAPON	WEAPONS SERIAL #	# SHOTS
FOD	Z3	EW	-	X	-	-	-	-	-

DESCRIBE INJURIES	HOSPITAL TAKEN TO	PHOTO ID NO.	TYPE OF DRUG TEST
NONE	-	-	-

ACCUSED #2 NAME (LAST, FIRST, MI)	RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO

ASSIGNMENT			DUTY STATUS				FIREARMS DISCHARGE ONLY		
DIVISION	SECTION	WATCH	ON DUTY	OFF DUTY	TMP ASGN	XTRA JOB	WEAPON	WEAPONS SERIAL #	# SHOTS
							-	-	-

DESCRIBE INJURIES	HOSPITAL TAKEN TO	PHOTO ID NO.	TYPE OF DRUG TEST
	-	-	-

SUPERVISOR RECEIVING COMPLAINT	INVESTIGATOR ASSIGNED	DATE ASSIGNED	DATE COMPLETE
SGT. W. DEAN	INV. A. NIXON	08/15/19	



**TO: LIEUTENANT H. ZENELAJ
 OFFICE OF PROFESSIONAL STANDARDS
 INTERNAL AFFAIRS UNIT**

- I. COMPLAINT CONTROL NUMBER: 19-I-0433-MISC
- a. Date of complaint: August 15, 2019
 - b. Date of occurrence: August 15, 2019
 - c. Complaint: APD.SOP.2010/4.1.04
 - d. Complainant: Atlanta Police Department
 - e. Accused: Officer Lionel Dely
 - f. Witness(es): N/A

II. INVESTIGATIVE SUMMARY:

- a. Complaint allegation:

The Department requests an investigation into the allegation that Officer Lionel Dely's personal vehicle was involved in a pursuit with Cobb County Police Dept where the driver was apprehended but the passenger fled on foot on August 14, 2019.

- b. Accused employee's response:

Officer Lionel Dely

Officer Dely stated that the last call for service he responded to was a juvenile call. He recovered a weapon from the juvenile so that required more paperwork than a usual call for service. After completing all appropriate paperwork, it was 5am (he is an evening watch officer). Instead of traveling to his home in Adairsville (Bartow County), he went to his mother's home in Cobb County. (He and his wife have been having some issues is another reason Officer Dely went to his mother's house). After getting something to eat, he gave his car keys to Clint Saintvil. (Clint is a friend of the family who is going through a hard time. Clint does work around the house when needed such as cutting the grass, painting, etc).

After giving his keys to Clint, Officer Dely went to lay down and go to sleep. (The reason Officer Dely gave his car keys to Clint was so that he could move his {Officer Dely's} car from the front of the house to the rear of the house). When Officer Dely awoke, he looked at his phone and saw that he had 2 missed calls and another missed call from his mother. He saw a text message from his supervisor (Sgt McEckron) to call him asap. When Officer Dely called Sgt McEckron, he asked Officer Dely "where is your car?" Officer Dely told him that his car was here (at his mother's). Officer Dely was then told that his car was not at his location. While Sgt McEckron informed Officer Dely of the situation, Officer Dely went to where his car was supposed to be, he saw that it was not there. Officer Dely's mother then called Officer Dely (hysterical) as she thought he had been in an accident because the Cobb County police called her and informed her about his car.

Sgt McEckron told Officer Dely to call the Cobb County officer that did the traffic stop on his vehicle. Officer Dely was given the number to the (Cobb) VIPER unit and to call him. Officer Dely called the Cobb officer and was told how they came upon his vehicle. Officer Dely relocated to the scene where his car was recovered and was told what happened. Officer Dely was informed that the driver of his vehicle (Clint) was able to get away on foot, but the passenger of the vehicle was arrested. Officer Dely cooperated with the Cobb police officers regarding how to locate Clint.

Officer Dely was able to recover his police equipment that was inside of the car and nothing was missing. His duty weapon was in his duty holster which was on his gun belt, inside his mother's house.

Regarding why he wanted his vehicle moved (when it was already on his mother's private property)

Officer Dely stated that all vehicles are parked in the rear of the home and not in the front of the home (where he parked his car after arriving home from work).

His mother's property is very large, she owns 2299 Goodrum Ln and 2291 Goodrum Ln (note the Google map of his mother's address).

Regarding if Clint Saintvil had permission to take his vehicle off the property

Officer Dely stated "No".

c. Physical evidence:

Cobb County incident report

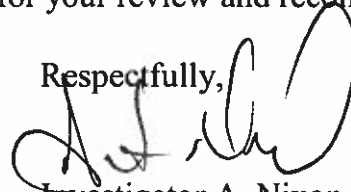
d. Investigative findings:

This investigation finds that

- Officer Dely's vehicle and (APD) issued equipment was recovered during a traffic stop in which the driver fled on foot.
- Officer Dely did fully cooperate with the Cobb County Police Dept.
- Officer Dely was not arrested nor was he cited as a result of this incident.

This file is being submitted for your review and recommendations.

Respectfully,



Investigator A. Nixon
Internal Affairs Unit
Office of Professional Standards



MEMORANDUM

TO: Major C. Tyus
FROM: Sergeant S. Bowers
DATE: August 14th, 2019
RE: OPS Complaint File: TBD
Relief of Duty

INCIDENT:

DATE: 08/14/2019
TIME: 1810 hours
LOCATION: 16 Beech Rd. SW Marietta, GA
COMPLAINT NUMBER: Cobb County PD #19-071004

OFFICER INVOLVED:

NAME: Lionel Dely #6650
DATE OF EMPLOYMENT:
ASSIGNMENT: Zone 3 Mobile E/W
DUTY STATUS: Active
INJURIES SUSTAINED: N/A
WEAPON USED: N/A
ROUNDS FIRED: N/A

CONTINUATION:
OFFICER RELIEVED OF DUTY
OPS COMPLAINT FILE # TBD

SUPERVISOR ON SCENE:

I.D. TECHNICIAN:

EAP:

Summary:

On August 14th, 2019, at 1810 hours, Cobb County Police contacted APD Communications Supervisor making notification that a vehicle (personal) belonging to Officer Lionel Dely was recovered after a brief chase which resulted with one of the occupants being detained and the second fleeing police. The vehicle contained police duty gear, but not the officer's service weapon. Officer Dely responded to the incident scene recovering his vehicle and gear. Officer Dely was then relieved of duty pending an investigation.
The investigation continues.....

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ATLANTA POLICE DEPARTMENT
Written Notice of Allegations

Employee: Lionel Dely

OPS#: 19-I-0433-MISC

The Department requests an investigation into the allegation that Officer Lionel Dely's personal vehicle was involved in a pursuit with Cobb County Police Dept where the driver was apprehended but the passenger fled on foot on August 14, 2019.

APD.SOP.2010/4.1.04 Conduct

According to APD.SOP.2020 Section 3.4, your responsibilities as an employee are:

- 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.

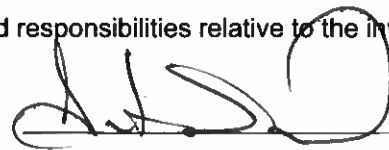
According to APD.SOP.2020 Section 3.6, your rights as an employee are:

- 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.
- All employees will be issued a written statement (Form APD 848) of the allegations 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

 8/16/19

Witness/Date



ATLANTA POLICE DEPARTMENT
Awareness Statement: Truthfulness

OPS Complaint # 19-_-0433-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

Lionel Dely
(Employee's Printed Name)

[Signature]
(Employee's Signature)

8-16-19-2051
(Date/Time)

Art Nixon
(Interviewer's Printed Name)

[Signature]
(Interviewer's Signature)

8/16/19 1051
(Date/Time)

(Witness Representative's Printed Name)

(Witness/Representative's Signature)

(Date/Time)

File-2-4



anta

Internal Correspondence

Atlanta Police Department

STATEMENT OF OFFICER LIONEL DELY

Officer Lionel Dely

Officer Dely stated that the last call for service he responded to was a juvenile call. He recovered a weapon from the juvenile so that required more paperwork than a usual call for service. After completing all appropriate paperwork, it was 5am (he is an evening watch officer). Instead of traveling to his home in Adairsville (Bartow County), he went to his mother's home in Cobb County. (He and his wife have been having some issues is another reason Officer Dely went to his mother's house). After getting something to eat, he gave his car keys to Clint Saintvil. (Clint is a friend of the family who is going through a hard time. Clint does work around the house when needed such as cutting the grass, painting, etc).

After giving his keys to Clint, Officer Dely went to lay down and go to sleep. (The reason Officer Dely gave his car keys to Clint was so that he could move his {Officer Dely's} car from the front of the house to the rear of the house). When Officer Dely awoke, he looked at his phone and saw that he had 2 missed calls and another missed call from his mother. He saw a text message from his supervisor (Sgt McEckron) to call him asap. When Officer Dely called Sgt McEckron, he asked Officer Dely "where is your car?" Officer Dely told him that his car was here (at his mother's). Officer Dely was then told that his car was not at his location. While Sgt McEckron informed Officer Dely of the situation, Officer Dely went to where his car was supposed to be, he saw that it was not there. Officer Dely's mother then called Officer Dely (hysterical) as she thought he had been in an accident because the Cobb County police called her and informed her about his car.

Sgt McEckron told Officer Dely to call the Cobb County officer that did the traffic stop on his vehicle. Officer Dely was given the number to the (Cobb) VIPER unit and to call him. Officer Dely called the Cobb officer and was told how they came upon his vehicle. Officer Dely relocated to the scene where his car was recovered and was told what happened. Officer Dely was informed that the driver of his vehicle (Clint) was able to get away on foot, but the passenger of the vehicle was arrested. Officer Dely cooperated with the Cobb police officers regarding how to locate Clint.

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Officer Dely was able to recover his police equipment that was inside of the car and nothing was missing. His duty weapon was in his duty holster which was on his gun belt, inside his mother's house.

Regarding why he wanted his vehicle moved (when it was already on his mother's private property)

Officer Dely stated that all vehicles are parked in the rear of the home and not in the front of the home (where he parked his car after arriving home from work).

His mother's property is very large (note the Google map of his mother's address).

Regarding if Clint Saintvil had permission to take his vehicle off the property

Officer Dely stated "No".

R-6-4-4

INCIDENT/INVESTIGATION REPORT

INCIDENT DATA

Agency Name
Cobb County Police

ORI
GA 0330200

Case#
19-071004

Date / Time Reported
08/14/2019 17:30 Wed

Last Known Secure
08/14/2019 17:30 Wed

At Found
08/14/2019 17:30 Wed

Location of Incident 16 Beech Rd, Marietta GA 30008-	Premise Type Highway/road/alley/street/	Zone/Beat A, 312	
#1 Crime Incident(s) (Com) Obstruction - All Other 90ZY	Weapon / Tools Unknown		Activity 0
	Entry	Exit	Security
#2 Crime Incident (Com) Traffic Offense 99ED	Weapon / Tools Unknown		Activity 0
	Entry	Exit	Security
#3 Crime Incident ()	Weapon / Tools		Activity
	Entry	Exit	Security

MO

VICTIM

of Victims **1** Type: **STATE OF GEORGIA** Injury: **None** Domestic: **NO**

V1	Victim/Business Name (Last, First, Middle) State Of Georgia	Victim of Crime # 1,2	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
Home Address							Home Phone		
Employer Name/Address						Business Phone		Mobile Phone	
VYR	Make	Model	Style	Color	Lic/Lis	VIN			

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: **INDIVIDUAL(NON LE)** Injury:

Code IO	Name (Last, First, Middle) EDWARDS, JOSEPH LAMAR	Victim of Crime #	DOB 03/18/1991 Age 28	Race B	Sex M	Relationship To Offender	Resident Status Resident	Military Branch/Status	
Home Address 2857 Warshaw Ave Mobile, AL 36617							Home Phone 916-936-5911		
Employer Name/Address						Business Phone		Mobile Phone	

Type: **INDIVIDUAL(NON LE)** Injury:

Code IO	Name (Last, First, Middle) DELY, LIONEL JOSEPH	Victim of Crime #	DOB 05/04/1989 Age 30	Race B	Sex M	Relationship To Offender	Resident Status Resident	Military Branch/Status	
Home Address 2299 Goodrum Ln Marietta, GA 30066							Home Phone 770-508-6399		
Employer Name/Address						Business Phone		Mobile Phone 404-951-4339	

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/Tc	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	07	RELE	\$0.00		1	2014 BLAC, ENQ953 GA	BMW X5	SUXKR0C56E0K50466

Officer/ID# **THOMPSON, C. J. (2100, VIPR) (2083)**

Invest ID# **(0)** Supervisor **MIDDENDORF, R. (2100, VIPR) (0937)**

Status Complainant Signature Case Status **Active/pending/warrant Obtained 08/17/2019** Case Disposition: Page 1

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INCIDENT/INVESTIGATION REPORT

Cobb County Police

Case # 19-071004

Status Codes	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown							
	IBR	Status	Quantity	Type Measure	Suspected Type			
D R U G S								

Assisting Officers
FINKS, M.H. (2380), SCURR, B.R. (1630), CALLEIRO, J.T. (2363), JONES, R.C. (1732), COOPER, R.J. (1840), WALKER, M.L. (1649), MIDDENDORF, R. (0937), BRADSHAW, M.L. (1770), CAVENDER, D.M. (1741), JONES, B.F. (1809)

Suspect Hate / Bias Motivated: *NONE (NO BIAS)*

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 19-071004

Cobb County Police

NARRATIVE

On 8/14/19 at approximately 1730 hours, the VIPER unit was working the area of Atlanta Rd and Austell Rd. We were using a mixture of marked and unmarked vehicles as well as uniformed and plain clothes officers.

Sgt Bradshaw, Ofc Calleiro and I were in an unmarked vehicle on this date at which time we observed a black BMW X5 parked in front of Fair Oaks store off Atlanta Rd. We observed two males seated in the vehicle as it was just parked in front of the store. We never observed either male exit the vehicle and enter the store. Upon the vehicle exiting we began to follow the vehicle at which time we observed a traffic infraction. Upon marked patrol units activating their emergency equipment, the driver fled at a high rate of speed.

Due to the marked patrol cars immediately deactivating their emergency equipment I was able to keep a visual on the BMW and observed it turned into an apartment complex. The passenger attempted to flee on foot but was taken into custody. The driver also fled on foot but was not located. We then continued our investigation.

P-7-2-7

Incident Report Suspect List

Cobb County Police

OCA: 19-071004

1	Name (Last, First, Middle) <i>SAINTVIL, CLINTON</i>					Also Known As					Home Address <i>2665 FAVOR RD - 15 MARIETTA, GA 30060 404-936-9794</i>				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
<i>11/11/1987</i>	<i>31</i>	<i>B</i>	<i>M</i>	<i>N</i>	<i>509</i>	<i>225</i>	<i>BRO</i>	<i>BRO</i>	<i>MED</i>	<i>052322536 GA</i>					
Scars, Marks, Tattoos, or other distinguishing features															
<i>Reported Suspect Detail</i>		Suspect Age			Race	Sex	Eth	Height		Weight			SSN		
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel		Mode of Travel	
VehYr/Make/Model				Drs	Style		Color		Lic/St			VIN			

Notes

Physical Char

*Hair Facial, Clean Shaven
Hair Length, Short
Hair Style, Wavy or Curly
Build, Medium
Hair Length, Long*

9-7-3-7

Incident Report Related Vehicle List

Cobb County Police

OCA: 19-071004

1	VehYr/Make/Model <i>2014 BMW, X5</i>		Style <i>MP</i>		Color <i>BLAC</i>		Lic/Lis <i>ENQ953 GA 2020</i>		VIN <i>5UXKROC56E0K50466</i>			
	IBR Status <i>Released</i>		Date <i>08/14/2019</i>		Location <i>16 BEECH RD, MARIETTA GA</i>							
	Condition		Value <i>\$0.00</i>		Offense Code <i>90Z</i>		Jurisdiction <i>Locally</i>		State #		NIC #	
	Name (Last, First, Middle) <i>Dely, Lionel Joseph</i>				Also Known As				Home Address <i>2299 GOODRUM LN MARIETTA, GA 30066 770-508-6399</i>			
	Business Address											
DOB <i>05/04/1989</i>	Age <i>30</i>	Race <i>B</i>	Sex <i>M</i>	Hgt <i>509</i>	Wgt <i>214</i>	Scars, Marks, Tattoos, or other distinguishing features						

Notes

9-7-4-7

CASE SUPPLEMENTAL REPORT

Printed: 08/18/2019 08:23

Cobb County Police

OCA: 19071004

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ... Case Mng Status: ... Occurred: 08/14/2019
Offense: OBSTRUCTION - ALL OTHER

Investigator: THOMPSON, C. J. (2083) Date / Time: 08/16/2019 04:18:37, Friday
Supervisor: MIDDENDORF, R. (0937) Supervisor Review Date / Time: 08/16/2019 19:25:17, Friday
Contact: Reference: Additional Information

On 8/14/19 at approximately 1730 hours, the VIPER unit was working the area of Atlanta Rd and Austell Rd. We were using a mixture of marked and unmarked vehicles as well as uniformed and plain clothes officers.

Sgt Bradshaw, Ofc Calleiro and I were in an unmarked vehicle on this date at which time we observed a black BMW X5 (GA tag# ENQ953) parked in front of Fair Oaks store located at 1238 Atlanta Rd. We observed two males seated in the vehicle as it was just parked in front of the store. We never observed either male exit the vehicle and enter the store. Upon the vehicle exiting we began to follow it at which time we observed the driver, Clinton Saintvil, fail to stop prior to the white balk line at the intersection of Carruth Drive and South Cobb Drive. I requested the uniform officers to come initiate a traffic stop on the vehicle.

Traffic was very heavy on South Cobb Drive. Upon Saintvil turning left onto South Cobb Drive; Ofc Scurr, Ofc Bethany Jones and Ofc R.C. Jones activated their emergency lights as they got behind the BMW. At this time, Saintvil turned right onto Westside Drive and rapidly accelerated. This is a roadway that has mobile homes on both sides of the roadway and typically has foot traffic this time of day. Saintvil failed to obey the stop sign at Westside Drive and Mobile Lane as he speed through the intersection recklessly at approximately 60 MPH. Uniform officers immediately deactivated their emergency equipment and did not pursue the vehicle in accordance with Cobb County Police Department policy.

Upon Saintvil coming up to the round-a-bout at Sandtown and Westside Drive, he failed to turn right as required. Instead, Saintvil turned left and drove on the wrong side of the road causing other motorist to have to get out of the way from being struck. Saintvil then continued down Sandtown Rd at which time I was able to see the BMW turn left into The Brix Apartment complex located at 16 Beech Rd, Marietta, GA 30008. I went to the other entrance/exit of this complex located off Beech Rd. Upon turning into the parking lot, I observed the BMW abandoned and the front seat passenger, Joseph Edwards, running directly toward the undercover car we were in. We also observed Saintvil running the opposite direction of us and entering the wood line toward Leader Rd. We exited our vehicle and detained Edwards without further incident. K9 arrived on scene and we attempted to track Saintvil but were unsuccessful.

Upon looking in the back of the BMW we observed miscellaneous gear that belonging to an Atlanta Police Officer. There was bullet proof vest, heavy vest, police radio and a police jacket. We made contact with the registered owner, Lionel Dely, and he advised he is an Atlanta Police Officer. He stated he gave his BMW car keys to his cousin, Clinton Saintvil, when he got off shift earlier this date. He stated Saintvil was only supposed to be moving the BMW to another location at his (Dely's) residence. Dely stated Saintvil did not have permission to take the vehicle elsewhere. Dely stated he opened up his home to Saintvil and his girlfriend in attempt to help him get his life straightened out.

Dely provided us with Saintvil's phone number. Edwards said Saintvil picked him up off Bellemeade earlier in

Investigator Signature

Supervisor Signature

9-7-5-7



CASE SUPPLEMENTAL REPORT

Printed: 08/18/2019 08:23

Cobb County Police

OCA: 19071004

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ... Case Mng Status: ... Occurred: 08/14/2019
Offense: OBSTRUCTION - ALL OTHER

Investigator: THOMPSON, C. J. (2083) Date / Time: 08/16/2019 04:18:37, Friday
Supervisor: MIDDENDORF, R. (0937) Supervisor Review Date / Time: 08/16/2019 19:25:17, Friday
Contact: Reference: Additional Information

the day but said he did not know his name. I asked him for the phone number of the male that picked him up. He provided us with the same phone number that Dely had in his phone for Saintvil. Dely provided me with Saintvil's girlfriend, Carrisa Voss, phone number. I spoke with Voss and asked her when the last time she had spoken with Saintvil was. She said he text her and told her he was off of South Cobb Drive at 1750 hours. She said another text he sent her said he was near the Citgo and Lakefront Vista Apartments. This is approximately one quarter mile from where the vehicle was abandoned. Upon checking Saintvil through NCIC/GCIC I retrieved his driver license photo. This photo matches the description of the male I observed driving the vehicle.

Dely arrived on scene to take custody of his vehicle. The BMW is a push to start and the key fob was missing. He stated that Saintvil would not answer any of his phone calls. I asked for Dely to keep in touch with me in case he received any information on where Saintvil was. I spoke with Voss on 8/15/19 and she advised that she drove around looking for Saintvil the night of the incident but was not able to find him. She said she thought she noticed a vehicle following her home the night of the incident but wasn't sure. She said after arriving home Saintvil contacted her and she thought it was strange that he knew she was home. Voss said this morning (8/15) when she went out to her car, the key fob to the BMW was inside of it.

Ofc Calleiro secured an arrest warrant (19W8609) on Saintvil through the Cobb County Magistrate Court for; 2x STOP SIGN VIOLATION, DRIVING ON WRONG SIDE OF ROADWAY AND FLEEING/ATTEMPTING TO ELUDE.

See case/warrant number: 19071059/19-W-8610 for Edwards charge(s).

Investigator Signature

Supervisor Signature

P-7-6-7



COBB COUNTY POLICE Accident and Incident Information

HQ/Central Records 770 499-3900

Precinct 1 770 499-4181

Precinct 2 770 499-4182

Precinct 3 770 499-4183

Precinct 4 770 499-4184

Precinct 5 770 499-4185

140 N. Marietta Pkwy Marietta, GA 30060-1454

2380 Cobb Parkway N. Kennesaw, GA 30152-3632

4700 Austell Road Austell, GA 30106-2004

1901 Cumberland Parkway Atlanta, GA 30339-4429

4400 Lower Roswell Road Marietta, GA 30068-4233

4640 Dallas Highway Powder Springs, GA 30127-3905

- ✓ Accident reports are generally available no sooner than (3) three days after the accident.
- ✓ Also, involved parties have the opportunity to obtain their accident reports via the web. Go to the link: www.cobbpolice.com.
- ✓ Incident reports that involve juveniles or domestic violence can only be picked up from Cobb Police Headquarters and no sooner than (5) days after the report date.
- ✓ A copy of all other reports can be picked up at any Precinct by parties listed on the report. All others including attorneys, insurance adjusters, and uninvolved parties must make their request from Headquarters. Reports may be available by mail from HQ.

P-7-7-7

Date: _____ Case # 14-071004 Type: INC. ACC. PRIVATE PROP. _____

Officer: _____ Badge # _____

Cobb Police Dept @ Cobb County GA

**ATLANTA POLICE DEPARTMENT
RELIEF FROM DUTY**

OPS CONTROL #:

TO: Officer Lionel Dely #6650

FROM: Sergeant Scott Bowers

DATE: August 14th, 2019

RE: Relief From Duty Notice

You are hereby suspended from duty with pay effective August 14th, 2019 for the following reason(s):
(Give specific reason(s); also, state any conditions and restrictions concerning the suspension with pay. Include the restriction prohibiting all extra job employment.)

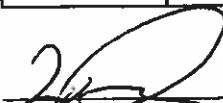

REASON: Personal vehicle being involved in an incident with Cobb County Police.

CONDITION: You will provide a home telephone number and any pager number where you may be reached. You will make yourself available for interview Monday through Friday from 0900 to 1700 hours. Should you be away from your listed home phone number for more than two (2) hours during this time, you will contact and advise Lt. Zenelaj or Sgt. Bowers of the Office of Professional Standards where you can be reached. If he or she is unavailable, you will then advise a supervisor at OPS of the information. **You are forbidden to work any extra jobs during your relief of duty.**

770-508-6399

EMPLOYEE TELEPHONE NO. _____ **PAGER:** _____

This notice acknowledges receipt of the following Departmental property relinquished by you: (List inventory and description of property; include serial number of weapons, badge number, etc.)		
ITEM NO.	DESCRIPTION (Include model & serial number, if applicable)	QUANTITY
1	Glock 9mm S/N ACDW 636 THERMAL LIGHT	1
2	City Credentials #6650	1
3	Magazines	3
4	Live rounds	52
5	Breast Badge	—

AFFECTED EMPLOYEE'S SIGNATURE **8-14-19 8:40** **WITNESS SIGNATURE** **08/14/2019 2040 HRS**
DATE/TIME

P - 8 - 1 - 1

2299 Goodrum Ln








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2299 Goodrum Ln

Marietta, GA 30066

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2F56+2H Town Center, Georgia

P-9-1-2








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2291 Goodrum Ln

Marietta, GA 30066

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Photos

7-9-2-2



MEMORANDUM

TO: Officer Lionel Dely
FROM: Major C. Tyus
DATE: October 22, 2019
RE: Disposition OPS Complaint File: 19-I-0433-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 4.1.4 CONDUCT
- 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
- Unfounded - the allegation was without factual basis Work Rule

CT/cd
cc: File